

1 **MINUTES OF REGULAR MEETING**

3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

4 1776 E. Washington Street
5 Urbana, IL 61801

7 **DATE:** April 29, 2021

PLACE: ZOOM MEETING

Lyle Shields Meeting Room

1776 East Washington Street

Urbana, IL 61802

9 **TIME:** 6:30 p.m.

12 **MEMBERS PRESENT:** *Using Zoom in Putman Meeting Room:* Ryan Elwell, Jim Randol,
13 *Remotely via Zoom:* Tom Anderson, Marilyn Lee, Lee Roberts, Larry Wood

15 **MEMBERS ABSENT:** None

17 **STAFF PRESENT:** *Using Zoom in Putman Meeting Room:* Lori Busboom, John Hall
18 *Remotely via Zoom:* Susan Burgstrom

20 **OTHERS PRESENT:** *Remotely via Zoom:* Brad Bengtson, Stephen Dahl, Steve Jacobs, Brandon
21 Moore, Brandy Moore, John Reifsteck, Mary Ann Royse, Phil Van Ness,
22 Don Wauthier

25 **1. Call to Order**

26
27 The meeting was called to order at 6:31 p.m.

29 **2. Roll Call and Declaration of Quorum**

30
31 The roll was called, and a quorum declared present.

32
33 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must
34 identify themselves on Zoom.

36 **3. Correspondence - None**

38 **4. Approval of Minutes – March 11, 2021**

39
40 Mr. Elwell entertained a motion to approve the minutes of March 11, 2021.

41
42 **Mr. Randol moved, seconded by Mr. Wood, to approve the minutes of March 11, 2021.**

43
44 Mr. Elwell said that on the last page, he voted in favor of adjournment.

45
46 With no other comments, Mr. Elwell requested a roll call vote.

47
48 The vote was called as follows:

49 **Anderson – yes**

Elwell - yes

Randol – yes

50 **Roberts – yes**

Wood - yes

Lee - abstain

51
52 **The motion carried.**

1 **5. Continued Public Hearings – None**

2
3 **6. New Public Hearings**

4
5 **Case 004-S-21**

6 Petitioners: **Brandon Moore, Stephen Dahl and Brad Bengtson, d.b.a. Sandpiper Holdings LLC**
7 Request: **Authorize the construction and use of up to 170,260 square feet of Self-Storage Warehouse**
8 **Units of various sizes including 45,300 square feet of Self-Storage Warehouse Units with climate**
9 **control and 124,960 square feet of non-climate controlled Self-Storage Warehouse Units as a Special**
10 **Use on land in the B-3 Highway Business Zoning District.**

11 Location: **An 11.2-acre tract of land located in the Southwest Quarter of the Southeast Quarter of**
12 **Section 9, Township 18 North, Range 8 East of Tolono Township of the Third Principal Meridian,**
13 **commonly known as the 4.48-acre former gas station with an address of 872 CR 1000 North,**
14 **Champaign and the 6.72-acre vacant lot west of the former gas station.**

15
16 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
17 the witness register for that public hearing. He reminded the audience that when they sign the witness
18 register, they are signing an oath.

19
20 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
21 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
22 show of hands or a verbal indication from those who would like to cross-examine, and each person will
23 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name
24 before asking any questions. He noted that no new testimony is to be given during the cross-examination.
25 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
26 examination. He asked if the petitioners would like to outline the nature of their request prior to
27 introducing evidence.

28
29 Mr. Philip Van Ness, 202 Lincoln Square, Urbana is with Webber & Thies, who is representing Sandpiper
30 Holdings LLC. He said that he believes that Mr. Don Wauthier, engineering consultant with Berns, Clancy
31 & Associates, is in attendance it and he will address the technical issues, although it appears that the
32 technical issues have been pretty well laid out in the materials that were provided to staff. He said that
33 there were two comments that were related to drainage, and as can be seen in the materials provided, the
34 concerns have been substantially addressed both in terms of internal berms and construction of a retention
35 basin to account for the volumes of water that will be flowing off that site.

36
37 Mr. Don Wauthier, Vice President of Berns, Clancy & Associates, said that the developer, Mr. Brandon
38 Moore, was interested in testifying.

39
40 Mr. Brandon Moore, 1165 Hoo Soo Too Drive, Monticello, stated that he is representing Sandpiper
41 Holdings Group on behalf of his partners, Stephen Dahl and Brandon Bengtson, who are both in
42 attendance. He thanked everyone for being here tonight, and they don't take it lightly that the Board has
43 taken time away from their jobs, businesses and families to be here. He thanked P&Z Staff for their
44 incredible amount of assistance, and the two owners of the neighboring properties who took the time to
45 provide helpful comments to the Board. He said that the Reifsteck and Smith families have a long history
46 of stewardship of the land in which they have been entrusted and Sandpiper Holdings share their
47 commitment to sustain and improve the land. He said that he is a life-long central Illinoisan who has lived
48 in Champaign with his wife Brandy for 23 years. He said that 2021 marks his tenth year working for
49 Remax as a real estate broker and he currently works at Remax Choice at the Crossing. He said he has

1 been in sales for 25 years in nearly every facet of the real estate sector and he has been a real estate investor
2 for over 20 years. He said he is currently a member of the Central Illinois Rental Property Professionals.
3 He said that Stephen, a.k.a. Doug Dahl is a 21-year IBEW journeyman and he has spent the last 15 years
4 at the University of Illinois as an electrician. He said that Doug and his wife Maureen and their children
5 live in St. Joseph. He said that Doug grew up in Rolling Acres, just a few miles from the subject property.
6 He said that Doug has seen the tremendous growth and progress for close to 50 years now in Champaign.
7 He said that Doug has been a real estate developer for at least the last 15 years and has been very active
8 coaching girls softball. He said that Brad Bengtson, their final partner, has had a distinguished banking
9 career for nearly 30 years, and has lived in Champaign County for over 20 years. He said that Brad and
10 his wife Bonnie and their children currently live in Savoy. He said that Brad has been a fixture in the real
11 estate community for many years, and is a 15-year member and current board member of the Champaign
12 Rotary West and a member of the Central Illinois Rental Property Professionals.

13
14 Mr. Moore said that they are seeking to build self-storage at the intersection of Monticello Road and I-57.
15 He said that his dad built the first self-storage business in Pana, IL, back in the 1980s. He said that his dad
16 saw the idea in a self-storage magazine, immediately bought some land, put up some steel buildings and
17 proceeded to build what is still operating as a very successful business today. He said he saw firsthand
18 both the struggles and rewards of building a self-storage business, and that stayed with him into adulthood.
19 He said that since he has been an investor, he has spent the last 20 years wanting to follow in his footsteps.
20 He said that for the last 7 years he has desired to purchase the property located on Monticello Road and I-
21 57 because he felt this would be an ideal location to do new construction. He said that about 8 months
22 ago, he noticed the property at the former gas station was finally for sale. He said that he quickly put
23 together a team of investors who he knew had the wherewithal to make their goal a reality. He said that
24 they offered an amount for the property that left no doubt in the minds of the sellers that they were serious.
25 He said that gradually, their team of three partners grew by adding two attorneys, Mary Ann Royse and
26 Phil Van Ness of Webber Thies. He said that further adding to their team, they brought Don Wauthier
27 with Berns Clancy & Associates, who has been a tremendous help to all of them; Andy Lucas of Longview
28 Bank for financing; 38-year CPA David Klimas; and Gretchen Eaton, a truly gifted architect with SAA
29 Architects who specializes in self-storage facilities. He said they next contracted with Bob and Bill Copper
30 with Self Storage 101, who currently own, consult and manage with hundreds of storage properties around
31 the country. He said they commissioned two separate feasibility studies to determine if there was unmet
32 demand for storage within the immediate 1, 3- and 5-mile areas surrounding the location, and also what
33 type of demand existed. He said that the results of both studies were conclusive, finding that there is
34 substantial demand; much of that demand revolves around a strong interest in climate-controlled storage
35 as well as non-climate control. He said that many local businesses have waiting lists for storage,
36 particularly climate-controlled storage. He said in summation, the Special Use Permit will provide the
37 community with the following: they will build an upscale, technologically advanced, A-class storage
38 solution business for those who live and work in the area; they will continue oversight of the cleanup of
39 the environmental areas left by the former gas station; they will significantly contribute to the property
40 tax revenue of the County; they will add a thriving business to expand the southern edge of Champaign
41 that will attract investment in the immediate area; they will build structures and facilities that will make a
42 strong impression to everyone traveling into Champaign on I-57; and they will work with their strong
43 team of local attorneys, engineers, architects, laborers and consultants to ensure strict compliance with
44 local and county code requirements, and work in partnership with local officials and their neighbors.

45
46 Mr. Don Wauthier, Vice President of Berns, Clancy & Associates, 405 E Main St, Urbana, said that this
47 project is going to be a state-of the art type facility that includes about 40,000 square feet of temperature
48 controlled storage space in the main building as well as about 25,000 square feet of drive-up self-storage
49 space in the first phase of development. He said that in the first phase of development, they are talking

1 about not only remediation and removal of the existing gas station and those sorts of things, but we're also
2 looking at installing the storm water management basin for the entire site as well so that they can be sure
3 that drainage is properly dealt with. He said that today, the adjacent landowner identified some drainage
4 concerns that they were aware of and wanted to take care of from the existing gas station site. He said that
5 they want to make sure those are taken care of before they get underway. He said that the site will be
6 secured with chain link security fencing and keyed access gates. He said that one of the interesting things
7 is that the temperature-controlled building will have a drive-through alley for loading and unloading
8 inside. He said that because this is a rural area, they wanted to make sure that they are sensitive to the
9 neighborhood. He said the facility will include LED lighting that is dark sky shielded such that it dims if
10 there is no motion and brightens if there is motion so that there is minimal power use and minimal glare
11 and night lighting unless there is a need for it. He said that they identified that there is a threatened species
12 of sandpiper that happens to live in this neighborhood, primarily nesting in and around the Willard airport
13 area. However, they are going to accommodate those birds with a 25-foot vegetated buffer around the
14 entire property so that it is visually appealing and allows for some sandpiper nesting sites. He said that the
15 storage buildings will generally be 1 story in size, and will be fully accessible. He said that the intent is to
16 comply with all of the codes. He said that they think this is a great facility for the neighborhood and they
17 think there are a number of reasons why this location is appropriate for this facility. He said it is necessary
18 for the public convenience due to demand for self-storage, particularly temperature-controlled self-
19 storage, as the studies indicated. He said that Monticello Road is capable of supporting the traffic that
20 would be generated from this site, which will be less than if it was being operated as a gas station. He said
21 that emergency services are available for this site; the Tolono Fire Department is five travel miles away,
22 and the Savoy Fire Department is six travel miles away. He said that since Savoy uses a County Sheriff's
23 deputy as their primary police, there will be Sheriff's deputy within 5 miles pretty much at all times. He
24 said that they think that the use of the site and the way it is going to set up will be compatible with adjacent
25 land uses. He said that it is surrounded by agricultural land primarily, so they don't think it will be a
26 significant impact on the neighborhood, particularly if they take care of drainage properly onsite. He said
27 that the fencing allows for any litter to be captured onsite. He said that drainage is probably one of the
28 bigger things because the site will primarily be hard surface, so they are anticipating construction of a 3.5-
29 acre foot stormwater management basin. He said that the site is very suitable for that use in that location.
30 He said that it is kind of a unique site in that there is the gas station site there and the 6.5-acre triangular
31 lot that is currently in crops but that parcel is not really very suitable for row crop production in today's
32 modern standards. He said that the site has always been zoned B-3 since adoption of the original County
33 Zoning Ordinance on October 10, 1973, so for 40 plus years, it has always been envisioned that there
34 would be a business at this location and it makes sense to do that now. He said that they don't think that
35 the use is going to be injurious in any way to the neighborhood; they think that the reuse of the vacant
36 truck stop/gas station site is a benefit to the community because it gets rid of eyesore that is there now and
37 allows a productive, valuable, real estate tax paying entity to go in its place. He said that they will have
38 onsite wastewater disposal and a well. He said there is not going to be very much need for water supply
39 or potable water. He said that they have not determined exactly how they will serve the site with fire
40 suppression, whether they will look at extending Illinois American Water lines to the site or whether they
41 will do some sort of an onsite storage system. He said that they think this will enhance the value of the
42 neighborhood rather than detract from the neighborhood. They think that the vacant gas station detracts
43 from the neighborhood; it is an empty site that is looking for something bad to happen there. He said that
44 as part of the development, they will do any environmental cleanup that might be necessary. He said there
45 have been four separate cleanup efforts in the past, and as part of sales contract there will be a fifth one
46 done. He said that they think this will be a good site, and a good product that will be a long term positive
47 for the community. He asked if there were any questions.

48

49 Mr. Randol asked if they would use existing septic or install a new system.

1 Mr. Wauthier said they would install a new system. He said that the existing system is to the north of the
2 gas station and the leach field is underneath the parking lot, so it needs to be replaced.

3
4 Mr. Randol asked if the well would be new also.

5
6 Mr. Wauthier said they would have a new well. He said that the existing well is not in a convenient place,
7 and so it is probably best to abandon that well and put a new one in its place. He said that they have looked
8 at groundwater conditions, and there is adequate supply of groundwater.

9
10 Mr. Randol asked if they are aware that if they are abandoning that well that it has to be done by a licensed
11 well driller.

12
13 Mr. Wauthier said yes, and drilling the new well will also be done by a licensed well driller.

14
15 Mr. Randol how far the site is from the Illinois American Water main.

16
17 Mr. Wauthier said the water main is one-third of a mile to the east along Duncan Road. He said that they
18 have to look at the cost-benefit of extending to that line. He said that Illinois American Water will want
19 100% developer payment for that installation, which is a significant amount of money. He said that they
20 still have to do that cost-benefit analysis.

21
22 Mr. Anderson asked how they are going to dispose of the existing concrete onsite.

23
24 Mr. Wauthier said it will be disposed of properly, just as you would any other material like that. He said
25 that is something in the design of the system to come. He said that the existing pavement is not suitable
26 for this use, and so it will have to be demolished and removed, and then a new surface put down.

27
28 Mr. Anderson asked if it would be ground up, or hauled up, or piled in a corner on the lot.

29
30 Mr. Wauthier said they would have to evaluate the material to see if it can be ground up and used as a
31 subbase below the new pavement. He said that if it is going to be suitable for that, they will have to recycle
32 it on site. He said that if it is not going to be suitable, the contractor will have to remove it and properly
33 dispose of it. He said until they take the samples and do the evaluation of exactly what's there, they won't
34 know if it will be suitable to recycle on site. He said their goal would be to reuse it if possible because that
35 would be less expensive.

36
37 Mr. Anderson stated that neighbors find the dust and noise from grinding cement and asphalt
38 objectionable.

39
40 Mr. Wauthier said that he is sure they do; however, there are no homes or businesses within 1,000 feet of
41 the site, so they don't think that will be a problem. He said that they will have to look at that when they
42 get to that point, but they are not anticipating that being a problem.

43
44 Ms. Lee asked about Mr. Wauthier's response from today's email where he says the idea is to build a
45 stormwater management basin in the northwest corner of the tract that will hold all of the stormwater
46 runoff from the entire site. The discharge from that basin would be to the west, directly into the I-57
47 roadside ditch. She asked if there is any permission they have to get from the State of Illinois with it being
48 a federal based highway to allow discharge to the I-57 ditch.

49

1 Mr. Wauthier said yes, they will have to get permit from the Illinois Department of Transportation. He
2 said that they have a permit policy in place. He said that since the existing drainage from that site already
3 flows into the ditch, as can be seen in the topographic map in their submittal, so IDOT will allow that to
4 be done so long as it meets their permit requirements. He said that would be part of the design; as part of
5 the concept that they put together, they made sure that the proposed stormwater basin meets IDOT
6 requirements so they will be able to get a permit.

7
8 Mr. Elwell asked if there is any type of tiling in the six acres to the west.

9
10 Mr. Wauthier said not to their knowledge, nor from Reifsteck property to the east underneath the gas
11 station site and through that property. If the Special Use is approved, they will have to look at that and
12 make sure that there are no offsite tiles that would be damaged. He said that if there is tile that is only
13 serving that site, it will get replaced as part of the proposed drainage system for this site. He said that they
14 want to protect tile.

15
16 Mr. Wood referred to Mr. Wauthier's email about environmental issues and underground tank storage
17 leaks, which said the tanks have been mitigated, and they would continue to monitor that. He asked if the
18 tanks have been removed or will they be removed in the process of removing that surface.

19
20 Mr. Wauthier said the intent as part of sale is that the seller will remove any tanks. He said that as far as
21 anyone is aware, there are no leaks from the tanks. He said that as part of the EPA requirements for any
22 tank removal, that contractor will test to confirm that no leaks have taken place, and if there are leaks,
23 they will immediately have to remediate them. He said that the site has a clean bill of health, so to speak,
24 with any past remediation efforts. He said that there is no contamination that exists there as far as anyone
25 knows, but as you pull the tanks out, if you discover something, they will have to deal with it.

26
27 Mr. Hall asked Mr. Wauthier asked if they need an EPA permit to remove those tanks, or do you just
28 remove them and if you find out you need EPA approval, you bring them in.

29
30 Mr. Wauthier said that they do need an EPA permit to remove them, and that permit has been issued and
31 a contractor hired to do that.

32
33 Mr. Elwell asked if there were any other questions from the Board.

34
35 Mr. Randol asked Mr. Hall if the Board needs to have a special condition about the sandpiper birds as to
36 construction being limited to their migratory and nesting timeframe.

37
38 Mr. Hall said that he thinks that would be up to the Board. He said that the petitioner has stated they will
39 take that into account, which is perhaps the first time a petitioner has stated they would willingly take that
40 into account. He said that the Board could trust the petitioner to do the right thing, or the Board could
41 impose a condition.

42
43 Mr. Elwell asked what the groundcover will be on the west 6 acres.

44
45 Mr. Wauthier said that eventually the entire site will be self-storage buildings and paving, other than the
46 stormwater management basin and the 25-30 feet wide periphery vegetated landscape area. Currently there
47 is row crop agriculture, but it will be grass and paved for the most part. The first phase of development is
48 actually on that 6.5-acre tract, not on the gas station tract.

49

1 Mr. Elwell asked about parking.

2

3 Mr. Hall said there will be sufficient parking.

4

5 Mr. Elwell asked if there was any cross-examination. Seeing none, he asked if anyone else would like to
6 testify. Seeing no one, he asked how the Board would like to proceed.

7

8 Mr. Elwell entertained a motion to proceed with the special conditions.

9

10 **Mr. Wood moved, seconded by Mr. Roberts, to proceed with the special conditions.**

11

12 Mr. Elwell asked for a roll call vote.

13

14 The vote was called as follows:

15 **Anderson – yes**

Elwell – yes

Randol – yes

16 **Roberts – yes**

Wood – yes

Lee – yes

17

18 **The motion passed.**

19

20 Mr. Elwell referred to the special conditions on page 25 of 28 of Attachment G.

21

22 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
23 **proposed Self-Storage Warehouse Units providing heat and utilities to individual**
24 **units until the petitioner has demonstrated that the proposed Special Use complies**
25 **with the Illinois Accessibility Code.**

26

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

**That the proposed Special Use meets applicable State requirements for
accessibility.**

27

28 Mr. Moore agreed with special condition A.

29

30 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
31 **the petitioner has demonstrated that any new or proposed exterior lighting on the**
32 **subject property will comply with the lighting requirements of Section 6.1.2.**

33

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

That the proposed use is in compliance with the Zoning Ordinance.

34

35 Mr. Moore agreed with special condition B.

36

37 **C. No business operations on the subject property can include anything other than**
38 **simple storage.**

39

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

That no additional uses are established on the subject property.

40

41 Mr. Moore agreed with special condition C.

42

43

1 D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
 2 **authorizing occupancy of the proposed buildings until the Zoning Administrator has**
 3 **received a certification of inspection from an Illinois Licensed Architect or other**
 4 **qualified inspector certifying that the new buildings comply with the following codes:**
 5 **(A) the 2006 or later edition of the International Building Code, and (B) the 2008 or**
 6 **later edition of the National Electrical Code NFPA 70.**

7
8 The special condition stated above is required to ensure the following:

9 **New commercial buildings shall be in conformance with Public Act 96-704.**

10
11 Mr. Moore agreed with special condition D.

12
13 E. **A septic system shall be installed on the subject property, and:**

14 **(1) A Zoning Use Permit shall not be approved until the petitioner provides a copy**
 15 **of certification from the County Health Department that the proposed septic**
 16 **system on the subject property has sufficient capacity for the proposed use.**

17
18 **(2) The septic leach field shall be kept free of vehicular traffic and cannot be paved**
 19 **over.**

20
21 The special condition stated above is required to ensure the following:

22 **That the septic system complies with State regulations.**

23
24 Mr. Moore agreed with special condition E.

25
26 F. **A complete Storm Water Drainage Plan that conforms to the requirements of the**
 27 **Storm Water Management and Erosion Control Ordinance shall be submitted and**
 28 **approved as part of the Zoning Use Permit application, and all required certifications**
 29 **shall be submitted prior to issuance of the Zoning Compliance Certificate.**

30
31 The special condition stated above is required to ensure the following:

32 **That the drainage improvements conform to the requirements of the Storm**
 33 **Water Management and Erosion Control Ordinance.**

34
35 Mr. Moore agreed with special condition F.

36
37 Mr. Elwell entertained a motion to move to the Findings of Fact.

38
39 **Mr. Roberts moved, seconded by Mr. Wood, to move to the Findings of Fact.**

40
41 Mr. Elwell asked for a roll call vote.

42
43 The vote was called as follows:

44 Anderson – yes	Elwell – yes	Randol – yes
45 Roberts – yes	Wood – yes	Lee – yes

46
47 **The motion passed.**

FINDINGS OF FACT FOR CASE 004-S-21:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **004-S-21** held on **April 29, 2021**, the Zoning Board of Appeals of Champaign County finds that:

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

Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this location because: a market study commissioned by the applicant indicates that the demand for self-storage facilities within a 5-mile radius of the proposed site exceeds the supply for these types of facilities. There are currently wait lists for climate-controlled self-storage and for several other unit types. The subject property is located in the northeast quadrant of the I-57 interchange at CR 1000N/CH 18/Monticello Road. Nearby villages include Tolono (1.8 miles), Savoy (2.3 miles), and Sadorus (4 miles). The City of Champaign is approximately 2.6 miles north.

2. 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 because:

a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

Mr. Wood stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility because: traffic volumes along Monticello Road are below capacity, and the installation of this particular business as opposed to the gas station would probably result in lower traffic than what has been there in the past. There will be an improvement to the entrance with the widened shoulder on Monticello Road.

b. Emergency services availability is ADEQUATE.

Mr. Wood stated that emergency services availability is ADEQUATE because: the subject property is located approximately 5 road miles from the Tolono Fire Protection District station, which should be close enough for them to service that location adequately.

Mr. Elwell asked if we are assuming that there is water on the premises either through the well or by connecting to the Illinois American Water main that is one-third of a mile away.

Mr. Wood said that he thinks they have those two choices that Mr. Wauthier discussed. He said that the option with Illinois American Water is relatively expensive. He said that with the well option, he doesn't know how well located a well being that far south is, it's not located over the Mahomet Aquifer. He said he thinks the third suggestion was that they have some kind of water supply on premises for fire suppression.

Mr. Elwell asked if this statement have any bearing on availability of water for water suppression.

Mr. Hall said that they way it is written, it is only intending to address the availability of emergency services. He said that the Board can always take into account whether water for firefighting is available

1 or not, but he would say that would be an additional factor. He said the Board can always add things to
2 these findings.

3

4 Mr. Elwell asked if fire suppression would not be considered emergency services.

5

6 Mr. Hall said that fire suppression is emergency services; emergency services availability has to do with
7 how close you are to the services and are the services readily available. He said they could add another
8 item about fire suppression feasibility at this property if the Board wants to add it.

9

10 Mr. Elwell asked Mr. Randol, with his background with the fire service, how would a fire be fought if
11 there is no water to this facility.

12

13 Mr. Randol said that the first thing is that Tolono would request mutual aid, and every fire department in
14 the county has a mutual aid agreement with each other. He said that tankers would transport water in, and
15 it would have to be shuttled in after that from the nearest fire hydrant.

16

17 Mr. Roberts asked if the retention pond would hold enough water year-round to adequately supply
18 something like that, or is that basin shallow.

19

20 Mr. Randol said that if it is deep enough, a dry hydrant system can be installed to where water could be
21 pulled from that pond.

22

23 Mr. Roberts said his neighbors have a system using a borrow pit, and he just wondered how deep the basin
24 will be; he doesn't think it says the depth of the retention pond on the specifications.

25

26 Mr. Randol said that most fire apparatus have a lift capability of lifting water 20 feet, so if the water level
27 is above 20 feet from the paved surface, there should be no problem getting water.

28

29 Mr. Elwell asked what size well would be needed to supply the apparatus.

30

31 Mr. Randol said he is not a well man, but the issue is not the well, but that you would have to have the
32 storage for the water when it comes from the wells. He said you don't just hook up to a well with a fire
33 engine and get water.

34

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

36

37 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses because: all four quadrants
38 around the I-57 interchange at Monticello Road/CR 1000N/CH-18 are zoned either B-2, B-3, or B-4. The
39 proposed land use is commercial.

40

41 **d. Surface and subsurface drainage will be ADEQUATE.**

42

43 Mr. Wood stated that surface and subsurface drainage will be ADEQUATE because: the site plan includes
44 construction of perimeter surface drainage swales, an internal system of surface drainage, and a
45 stormwater management basin with a storage volume of approximately 3.5 acre-feet of stormwater runoff.

46

47 **e. Public safety will be ADEQUATE.**

48

1 Mr. Randol stated that public safety will be ADEQUATE because: the subject property is located
2 approximately 5 road miles from the Tolono Fire Protection District station, about 6 miles from Sadorus,
3 and about 3 miles from Savoy. There are good county and state highways for fire trucks to get to the site.
4

5 **f. The provisions for parking will be ADEQUATE.**
6

7 Mr. Wood said that the provisions for parking will be ADEQUATE because: analysis by P&Z staff
8 indicates that there is sufficient space on the property for all 368 required parking spaces, and if we go
9 back to item 2, that will not be injurious to the district.
10

11 Mr. Elwell asked Mr. Hall if there have been any requirements for water storage that the Board has
12 requested for fire suppression needs.
13

14 Mr. Hall said no, that has never been an issue.
15

16 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
17 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**
18 **DISTRICT in which it is located.**
19

20 Mr. Wood said that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
21 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
22 which it is located.
23

24 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
25 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is**
26 **located because:**

27 **a. The Special Use will be designed to CONFORM to all relevant County ordinances**
28 **and codes.**
29

30 Mr. Wood stated that the Special Use will be designed to CONFORM to all relevant County ordinances
31 and codes.
32

33 **b. The Special Use WILL be compatible with adjacent uses.**
34

35 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses.
36

37 **c. Public safety will be ADEQUATE.**
38

39 Mr. Wood stated that public safety will be ADEQUATE.
40

41 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
42 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.
43

44 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
45 **IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance**
46 **because:**

47 **a. The Special Use is authorized in the District.**
48

49 Mr. Elwell stated that the Special Use is authorized in the District.

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

Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this location.

- c. **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.**

Mr. Randol 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.

- d. **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.**

Mr. Randol 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.

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

- 5. **The requested Special Use IS NOT an existing non-conforming use.**

Mr. Elwell stated that the requested Special Use IS NOT an existing non-conforming use.

- 6. **THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouse Units providing heat and utilities to individual units until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate 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 special condition stated above is required to ensure the following:

That the proposed use is in compliance with the Zoning Ordinance.

- C. **No business operations on the subject property can include anything other than simple storage.**

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

That no additional uses are established on the subject property.

- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code, and (B) the 2008 or later edition of the National Electrical Code NFPA 70.**

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

New commercial buildings shall be in conformance with Public Act 96-704.

- E. **A septic system shall be installed on the subject property, and:**
 - (1) **A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

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

That the septic system complies with State regulations.

- F. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application, and all required certifications shall be submitted prior to issuance of the Zoning Compliance Certificate.**

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

That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended.

Mr. Hall said that there are three Documents of Record that should be added. Item 7 is the email with pictures from John Reifsteck received April 28, 2021. Item 8 is the email from David Smith received April 29, 2021. Item 9 is the email from Don Wauthier to John Reifsteck dated April 28, 2021.

Mr. Roberts moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact, as amended.

Mr. Elwell asked for a roll call vote.

The vote was called as follows:

Anderson – yes	Elwell – yes	Randol – yes
Roberts – yes	Wood – yes	Lee – yes

1 **The motion passed.**

2

3 Mr. Elwell entertained motion to move to the Final Determination.

4

5 **Mr. Randol moved, seconded by Mr. Roberts, to move to Final Determination.**

6

7 Mr. Elwell asked for a roll call vote.

8

9 The vote was called as follows:

10	Anderson – yes	Elwell – yes	Randol – yes
11	Roberts – yes	Wood – yes	Lee – yes

12

13 **The motion passed.**

14

15 **FINAL DETERMINATION FOR CASE 004-S-21**

16

17 **Mr. Randol moved, seconded by Mr. Wood, that the Champaign County Zoning Board of Appeals**
18 **finds that, based upon the application, testimony, and other evidence received in this case, the**
19 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority**
20 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

21

22 **The Special Use requested in Case 004-S-21 is hereby GRANTED WITH SPECIAL**
23 **CONDITIONS to the applicants, Brandon Moore, Stephen Dahl, and Brad Bengtson, d.b.a.**
24 **Sandpiper Holdings LLC, to authorize the following:**

25

26 **Authorize the construction and use of up to 170,260 square feet of Self-Storage**
27 **Warehouse Units of various sizes including 45,300 square feet of Self-Storage Warehouse**
28 **Units with climate control and 124,960 square feet of non-climate controlled Self-Storage**
29 **Warehouse Units as a Special Use on land in the B-3 Highway Business Zoning District.**

30

31 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

32 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
33 **proposed Self-Storage Warehouse Units providing heat and utilities to individual**
34 **units until the petitioner has demonstrated that the proposed Special Use complies**
35 **with the Illinois Accessibility Code.**

36

37 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
38 **the petitioner has demonstrated that any new or proposed exterior lighting on the**
39 **subject property will comply with the lighting requirements of Section 6.1.2.**

40

41 **C. No business operations on the subject property can include anything other than**
42 **simple storage.**

43

44 **D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
45 **authorizing occupancy of the proposed buildings until the Zoning Administrator has**
46 **received a certification of inspection from an Illinois Licensed Architect or other**
47 **qualified inspector certifying that the new buildings comply with the following codes:**
48 **(A) the 2006 or later edition of the International Building Code, and (B) the 2008 or**
49 **later edition of the National Electrical Code NFPA 70.**

50

- 1 E. A septic system shall be installed on the subject property, and:
 - 2 (1) A Zoning Use Permit shall not be approved until the petitioner provides a copy
 - 3 of certification from the County Health Department that the proposed septic
 - 4 system on the subject property has sufficient capacity for the proposed use.
 - 5
 - 6 (2) The septic leach field shall be kept free of vehicular traffic and cannot be paved
 - 7 over.
 - 8
- 9 F. A complete Storm Water Drainage Plan that conforms to the requirements of the
- 10 Storm Water Management and Erosion Control Ordinance shall be submitted and
- 11 approved as part of the Zoning Use Permit application, and all required certifications
- 12 shall be submitted prior to issuance of the Zoning Compliance Certificate.
- 13

14 Mr. Elwell asked for a roll call vote.

15
16 The vote was called as follows:

17 Anderson – yes	Elwell – yes	Randol – yes
18 Roberts – yes	Wood – yes	Lee – yes

19
20 **The motion passed.**

21
22 Mr. Elwell told Mr. Moore that the case was approved, and that the P&Z Department would be in touch.
23 He said that he greatly appreciated the level of detail provided for the Board.

24
25 **Case 005-V-21**

26 Petitioner: **Steven Jacobs**

27 Request: **Authorize a variance for a 10.907-acre lot in lieu of the maximum allowed 3 acres in area**
28 **for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section**
29 **5.3 of the Champaign County Zoning Ordinance.**

30 Location: **A 10.907-acre tract in the West Half of the Southeast Quarter of Section 7, Township 19**
31 **North, Range 8 East of the Third Principal Meridian in Champaign Township, commonly known**
32 **as the farmstead with an address of 5508 West Springfield Avenue, Champaign.**

33
34 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
35 the witness register for that public hearing. He reminded the audience that when they sign the witness
36 register, they are signing an oath.

37
38 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
39 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
40 show of hands or a verbal indication from those who would like to cross-examine, and each person will
41 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name
42 before asking any questions. He noted that no new testimony is to be given during the cross-examination.
43 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
44 examination. He asked if the petitioner would like to outline the nature of their request prior to introducing
45 evidence.

46
47 Mr. Steven Jacobs, 5508 West Springfield Avenue, Champaign, stated that his request for the variance is
48 civil issues supporting his desire to maintain the farmstead as it was conceived and maintaining for the
49 last 100 years, and to incorporate the hedgerow that is an integral part of the property in terms of outlining

1 a workable area orientation for crop production and wildlife habitat. He said that the 10.9 acres also
2 supports hay production that he would like to retain, and he wants to square and straighten all the
3 agricultural lines to make farming more efficient.
4
5 Mr. Elwell asked if there were any questions from the Board. He asked Mr. Jacobs if the 75-acre parcel
6 includes the house.
7
8 Mr. Jacobs said correct.
9
10 Ms. Lee asked if he plans to reside on the property himself.
11
12 Mr. Jacobs said correct.
13
14 Ms. Lee asked if he had plans for the future other than the residence.
15
16 Mr. Jacobs said no.
17
18 Mr. Elwell asked about the outbuilding to the north of the proposed 10 acres shown on Attachment C.
19
20 Mr. Jacobs said that the outbuilding is a corn crib and would be removed as part of the transaction.
21
22 Mr. Elwell asked if that area of lighter soil where the crib is would be returned to farming.
23
24 Mr. Jacobs said correct.
25
26 Mr. Elwell asked if the hay production is to the south of the house.
27
28 Mr. Jacobs said that the area to the east of the farmstead and wrapping around to the west is the hay
29 producing area.
30
31 Mr. Elwell said that he understands the 3-acre limit, but it seems to him that in this case, you are keeping
32 the spirit of the farmstead in place. He asked Mr. Hall if there would be a downside from a staff
33 perspective.
34
35 Mr. Hall said they tried to write it into the ordinance that this type of request would be allowed by-right,
36 but that was just too difficult. He said that he thinks this is a reasonable request.
37
38 Mr. Elwell said that if there was a picture of a perfect variance, this would be it.
39
40 Mr. Elwell asked if there were any other questions from the Board or staff.
41
42 Mr. Anderson asked the shed would be removed by whom and when.
43
44 Mr. Jacobs said it would be removed by Jacobs Excavating Service in the next 30 days. He said that Mr.
45 Bud Barker has had lengthy discussion about that, and he is very comfortable with the situation and they
46 are willing to write a contract to that effect if necessary.
47
48 Mr. Elwell noted that there were no special conditions, and entertained a motion to move to the Findings
49 of Fact.

1 **Mr. Roberts moved, seconded by Mr. Wood, to move to the Findings of Fact.**

2

3 Mr. Elwell asked for a roll call vote.

4

5 The vote was called as follows:

6	Anderson – yes	Elwell – yes	Randol – yes
7	Roberts – yes	Wood – yes	Lee – yes

8

9 **The motion passed.**

10

11 **FINDINGS OF FACT FOR CASE 005-V-21**

12 From the documents of record and the testimony and exhibits received at the public hearing for zoning case **005-V-21** held on **April 29, 2021**, the Zoning Board of Appeals of Champaign County finds that:

13

- 14
- 15 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
- 16 **structure involved, which are not applicable to other similarly situated land and**
- 17 **structures elsewhere in the same district.**

18

19 Mr. Wood said that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: the original farmstead was developed as is and has been for the last 100 years, and it has not been changed. He said it doesn't make a lot of sense for it to be broken up just to meet a 3-acre requirement in the zoning regulations. It was already set up long before zoning regulations occurred. The residence is set back from the road by over 400 feet, which makes it difficult to segregate. A rectangular site makes it more feasible for the farmer taking on the 65 acres to actually farm the property, particularly with the size of equipment they have these days.

20

- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
- 29 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use**
- 30 **of the land or structure or construction.**

31

32 Mr. Wood said that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because: limiting the proposed residential lot to 3 acres would create a fairly irregular shape to the farmstead, which doesn't make any sense. It has been this way for 100 years, and probably will be for another 100 years.

33

- 34
- 35
- 36
- 37
- 38 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
- 39 **result from actions of the applicant.**

40

41 Mr. Randol said that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because: the petitioners want to use existing markings on the land to divide it up and make it useable for everybody.

42

- 43
- 44
- 45 **4. The requested variance IS in harmony with the general purpose and intent of the**
- 46 **Ordinance.**

47

48 Mr. Wood said that the requested variance IS in harmony with the general purpose and intent of the Ordinance because: no real ground changes are proposed.

49

5. The requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

Mr. Randol said that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: there will be no changes to any structures, and there have been no negative comments from relevant jurisdictions.

6. The requested variance IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Wood said that the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure.

7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.

Mr. Elwell said that no special conditions are hereby imposed.

Mr. Elwell stated that there are no other Documents of Record to add.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Finding of Fact, as amended.

Mr. Roberts moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of Record, and Finding of Fact, as amended.

Mr. Elwell asked for a roll call vote.

The vote was called as follows:

Anderson – yes	Elwell – yes	Randol – yes
Roberts – yes	Wood – yes	Lee – yes

The motion passed.

Mr. Elwell entertained a motion to move to the Final Determination.

Ms. Lee moved, seconded by Mr. Randol, to move to the Final Determination.

Mr. Elwell asked for a roll call vote.

The vote was called as follows:

Anderson – yes	Elwell – yes	Randol – yes
Roberts – yes	Wood – yes	Lee – yes

The motion passed.

FINAL DETERMINATION FOR CASE 005-V-21

Mr. Randol, seconded by Mr. Wood, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the

1 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority
2 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of
3 Appeals of Champaign County determines that:

4
5 The Variance requested in Case 005-V-21 is hereby GRANTED to the petitioner, Steven
6 Jacobs, to authorize the following:

7
8 Authorize a variance for a 10.907-acre lot in lieu of the maximum allowed 3 acres in area
9 for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District,
10 per Section 5.3 of the Champaign County Zoning Ordinance.

11
12 Mr. Elwell asked for a roll call vote.

13
14 The vote was called as follows:

15 Anderson – yes Elwell – yes Randol – yes
16 Roberts – yes Wood – yes Lee – yes

17
18 The motion passed.

19
20 Mr. Elwell told Mr. Jacobs that his case has been approved, and staff would reach out soon.

21
22 7. Staff Report – Mr. Hall said that a new staff member will fill Connie Berry’s position starting
23 Monday, May 3, 2021.

24
25 8. Other Business

26
27 A. Review of Docket

28
29 Mr. Wood said he would be gone in May and would miss both May meetings.

30
31 9. Audience participation with respect to matters other than cases pending before the Board

32
33 None

34
35 10. Adjournment

36
37 Mr. Elwell entertained a motion to adjourn the meeting.

38
39 Mr. Roberts moved, seconded by Mr. Wood, to adjourn the meeting.

40
41 Mr. Elwell requested a roll call vote.

42
43 The vote was called as follows:

44 Randol – yes Roberts- yes Wood – yes
45 Anderson– yes Elwell - no Lee - yes

46
47 Mr. Elwell said the motion carried.

48
49 The meeting adjourned at 8:08 p.m.

1 Respectfully submitted,
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5 Secretary of Zoning Board of Appeals
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