

CASE 189-S-25

PRELIMINARY MEMORANDUM

February 5, 2026

Petitioner: **Wesley Taylor d.b.a Taylor Construction and Design LLC**

Request: **Authorize a “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations in any yard” as a Special Use Permit in the AG-2 Agriculture Zoning District.**

Location: **A 1-acre lot in the Southeast ¼ of the Northeast ¼ of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, with an address of 3604 Cunningham Ave., Urbana.**

Site Area: **1 acre**

Time Schedule for Development: **Currently in use**

Prepared by: **Charlie Campo, Zoning Officer**
John Hall, Zoning Administrator
Trevor Partin, Associate Planner

BACKGROUND

Taylor Construction and Design currently operates their business on the subject property. The 1-acre subject property is zoned AG-2 Agriculture. Zoning Case 558-AM-86 was a request to change the zoning on the property from AG-2 to B-4 General Business. The case was denied by the County Board in 1986 and in 1987 a court decision ruled that the County Board's decision was improper, and the property may be used as though zoned B-4.

A Contractors Facility with Outdoor STORAGE and/or outdoor OPERATIONS is permitted by right in the B-4 General Business District when all outdoor storage is located in the rear yard and screened by a Type D screen. The petitioner is requesting to have outdoor storage on the north part of the lot which is the front, side and rear yard.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases.

The subject property is located within Somer Township, which does not have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Commercial/Contractors Facility	AG-2 Agriculture (Used as B-4 General Business)
North	Agriculture	AG-2 Agriculture
East	Agriculture	AG-2 Agriculture

West	Commercial	B-3 Highway Business & B-4 General Business
South	Single Family Residential	B-4 General Business

PUBLIC COMMENTS

Notices about the case were sent to surrounding landowners, IDOT, Somer Township, City of Urbana, Carroll Prairie Fire Protection District and Saline Branch Drainage District and no comments have been received.

PROPOSED SPECIAL CONDITIONS

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction 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. **The petitioners shall ensure that no parking related to the special use permit shall occur in any public right-of-way.**

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

There is no unreasonable risk to public safety caused by on street parking.

- D. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- E. **A Type D screen shall be installed to screen the proposed outdoor storage area from US-45, North Cunningham Ave.**

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

That the outdoor storage area is screened in accordance with Section 7.6.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan, ALTA Survey received December 10, 2025:
- C 2023 Annotated Aerial Photo identifying storage area
- D 2002 Aerial Photo
- E Site photos taken February 5, 2026
- F Summary of Evidence, Finding of Fact, and Final Determination dated February 12, 2026

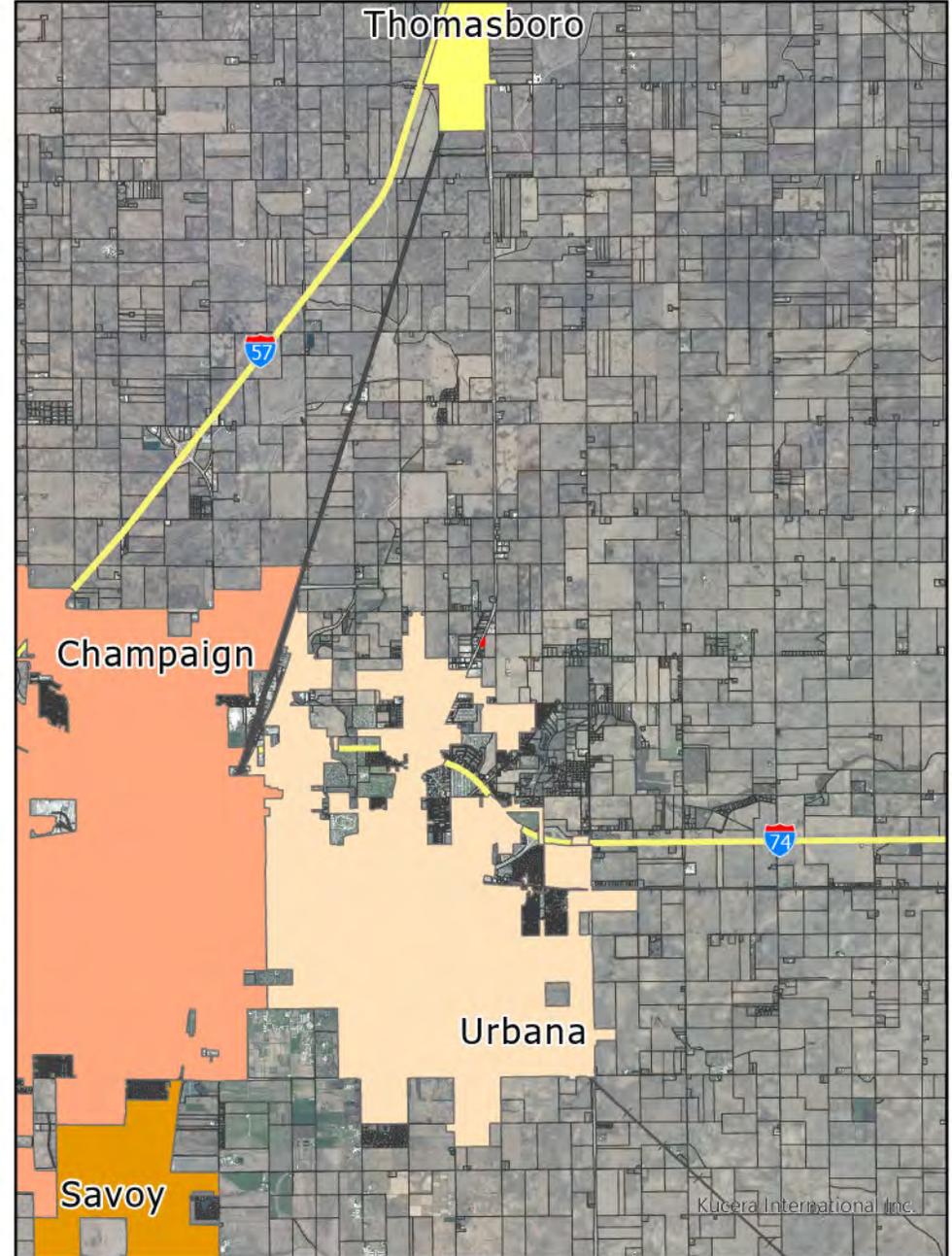
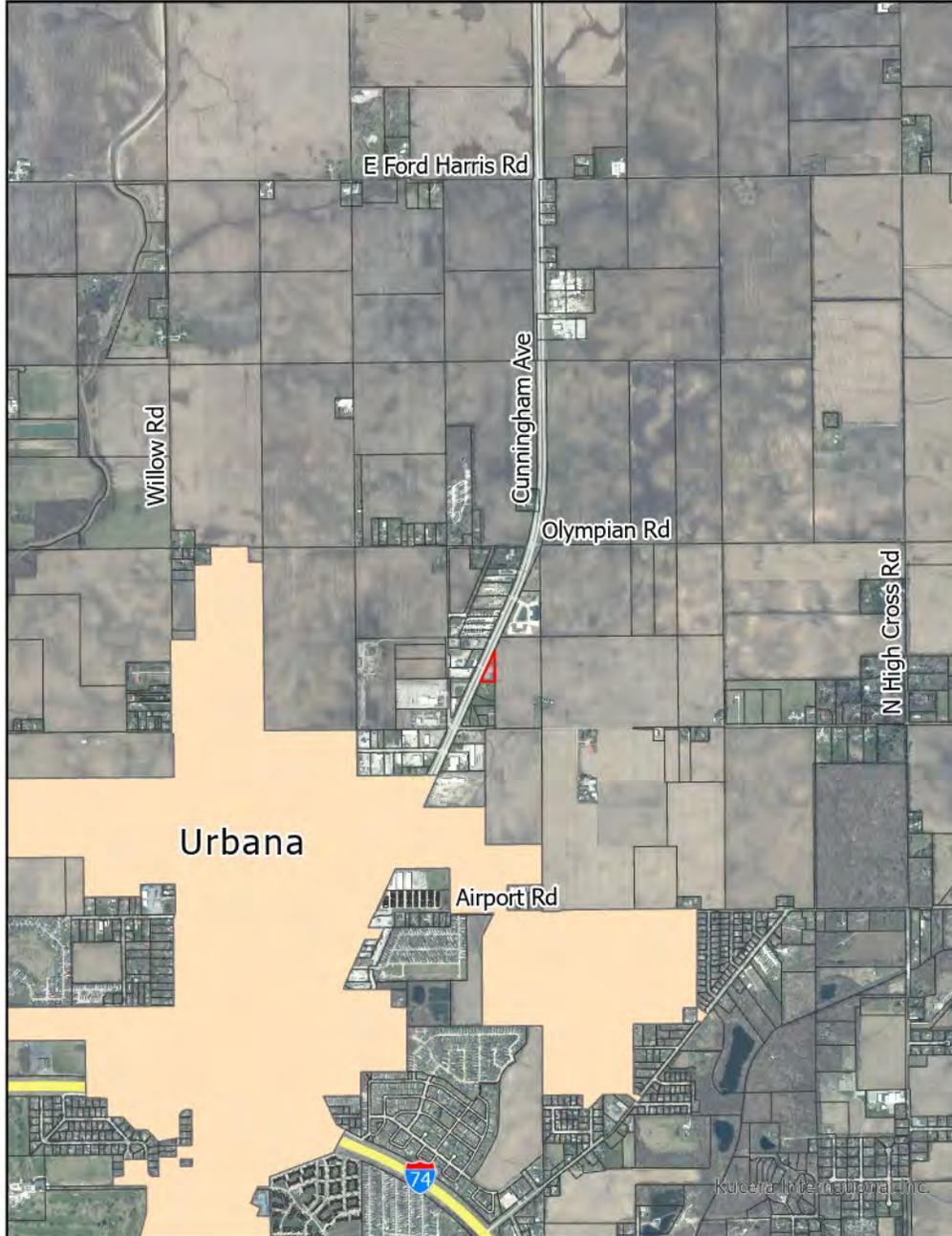
Location Map

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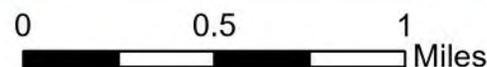
February 12, 2026

Subject Property

Property location in Champaign County



 Subject Parcel



Land Use Map
Case 189-S-25
February 12, 2026



Kucera International Inc.

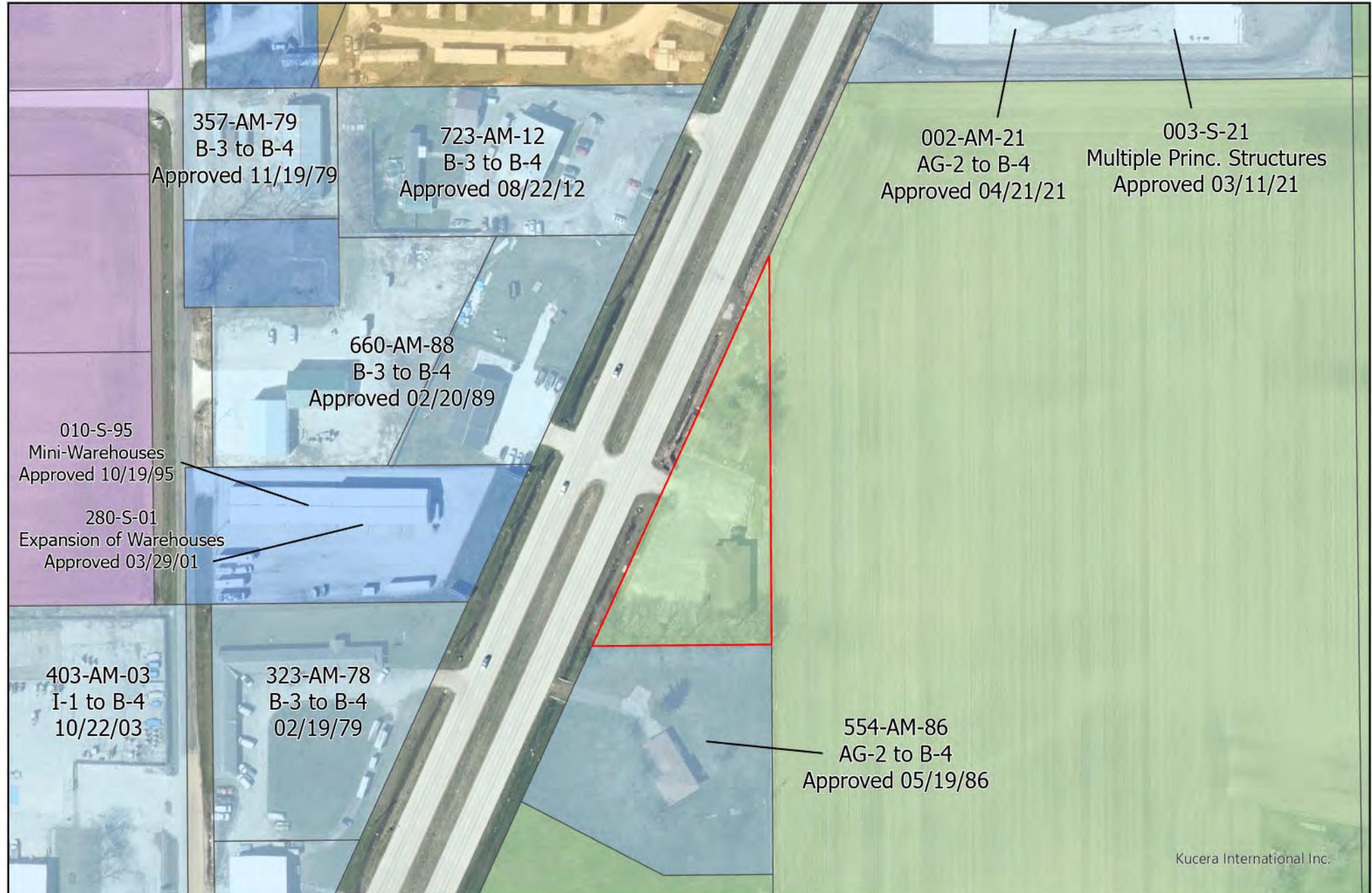
- Subject Parcel
- Commercial
- Agricultural
- Residential



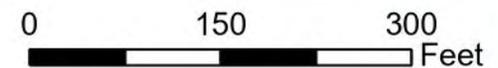
Zoning Map

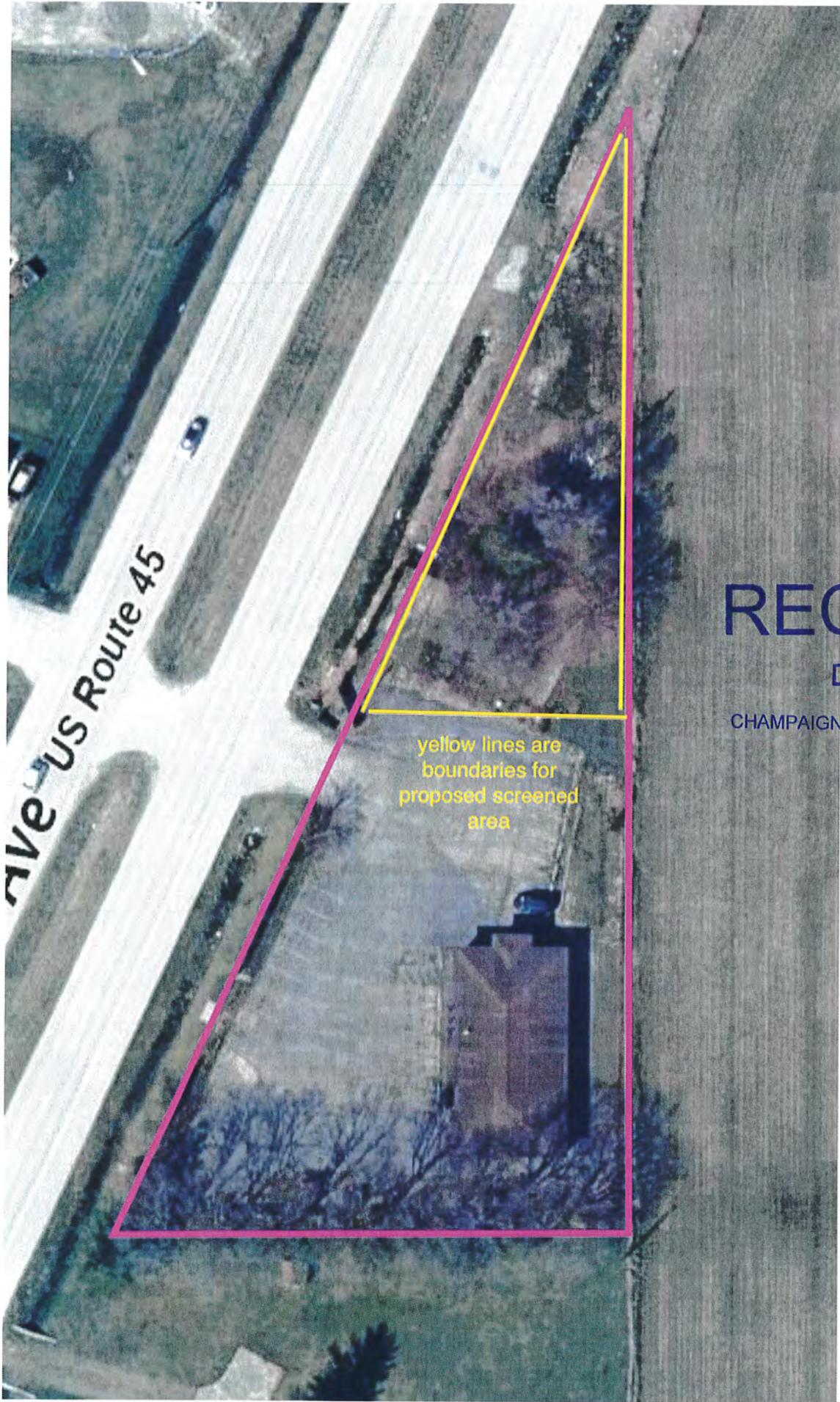
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-  Subject Parcel
-  B-4 General Business
-  B-3 Highway Business
-  AG-2 Agriculture
-  R-5 Manufactured Home Park
-  I-1 Light Industry





ave US Route 45

yellow lines are boundaries for proposed screened area

RECEIVED

DEC 10 2025

CHAMPAIGN CO. P & Z DEPARTMENT

Annotated 2023 Aerial

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February 12, 2026



Kucera International Inc.

 Subject Parcel  Screened-in storage area

0 100 200
Feet



Annotated 2002 Aerial

Case 189-S-25

February 12, 2026



 Subject Parcel

0 100 200 Feet



189-S-25 Site Images



From the subject property looking south along US-45 N. Cunningham Ave



From the subject property looking north along US-45 N. Cunningham Ave

189-S-25 Site Images



From subject property looking north toward storage area



From subject property looking west across US-45 N. Cunningham toward adjacent properties

189-S-25 Site Images



From west side of US-45 N. Cunningham looking toward subject site

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: ***{February 12, 2026}***

Petitioner: **Wesley Taylor d.b.a Taylor Construction and Design LLC**

Request: **Authorize a “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations in any yard” as a Special Use Permit in the AG-2 Agriculture Zoning District, per Section 5.2. and Section 6.1.3 of the Zoning Ordinance.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 15, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. Wesley Taylor d.b.a Taylor Construction and Design LLC is the owner of the subject property.
2. The subject property is 1-acre lot in the Southeast ¼ of the Northeast ¼ of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, with an address of 3604 Cunningham Ave., Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one-and-one-half miles of the City of Urbana, a municipality with zoning.
 - B. The subject property is located within Somer Township, which does not have a Planning Commission. Townships with Planning Commissions do not have protest rights on a Special Use Permit. Notification was sent to Somer Township.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 1-acre subject property is zoned AG-2 Agriculture. Zoning Case 558-AM-86 was a request to change the zoning on the property from AG-2 to B-4 General Business. The case was denied by the County Board in 1986 and in 1987 a court decision ruled that the County Boards decision was improper, and the property may be used as though zoned B-4.
 - B. The Subject property is use as a contractors facility.
 - C. Land to the north is zoned AG-2 Agriculture and is in agricultural production.
 - D. Land to the south is zoned B-4 General Business and is in use as residential.
 - E. Land to the east is zoned AG-2 Agriculture and is in agricultural production.
 - F. Land to the west is zoned B-3 Highway Business and B-4 General Business and is commercial.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

7. Regarding the site plan and operations of the proposed Special Use:
 - A. The Site Plan received October 7, 2025, indicates the following existing and proposed features:
 - (1) One 3,200 sf. building and parking lot.
 - (2) A proposed outdoor storage area.
 - B. Previously approved Zoning Use Permits for the subject property include:

- (1) ZUPA #097-82-03 was approved on April 19, 1982, to install a wall sign for a nightclub on the property.
 - (2) ZUPA #147-94-05 was approved on May 27, 1994, to install two wall signs for a reception hall on the property.
 - (3) ZUPA 326-94-02 was approved on November 22, 1994, for a Change of Use to a video arcade.
 - (4) Zupa 137-00-02 was approved on June 5, 2000, to construct a 3,200 sf. building for an adult bookstore.
 - (5) Zupa 091-25-01 was approved on April 10, 2025 for a Change of Use to a contractors facility.
- C. Zoning case 558-AM-86 to change the zoning from AG-2 Agriculture to B-4 General Business was denied by the County Board,. A court ruling in 1987 stated that the property may be used as though zoned B-4 General Business
- D. Taylor Construction and Design LLC operates a contractors facility on the property and proposes to use the north part of the lot for outdoor storage of equipment and materials.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

8. 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) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (4) “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.
 - (5) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.

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- (6) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (7) “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.
- (8) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (9) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (10) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (11) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (12) “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.
- (13) “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.
- (14) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.

- (15) "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.
- (16) 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 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 a Contractors Facility with Outdoor STORAGE and/or outdoor OPERATIONS is permitted by right in the B-4 General Business District when all outdoor storage is located in the rear yard and screened by a Type D screen. The petitioner is requesting to have outdoor storage on the north part of the lot which is the front, side and rear yard.
- 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) Subsection 6.1.3 establishes the following standard conditions for Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS:
 - a. In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/or outdoor OPERATIONS are allowed as an ACCESSORY USE subject to subsection 7.6.

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- D. Subsection 7.6 establishes the following conditions for Outdoor Storage and/or Outdoor Operations:
- (1) Paragraph 7.6.1 states: “Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS.”
 - (2) Paragraph 7.6.2 states: “A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - a. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - b. Any designated urban arterial street or MAJOR STREET.”
- 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;
 - (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 except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (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.
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- E. 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

9. 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, **“Proposed use is allowable within the current zoning regulations, with the exception of outdoor storage. It is necessary for the convenience of our customers, for the purpose of meetings, payments and the service we offer our clients.”**
 - B. The petitioners serves clients in Champaign County.
 - C. The subject property is along a well traveled road with similar business on the other side of N. Cunningham Ave.
 - D. The has been in commercial use since prior to the adoption of the Champaign County Zoning Ordinance.

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

10. 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 Petitioners have testified on the application, **“We will provide the necessary screening to ensure that the exterior aesthetic of the property maintains and conforms to the overall aesthetics of the surrounding properties. We are adjacent to several other contractor facilities that store equipment outdoors and operate the same nature of business that we do”**
 - B. Regarding surface drainage:
 - (1) Based on the amount of improvements shown on the site plan there should not be a significant increase in stormwater runoff and does not require a Stormwater Drainage Plan.
 - C. Regarding impacts on traffic:
 - (1) The subject property is located on the east side of US-45, North Cunningham Ave. with an entrance approximately 1000 ft. north of Oaks Rd.
 - a. US 45 North, North Cunninham Ave. is a 4 lane divided federal highway with paved shoulders, classified as “Other Principal Arterial” by the Illinois Department of Transportation (IDOT).
 - (2) Regarding the general traffic conditions on US 45 North, North Cunninham Ave. 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 45 North, North Cunninham Ave. had an ADT of 10,250 near the subject property in 2023.
 - b. The proposed changes to the business authorized by the Special Use Permit should not cause a significant increase in traffic to the site.
 - c. US 45 North, North Cunninham Ave. is indicated as a Major Arterial Street by the Urbana Comprehensive Plan.
 - c. Notice was sent to the Somer Township Supervisor and Somer Township Road Commissioner and no comments have been received.
 - d. IDOT District 5 has been notified of this case, and no comments have been received.
 - D. Regarding fire protection on the subject property, the subject property is located approximately 2.8 road miles from the Carroll Fire Protection District station. Notice of these zoning cases was sent to the Carroll 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 154A Flanagan silt loam, and has an average Land Evaluation (LE) of 100.
- G. Regarding outdoor lighting on the subject property:
 - (1) Information regarding new lighting on the site was not included with the application.
 - (2) A special condition has been added to ensure compliance with Section 6.1.2.
- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) The building on the subject property uses a septic system for wastewater treatment and disposal that is located north of the building
- I. 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

- 11. 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. The majority of the businesses in the surrounding area are of the same nature.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS are authorized by right in the B-1, I-1, and I-2 Zoning DISTRICTS and by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN. They are authorized with a Special Use Permit in the AG-1, AG-2, B-4 (except as noted above), and B-5 Zoning DISTRICTS.
 - (2) Regarding parking on the subject property:
 - a. Commercial uses require 1 space for each 200 feet of floor area or portion thereof.
 - (a) The existing building is 3,200 square feet, which requires 16 parking spaces.
 - (b) The existing parking area exceeds the required 16 spaces.
 - (3) Regarding the required LOADING BERTHS:

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- a. Section 7.4.2 requires one 12x40 LOADING BERTH for the proposed business.
 - (a) There is sufficient paved area for the required loading berth.

- (4) Regarding screening for outdoor storage and operations, per Section 7.6:
 - a. The proposed Special Use is visible within 1,000 feet of a designated urban arterial or MAJOR STREET; therefore, a Type D SCREEN is necessary to obscure or conceal any part of the subject property YARD used for outdoor STORAGE and/or outdoor OPERATIONS. A special condition has been added to ensure compliance.

- E. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
 - (1) Based on the size of the subject property the proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.

- C. Regarding the *Special Flood Hazard Areas Ordinance*, no part of the subject property is located within a mapped floodplain.

- D. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana 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 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. No changes to the existing building have been proposed.

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

- 12. 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-4 Zoning District, Section 5.2 authorizes Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS by right in the B-4 DISTRICT provided that all Outdoor STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN.

 - 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-4 District as follows (capitalized words are defined in the Ordinance):

The B-4 General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.

- (2) The types of uses authorized in the B-4 District are in fact the types of uses that have been determined to be acceptable in the B-4 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.

a. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property.

- (a) 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.

(b) A Contractors Facility with Outdoor STORAGE and/or Outdoor OPERATIONS in any YARD is authorized by Special Use Permit in the B-4 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and a Contractors Facility with Outdoor STORAGE and/or Outdoor OPERATIONS in any YARD. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties

b. In regard to the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect.

- (a) If the petitioners are denied the expansion of the existing special use permit, the property can still be used as a Contractors Facility with

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Outdoor STORAGE and/or Outdoor OPERATIONS however outdoor storage would be limited to the rear yard.

- (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.
 - a. Probable traffic impacts are reviewed under Item 10.C. of this Summary of Evidence.
 - (a) There should be no significant increase in traffic.
 - b. The Somer Township Road Commissioner has been notified of this case, and no comments have been received.
 - c. IDOT District 5 has been notified of this case, and no comments have been received.

- (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. No part of the subject property is located within a mapped floodplain.
 - b. The subject property is exempt from the Champaign County *Stormwater Management and Erosion Control Ordinance*.

- (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 and the proposed site plan appears to be in compliance with those limits.

- (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 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.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (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. No land will be removed from agricultural production.
- (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.
- a. There are no natural features on the subject property and property has been developed for many years.

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- (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.

- (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.

No land will be removed from agricultural production and the property has been developed for many years.

- (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

13. 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: **“I believe the property is allowed to operate the way it does through a special allowance of some sort, the special use permit will allow us to operate as needed without being outside of the current allowed use in any way”**
 - B. The proposed use is not an existing non-conforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

14. Regarding proposed special conditions of approval:
- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction 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. **The petitioners shall ensure that no parking related to the special use permit shall occur in any public right-of-way.**

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

There is no unreasonable risk to public safety caused by on street parking.

- D. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- E. **A Type D screen shall be installed to screen the proposed outdoor storage area from US-45, North Cunningham Ave.**

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

That the outdoor storage area is screened in accordance with Section 7.6.

DOCUMENTS OF RECORD

1. Application for Special Use Permit received December 10, 2025, with attachments:
 - A Site Plan showing the proposed outdoor storage area
 - B ALTA Survey of the subject property

2. Preliminary Memorandum dated February 5, 2026, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan, ALTA Survey received December 10, 2025:
 - C 2023 Annotated Aerial Photo identifying storage area
 - D 2002 Aerial Photo
 - E Site photos taken February 5, 2026
 - F Summary of Evidence, Finding of Fact, and Final Determination dated February 12, 2026

DRAFT FINDINGS OF FACT FOR CASE 189-S-25

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **189-S-25** held on **February 12, 2026**, 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 the use is necessary for the convenience of their customers.*
 - b. *The subject property is located along US-45, North Cunningham Avenue, less than one third mile from Urbana.*
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 outdoor storage area should not create significant additional traffic.*
 - b. *Notice was sent to the Somer Township Supervisor, Somer Township Road Commissioner, IDOT District 5, and the City of Urbana and no comments have been received.*
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property is located approximately 2.8 road miles from the Carroll Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:
 - a. *The subject property has been used as a commercial development since prior to the adoption of the Champaign County Zoning Ordinance in 1973.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:
 - a. *Based on the amount of improvements shown on the site plan there should not be a significant increase in stormwater runoff and the subject property is exempt from the Champaign County Stormwater Management and Erosion Control Ordinance.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property is located approximately 2.8 road miles from the Carroll Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.*
 - b. *Notice was also sent to the Somer Township Supervisor and Road Commissioner, and IDOT District 5 and no comments have been received.*

- c. *A special condition has been added to prohibit parking on any public right-of-way.*
- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:
 - a. *Sufficient parking exists for the uses on-site.*
- g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements because:
 - a. *The property is currently in use as a contractors facility with outdoor storage.*
- h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense because:
 - a. *All services are in place for this property, and no new public services are needed for the proposed use.*
- i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense because:
 - a. *Adjacent roads have sufficient capacity to handle traffic volumes with no improvements necessary, and no new utilities are required for the proposed use.*

*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}*.
- 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.

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- 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 construction 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. **The petitioners shall ensure that no parking related to the special use permit shall occur in any public right-of-way.**

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

There is no unreasonable risk to public safety caused by on street parking.

- D. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- E. **A Type D screen shall be installed to screen the proposed outdoor storage area from US-45, North Cunningham Ave.**

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

That the outdoor storage area is screened in accordance with Section 7.6.

FINAL DETERMINATION FOR CASE 189-S-25

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 **189-S-25** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the applicants, **Wesley Taylor d.b.a Taylor Construction and Design LLC**, to authorize the following:

Authorize a “Contractor’s Facility with Outdoor Storage and/or Outdoor Operations in any yard” as a Special Use Permit in the AG-2 Agriculture Zoning District, per Section 5.2. and Section 6.1.3 of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed construction 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. The petitioners shall ensure that no parking related to the special use permit shall occur in any public right-of-way.**
- D. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**
- E. A Type D screen shall be installed to screen the proposed outdoor storage area from US-45, North Cunningham Ave.**

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