



Mitigation Plan Application—Commercial Nonconforming Use

Return Completed Form To: Planning Department, City of Champaign, 102 N. Neil St., Champaign, IL 61820

www.ci.champaign.il.us

CGTV Cable Channel 5

1. Applicant & Contact Information

Applicant & Primary Contact Person

Full Name _____
 Address _____
 City, State, Zip _____
 Phone _____
 Email _____

2. Owner Information

Property Owner

Full Name _____
 Address _____
 City, State, Zip _____
 Phone _____
 Cell Phone _____
 Email _____

Business Owner

Full Name _____
 Address _____
 City, State, Zip _____
 Phone _____
 Email _____

Is either owner a Trust, Corporation, LLC, Not-for-Profit, or Partnership? Yes No

If yes, see Mitigation Plan Application Worksheet for additional submission requirements.

3. Property Information

Address (if no address list name of closest street)

Parcel ID Number

____-____-____-____-____-____

Current Property Zoning _____

Current Land Use _____

Gross Area of Property _____

Floor Area of Structure _____

Hours of Operation:

Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.	Sun.

Application Checklist

Please address the following items. Additional materials may be required during the review process. Incomplete applications will not be processed. Use the following checklist to confirm that your application is complete.

Complete

Application

- 1. Applicant & Contact Information.
- 2. Owner Information, including additional submission requirements as needed.
- 3. Property Information.
- 4. Consultant Information.
- 5. Additional Questions.
- 6. Legal description of the property.
- 7. Applicant Signature.
- 8. Findings of Fact (separate insert).

Attachments

- A. Deed or other proof of parcel ownership.
- B. List of covenants, easements, or conditions.
- C. Mitigation Plan.
- D. Owner Authorization Form.

See Mitigation Plan Application Worksheet for additional information regarding these requirements.

FOR STAFF USE: Application Complete

Received By: _____

Case No.: _____



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4. Consultant Information *(if applicable)*

Type _____
 Name _____
 Firm _____
 Address _____
 City, State, Zip _____
 Phone _____
 Email _____

5. Additional Questions

If additional room is needed to respond to questions below, please attach separate sheets noting the question.

- A. Has the property been cited for any nuisance or zoning violations within the past five (5) years?
 No Yes
- B. Please list the elements of the use and property that are not in compliance with the Zoning Ordinance. *(Examples: building height, building area, parking lot setbacks/landscaping, screening/buffering, etc.)*

- C. Does the Mitigation Plan propose any changes to the current operation, including site changes or changes to the use (which includes products, operating hours, etc.)?
 No Yes—describe below.

6. Legal Description of Property

Please include the complete description as set forth in a deed, mortgage, or other similar legal document. If additional room is needed, please attach a separate sheet titled "Legal Description of Property".

7. Applicant Signature

By signing this petition, you are certifying that you have read this application, have provided the necessary documentation as listed under the **Application Checklist**, and that you understand the information listed above under the **Notice to Applicants** section.

Signature of the Applicant	Date



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Proposed Findings of Fact for the Zoning Board of Appeals

The Zoning Board of Appeals can approve a Mitigation Plan, only if all of the following standards are satisfied. In order to facilitate review of this application for a Mitigation Plan, the applicant must address each of the “Findings of Fact” which are listed below. *Note: The applicant’s explanation of how the request meets each standard may be attached on a separate sheet if sufficient space is not provided.*

The Board shall grant the minor variation only upon a favorable finding of fact that each of the criteria specified below have been satisfied:

1. What measures are you taking so that the continued operation will not increase congestion in the streets, or impair the health, safety, morals or general welfare of the residents or other occupants of surrounding properties?
2. What measures are the owners taking to offset current and potential future negative impacts of the use?
3. Describe how you are proposing no changes to the use which would potentially create additional negative impacts:
4. If no negative impacts of the use can be identified, how will the proposed mitigation plan keep all aspects of the use intact as it is currently operated?
5. Describe how, in consideration of the degree of land use conflict between a nonconforming use and its surrounding properties, the continuation of the nonconforming use will not diminish the value of nearby property, nor impair the public health, safety, morals or general welfare of the residents or other occupants of surrounding properties:



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Proposed Findings of Fact—Explanations

Below, please find additional explanations to the findings of fact questions. If you have additional questions, please contact the Planning Department.

- 1. What measures are you taking so that the continued operation will not increase congestion in the streets, or impair the health, safety, morals or general welfare of the residents or other occupants of surrounding properties?**
 - For this question, explain in detail how the mitigation plan proposes to not increase street congestion or impair the health, safety, morals or general welfare of the residents or other occupants of surrounding properties.

- 2. What measures are the owners taking to offset current and potential future negative impacts of the use?**
 - For example, what measures will you take to minimize any harmful or negative aspects that result from the nonconforming use that may impact neighbors? Please note that “neighbors” can mean adjacent landowners, land uses, and the larger neighborhood area.

- 3. Describe how you are proposing no changes to the use which would potentially create additional negative impacts:**
 - For this question, explain in detail how mitigations changes will help to diminish negative impacts.

- 4. If no negative impacts of the use can be identified, how will the proposed mitigation plan keep all aspects of the use intact as it is currently operated?**
 - For this question, explain in detail how the proposed mitigation plan will keep operational aspects of the use in tact.

- 5. Describe how, in consideration of the degree of land use conflict between a nonconforming use and its surrounding properties, the continuation of the nonconforming use will not diminish the value of nearby property, nor impair the public health, safety, morals or general welfare of the residents or other occupants of surrounding properties:**
 - For this question, explain in detail how continuation of the nonconforming use and the proposed mitigation plan will actually benefit the surrounding neighborhood.



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Champaign Municipal Code

Sec. 37-632. Definitions.

Mitigation plan shall mean a strategy developed by the property owner, Planning Department Staff, and approved by the Zoning Board of Appeals to alleviate or mitigate any existing or potential negative impacts of a nonconforming use on surrounding properties.

Notice to Applicants

- Complete application, draft Findings of Fact, and any required site or landscaping plans must be received 30 days prior to the next regular meeting of the Zoning Board of Appeals in order to be placed on the agenda for the meeting. Late submittals cannot be acted upon due to publication deadlines.
- The applicant will be billed directly by the News-Gazette for advertisement of the legal notice.

Attachments

- A. Deed or other proof of parcel ownership.
- B. Please attach all certified covenants, easements, or conditions which restrict the use of the subject parcel or restrict the structure or what may be placed on the subject parcel. This requirement applies to any covenants, easements, or conditions which are contained in the deed of the subject parcel, including those contained in the subdivision plat or owner's certificate.
 - I have attached these documents.
 - There are no covenants, easements, or conditions pertaining to the subject property.
- C. Each application for a Mitigation Plan approval shall be accompanied by a site and landscape plan. The dimensions should not exceed 24" x 36" and shall be drawn to a scale not greater than 1" = 100'. Four half-size (11 in. x 17 in.) copies should be submitted with the application. The following data and information shall be included:
 - The location, dimension, material, and configuration of all structures and other improvements.
 - A statement of the current use of the property. The owner may substitute another nonconforming use, insofar as the use proposed to be allowed is equal to, or is more restricted than, the classification of the former use and such substitution or addition does not increase congestion in the streets, impair the health, safety, morals, or general welfare of the district in which it is located.
 - The location and extent of usable open space.
 - The location, access, and other dimensions of existing and proposed off-street parking facilities and the number and configuration of spaces to be provided.
 - The location, dimensions, and materials of existing and proposed sidewalks, driveways, and other impervious surfaces.
 - The location and intensity of illumination of any illuminated areas.
 - The proposed use of open space.
 - A landscaping plan in accordance with the requirements of Article X. Landscaping and Screening.
 - The location of all property lines, utilities and related easements, including electric lines, storm drainage, sanitary sewers, and water services.
 - The elevation of all structures to depict height.
 - The lot size in square feet and the dimensions thereof.
 - The land uses surrounding the lots for which site plan approval is being sought.
 - A date, north arrow, scale, legend, legal description and address of the property, and the name of the development.

