

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61801

DATE: November 23, 2004
Street

PLACE: 1776 East Washington

Meeting Room 1

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Doug Bluhm, Dennis Goldenstein, Debra Griest, Joseph L. Irle, Richard Steeves, Melvin Schroeder, Roger Miller

MEMBERS ABSENT : None

STAFF PRESENT : Jeffrey Roseman, John Hall, Susan Monte, Joel Fletcher

OTHERS PRESENT : Todd Weger, Brendan Daly, Eldean Bergman, Lowell "Pete" Johnson, Lee Eichhorst

1. Call to Order

The meeting was called to order at 6:35 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearing

Case 454-S-04 Petitioner: First Christian Church and Todd Weger, Architect, Agent. Request to authorize the expansion and use of an existing, nonconforming church in the AG-1, Agriculture Zoning District. Location: The subject property is an approximately 40 acre tract in the northeast quarter of the northeast quarter of Section 32 of Champaign Township that is located at the intersection of Staley Road and Curtis Road and that is commonly known as the First Christian Church, 3601 South Staley Road, Champaign, Illinois.

Mr. Hall distributed a Supplemental Memorandum dated November 23, 2004, a letter from Jeff

Blue, Champaign County Highway Department Engineer for the Board's review. He said that the November 23, 2004, memorandum contains new information regarding traffic impacts. He said that the November 19, 2004, Supplemental Memorandum was incorrect in regard to CUUATS Staff preparing a new traffic impact analysis when they were actually only adding a consideration for additional turn lanes at the proposed intersection of Staley and Curtis Roads. He said that the CUUATS Staff subsequently considered turn lanes also at the Windsor Road intersection and the results of those analysis is attached. He said that the County Engineer has requested that IDOT add additional turn lanes to the Curtis Road and Staley Road intersection and stated that the church is not the only reason why he is requesting these turn lanes. Mr. Hall stated that the Summary of Evidence addresses the traffic issues and is underlined. He said that the following special condition is proposed: The Petitioner shall provide with any Zoning Use Permit Application a statement by an Illinois registered architect that the proposed construction meets or exceeds the requirements of the BOCA National Building Code, 1999 Edition, by the Building Officials and Code Administrators (BOCA) International, Inc. and is no less than noncombustible, Type 2-B Protected, construction with automatic sprinkler system to ensure that the future expansion of the First Christian Church continues to provide adequate considerations for life safety and clearly meets or exceeds the Illinois State Fire Marshal requirements.

Ms. Griest stated that Mr. Weger has not had adequate time to review the Revised Draft Summary of Evidence therefore the Board will review the new evidence prior to Mr. Weger's testimony.

Mr. Hall reviewed the Revised Draft Summary of Evidence and stated that Items# 11.B.;12.E.;12.F(5); 14.H.2(a,b,c) includes Mr. Todd Weger's testimony from the July 15, 2004 and October 14, 2004, meetings. He said that Item# 11.C. and 14.H.3 includes Mr. Karl Smith's testimony from the October 14, 2004, meeting. He said that Items # 12.4(b) and 12.4(c) includes basic drainage information. He said that Item# 12.6. includes information regarding the traffic impacts at the intersection of Curtis Road and Staley Road and the intersection of Old Church Road and Staley Road as per the October 12, 2004, Preliminary Traffic Impact Analysis. He said that Item# 12.7 includes information from the memorandum to John Hall from Jeff Blue, Champaign County Engineer.

Mr. Steeves stated that with interchange the intersection of Curtis Road and Staley Road will see a heavier load of traffic than without it.

Mr. Hall stated that corrections should be made to the following Items: Item 12.7(c): strike the text "the proposed Phase II or"; and Items #12.7(G) and 12.7(H) should read Special Use Permit and not Variance. Item 13.B. indicates that all of the existing and proposed structures appear to meet all zoning requirements regarding building location, building height, lot coverage, parking, loading, visibility and screening. Items 13.C. and 13.D. were deleted. He said that Item #14 indicates the Champaign County Land Use Regulatory Policies which are applicable to this request and the proposed special use's conformance with those Land Use Regulatory Policies. He said that Item 15.C. should be revised to state the following: The following special conditions will ensure that expansion of the proposed special use will meet the same standards for life safety as the existing facility. He noted to the Board that they have a lot of flexibility in that they could not require a special condition or they could set a much lower standard in that previous testimony indicted that the current facility is a non-combustible type 2-B protected construction with automatic sprinkler systems. He said that this condition would provide a minimum for all future expansions or the

Board could state that all future expansions will meet or exceed the State Fire Marshal requirements, by requiring a statement from an Illinois Registered Architect to the that effect. He said that with no special condition the church is free to do what they think is adequate.

Mr. Steeves questioned that if no special condition is required then the church would have to describe on the special use what they are providing for or will it be entirely up to the church.

Mr. Hall stated that if there is no special condition then the church would not be required to do anything in regard to life safety in order to obtain a Zoning Use Permit. He said that the state law would mandate that they still need to meet the State Fire Marshal requirements but the County would not require any verification of that compliance.

Mr. Todd Weger stated that the State of Illinois requires that a building of this type and size be presented with sealed drawings from a certified architect or engineer. He said that the church's intention is to meet every code which is applicable for life safety.

Mr. Bluhm questioned Mr. Weger if the special condition created any difficulty for the church.

Mr. Weger stated that the special condition does not create any difficulty for the church.

Mr. Brendan Daly, Engineer with HDC, Engineering presented a letter from Mr. Steve Wegman, City Engineer dated November 18, 2004. He said that Mr. Jeff Blue, County Engineer; Steve Wegman and Roland White, Engineers with the City of Champaign; and himself held a meeting to discuss the impacts and ramifications of not only the church's development and future expansion but also the impact of the proposed interchange of I-57 and Curtis Road, development of the Berbaum tract and anything scheduled for future development up the corridor. He said that during this meeting everyone agreed to the overall conclusion that "yes" future expansion of the church will generate more traffic during the peak hours of a Sunday morning and a few hours during the week but in the overall picture the traffic is not enough to cause a problem because there are improvements already being made to the roads and there is much more development being proposed than just the church. He said that Staley Road is scheduled to be finished by next summer and the Curtis Road interchange is scheduled to be completed prior to the completion of the next phase of the church.

Mr. Schroeder questioned if any of the farm related traffic was taken into consideration during the completion of the analysis.

Mr. Daly stated that he does not believe that CUUATS differentiated between traffic counts whether it was trucks or tractors. He said that it was determined that the Staley Road improvements between Windsor Road and Curtis Road were wide enough to make it a three lane road although he is not aware of what is designed south of Curtis Road to Old Church Road.

Mr. Schroeder stated that this farm activity should be considered.

Mr. Hall stated that the letter from Mr. Steve Wegman, City Engineer for the City of Champaign dated November 18, 2004 should be added as Item #10 of the Documents of Record.

Mr. Bluhm moved, seconded by Mr. Goldenstein to accept the following special condition:

The Petitioner shall provide with any Zoning Use Permit Application a statement by an Illinois registered architect that the proposed construction meets or exceeds the requirements of the BOCA National Building Code, 1999 Edition, by the Building Officials and Code Administrators (BOCA) International, Inc. and is no less than noncombustible, Type 2-B Protected, construction with automatic sprinkler system to ensure that the future expansion of the First Christian Church continues to provide adequate considerations for life safety and clearly meets or exceeds the Illinois State Fire Marshal requirements.

The motion carried by voice vote.

Finding of Fact:

From the documents of record and the testimony and exhibits received at the public hearing conducted on July 15, 2004, October 14, 2004 and November 23, 2004, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit is necessary for the public convenience at this location.

Mr. Irle stated that the requested special use permit is necessary for the public convenience at this location because the location allows for current and future expansion. He said that the facility is located near the proposed Interstate 57 interchange which allows access by an expanding fellowship.

2. The requested Special Use Permit, subject to the special condition imposed herein, is so designed, located and proposed to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety and welfare.

Mr. Bluhm stated that the requested Special Use Permit, subject to the special condition imposed herein, is so designed, located and proposed to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety and welfare because the building has been designed to be in compliance with all codes and regulations and will meet the BOCA standards for life safety conditions.

- 3a. **The requested Special Use Permit, subject to the special conditions imposed herein, does conform to the applicable regulations and standards of the DISTRICT in which it is located.**

Mr. Bluhm stated that the requested Special Use Permit, subject to the special conditions imposed herein, does conform to the applicable regulations and standards of the DISTRICT in which it is located.

- 3b. The requested Special Use Permit, subject to the special conditions imposed herein, does preserve the essential character of the DISTRICT in which it is located.**

Mr. Goldenstein stated that the requested Special Use Permit, subject to the special conditions imposed herein, does preserve the essential character of the DISTRICT in which it is located because it is an expansion of an existing facility which has been there for a number of years.

- 4. The requested Special Use Permit, subject to the special conditions imposed herein, is in harmony with the general purpose and intent of the Ordinance.**

Mr. Steeves stated that the requested Special Use Permit, subject to the special conditions imposed herein, is in harmony with the general purpose and intent of the Ordinance because it is an extension of the existing use and does not take any more farmland out of production. Mr. Bluhm stated that the facility meets or exceeds the Zoning Ordinance regulations.

- 5. The requested Special Use is an existing nonconforming use.**

Mr. Goldenstein stated that the requested Special Use is an existing nonconforming use.

Mr. Irle moved, seconded by Mr. Miller to adopt the Summary of Evidence, Finding of Fact and Documents as amended. The motion carried by voice vote.

Mr. Irle moved, seconded by Mr. Schroeder to close the public hearing for Case 454-S-04, First Christian Church and Todd Weger, architect & agent. The motion carried by voice vote.

Determination:

Mr. Bluhm moved, seconded by Mr. Irle that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.11B have been met and pursuant to the authority granted by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use requested in Case 454-S-04 is hereby granted with special conditions to the petitioners, First Christian Church and Todd Weger, architect & agent, to authorize the expansion and use of an existing, nonconforming church in the AG-1, Agriculture Zoning District, subject to the following special condition:

The Petitioner shall provide with any Zoning Use Permit Application a statement by an Illinois registered architect that the proposed construction meets or exceeds the requirements of the BOCA National Building Code, 1999 Edition, by the Building Officials and Code Administrators (BOCA) International, Inc. and is no less than noncombustible, Type 2-B Protected, construction with automatic sprinkler system to ensure that the future expansion of the First Christian Church continues to provide adequate considerations for life safety and clearly meets or exceeds the Illinois State Fire Marshal requirements.

The roll was called:

Bluhm-yes
Miller-yes
Griest-yes

Goldenstein-yes
Schroeder-yes

Irle-yes
Steeves-yes

Case 475-AT-04 Petitioner: Zoning Administrator Request to modify Paragraph 9.1.5(B) to expand the power and duty of a Hearing Officer to the extent allowed by Illinois Statute.

Mr. Roseman stated that a text amendment is being proposed to paragraph 9.1.5(B) to expand the duties of a hearing officer. He said that Section 9.1.5(A) is proposed to be amended to allow that a hearing officer may conduct any public hearing otherwise required to be heard by the ZBA in accordance with the provisions of 55 ILCS 5/5-12015.

Assistant State's Attorney Joel Fletcher stated that the proposed language is broad and that if the proposed language were in place, that subsequent action would be required from the County Board to specifically designate certain cases or classes of cases to go to a hearing officer. He stated that he would have concerns if Ordinance language was adopted to allow a hearing officer to preside at a public hearing for a zoning map amendment and the County Board designated that a continued Phase One map amendment hearing be presided over by a hearing officer. He said that in such a situation his concern is that a hearing was opened as one type of hearing (presided over by the ZBA) and then continued as another type of hearing—a hearing presided over by a hearing officer. He said that if the intent of the County is to use a hearing officer to preside over the Comprehensive Zoning Review township hearings, then he would caution that: 1) new written notices be mailed to affected landowners because the nature of the map amendment hearing is being changed; and 2) the County faces a significant amount of legal risk in opening a public hearing before the ZBA and continuing in front of a hearing officer. He said that a hearing officer does not report back to the ZBA but reports directly to the County Board. He said that if the ZBA were to continue to make findings to the County Board, and a hearing officer makes separate findings directly to the County Board, there is a risk of having conflicting findings which may be considered a risk for a lawsuit. He advised it is preferable to stay in one form of hearing throughout a case, and to not try to utilize both the ZBA and hearing officer as presiding over one case.

Mr. Bluhm stated that it was his understanding that the hearing officer would conduct the hearings and report back to the ZBA in which the ZBA would take final action.

Mr. Fletcher stated that the Statute requires that a hearing officer report directly to the County Board.

Ms. Griest questioned Mr. Fletcher if a hearing officer conducts the township hearings, then the final action could not be taken by the ZBA.

Ms. Fletcher stated that Ms. Griest was correct.

Mr. Goldenstein stated that the public's understanding is that township hearings would be handled

by the ZBA.

Mr. Fletcher stated that this is why he recommends that new written notice be mailed to affected landowners regarding these meetings.

Ms. Griest stated that if [Zoning Ordinance language is adopted that expands the duty of a hearing officer to include presiding over map amendments and if the County Board] designates a hearing officer to preside over the Phase One township hearings, then the Comprehensive Zoning Review map amendment cases would be turned over to a hearing officer, but if this does not occur, then the ZBA would conduct the township hearings.

Ms. Fletcher stated that is his understanding.

Mr. Goldenstein stated then that if a hearing officer were to be designated to preside over the Phase One township hearings, then the ZBA would be by-passed with regard to providing findings to the County Board.

Mr. Fletcher stated that Mr. Goldenstein was correct.

Mr. Steeves questioned if the County would have a need for the ZBA if a hearing officer could hear any case at all and that the use of a hearing officer would replace the ZBA.

Mr. Hall questioned if the text amendments and the map amendments require the same governing body for approval or can the text amendments be heard before ZBA and the map amendments heard before a Hearing Officer.

Mr. Fletcher stated that, with regard to the proposed Phase One map amendments and text amendments, there is no legal reason why they have to all be heard by the same body. However, given how related they are, there would be greater consistency if the hearings were presided over by the same body.

Mr. Goldenstein stated that when this concept was first discussed it was decided that a hearing officer and a minimum of two ZBA members would attend each township hearing.

Mr. Fletcher stated that a hearing officer would be totally independent of the ZBA and that it is not possible to proceed with a blend of the two types of presiding authorities.

Mr. Goldenstein stated that the public will not agree with the township hearings being conducted by a hearing officer and not the ZBA.

Mr. Hall stated that this is the reason why Mr. Fletcher is recommending that if a hearing officer is the route which is chosen, that Phase One map amendment cases be re-advertised as new cases.

Mr. Bluhm stated that if a hearing officer is selected to preside at township hearings, the public may accuse the County of trying to somehow circumvent an established process and legal action may result.

Ms. Griest questioned why then propose to expand the duties of a hearing officer. She stated that we should maintain the integrity of the CZR Phase One cases into which the County has a major investment of time, effort and money.

Mr. Fletcher stated that he was unable to discuss these opinions with staff prior to this meeting.

Mr. Roseman stated with regard to the CZR Phase One cases that the hearing officer approach will cost the County an additional amount of money because new notices will need to be sent to inform all affected property owners of the switch to a hearing officer, and a public notice will need to be republished. He said that the ZBA may choose to send a recommendation to ELUC indicating that, upon reconsideration of Statute limitations as brought forth by Mr. Fletcher, the ZBA is the most appropriate body to hear the township meetings.

A general discussion followed regarding various procedural issues related to how to best conduct the township hearings.

Mr. Roseman stated that it was initially planned that a hearing officer would conduct the township hearings, but when it was subsequently discovered that a hearing officer could not work in concert with the ZBA it was questioned if this was truly the best option.

Mr. Fletcher reiterated that State Statute defines the role of a hearing officer and the statute states specifically that a hearing officer reports to the County Board.

Ms. Griest asked if a hearing officer would bypass the Environment and Land Use Committee and report directly to the full County Board.

Mr. Fletcher responded that a hearing officer would report to the Environment and Land Use Committee which will consider a hearing officer report as a parliamentary matter. He noted that technically the Environment and Land Use Committee does not have any power on its own—it's a parliamentary body to get items to the full County Board. He said that the legal effect would be that a hearing officer report will go to the full County Board.

Ms. Monte stated that more specific language could be added to clarify the types of cases which the Hearing Officer would be able to preside over.

Mr. Fletcher stated that at some point the County Board has to either specify what cases will be designated to a hearing officer. He said that as the proposed Ordinance text reads now, he doesn't know which cases or classes of cases go to a hearing officer. He further clarified that the language as proposed at this time would be acceptable only in conjunction with a specific determination to be made by the County Board as to what case or cases it would like to forward to a hearing officer.

Mr. Bluhm stated that if the cost of the Hearing Officer must be considered.

Mr. Roseman stated that the Board can either recommend the text as submitted or continue to the next meeting with more specific language. He said that this issue will be discussed with ELUC at the December 13, 2004 meeting.

Mr. Steeves questioned if the appointment of three hearing officers would essentially eliminate the ZBA. He questioned who assigns a hearing officer to specific cases. He said that it appears that the County would have two different bodies to hear the same cases.

Ms. Monte questioned if the State Statute indicates that a hearing officer acts as supplemental to the ZBA.

Mr. Fletcher stated that a hearing officer can be supplemental in that some cases can be designated to be heard by a hearing officer but not all cases. He recommended that it would be appropriate for the Ordinance specify which cases go where so as to avoid an accusation that the County Board is steering cases to one presiding authority or another based on an outcome that they would like to reach.

Mr. Bluhm stated that if half of variance cases were heard by a hearing officer and half were heard by the ZBA, then a petitioner could point out that seven persons heard a cases versus one hearing officer hearing a case. He said if cases are not delegated in a consistent manner then there will be a public outcry.

Ms. Monte stated that presently the Zoning Ordinance authorizes a hearing officer to preside only at a public hearing for minor variances. She said that the current text proposal considered would allow the County Board discretion to specifically designate that a hearing officer preside at a public hearing for another type of zoning case.

Mr. Roseman requested a continuance to revise the language of the proposed text amendment. He said that staff will consult with Mr. Fletcher regarding the revised text.

Mr. Bluhm moved, seconded by Mr. Goldenstein to continue Case 475-AT-04, Zoning Administrator to December 14, 2004. The motion carried by voice vote.

6. New Public Hearings

Case 469-S-04 Petitioner: Eldean Bergman, d.b.a. Border Magic, LLC Request: On property in the B-4, General Business Zoning District, authorize the following as a Special Use: A) Authorize the establishment of a light assembly business as a second principal use; and B) Authorize the establishment and use of two principal structures consisting of the following: 1. a mobile home sales office with display homes; and 2. a wholesale and light assembly business. Location: Lots 1 and 2 of the Pete Johnson Subdivision and commonly known as Schluter Homes Inc. and Border Magic located at 1503 CR 2700N, Rantoul.

Mr. Hall distributed a letter from Joan Hall, Village Clerk for the Village of Thomasboro dated November 22, 2004. He said that the letter indicates that the Village of Thomasboro has a "no comment" response to the proposed change/building on the site. He said that staff has not received a letter from the Village of Rantoul but verbal communication has been received from Dan Culkin, Village of Rantoul Zoning Inspector indicating the Village of Rantoul has "no comment". He said that final action can be taken at tonight's hearing.

Mr. Hall stated that staff has always had questions regarding the nonconformities on this property and when Mr. Roseman, Zoning Director made the determination that the existing use had changed enough to require a Special Use Permit for the "light assembly" it was a good time to consider the two uses on the one property.

Mr. Eldean Bergman stated that existing uses have not changed. He said that they assemble trailers and Border Magic machines. The components are delivered and some welding is required but it is mainly assembly which takes place.

Mr. Lowell "Pete" Johnson, who resides at 3215 CR 1700E, Rantoul stated that he sold property to Mr. Bergman in 1998 for expansion of Mr. Bergman's business. He said that he had no objections to Mr. Bergman's business in 1998 and has no objections to date.

Mr. Hall stated that an Item# 5.A.1(c) should be added to the Summary of Evidence indicating the following: In a telephone conversation on November 19, 2004, Dan Culkin, Zoning Inspector for the Village of Rantoul stated to John Hall that the Village had "no comment" on the proposed special use. He said that an Item 5.B. should be added to the Summary of Evidence indicating the following: In a letter dated November 22, 2004, Joan Hall, Clerk for the Village of Thomasboro stated that the Village of Thomasboro had "no comment" on the proposed special use. He said that the letter from Ms. Hall, Clerk for the Village of Thomasboro should be added to the Documents of Record as Item #3. He said that Item #17 is sometimes included by the Board in regard to exterior night lighting. He said that no complaints have been received regarding the exterior lighting therefore the Board could remove Item #17 from the Summary of Evidence or keep it as a special condition.

Ms. Griest questioned Mr. Bergman if he was proposing any additional lighting.

Mr. Bergman stated that he was not proposing any additional lighting.

The consensus of the Board was to remove Item #17 from the Summary of Evidence.

Finding of Fact:

From the documents of record and the testimony and exhibits received at the public hearing conducted on November 23, 2004 the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit is necessary for the public convenience at this location.

Mr. Irle stated that the requested Special Use Permit is necessary for the public convenience at this location because the petitioner has had an existing, nonconforming business at this site for several years and the proposed business is an outgrowth of that original business. He said that testimony has been received that the petitioner has been a good neighbor and offers viable business.

2. The requested Special Use Permit is so designed, located, and proposed to be operated so that it will not be injurious to the district in which it shall be located or

otherwise detrimental to the public health, safety and welfare.

Mr. Steeves stated that the requested Special Use Permit is so designed, located and proposed to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety and welfare because it is an existing business and has been previously conducted in a safe manner and has not impacted the surrounding agricultural activities.

3a. The requested Special Use Permit does conform to the applicable regulations and standards of the DISTRICT in which it is located.

Mr. Steeves stated that the requested Special Use Permit does conform to the applicable regulations and standards of the DISTRICT in which it is located.

3b. The requested Special Use Permit does preserve the essential character of the DISTRICT in which it is located.

Mr. Bluhm stated that the requested Special Use Permit does preserve the essential character of the DISTRICT in which it is located because all of the structures are existing and this is an outgrowth of an existing business which as expanded.

4. The requested Special Use Permit is in harmony with the general purpose and intent of the Ordinance.

Mr. Bluhm stated that the requested Special Use Permit is in harmony with the general purpose and intent of the Ordinance because the site plan meets all of the minimum requirements for separation of principal buildings.

5. The requested Special Use is an existing nonconforming use.

Mr. Steeves stated that the requested Special Use is an existing nonconforming use.

Mr. Irle moved, seconded by Mr. Goldenstein to adopt the Summary of Evidence, Finding of Fact and Documents of Record as amended. The motion carried by voice vote.

Mr. Irle moved, seconded by Mr. Miller to close the public hearing for Case 469-S-04, Eldean Bergman, d.b.a. Border Magic, LLC. The motion carried by voice vote.

Determination:

Mr. Bluhm moved, seconded by Mr. Goldenstein that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.11B have been met, and pursuant to the authority granted by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use requested in Case 469-S-04 is hereby granted to the petitioner, Eldean Bergman, d.b.a. Border Magic LLC, to authorize on property in the B-4, General Business Zoning District, authorize the following Special Use:

- A. the establishment of a light assembly business as a second principal use; and**
- B. the establishment and use of two principal structures consisting of the following:**
 - 1. a Mobile Home sales office with display homes; and**
 - 2. a light assembly business**

The roll was called:

**Bluhm-yes
Miller-yes
Griest-yes**

**Goldenstein-yes
Schroeder-yes**

**Irle-yes
Steeves-yes**

Case 470-V-04 Petitioner: Ranger Enterprises, Inc. and Stephen Lewis, agent Request to authorize the construction and use of freestanding on-premises advertising signs on a property in the B-3, Highway Business Zoning District with the following variances: A) for a sign with a height of 35 feet at the property line instead of the maximum allowable height of 30 feet at the property line and that is to be located on the County Highway 21 (Market Street) frontage; and B) for a sign with (1) an area of 1,237 square feet instead of the maximum allowable area of 150 square feet and (2) a height of 75 feet, that is to be located on the County Highway 20 frontage but directed primarily toward Interstate 57. Location: Lot 1 of the Phillip Warner Subdivision in Section 24 of Hensley Township that is commonly known as the Road Ranger/Citgo facility at 4910 North Market Street, Champaign.

Mr. Hall stated that he mistakenly overlooked the need for two variances therefore the legal notice must be republished. He said that Part A should have included a request for a variance of a sign area of 172 square feet (or 196 square feet) instead of the maximum 150 square feet. He said that as depicted in the proposed sign elevation, the Primary ID sign has a sign face of between 172 square feet (if the posts are not included in the area) and 196 square feet if the posts are included. He said that Part B is for the second sign and is allowable if it is oriented towards an interstate and the relevant area is not 150 square feet but only 75 square feet therefore the legal advertisement understated the amount of variance. He said that understating the variance would not be a problematic issue because the proper area was included in the legal but Part A. does need to be readvertised. He discussed this issue with the petitioners and they have requested that both cases be readvertised and considered at the same time. He said that he will check with the News Gazette for their legal notice deadline but he would like this case, if possible, to be continued to December 14th.

Mr. Lee Eichhorst, who resides at 309 E Leverett Rd, Champaign stated that he is an adjacent land owner and was concerned with the 75 foot sign. He said that after reviewing the schematic plan he is no longer concerned and does not oppose the request at this time. He said that he will attend the next public hearing to address any concerns that he has regarding the dust which will be caused from the traffic.

Mr. Hall stated that the site plan indicates asphalt and not rock which would alleviate the dust.

Mr. Eichhorst stated that the site plan does indicate some gravel parking which would create a dust issue.

Mr. Bluhm stated that he would like the frontage clarified as to whether it is Highway 20 or Highway 21 which is the frontage for the high-rise sign. He said that clarification would prevent the need for an additional readvertisement.

Mr. Hall stated that the plat shows that the property line along Highway 21 is an arc which intersects straight lines between the two highways therefore it appeared safe to say that the frontage is along Highway 20 but it may be a issue which Mr. Roseman must determine.

Ms. Griest questioned if the frontage will effect the publication or the ability to obtain the variance or be in compliance once they receive their variance.

Mr. Hall stated that Section 7.3.6 states that: A miscellaneous provision for freestanding signs, the second sign on the premises for interstate oriented business, shall conform to the provision of the B-4 District. He said that the maximum number permitted is one per property frontage provided that no projecting sign or off premises sign exists on the same frontage, except two per premise for lodging, food, outdoor recreation, auto service along the interstate highways. He said that this issue will be reviewed prior to the readvertisement.

Mr. Irle moved, seconded by Mr. Goldenstein to continue Case 470-V-04, Ranger Enterprises, Inc. and Stephen Lewis, agent. The motion carried by voice vote.

7. Staff Report

Mr. Hall distributed a draft copy of the 2005 Planning and Zoning Department Calendar for review. He noted that February and November only have one scheduled meeting which may be problematic.

Mr. Schroeder stated that he will not be present at the January 27, 2005, ZBA meeting.

8. Other Business

Discussion of ZBA preference regarding township hearings

Ms. Monte stated that staff would like to present the ZBA's preference regarding which presiding authority should be designated at the upcoming township hearings at the December 13th ELUC meeting. She discussed the commitment that would be required of ZBA members if they were designated as the presiding authority at the township hearings. Each ZBA member would need to attend approximately 14 additional meetings during an approximately 24-week period that the township meetings would be held. During the same 24-week period, approximately 11 regular ZBA meetings would be held.

Ms. Griest stated that she assumed that the ZBA members would agree in advance as to who would attend each scheduled township hearing so that a quorum was assured. She questioned Mr. Fletcher if having different ZBA members to form the quorum at the township hearings is problematic.

Mr. Fletcher stated that he did not see a problem.

Ms. Griest questioned if the township hearings are required to be the same length.

Mr. Fletcher stated that the only problem which may occur is if there are two hearings held in one day and the first hearing runs over into the allotted time set for the second hearing, therefore causing a notice issue.

Ms. Griest stated that the Board had previously discussed setting the maximum allotted time for the township hearings at two hours.

Mr. Fletcher stated that he would need to investigate limiting a township hearing to two hours. He said that if a township hearing requires additional time then an alternative date and time could be considered for a continuance.

Mr. Goldenstein questioned what happens if all seven members of the ZBA attend.

Ms. Griest stated that as long as there is a guaranteed quorum it should not matter.

Mr. Fletcher stated that an audio tape should be available to those ZBA members which are not in attendance and the ZBA members which were present at the hearing and the minutes prepared by the Recording Secretary are adopted. He said that the members which were not present can rely on the record as long the record indicates credible findings to the issues.

Mr. Schroeder questioned the dates which the public township hearings are to be scheduled.

Ms. Monte stated that, as of this date, the meetings are tentatively planned to be scheduled to occur during the period of mid-January 2005 and end of June, 2005.

Mr. Schroeder stated that during the farming season he would not be able to attend some of the public township meetings.

Mr. Hall stated that if holding Saturday hearings would be more convenient and more expeditious then staff could check with ELUC. He said that ELUC's direction was not to hold township hearings during the daytime during the work week. He said that the township hearings which are expected to have less attendance could be scheduled to occur on a Saturday.

Ms. Griest questioned Mr. Fletcher if the townships which are expected to have a large attendance will be required to stay within the two hour limit or could those meetings be extended to the normal three and one half hour meeting schedule.

Mr. Fletcher stated he is unable to answer Ms. Griest's question at this time.

The consensus of the Board was to limit the public township hearings to two hours and directed staff to present ELUC with the option of holding the township hearings which are expected to have less attendance on Saturdays.

9. Audience Participation with respect to matters other than cases pending before the Board

None

10. Adjournment

The meeting adjourned at 8:55 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals