



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Urbana Plan Commission

FROM: Jeff Engstrom, Planner II

DATE: May 3, 2013

SUBJECT: CCZBA 741-AM-13: A request by Marcus Harris to rezone 1414 Triumph Drive from County I-1, Light Industrial District to County B-4, General Business District.

Introduction

A petition has been submitted to Champaign County requesting a zoning map amendment for a 1.46-acre parcel at 1414 Triumph Drive from I-1, Light Industry Zoning District to B-4, General Business Zoning District. The property, also known as Lot 3 of Triumph Industrial Park Subdivision, is located 392 feet north of the Urbana corporate limits. The property was formerly an equipment rental and sales business, but has been vacant recently.

The property lies within one and one-half miles of the Urbana city limits. By state law, the City has the authority to review zoning decisions within this “extra-territorial jurisdiction” (ETJ) area for consistency with the City’s Comprehensive Plan. The Plan Commission should vote to make a recommendation to the City Council to either “protest” or “not protest” the rezoning. The Urbana City Council will review the Commission’s recommendation and vote to either approve or defeat a resolution of protest. Should the City Council enact a protest of the County rezoning, under State law the County Board could not approve the application except by a three-fourths super majority of affirmative votes. To be valid a protest must be filed with the Champaign County Clerk.

Background

This case was initiated when the applicant, Marcus Harris, inquired with Champaign County Planning and Zoning whether or not they could operate a gun sales shop and indoor firing range on the subject property. The property contains two buildings, both with large storage spaces. One of the buildings also has an office/retail space. In Champaign County, gun sales and firing ranges are allowed as part of the use category of “Sporting Goods Sales and Service”, which is not allowed in the County I-1 District. The petitioner is proposing to rezone to County B-4 due to the proximity of the site to Cunningham Avenue, a major commercial corridor north of the City.

Properties immediately north and south of the subject property are currently zoned County B-4. To the north is Bill Smith Auto Parts. To the east is Peterbilt Illinois Truck Sales and Service. To the west is McCormick Food Equipment, and to the south is a wholesale distribution facility.

The petitioner had previously planned on opening a gun sales and indoor firing range within the City of Urbana. However, the availability of this space on Triumph Drive allows the petitioner to move the proposed gun shop and firing range to a convenient, but less urban setting.

Further background information on the rezoning case, including location and zoning maps, is included within the attached Champaign County Department of Planning and Zoning preliminary memorandum. The following discussion of the issues involved will summarize the essential parts of this information as it pertains to the City's planning jurisdiction.

Issues and Discussion

County Zoning

According to the Champaign County Zoning Ordinance, the intent of the B-4, General Business Zoning District is:

“...to accommodate a range of commercial uses and is intended for application only adjacent to the urbanized areas of the County.” (Section 5.1.12)

The County's Zoning Ordinance defines the intent of the I-2, heavy Industry Zoning District as follows:

“The I-1, Light Industry District is established to provide for storage and manufacturing uses not normally creating a nuisance discernible beyond its property lines.” (Section 5.1.14)

Urbana 2005 Comprehensive Plan

The City of Urbana's 2005 Comprehensive Plan, Future Land Use Map #1, shows the future land use of the property as “Light Industrial/Office.” The plan defines this land use classification as:

“The Light Industrial/Office land use is intended for planned developments that typically do not generate the intensity of heavy industrial land use. May include professional and business services, light assembly plants, warehousing, research and development facilities and distribution centers. Light Industrial/Office development are typically part of a unified development plan.”

The proposal would conform to the Comprehensive Plan's future land use designation of Light Industrial/Office for the surrounding area. Firearms stores and indoor firing ranges are considered to be compatible with Light Industrial per the Urbana Zoning Ordinance. Future

Land Use Map #1 is further annotated in the area of the subject property, “Rural/Agri Business Opportunities along U.S. 45. Assist in marketing.”

The following Goals and Objectives of the 2005 Urbana Comprehensive Plan relate to this case:

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 zoning amendment requests in the extra-territorial jurisdiction, the City should consider the potential impact in relation to the intent of the 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 City of Urbana’s Comprehensive Plan.

In summary, staff finds that the rezoning from I-1 to B-4 designation would be generally consistent with the goals and objectives of the 2005 Comprehensive Plan.

City of Urbana Zoning

In evaluating the proposed rezoning from the City’s perspective one question to address is “does the use match the type of uses that would be permitted in the same or similar zoning district in the City?” In the event of a property being annexed into the City, its County zoning designation is converted to a City zoning designation on the basis of Urbana Zoning Ordinance Table IV-1 which is intended to provide for a directly comparable designation. Should this property be rezoned to County B-4, unless otherwise provided for through an annexation agreement, the

zoning would automatically convert to City B-3, General Business. Given the general commercial nature of the area, the proposed zoning designation is appropriate. Firearm sales are allowed in the City B-3 District. Indoor Firing Range is not allowed in the City's B-3 District, but is allowed in the City's IN-1, Light Industrial District.

The La Salle National Bank Criteria

In the case of *La Salle National Bank v. County of Cook (La Salle)*, the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. Each of these factors will be discussed as they pertain to a comparison of the existing zoning with that proposed by the Petitioner.

1. *The existing land uses and zoning of the nearby property.*

This factor relates to the degree to which the existing and proposed zoning districts are compatible with existing land uses and land use regulations in the immediate area.

The subject property contains a vacant equipment rental facility. Land use patterns are shown in the Land Use figure attached to the Champaign County Preliminary Memorandum. The surrounding areas contain a mix of sales, service, and distribution uses.

County zoning surrounding the subject properties is B-4 to the north, south and east, and I-1 to the west as shown in the figure attached to the Champaign County Preliminary Memorandum. The proposed B-4 designation would be consistent with the zoning and land use pattern found in the vicinity of the site.

2. *The extent to which property values are diminished by the restrictions of the ordinance.*

This is the difference in the value of the property as zoned and the value it would have if it were rezoned to permit the proposed use.

The proposed rezoning will allow for the sale of the property. If the rezoning is denied, the property will remain unused until another use can be found.

It should be noted that City Planning Division staff are not qualified as professional appraisers and that a professional appraiser has not been consulted regarding the impact on the value of the property. Therefore, any discussion pertaining to property values must be considered speculative.

3. *The extent to which the ordinance promotes the health, safety, morals or general welfare of the public.*

4. *The relative gain to the public as compared to the hardship imposed on the individual property owner.*

The question here applies to the current zoning restrictions: do the restrictions promote the public welfare in some significant way so as to offset any hardship imposed on the property owner by the restrictions?

The current restrictions associated with the zoning of the property are designed to promote industrial use and limit retail use. However, the site is on a major commercial corridor between Urbana and Rantoul, with regional access from Interstate 74. The current zoning does not necessarily protect the public welfare, and denying the proposed rezoning would impose a hardship on the current owner and proposed business use.

5. *The suitability of the subject property for the zoned purposes.*

The issue here is whether there are certain features of the property which favor the type and intensity of uses permitted in either the current or the proposed zoning district.

The Champaign County Planning and Zoning office has determined the proposed rezoning will help achieve many County Land Resource Management Plan goals. The buildings on the site are suitable for alterations to house the proposed retail and firing range use.

6. *The length of time the property has been vacant as zoned, considered in the context of land development, in the area, in the vicinity of the subject property.*

The site previously served as an equipment rental facility, but has been vacant in recent months. County staff does not know exactly how long the site has been vacant.

Summary of Staff Findings

1. The site is within the City's Extra-territorial Jurisdiction.
2. The site is currently zoned County I-1, Light Industry and proposed to be rezoned County B-4, General Business to allow a firearm sales and indoor firing range facility.
3. The proposed rezoning is compatible with the Urbana Comprehensive Plan Future Land Use designation and notations for the site and surrounding areas.
4. The proposed rezoning and land use are generally compatible with the surrounding County zoning and land uses.
5. The proposed zoning change is generally compatible with the land use policy goals of the 2005 Urbana Comprehensive Plan, which promote contiguous growth and compatibility of land uses.
6. The evaluation of the LaSalle Criteria reiterates the findings above. The proposed zoning change is acceptable because the site and surrounding area are generally suitable for the

proposed zoning district, and the change will not be injurious to the general welfare of the public.

Options

The Plan Commission has the following options in CCZBA Case no. 741-AM-13, a request to rezone a property from I-1 to B-4. The Urbana Plan Commission may:

- a. Forward the plan case to the City Council with a recommendation of “no protest”; or
- b. Forward the plan case to the City Council with a recommendation of "no protest", contingent upon specific provisions to be identified; or
- c. Forward the plan case to the City Council with a recommendation of “protest”.

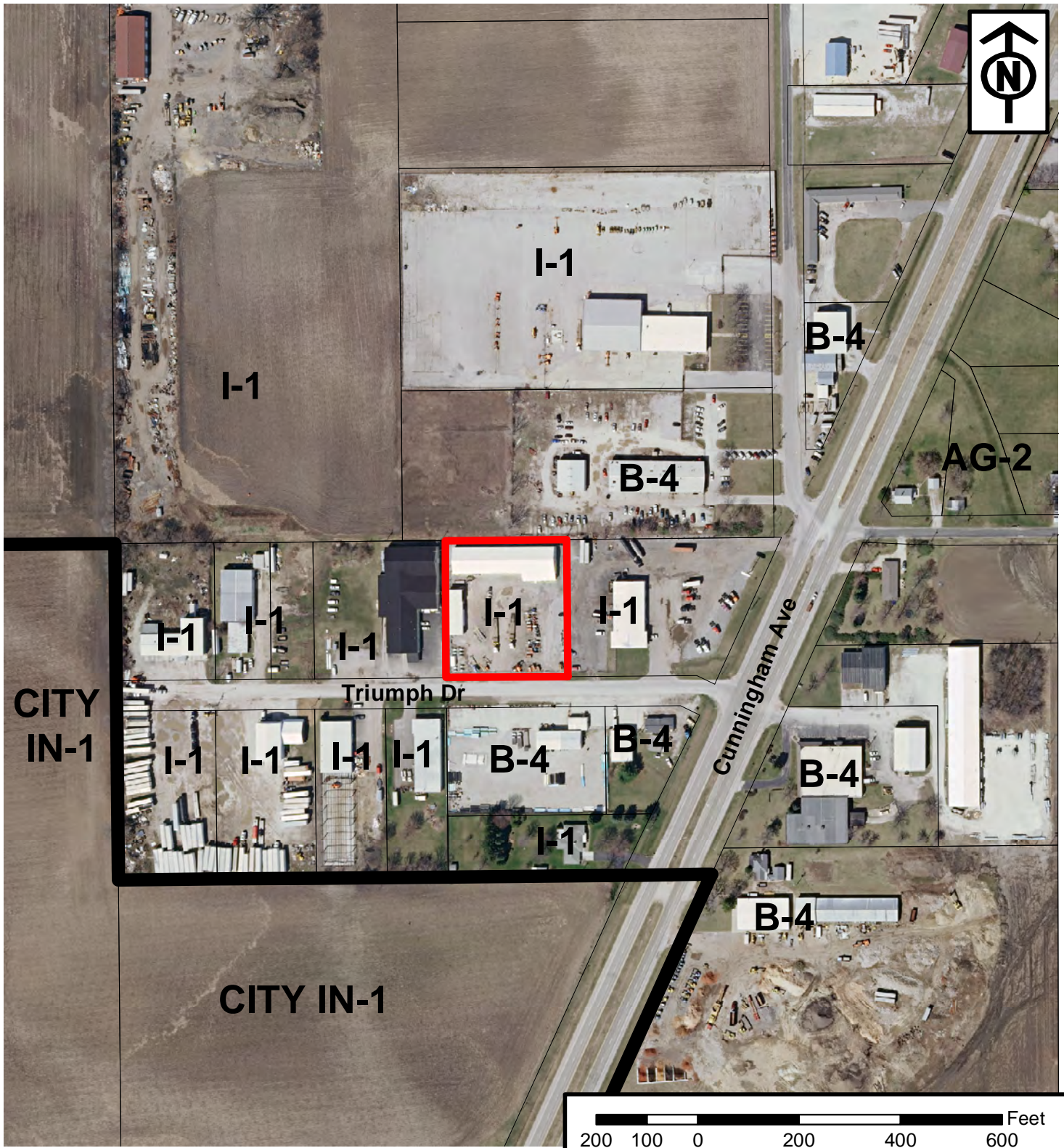
Staff Recommendation

Based upon the findings above, Staff recommends that the Plan Commission forward to the City Council a recommendation to **defeat a resolution of protest**.

Attachments: Exhibit A: Location and Zoning Map
 Exhibit B: Memoranda to the Champaign County ZBA dated April 18, 2013

cc: John Hall, Champaign County Planning and Zoning
 Marcus Harris, Rent Champaign

EXHIBIT A: Location and Zoning Map



Plan Case: CCZBA No. 741-AM-13
Petitioner: Marcus Harris
Location: 1414 Triumph Dr
Description: Amend Champaign County Zoning Map from I-1, Light Industrial to B-4, General Business

Prepared 4/2013 by Community Development Services - jme

County Zoning
AG-2: Agricultural
B-4: General Business
I-1: Light Industrial

City Zoning:
IN-1: Light Industrial

CASE NO. 741-AM-13

PRELIMINARY MEMORANDUM B

April 18, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioners: **Marcus Harris &
landowner Tharco Inc.**

Site Area: **1.49 acres**

Time Schedule for Development: **Gun
Shop Immediately and Gun Range to
Follow**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

**Request: Amend the Zoning
Map to change the zoning
district designation from the I-1
Light Industry Zoning District
to the B-4 General Business
Zoning District for the purpose
of establishing a firearm sales
store and indoor shooting range
as a "Sporting Goods Sales and
Service" store.**

**Location: Lot 3 of Triumph
Industrial Park Subdivision in
the Southeast Quarter of
Section 33 of Somer Township
and commonly known as the
buildings at 1414 Triumph
Drive, Urbana.**

ADDITIONAL EXHIBITS

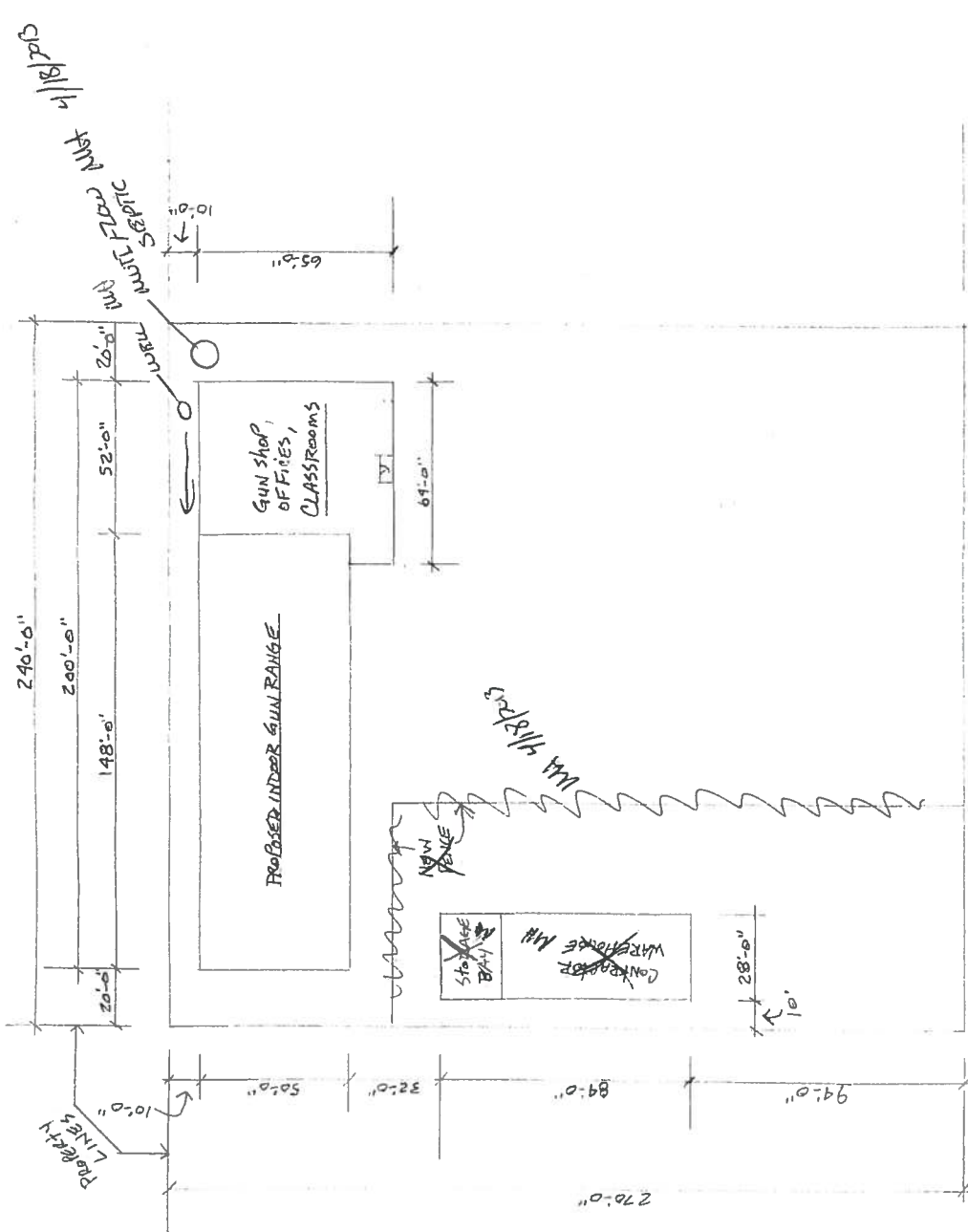
Additional exhibits were submitted by the petitioner after the Preliminary Memorandum was copied, these exhibits have been attached.

The Morrigan Company will provide training and instruction at the proposed indoor shooting range and information regarding this company has been included. A letter from the Carroll Fire Protection District Chief is included and a letter of support from Justus Clinton, a Champaign Police Officer.

The site plan has also been amended by the petitioner to indicate the locations of the water well and the wastewater system, and to indicate that the smaller building is not proposed to be a contractor's warehouse.

ATTACHMENTS

- A Amended Site Plan (amended April 18, 2013)
- B Information regarding the Morrigan Company received April 18, 2013
- C Letter from David Lawrence, Carroll Fire Protection District Chief, to Tim Murray, The Morrigan Company received April 18, 2013
- D Letter of support from Justus Clinton received April 18, 2013



PLOT PLAN 1414 TRIUMPH DR 1" = 40'

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JAN 25 2013

TRIUMPH DR.

CHAMPAIGN CO. P & Z DEPARTMENT

About The Morrigan Company

The Morrigan Company is a leading authority in personal safety, firearms training and disaster preparedness, where your personal safety comes first (TM)!

The Morrigan Company is a veteran owned company and a leading authority in personal safety, firearms training, and disaster preparedness.

Started in 2009 by, Tim Murray, The Morrigan Company is veteran owned and a leading authority in personal safety, firearms training, and disaster preparedness, "Where Your Safety Comes First tm". The Morrigan Company offers various NRA certified programs and specialized training aimed at increasing an individual's situational awareness, personal safety and disaster preparedness.

Tim Murray, President & Lead Instructor

Tim has spent the past 14 years in the fire service; currently working as a firefighter and HAZMAT Technician for the City of Champaign. For the past ten years he has also served as a Tactical Medic assigned to the Champaign Police Department SWAT team. He was previously assigned to the ILEAS Region 7 WMD Team for Central Illinois and was responsible for establishing the Champaign Area Community Emergency Response Team (CERT) Program.

Tim previously served as the Deputy Chief of Probation in Douglas County and was responsible for the creation of the Law Enforcement Alliance of Douglas County (LEADs). He was an Adjunct Faculty Member at Lake Land College where he taught Psychology. Tim served eight years with the US Air Force and USAF Reserves where he obtained the rank of Staff Sergeant. He functioned as the NCOIC of Mobility and served as his unit's Weapons and HAZMAT courier. Tim graduated from Parkland College with an Associate's degree in Criminal Justice and a Bachelor's Degree from Eastern Illinois University in Psychology.

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Instructor Certifications

NRA Pistol

Department Of Home Land Security

Refuse To Be A Victim

Community Emergency Response Teams

SPEEDS Decon

Range Safety Officer

Specialized Training Certifications

US Air Force HAZMAT and Weapons Courier

Adult and Juvenile Probation Officer Certified

National Law Enforcement Institute Graduate in: Officer Safety, Advanced Investigator School, and Street Gangs

State of Illinois Mandatory Firearms Training for Peace Officers

Investigative Techniques for Gang Crimes & The Reid Technique of Interviewing and Interrogation

NTOA Basic SWAT

Counter Narcotics and Tactical Medicine Course (CONTOMs)

WMD Response Training and Tactical Operations

WMD Law Enforcement Protective Measures (HOT)

WMD Chemical Ordnance, Biological, & Radiological Course (COBRA)

Fire Fighter II, III, & EMT Certified

HAZMAT Technician A/B & Incident Command

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Fact Sheet About The Range

The Morrigan Company Mission

The Morrigan Company seeks to become the leading authority in personal safety, firearms training, and disaster preparedness; where "Your Safety Comes First (tm)".

The Morrigan Company will provide educational services and training facilities to local citizens. The goal of the Morrigan Company is to educate and train citizens in the areas of personal safety, firearms training, and disaster preparedness; by providing excellent educational services and top of the line training facilities.

Employment Statistics (estimate)

Salaried	1
Full-time	2
Part-time	4
<u>Contractual Instructors</u>	<u>5-10</u>
Totals	12-17

Employment Projections Do NOT Include: Temporary or Year Round Employment of Contract Workers for Construction, IT Services, Payroll, etc.

Sales Tax

Sales Tax Revenue (based on sales projections)			
	Year 1	Year 2	Year 3
Revenue Projected	\$ 2,200,000.00	\$ 3,325,000.00	\$ 4,400,000.00
States Sales Tax (6.25%)	\$ 137,500.00	\$ 207,812.50	\$ 275,000.00
County Taxes (1.25%)	\$ 27,500.00	\$ 41,562.50	\$ 55,000.00
Urbana Tax (1.25%)	\$ 27,500.00	\$ 41,562.50	\$ 55,000.00

Sales Projections Do NOT Include: Sales and Service Taxes Paid by Range to Another Party.

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From The Desk of Chief David Lawrence

Carroll Fire Protection District

"Volunteering To Save Lives"

29 MAR 2013

Tim Murray, President
The Morrigan Company, Ltd.
1601 Harrington Dr.
Champaign, IL 61821

Dear Mr. Murray,

I have been to the location that you specified in our discussion. I find no legitimate reason to oppose your request for re-zoning; moreover, your proposal to request rezoning makes sense in light of the businesses that currently occupy the area in question.

Please feel free to let me know if I may be of further assistance to you and your company's endeavors.

Respectfully,

David O. Lawrence

Fire Chief

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CHAMPAIGN CO. P & Z DEPARTMENT

Dear Champaign Zoning Board of Appeals-

My name is Officer Justus Clinton and I am a 15 year officer with the City of Champaign Police Department. During my employment with the City, I serve as a firearms instructor and field training officer.

I recently learned of the Morrigan Company partnership and development for an indoor range located at 1414 Triumph. This is very exciting as it opens the door for several opportunities to the Champaign/Urbana area Public Safety Professionals.

Currently, most of the live fire training scenarios and live fire practice sessions are held at the Police Training Institute range in Savoy. This facility is adequate and meets most of the needs of our local agencies, however, time and availability are at a premium at this site. Understandably, PTI's priority is training their new recruit officers which limit's the range time available to local agencies.

This facility would not only provide another option for local law enforcement to practice and train their personnel, but would also give responsible civilian gun owners a place to safely practice. I believe the benefit to the local public is also a good thing as this facility provides an opportunity to train the public, enforce good habits and reinforce the safe handling of firearms.

As a lifelong resident of Champaign, this is also personally exciting for me as this is the first time I am aware of this type of facility offered on a local level.

I am writing this letter in support of the proposed zoning change I-1 to B-4 as I feel this facility will safely and professionally serve the needs of the shooting enthusiast in conjunction with providing alternative training options as well as an additional location to practice.

I know I am joined in support by my colleagues within the Champaign/Urbana Public Safety arena and look forward to the successful development of this facility.

Sincerely-

Officer Justus Clinton, Champaign Police

April 17th, 2013

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APR 18 2013
CHAMPAIGN CO. P & Z DEPARTMENT

CASE NO. 741-AM-13

PRELIMINARY MEMORANDUM

April 18, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioners: **Marcus Harris &
landowner Tharco Inc.**

Site Area: **1.49 acres**

Time Schedule for Development: **Gun
Shop Immediately and Gun Range to
Follow**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

**Request: Amend the Zoning
Map to change the zoning
district designation from the I-1
Light Industry Zoning District
to the B-4 General Business
Zoning District for the purpose
of establishing a firearm sales
store and indoor shooting range
as a "Sporting Goods Sales and
Service" store.**

**Location: Lot 3 of Triumph
Industrial Park Subdivision in
the Southeast Quarter of
Section 33 of Somer Township
and commonly known as the
buildings at 1414 Triumph
Drive, Urbana.**

BACKGROUND

The petitioner, Marcus Harris, is in the process of purchasing the subject property from its current owner Tharco Incorporated, and requests to rezone the subject property from its current I-1 Light Industry zoning designation to the B-4 General Business zoning designation. The subject property is currently vacant and was formerly occupied by an equipment rental and sales business. There are two buildings on the property and both buildings and subsequent additions were authorized by ZUPA No. 238-75-05, 272-78-02, 262-96-01, and 339-97-02.

Upon rezoning the petitioner intends to lease a portion of the larger building on the subject property to D & R Firearms Incorporated, of Urbana, Illinois, to operate a firearms sales shop. The remaining portion of the larger building will be developed into an indoor shooting range to be used for target shooting and firearms instruction. At this time it is unclear as to what the smaller building will be used for, but there is the potential for a future Special Use Permit zoning case to allow multiple principal uses on the property.

If the rezoning is approved this would not create an "island" of B-4 zoning, the property adjacent to the north was rezoned from I-1 to B-4 in Case 727-AM-90 and the property immediately to the south and across Triumph Drive was rezoned from I-1 to B-4 in Case 784-AM-91. It could be said that an "island" of I-1 would be created because the property adjacent to the east is zoning I-1 and fronts U.S. 45.

EXTRA TERRITORIAL JURISDICTION (ETJ)

The subject property is within the ETJ of the City of Urbana, a municipality with zoning. The City of Urbana has protest rights on the proposed map amendment and has been notified of this case.

In an email dated April 9, 2013, Robert Myers, Planning Manager, City of Urbana, to John Hall, Champaign County Zoning Administrator, Mr. Myers indicated that City of Urbana staff would recommend to the Urbana Plan Commission and the City Council to not protest the proposed amendment.

EXISTING LAND USE AND ZONING**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Former Equipment Rental (Currently Vacant)	I-1 Light Industry
North	Auto Parts Sales/Salvage	B-4 General Business
East	Semi-Truck Sales and Service	I-1 Light Industry
West	Food Equipment Sales/Service/Distribution	B-4 General Business
South	Wholesale Distribution	B-4 General Business

CITY OF URBANA FUTURE LAND USE MAP

The Future Land Use Map in the 2005 Comprehensive Plan for the City of Urbana identifies the subject property and the area surrounding the subject property as Light Industrial/Office which the plan describes as: Land use intended for planned developments that typically do not generate the intensity of heavy industrial land uses.

In the same email dated April 9, 2013, from Robert Myers to John Hall, Mr. Myers indicated that commercial zoning at this location generally conforms with the City of Urbana's Comprehensive Plan future land use maps, and the proposed location seems like a good fit in terms of adjacent uses, potential impacts, and convenience for customers.

PROPOSED SPECIAL CONDITIONS OF APPROVAL

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 741-AM-13 by the County Board.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- B. No Zoning Use Permit for expansion of building area or parking area and no Change of Use Permit authorizing a different use with a greater wastewater load shall be approved without documentation that the Champaign County Health Department has determined the existing or proposed septic system will be adequate for that proposed use.**

The above special condition is required to ensure:

That the existing septic system is adequate and to prevent wastewater runoff onto neighboring properties.

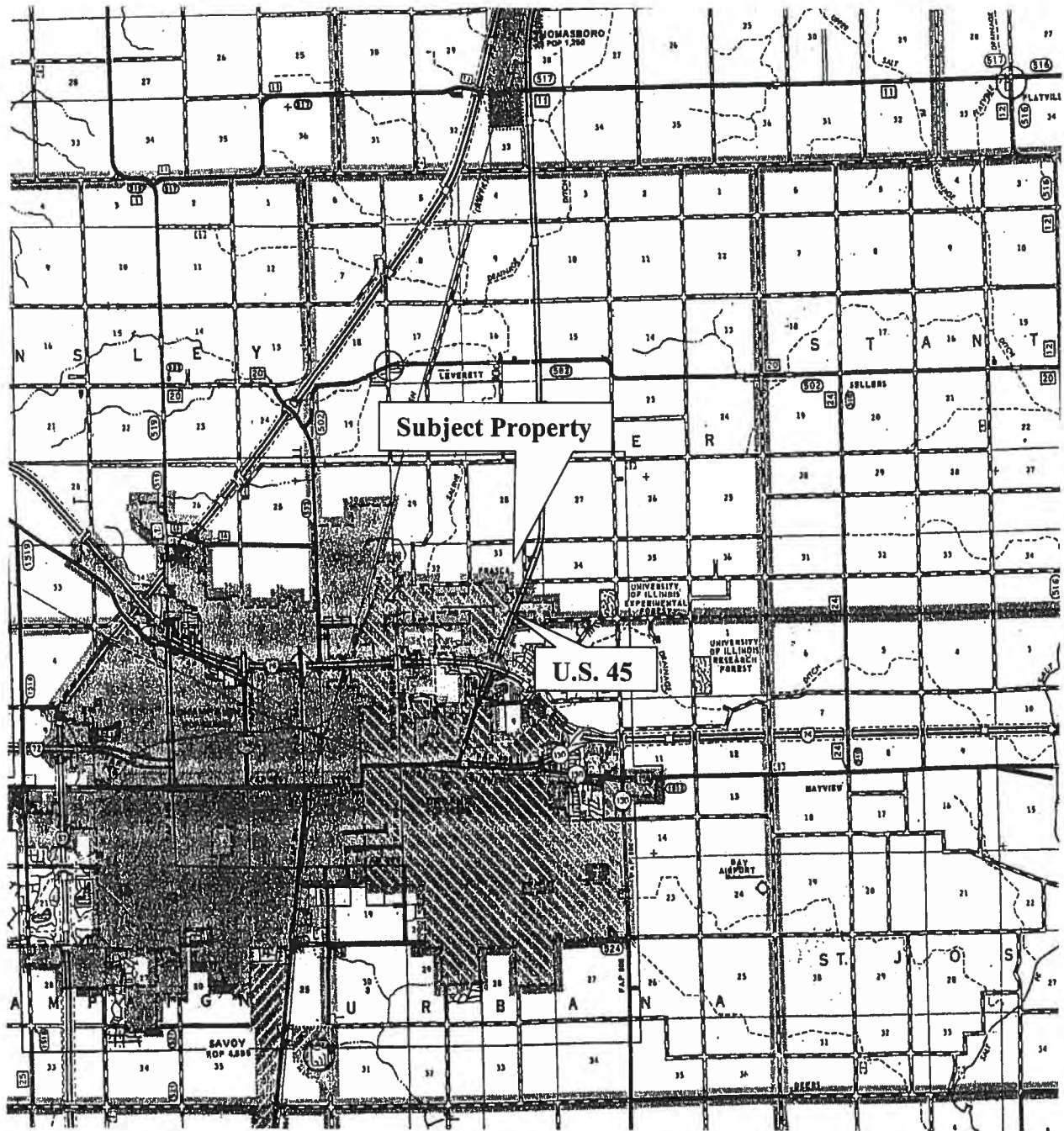
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 25, 2013
- C Email from Robert Myers to John Hall dated April 9, 2013
- D D & R Firearms, Incorporated Executive Summary received April 17, 2013
- E Signatures of Support received April 12, 2013, and April 17, 2013
- F Email from Zakary Timm dated April 17, 2013
- G Letter from Dan Walsh, Champaign County Sherriff, to Alan Kurtz, Champaign County Board Chair, received April 17, 2013
- H Site Visit Photos (included separately)
- I Excerpt of UCSD Sewer Map (included separately)
- J City of Urbana Comprehensive Plan Future Land Use Map #1 (included separately)
- K LRMP Land Use Management Areas Map (included separately)
- L LRMP Goals, Objectives, Policies, and Defined Terms (included separately)
- M Draft Finding of Fact and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

Case 741-AM-13

April 18, 2013

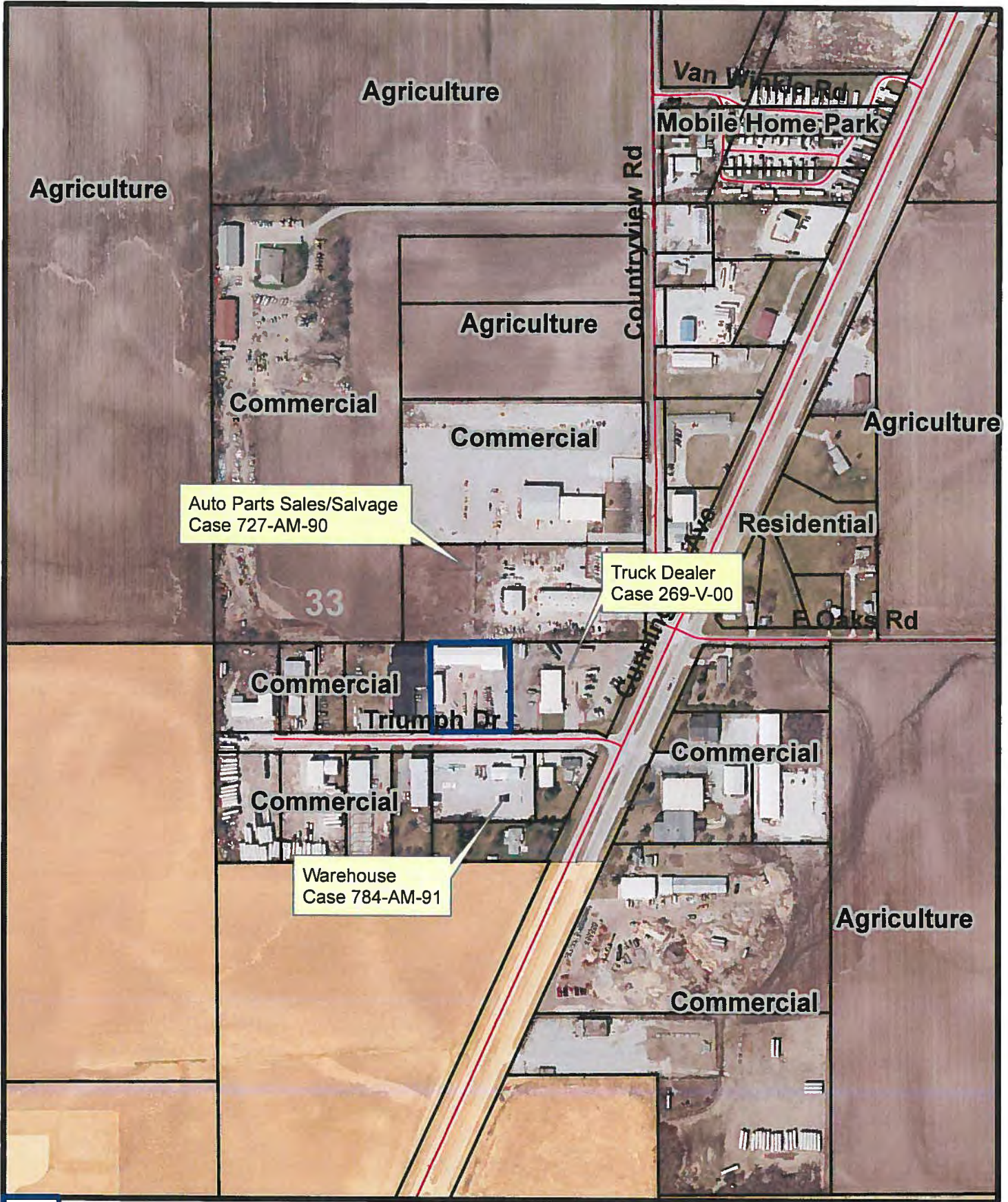




Champaign
County
Department of
**PLANNING &
ZONING**

Attachment A: Land Use Map

Case 741-AM-13

April 18, 2013



 Subject Property
 City of Urbana

1 inch = 400 feet



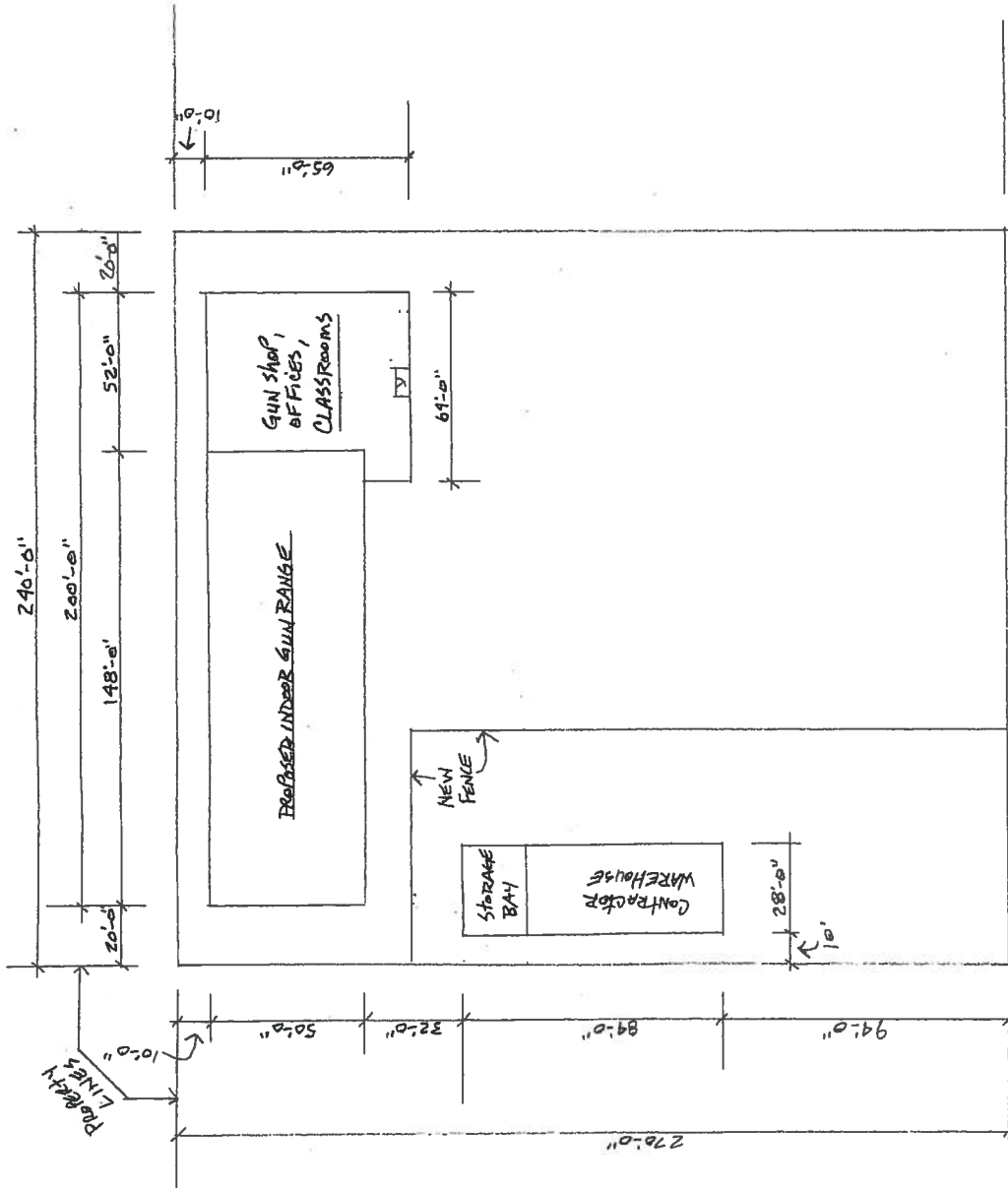
ATTACHMENT A. ZONING MAP

Case: 741-AM-13

April 18, 2013



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Clatsop County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	



PLOT PLAN 1414 TRIUMPH DR. 1" = 40'

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JAN 25 2013

CHAMPAIGN CO. P & Z DEPARTMENT

TRIUMPH DR.

Andrew Kass

From: John Hall
Sent: Tuesday, April 09, 2013 12:17 PM
To: 'Myers, Robert'
Cc: mharrisfj4@aol.com; Tyler, Elizabeth; Andrew Kass
Subject: RE: potential gun store and/or indoor firing range on Triumph Drive

Thanks, Robert. We are mailing notices for the Harris case (Case 741-AM-13) today.

Please let us know if you have any questions.

Sincerely,

John Hall
Director
Zoning Administrator

Champaign County Department of Planning and Zoning
Brookens Administrative Center
1776 East Washington Street
Urbana IL 61802
Tel (217) 384-3708
Fax (217) (819-4021)

From: Myers, Robert [<mailto:ramyers@urbanaininois.us>]
Sent: Tuesday, April 09, 2013 12:11 PM
To: John Hall
Cc: mharrisfj4@aol.com; Tyler, Elizabeth
Subject: potential gun store and/or indoor firing range on Triumph Drive

Hello, John.

Recently I've been contacted by Marcus Harris, an Urbana businessman, who I understand has been investigating opening a gun store and/or indoor firing range on Triumph Drive in unincorporated Champaign County, and located just outside the City of Urbana. Mr. Harris also investigated opening a gun store and/or indoor firing range within Urbana, and in fact his inquiries about how this would comply with Urbana zoning prompted the City of Urbana to amend our Zoning Ordinance to address such uses for the first time.

I understand that obtaining necessary zoning approval from Champaign County for these potential businesses would require rezoning of the property on Triumph Drive from industrial to commercial zoning. As you know, under State law municipalities with comprehensive plans have an obligation to review County zoning map amendments for potential conflicts with City land uses and zoning with any City Council "protest" triggering a super-majority vote at the County Board to approve the County zoning map amendment. Following discussions with the Urbana Zoning Administrator, Urbana City staff's position is that we would recommend that the Urbana Plan Commission and City Council NOT protest this County zoning map amendment. Commercial zoning at that location generally conforms with the City of Urbana's Comprehensive Plan future land use maps, and the gun store/firing range's potential location on Triumph Drive seems like a good fit in terms of adjacent uses, potential impacts, and convenience for customers. City staff would make this recommendation to the Plan Commission and City Council after the County would officially notify City staff that you are processing the application.

The City of Urbana does not have an annexation agreement for any property on Triumph Drive, and I do not see a reason why an annexation agreement would be necessary for this project to proceed.

Best regards,

Robert A Myers, AICP

Planning Division Manager

Community Development Services Dept

400 S Vine Street

Urbana, IL 61801

(217) 384-2440

(217) 384-0200 FAX

ramyers@urbanaininois.us

www.urbanaininois.us

D&R FIREARMS, INC

D&R Firearms, Inc

1606 Bunker Ct

Urbana, IL 61802

217-344-6332 or 217-840-9360

Email: thegunexperts@comcast.net

Website: www.thegunexperts.com

FFL# 3-37-019-01-4A-02768

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CHAMPAIGN CO. P & Z DEPARTMENT

EXECUTIVE SUMMARY

WHO WE ARE:

D&R Firearms, Inc is an S-Corporation owned by Dean Hazen and Roger Tillman. We are licensed by the ATF as a retail firearms business. We buy, sell, and trade virtually any kind of firearm not prohibited by the National Firearms Act (NFA) - generally fully automatic or short barrel firearms. We are licensed for gun-smithing and the manufacturing and resale of ammunition. We carry a diverse inventory of about 150 firearms and are connected to the largest firearms distributors in the county.

A BRIEF COMPANY HISTORY:

In January of 2011, Dean and Roger started D&R Firearms, Inc in Dean's garage. We have since experienced significant growth in demand for firearms. Sales doubled in 2012 and are projected to triple in 2013.

When working with customers, we spend a great deal of time answering safety and legal questions. Over 90% of our customers have expressed an interest in training or have asked for a safe, legal place to shoot. The high need for safety and legal training quickly became obvious. Although we answer questions and provide guidance, our services limited by our facility. This fueled our desire to develop a full service, indoor training facility that will include our retail store.

MISSION STATEMENT:

Above all, we value education, safety and responsibility. We believe in and promote a strong sense of engaged citizenship.

In addition to selling firearms, we seek to train and educate legal firearms owners in the safe handling, storage, and use of their firearms. Training will include, but is not limited to: the safe handling, use and storage of firearms; legal training; hunter safety courses; basic self-defense courses; and concealed carry courses. Safety training and education remain our highest priority.

COMPANY GOALS AND OBJECTIVES:

Our current goal is to provide the public with a full service indoor shooting facility. This facility will include classrooms for training with highly qualified, seasoned instructors and our retail store. We will be one of the few training facilities to offer firearms simulator training. Our services and products will be marketed to those who qualify as legal firearms owners and those who show a high concern for safety and responsibility.

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THE INDUSTRY:

The firearms industry has experienced unprecedented growth on the national and local level for several years now. On the local level, concealed carry is expected to begin June 09, 2013. Thousands of inexperienced firearms owners will be in need of education and training, which requires a full service, public facility. We are fully prepared and ready to meet this challenge with our staff and network of highly trained firearms instructors.

MEET THE OWNERS:

Dean Hazen is a 16-year police veteran who has worked in multiple states. He has served on three SWAT teams throughout his career and is still a full time police officer. In addition to regular patrol duties, he serves as a Field Training Officer and Crisis Intervention Team Officer. Dean is a Master Firearms Instructor certified through the Police Training Institute at the University of Illinois. He is also a certified Police Firearms Instructor through the NRA. Dean holds an A.S. Degree in Criminal Justice and a B.A. Degree in Liberal Arts. Dean is married with two children. The Hazen family resides in Urbana and the Hazen children attend Urbana public schools.

Roger Tillman has held a United States Coast Guard (USCG) license since 1974, subject to regular, periodic vetting by the USGC, federal and state law enforcement agencies. He retired as a Master/Pilot, a middle management position in the motor vessel transportation business. Roger is an NRA Certified Range Safety Officer and he often volunteers his time for the University of Illinois Faculty-Staff Firearms Safety Program. He recently completed a week-long NRA Range Development and Management Training Conference. Roger is a certified Firearms Duracoat professional. He is married and the lives in Urbana.

CONCLUSION:

The demand for firearms is at an all-time high. Education and training are more important than ever before. D&R, along with its associates, offer the highly qualified instructors and products needed to meet this demand. We are part of, and care deeply for, the community. Safety, training, and education is our goal.

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Marcus Harris C/O Rent Champaign
705 S Glover Ave Urbana IL 61802
Phone # 217-621-3971 E-Mail:
Mharrisfj4@AOL.com

March 20, 2013

To: Our neighbors

Sub: 1414 Triumph Drive zoning amendment

A Petition for Zoning Amendment from the existing I-1 to a B4 has been submitted to the Champaign County Department of Planning and Zoning for 1414 Triumph Drive. The reason for requesting a zoning change is to allow a rework of the primary building on site to accommodate retail sales of firearms and ammunition, an indoor shooting range for handguns and rifles, classrooms for educational training and a multi faceted computerized simulator.

The Facility will be owned and managed by Marcus Harris, a former High School teacher, local entrepreneur, property management company owner, developer, contractor and gun enthusiast. The retail firearms shop will be operated by D&R Firearms a local Urbana business with several years of gun experience. The extensive firearm training from basic to tactical will be provided by accredited and certified instructors, many of them being local law enforcement officers.

A hearing on this matter has been scheduled for 7:00PM April 25, 2013 before the Champaign County Zoning Board of Appeals at the Brookens Administrative Building, 1776 E Washington St Urbana IL. An official notice will be sent by the county to you and other involved parties on April 10th 2013.

Prior to choosing this location in the county we searched the twin cities for a suitable structure but to no avail. We however obtained full support and unanimous approval from the Urbana City Council and Planning & Zoning Department to allow such a business in city limits. We feel the local cities, county and surrounding areas are hungry for this type of business to happen. 1414 Triumph drive offers the best location for our business and all those who shall benefit from it. The planned facility will be ballistically safe, secure, environmentally clean and noise abated. Increased customer traffic on Triumph Drive should be a benefit to all business in the area. We also look forward to having you as a valued patron.

To assist us with this zoning petition we would appreciate your approval and support by signing below.

Business: Dedicated Diesel LLC

Address: 1306 Triumph Dr.
Urbana, IL 61802

Comments;

Signature: 

Title: Owner

Thank you

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Marcus L. Harris

CHAMPAIGN CO. P & Z DEPARTMENT

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To assist us with this zoning petition we would appreciate your approval and support by signing below.

Business: McCormick Dist. & Service, Inc.
1408 Triumph Dr.
Address: P.O. Box 847
Urbana, IL 61803

Signature: [Handwritten Signature]
Title: U.P. - Food Division

Comments;

I welcome the above stated business to our business neighborhood as long as safety and the noise levels are continued considerations during the operation of this facility. [Handwritten Signature] Dist. & Service Inc has been owned & operational in this location for over forty years and we encourage the growth of the

Thank you

[Handwritten Signature]
Marcus L. Harris

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To assist us with this zoning petition we would appreciate your approval and support by signing below.

Business: Cox Electric

Address: 1409 Triumph Dr.

Signature: *Marcus Harris*
Title: Property Manager

Comments;

We own the building that Cox Electric occupies and after talking with them we are in favor of your venture and look forward to utilizing all aspects of your facility.

Thank you

Marcus L. Harris

Marcus Harris C/O Rent Champaign
705 S Glover Ave Urbana IL 61802
Phone # 217-621-3971 E-Mail:
Mharrisfj4@AOL.com

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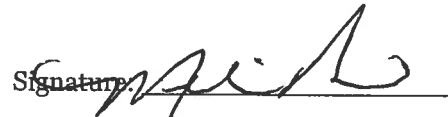
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To assist us with this zoning petition we would appreciate your approval and support by signing below.

Business: Cox Electric

Address: 1409 Triumph Dr.

Comments;

Signature: 

Title: Pres

*owner of Business
Blas leased from
Mel Johnson

Thank you

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Marcus L. Harris

CHAMPAIGN CO. P & Z DEPARTMENT

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To assist us with this zoning petition we would appreciate your approval and support by signing below.

Business: Beck's Country Shoppe, LLC

Address: 3218 N. Cunningham
URBANA, IL 61802

Comments;

Signature: Kenneth R. Owen

Title: PRESIDENT

Thank you

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Marcus L. Harris

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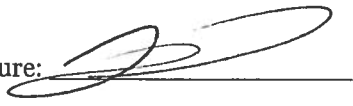
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To assist us with this zoning petition we would appreciate your approval and support by signing below.

Business: OBRIEN AUTO PARK

Address: 1111 OBRIEN DR

Comments; I LOOK FORWARD
TO THESE FOLKS COMING
TO OUR NEIGHBORHOOD
I AM A CURRENT CUSTOMER

Signature:  JAMES
TURNER
Title: PRESIDENT

Thank you


Marcus L. Harris

Marcus Harris C/O Rent Champaign
705 S Glover Ave Urbana IL 61802
Phone # 217-621-3971 E-Mail:
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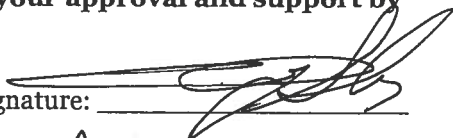
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To assist us with this zoning petition we would appreciate your approval and support by signing below.

Business: Doc Moral Inc

Address: 1507 Triumph

Comments;

Signature: 

Title: President

Thank you


Marcus L. Harris

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CHAMPAIGN CO. P & Z DEPARTMENT

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705 S Glover Ave Urbana IL 61802
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To assist us with this zoning petition we would appreciate your approval and support by signing below.

Business: ILLINOIS Small Engine
Address: 3220A N CANNINGHAM AV.
Comments: URBANA IL 61802

Signature: 
Title: owner

Thank you

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To assist us with this zoning petition we would appreciate your approval and support by signing below.

Business: Bill Smith Auto

Address: 3405 Country view rd
Urbana IL

Comments;

Signature: 

Title: _____

Thank you



Marcus L. Harris

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CHAMPAIGN CO. P & Z DEPARTMENT

Connie Berry

From: Zackary Timm [ztimm87@gmail.com]
Sent: Wednesday, April 17, 2013 11:23 PM
To: zoningdept
Subject: D&R Firearms

Dear Champaign County Zoning Committee,

My name is Zackary Timm and I live in Mahomet. I am a registered firearm owner and purchased my firearm from Dean and Roger this past summer of 2012. I was very impressed with both Dean and Roger's extensive knowledge on the firearms and accessories that they sell. I purchased my firearm with the intention of using it for home defense. However, I have not had very many chances to practice with my firearm, or take a class in order to better learn about how to properly handle and take care of it. That is why I am sending this email of support for D&R Firearms to be allowed to utilize the facility that they have recently purchased as a shop and as a firing range. If there was to be a firing range closer to my home then it would be a whole lot easier to get in many more hours of practice in how to properly use my firearm and to also take one of the safety classes that they would offer. To this date in order for myself and some of my friends, who also own firearms, to be able to shoot we have had to travel between thirty five minutes to an hour and a half in order to get to a shooting range or a family member's property.

When I first purchase my firearm I inquired as to where I might be able to find the closest shooting range. I was told by everyone that I talked to that the closest indoor shooting range was Bloomington. Now, I do not want to have to drive all the way to Bloomington in order to get to a shooting range and neither did any of my friends. With a shooting range in town I can see myself using the facility many more times a year than I would be able to if I had to drive an hour just to go shoot.

I have recently went with a friend of mine to look at firearms for him to purchase. We went to the same few places that I went to while I was looking for a firearm. He ended up purchasing his firearm from D&R Firearms. However, I noticed that in each of the stores we were in the stock of firearms had diminished extensively. When I asked the owners as to why they had so few, they replied that everyone has been buying a lot of firearms as of late. This leads me to push even more for a local shooting range. If so many people are purchasing firearms then there needs to be somewhere near their homes that they can learn how to safely use their new purchases.

I support D&R Firearms fulfilling the community's need for a safe environment for gun owners.

Sincerely,
Zackary A. Timm



**SHERIFF DAN WALSH
CHAMPAIGN COUNTY SHERIFF'S OFFICE**

204 E. Main Street
Urbana, Illinois 61801-2702
(217) 384-1204

Dan Walsh

Sheriff

ph (217) 384-1205
fax (217) 384-3023

Chief Deputy

Kris Bolt

ph (217) 384-1222
fax (217) 384-1219

Captain

Allen Jones

ph (217) 819-3546
fax (217) 384-1272

Jail Information

ph (217) 384-1243
fax (217) 384-1272

Investigations

ph (217) 384-1213
fax (217) 384-1219

Civil Process

ph (217) 384-1204
fax (217) 384-1219

Records/Warrants

ph (217) 384-1233

April 16, 2013

Champaign County Board Chair Alan Kurtz
Brookens Administration Center
1776 E. Washington
Urbana, Illinois 61802

**RE: 1414 Triumph Drive
Urbana, Illinois**

Dear Chair Kurtz,

I understand that several local businessmen are planning on opening an indoor shooting range and gun shop at the above address. They asked me if this would present any particular law enforcement issues. I do not believe this type of operation would create any particular law enforcement issues beyond that of any other retail gun shop in the area.

This office does get requests from citizens looking for shooting ranges open to the public that are located with our County. I am not aware of any such public ranges.

Sincerely,


Dan Walsh
Sheriff

DJW:tss

xc: Mr. Marcus Harris ✓

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GOALS, OBJECTIVES AND POLICIES

The Goals, Objectives and Policies section details the County's land use and resource management aspirations and outlines how they can be achieved. Goals, objectives and policies are created based on input from the Existing Conditions and Trends section, public comments, examples from other communities, and best planning practices. For purposes of this document, the following definitions were used:

- Goal: an ideal future condition to which the community aspires
- Objective: a tangible, measurable outcome leading to the achievement of a goal
- Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

Background

Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies. The process of finalizing this superseding document occurred over 15 months, and included:

- Research - A sampling of other communities' land use and resource management goals, objectives and policies were collected and analyzed for their relevance to Champaign County's needs.
- Evaluation – Existing Champaign County land use goals and policies were evaluated for their relevance and for what might need to be revised to make them timely.
- Comment – Input from public workshops held in April 2008, a survey of key township and municipal officials, and interviews regarding local adopted municipal comprehensive plans and recent land use development trends provided guidance and perspectives for developing the goals, objectives and policies.
- Development - A draft set of statements for review by the LRMP Steering Committee was created.
- Discussion – In a series of 25 meetings, the LRMP Steering Committee finalized the Goals, Objectives and Policies. Discussion then moved to the Champaign County Board's Environment and Land Use Committee for further revision and approval. All meetings had public involvement opportunities to further guide the final set of statements.

The result of this inclusive and public process is a set of ten goals, 42 objectives, and 100 policies which are intended to guide the Champaign County Board as it manages issues and resources related to land resource management in Champaign County. The Goals, Objectives and Policies are guiding principles rather than regulatory requirements, and are subject to review and amendment by the Champaign County Board as it enacts any legislative decisions or action relating to land resource management in the future.

The specific intent, language, and terminology of the objectives and policies are used to provide clarity and guidance for any related future regulatory changes considered by the County Board. The level of specificity documented is not intended to be binding, but is intended to provide examples of how the LRMP Goals could be addressed and implemented by future county boards.

In May of each year, the County Board adopts the Annual Budget Process Resolution establishing the parameters for the ensuing fiscal year budget. Based on the budgetary guidelines established by the Annual Budget Process Resolution, the Regional Planning Commission planning staff shall present, in June of each year, to the Environment and Land Use Committee (ELUC), options for a work plan for the ensuing fiscal year. The options presented shall be based upon the LRMP and the annual budgetary guidelines as stated above, and shall be submitted for the review and ultimate recommendation for approval by ELUC. ELUC shall establish the priorities to be accomplished in the annual work plan, and recommend approval of that work plan to the County Board no later than the September Meeting of the County Board each year.

The following Purpose Statement introduces the proposed LRMP Goals, Objectives and Policies:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 1 Planning and Public Involvement

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 Objectives

Objective 3.1 Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a

reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:

- 1 new lot allowed per parcel less than 40 acres in area;
- 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
- 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.

b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or

b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or

c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

Policy 4.3.5

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

Champaign County will encourage *urban development* that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 5.1 5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2 2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and

- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Natural Resources

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Policy 8.2.1

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases
Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings
Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies
Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling
Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources
Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 Objective**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

APPENDIX

DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- 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 affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

urban land

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

Generally, land use that is connected and served by a public sanitary sewer system.

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741-AM-13

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

Final Determination: ***{RECOMMEND ENACTMENT / RECOMMEND DENIAL}***

Date: **April 25, 2013**

Petitioners: **Marcus Harris and landowner Tharco Inc.**

Request: **Amend the Zoning Map to change the zoning district designation from the I-1 Light Industry Zoning District to the B-4 General Business Zoning District for the purpose of establishing a firearm sales store and indoor shooting range as a “Sporting Goods Sales and Service” store.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Marcus Harris, 1780 CR 1650N, Urbana, is in the process of purchasing the subject property from landowner Tharco Incorporated, 2315 Eagle Ridge Road, Champaign.
2. The subject property is Lot 3 of Triumph Industrial Park Subdivision in the Southeast Quarter of Section 33 of Somer Township and commonly known as the buildings at 1414 Triumph Drive, Urbana.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities are notified of such cases and do have protest rights on map amendment cases.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

“Everything around it is a retail site, not an industrial site.”

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

“Most buildings around it are zoned B-2 or B-4; previous owners used it as an industrial rental (i.e. rental services), not an industrial.”

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 subject property is currently zoned I-1 Light Industry and is currently vacant, but was previously used as an equipment rental center.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north is zoned B-4 General Business and is in use as an auto parts sales and salvage facility.
 - (2) Land on the south is zoned B-4 General Business and is in commercial use for wholesale distribution.
 - (3) Land east of the subject property is zoned I-1 Light Industry and is in use for a semi-truck sales and service business.
 - (4) Land west of the subject property is zoned I-1 Light Industry and is in use for commercial food equipment distribution and service.

7. Previous zoning cases in the vicinity are the following:
 - A. Case 727-AM-90 was a request by Robert Smith to rezone 5 acres from I-1 to B-4. This property is immediately north of the subject property.
 - B. Case 784-AM-91 was a request by John Schluter to rezone 2.16 acres from I-1 to B-4. This property is immediately south of the subject property.
 - C. Case 269-V-00 was a request by McLean County Truck Company for a variance from sign height requirements. This property is immediately to the east of the subject property.
 - D. Case 723-AM-12 was a request by Thomas Fiedler and the Estate of Jon Burkett to rezone 1.5 acres from B-3 to B-4.

8. Regarding the site plan and operations of the Firearm Shop and Indoor Shooting Range:
 - A. The site plan received January 25, 2013, and amended April 18, 2013 shows the entirety of the subject property and includes the following:
 - (1) A sheet metal building that is approximately 10,960 square feet where the firearm shop, offices, classrooms, and indoor shooting range are proposed. .
 - (2) A sheet metal building that is 84' × 28'. At this time it is unclear what this building will be used for. The petitioner had submitted a Special Use Permit for this, but has since withdrawn it. In the future there is the potential for an additional zoning case on this property.
 - (3) All property lines and yard dimensions.
 - (4) The location of the water well.
 - (5) The location of the multi-flow wastewater system.
 - B. The petitioner, Marcus Harris, will own and manage the property and the proposed firearm shop and indoor shooting range is to be operated by D & R Firearms, Incorporated of Urbana, Illinois. D & R Firearms, Inc., is an Alcohol, Tobacco, and Firearms (ATF) licensed retail firearms business in Urbana, IL, that is owned by Dean Hazen and Roger Tillman. The Morigan Company of Champaign, IL, and owned by Tim Murray, will provide lessons and instructional training at the indoor range.
 - C. Signatures of support from the following neighboring businesses and property owners were received on April 12, 2013, and April 17, 2013:
 - (1) Dedicated Diesel LLC, 1306 Triumph Drive, Urbana
 - (2) McCormick Distribution and Services Inc., 1408 Triumph Drive, Urbana
 - (3) Mel Johnson, Property Owner of 1409 Triumph Drive, Urbana
 - (4) Cox Electric, Tenant of 1409 Triumph Drive, Urbana
 - (5) Beck's Country Shoppe Inc., 3218 North Cunningham Ave, Urbana

- (6) O'Brien Auto Park, 1111 O'Brien Drive, Urbana
- (7) Pac Meter Inc., 1507 Triumph Drive, Urbana
- (8) Illini Small Engine, 3220A North Cunningham Ave, Urbana
- (9) Bill Smith Auto, 3405 Countryview Road, Urbana

- D. Additional letters/emails of support have been received from the following individuals:
- (1) Justus Clinton, dated April 17, 2013
 - (2) Email from Zakary Timm, dated April 17, 2013

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

9. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
 - (2) The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to major thoroughfares in the COUNTY.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The I-1 District is generally located in areas suitable for light industrial and manufacturing purposes and that generally have a connected public sanitary sewer.
 - (2) The B-4 District is generally located in areas adjacent to urbanized areas suitable for commercial activity.
 - C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
 - (1) There are 84 types of uses authorized by right in the I-1 District and there are 114 types of uses authorized by right in the B-4 District:

A list of by right uses will be provided at the April 25, 2013, public hearing.
 - (2) There are 19 types of uses authorized by Special Use Permit (SUP) in the I-1 District and 11 types of uses authorized by SUP in the B-4 District:

A list of uses authorized by Special Use Permit will be provided at the April 25, 2013, public hearing..

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

10. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
- “It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
- B. The LRMP defines Goals, Objectives, and Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING LRMP GOALS & POLICIES

11. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed rezoning will ***NOT IMPEDE*** the achievement of Goal 1.

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

12. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 2.

13. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment will *PARTIALLY ACHIEVE* Goal 3 for the following reason:

- A. The three objectives are as follows:

- (1) Objective 3.1 is entitled “**Business Climate**” and states, **Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.**
- (2) Objective 3.2 is entitled “**Efficient County Administration**” and states, **“Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”**
- (3) Objective 3.3 is entitled “**County Economic Development Policy**” and states, **“Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRPM.”**

- B. Although the proposed rezoning is not directly related to any of these objectives, the proposed rezoning will allow the petitioner to proceed with the proposed use which will put the vacant buildings on the subject property to productive use.

14. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 4.

15. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

The existing buildings and proposed use would not generally be expected under typical “rural” development and is representative of what is generally considered to be urban development. B-4 is also

generally considered to be an urban zoning district requiring a connected public sanitary sewer system. For these reasons the proposed rezoning has been reviewed for compliance with Goal 5.

Goal 5 has 3 objectives and 15 policies. The proposed rezoning will *HELP ACHIEVE* Goal 5 for the following reasons:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states **“Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”**

The proposed rezoning will *HELP ACHIEVE* Objective 5.1 because of the following:

- (1) Policy 5.1.3 states, **“The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.1.3 for the following reasons:

- (a) The subject property is identified as being within the contiguous urban growth area for the City of Urbana identified in the Land Use Management Areas Map of the Champaign County Land Resource Management Plan (LRMP).
- (b) In an email dated April 9, 2013, from Robert Myers, Planning Manager, City of Urbana, to John Hall, Champaign County Zoning Administrator, Mr. Myers indicated that the proposed map amendment is generally in conformance with the City of Urbana’s Comprehensive Plan Future Land Use Maps.
- (2) Policies 5.1.2, 5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 are not relevant to the proposed. The proposed amendment will not impede the achievement of 5.1.1.

- B. Objective 5.2 is entitled, “Natural Resources Stewardship” and states, **“When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”**

The proposed amendment will *HELP ACHIEVE* Objective 5.2 for the following reason:

- (1) Policy 5.2.1 states, **“The County will encourage the reuse and redevelopment of older and vacant properties within urban land when feasible.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.2.1 for the following reasons:

- (a) The proposed rezoning will allow reuse of the subject property and the existing buildings.

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- (2) Policy 5.2.2 states, “**The County will:**
- a. **ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland; and**
 - b. **encourage, when possible, other jurisdictions to ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.2.2 for the following reasons:

- (a) The large building was constructed on the subject property in 1975 and an addition was built in 1978. The small building was constructed in 1996 and an addition was built in 1997.
- (b) The subject property is not proposed to be increased in size and no additional prime or best prime farmland is proposed to be taken out of production.

- (3) The proposed amendment will not impede the achievement of Policy 5.2.3

- C. Objective 5.3 is entitled “**Adequate Public Infrastructure and Services**” and states, “**Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.**”

The proposed amendment will *HELP ACHIEVE* Objective 5.3 because of the following:

- (1) Policy 5.3.1 states, “**The County will:**

 - a. **require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.3.1 for the following reasons:

- (a) The only public service provided other than law enforcement is fire protection.
- (b) The subject property is located approximately 2.6 miles from the Carroll Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
- (c) The proposed rezoning should not have any greater need for fire protection services than the previous use.

- (d) In a letter dated April 16, 2013, Champaign County Sheriff Dan Walsh states that he does not believe the proposed use would create any particular law enforcement issues beyond that of any other retail gun shop in the area.
- (e) In a letter dated March 29, 2013, from David Lawrence, Carroll Fire Protection District Chief, to Tim Murray, The Morrigan Company, Mr. Lawrence indicated that he has been to the subject property and he finds no legitimate reason to oppose the proposed rezoning.
- (2) Policy 5.3.2 states, **“The County will:**
 - a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.3.2 because the only public infrastructure serving the subject property is U.S. 45/Cunningham Avenue. This road has adequate capacity to handle traffic generated and no significant traffic increase as a result of the rezoning is anticipated.

- (3) Policy 5.3.3 is not relevant to the proposed rezoning.

16. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will *HELP ACHIEVE* Goal 6 for the following reasons:

- A. Objective 6.1 is entitled “Protect Public Health and Safety” and states, **“Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”**

The proposed rezoning will *HELP ACHIEVE* Objective 6.1 because of the following:

- (1) Policy 6.1.2 states, **“The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.”**

The proposed rezoning will *HELP ACHIEVE* Policy 6.1.2 for the following reasons:

- (a) The proposed use is not of a type to require processing of large amounts of wastewater.
- (b) The subject property is already developed with an onsite wastewater treatment and disposal system.
- (c) A special condition has been proposed to ensure that the septic system will be considered with any expansion of building area, parking area, or wastewater loading.

(2) Policies 6.1.1, 6.1.3, and 6.1.4 are not relevant to the proposed rezoning.

B. The proposed rezoning is not relevant to Objectives 6.2, 6.3, and 6.4 and Policies 6.2.1, 6.2.2, and 6.2.3.

17. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 7.

18. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 8.

19. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed rezoning is *NOT RELEVANT* to Goal 9.

20. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. The proposed rezoning is *NOT RELEVANT* to Goal 10.

GENERALLY REGARDING THE LaSalle Factors

21. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follow:

A. *LaSalle* factor: The existing uses and zoning of nearby property.

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Former Equipment Rental Currently Vacant	I-1 Light Industry
North	Auto Parts Sales/Salvage	B-4 General Business
East	Semi-Truck Sales and Service	I-1 Light Industry
West	Food Equipment Sales/Service/Distribution	B-4 General Business
South	Wholesale Distribution	B-4 General Business

B. *LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.

(1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

C. *LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.

D. *LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.

The proposed map amendment would allow the petitioner to establish a firearms sales shop and an indoor firing range that would offer a place for the public to obtain proper training in the handling and operation of firearms. If the map amendment is not approved the petitioner could presumably find another use for the subject property.

- E. ***LaSalle* factor: The suitability of the subject property for the zoned purposes.**
The subject property is suitable for the zoned purposes and will allow a vacant property to be put to productive use. There is adequate building area for the proposed use and there is adequate area for the required parking.
- F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
The I-1 District was planned in 1973 and thus was intended to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines. It is unknown how long the property has been vacant and the surrounding land uses have been developed for some time. Currently, there are two buildings on the subject property with Zoning Use Permit Applications (ZUPA) being authorized for construction and additions to the two buildings in 1975, 1978, 1996, and 1997.
- G. ***Sinclair* factor: The need and demand for the use.**
The proposed business will offer sales, service, training, and recreational opportunity to those interested in owning and operating firearms in a safe manner.
- H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan. The special conditions should ensure that the proposed rezoning also conforms to the LRMP.

The Future Land Use Map in the 2005 Comprehensive Plan for the City of Urbana identifies the subject property and the area surrounding the subject property as Light Industrial/Office which the plan describes as: Land use intended for planned developments that typically do not generate the intensity of heavy industrial land uses.

In an email dated April 9, 2013, from Robert Myers, Planning Manager, City of Urbana, to John Hall, Champaign County Zoning Administrator, Mr. Myers indicated that the proposed map amendment is generally in conformance with the City of Urbana's Comprehensive Plan Future Land Use Maps.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

22. The proposed amendment will *HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. 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.

The proposed amendment is consistent with this purpose.

- B. 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.

The proposed amendment is consistent with this purpose.

- C. 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 amendment is not expected to cause traffic congestion.

- D. 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.

The proposed amendment is not expected to cause drainage or flooding problems.

- E. 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.

The proposed amendment is consistent with this purpose.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is consistent with this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is consistent with this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is consistent with this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is consistent with this purpose because the proposed map amendment will allow uses to occur on the property either by right or by Special Use Permit that are not currently authorized in its current I-1 Zoning Designation, but are uses that are seen as compatible with the District.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide 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.

The proposed amendment is consistent with this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is consistent with this purpose because the proposed B-4 District is compatible with surrounding uses and because it is located adjacent to existing B-4 zoning and the City of Urbana corporate limits are less than 400 feet away from the subject property. In addition, the land uses surrounding the subject property are more of a commercial than an

industrial use and the proposed use of the subject property is authorized by right in the B-4 District.

- M. 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.

The proposed amendment is consistent with this purpose.

- N. 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.

The proposed amendment is consistent with this purpose.

- O. 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.

The proposed amendment is consistent with this purpose.

- P. 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 amendment is consistent with this purpose.

- Q. 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 proposed amendment is consistent with this purpose.

- R. 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 amendment is consistent with this purpose.

REGARDING SPECIAL CONDITIONS OF APPROVAL

23. Regarding proposed special conditions of approval:

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 741-AM-13 by the County Board.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- B. No Zoning Use Permit for expansion of building area or parking area and no Change of Use Permit authorizing a different use with a greater wastewater load shall be approved without documentation that the Champaign County Health Department has determined the existing or proposed septic system will be adequate for that proposed use.**

The above special condition is required to ensure:

That the existing septic system is adequate and to prevent wastewater runoff onto neighboring properties.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed amendment will ***HELP ACHIEVE*** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):

A. The proposed map amendment will ***HELP ACHIEVE*** the following LRMP goals:

Goal 5 Urban Land Use because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will ***HELP ACHIEVE*** the following:

- Objective 5.1 ensure that the population growth and economic development is accommodated by new urban development in or adjacent to existing population centers because it will ***HELP ACHIEVE*** the following:
 - Policy 5.1.3 consider municipal ETJ areas that are served or that are planned to be served by sanitary sewer as contiguous urban growth areas (Item 15.A.(1)).
- Objective 5.2 encourage any urban development to demonstrate good stewardship of natural resources because it will ***HELP ACHIEVE*** the following:
 - Policy 5.2.1 encourage the reuse and redevelopment of older and vacant properties within urban land (Item 15.B.(1)).
 - Policy 5.2.2 ensure that urban development on best prime farmland is efficiently designed to avoid unnecessary conversion and encourage other jurisdictions to do the same (Item 15.B.(2)).
- Objective 5.3 requiring the County to oppose new urban development unless adequate utilities infrastructure, and public services are provided because it will ***HELP ACHIEVE*** the following:
 - Policy 5.3.1 require new urban development in unincorporated areas to be sufficiently served by available public services without undue public expense and encouraging other jurisdictions to do the same (Item 15.C.(1)).
 - Policy 5.3.2 require new urban development to be adequately served by public infrastructure without undue public expense and encouraging other jurisdictions to do the same (Item 15.C.(2)).

Goal 6 Public Health and Public Safety because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will ***HELP ACHIEVE*** the following:

- Objective 6.1 ensure that development does not endanger public health or safety because it will ***HELP ACHIEVE*** the following:
 - Policy 6.1.2 ensure that wastewater disposal and treatment will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (Item 16.C.(1)).

- B. The proposed amendment will *PARTIALLY ACHIEVE* the following LRMP goal(s):
- **Goal 3 Prosperity**
- C. The proposed amendment will *NOT IMPEDE* the following LRMP goal(s):
- **Goal 1 Planning and Public Involvement**
 - **Goal 2 Governmental Coordination**
 - **Goal 4 Agriculture**
 - **Goal 7 Transportation**
- D. The proposed amendment is *NOT RELEVANT* to the following LRMP goal(s):
- **Goal 9 Energy Conservation**
 - **Goal 10 Cultural Amenities**
2. The proposed Zoning Ordinance map amendment *IS* consistent with the *LaSalle* and *Sinclair* factors because:
- The subject property is suitable for the proposed use and will allow a vacant property to be put to productive use. There is adequate building area for the proposed use and there is adequate area for the required parking.
 - The proposed map amendment is in general conformance with the City of Urbana's Comprehensive Plan as reported by Robert Myers in an email dated April 9, 2013.
3. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the purpose of the **Zoning Ordinance** because it is consistent with all of the purposes of the Zoning Ordinance.
4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:
- Everything around it is a retail use site, and to some extent not an industrial use.

DOCUMENTS OF RECORD

1. Application for Map Amendment received January 24, 2013, and amended on April 8, 2013, signed by Marcus Harris and Thelma Hoerr
2. Site Plan received January 25, 2013, and amended April 18, 2013
3. Email from Robert Myers to John Hall dated April 9, 2013
4. Signatures of Support received April 12, 2013, from the following neighboring businesses and property owners:
 - A Dedicated Diesel LLC, 1306 Triumph Drive, Urbana
 - B McCormick Distribution and Services Inc., 1408 Triumph Drive, Urbana
 - C Mel Johnson, Property Owner of 1409 Triumph Drive, Urbana
 - D Cox Electric, Tenant of 1409 Triumph Drive, Urbana
5. Site Visit Photos dated April 12, 2013
6. D & R Firearms, Incorporated Executive Summary received April 17, 2013
7. Letter from Dan Walsh, Champaign County Sherriff, to Alan Kurtz, Champaign County Board Chair, received April 17, 2013
8. Signatures of Support received April 12, 2013, from the following neighboring businesses and property owners:
 - A Beck's Country Shoppe Inc., 3218 North Cunningham Ave, Urbana
 - B O'Brien Auto Park, 1111 O'Brien Drive, Urbana
 - C Pac Meter Inc., 1507 Triumph Drive, Urbana
 - D Illini Small Engine, 3220A North Cunningham Ave, Urbana
 - E Bill Smith Auto, 3405 Countryview Road, Urbana
9. Email of support from Zakary Timm, dated April 17, 2013
10. Preliminary Memorandum dated April 18, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received January 25, 2013
 - C Email from Robert Myers to John Hall dated April 9, 2013
 - D D & R Firearms, Incorporated Executive Summary received April 17, 2013
 - E Signatures of Support received April 12, 2013, and April 17, 2013
 - F Email from Zakary Timm dated April 17, 2013
 - G Letter from Dan Walsh, Champaign County Sherriff, to Alan Kurtz, Champaign County Board Chair, received April 17, 2013
 - H Site Visit Photos
 - I Excerpt of UCSD Sewer Map

- J City of Urbana Comprehensive Plan Future Land Use Map #1
- K LRMP Land Use Management Areas Map
- L LRMP Goals, Objectives, Policies, and Defined Terms
- M Draft Finding of Fact and Final Determination

11. Information regarding the Morrigan Company received April 18, 2013
12. Letter from David Lawrence, Carroll Fire Protection District Chief, to Tim Murray, The Morrigan Company received April 18, 2013
13. Letter of support from Justus Clinton received April 18, 2013
14. Preliminary Memorandum B dated April 18, 2013, with attachments:
 - A Amended Site Plan (amended April 18, 2013)
 - B Information regarding the Morrigan Company received April 18, 2013
 - C Letter from David Lawrence, Carroll Fire Protection District Chief, to Tim Murray, The Morrigan Company received April 18, 2013 .
 - D Letter of support from Justus Clinton received April 18, 2013

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 741-AM-13** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



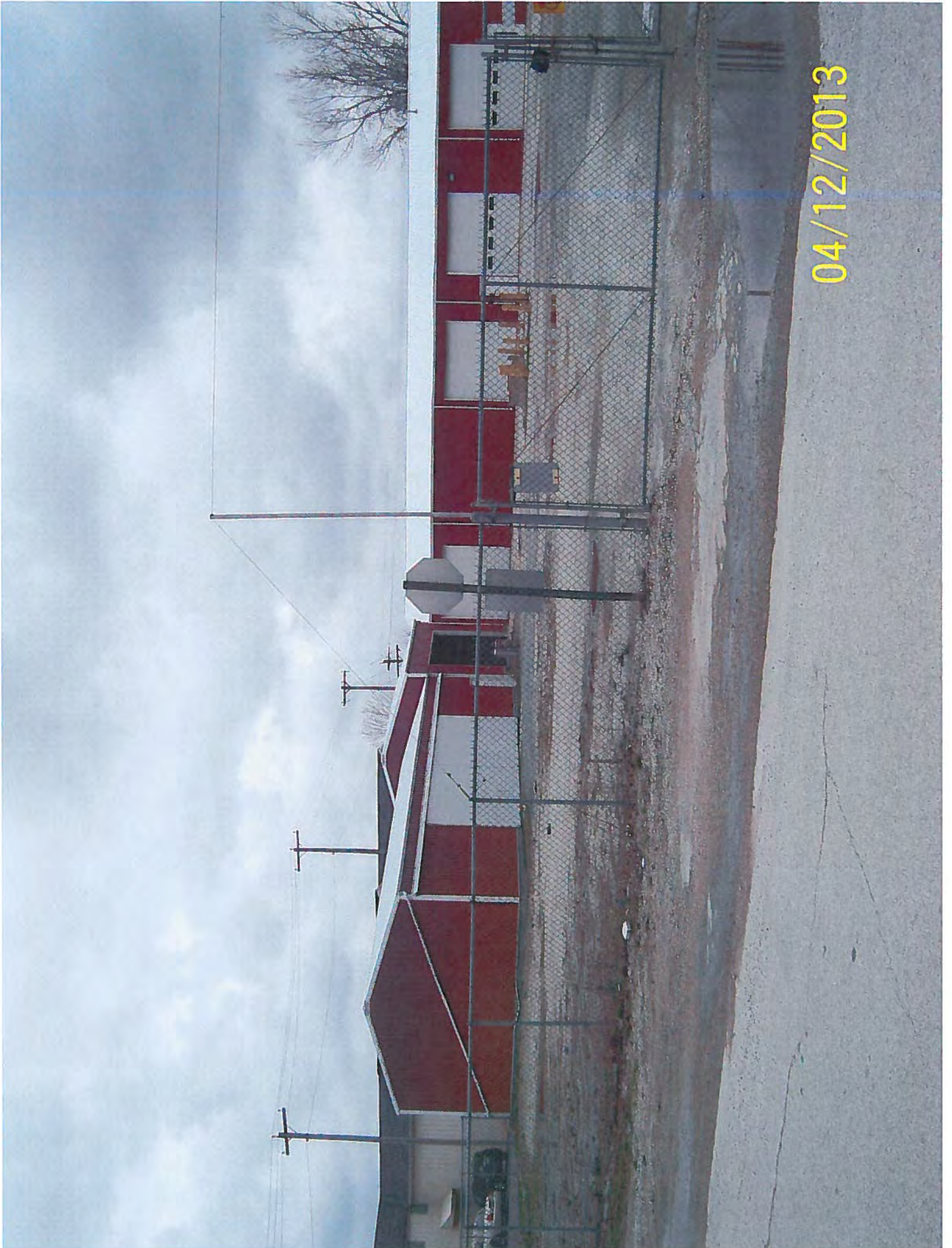
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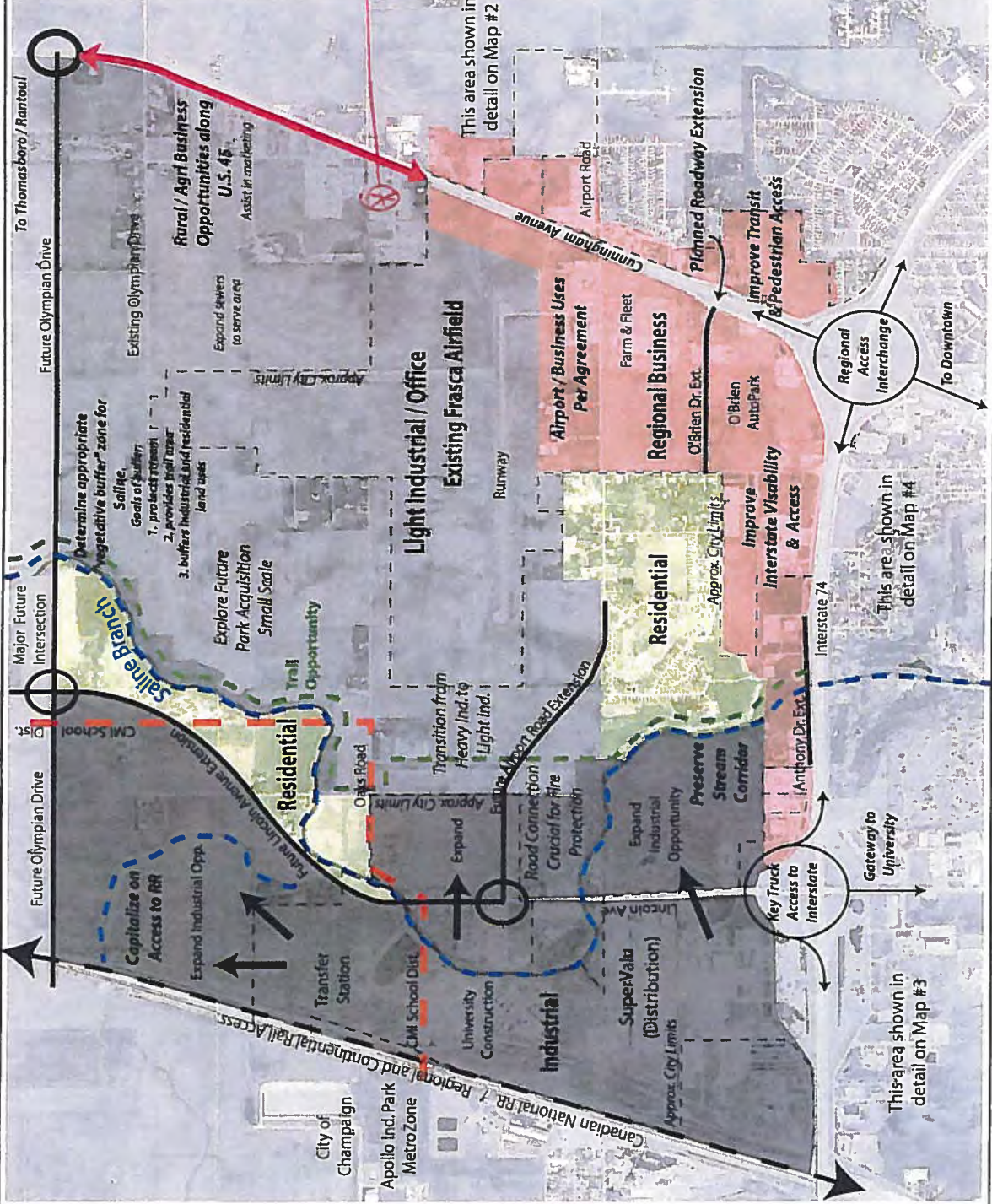
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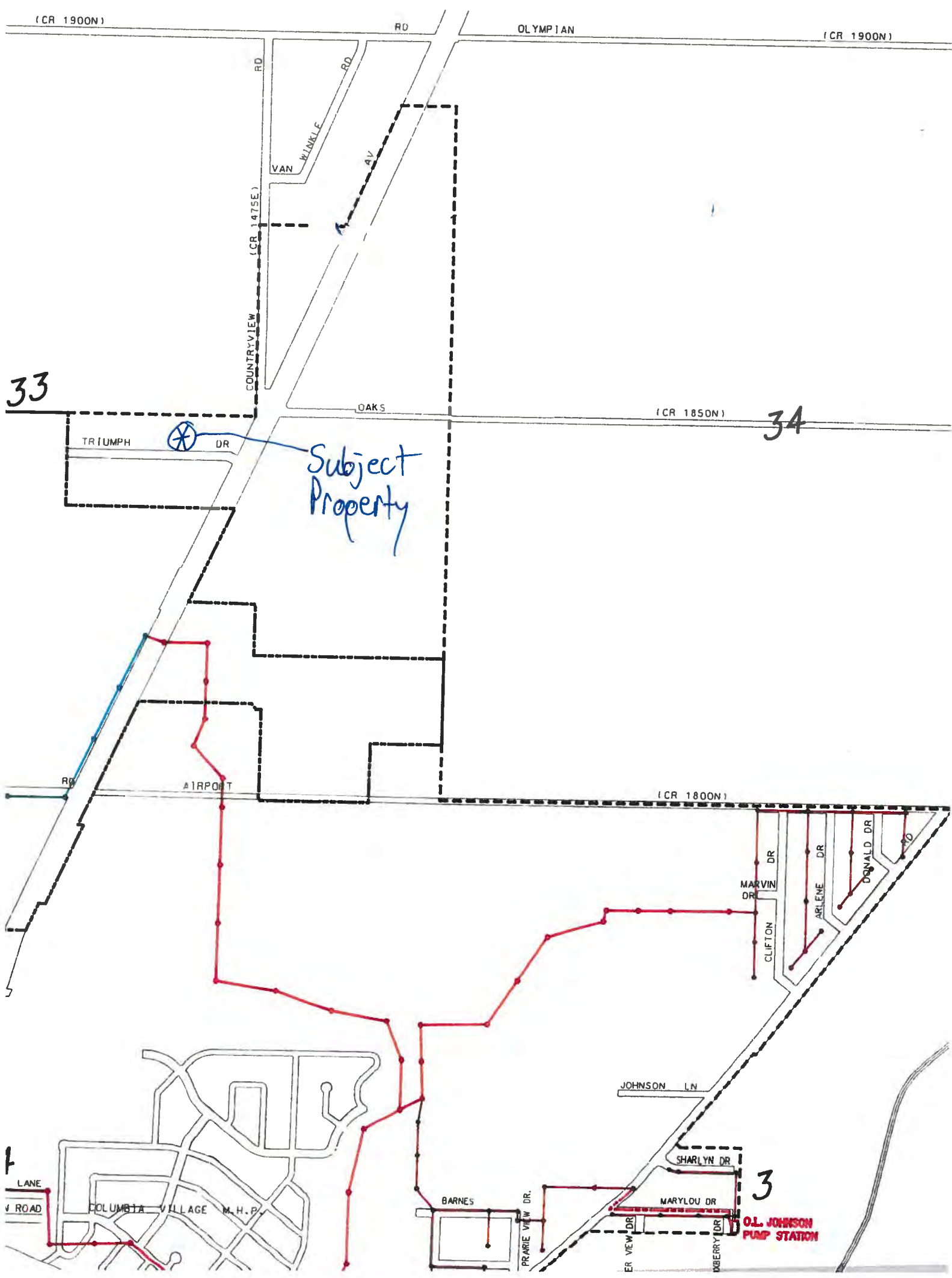
Future Land Use Maps Map #1

North Lincoln Avenue
North Cunningham A



ADOPTED

April 11, 2005
Map Created by City of Urbana
Community Development Services Dept



33

34

3

Subject Property

O.L. JOHNSON PUMP STATION

(CR 1900N)

OLYMPIAN

(CR 1900N)

COUNTRYVIEW (CR 1475E)

OAKS

(CR 1850N)

TRIUMPH DR

AIRPORT

(CR 1800N)

MARVIN DR

CLIFTON DR

ARLENE DR

DONALD DR

JOHNSON LN

SHARLYN DR

BARNES

MARYLOU DR

PRAIRIE VIEW DR.

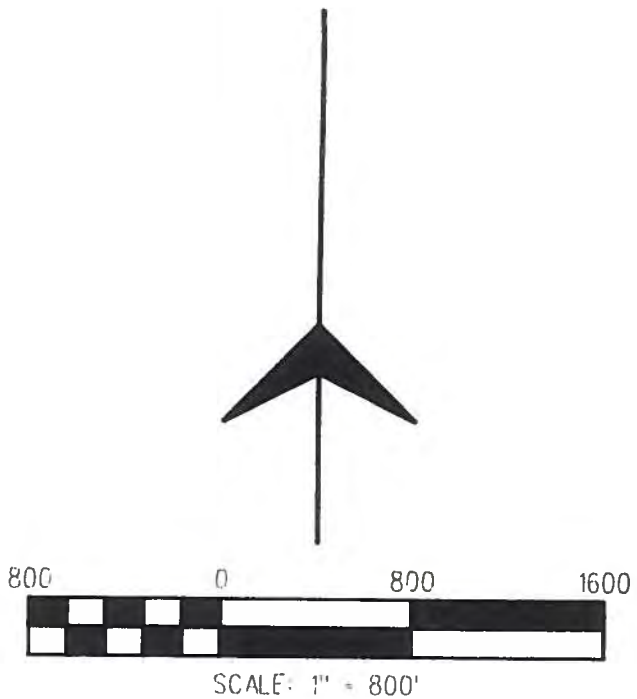
ER VIEW DR

BERRY DR















LANE
ROAD

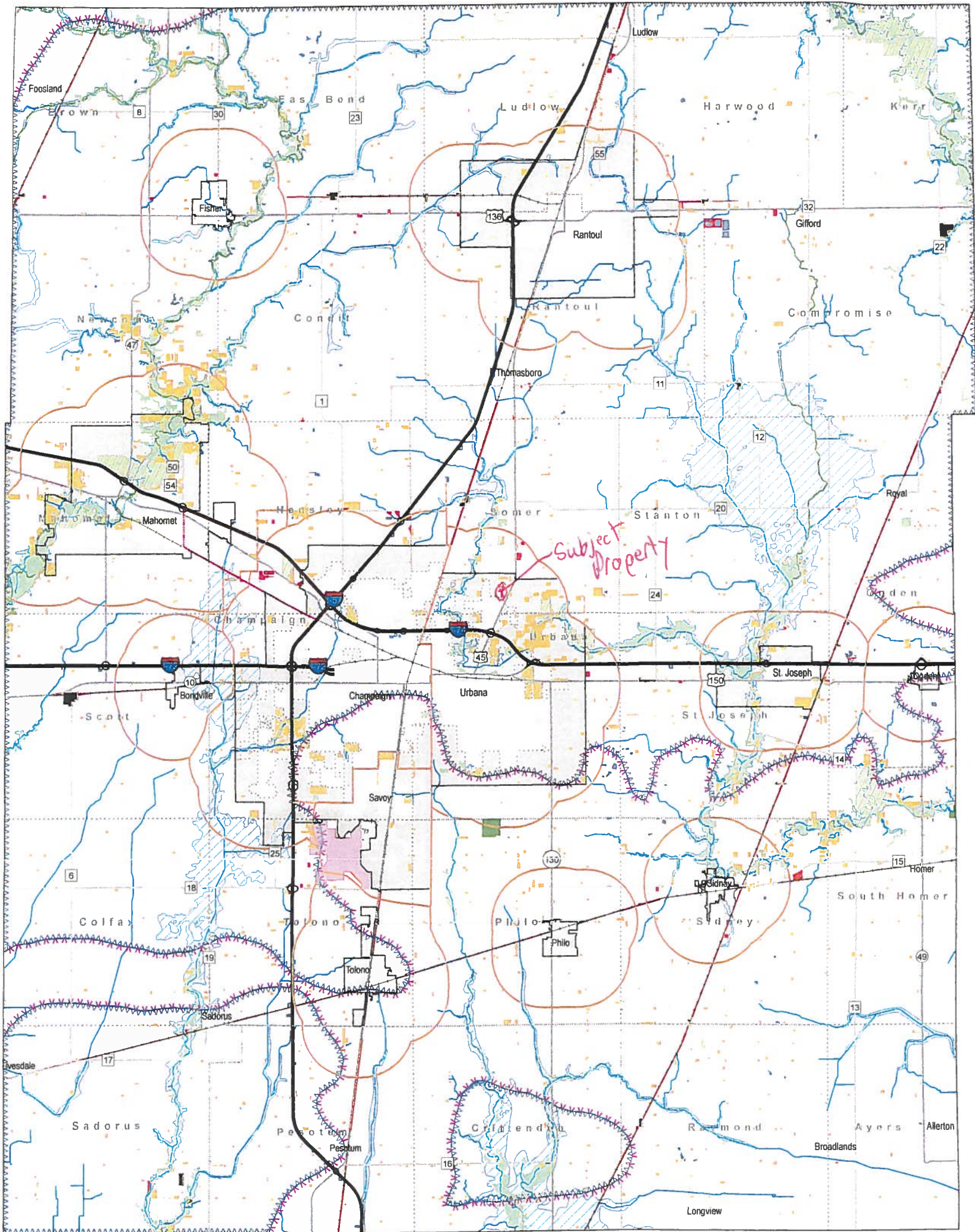
COLUMBIA VILLAGE M.H.P.

URBANA & CHAMPAIGN SANITARY DISTRICT MAP



These maps have been created by Sodemann and Associates to fulfill the terms of the agreement between The Urbana and Champaign Sanitary District, the cities of Champaign and Urbana and the village of Savoy. The maps are intended to depict only the approximate location of various sanitary sewers within the district. Linetypes and colors are intended to identify types of sewers and the entities that maintain them. Any other graphical information on these maps is shown only for clarity. The maps are not recommended for any other use.

LEGEND	
	ANNEXATION BOUNDARY LINE
	MUNICIPAL BOUNDARY LINE
	COMMON BOUNDARY LINE
	STREET R.O.W. AND NAME
	COLLECTOR SEWER (MUNICIPAL)
	MUNICIPAL APPROVED COLLECTOR SEWER
	DISTRICT APPROVED COLLECTOR SEWER
	FORCE MAIN (DISTRICT)
	INTERCEPTOR SEWER (DISTRICT)
	UNIVERSITY OF ILLINOIS SEWER
	UNIVERSITY OF ILLINOIS FORCE MAIN
	PRIVATELY MAINTAINED SEWER
	ABANDONED SEWER
	MANHOLE



Land Use Management Areas

Policy Areas

- Rural**
 - Best Prime Farmland
 - Non Best Prime Farmland
 - Existing Natural Area
 - Areas which may contain Natural Areas
 - Parks and Preserves
 - Mahomet Aquifer (approx.)
 - Limited Groundwater Availability (approx.)
 - Stream
 - Lake
- Urban**
 - Settlement
 - Contiguous Urban Growth Area
 - Municipal Extraterritorial Jurisdiction without Sanitary Sewer

Administrative Boundaries

- Extraterritorial Jurisdiction
- Extraterritorial Jurisdiction Boundary Agreement
- Township Boundary
- Floodplain

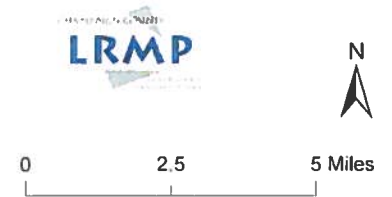
Existing Land Uses

- Commercial / Industrial
- Residential
- Existing Incorporated Area
- Airport

Roads

- Interstate
- Federal Highway
- State Highway
- County Highway
- Railroad

The Land Use Management Area map defines spatial extents of policies based on language and intent of the LRMP.



Map Produced April 2010