

CASE NO. 135-S-24

PRELIMINARY MEMORANDUM

August 8, 2024

Petitioner: **Andrew Peacock**

Request: **Authorize the construction and use of an outdoor self-storage lot as a Special Use on land in the B-5 Central Business Zoning District, per Section 5.2 of the Champaign County Zoning Ordinance.**

Subject Property: Generally, the west 225 feet of the east 425 feet of Lot 6 of C.A. and George Besore's Subdivision of the South Half of the Southeast Quarter of Section 7, Township 19 North, Range 10 East of the Third Principal Meridian, Champaign County Illinois, further identified as the western part of property with PIN 28-22-07-451-010 and the eastern part of property with PIN 28-22-07-451-011 and commonly known as the vacant portion of the property at 1864 County Road 1600N, Urbana.

Site Area: **2.5 acres**

Time Schedule for Development: **As soon as possible**

Prepared by: **Charlie Campo**, Senior Planner
John Hall, Zoning Administrator

BACKGROUND

The petitioner owns two parcels totaling approximately 2.5 acres that currently contains two single family residences and a 60x120 quonset storage building.

The properties were previously used for both residential and commercial uses, containing multiple manufactured homes and two large storage buildings with outdoor storage areas. The properties have been zoned B-5 Central Business since the adoption of the Champaign County Zoning Ordinance on October 10, 1973. The existing residences on the properties are non-conforming.

The petitioner purchased the parcels in 2022 and 2023. The properties were previous enforcement properties that the petitioner has been cleaning up for development.

The petitioner has submitted a Special Use Permit Application for the construction and use of an outdoor self-storage area. A site plan was submitted showing the existing 60x120 ft. quonset building that is to be leased warehouse space, and a proposed 200x170 ft. fenced outdoor self-storage area with two gated entrances along US-150/CR 1600N.

The P&Z Department has received preliminary comments from IDOT regarding the proposed Special Use Permit.

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

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within St. Joseph Township, which has a Plan Commission. Townships with Plan Commissions do not have protest rights on Special Use Permits; however, they do receive notice of such cases and they are invited to comment.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential, Commercial	B-5 Central Business
North	Agriculture	AG-1 Agriculture
East	Commercial	B-5 Central Business
West	Residential	R-1 Single Family Res.
South	Residential, Public, Agriculture	B-5, AG-1

TRAFFIC/ACCESS

The proposed development area currently has three driveway apron entrances from US-150. One is in front of the existing quonset building and the other two are in front of the proposed self-storage area. Each residence also has a driveway onto US-150. The petitioner and P&Z staff have spoken to IDOT regarding the development. Emails from IDOT to P&Z staff are attached. The number of entrances, spacing, new curb and gutter construction, and setback spacing to allow vehicles to pull off the road outside of the gate will need to be approved by IDOT.

PROPOSED SPECIAL CONDITIONS

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed outdoor self-storage lot 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 Use Permit until the petitioner has received approval for the entrances along US-150 from IDOT.**

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

That the proposed use is in compliance with IDOT regulations.

- E. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has received as-built approval of the entrances from IDOT.**

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

That the entrances are constructed to IDOT standards.

- F. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has provided a Knox box or other means of emergency access for the gated entrances to the relevant Fire Protection District.**

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

That there is a means of access to the gated area for emergency responders.

ATTACHMENTS

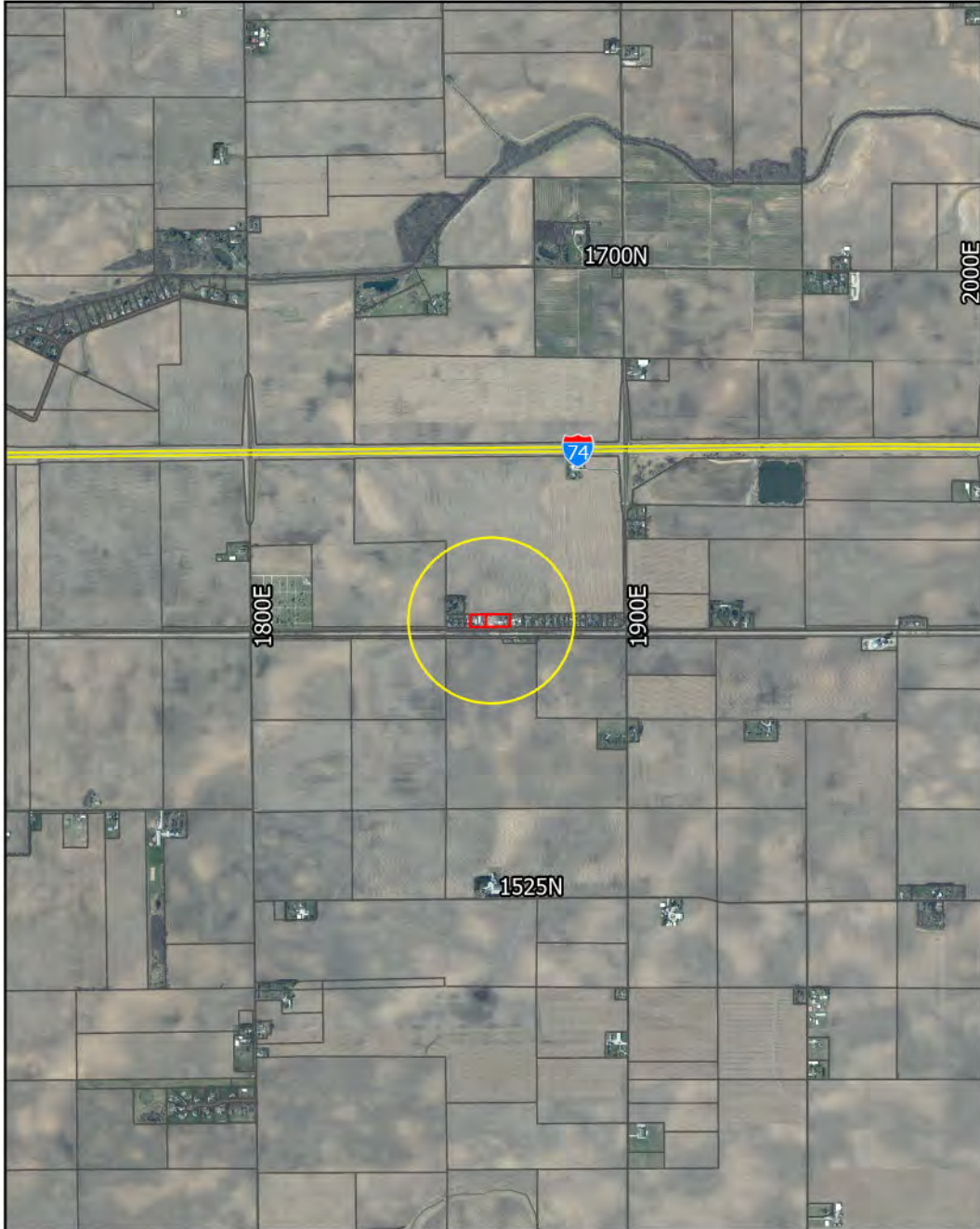
- A Case Maps (Location, Land Use, Zoning)
- B Revised Site Plan received July 22, 2024:
- C Email from Cale Shonk, Permits Supervisor IDOT received August 5, 2024
- D Annotated Aerial Photos 1973, 1988, 2002
- E Annotated Aerial Photo with Site Plan created by P&Z Staff
- F Site photos taken August 8, 2024
- G Summary of Evidence, Finding of Fact, and Final Determination dated August 15, 2024

Location Map

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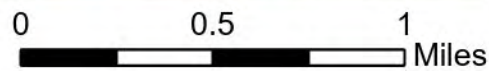
August 15, 2024

Subject Property

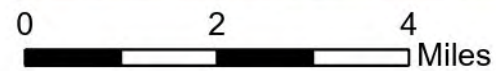
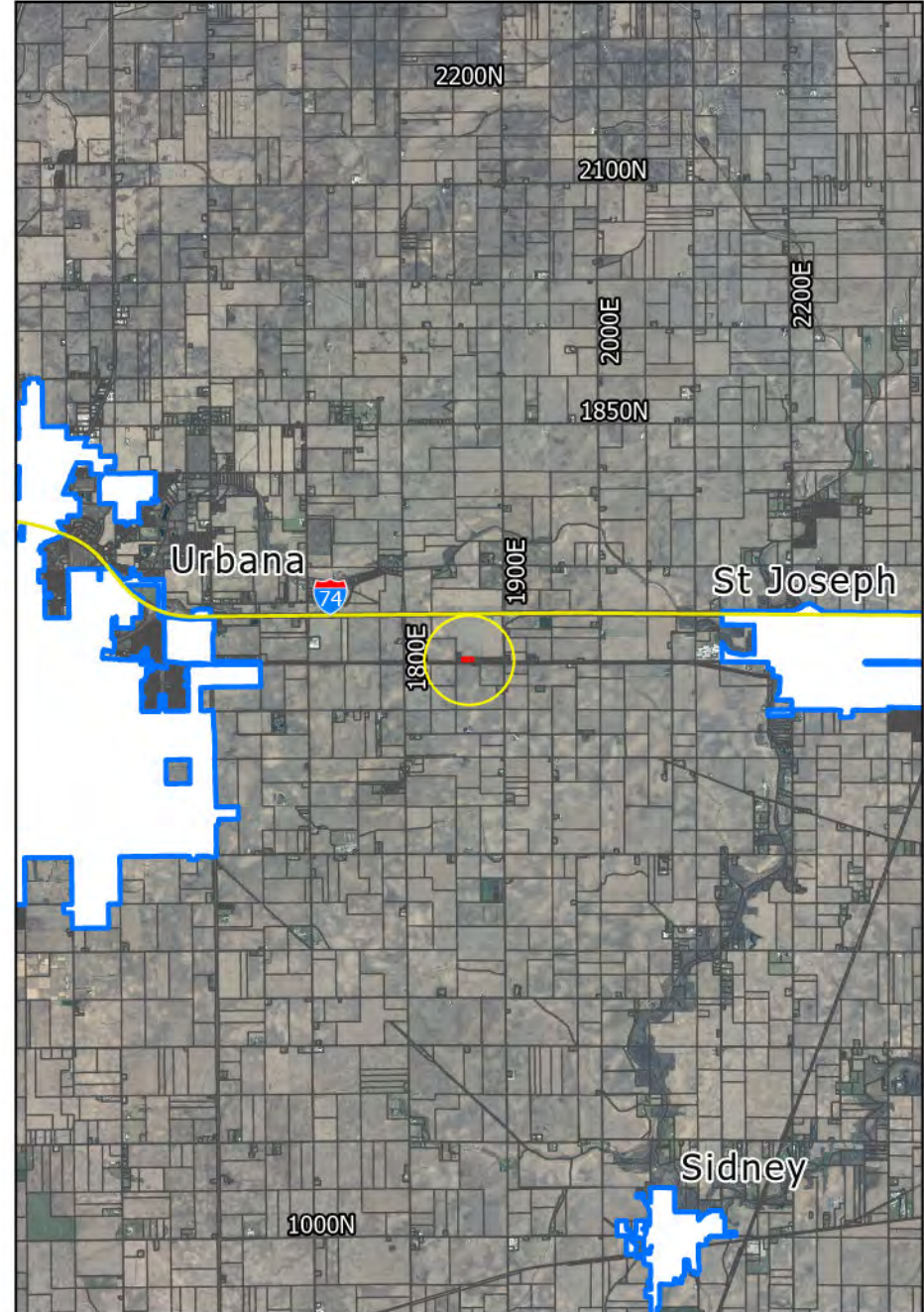


 Subject Property

 Municipal Boundary



Property Location in Champaign County



N








Land Use Map

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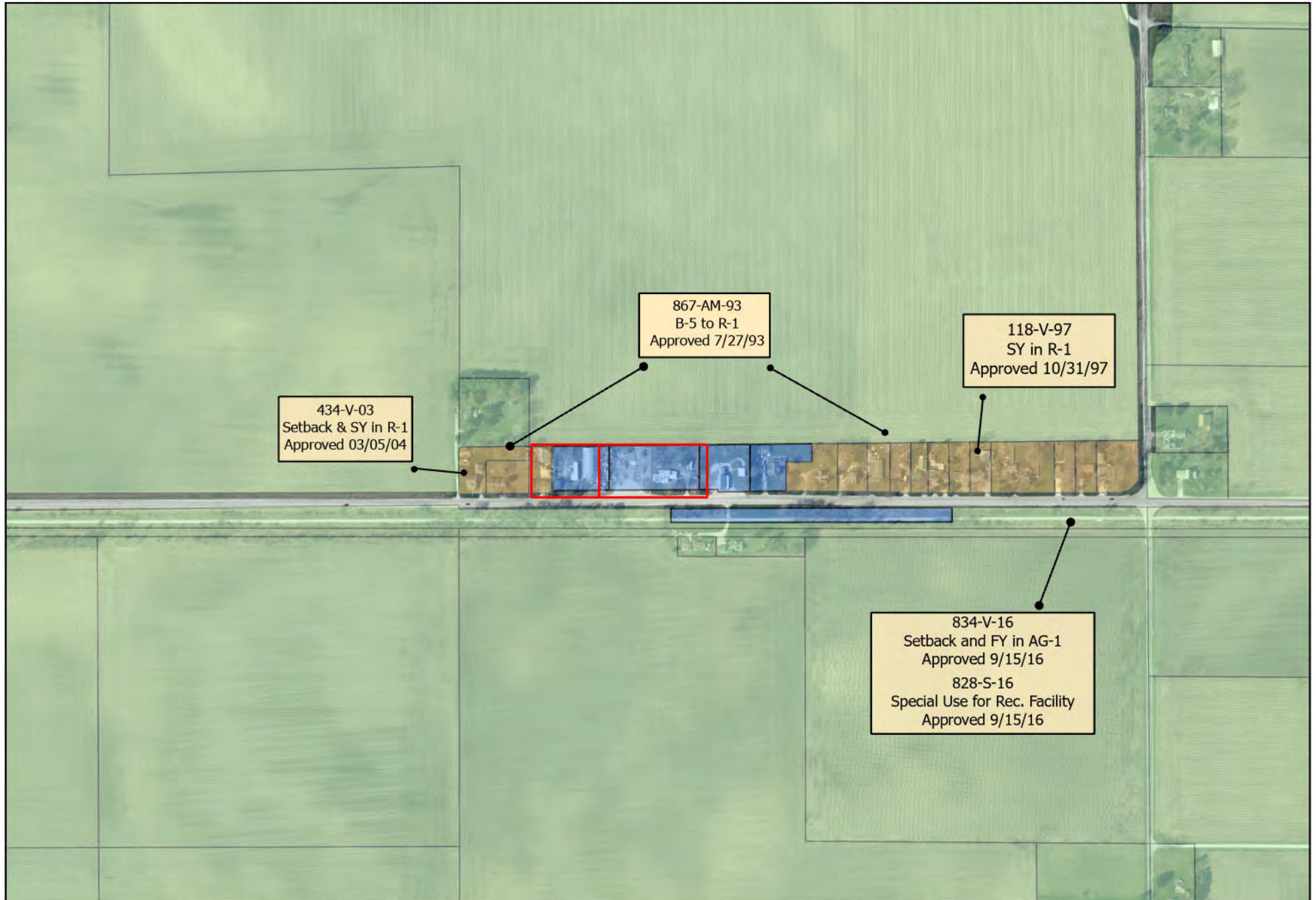


-  Subject Property
-  Commercial
-  Kickapoo Rail Trail
-  Agriculture
-  Residential

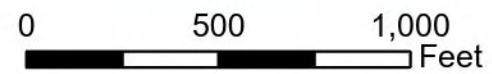


Zoning Map

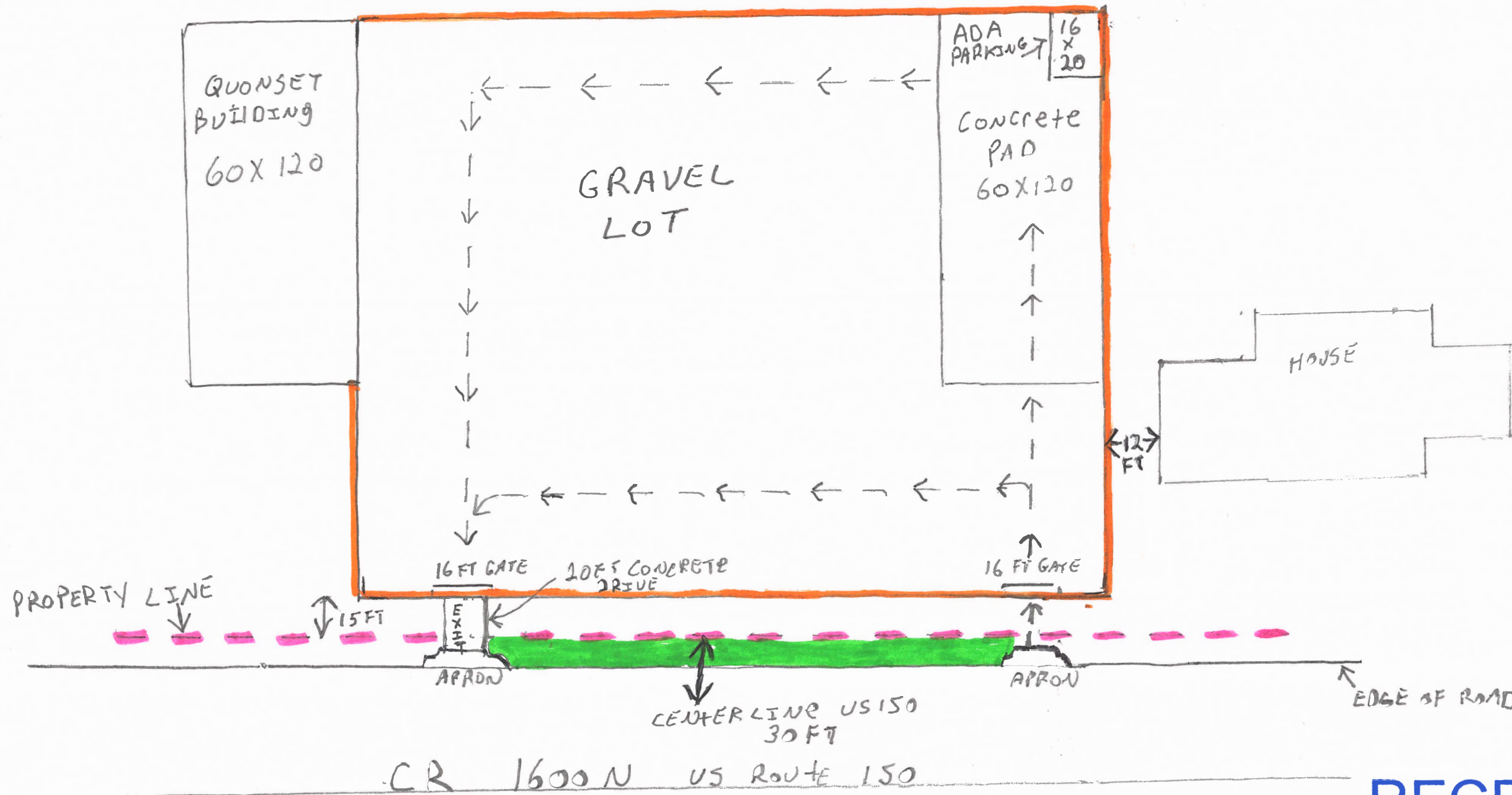
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-  Subject Property
-  B-5 Central Business
-  AG-1 Agriculture
-  R-1 Single-Family Residence



- PROPERTY LINE
- GRASS
- TRAFIC FLOW
- 8FT PRIVACY FENCE



RECEIVED
JUL 22 2024
CHAMPAIGN CO. P & Z DEPARTMENT

Charles W. Campo

To: Shonk, Cale P
Subject: RE: [External] 1864 CR 1600N

From: Shonk, Cale P <Cale.Shonk@illinois.gov>
Sent: Monday, August 5, 2024 8:08 AM
To: Charles W. Campo <cwc43700@champaigncountyil.gov>
Subject: RE: [External] 1864 CR 1600N

CAUTION: External email, be careful when opening.

Charlie,

To get a permit yes, it would come to me for review and approval. For what is submitted, we would need to see more detail/dimensions on the entrances. Im going to run this by Geometrics, because we typically do not allow 2 entrances for commercial properties unless it's a high-volume drive thru. Keep in mind the entrance will have to have curb & gutter and will need to be noted along with radii will also need labeled. Our minimum radius would be 20' on both sides, or 30'- 50' desirable. They must be done in 5' increments. Other than that, I will get with our Geometrics engineer for the 2-entrance potential approval and then I will wait for another submitted with dimensions from your petitioner.

Thank you,
Cale

Cale Shonk
Permits Supervisor
IDOT Region 3/District 5
Cale.Shonk@illinois.gov
217-466-7232

[CLICK HERE FOR IDOT PERMIT INFORMATION](#)

Here are the Geometrics comments:

I don't mind the two access points for a lot with frontage of over 250 ft but the distance from the edge of traveled way on US 150 to the gate is a concern. Any person pulling a trailer into this site will have the trailer stopped on US 150 while the gate is opened. Need to see the ingress/egress width and radii along with a proposed setback for the entrance gate to accommodate the vehicle and trailer combo storage while the gate opens. That setback depends what all storage this site plans to hold.

Thank you,
Cale

From: Charles W. Campo <cwc43700@champaigncountyil.gov>
Sent: Friday, August 2, 2024 1:20 PM
To: Shonk, Cale P <Cale.Shonk@illinois.gov>
Subject: RE: [External] 1864 CR 1600N

Hello Cale Shonk,

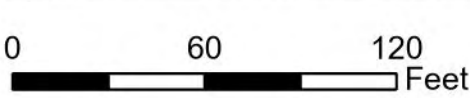
The information that you've provided has been very helpful, and our mapping department is re-working this area to correct any errors.

The petitioner has provided a revised site plan (see attached) as part of their Special Use Permit zoning case. A notice of the case was sent by mail to Kensil Garnett along with other relevant jurisdictions however it would be helpful for our Zoning Board to have IDOT review/approval of the proposed site plan. Is this something that your department does or is there a different department that you can recommend? Thanks for your help.

Charlie Campo, AICP
Zoning Officer
Champaign County Department of Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
ccampo@co.champaign.il.us ph:217-384-3708

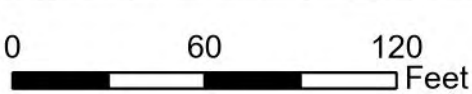
Annotated 1973 Aerial

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Annotated 1988 Aerial

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Annotated 2002 Aerial

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August 15, 2024



0 60 120 Feet










Annotated 2023 Aerial

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	Proposed gravel lot & 8 ft. fence		Proposed concrete-drive exit		Proposed 16 ft. wide gates	0 60 120 Feet		
	Proposed grass to be planted		Proposed gravel-drive entrance					

135-S-24 Site Images



From the eastern drive looking east along US-150



From the eastern drive looking west along US-150 across the subject property

135-S-24 Site Images



From the south side of US-150 looking NW toward the western house on subject property



From the south side of US-150 looking NE toward the eastern house on subject property

135-S-24 Site Images



From the south side of US-150 looking north toward subject property



From the north end of the subject property looking north

PRELIMINARY DRAFT

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

Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: ***{August 15, 2021}***

Petitioner: **Andrew Peacock**

Request: **Authorize the construction and use of an outdoor self-storage lot as a Special Use on land in the B-5 Central Business Zoning District.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 15, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Andrew Peacock owns the subject property.
2. The subject property is an approximately 2.5-acre tract of land comprised of two lots that are generally the west 225 feet of the east 425 feet of Lot 6 of C.A. and George Besore's Subdivision of the South Half of the Southeast Quarter of Section 7, Township 19 North, Range 10 East of the Third Principal Meridian, Champaign County Illinois, further identified as the western part of property with PIN 28-22-07-451-010 and the eastern part of property with PIN 28-22-07-451-011 and commonly known as the vacant portion of the property at 1864 County Road 1600N, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one-and-one-half miles of a municipality with zoning.
 - B. The subject property is located within St. Joseph Township, which has a Planning Commission. Townships with Planning Commissions do not have protest rights on a Special Use Permit. Notification was sent to the Township.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 2.5-acre subject property is zoned B-5 General Business. The western property contains a single-family residence with detached garage and a 60-foot by 120-foot quonset building. The eastern property contains a single-family residence with attached garage.
 - B. Land to the north is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the west is zoned R-1 Single-Family Residence and is residential in use.
 - D. Land to the south of the subject property, on the south side of US-150 is zoned B-5 Central Business and AG-1 Agriculture, and contains single-family residences, farmland in agricultural production and the Champaign County Forrest Preserve's Kickapoo Rail Trail.
 - E. Land to the east is zoned B-5 Central Business and contains a retail business.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The revised Site Plan received July 22, 2024, indicates the following existing and proposed features:
 - (1) An existing 60 x 120 quonset building is proposed to be leased warehouse space which is an allowed use in the B-5 Central Business Zoning District, and no change is being proposed to the building.

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- (2) A proposed 200 x 170-foot fenced outdoor self-storage area with two gated entrances along County Road US-150/1600N. An existing 60 x 120-foot concrete area will be within the fenced area and the balance of the storage area will be gravel.
 - a. There will be two access points on US-150, one entrance (east) and one exit (west).
 - b. There will be one accessible parking space provided on the existing concrete area.
 - c. The interior area will be leased storage areas.
 - d. The storage area will be enclosed with an 8 foot privacy fence.
- B. Previously approved Zoning Use Permits for the subject property include:
 - (1) ZUPA #189-93-02 was approved on July 9, 1993, to re-construct the western storage building that was damaged by fire.
 - (2) ZUPA #227-03-01 was approved on August 15, 2003, for two wall signs.
- C. There are no previous zoning cases on the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for “Self-Storage Warehouses not providing heat and utilities to individual units” in the B-5 Central Business Zoning DISTRICT in the *Zoning Ordinance*:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
 - (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.

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- (4) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
- (5) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (7) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (8) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (9) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (10) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (11) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (12) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (13) “WAREHOUSE, SELF-STORAGE” is a BUILDING or BUILDINGS containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.
- (14) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
 - a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily

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- maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
- b. The site is reasonably well-suited in all respects and has no major defects.
- B. Section 5.2 authorizes Self-Storage Warehouse Units not providing heat and utilities to individual units as a Special Use only in the B-1, B-3, and B-5 Zoning Districts, and as a by-right use only in the B-4 and I-1 Zoning Districts.
- C. Section 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
 - (2) There are no Standard Conditions for Self-Storage Warehouse Units in Section 6.1.3 of the Zoning Ordinance.
- D. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS.
- (1) Section 7.4.1 C. does not require off-street parking in the B-5 Zoning District.
 - (2) One accessible parking space has been shown on the site plan.
 - (3) Section 7.4.2 does not require a LOADING BERTH for the proposed outdoor self-storage area.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;

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- (2) That the Special Use is so designed, located, and proposed as 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 welfare.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
 - (6) Approval of a Special Use Permit shall authorize use, construction and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioners agent.
- F. Paragraph 9.1.11. D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner testified on the application, **“Community need for outdoor storage.”**
 - B. The subject property is located along US-150 2.2 miles from Urbana and 2.75 miles from St. Joseph and .33 miles from County Highway 24/Sellers Road.
 - C. The subject property has had both commercial and residential uses on both parcels since the adoption of the Champaign County Zoning Ordinance in 1973.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner have testified on the application, **“Area will be secured by an 8 foot privacy fence with keypad entry gate and automatic exit gate, we have reached out to IDOT for specifics on entry and exit requirements to main road.”**

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- B. Regarding surface drainage:
- (1) No new construction has been proposed that will increase stormwater runoff. A small amount of concrete is proposed to be added between the exit gate and US-150. The site has been a storage area with a gravel surface since before 1973.
 - (2) A Natural Resource Information Report by the Champaign County Soil and Water Conservation District was not required because the property has been developed for many years.
- C. Regarding impacts on traffic:
- (1) The subject property is located on the north side of US-150 approximately 2.2 miles from the City of Urbana, 2.75 miles from St. Joseph and .33 miles from County Highway 24/Sellers Road.
 - a. US-150/CR 1600N/CH-18 is a two-lane paved and marked US highway that is approximately 24 feet wide with three feet paved shoulders on each side.
 - b. The subject property currently two driveways on the north side of US-150 that serve the two single-family residences. There are also three additional paved aprons along US-150, one in front of the quonset building and two in front of the proposed self-storage area.
 - (2) Regarding the general traffic conditions on US-150/CR 1600N at this location, the level of existing traffic, and the likely change from the proposed Special Use:
 - a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). US-150/CR 1600N had an ADT of 5,100 near the subject property in 2023.
 - b. The proposed self-storage area use should not create significant additional traffic due to its occasional use.
 - c. Notice was sent to IDOT, the St. Joseph Township Supervisor and St. Joseph Township Road Commissioner.
 - d. The Department of Planning and Zoning and the petitioner have been in contact with IDOT and they will require the petitioner to submit plans for the entrances for review and approval. The current site plan was created with initial input from IDOT engineers however entrance design and setback distances may change based on final IDOT review.
 - e. Emails from IDOT have been included in the Documents of Record. The emails stated:

“To get a permit yes, it would come to me for review and approval. For what is submitted, we would need to see more detail/dimensions on the entrances. I’m going to run this by Geometrics, because we typically do not allow 2 entrances for commercial properties unless it’s a high-volume drive

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thru. Keep in mind the entrance will have to have curb & gutter and will need to be noted along with radii will also need labeled. Our minimum radius would be 20' on both sides, or 30' - 50' desirable. They must be done in 5' increments. Other than that, I will get with our Geometrics engineer for the 2-entrance potential approval and then I will wait for another submitted with dimensions from your petitioner.”

“Here are the Geometrics comments:

I don't mind the two access points for a lot with frontage of over 250 ft but the distance from the edge of traveled way on US 150 to the gate is a concern. Any person pulling a trailer into this site will have the trailer stopped on US 150 while the gate is opened. Need to see the ingress/egress width and radii along with a proposed setback for the entrance gate to accommodate the vehicle and trailer combo storage while the gate opens. That setback depends on what all storage this site plans to hold.”

- f. No comments have been received from St. Joseph Township.
- D. Regarding fire protection on the subject property, the subject property is located approximately 3.75 road miles from the St. Joseph/Stanton Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. Soil on the subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam and 154A Flanagan silt loam and has an average Land Evaluation (LE) of 100.
 - (1) The site has been developed since prior to 1973 which is prior to the County regulations for Best Prime Farmland.
 - (2) The usual findings for a Special Use Permit regarding Best Prime Farmland only apply in CR, AG-1, and AG-2 districts, so the Board does not have to make findings regarding whether the proposed uses is “WELL SUITED OVERALL”, and whether existing public infrastructure and services are available to support the proposed development.
- G. Regarding outdoor lighting on the subject property:
 - (1) No new lighting has been proposed for the self-storage area.
 - (2) A special condition has been added to ensure compliance with Section 6.1.2.
- H. No new construction is being proposed that will require wastewater treatment.
- I. A Natural Resource Information Report by the Champaign County Soil and Water Conservation District was not required because the property has been developed for many years.

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- J. Regarding life safety considerations related to the proposed Special Use:
- (1) No new construction is proposed for the outdoor self-storage area.
 - (2) The St. Joseph-Stanton Fire Protection District has been notified of the proposed Special Use and no comments have been received.

A special condition has been proposed to add a Knox box or other means of emergency access to the gated entrances.

- K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner have testified on the application, “**Yes.**”
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Section 5.2 authorizes Self-Storage Warehouse Units not providing heat and utilities to individual units as a Special Use only in the B-1, B-3, and B-5 Zoning Districts, and as a by-right use only in the B-4 and I-1 Zoning Districts.
 - (2) Section 7.4.1 C. does not require off-street parking in the B-5 Zoning District.

One accessible parking space has been shown on the site plan.
 - (3) Regarding the required LOADING BERTHS:
 - a. Section 7.4.2 does not require a LOADING BERTH for the proposed outdoor self-storage area.
 - (a) The entire facility will be paved with gravel, so there is sufficient room for loading on-site.
 - C. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
 - D. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
 - E. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that

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Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in any required permit drawings.

A special condition has been added to ensure compliance with the Illinois Accessibility Code.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
 - A. Regarding the proposed Special Use:
 - (1) In the B-5 Zoning District, Section 5.2 authorizes Self-Storage Warehouse Units providing heat and utilities to individual units only via Special Use.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.11 of the Ordinance states the general intent of the B-5 District as follows (capitalized words are defined in the Ordinance):

The B-5 Central Business DISTRICT is intended to provide for needs of a larger consumer population than served by the Neighborhood Business District and is located generally in the business DISTRICTS of the unzoned municipalities of the COUNTY.
 - (2) The types of uses authorized in the B-5 District are in fact the types of uses that have been determined to be acceptable in the B-5 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance, and the proposed site plan appears to be in compliance with those requirements.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

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It is not clear whether the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
The proposed Special Use is unlikely to significantly increase traffic.
- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
- a. The subject property is not in a Special Flood Hazard Area.
 - b. The subject property is exempt from requiring a Storm Water Drainage Plan as there is a minimal increase to impervious area proposed.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - c. No comments have been received regarding the proposed Special Use.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance. There are no required yard and setback requirements in the B-5 Zoning District.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and

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STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

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

No changes to the use of any of the existing buildings are proposed.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - b. The subject property is zoned B-5 Central Business District, and the proposed self-storage area has been in commercial use since prior to 1973. The usual findings for a Special Use Permit regarding Best Prime Farmland only apply in CR, AG-1, and AG-2 districts.

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

There are no natural features on the subject property and property has been developed for many years.

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

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

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

The subject property is zoned B-5 Central Business District and is adjacent to other business and residential that have existed prior to 1973.

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

The proposed Special Use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner testified on the application: “Yes”
 - B. The proposed use is not an existing non-conforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed outdoor self-storage lot 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.

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- D. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has received approval for the entrances along US-150 from IDOT.**

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

That the proposed use is in compliance with IDOT regulations.

- E. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has received as-built approval of the entrances from IDOT.**

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

That the entrances are constructed to IDOT standards.

- F. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has provided a Knox box or other means of emergency access for the gated entrances to the relevant Fire Protection District.**

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

That there is a means of access to the gated area for emergency responders.

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received May 30, 2024, with attachments:
 - A Revised Site Plan received July 22, 2024

2. Email from Cale Shonk, Permits Supervisor IDOT received August 5, 2024

3. Preliminary Memorandum dated August 7, 2024, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Revised Site Plan received July 22, 2024:
 - C Email from Cale Shonk, Permits Supervisor IDOT received August 5, 2024
 - D Annotated Aerial Photos 1973, 1988, 2002
 - E Annotated Aerial Photo with Site Plan created by P&Z Staff
 - F Site photos taken August 7, 2024
 - G Summary of Evidence, Finding of Fact, and Final Determination dated August 15, 2024

PRELIMINARY DRAFT**SUMMARY DRAFT FINDINGS OF FACT FOR CASE 135-S-24**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **135-S-24** held on **August 15, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
 - a. *The petitioner has testified on the application that there is a community need for outdoor storage.*
 - b. *The subject property is located along US-150 2.2 miles from Urbana and 2.75 miles from St. Joseph and .33 miles from County Highway 24/Sellers Road.*
 - c. *The subject property has had both commercial and residential uses on both parcels since the adoption of the Champaign County Zoning Ordinance in 1973.*
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 / WILL}* 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 / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility because:
 - a. *The proposed self-storage area use should not create significant additional traffic due to its occasional use.*
 - b. *A special condition has been added to construct the entrances to the proposed self-storage area to IDOT specification prior to the issuance of a Zoning Compliance Certificate.*
 - c. *Notice was also sent to the Township Supervisor and Township Road Commissioner, and no comments have been received.*
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property is located approximately 3.75 road miles from the St. Joseph/Stanton Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.*
 - b. *A special condition has been added stating that the Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has provided a Knox box or other means of emergency access for the gated entrances to the relevant Fire Protection District.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:
 - a. *The subject property is zoned B-5 Central Business and has been used for commercial and residential uses since before the adoption of the Champaign County Zoning Ordinance.*

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- d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:
- a. *Only a small amount of concrete pavement is proposed to be added to the existing concrete and gravel storage area.*
- e. Public safety will be *{ADEQUATE / INADEQUATE}* because:
- a. *The subject property is located approximately 3.75 road miles from the St. Joseph/Stanton Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.*
 - b. *A special condition has been added stating that the Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has provided a Knox box or other means of emergency access for the gated entrances to the relevant Fire Protection District.*
 - c. *Notice was also sent to the Township Supervisor and Township Road Commissioner, and no comments have been received.*
 - d. *A special condition has been added to construct the entrances to the proposed self-storage area to IDOT specification prior to the issuance of a Zoning Compliance Certificate.*
- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:
- a. *No parking is required in the B-5 Central Business District*
 - b. *One accessible parking space has been proposed.*
 - c. *The entire facility will be paved with gravel, so there is sufficient room for loading on-site.*

The Board may include other relevant considerations as necessary or desirable in each case.

The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* 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 / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
- a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.

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4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** 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 / 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 / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.

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

6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***
 - A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed outdoor self-storage lot 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 Use Permit until the petitioner has received approval for the entrances along US-150 from IDOT.**

The special condition stated above is required to ensure the following:
That the proposed use is in compliance with IDOT regulations.

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- E. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has received as-built approval of the entrances from IDOT.**

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

That the entrances are constructed to IDOT standards.

- F. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has provided a Knox box or other means of emergency access for the gated entrances to the relevant Fire Protection District.**

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

That there is a means of access to the gated area for emergency responders.

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FINAL DETERMINATION FOR CASE 135-S-24

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **135-S-21** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the applicants, **Andrew Peacock**, to authorize the following:

Authorize the construction and use of an outdoor self-storage lot as a Special Use on land in the B-5 Central Business Zoning District.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed outdoor self-storage lot until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- 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.**
- C. **No business operations on the subject property can include anything other than simple storage.**
- D. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has received approval for the entrances along US-150 from IDOT.**
- E. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has received as-built approval of the entrances from IDOT.**
- F. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has provided a Knox box or other means of emergency access for the gated entrances to the relevant Fire Protection District.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date