

1
2
3
4 **MINUTES OF REGULAR MEETING**
5
6 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
7 **1776 E. Washington Street**
8 **Urbana, IL 61802**
9

10 **DATE:** September 12, 2013 **PLACE:** Lyle Shields Meeting Room
11 **TIME:** 7:00 p.m. **Urbana, IL 61802**

12 **MEMBERS PRESENT:** Catherine Capel, Paul Palmgren, Jim Randol, Eric Thorsland

13
14
15
16 **MEMBERS ABSENT :** Brad Passalacqua, Roger Miller

17
18 **STAFF PRESENT :** Lori Busboom, John Hall

19
20 **OTHERS PRESENT :** Charles Jesse, Kelly Pfeifer, Keith Padgett

21
22
23 **1. Call to Order**

24
25 The meeting was called to order at 7:01 p.m.

26
27 **2. Roll Call and Declaration of Quorum**

28
29 The roll was called and a quorum declared present with two members absent and one vacant Board seat.

30
31 **3. Correspondence**

32
33 None

34
35 **4. Approval of Minutes (July 11, 2013)**

36
37 Mr. Thorsland stated that despite the agenda there are no minutes submitted for the Board's approval.

38
39 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
40 sign the witness register for that public hearing. He reminded the audience that when they sign the
41 witness register they are signing an oath.

42
43
44 **5. Continued Public Hearing**

45
46 **Case 758-AM-13 Petitioner: Charles Jesse Request to amend the Zoning Map to change the zoning**
47 **district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning**
48 **District in order to authorize the proposed Special Use in related zoning Case 759-S-13. Location: A**
49 **10-acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**
50 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**
51 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**

9/12/13

1
2 **Case 759-S-13** Petitioner: **Charles Jesse** **Request to authorize the following as a Special Use in the B-1**
3 **Rural Trade Center Zoning District: Part A. Authorize multiple principal uses and buildings on the**
4 **same lot consisting of (1) a heating and cooling contractors facility with accessory outdoor storage that**
5 **was originally authorized by Case 970-S-95; and (2) Self-Storage Warehouses, providing heat and**
6 **utilities to individual units as a special use. Part B. Authorize the construction and use of Self-**
7 **Storage Warehouses, providing heat and utilities to individual units as a special use.** Location: **A 10-**
8 **acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**
9 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**
10 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**

11
12 Mr. Thorsland called Cases 758-AM-13 and 759-S-13 concurrently.

13
14 Mr. Thorsland informed the audience that Case 759-S-13 is an Administrative Case and as such the County
15 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
16 show of hands for those who would like to cross examine and each person will be called upon. He requested
17 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
18 that those who desire to cross examine are not required to sign the witness register but are requested to
19 clearly state their name before asking any questions. He noted that no new testimony is to be given during
20 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
21 exempt from cross examination.

22
23 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
24 sign the witness register for that public hearing. He reminded the audience that when they sign the
25 witness register they are signing an oath.

26
27 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

28
29 Mr. Charles Jesse, petitioner, stated that he revised and submitted a new site plan. He said that the project
30 was a little too close to the interstate and that was corrected. He said that the required setbacks along the
31 interstate property line and the township road are now indicated on the revised site plan and the project is
32 well within all of the County's requirements. He said that he didn't need driveways on both sides of the RV
33 storage so he shifted two of the buildings and moved those buildings to the east and that eliminated an entire
34 row of concrete drive. He said that the buildings are limited to 12,000 square feet before a firewall is
35 required and instead of building a firewall the buildings are now separated which will be easier for snow
36 removal and emergency services access.

37
38 Mr. Thorsland asked Mr. Jesse if he will still maintain the agricultural access that was previously indicated.

9/12/13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Jesse stated that the agricultural access is still there.

Mr. Thorsland asked the Board if there were any questions for Mr. Jesse and there were none.

Mr. Thorsland asked if staff had any questions for Mr. Jesse and there were none.

Mr. Thorsland called John Hall to testify.

Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated September 12, 2013, to the Board for review. He said that the memorandum reviews the new site plan that is attached and the three proposed new special conditions. He said that Mr. Jesse did review the new special conditions and indicated that he agreed to those conditions. Mr. Hall stated that the three proposed special conditions are motivated by a call that he received from a local planning consultant who had been hired by a real estate interest who wanted to make sure that the ZBA considered all of the possible impacts if the self-storage warehouses were approved and not as successful or maintained as anticipated. He said that after his conversation with the planning consultant it occurred to him that no special condition regarding outdoor storage had been proposed therefore proposed special condition K is as follows:

- K. Regarding outdoor storage at the self-storage warehouses:**
 - 1. Outside storage shall only occur in the area on the plan indicated for outside storage**
 - 2. All outside storage shall be screened as required by the Zoning Ordinance**
 - 3. Outside storage shall only be for vehicles and equipment intended to be used outdoors**
 - 4. Vehicles and equipment kept in outdoor storage shall be whole and intact and no repairs shall be conducted outdoors.**

The special condition stated above is to ensure the following:

The actual use of the property shall be consistent with the testimony and with Ordinance requirements.

Mr. Hall stated that staff is anticipating that the self-storage warehouse will be constructed immediately while Jesse Heating and Air Conditioning stays in business but unforeseen things can happen and part of the security with the self-storage warehouse is the monitoring from the contractor facility. He said that in wondering what if, what if in the future the self-storage warehouse was actually managed separately from the contractor facility. He said that proposed special condition L. requires a caretaker dwelling if the management of the self-storage warehouse is not done from the contractor facility. He said that special condition L. reads as follows:

9/12/13

- 1 **L. If either the Contractor Facility ceases to operate on the property or if the Contractor**
- 2 **Facility comes under separate management than the self-storage warehouses, a**
- 3 **caretaker dwelling for the self-storage warehouses shall be established on the property**
- 4 **as follows:**
- 5 **1. The caretaker dwelling shall be established within six months of either the**
- 6 **cessation of the Contractor Facility operations or the start of separate**
- 7 **management of the Contractor Facility.**
- 8 **2. The caretaker dwelling shall be occupied by an employee or owner of the self-**
- 9 **storage warehouses.**
- 10 **3. The caretaker dwelling shall be provided with video monitoring of the self-**
- 11 **storage warehouses.**
- 12 **4. The caretaker dwelling may be located either in an existing Contractor Facility**
- 13 **building or the caretaker dwelling may be constructed to replace an existing**
- 14 **Contractor Facility building or it may be constructed in the area proposed for**
- 15 **self-storage warehouses in which case the caretaker dwelling shall be counted as**
- 16 **part of the authorized square footage of the self-storage warehouses.**
- 17 **5. The caretaker dwelling must be authorized by Zoning Use Permit.**
- 18 The special condition stated above is required to ensure the following:
- 19 **Adequate security and management for the self-storage warehouses.**
- 20

21 Mr. Hall stated that when he was speaking with the local planning consultant it was clear that everyone
 22 recognizes that the Jesse property is very well maintained and it is understandable that any prospective
 23 neighbor would want to make sure that the property is kept that way in future. He said that proposed special
 24 condition M. tries to summarize the kinds of things a property maintenance code could ensure. He read
 25 proposed special condition M. as follows:

- 26
- 27 **M. Regarding future property maintenance:**
- 28 **1. The exterior of the property shall be kept free of litter, garbage, and debris.**
- 29 **2. All landscaping on the property shall be maintained in a healthy condition and**
- 30 **non-woody vegetation shall be maintained at no more than 6 inches in height;**
- 31 **and that part of the property that is not used for the contractor facility or the**
- 32 **self-storage warehouses or the detention basin shall be kept in agriculture or**
- 33 **non-woody vegetation maintained at no more than 6 inches in height; and the**
- 34 **detention basin shall be kept free of woody vegetation.**

35 Mr. Hall stated that the detention basin has been described as a dry basin so the height of the vegetation
 36 could become an issue. He said that he did not include a height limit because it is a detention basin and the
 37 main thing is to keep the woody vegetation out although you wouldn't want to see it growing up in weeds.
 38 He said that this may be something that the Board wants to discuss tonight.

9/12/13

- 1 **3. The exterior of all self-storage warehouse buildings shall be maintained in a**
- 2 **structurally sound and weatherproof condition and free from holes, or defects**
- 3 **that allow rain or weather to enter and any exterior finish that is peeling,**
- 4 **chipping, flaking, or abraded shall be repaired.**
- 5 **4. All exterior doors, door assemblies, and hardware shall be maintained in good**
- 6 **condition.**
- 7 **5. The interior of all self-storage warehouse buildings shall be maintained in good**
- 8 **repair, structurally sound and in a sanitary condition and any paint that is**
- 9 **peeling, chipping, flaking or abraded shall be repaired.**

10
 11 Mr. Hall stated that one could argue what is the County’s interest in the interior maintenance. He said that
 12 the County’s interest in the interior maintenance is that if the interior starts to run down it could be a
 13 precursor to letting the exteriors run down and in any event once the interiors are run down that could have
 14 some impact on how well the property rents or it could lead to other problems.

- 15
- 16 **6. All paving in the self-storage warehouse area shall be maintained in a**
- 17 **structurally sound and weatherproof condition and free of vegetation.**

18
 19 He said that this condition does not require concrete and would allow gravel but the gravel does have to be
 20 kept free of weeds. He said that it is not clear to him that concrete pavement is necessary and of course
 21 concrete pavement looks much neater than most gravel paving and it does not develop potholes like gravel
 22 paving but it does develop cracks and they are just as difficult to maintain as anything else.

23
 24 The special condition stated above is required to ensure the following:
 25 **Continuation of the existing very good property maintenance.**

26
 27 Mr. Hall distributed copies of an e-mail from Katherine Pfeifer dated September 12, 2013, to the Board for
 28 review. He said that Katherine Pfeifer is the planning consultant that he spoke to previously and her e-mail
 29 included photographs of one of the self-storage facilities that Mr. Jesse mentioned at the last meeting, the
 30 self storage warehouse in Savoy. Mr. Hall said that the e-mail suggests that the proposed self-storage
 31 warehouse development could end up looking like the one in Savoy if it is not done properly and the
 32 proposed special conditions could be enforced to prevent any of these things from occurring or at least would
 33 create an enforcement basis for getting it corrected if it did happen. He said that he is not certain where the
 34 property of the self-storage warehouse in the photographs ends and the adjacent property begins but the
 35 photographs are a good image of what you would not want to see happen.

36
 37 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

38

9/12/13

1 Mr. Thorsland called Kelly Pfeifer to testify.

2

3 Ms. Kelly Pfeifer, who resides at 1311 Woodberry Court, Mahomet, stated that by education and training she
4 is a planner and she has been retained by an interested, potential future real estate interest who is concerned
5 about the request by the petitioner. She said that she would like to question the sunrise/sunset clause in the
6 Special Use that Mr. Jesse has proposed and that the Board is considering. She said that it appeared that the
7 clause would require construction to commence in no more than five years but that was changed by the
8 Board's request and replaced that construction can start within 14 years of the date of approval and
9 completed within 15 years of the date of approval. She said that it is her understanding that potentially Mr.
10 Jesse could begin construction in 2027 and finish it in 2028 and she is not sure that it is Mr. Jesse's intention
11 to wait that long or that construction didn't need to begin by that time.

12

13 Mr. Thorsland stated that the Board worked on Special Condition E at the last meeting and the wording to
14 that condition was as follows: The Zoning Administrator shall not authorize a Zoning Use Permit for
15 construction of a Self-Storage Warehouse on the subject property after 14 years of the date of authorization
16 of Case 759-S-13 and all construction must be completed within 15 years of the date of authorization of Case
17 759-S-13. He said that the special condition originally started with 9 years and completion within 10 years
18 but the Board understood that Mr. Jesse desired to start construction as soon as possible therefore the Board
19 felt that placing a timeline on the beginning of the special condition was not necessary. He said that the
20 Board did insert a completion date for construction, which includes all of the proposed phases, because the
21 Board did not want to make Mr. Jesse come back before the Board if he had built two of the three phases at
22 year nine.

23

24 Ms. Pfeifer asked if the special condition could be written that at least Phase One would at least be met
25 within a short time period allowing that full construction of all phases to be completed within 15 years. She
26 said that she is sure that with Mr. Jesse's reputation that he will do this very well with this project but 14
27 years is a long time from now and if the special use is approved it is not just for Mr. Jesse but a special use
28 on the land. She said that if something were to happen to Mr. Jesse his heirs could take the land and sell it to
29 someone else and they would not have to do anything until 14 years from now. She said that usually in her
30 practice if special uses were granted it would be understood that this is the condition now and that is what is
31 being assessed at the time therefore it is assessed that construction would be imminently. She said that if the
32 concern was that the Board wanted to make sure that Mr. Jesse was not forced to do it all very quickly at
33 least making the commitment to begin the endeavor soon rather than allowing a lot of risk from someone
34 else acquiring the property and executing this would be her recommendation. She said that she trusts that
35 Mr. Jesse is in support of the aesthetic and maintenance requirements but it has been seen in practice by
36 others that these structures are constructed but are not maintained. She said that the longer that this waits the
37 more likely it is that Mr. Jesse will not be the one constructing these structures therefore the Board will not have
38 that safe confidence level. She suggested that a sunrise clause be placed in the special condition that at least

9/12/13

1 will require that Phase I commence earlier rather than later. She said that she appreciates Mr. Jesse's
2 intentions but he could get hit by a bus and the Board would have still approved this request and the request
3 runs with the land not the owner.
4

5 Mr. Thorsland stated that if, hypothetically Mr. Jesse does get hit by a bus and hypothetically the Board has
6 approved the special use and the map amendment. He asked Ms. Pfeifer if the approved construction on the
7 site does not happen for five years but does happen and gets finished with all of the other conditions that
8 backs up the quality of construction what is her concern if the construction starts later. He asked Ms. Pfeifer
9 if she is concerned that homes will be built unaware that a storage unit could be built on the adjacent
10 property.
11

12 Ms. Pfeifer stated that if Mr. Jesse is not going to construct the storage facility for 14 years then the Board
13 shouldn't approve it yet. She said that the Board is supposed to assess if this is a special use permitted
14 understanding today's conditions and anticipating the future. She said that if the Board truly believes that
15 this project should not begin for 14 years then she does not think that anyone knows what the roads will be
16 like or how fast the City of Champaign could grow. She said that the subject property is within one-half
17 mile of the City of Champaign's limits, even though it is located within the City of Champaign's ETJ, and it
18 is adequate for residential development and there are very successful residential pieces which are nearly the
19 exact same shape and size as the subject property that exist very beautifully next to other residential areas,
20 such as, Briarhill Subdivision off of Windsor Road and I-57 and Eagle Ridge. She said that there are
21 approximately forty single family units in Briarhill in value at about \$7 million dollars in property and
22 approximately \$5 million in Eagle Ridge. She said that the property is very useful even as residential and in
23 14 years that is a better use and until recently and all over most of the country, storage facilities are
24 predominately located in industrial zoning districts for a very good reason about what is getting stored in the
25 buildings, how the buildings are maintained, and we have seen them encroach into lower density and lower
26 intensity uses. She said that in this case when this property is annexed into the City of Champaign it will be
27 zoned general commercial and the City of Champaign has slated all of this area for residential therefore a
28 buffer zone will be created because unless this facility looks beautiful like a hotel there won't be a \$500,000
29 property next to it which is where her interested person comes in to play. She said that it is of the utmost
30 importance that this is done well because the closer residential is to this area will determine the types of
31 screening, paving, etc. that will be installed at this facility but at this point the facility will be located out in
32 the country so who would it hurt. She said that in 14 years the economy could turn around, therefore if the
33 property could be developed quicker so that people are aware of it now they could be making their plans and
34 the City of Champaign could adjust its Comprehensive Plan and respond accordingly with sewer, etc. She
35 said that with all of the arguments that the Board has to look at with the policies that are in place, it would be
36 premature to call a special use now that might not even happen for 14 years and that is the language that she
37 is seeing in the memorandum. She said that if Mr. Jesse is truly committed to this project then he should do
38 it now so that everyone knows what it is and it won't be an unforeseen entity. She said that Mr. Jesse may

9/12/13

1 start construction tomorrow but things can happen.

2

3 Mr. Thorsland asked Ms. Pfeifer is the concern of her interested party is that despite the fact that the permit
4 will be authorized and construction has not begun the potential for it to occur is always there.

5

6 Ms. Pfeifer stated yes.

7

8 Mr. Thorsland stated that the interested party should know that if the special use is approved and the
9 potential is there, regardless of when the construction begins and their risk or investment that they choose to
10 partake of in the land adjacent to a permit that has been granted, is up to them. He said that if the investor
11 decides that they do not desire to build a \$250,000 home next to a storage facility that has been approved and
12 is already there, then that is their choice but if they decide to build their \$250,000 home, and Mr. Jesse has
13 the unfortunate accident with the bus, the storage facility is still approved. He said that it is his
14 understanding that Ms. Pfeifer's client is concerned that if Mr. Jesse does not begin construction soon and
15 her client decides to build a \$250,000 home next to the subject property and Mr. Jesse then builds his storage
16 units, that the home will no longer be worth \$250,000. He said that this is a public meeting and the approval
17 will be public record therefore if it takes Mr. Jesse one year to begin construction due to financing then so be
18 it and the only thing that the concerned party needs to know is whether or not Mr. Jesse's request has been
19 approved.

20

21 Ms. Pfeifer stated that her client should assume that the project can be constructed but it doesn't have to.
22 She said that she understands that that this project is a long standing endeavor and that she is before the
23 Board at the eleventh hour and she apologized for her timing. She said that the Board already has a protest
24 from the City of Champaign for the rezoning and she is a little disappointed with their justifications of their
25 protest because she believes that there are more reasons than indicated for the protest but it is hard to untie
26 the rezoning with the special use. She said that she is sure that Mr. Jesse will probably do a very nice
27 development and he has obviously taken this very far down the process and the Board has been working with
28 him since 1995 when he had the expansion. She said that the Board is essentially being asked to change the
29 uses of the entire area that is slated for residential. She said that if this project looked like residential it
30 would be better and staff responding to some concerns has built in some conditions that helps that character
31 but she still believes that this is spot zoning and the Board is pushing the City of Champaign's hand to create
32 buffer zones around the subject property. She said that the storage facility located in Savoy has an empty
33 parcel to the east and its boundaries are pretty much in line with the driveway and then it is residential and
34 she would assume that the developer would have really liked to have taken the land and made it residential
35 because he could have made a lot of money from the land but instead it is a grassy grown up field that isn't
36 used. She suggested that potentially there will be a natural buffer created next to the proposed storage
37 facility because no one is going to want to live next to it unless it looks like the Taj Mahal of storage units.
38 She said that if Mr. Jesse is to construct the facility as indicated to the Board and he has demonstrated a

9/12/13

1 commitment to do something nice, then he should put up the infrastructure in a way that will be as nice as he
2 intends it to be but if we wait 14 years she is not so sure that she has a lot of comfort level in that happening.
3 She said that she has trouble running an 11 acre piece as commercial, which is what it will turn into when it
4 is annexed into the City of Champaign, when it is intended for residential. She said that the Board has a
5 policy or criteria which asks if this use is needed by rural residents that cannot be served in an urban area.
6 She said that she has a storage unit which is located on Country Fair Drive in Champaign and a lot of people
7 do use that facility. She said that she is not sure that there is the market to put that many units out that far
8 away but perhaps Mr. Jesse is pretty confident or hoping that in 14 years there will be enough of a market.
9

10 Ms. Pfeifer stated that it appears that the Board believes in Mr. Jesse and what he is trying to do and the
11 Board would like to not prohibit his intended use but make it happen. She said that the Board should
12 remove Mr. Jesse from the concept and decide whether or not the land will be used in the best way if it is
13 rezoned versus what the City of Champaign has anticipated for the land. She said that Mr. Jesse's use may
14 not occur for 14 years but the rezoning will drive future development because people will need to anticipate
15 whether or not they want to build a \$500,000 home next to the subject property. She said that she would like
16 to see the project start now so that people know what to anticipate in regards to the impact to the roads, etc.,
17 rather than wait 14 years when the character of the area changes completely and they wish that they had
18 never built their home next to this property. She said that fundamentally, any special use which requires an
19 analysis of current conditions and impacts as well as anticipation for the future requires that to be done
20 expeditiously and if the Board really wants to give Mr. Jesse 14 years for completion then they should
21 consider it later when Mr. Jesse is ready to build.
22

23 Mr. Thorsland stated that the reason why Mr. Jesse is before this Board tonight is because he has been
24 working on this project for months and he is not intending on waiting 14 years to begin this project. Mr.
25 Thorsland stated that he understands Ms. Pfeifer's concern and he has reviewed one of the City of
26 Champaign's maps which neglect to indicate Mr. Jesse's established business. He said that an aerial map
27 indicates the various parcels around the subject property and there is an airport which is closer to the
28 residential area than Mr. Jesse's storage facility will be and it is his understanding that most up-scale homes
29 will not appreciate jets flying into the airport near them. He said that the close proximity of the airport may
30 explain why the parcel is still zoned agriculture. He said that the Board had a long discussion about sewer
31 availability and the sewer line that would serve any residential use is many years away therefore if Mr. Jesse
32 wanted to do residential he couldn't because the City is taking too long of time to install the sewer lift
33 station. He said that the Board collectively decided upon the special condition indicating that the Special
34 Use Permit shall be void if the construction has not begun within 5 years. He said that he does not believe
35 that any member of the Board truly believes that Mr. Jesse is going to wait for 14 years to begin construction
36 and only put that in to not force his hand to start this fall.
37

38 Mr. Palmgren stated that this was expanded out because of the phases of the project. He said that Mr. Jesse

9/12/13

1 indicated that he wanted to start this project as soon as he could receive the appropriate approvals. Mr.
2 Palmgren stated that the Board gave Mr. Jesse time to complete all of the phases whether they all be
3 constructed at once or within the 14 year time span. He said that Mr. Jesse obviously believes that there is a
4 market for self storage in this area. Mr. Palmgren stated that the subject property is oddly shaped and abuts
5 I-57 therefore he would not be interested in building a \$500,000 home at that location so that he had to hear
6 the traffic on I-57 all day and night. He said that there is also a drainage ditch located on the other side of
7 the subject property which also limits its use therefore he does not believe that this property is suitable for
8 up-scale residential homes.
9

10 Ms. Capel stated that the Board agreed that it was an unnecessary condition but the Board did want a sunset
11 clause and a timeframe for him to be done yet give him adequate time to complete the construction. She said
12 that the Board mainly wanted to stay out of his business and allow Mr. Jesse to make choices about
13 construction which would be appropriate for him.
14

15 Mr. Thorsland stated that it had a lot to do with the phases and not putting too much restraint on when Mr.
16 Jesse needed to do all the proposed phases and only wanted to make sure that everything was done. He said
17 that the Board does not often deal with cases when the Board needs to determine when projects begin
18 because generally the construction has already begun or is completed before the petitioner comes to this
19 Board. He said that perhaps the Board is a little forgetful in placing a start time on uses because the Board
20 usually has to deal with getting a project stopped until the approvals or denials are finalized. He said that the
21 Board has a sunset clause which puts a bracket on the property/use and any interested party around the
22 subject property should be aware of that and should disclose that to any potential homeowner.
23

24 Mr. Hall stated that the five year threshold for beginning the project was very quick but Ms. Pfeifer does
25 have a good point. He asked the Board if they would feel differently if the project was not started by 10
26 years. He said that most of the things that are reviewed are in areas which do not have a comprehensive plan
27 but only the LRMP and the expectation is that the adjacent land uses will not really change but that is not the
28 case here and there is the timing issue. He said that five years is very quick but if we are going to cut it off at
29 14 years and not even require it to start within 10 years the Board could ask themselves if that is really a
30 consistent approach. He said that it seems unlikely that someone would wait for 14 years but no one can
31 imagine all of the crazy things that people get themselves into on purpose or by accident. He asked the
32 Board to think about what if the project does not start for 10 years and would that change the way that they
33 think about the request.
34

35 Ms. Pfeifer asked if Mr. Jesse has a start time that he would feel comfortable with that the Board could set as
36 a constraint to the special use or does Mr. Jesse want the time left open ended.
37

38 Mr. Thorsland stated that Mr. Jesse has worked on this with no small amount of thought and unfortunately

9/12/13

1 the minutes from the last meeting are not available for referral but Ms. Pfeifer is coming into this hearing
2 late.

3
4 Ms. Pfeifer stated that she realizes that she is late in addressing these requests before the Board and she does
5 not want to be the one to throw a thorn in the side after the Board has spent so much time and consideration
6 with these requests. She said that she is compelled to remind the Board to extract Mr. Jesse from the
7 consideration because the decision is for the land and there are no guarantees that Mr. Jesse will be the one
8 to execute what the Board could be permitting. She said that she understands that extracting Mr. Jesse will
9 be very difficult because he is the current petitioner but it is the land and the use of the land that is important.
10 She said that it is nice to have someone who is so conscientious and has demonstrated his intended use but at
11 the same time there is no guarantee and the Board has to incorporate a worst case scenario review during
12 their decision.

13
14 Ms. Pfeifer stated that she would like to repeat her previous statement that the shape and size of this parcel is
15 demonstrated very similarly to two highly successful well sought after single family developments which are
16 located two miles north of the subject property. She said that the developments are adjacent to Lincolnshire
17 Fields and Briar Hill Subdivision and include 40 units and even though they are attached they are single
18 family and have separate associations for each four unit building. She said that there have been seven
19 turnovers in property ownership in this area with an average sale price of \$182,000 which is not an
20 insignificant amount of money that that investment would make. She said that across the street is Eagle
21 Ridge Subdivision which is similar to the subject property in that it abuts I-57 and Windsor Road, another
22 arterial with an overpass that is not an interchange, with 26 units at a sale price of \$200,000. She said that it
23 is not that the subject property is improper or couldn't be developed in accordance with the City of
24 Champaign's intended use.

25
26 Mr. Thorsland pointed out that Mr. Jesse is before the Board tonight as the owner of the subject property and
27 the City of Champaign is not even close to his property at this time. He said that the City of Champaign
28 does not own the parcel nor does the interested party who has brought Ms. Pfeifer before this Board tonight.
29 He said that the Board worked on the case as presented by the current petitioner therefore as difficult as it
30 may seem to detach Mr. Jesse from the land it is because Mr. Jesse is the current owner of the land and he
31 would probably protest the Board for attempting to detach him from it. He said that the Board has thought a
32 lot about this case and has inserted a sunset clause as a special condition and because of Ms. Pfeifer's
33 client's concerns staff has suggested some conditions that the Board does not often see in a special use
34 permit such as the interior of the structure. He said that he does not remember seeing a condition regarding
35 the interior of the structure during his time on the Board. He said that the Board often works with the
36 appearance and aesthetics of a structure because of other concerned parties and the Board is very responsive
37 to other people's concerns but the Board has worked on the case for a long time and he is not sure how the
38 rest of the Board feels about changing any of the numbers. He said that Mr. Hall suggested that the 14 years

9/12/13

1 of the date of authorization could be changed to 10 years. Mr. Thorsland stated that he is pretty confident
2 that Mr. Jesse intends to stay safe and start as soon as possible but will not start until the County allows him
3 to do so. He said that there are four Board members present tonight and he is sure that the Board will further
4 discuss the case during its review of the Summary of Evidence.

5
6 Mr. Thorsland asked the Board if there were any questions for Ms. Pfeifer and there were none.

7
8 Mr. Randol reiterated that the Board has put a lot of time in on these cases and reviewed different avenues.
9 He said that these cases were first presented to the Board in May and they have taken up several meetings
10 therefore he does not believe that the Board needs to back up and change their way of thinking.

11
12 Mr. Thorsland asked if staff had any questions for Ms. Pfeifer and there were none.

13
14 Mr. Hall stated that he needs to correct Mr. Thorsland's statement regarding the change in the special
15 condition. He said that the change that the ten years that he was suggesting was changing the five years to
16 ten years in the first paragraph He said that it is true that the Board has worked for some time on these cases
17 but this condition was just proposed at the last meeting and ten years was in the second part but was not in
18 the first part and when you do that it materially changes things. He said that the process of designing these
19 conditions and doing these scenarios when you start with ten in the second part and don't consider it being
20 the second part really changes it and that is what he wants the Board to consider.

21
22 Mr. Thorsland asked the Board if they had any comments or questions for Mr. Hall or Ms. Pfeifer and there
23 were none.

24
25 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Pfeifer and there was no one.

26
27 Mr. Thorsland called Keith Padgett to testify.

28
29 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that the areas that were previously
30 described, Eagle Ridge Road and Briar Hill Drive, are his township's responsibility for maintenance and he
31 knows the roads very well. He said that the areas are very nice and the garages are out towards the road and
32 the back of the homes face the Lincolnshire Golf Course which makes their location pretty nice. He said that
33 perhaps in the future a golf course will be constructed on the other side of the ditch along Mr. Jesse's
34 property so that people won't have to look at the interstate or Old Church Road but he does not believe that
35 it will happen. He said that he has attended several of the meetings related to the case and he has heard Mr.
36 Jesse testify and as cooperative as Mr. Jesse has been with the Board in updating the site plan that he will not
37 wait 14 years to build this project. Mr. Padgett said that he believes that as soon as the County gives Mr.
38 Jesse the okay that he will begin as soon as possible and will not wait 14 years to build this project. He said

9/12/13

1 that he certainly appreciates what the Board does and he believes that Mr. Jesse feels the same way.
2
3 Mr. Thorsland asked the Board if there were any questions for Mr. Padgett and there were none.
4
5 Mr. Thorsland asked if staff had any questions for Mr. Padgett and there were none.
6
7 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Padgett and there was no one.
8
9 Mr. Thorsland called Charles Jesse to the witness microphone.
10
11 Mr. Thorsland asked Mr. Jesse when he intends to begin Phase I.
12
13 Mr. Jesse stated that he intends to begin Phase I as soon as he possibly can.
14
15 Mr. Thorsland stated that Mr. Jesse has seen the changes to the proposed special conditions and some of
16 which just happened tonight and he was here during the discussion of proposed special condition E. where
17 the Board struck E.(1) which indicated that the special use permit shall be void if the construction has not
18 begun within 5 years and part of the reason that the Board did that was because Mr. Jesse indicated his
19 eagerness to start. Mr. Thorsland asked Mr. Jesse if he would be uncomfortable with the Board adding back
20 in E.(1) with the revision of 10 years in lieu of 5 years.
21
22 Mr. Jesse stated that he would have no problem with that revision.
23
24 Mr. Thorsland stated that the Board was very clear that they did not want to put too short of a sunset on this
25 special use in case that it took time to complete. He said that he would like to keep the 15 years for
26 completion as stated. He asked Mr. Jesse if he was agreeable to the fact that the project must begin within
27 10 years if the requests are approved.
28
29 Mr. Jesse stated yes.
30
31 Mr. Thorsland stated that the Board will review the conditions again at a later time. He asked Mr. Jesse if he
32 would like to add new testimony.
33
34 Mr. Jesse stated that the good news is that his wife and two sons are involved in the business therefore the
35 bus would have to hit all of them and not just him. He said that the self-storage business is competitive and
36 he realizes that he is out a ways therefore he will have to make his facility very nice because if it is not
37 people will not come there. He said that he intends to bring some of the people from the other storage
38 facilities to his facility because those people would like to keep their things at a nicer place. He said that he

9/12/13

1 has been competing in business for over 32 years and he does not claim to know it all but he does know for
2 sure that it is going to benefit him to keep the facility very nice so that people want to patronize his facility.

3
4 Mr. Thorsland stated that Mr. Jesse indicated at the last meeting that people desire self-storage to be within
5 three miles of their home and he assumes that there is a significant population within three miles of the
6 proposed facility.

7
8 Mr. Jesse stated yes.

9
10 Mr. Thorsland asked the Board if there were any questions for Mr. Jesse and there were none.

11
12 Mr. Thorsland asked if staff had any questions for Mr. Jesse and there were none.

13
14 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Jesse and there was no one.

15
16 Mr. Thorsland closed the witness register.

17
18 Mr. Thorsland stated that the revised Draft Finding of Fact dated September 12, 2013, includes all the
19 Board's findings from the last meeting for Case 758-AM-13. He said that at the last meeting the Board
20 reviewed all of the LRMP and the *Sinclair* and *LaSalle* sections and its relevance to the Ordinance and
21 reviewed the Summary of Evidence. He asked staff if there were any new additions to the Documents of
22 Record.

23
24 Mr. Hall stated that the following items should be added to the Documents of Record as follows: # 37:
25 Supplemental Memorandum dated September 12, 2013, with attachments; and #38: e-mail and photographs
26 submitted by Kelly Pfeifer dated September 12, 2013. He said that item #8 on pages 3 and 4 of the Finding
27 of Fact needs to be updated as follows: #8.A. The revised site plan received September 6, 2013, indicates
28 the following existing and proposed improvements:: and #8.A.(2)(e)i: A 45' x 150' storage building with 11
29 units; and #8.A.(2)(e)ii: A 90' x 130' storage building with 96 units of varying sizes; and #8.a.(2)(f)i: A 40'
30 x 130' storage building with 11 units; and #8.A.(2)(g)i: A 40' x 130' storage building with 11 units; and
31 #8.A.(2)(g)ii: A 90' x 130' storage building with 96 units of varying sizes.

32
33 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
34 of Fact as amended.

35
36 Mr. Palmgren asked if the square footage would change due to the change in dimensions of the buildings.

37
38 Mr. Hall stated that staff did not actually report the square footage of the buildings. He said that the square

9/12/13

1 footage indicated is impervious area and it will change a little bit but he did not have time to make that
2 change today.

3
4 **Mr. Palmgren moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of**
5 **Record and Findings of Fact as amended. The motion carried by voice vote.**

6
7 Mr. Thorsland entertained a motion to move to a final determination for Case 758-AM-13.

8
9 **Mr. Randol moved, seconded by Ms. Capel to move to a final determination for Case 758-AM-13. The**
10 **motion carried by voice vote.**

11
12 Mr. Thorsland informed Mr. Jesse that two Board members are absent and one Board seat is vacant therefore
13 it is at his discretion to either continue Case 758-AM-13 until a full Board is present or request that the
14 present Board move forward to the Final Determination. He informed Mr. Jesse that four affirmative votes
15 are required for approval.

16
17 Mr. Jesse requested that the present Board move to the final determination for Case 758-AM-13.

18
19 **Final Determination for Case 758-AM-13:**

20
21 **Ms. Capel moved, seconded by Mr. Palmgren that pursuant to the authority granted by Section 9.2 of**
22 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
23 **determines that the Zoning Ordinance Amendment requested in Case 758-AM-13 should BE**
24 **ENACTED by the County Board in the form attached hereto.**

25
26 Mr. Thorsland requested a roll call vote.

27
28 The roll was called:

29			
30	Capel-yes	Miller-absent	Palmgren-yes
31	Passalacqua-absent	Randol-yes	Thorsland-yes

32
33 Mr. Hall informed Mr. Jesse that Case 758-AM-13 has received a recommendation of approval therefore the
34 case will be forwarded to the Environment and Land Use Committee meeting on October 3, 2013, and then
35 will be forwarded to the County Board meeting on October 24, 2013.

36
37 Mr. Thorsland called for a five minute recess.

9/12/13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

The Board recessed at 8:05 p.m.

The Board resumed at 8:10 p.m.

Mr. Thorsland stated that the Board will now review Case 759-S-13. He said that the Board has before them a Summary of Evidence dated August 29, 2013, and there are decision points which the Board needs to review. He said that for the sake of clarity he asked the audience if anyone desired to add any new testimony for this case before the Board works through the Summary of Evidence and there was no one.

Mr. Thorsland stated that item #7.G on page 10 is the first decision point for the Board which reads as follows: The evidence in related Case 758-AM-13 established that the proposed Special Use IS/IS NOT a service better provided in a rural area than in an urban area. He said that the Board did receive testimony that there are people who use these facilities typically within three miles of their home and testimony that there are multiple homes within three miles of this proposed use. He entertained an IS/IS NOT determination from the Board.

Ms. Capel stated that the evidence in related Case 758-AM-13 established that the proposed Special Use IS a service better provided in a rural area than in an urban.

The Board agreed.

Mr. Thorsland stated that item #8.M. on page 15 is the next decision point for the Board which reads as follows: The Special Use WILL/WILL NOT be compatible with adjacent uses because the evidence in related Case 758-AM-13 established that the proposed Special Use WILL/WILL NOT interfere with agricultural operations and the subject site IS/IS NOT suitable for the proposed Special Use.

Mr. Palmgren stated that the Special Use WILL be compatible with adjacent uses because the evidence in related Case 758-AM-13 established that the proposed Special Use WILL NOT interfere with agricultural operations and the subject site IS suitable for the proposed Special Use.

The Board agreed.

Mr. Thorsland stated that item #9.G(2) is an additional decision point for the Board which reads as follows: Compatibility of the proposed Special Use with surrounding agriculture was evaluated in related Case 758-AM-13 under review of Land Resource Management Plan Objective 4.2 regarding interference with agricultural operations and the Zoning Board of Appeals found that the proposed Special Use WILL/WILL NOT interfere with agricultural operations.

9/12/13

1 Mr. Thorsland stated that compatibility of the proposed Special Use with surrounding agriculture was
2 evaluated in related Case 758-AM-13 under review of Land Resource Management Plan Objective 4.2
3 regarding interference with agricultural operations and the Zoning Board of Appeals found that the proposed
4 Special Use WILL NOT interfere with agricultural operations.

5
6 The Board agreed.

7
8 Mr. Thorsland stated that the Board will now review the proposed special conditions under item #12. Mr.
9 Thorsland read proposed special condition 12.A. as follows:

- 10 **A. A complete Stormwater Drainage Plan that conforms to the requirements of the**
11 **Stormwater Management Policy shall be submitted and approved as part of the Zoning**
12 **Use Permit Application for Phase I construction and all required certifications shall be**
13 **submitted after construction prior to issuance of the Zoning Compliance Certificate.**
14 The special condition stated above is required to ensure the following:
15 **That the drainage improvements conform to the requirements of the Stormwater**
16 **Management Policy.**

17
18 Mr. Thorsland asked Mr. Jesse if he agreed with proposed special condition 12.A.

19
20 Mr. Jesse indicated that he agreed.

21
22 Mr. Thorsland read proposed special condition 12.B. as follows:

- 23
24 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
25 **authorizing occupancy of the proposed self-storage warehouses until the Zoning**
26 **Administrator has received a certification of inspection from an Illinois Licensed**
27 **Architect or other qualified inspector certifying that the new building complies with**
28 **the following codes: (A) The 2006 or later edition of the International Building Code;**
29 **(B) The 2008 or later edition of the National Electrical Code NFPA 70; and (c) the**
30 **Illinois Plumbing Code.**

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

- 32 **That the proposed structure is safe and in conformance with Public Act 96-704.**

33
34 Mr. Thorsland asked Mr. Jesse if he agreed with proposed special condition 12.B.

35
36 Mr. Jesse indicated that he agreed.

37
38 Mr. Thorsland read proposed special condition 12.C as follows:

9/12/13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

C. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.

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

That any proposed exterior lighting is in conformance with the Zoning Ordinance.

Mr. Thorsland asked Mr. Jesse if he agreed with proposed special condition 12.C.

Mr. Jesse indicated that he agreed.

Mr. Thorsland read proposed special condition 12.D. as follows:

D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed self-storage warehouses until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

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

Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition 12.D.

Mr. Jesse indicated that he agreed.

Mr. Thorsland stated that at the last meeting the Board struck proposed special condition E.(1) indicated in the September 5, 2013, memorandum. He said that tonight there is a proposal and the petitioner has indicated that he is in agreement to reinstate proposed special condition E.(1) and change the five years to 10 years. He asked the Board if they agreed with the following:

E. Regarding the timing of construction and establishment of the proposed Special Use:

(1) The Special Use Permit shall be void if the construction of the proposed Self-Storage Warehouses has not begun within 10 years of the date of authorization of Case 759-S-13.

The Board agreed.

Mr. Thorsland read proposed special condition E.(2) as follows:

(2) The Zoning Administrator shall not authorize a Zoning Use Permit for

9/12/13

1 **construction of a Self-Storage Warehouse on the subject property after 9 years**
2 **of the date of authorization of Case 759-S-13 and all construction must be**
3 **completed within 10 years of the date of authorization of Case 759-S-13.**

4 The proposed special condition is necessary to ensure the following:

5 **That the proposed Special Use is established and constructed in a timely manner**
6 **in order to provide future surrounding land uses knowledge as to what will be**
7 **constructed on the subject property.**

8
9 Mr. Thorsland proposed that E.(2). be revised to indicate 10 and 15 years in lieu of 9 and 10 years.

10
11 Ms. Capel disagreed and indicated that E.(2) should indicate 14 and 15 years in lieu of 9 and 10 years.

12
13 Mr. Thorsland stated that revised special condition E. would read as follows:

14 **E. Regarding the timing of construction and establishment of the proposed Special Use:**

15 **(1) The Special Use Permit shall be void if the construction of the proposed Self-**
16 **Storage Warehouses has not begun within 10 years of the date of authorization**
17 **of Case 759-S-13.**

18 **(2) The Zoning Administrator shall not authorize a Zoning Use Permit for**
19 **construction of a Self-Storage Warehouse on the subject property after 14 years**
20 **of the date of authorization of Case 759-S-13 and all construction must be**
21 **completed within 15 years of the date of authorization of Case 759-S-13.**

22 The proposed special condition is necessary to ensure the following:

23 **That the proposed Special Use is established and constructed in a timely manner**
24 **in order to provide future surrounding land uses knowledge as to what will be**
25 **constructed on the subject property**

26
27 Mr. Thorsland entertained a motion to approve proposed special condition E. as amended.

28
29 **Ms. Capel moved, seconded by Mr. Palmgren to approve proposed special condition E. as amended.**
30 **The motion carried by voice vote.**

31
32 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition E. as amended.

33
34 Mr. Jesse indicated that he agreed.

35
36 Mr. Thorsland read proposed special condition F. as follows:

37
38 **F. Regarding security on the subject property:**

9/12/13

1 (1) The Zoning Administrator shall not authorize a Zoning Use Permit until written
2 documentation has been provided from the petitioner that the relevant fire
3 protection district will have access through the security gate at all times.

4 (2) The zoning Administrator shall not authorize a Zoning Compliance Certificate
5 until the petitioner has installed security cameras.

6 The special condition stated above is necessary to ensure the following:

7 That the petitioner provides adequate security measures and provides access to
8 appropriate public safety agencies.
9

10 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition F.

11
12 Mr. Jesse indicated that he agreed.

13
14 Mr. Thorsland read proposed special condition G. as follows:

15
16 G. No construction or planting of any tree and shrub screening shall occur within the
17 Kaskaskia Drainage District easement that extends 30 feet from the top of the bank of
18 the drainage ditch.

19 The special condition stated above is necessary to ensure the following:

20 That no construction or vegetation impedes the access of the Drainage District.

21 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition G.

22
23 Mr. Jesse agreed.

24
25 Mr. Thorsland read proposed special condition H. as follows:

26
27 H. The proposed self-storage buildings shall be no taller than 35 feet in height.

28 The special condition stated above is necessary to ensure the following:

29 That the proposed construction is of a reasonable height in a zoning district with no
30 maximum height requirements.
31

32 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition H.

33
34 Mr. Jesse indicated that he agreed.

35
36 Mr. Thorsland read proposed special condition I. as follows:

37
38 I. The only two principal uses authorized by Case 759-S-13 are a Contractors Facility

9/12/13

with outdoor storage and/or outdoor operations and self-storage warehouses providing heat and utilities to individual units. Other uses that can be established by right in the B-1 District may be established if they are the only use on the subject property other than agriculture.

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

That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

Mr. Thorsland asked Mr. Jesse if he agreed with proposed special condition I.

Mr. Jesse indicated that he agreed.

Mr. Thorsland read proposed special condition J. as follows:

J. The development of the site must be the same as in the approved site plan that consists of the following:

- (1) the Revised Site Plan received September 6, 2013; and**
- (2) the annotated site plan to show farm equipment access received August 28, 2013; and**
- (3) the excerpt of site plan to show location of existing septic system and leach field received August 28, 2013.**

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

That the development of the site is the same as described in the public hearing.

Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition J.

Mr. Jesse indicated that he agreed.

Mr. Thorsland read proposed special condition K. as follows:

K. Regarding outdoor storage at the self-storage warehouses:

- (1) Outdoor storage shall only occur in the area on the plan indicated for outside storage.**
- (2) All outside storage shall be screened as required by the Zoning Ordinance.**
- (3) Outside storage shall only be for vehicles and equipment intended to be used outdoors.**
- (4) Vehicles and equipment kept in outdoor storage shall be whole and intact and no repairs shall be conducted outdoors.**

9/12/13

1 The special condition stated above is required to ensure the following:
2 **The actual use of the property shall be consistent with the testimony and with**
3 **the Ordinance.**

4
5 Mr. Thorsland entertained a motion to approve proposed special condition K.

6
7 **Ms. Capel moved, seconded by Mr. Palmgren to approve proposed special condition K. The motion**
8 **carried by voice vote.**

9
10 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition K.

11
12 Mr. Jesse indicated that he agreed.

13
14 Mr. Thorsland read proposed special condition L. as follows:

- 15
16 **L. If either the Contractor Facility ceases to operate on the property or if the Contractor**
17 **Facility comes under separate management that the self-storage warehouses, a**
18 **caretaker dwelling for the self-storage warehouses shall be established on the property**
19 **as follows:**
20 **(1) The caretaker dwelling shall be established within six months of either the**
21 **cessation of the Contractor Facility operations or the start of separate**
22 **management of the Contractor Facility.**
23 **(2) The caretaker dwelling shall be occupied by an employee or owner of the self-**
24 **storage warehouses.**
25 **(3) The caretaker dwelling shall be provided with video monitoring of the self-**
26 **storage warehouses.**
27 **(4) The caretaker dwelling may be located either in an existing Contractor Facility**
28 **building or the caretaker dwelling may be constructed to replace an existing**
29 **Contractor Facility building or it may be constructed in the area proposed for**
30 **the self-storage warehouses in which case the caretaker dwelling shall be**
31 **counted as part of the authorized square footage of the self-storage warehouses.**

32
33 Ms. Capel asked if this special condition is to limit the construction of a separate structure for the caretaker
34 dwelling because it isn't indicated on the site plan.

35
36 Mr. Hall stated that he was trying to keep the area that is developed from creeping out and taking up more
37 of the site. He said that some people may disagree because it is just a dwelling and if the property is going to
38 be surrounded by dwellings then what would be one more dwelling. He said that the Board may not want

9/12/13

1 the dwelling to count against the self-storage space but that is how it is written.

2
3 Ms. Capel stated that in 14 years down the road when all of the phases are constructed and the self-storage
4 warehouse may be managed by a different owner the caretaker would have to reside in the area proposed for
5 self-storage.
6

7 Mr. Jesse asked if the Board is talking about someone actually living inside one of the self-storage units
8 because the way that it is set up now no one is living there.
9

10 Mr. Hall stated that currently Mr. Jesse's business is open six days per week therefore he knows what is
11 going on but in the event that somehow the self-storage facility falls under different management he was
12 making the Board aware that someone needs to be there so that they know what is going on.
13

14 Mr. Jesse stated that most self-storage sites only have someone present during normal operation hours and he
15 assumed that this is how he would operate as well. He said that requiring someone to live onsite appears to
16 be too restrictive.
17

18 Mr. Hall informed Mr. Jesse that he has to agree to the condition therefore he if disagrees then now is the
19 time to discuss it.
20

21 Mr. Jesse stated that he doesn't plan on going anywhere therefore he is not going to argue the point.
22

23 Mr. Thorsland stated that he can see two things happening with special condition L. He said that if Mr. Jesse
24 splits the business off to someone else the special condition requires that a caretaker reside on the property
25 but he agrees with Mr. Jesse in that most self-storage warehouses do not operate as such. He said that the
26 facility is a self-storage warehouse and not a hotel therefore there is access for the customers and someone is
27 there to manage the facility during regular business hours and security measures are taken during the rest of
28 the time. He said that the footprint which is indicated on the site plan would not substantially change at all
29 because if all of the phases were finished the caretaker would either renovate one of the existing units or
30 move into the plumbing business. He said that he is not entirely comfortable with the caretaker portion of
31 special condition L. and he is not overly uncomfortable in assuming that if the business was sold that both
32 parts would go together and the nice building could presumably be turned into a residence for a caretaker
33 although he is not comfortable with making a caretaker living there. He said that he is not uncomfortable
34 with keeping the footprint the same because at some point after 14 years when the project is completely
35 established, unless the new owner comes back for a variance for a caretaker's dwelling in the agricultural
36 portion of the property, this site plan is pretty set. He said that he would be happier if the Board worked on
37 making the footprint look the same should both uses become separate entities but he is not comfortable with
38 dictating the employment of a caretaker and where that person has to live.

9/12/13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Ms. Capel stated that it is very common for these things to have an office with office hours.

Mr. Thorsland stated that there is an office indicated which will have office hours.

Mr. Jesse agreed.

Ms. Capel stated that one way to word the special condition is that the office shall be actively staffed full-time.

Mr. Thorsland stated that if the petitioner no longer operates the storage facility the storage facility needs to have staff present during normal business hours.

Mr. Randol stated that the petitioner could sell the plumbing business and keep the self-storage warehouse. He said that the special condition should indicate that the self-storage facility shall be staffed during normal business hours. He said that he does not agree with the County dictating that someone has to live on site.

Mr. Thorsland stated that the Board needs to make sure that the self-storage has adequate supervision during normal business hours located within the site plan.

Mr. Randol stated that the supervision could be done from any of the units.

Mr. Thorsland stated that he does not want to indicate where the supervision should take place from.

Mr. Hall stated that perhaps the Board would want to replace “caretaker dwelling” with “management office” or just add “management office.”

Mr. Thorsland stated that he agrees with the insertion of “management office.”

Mr. Hall stated that the change can be made throughout special condition L.

Mr. Thorsland stated that revised special condition L. would read as follows:

- L. If either the Contractor Facility ceases to operate on the property or if the Contractor Facility comes under separate management that the self-storage warehouses, a caretaker dwelling or management office for the self-storage warehouses shall be established on the property as follows:**
 - (1) The caretaker dwelling or management office shall be established within six**

9/12/13

- 1 months of either the cessation of the Contractor Facility operations or the start
- 2 of separate management of the Contractor Facility.
- 3 (2) If a caretaker dwelling, it shall be occupied by an employee or owner of the self-
- 4 storage warehouses or if a management office it shall be staffed during normal
- 5 business hours.
- 6 (3) The caretaker dwelling or management office shall be provided with video
- 7 monitoring of the self-storage warehouses.
- 8 (4) The caretaker dwelling or management office may be located either in an
- 9 existing Contractor Facility building or the caretaker dwelling or management
- 10 office may be constructed to replace an existing Contractor Facility building or
- 11 it may be constructed in the area proposed for the self-storage warehouses in
- 12 which case the caretaker dwelling or management office shall be counted as part
- 13 of the authorized square footage of the self-storage warehouses.
- 14
- 15 (5) The caretaker dwelling or management office must be authorized by a Zoning
- 16 Use Permit.
- 17 The special condition stated above is required to ensure the following:
- 18 Adequate security and management for the self-storage warehouses.
- 19

20 Mr. Thorsland asked Mr. Jesse if he agreed with special condition L.

21

22 Mr. Jesse indicated that he agreed with special condition L.

23

24 Mr. Thorsland entertained a motion to approve special condition L. as amended.

25

26 **Mr. Randol moved, seconded by Mr. Palmgren to approve special condition L. as amended. The**

27 **motion carried by voice vote.**

28

29 Mr. Thorsland read proposed special condition M. as follows:

- 30
- 31 **M. Regarding future property maintenance:**
- 32 (1) **The exterior of the property shall be kept free of litter, garbage and debris.**
- 33 (2) **All landscaping on the property shall be maintained in a healthy condition and**
- 34 **non-woody vegetation shall be maintained at no more than 6 inches in height;**
- 35 **and that part of the property that is not used for the contractor facility or the**
- 36 **self-storage warehouses or the detention basin shall be kept in agriculture or**
- 37 **non-woody vegetation maintained at no more than 6 inches in height; and the**
- 38 **detention basin shall be kept free of woody vegetation.**

9/12/13

1
2 Ms. Capel recommended that that the last portion of M.(2) should be revised as follows: and the detention
3 basin shall be kept free of woody vegetation and non-woody vegetation maintained at no more than 6 inches
4 in height.

5
6 Mr. Hall recommended 24 inches in the detention basin because many times it will be difficult to mow the
7 detention basin.

8
9 Mr. Thorsland stated that amended M.(2) shall read as follows:

10
11 **(2) All landscaping on the property shall be maintained in a healthy condition and**
12 **non-woody vegetation shall be maintained at no more than 6 inches in height;**
13 **and that part of the property that is not used for the contractor facility or the**
14 **self-storage warehouses or the detention basin shall be kept in agriculture or**
15 **non-woody vegetation maintained at no more than 6 inches in height; and the**
16 **detention basin shall be kept free of woody vegetation and non-woody**
17 **vegetation maintained at no more than 24 inches in height.**

18
19 The Board agreed with amended M(2).

20
21 **(3) The exterior of all self-storage warehouse buildings shall be maintained in a**
22 **structurally sound and weatherproof condition and free from holes, or defects**
23 **that allow rain or weather to enter and any exterior finish that is peeling,**
24 **chipping, flaking or abraded shall be repaired.**

25 **(4) All exterior doors, door assemblies, and hardware shall be maintained in good**
26 **condition.**

27 **(5) The interior of all self-storage warehouse buildings shall be maintained in good**
28 **repair, structurally sound and in a sanitary condition and any paint that is**
29 **peeling, chipping, flaking, or abraded shall be repaired.**

30
31 Ms. Capel stated that the portion of M(5) regarding paint should be stricken.

32
33 Mr. Thorsland stated that he would recommend that all of M(5) be stricken. He said that it is in the best
34 interest of the owner to not allow the tenants to trash the units and if the tenant does trash the unit the owner
35 will evict the tenant.

36
37 Ms. Capel stated that M(5) is consistent with M(4).

38

9/12/13

1 Mr. Thorsland recommended that M(5) only indicate the following:
2

- 3 **(5) The interior of all self-storage warehouse buildings shall be maintained in good**
4 **repair.**

5
6 The Board agreed with amended M(5).
7

- 8 **(6) All paving in the self-storage warehouse shall be maintained in a structurally**
9 **sound and weatherproof condition and free of vegetation.**

10 The special condition stated above is required to ensure the following:
11 **Continuation of the existing, very good property maintenance.**
12

13 Mr. Thorsland asked Mr. Jesse if he agreed with amended special condition M.
14

15 Mr. Jesse indicated that he agreed with amended special condition M.
16

17 Mr. Thorsland entertained a motion to approved special condition M. as amended.
18

19 **Ms. Capel moved, seconded by Mr. Palmgren to approve special condition M. as amended. The**
20 **motion carried by voice vote.**
21

22 Mr. Thorsland asked staff if there were any additions to the Documents of Record.
23

24 Mr. Hall stated that the additions to the Documents of Record are as follows: #32: Revised Land Use Map
25 dated August 29, 2013; and #33: Revised Zoning Map dated August 29, 2013; and #34: Growth Area
26 Potential: Service Capacity Analysis Map “E” from the City of Champaign Comprehensive Plan; and #35:
27 Revised Site Plan received September 4, 2013; and #36 Supplemental Memorandum for Cases 758-AM-12
28 & 759-S-13 dated September 5, 2013, with attachments: A. Revised Site Plan received September 4, 2013;
29 and B. Case 758-AM-13 Revised Draft Finding of Fact; and #37: Supplemental Memorandum for Cases
30 758-AM-12 & 759-S-13 dated September 12, 2013, with attachments: A. Revised Site Plan received
31 September 6,2013; and #38: Email and photos submitted by Kelly Pfeifer on September 12, 2013.
32

33 **Finding of Fact for Case 759-S-13:**
34

35 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
36 759-S-13 held on July 25, 2013; August 29, 2013; and September 12, 2013, the Zoning Board of Appeals of
37 Champaign County finds that:
38

9/12/13

1 **1. The requested Special Use Permit IS necessary for the public convenience at this**
2 **location.**

3
4 Mr. Thorsland stated that the requested Special Use Permit IS necessary for the public convenience at this
5 location because the business would serve the current and future residents of defined Growth Area E as
6 called out by the City of Champaign. He said that its location would reduce road miles needed to utilize the
7 facility and not require the additional sanitary sewer connections that multiple homes require and these two
8 concerns are both indicated as challenges by the city of Champaign. He said that this use is a low impact
9 solution that will serve a known customer base.

10
11 The Board agreed.

12
13 Mr. Hall read Mr. Thorsland’s finding as follows:

- 14 • This business would serve the current and future residents of defined Growth
- 15 Area E as called out by the City of Champaign.
- 16 • Its location would reduce road miles needed to utilize the facility and not
- 17 require the additional sanitary sewer connections that multiple homes require.
- 18 • These two concerns are both indicated as challenges by the City of Champaign.
- 19 • This use is a low impact solution that will serve a known customer base.
- 20
- 21

22 Mr. Hall stated that he does not understand why the additional sanitary sewer connections are mentioned.

23
24 Mr. Thorsland stated that testimony from the petitioner indicated that none of the septic system requirements
25 go up because of the proposed use and even with the caretaker dwelling or management office the septic
26 system would still be adequate, but of course that is up to the Health Department to decide. He said that
27 future sanitary connection was a big concern from the City of Champaign.

28
29 Mr. Thorsland asked the Board if they agreed with the findings as read.

30
31 The Board agreed.

32
33 **2. The requested Special Use Permit, subject to the special conditions imposed herein, is**
34 **so designed, located, and proposed to be operated so that it WILL NOT be injurious to**
35 **the district in which it shall be located or otherwise detrimental to the public health,**
36 **safety, and welfare.**

- 37 a. **The street has ADEQUATE traffic capacity and the entrance location has**
- 38

9/12/13

1 **ADEQUATE visibility.**

2

3

Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

4

5

6

b. Emergency services availability is ADEQUATE.

7

8

Mr. Randol stated that emergency services availability is ADEQUATE.

9

10

c. The Special Use WILL be compatible with adjacent uses.

11

12

Mr. Palmgren stated that the Special Use WILL be compatible with adjacent uses.

13

14

d. Surface and subsurface drainage will be ADEQUATE.

15

16

Mr. Palmgren stated that surface and subsurface drainage will be ADEQUATE.

17

18

e. Public safety will be ADEQUATE

19

20

Ms. Capel stated that public safety will be ADEQUATE.

21

22

f. The provisions for parking will be ADEQUATE.

23

24

Mr. Randol stated that the provisions for parking will be ADEQUATE.

25

26

g. The property is BEST PRIME FARMLAND and the property with the proposed improvements IS WELL SUITED OVERALL.

27

28

29

Mr. Palmgren stated that the property is BEST PRIME FARMLAND and the property with the proposed

30

improvements IS WELL SUITED OVERALL.

31

32

h. The existing public services ARE available to support the proposed special use effectively and safely without undue public expense.

33

34

35

Ms. Capel stated that the existing public services ARE available to support the proposed special use

36

effectively and safely without undue public expense.

37

38

i. The only existing public infrastructure together with proposed improvements

9/12/13

ARE adequate to support the proposed development effectively and safely without undue public expense.

Mr. Randol stated that the only existing public infrastructure together with proposed improvements ARE adequate to support the proposed development effectively and safely without undue public expense.

Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

3a. The requested Special Use Permit, subject to the special conditions imposed herein, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

3b. The requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located because:

a. The Special Use will be designed to CONFORM to the relevant County ordinances and codes.

Ms. Capel stated that the Special Use will be designed to CONFORM to the relevant County ordinances and codes.

b. The requested Special Use Permit WILL be compatible with adjacent uses.

Mr. Randol stated that the requested Special Use Permit WILL be compatible with adjacent uses.

c. Public safety will be ADEQUATE.

Mr. Palmgren stated that public safety will be ADEQUATE.

Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located.

4. The requested Special Use Permit, subject to the special conditions imposed herein, IS

9/12/13

1 **in harmony with the general purpose and intent of the Ordinance because:**

2
3 **a. The Special Use is authorized in the District.**

4
5 **b. The requested Special Use Permit IS necessary for the public convenience at this**
6 **location.**

7
8 Mr. Palmgren stated that the requested Special Use Permit IS necessary for the public convenience at this
9 location.

10
11 **c. The requested Special Use Permit, subject to the special conditions imposed**
12 **herein, is so designed, located, and proposed to be operated so that it WILL**
13 **NOT be injurious to the district in which it shall be located or otherwise**
14 **detrimental to the public health, safety, and welfare.**

15
16 Mr. Randol stated that the requested Special Use Permit, subject to the special conditions imposed herein, is
17 so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it
18 shall be located or otherwise detrimental to the public health, safety, and welfare.

19
20 **d. The requested Special Use Permit, subject to the special conditions imposed**
21 **herein DOES preserve the essential character of the DISTRICT in which it is**
22 **located.**

23
24 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein
25 DOES preserve the essential character of the DISTRICT in which it is located.

26
27 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,
28 IS in harmony with the general purpose and intent of the Ordinance.

29
30 **5. The requested Special Use IS NOT an existing nonconforming use.**

31
32 Mr. Thorsland stated that the requested Special Use IS NOT an existing nonconforming use.

33
34 **6. The special conditions imposed herein are required to ensure compliance with the**
35 **criteria for special use permits and for the particular purposes described below:**

36
37 **A. A complete Stormwater Drainage Plan that conforms to the requirements of the**
38 **Stormwater Management Policy shall be submitted and approved as part of the Zoning**

9/12/13

1 **Use Permit Application for Phase I construction and all required certifications shall be**
2 **submitted after construction prior to issuance of the Zoning Compliance Certificate.**
3 The special condition stated above is required to ensure the following:
4 **That the drainage improvements conform to the requirements of the Stormwater**
5 **Management Policy.**

6
7 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
8 **authorizing occupancy of the proposed self-storage warehouses until the Zoning**
9 **Administrator has received a certification of inspection from an Illinois Licensed**
10 **Architect or other qualified inspector certifying that the new building complies with**
11 **the following codes: (A) The 2006 or later edition of the International Building Code;**
12 **(B) The 2008 or later edition of the National Electrical Code NFPA 70; and (c) the**
13 **Illinois Plumbing Code.**

14 The special condition stated above is required to ensure the following:
15 **That the proposed structure is safe and in conformance with Public Act 96-704.**

16
17 **C. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner**
18 **has demonstrated that any new or proposed exterior lighting on the subject property**
19 **will comply with the lighting requirements of Section 6.1.2.**

20 The proposed special condition stated above is required to ensure the following:
21 **That any proposed exterior lighting is in conformance with the Zoning Ordinance.**

22
23 **D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
24 **proposed self-storage warehouses until the petitioner has demonstrated that the**
25 **proposed Special Use complies with the Illinois Accessibility Code.**

26 The special condition stated above is necessary to ensure the following:
27 **That the proposed Special Use meets applicable state requirements for accessibility.**

28
29 **E. Regarding the timing of construction and establishment of the proposed Special Use:**

30 **(1) The Special Use Permit shall be void if the construction of the proposed Self-**
31 **Storage Warehouses has not begun within 10 years of the date of authorization**
32 **of Case 759-S-13.**

33 **(2) The Zoning Administrator shall not authorize a Zoning Use Permit for**
34 **construction of a Self-Storage Warehouse on the subject property after 14 years**
35 **of the date of authorization of Case 759-S-13 and all construction must be**
36 **completed within 15 years of the date of authorization of Case 759-S-13.**

37 The proposed special condition is necessary to ensure the following:

38 **That the proposed Special Use is established and constructed in a timely manner**

9/12/13

in order to provide future surrounding land uses knowledge as to what will be constructed on the subject property

F. Regarding security on the subject property:

- (1) The Zoning Administrator shall not authorize a Zoning Use Permit until written documentation has been provided from the petitioner that the relevant fire protection district will have access through the security gate at all times.
- (2) The zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has installed security cameras.

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

That the petitioner provides adequate security measures and provides access to appropriate public safety agencies.

G. No construction or planting of any tree and shrub screening shall occur within the Kaskaskia Drainage District easement that extends 30 feet from the top of the bank of the drainage ditch.

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

That no construction or vegetation impedes the access of the Drainage District.

H. The proposed self-storage buildings shall be no taller than 35 feet in height.

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

That the proposed construction is of a reasonable height in a zoning district with no maximum height requirements.

I. The only two principal uses authorized by Case 759-S-13 are a Contractors Facility with outdoor storage and/or outdoor operations and self-storage warehouses providing heat and utilities to individual units. Other uses that can be established by right in the B-1 District may be established if they are the only use on the subject property other than agriculture.

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

That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

J. The development of the site must be the same as in the approved site plan that consists of the following:

- (1) the Revised Site Plan received September 6, 2013; and
- (2) the annotated site plan to show farm equipment access received August 28, 2013; and

9/12/13

1 (3) the excerpt of site plan to show location of existing septic system and leach field
2 received August 28, 2013.

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

4 That the development of the site is the same as described in the public hearing.
5

6 **K. Regarding outdoor storage at the self-storage warehouses:**

7 (1) Outdoor storage shall only occur in the area on the plan indicated for outside
8 storage.

9 (2) All outside storage shall be screened as required by the Zoning Ordinance.

10 (3) Outside storage shall only be for vehicles and equipment intended to be used
11 outdoors.

12 (4) Vehicles and equipment kept in outdoor storage shall be whole and intact and
13 no repairs shall be conducted outdoors.

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

15 The actual use of the property shall be consistent with the testimony and with
16 the Ordinance.
17

18 **L. If either the Contractor Facility ceases to operate on the property or if the Contractor
19 Facility comes under separate management that the self-storage warehouses, a
20 caretaker dwelling or management office for the self-storage warehouses shall be
21 established on the property as follows:**

22 (1) The caretaker dwelling or management office shall be established within six
23 months of either the cessation of the Contractor Facility operations or the start
24 of separate management of the Contractor Facility.

25 (2) If a caretaker dwelling, it shall be occupied by an employee or owner of the self-
26 storage warehouses or if a management office it shall be staffed during normal
27 business hours.

28 (3) The caretaker dwelling or management office shall be provided with video
29 monitoring of the self-storage warehouses.

30 (4) The caretaker dwelling or management office may be located either in an
31 existing Contractor Facility building or the caretaker dwelling or management
32 office may be constructed to replace an existing Contractor Facility building or
33 it may be constructed in the area proposed for the self-storage warehouses in
34 which case the caretaker dwelling or management office shall be counted as part
35 of the authorized square footage of the self-storage warehouses.
36

37 (5) The caretaker dwelling or management office must be authorized by a Zoning
38 Use Permit.

9/12/13

1 The special condition stated above is required to ensure the following:
2 **Adequate security and management for the self-storage warehouses.**

3
4 **M. Regarding future property maintenance:**

5 (1) **The exterior of the property shall be kept free of litter, garbage and debris.**

6 (2) **All landscaping on the property shall be maintained in a healthy condition and
7 non-woody vegetation shall be maintained at no more than 6 inches in height;
8 and that part of the property that is not used for the contractor facility or the
9 self-storage warehouses or the detention basin shall be kept in agriculture or
10 non-woody vegetation maintained at no more than 6 inches in height; and the
11 detention basin shall be kept free of woody vegetation and non-woody
12 vegetation maintained at no more than 24 inches in height.**

13 (3) **The exterior of all self-storage warehouse buildings shall be maintained in a
14 structurally sound and weatherproof condition and free from holes, or defects
15 that allow rain or weather to enter and any exterior finish that is peeling,
16 chipping, flaking or abraded shall be repaired.**

17 (4) **All exterior doors, door assemblies, and hardware shall be maintained in good
18 condition.**

19 (5) **The interior of all self-storage warehouse buildings shall be maintained in good
20 repair.**

21 (6) **All paving in the self-storage warehouse shall be maintained in a structurally
22 sound and weatherproof condition and free of vegetation.**

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

24 **Continuation of the existing, very good property maintenance.**

25
26 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
27 of Fact as amended.

28
29 **Ms. Capel moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of**
30 **Record and Findings of Fact as amended. The motion carried by voice vote.**

31
32 Mr. Thorsland entertained a motion to move to a final determination.

33
34 **Ms. Capel moved, seconded by Mr. Palmgren to move to a final determination. The motion carried by**
35 **voice vote.**

36
37 Mr. Thorsland informed Mr. Jesse that two Board members are absent and one Board seat is vacant therefore
38 it is at his discretion to either continue Case 759-S-13 until a full Board is present or request that the present

9/12/13

1 Board move forward to the Final Determination. He informed Mr. Jesse that four affirmative votes are
2 required for approval.

3
4 Mr. Jesse requested that the present Board move to the final determination for Case 759-S-13.
5

6 **Final Determination for Case 759-S-13:**
7

8 Ms. Capel moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals
9 finds that, based upon the application, testimony, and other evidence received in this case, the
10 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted
11 by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use
12 requested in Case 759-S-13 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant
13 Charles Jesse to authorize the following:

14 **Part A. Authorize multiple principal uses and buildings on the same lot consisting of**
15 **(1) a heating and cooling contractors facility with accessory outdoor storage that**
16 **was originally authorized by Case 970-S-95 and (2) Self-Storage Warehouses,**
17 **providing heat and utilities to individual units as a special use.**

18 **Part B. Authorize the construction and use of Self-Storage Warehouses, providing heat**
19 **and utilities to individual units as a special use.**
20

21 **Subject to the following special conditions:**
22

23 **A. A complete Stormwater Drainage Plan that conforms to the requirements of the**
24 **Stormwater Management Policy shall be submitted and approved as part of the Zoning**
25 **Use Permit Application for Phase I construction and all required certifications shall be**
26 **submitted after construction prior to issuance of the Zoning Compliance Certificate.**
27 **The special condition stated above is required to ensure the following:**
28 **That the drainage improvements conform to the requirements of the Stormwater**
29 **Management Policy.**

30
31 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
32 **authorizing occupancy of the proposed self-storage warehouses until the Zoning**
33 **Administrator has received a certification of inspection from an Illinois Licensed**
34 **Architect or other qualified inspector certifying that the new building complies with**
35 **the following codes: (A) The 2006 or later edition of the International Building Code;**
36 **(B) The 2008 or later edition of the National Electrical Code NFPA 70; and (c) the**
37 **Illinois Plumbing Code.**

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

9/12/13

- 1 **That the proposed structure is safe and in conformance with Public Act 96-704.**
- 2
- 3 **C. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner**
- 4 **has demonstrated that any new or proposed exterior lighting on the subject property**
- 5 **will comply with the lighting requirements of Section 6.1.2.**
- 6 The proposed special condition stated above is required to ensure the following:
- 7 **That any proposed exterior lighting is in conformance with the Zoning Ordinance.**
- 8
- 9 **D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
- 10 **proposed self-storage warehouses until the petitioner has demonstrated that the**
- 11 **proposed Special Use complies with the Illinois Accessibility Code.**
- 12 The special condition stated above is necessary to ensure the following:
- 13 **That the proposed Special Use meets applicable state requirements for accessibility.**
- 14
- 15 **E. Regarding the timing of construction and establishment of the proposed Special Use:**
- 16 **(1) The Special Use Permit shall be void if the construction of the proposed Self-**
- 17 **Storage Warehouses has not begun within 10 years of the date of authorization**
- 18 **of Case 759-S-13.**
- 19 **(2) The Zoning Administrator shall not authorize a Zoning Use Permit for**
- 20 **construction of a Self-Storage Warehouse on the subject property after 14 years**
- 21 **of the date of authorization of Case 759-S-13 and all construction must be**
- 22 **completed within 15 years of the date of authorization of Case 759-S-13.**
- 23 The proposed special condition is necessary to ensure the following:
- 24 **That the proposed Special Use is established and constructed in a timely manner**
- 25 **in order to provide future surrounding land uses knowledge as to what will be**
- 26 **constructed on the subject property**
- 27
- 28 **F. Regarding security on the subject property:**
- 29 **(1) The Zoning Administrator shall not authorize a Zoning Use Permit until written**
- 30 **documentation has been provided from the petitioner that the relevant fire**
- 31 **protection district will have access through the security gate at all times.**
- 32 **(2) The zoning Administrator shall not authorize a Zoning Compliance Certificate**
- 33 **until the petitioner has installed security cameras.**
- 34 The special condition stated above is necessary to ensure the following:
- 35 **That the petitioner provides adequate security measures and provides access to**
- 36 **appropriate public safety agencies.**
- 37
- 38 **G. No construction or planting of any tree and shrub screening shall occur within the**

9/12/13

- 1 **Kaskaskia Drainage District easement that extends 30 feet from the top of the bank of**
- 2 **the drainage ditch.**
- 3 The special condition stated above is necessary to ensure the following:
- 4 **That no construction or vegetation impedes the access of the Drainage District.**
- 5
- 6 **H. The proposed self-storage buildings shall be no taller than 35 feet in height.**
- 7 The special condition stated above is necessary to ensure the following:
- 8 **That the proposed construction is of a reasonable height in a zoning district with no**
- 9 **maximum height requirements.**
- 10
- 11 **I. The only two principal uses authorized by Case 759-S-13 are a Contractors Facility**
- 12 **with outdoor storage and/or outdoor operations and self-storage warehouses providing**
- 13 **heat and utilities to individual units. Other uses that can be established by right in the**
- 14 **B-1 District may be established if they are the only use on the subject property other**
- 15 **than agriculture.**
- 16 The special condition stated above is necessary to ensure the following:
- 17 **That the petitioner and future landowners understand the requirements of the Zoning**
- 18 **Ordinance.**
- 19
- 20 **J. The development of the site must be the same as in the approved site plan that consists**
- 21 **of the following:**
- 22 (1) **the Revised Site Plan received September 6, 2013; and**
- 23 (2) **the annotated site plan to show farm equipment access received August 28,**
- 24 **2013; and**
- 25 (3) **the excerpt of site plan to show location of existing septic system and leach field**
- 26 **received August 28, 2013.**
- 27 The special condition stated above is required to ensure the following:
- 28 **That the development of the site is the same as described in the public hearing.**
- 29
- 30 **K. Regarding outdoor storage at the self-storage warehouses:**
- 31 (1) **Outdoor storage shall only occur in the area on the plan indicated for outside**
- 32 **storage.**
- 33 (2) **All outside storage shall be screened as required by the Zoning Ordinance.**
- 34 (3) **Outside storage shall only be for vehicles and equipment intended to be used**
- 35 **outdoors.**
- 36 (4) **Vehicles and equipment kept in outdoor storage shall be whole and intact and**
- 37 **no repairs shall be conducted outdoors.**
- 38 The special condition stated above is required to ensure the following:

9/12/13

1 **The actual use of the property shall be consistent with the testimony and with**
2 **the Ordinance.**

3
4 **L. If either the Contractor Facility ceases to operate on the property or if the Contractor**
5 **Facility comes under separate management that the self-storage warehouses, a**
6 **caretaker dwelling or management office for the self-storage warehouses shall be**
7 **established on the property as follows:**

8 (1) **The caretaker dwelling or management office shall be established within six**
9 **months of either the cessation of the Contractor Facility operations or the start**
10 **of separate management of the Contractor Facility.**

11 (2) **If a caretaker dwelling, it shall be occupied by an employee or owner of the self-**
12 **storage warehouses or if a management office it shall be staffed during normal**
13 **business hours.**

14 (3) **The caretaker dwelling or management office shall be provided with video**
15 **monitoring of the self-storage warehouses.**

16 (4) **The caretaker dwelling or management office may be located either in an**
17 **existing Contractor Facility building or the caretaker dwelling or management**
18 **office may be constructed to replace an existing Contractor Facility building or**
19 **it may be constructed in the area proposed for the self-storage warehouses in**
20 **which case the caretaker dwelling or management office shall be counted as part**
21 **of the authorized square footage of the self-storage warehouses.**

22
23 (5) **The caretaker dwelling or management office must be authorized by a Zoning**
24 **Use Permit.**
25 The special condition stated above is required to ensure the following:
26 **Adequate security and management for the self-storage warehouses.**

27
28 **M. Regarding future property maintenance:**

29 (1) **The exterior of the property shall be kept free of litter, garbage and debris.**

30 (2) **All landscaping on the property shall be maintained in a healthy condition and**
31 **non-woody vegetation shall be maintained at no more than 6 inches in height;**
32 **and that part of the property that is not used for the contractor facility or the**
33 **self-storage warehouses or the detention basin shall be kept in agriculture or**
34 **non-woody vegetation maintained at no more than 6 inches in height; and the**
35 **detention basin shall be kept free of woody vegetation and non-woody**
36 **vegetation maintained at no more than 24 inches in height.**

37 (3) **The exterior of all self-storage warehouse buildings shall be maintained in a**
38 **structurally sound and weatherproof condition and free from holes, or defects**

9/12/13

- 1 **that allow rain or weather to enter and any exterior finish that is peeling,**
- 2 **chipping, flaking or abraded shall be repaired.**
- 3 (4) **All exterior doors, door assemblies, and hardware shall be maintained in good**
- 4 **condition.**
- 5 (5) **The interior of all self-storage warehouse buildings shall be maintained in good**
- 6 **repair.**
- 7 (6) **All paving in the self-storage warehouse shall be maintained in a structurally**
- 8 **sound and weatherproof condition and free of vegetation.**
- 9 The special condition stated above is required to ensure the following:
- 10 **Continuation of the existing, very good property maintenance.**

11
12 Mr. Thorsland requested a roll call vote.

13
14 The roll was called:

15			
16	Capel-yes	Miller-absent	Palmgren-yes
17	Passalacqua-absent	Randol-yes	Thorsland-yes

18
19 Mr. Hall informed Mr. Jesse that he has received an approval for his special use permit request therefore the
20 next step is the map amendment approval from ELUC and then the County Board in October.

21
22
23 **6. New Public Hearings**

24
25 None

26
27 **7. Staff Report**

28
29 None

30
31 **8. Other Business**

32 **A. Review of Docket**

33
34 Mr. Hall distributed a handout to the Board regarding the Citizen Planner Workshop for review. He said that
35 the program is attached to the handout and he encouraged the Board to attend. He said that if Board
36 members intend to attend the workshop he would recommend that they RSVP as soon as possible.

37
38 Mr. Thorsland stated that the Green Infrastructure Workshop handout indicates a website for registration.

9/12/13

1 He said that the workshop is on Tuesday, September 17th.

2
3 Mr. Hall stated that the floodgate of zoning cases dried up in July and the Board completed 30 cases during
4 the first six months of 2013 which is generally what the Board completes in an entire year. He said that he
5 may now have the opportunity to switch the Associate Planner over to helping with enforcement which is
6 what he has been trying to do for the past four years but has not had the chance. He said that either the
7 zoning cases will start building again or Mr. Kass will go out and start on enforcement but either way it will
8 be a good thing. He said that 2013 has been a very productive year.

9
10 **9. Audience Participation with respect to matters other than cases pending before the Board**

11
12 None

13
14 **10. Adjournment**

15
16 Mr. Thorsland entertained a motion to adjourn the meeting.

17
18 **Mr. Palmgren moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice**
19 **vote.**

20
21 The meeting adjourned at 9:10 p.m.

22
23
24 Respectfully submitted

25
26
27
28
29 Secretary of Zoning Board of Appeals

30
31
32
33
34
35
36
37
38

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23