



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division  
m e m o r a n d u m

**TO:** Mayor Diane Wolfe Marlin and City Council Members

**FROM:** Lorrie Pearson, AICP, Community Development Services Director  
Katherine Trotter, Planner I

**DATE:** April 8, 2021

**SUBJECT:** A Resolution of Protest Against a Proposed Zoning Map Amendment to the Champaign County Zoning Ordinance (3804 Cunningham Ave. / CCZBA-002-AM-21)

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### Introduction

Ryan and Amanda Donaldson, dba D5 Holdings Group, LLC, have submitted a petition to the Champaign County Department of Planning and Zoning (CCDPZ) to amend the zoning map for 3804 Cunningham Avenue from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District, to allow them to establish and operate the Illini Fire Service, LLC, a fire suppression equipment and design company owned by the petitioners. A related Special Use Permit is also requested to authorize multiple principal buildings on the same lot (003-S-21).

The proposed zoning map amendment (“rezoning”) is of interest to the City of Urbana to the extent that it will affect zoning and land development decisions within the City’s one-and-a-half mile extraterritorial jurisdictional (ETJ). The City has subdivision and land development jurisdiction within the ETJ, while the County holds zoning jurisdiction in this area. It is important that there be consistency between these two jurisdictions where certain regulations overlap. Since development within the ETJ may abut Urbana’s corporate boundary or may eventually be annexed into the City, some level of consistency in zoning regulations is also desirable. Land uses in the County affect the City of Urbana in several ways, including:

- Land uses in Champaign County can potentially conflict with adjacent land uses in the City of Urbana;
- Unincorporated portions of Champaign County adjacent to the City of Urbana will likely be annexed into the City at some point in the future. Existing land uses would also be incorporated as part of annexation; and
- In addition to land uses, development patterns of areas annexed into the City of Urbana will affect the City’s ability to grow according to the shared vision provided in the 2005 Comprehensive Plan.

For these reasons, the City should examine the proposed rezoning to ensure compatibility with existing City ordinances. It is the City Council’s responsibility to review the proposed amendment to determine what impact it may have on the City and to decide whether or not to protest the proposed rezoning. Under state law, a municipal protest of the proposed amendment would require a three-

quarters super-majority of votes to approve the request at the County Board; otherwise, a simple majority would be required.

At its March 18, 2021 meeting, the Plan Commission held a public hearing on this case. No members of the public spoke regarding the case. The ZBA voted unanimously, with eight ayes and zero nays, to recommend that City Council defeat a resolution of protest, as presented by staff.

## **Background**

Detailed background information on the rezoning case, including location and zoning maps, is contained within the CCDPZ Preliminary Memoranda (Exhibit B).<sup>1</sup> The following discussion of the issues involved will summarize the essential parts of this information as it pertains to the City's planning jurisdiction.

County rezoning approval is a separate action from future subdivision approval. Because the parcel lies within one-and-a-half miles of the Urbana city limits, the City has jurisdiction over the subdivision of land into separate legal parcels. Any future subdivision must comply with the City of Urbana Subdivision and Land Development Code regulations.

## **Recent Activity and Future Plans**

The petitioners would like to construct two buildings on the property. The Illini Fire Service, LLC would be in the north half of the Phase I building. There would be an office and warehouse space for the fire suppression equipment and design company. The other half of the building would be leasable space. In addition to the zoning map amendment case that may be protested by the City of Urbana, the petitioners have submitted an associated case:

- Case 003-S-21
  - Authorize a Special Use Permit consisting of multiple principal buildings on the same lot on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current AG-2 Agricultural Zoning District in related zoning case 002-AM-21.

The CCZBA heard two previous cases regarding the same rezoning and Special Use Permit for this property in 2019. Cases 927-AM-19 and 928-S19 sought a rezoning from AG-2 to B-4, and a Special Use Permit to allow multiple principals buildings on the same lot, but the cases were withdrawn by the previous owners. Relevant information and input received about those cases is included in the CCZBA preliminary memo (Exhibit B).

## **Site Drainage**

The CCZBA preliminary memo addresses storm water runoff and drainage on the property. The Saline Branch Drainage District has a tile that appears to run just north of the property south of Olympian Road. The petitioners have engineered the site for a 50-year flood event. They have proposed installing a 15-foot deep detention pond and an additional 8-inch drainage tile to connect to the existing 5-inch clay field tile, noted on the Site Plan (Exhibit C). The site drainage improvements should alleviate drainage issues on the subject property and the properties to the north and south. The proposed drainage plans were reviewed and approved by the applicant's consulting engineer.

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<sup>1</sup> Excerpts of these memoranda are attached as Exhibit B. The full version is available on the Urbana Plan Commission meeting website at <https://www.urbanaininois.us/node/9172>

The City of Urbana will require the development to meet our Subdivision and Land Development Code, and a stormwater management plan will be required. Champaign County will also require the applicants to provide a Storm Water Drainage Plan. Section 9.1E. of the *Storm Water Management and Erosion Control Ordinance* requires all building elevations to be one foot above the “maximum created head” at the emergency overflow structure for any detention basin.

**Zoning and Land Use**

The property is zoned County AG-2 Agriculture and had been a farmstead. All but one of the former farmstead buildings has been demolished. The 2005 Urbana Comprehensive Plan designates the property for Agriculture use (Exhibit F). The City of Urbana defines the Agriculture land use as “those that involve crop cultivation and production, the raising of livestock and uses that support agriculture, such as feed stores and silos.”

**Table 1. County Zoning and Land Use**

	<b>County Zoning</b>	<b>Land Use</b>	<b>Future Land Use</b>
Site	AG-2 Agriculture (Proposed rezoning to B-4)	Agriculture and Vacant Former Farmstead	Agriculture
North	B-4 General Business	Agriculture	Agriculture
East	AG-2 Agriculture	Agriculture	Agriculture
West	B-4 General Business and R-5 Manufactured Home Park	Commercial and Residential	Agriculture
South	AG-2 Agriculture	Agriculture	Agriculture

According to the Champaign County Zoning Ordinance, the County AG-2 Agricultural, District is intended to prevent scattered, indiscriminate urban development and to preserve the agricultural nature within areas that are predominantly vacant and that presently do not demonstrate any significant potential for development. This district is intended generally for application to areas within 1-½ miles of existing communities in the County.

The County 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. There is adjacent commercial land use to the west of the subject property, and the property is along the Cunningham Avenue corridor.

**Discussion**

**County Zoning**

The petitioners wish to establish and operate the Illini Fire Service LLC on the 7.05-acre tract of land. The current AG-2 zoning does not allow multiple buildings on one lot. The requested Map Amendment to change the zoning from AG-2 to B-4 would allow for multiple buildings on the lot with a Special Use Permit. Per CCDPZ, Illini Fire Service is most similar to the “Contractor’s Facility with no outdoor storage or operations” land use, which is permitted by right in the proposed B-4 district. The requested Special Use Permit would allow for multiple principal buildings on the same lot.

The petitioners have indicated that “B-4 zoning would allow the flexibility in the tenants that may be interested in leasing space. This would allow us to better serve our customers. There is undeveloped land to the north of our property. This would be in character with surrounding properties.” AG-2 zoning does not allow multiple principal buildings on one lot, and multiple principal buildings are allowed with a Special Use Permit in the B-4 district.

### **Comprehensive Plan**

The following Goals and Objectives of the Comprehensive Plan relate to this case:

- Goal 15.0      Encourage compact, contiguous and sustainable growth patterns.
  - Objectives
  - 15.1 Plan for new growth and development to be contiguous to existing development where possible in order to avoid “leapfrog” development.
- Goal 16.0      Ensure that new land uses are compatible with and enhance the existing community.
  - Objectives
  - 16.3      Encourage development in locations that can be served with existing or easily extended infrastructure and city services.
  - 16.5      Consider the impact of new development on public services and the ability to provide those services cost effectively.
- Goal 17.0      Minimize incompatible land uses.
  - Objectives
  - 17.1      Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.
  - 17.2      Where land use incompatibilities exist, promote development and design controls to minimize concerns.
- Goal 21.0      Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).
  - Objectives
  - 21.1      Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.
  - 21.2      Work with other units of government to resolve issues of urban development in unincorporated areas.

When evaluating rezoning requests in the ETJ, the City is required to consider their potential impact in relation to the intent of the Urbana Comprehensive Plan. Relevant Champaign County goals and objectives are discussed extensively in the County’s Memoranda. Some of these goals and policies coincide with those of the Urbana Comprehensive Plan.

Plan Commission and staff find that the rezoning to County B-4 General Business with a Special Use Permit to allow for multiple principal structures on the lot would be generally consistent with the goals and objectives of the Urbana Comprehensive Plan.

## City Zoning

In evaluating the proposed rezoning from the City’s perspective, one question to address is whether the use matches the type of uses that would be permitted in the same or similar zoning districts in the City. In the event of a subdivision being annexed into the City, the property’s County zoning designation is converted to a City zoning designation on the basis of Urbana Zoning Ordinance Table IV-1. The requested County B-4 General Business District designation is consistent with the commercial land uses to the north and west, along Cunningham Avenue. The County B-4 zoning would convert to City B-3 General Business, which is consistent with other parcels along Cunningham Avenue that are in the City.

## Impacts to City of Urbana Zoning

The primary impacts of the proposed rezoning from County AG-2 to County B-4 have to do with lot development regulations (Table 2.). If the proposed rezoning from County AG-2 to County B-4 was granted, and there was a future annexation of the property, the differences in the resulting direct conversion of the County zoning to City zoning are a small variation in lot size and width, and that the required yards are greater in the County.<sup>2</sup> Staff does not anticipate a negative impact to the City or to the City’s ability to plan or manage growth or development.

**Table 2. Comparison of Current & Proposed County & City Lot Development Regulations**

Zoning	Minimum Area	Average / Minimum* Lot Width	Required Yards (Front, Side, Rear)	Lot Coverage / Open Space* & Floor-Area Ratio*
County B-4	6,500 sf	65 ft	85-55’, 10’, 20’	40%
County AG-2	20,000 sf	100 ft	85-55’, 10’, 20’	20%
City B-3	6,000 sf	60 ft	15’, 5’, 10’	4.00 & 0.00
City AG	43,560 sf	150 ft	25’, 15’, 25’	0.55 & 0.25

\* Denotes City lot development regulatory variable

## Plan Commission

On March 18, 2021, the Plan Commission discussed the requested rezoning. After hearing no input for or against the case, the Plan Commission voted unanimously, with eight ayes and zero nays, to forward this case to the Urbana City Council with a recommendation to defeat a resolution of protest, as presented.

## Summary of Staff Findings

1. The site is within the City’s Extraterritorial Jurisdiction.
2. The proposed rezoning is generally compatible with the Comprehensive Plan Future Land Use designation of the site and surrounding areas for “General Business.”
3. The proposed zoning change is generally compatible with the land use policy goals of the Comprehensive Plan, which promote contiguous growth and compatibility of land uses.
4. The proposed rezoning and land use is generally compatible with the surrounding County zoning and land uses.

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<sup>2</sup> Urbana Zoning Ordinance, Table VI-3. Development Regulations By District.

5. The proposed rezoning and overlay district should not negatively affect the City or the City's ability to plan or manage growth or development.

## **Options**

City Council has the following options in CCZBA Case No. 002-AM-21, a request to amend the zoning map for 3804 Cunningham Avenue from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District, to allow them to establish and operate the Illini Fire Service, LLC, a fire suppression equipment and design company owned by the petitioners:

- a. Defeat a resolution of protest; or
- b. Defeat a resolution of protest, contingent upon specific provisions to be identified; or
- c. Approve a resolution of protest.

## **Recommendation**

At the March 18, 2021 meeting, the Plan Commission voted with eight ayes and zero nays to forward this case to the Urbana City Council with a recommendation to defeat a resolution of protest as presented.

Staff concurs with the Plan Commission recommendation.

Attachments: Exhibit A: Location Map (CCDPZ)  
Exhibit B: CCDPZ Preliminary Memo

- Mail packets include only an excerpt of each memo; the complete memos are available at <https://www.urbanaininois.us/node/9172>

Exhibit C: Proposed Site Plan (CCDPZ)  
Exhibit D: Land Use Map (CCDPZ)  
Exhibit E: Current Zoning Map (CCDPZ)  
Exhibit F: Urbana Plan Commission Minutes 3/18/2021 (DRAFT)

cc: Ryan and Amanda Donaldson, dba D5 Holdings Group, LLC, Petitioners  
John Hall, Director, Champaign County Department of Planning and Zoning

**RESOLUTION NO. 2021-04-018R**

**A RESOLUTION OF PROTEST AGAINST A PROPOSED ZONING MAP  
AMENDMENT TO THE CHAMPAIGN COUNTY ZONING ORDINANCE**

(3804 Cunningham Ave. / CCZBA-002-AM-21)

**WHEREAS**, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution of 1970, and may exercise any power and perform any function pertaining to its governmental business and affairs, and the passage of this Ordinance constitutes an exercise of the City's home rule powers and functions as granted by the Illinois Constitution of 1970; and

**WHEREAS**, Ryan and Amanda Donaldson, dba D5 Holdings Group, LLC, are requesting an amendment to the zoning map in Champaign County Case No. 002-AM-21 to rezone 3804 Cunningham Avenue from County AG-2 Agriculture Zoning District to County B-4 General Business, Zoning District; and

**WHEREAS**, the proposed zoning map amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-002-AM-21"; and

**WHEREAS**, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that state in cases of any proposed zoning amendment where the land affected lies within one-and-a-half (1-1/2) miles of the limits of a zoned municipality, the corporate authorities of the zoned municipality may, by resolution, issue written protest against the proposed text amendment; and

**WHEREAS**, the proposed text amendment is compatible with the Goals and Objectives and Future Land Use Map of the 2005 City of Urbana Comprehensive Plan; and

**WHEREAS**, the Urbana Plan Commission met on March 18, 2021 to consider the proposed text amendment and voted with eight (8) ayes and zero (0) nays to forward to the City Council a recommendation to defeat a resolution of protest; and

**WHEREAS**, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed zoning map amendment is in the best interest of the City of Urbana.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS**, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby APPROVE a Resolution of Protest against the proposed text amendment as presented in CCZBA-002-AM-21.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSTAINED:

\_\_\_\_\_  
Phyllis D. Clark, City **Clerk**

**APPROVED BY THE MAYOR** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

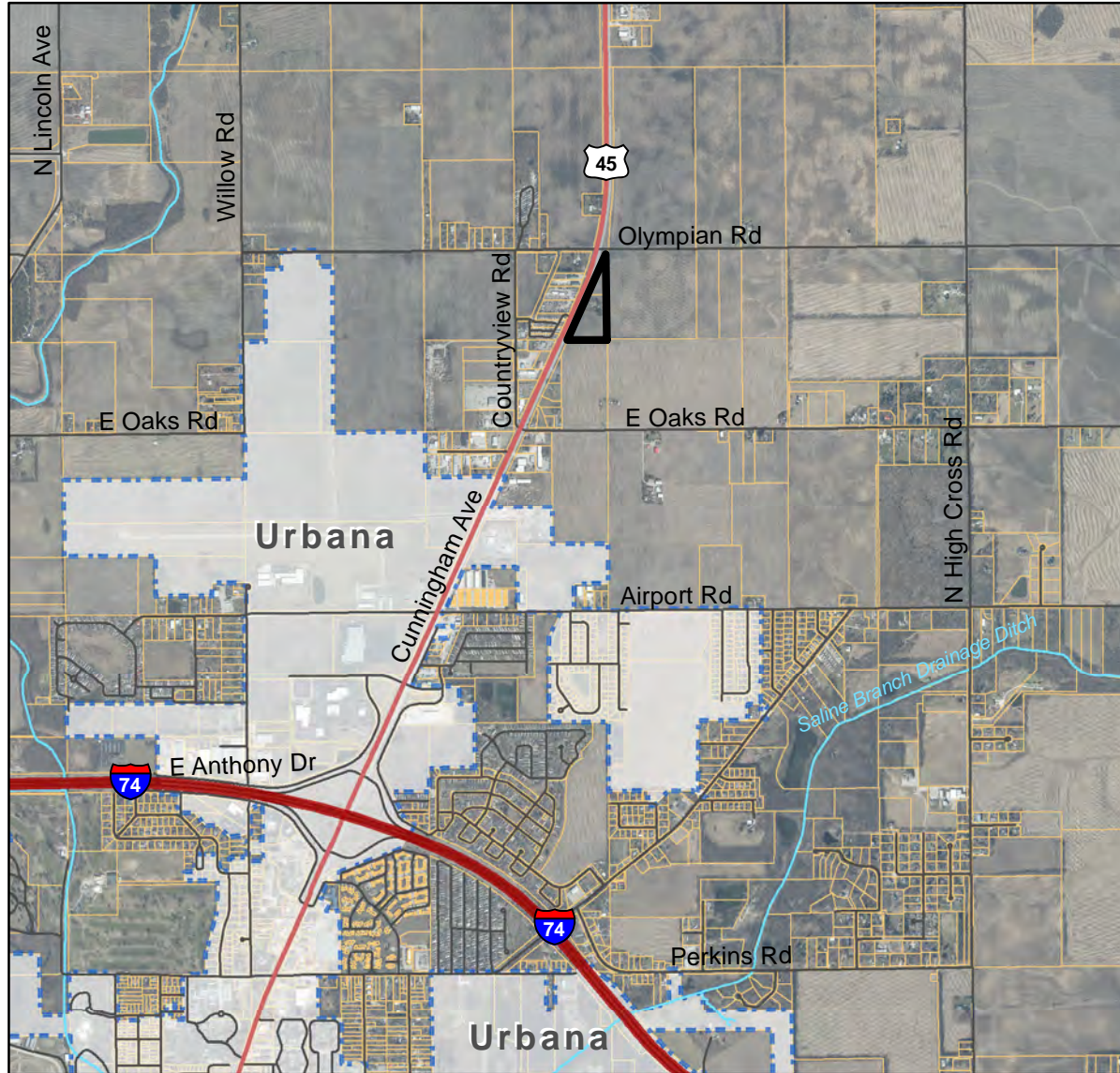
\_\_\_\_\_  
Diane Wolfe Marlin, Mayor






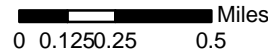
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Cases 002-AM-21 & 003-S-21  
March 11, 2021

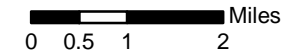
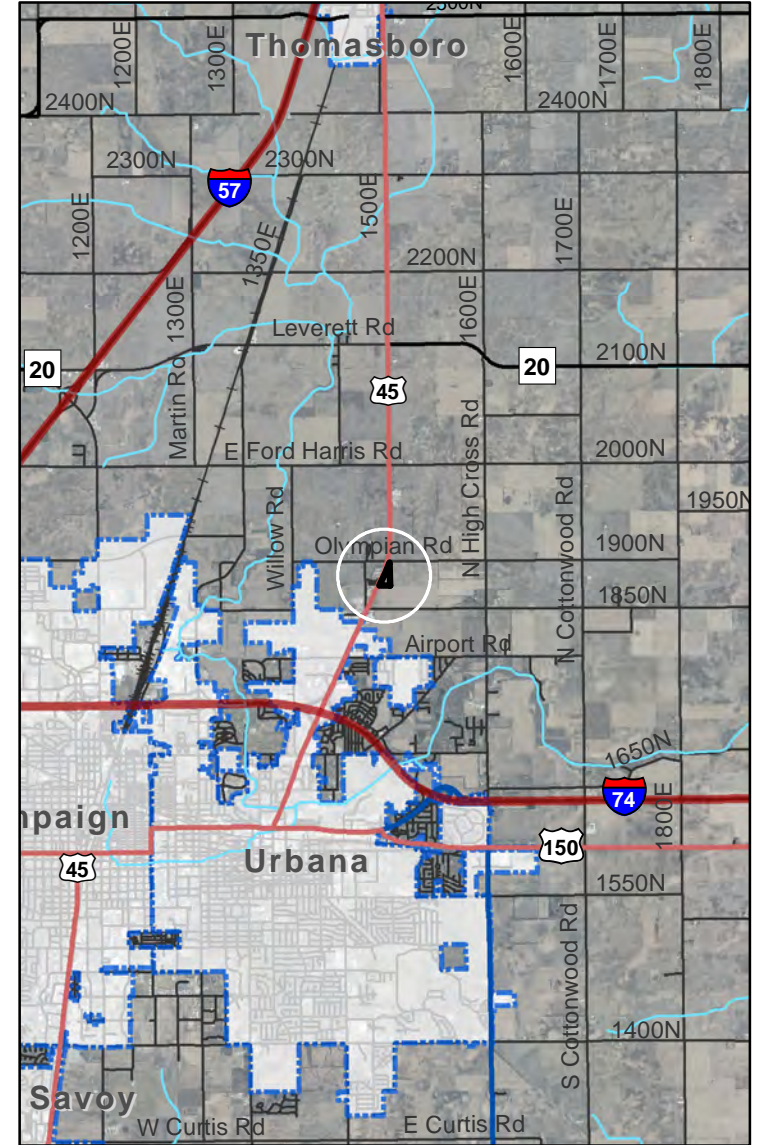
Subject Property



- Legend**
-  Subject Property
  -  Municipal Boundary
  -  Parcels



Property location in Champaign County



Champaign County  
Department of  
PLANNING &  
ZONING

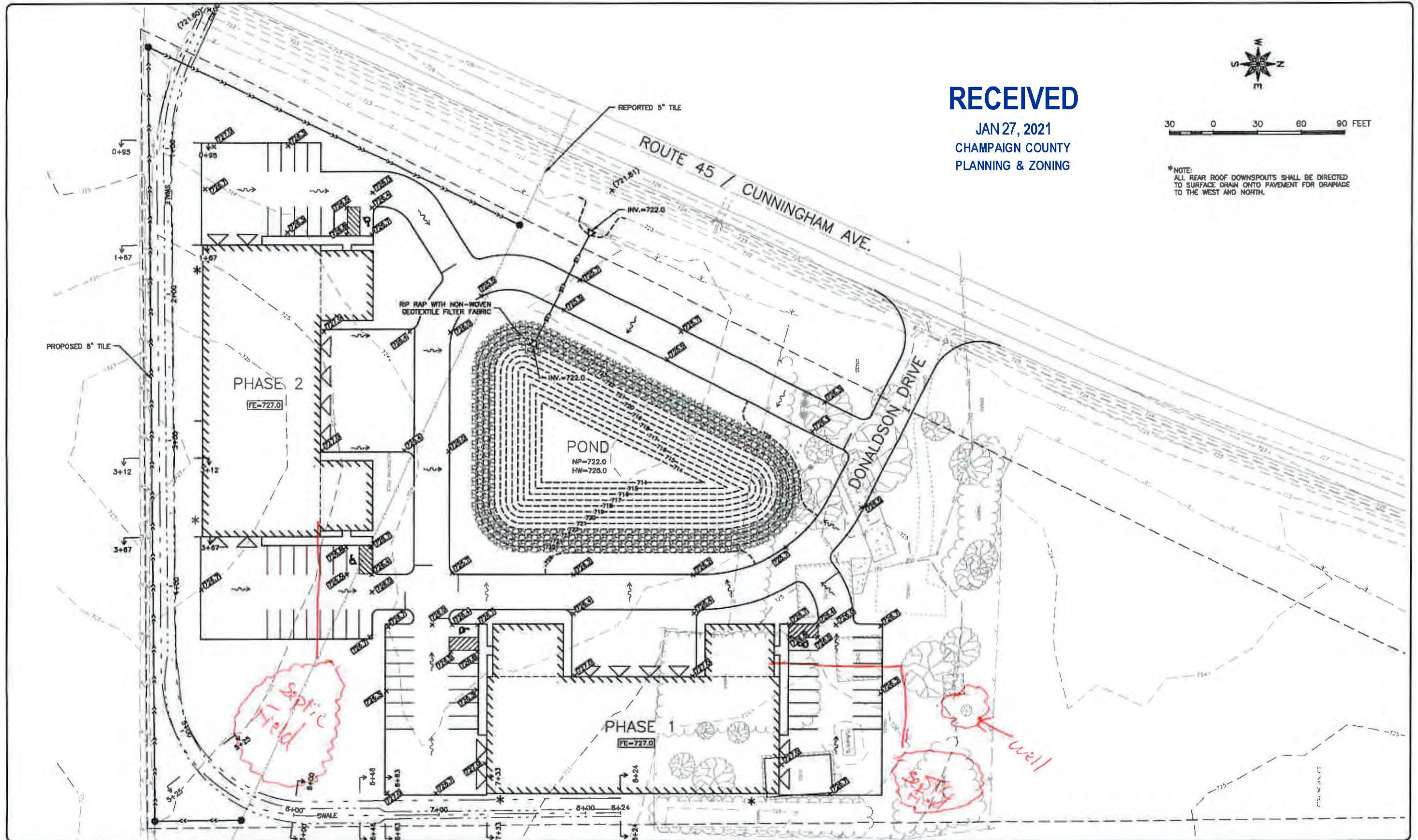
**RECEIVED**

JAN 27, 2021  
 CHAMPAIGN COUNTY  
 PLANNING & ZONING



30 0 30 60 90 FEET

\*NOTE:  
 ALL REAR ROOF DOWNSPOUTS SHALL BE DIRECTED  
 TO SURFACE DRAIN ONTO PAVEMENT FOR DRAINAGE  
 TO THE WEST AND NORTH.



**FEHR GRAHAM**  
 ENGINEERING & ENVIRONMENTAL  
ILLINOIS DESIGN FIRM NO. 154-003523

ILLINOIS  
 IOWA  
 WISCONSIN

OWNER/DEVELOPER  
 ILLINI FIRE SERVICE  
 1212 E. UNIVERSITY AVE.  
 URBANA, IL 61802

PROJECT AND LOCATION  
 3804 N. CUNNINGHAM AVE.  
 URBANA, IL

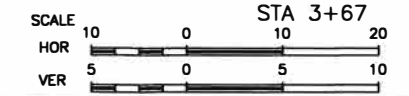
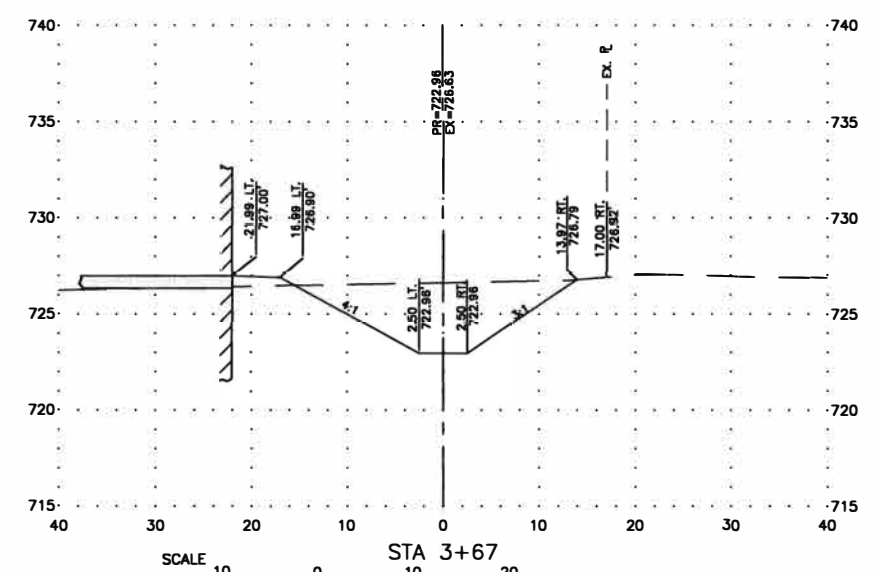
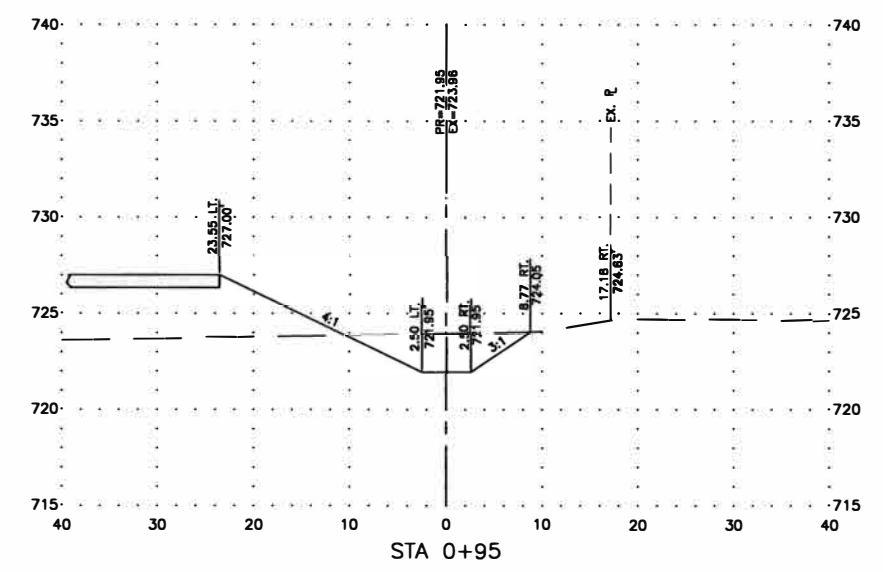
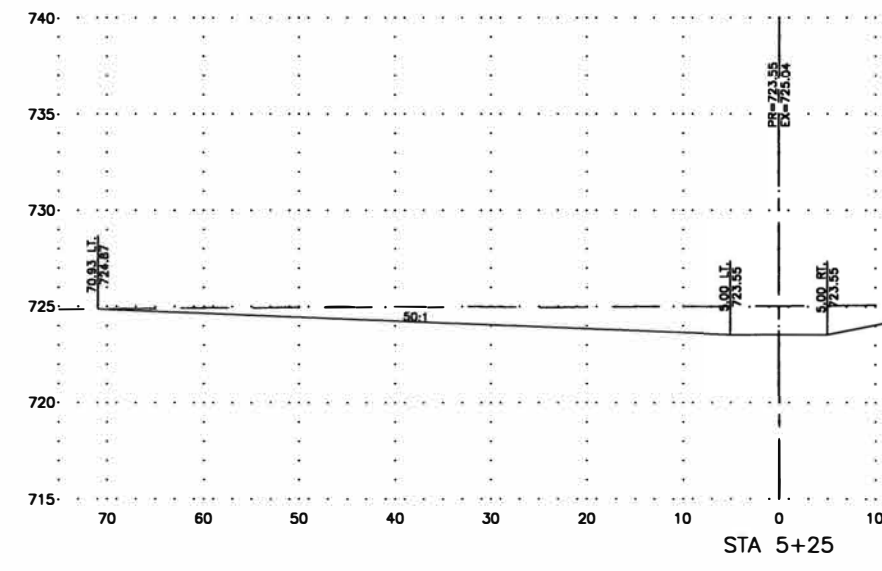
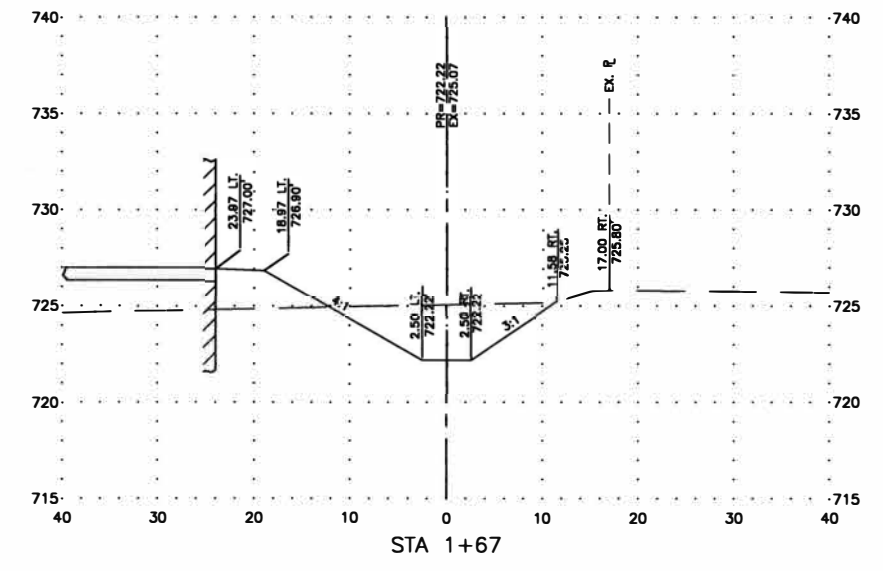
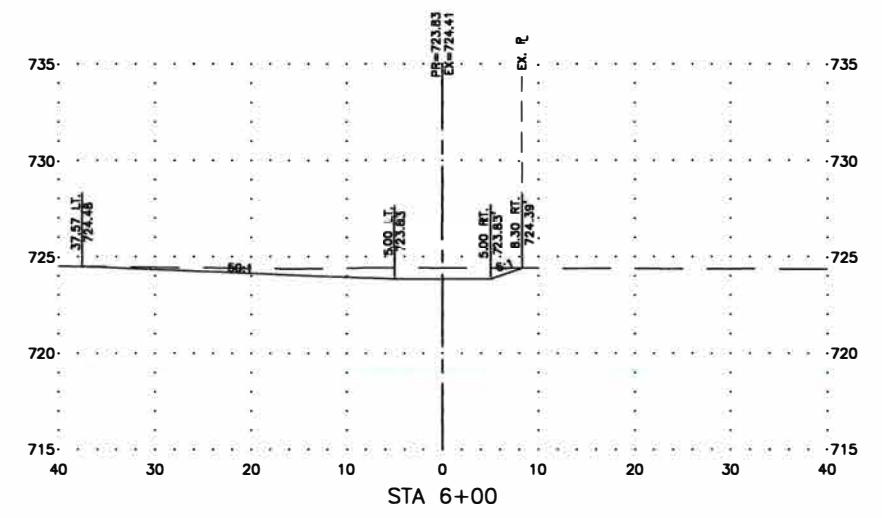
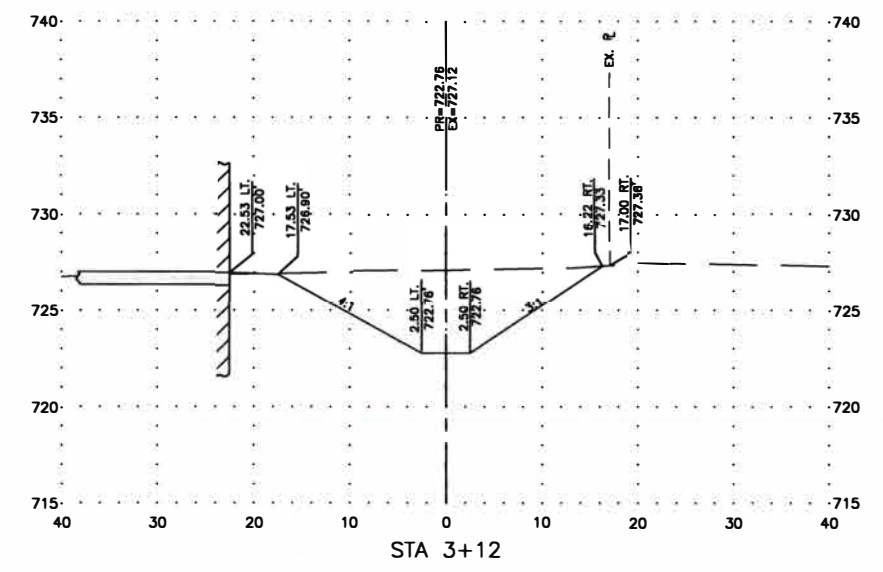
DRAWN BY: RLT  
 APPROVED BY: CMO  
 DATE: 6/30/20  
 SCALE: AS SHOWN

REVISIONS		
REV. NO.	DESCRIPTION	DATE

DRAWING:  
 SCHEMATIC SITE PLAN  
 SET TYPE: **PRELIMINARY**

JOB NUMBER:  
 20-453  
 SHEET NUMBER:  
 1 of 4

**RECEIVED**  
 JAN 27, 2021  
 CHAMPAIGN COUNTY  
 PLANNING & ZONING



**FEHR GRAHAM**  
 ENGINEERING & ENVIRONMENTAL  
 ILLINOIS DESIGN FIRM NO. 184-003525

ILLINOIS  
 IOWA  
 WISCONSIN

OWNER/DEVELOPER:  
 ILLINI FIRE SERVICE  
 1212 E. UNIVERSITY AVE.  
 URBANA, IL 61802

PROJECT AND LOCATION:  
 3804 N. CUNNINGHAM AVE.  
 URBANA, IL

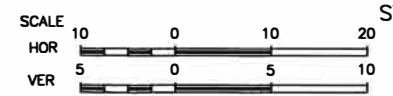
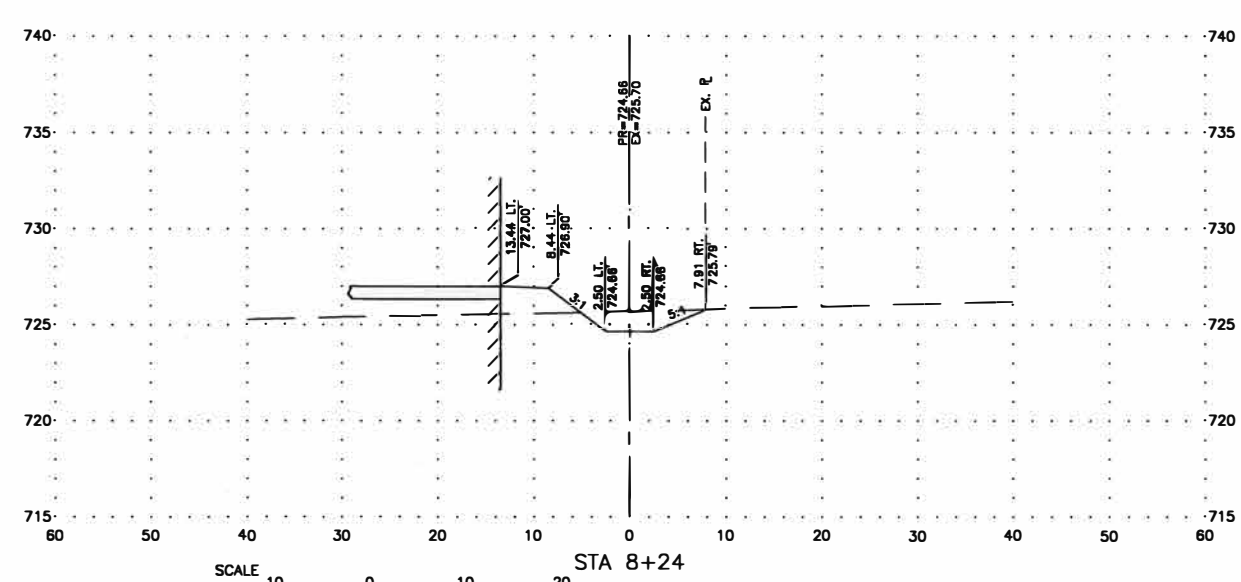
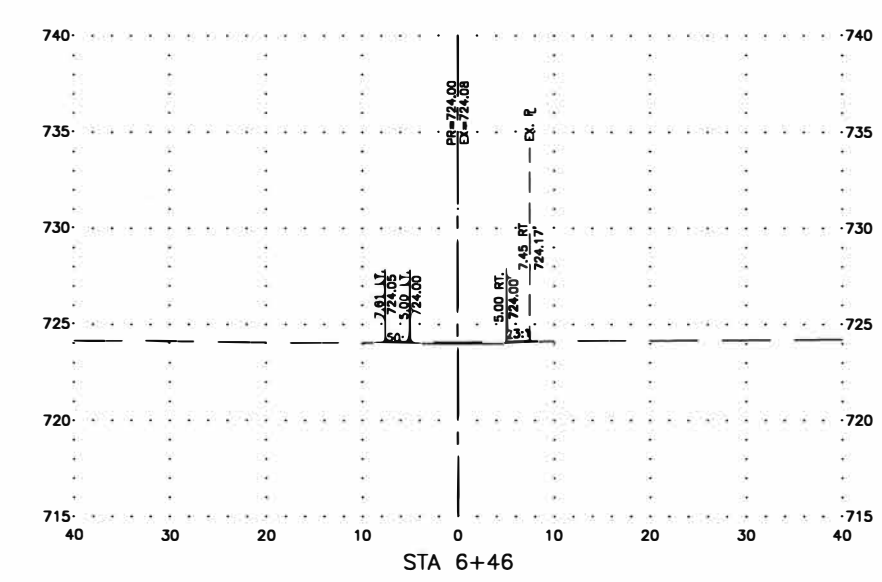
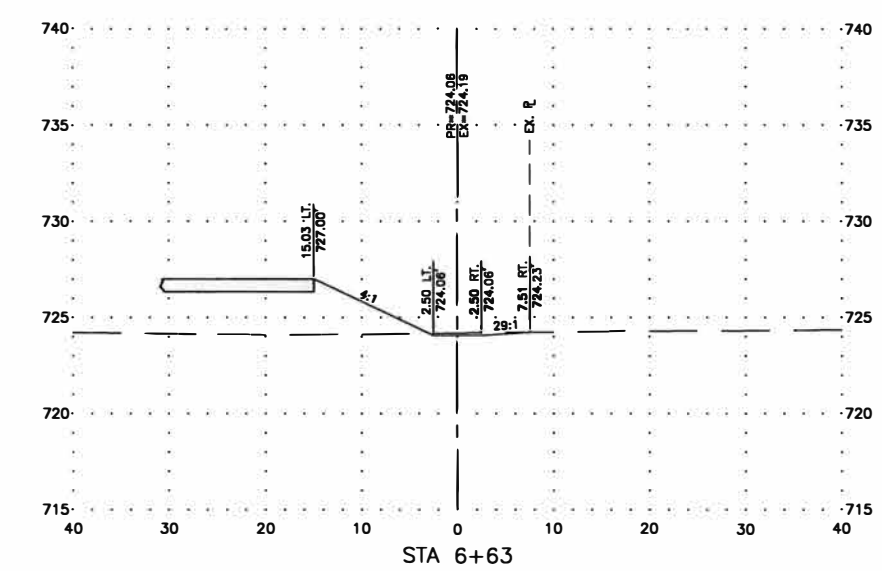
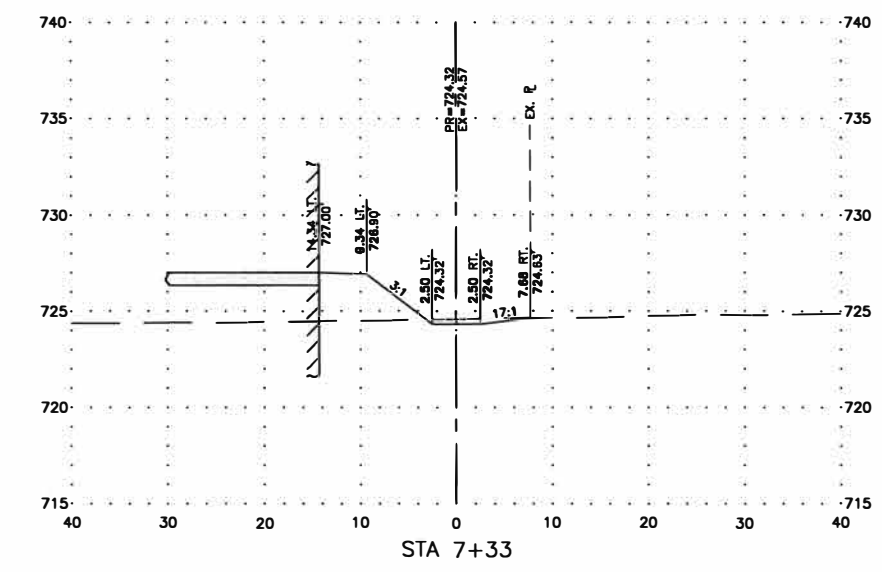
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 DATE: 6/30/20  
 SCALE: AS SHOWN

REVISIONS		
REV. NO.	DESCRIPTION	DATE

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 PROPOSED DRAINAGE SWALE CROSS  
 SECTIONS  
 SET TYPE: PRELIMINARY  
6:\CADD\20-453\Plan\20-453 Schematic Studies Section Sheet - (6)

JOB NUMBER:  
 20-453  
 SHEET NUMBER:  
 2 of 4

**RECEIVED**  
 JAN 27, 2021  
 CHAMPAIGN COUNTY  
 PLANNING & ZONING



**FEHR GRAHAM**  
 ENGINEERING & ENVIRONMENTAL  
 ILLINOIS DESIGN FIRM NO. 184-003525  
 ILLINOIS  
 IOWA  
 WISCONSIN

OWNER/DEVELOPER:  
 ILLINI FIRE SERVICE  
 1212 E. UNIVERSITY AVE.  
 URBANA, IL 61802

PROJECT AND LOCATION:  
 3804 N. CUNNINGHAM AVE.  
 URBANA, IL

DRAWN BY: RLT  
 APPROVED BY: CMO  
 DATE: 6/30/20  
 SCALE: AS SHOWN

REVISIONS		
REV. NO.	DESCRIPTION	DATE

DRAWING:  
 PROPOSED DRAINAGE SWALE CROSS SECTIONS  
 SET TYPE: PRELIMINARY

JOB NUMBER:  
 20-453  
 SHEET NUMBER:  
 3 of 4

# **CASES 002-AM-21 and 003-S-21**

PRELIMINARY MEMORANDUM  
MARCH 2, 2021

**Petitioners:** Ryan and Amanda Donaldson, d.b.a. D5 Holdings Group LLC

**Request:**

Case 002-AM-21

Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 003-S-21.

Case 003-S-21

Authorize a Special Use consisting of multiple principal buildings on the same lot on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current AG-2 Agriculture Zoning District in related zoning case 002-AM-21.

**Location:** A 7.05-acre tract of land in the East Half of the Northeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3804 N Cunningham Avenue, Urbana.

**Site Area:** 7.05 acres

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

**Prepared by:** Susan Burgstrom, Senior Planner  
John Hall, Zoning Administrator

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## **BACKGROUND**

The petitioners would like to construct two buildings on the subject property. The north half of the Phase 1 building would house Illini Fire Service LLC, a fire suppression equipment and design company owned by the petitioners. Their area would have office and warehouse space. The remaining area would be leasable space.

The current AG-2 zoning does not allow multiple buildings on one lot at all. The proposed development requires a Map Amendment (Case 002-AM-21) to change the zoning from AG-2 to B-4, which allows multiple buildings with a Special Use Permit. Case 003-S-21 is for the Special Use Permit to allow multiple buildings. Illini Fire Service is most similar to the "Contractor's Facility with no outdoor storage or operations" land use, which is allowed by right in the proposed B-4 district. Any businesses that lease space will either need to be by right uses in B-4 or they will need to apply for a Special Use Permit.

Previous zoning cases 927-AM-19 and 928-S-19 sought the same rezoning and Special Use Permit, but had different proposed uses. Those cases were withdrawn by previous owners, but relevant information about the property and input received during those cases was included in the Summary of Evidence for the current cases.

## **EXTRATERRITORIAL JURISDICTION**

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.

The subject property is located within Somer Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Agriculture and vacant former farmstead	AG-2 Agriculture (Proposed rezoning to B-4)
North	Agriculture	B-4 General Business
East	Agriculture	AG-2 Agriculture
West	Commercial and Residential	B-4 General Business and R-5 Manufactured Home Park
South	Agriculture	AG-2 Agriculture

## DRAINAGE CONCERNS

The Saline Branch Drainage District has a tile that appears to run just north of the subject property south of Olympian Road; how the proposed development might affect the tile is unclear. The Saline Branch Drainage District was notified of this case, but no comments have been received.

There is a private 5-inch clay field tile noted on the Site Plan received January 27, 2021. The petitioners propose an 8-inch tile connecting to this tile and running along the south property line.

There is significant storm water surface flow in the same direction as the existing 5-inch clay field tile. John Hall, Zoning Administrator, has expressed concerns about the effects of development on possible obstruction of the surface flows. There is also a question as to how the off-site surface flows will be kept out of the proposed detention basin in the vicinity of the 5-inch tile.

Due to the increase in impervious area for the proposed use, a Storm Water Drainage Plan is required. The Plan will be reviewed by the P&Z Department's independent engineering consultant, and any recommendations can be required as part of the construction permit process.

Attachment O includes photos submitted by the Weckel family during previous cases 927-AM-19 and 928-S-19, received on March 6, 2019. The photos illustrate the inundation of the subject property in a December 2018 storm. Based on these photos, it seems reasonable to establish minimum building elevations to prevent flooding of any buildings. Section 9.1E. of the *Storm Water Management and Erosion Control Ordinance* also requires all building elevations to be one foot above the "maximum created head" at the emergency overflow structure for any detention basin. Staff recommends some engineering analysis is necessary to better understand the implications of minimum building elevations.

## DECISION POINTS FOR CASE 002-AM-21

Staff analysis indicates that the proposed Zoning Map amendment and potential use appear to be generally compatible with surrounding land uses and the Champaign County Land Resource Management Plan Goals, Objectives, and Policies adopted by the County Board on April 22, 2010.

Staff has recommended affirmative findings for all decision points for the LRMP Goals, Objectives, and Policies, LaSalle and Sinclair Factors, and Purpose of the Zoning Ordinance. The Board can revise any of these recommended findings.

## PROPOSED SPECIAL CONDITIONS

The following special condition is proposed for the Map Amendment:

- A. **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 (see attached).**

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

**Conformance with Land Resource Management Plan Policy 4.2.3.**

The following special conditions are proposed for the Special Use:

- A. **The Special Use is subject to the approval of Case 002-AM-21.**

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

**That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.**

- B. **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.**

- C. **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 uses are in compliance with the Zoning Ordinance.**

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

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

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

- E. **A septic system shall be installed on the subject property in conjunction with construction, and:**
- (1) **A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
  - (2) **The location of the proposed septic system shall be marked and staked prior to any grading or construction activities, and no construction activities or traffic shall be allowed in the area of the proposed septic system except as required to install the septic systems.**
  - (3) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

The special conditions stated above are required to ensure the following:

**That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.**

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

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

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

- G. **Any future sale of the subject property may be subject to the Illinois Plat Act (765 ILCS 205/0.01 et seq.) or the Champaign County Subdivision Regulations; or the subdivision regulations of a municipality that has jurisdiction within one and one-half miles of the corporate limits.**

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

**That the subject property complies with the Zoning Ordinance.**



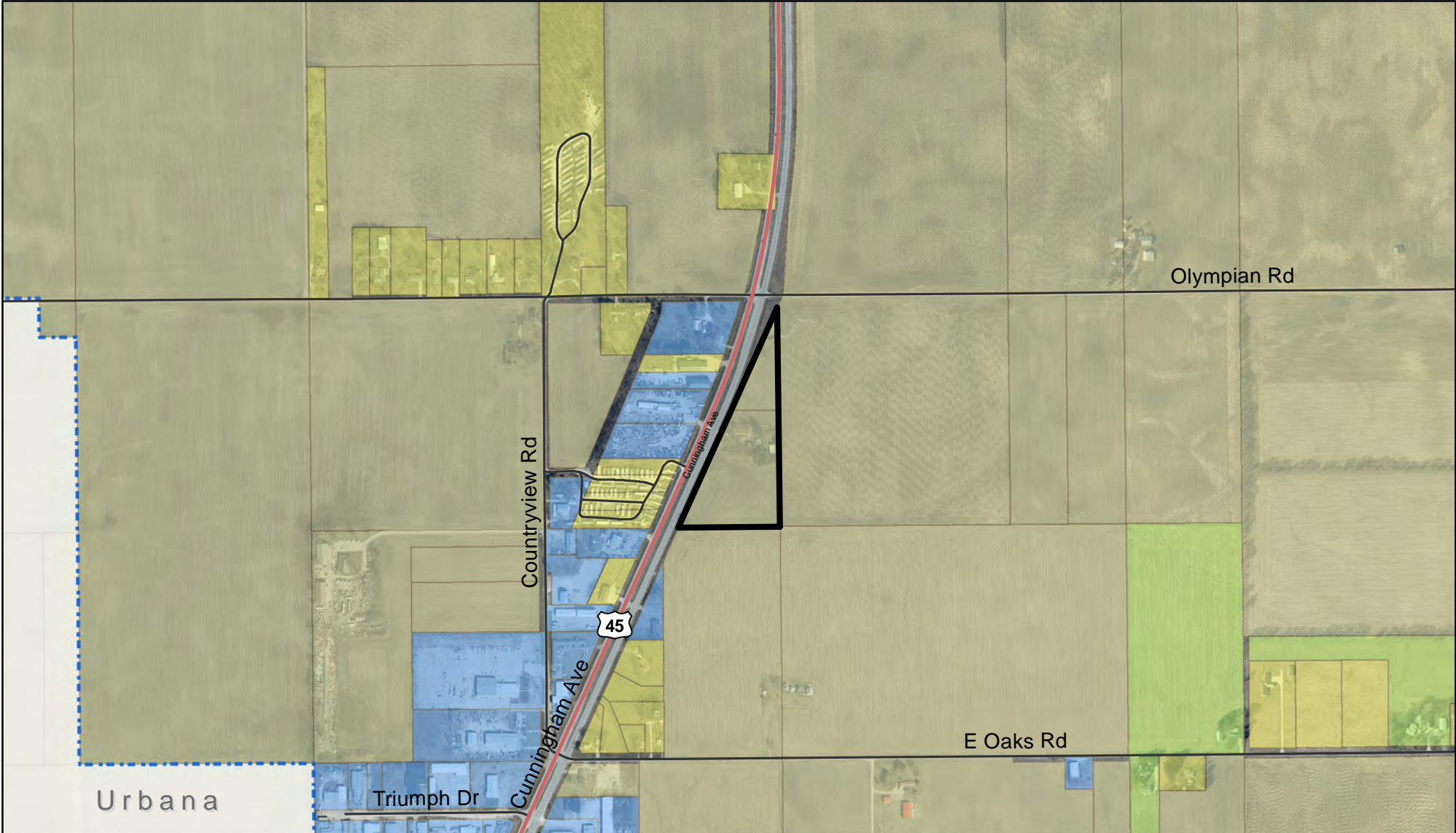
## **ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 27, 2021
- C LRMP Land Use Goals, Objectives, and Policies
- D LRMP Appendix of Defined Terms
- E LRMP Land Use Management Areas Map revised 2018
- F Copy of Right to Farm Resolution 3425
- G Urbana Future Land Use Map from the Urbana Comprehensive Plan 2005
- H Letter from Michael Flanagan, Champaign Urbana Public Health District, received January 24, 2018, regarding septic suitability for a previously proposed subdivision on the subject property
- I Preliminary Plat for the Rolfe Subdivision that was previously proposed for the subject property, received April 9, 2018
- J Contour Map of subject property on 2020 aerial
- K Email from Ed Clancy of Berns, Clancy & Associates received February 15, 2018
- L Part of Saline Branch Drainage District Plan Sheet dated November 30, 1977
- M Natural Resources Report from Champaign County Soil and Water Conservation District dated January 12, 2018 and received January 26, 2018
- N EcoCAT Natural Resource review and follow up letter from IDNR dated January 20, 2018 and received January 25, 2018
- O Pictures of flooding from Mack Weckel received March 6, 2019
- P Site photos taken by P&Z Staff on February 4, 2021
- Q Summary of Evidence, Finding of Fact, and Final Determination for Case 002-AM-21
- R Summary of Evidence, Finding of Fact, and Final Determination for Case 003-S-21







# Land Use Map

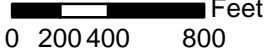
Cases 002-AM-21 & 003-S-21

March 11, 2021



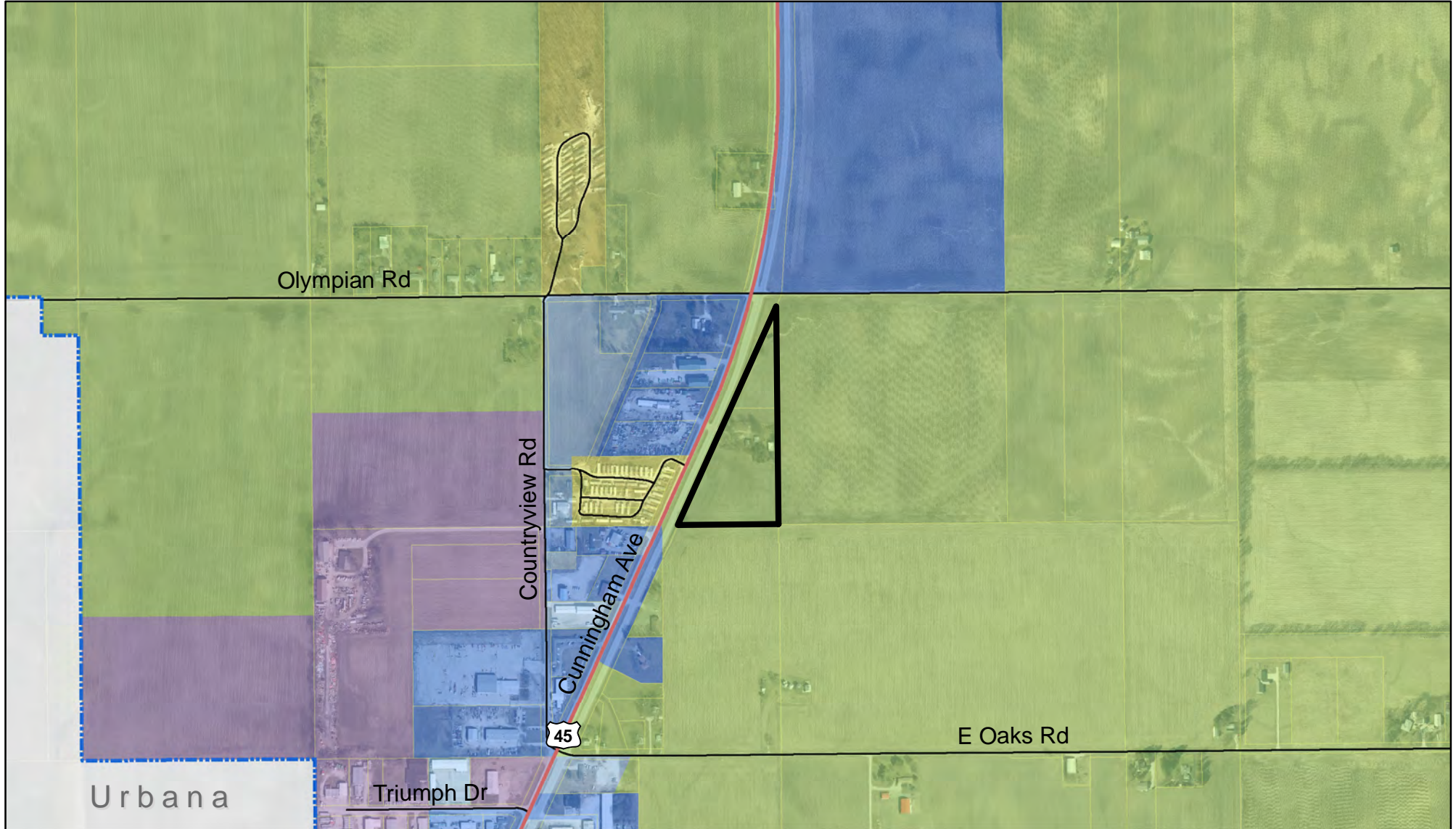
### Legend

-  Subject Property
-  Municipal Boundary
-  Agriculture
-  Ag/Residential
-  Residential
-  Commercial



# Zoning Map

Cases 002-AM-21 & 003-S-21  
March 11, 2021



## Legend

- Subject Property
- Urbana Corporate Limit
- AG-2
- B-3
- B-4
- I-1
- R-5

0 200 400 800 Feet

Champaign County  
Department of  
PLANNING &  
ZONING

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** March 18, 2021

**TIME:** 7:00 P.M.

**PLACE:** City Council Chambers | Zoom Webinar

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**MEMBERS ATTENDING REMOTELY:** Dustin Allred, Jane Billman, Andrew Fell, Lew Hopkins, Debarah McFarland, Jonah Weisskopf, Chenxi Yu

**MEMBER ATTENDING AT CITY BUILDING:** Tyler Fitch

**STAFF PRESENT:** City of Urbana (Host); Brianna Gaspar, UPTV Camera Operator, Marcus Ricci, Planner II; Kat Trotter, Planner I

**OTHERS ATTENDING REMOTELY:** Norman Baxley, Ryan Donaldson, Monica Huang

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**NEW BUSINESS**

**CCZBA-002-AM-21 – A request by Ryan and Amanda Donaldson, dba D5 Holdings Group, LLC to amend the Champaign County Zoning Map to change the zoning district designation at 3804 Cunningham Avenue from the AG-2, Agriculture Zoning District, to the B-4, General Business Zoning District, in order to establish and operate the proposed Special Use in related Zoning Case CCZBA-003-S-21.**

Chair Fitch opened Case No. CCZBA-002-AM-21. Kat Trotter, Planner I, presented the staff report to the Plan Commission. She began by explaining the purpose of the proposed zoning amendment request, which is to allow the applicant to establish and operate the Illini Fire Service, LLC, a fire suppression equipment and design company. She stated that at the March 11, 2021 meeting of the Champaign County Zoning Board of Appeals, they voted unanimously to enact the rezoning with one condition. She noted the location, existing land uses, and zoning of the subject property and adjacent properties. City staff found that the proposed rezoning to County B-4 (General Business) Zoning District would generally be consistent with the City’s 2005 Comprehensive Plan. She showed the Site Plan and talked about the drainage concerns detailed in the County memo. She read the options of the Plan Commission and presented City staff’s recommendation to DEFEAT A RESOLUTION OF PROTEST as presented. She mentioned that Ryan Donaldson, applicant, was available to answer questions.

Chair Fitch asked if any members of the Plan Commission had questions for City Council. There were none, so he opened the case for public input. There was no public input. Chair Fitch

closed the public input portion and opened the case for Plan Commission discussion and/or motion(s).

Chair Fitch stated that he was glad that they are addressing the drainage issues.

Mr. Hopkins moved that the Plan Commission forward Case No. CCZBA-002-AM-21 to the City Council with a recommendation to DEFEAT a Resolution of Protest. Mr. Allred seconded the motion. Roll call on the motion was as follows:

Mr. Fitch	-	Yes	Mr. Hopkins	-	Yes
Ms. McFarland	-	Yes	Mr. Weisskopf	-	Yes
Ms. Yu	-	Yes	Mr. Allred	-	Yes
Ms. Billman	-	Yes	Mr. Fell	-	Yes

The motion passed by unanimous vote.

Ms. Trotter noted that Case No. CCZBA-002-AM-21 would be forwarded to City Council on Monday, April 12, 2021.