

CASE NO. 692-V-11

SUPPLEMENTAL MEMORANDUM

October 28, 2011

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioner: **Rollae Keller**

Site Area: **4.03 acres**

Time Schedule for Development:

Immediate (home has been converted to a storage building while awaiting approval on the variance)

Prepared by: **John Hall**
Zoning Administrator

Andy Kass
Associate Planner

Request: Authorize the division of a lot that is 4.03 acres in area into two lots in total in lieu of the requirement that a lot to be divided must be more than five acres in area, in the AG-1 Agriculture Zoning District.

Location: A 4.03 acre tract in the North Half of the Northeast Quarter of Section 32 of Newcomb Township and commonly known as the house at 169 CR 2500N, Mahomet.

STATUS

This case was continued from the October 13, 2011 meeting.

The petitioner has submitted new evidence including a revised site plan for the septic system components that moves the curtain drain discharge away from the property line to a gravel pit in the center of the proposed lot. The petitioner has also indicated in a letter that they are still willing to share a driveway, but would like to add driveway within twenty (20) feet of the west property line.

New evidence is proposed for the Summary of Evidence.

Item 5 of the Summary of Evidence should be revised as follows:

- 5 The Petitioner has ~~not~~ provided a plat of survey received July 28, 2011 that illustrates how he intends to divide the subject property ~~but~~ and did apply and receive Zoning Permit 157-11-01 authorizing the establishment of a decommissioned manufactured home on the property as a storage shed with the intention of converting the shed back to a dwelling if the variance is approved.

The Petitioner has also submitted a detailed site plan of the wastewater system showing that the discharge from the curtain drain will not run onto neighboring properties, but into a gravel pit in the center of the proposed lot.

Item 10.D.(3) of the Summary of Evidence should be revised as follows:

- (3) The suitability of the site for onsite wastewater systems. There is no Natural Resource Report for the subject property but the Soil Survey indicates that the subject property likely consists of Drummer silty clay loam (old designation and old map unit 152) and Raub silt loam (old map unit 481). Due the type of the soils

on this property, a curtain drain is required by law to be installed. The curtain drain will drain groundwater to a gravel bed in the middle of the lot.

Item 10.D.(9) of the Summary of Evidence should be revised as follows:

- (9) Effects on nearby farmland and farm operations. The proposed variance and resulting subdivision would result in twice the development of the subject property than would be otherwise allowed and would therefore result in twice the impacts on nearby farmland. Regarding the possible impacts:
- (a) On the application the petitioner has indicated an intention to share a driveway, share a well, and share a mail box or a possible PO Box.
- (b) The Petitioner indicated in a letter dated October 20, 2011, that they would like to add a driveway within 20 feet of the west property line. A special condition is proposed to ensure that the curtain drain shall not create nuisance conditions on adjacent property.
- (c) At the October 13, 2011 meeting Doug Turner, a neighboring property owner voiced his concern regarding the livestock operation he operates and the survivability of it if the area becomes too populated.

Item 10.D.(10) of the Summary of Evidence should be revised as follows:

- (10) Effects of nearby farm operations on the proposed residential development. The proposed variance and resulting subdivision would divide the existing property into smaller lots which would provide a lesser amount of buffer from farm operations.
- (a) The proposed lot does not appear to trigger any additional requirement of the Illinois Livestock Management Facilities Act compared to the current situation. The proposed lot is upwind from all livestock facilities in the vicinity and so the prevailing wind will not blow odors toward the proposed lot.
- (b) Champaign County adopted a Right to Farm Resolution in May, 1994. This resolution protects agricultural operations from being deemed a nuisance. A special condition has been proposed to clarify that farming should be expected on an adjacent property and is not a nuisance.
- (c) Regarding possible similar requests from similar sized lots in the vicinity, all of the 5 acre lots north of Case 520-AM-05 are in a pipeline impact radius which would presumably be a significant concern for any similar variance requests in that area and the subject property is not at all similar and the subject variance would therefore not be a precedent.

Item 12 of the Summary of Evidence should be revised as follows:

12. Regarding proposed special conditions of approval:

A. The Zoning Administrator shall include a copy of Champaign County Resolution No. 3425 with the Zoning Use Permit for the dwelling.

The special condition(s) stated above is (are) required to ensure the following:

To confirm that farming should be expected on adjacent property and that it is not considered a nuisance to neighboring properties.

B. That any driveway on the proposed lot not be more that 20 feet away from the west property line of said lot.

The special condition(s) stated above is (are) required to ensure the following:

To help ensure public safety by minimizing road safety concerns associated with the increased traffic.

C. That the curtain drain outlet must not create a nuisance condition of adjacent property.

The special condition(s) stated above is (are) required to ensure the following:

To prevent nuisance water problems on neighboring properties

ATTACHMENTS

- A Letter from Joanne Keller received October 20, 2011
- B Revised site plan received October 20, 2011 (annotated with notes)
- C Plat of survey showing the parcel split
- D Champaign County Right to Farm Resolution No. 3425

RECEIVED

OCT 20 2011

CHAMPAIGN CO. P & Z DEPARTMENT

10-20-11

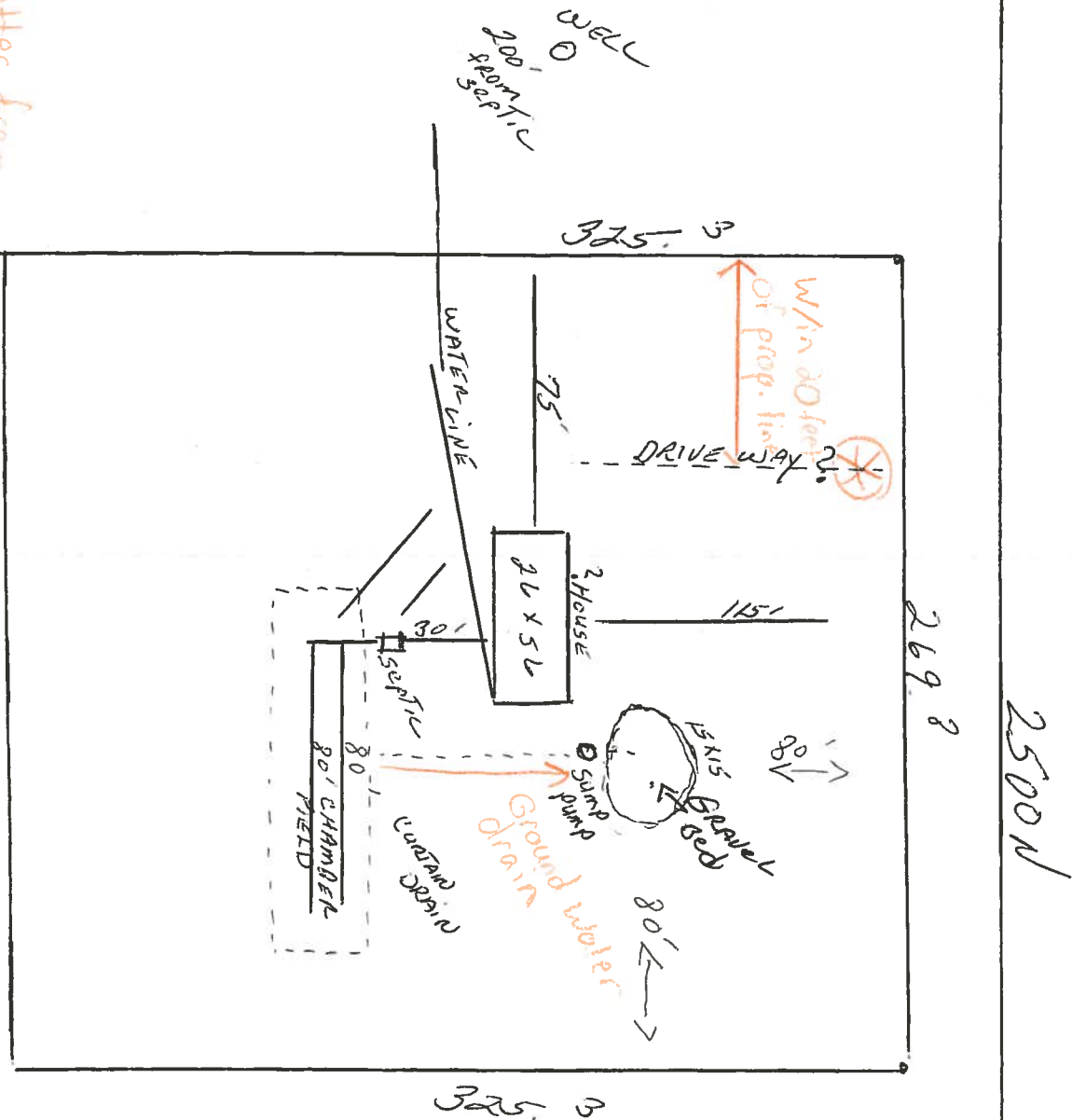
CHAMPAIGN CO. P & Z DEPARTMENT

In regards to the driveway, we are willing to still share existing drive, but would like to add a driveway within 20' of west property line.

In regards to placement of mailbox we will get into touch with Post Office to see if we can put a box next to existing box.

Joanne Keller

NEWEST LAYOUT SHOWING CURTAIN DRAINAGE OF GROUND WATER



(X) Indicated in letter from Mrs. Keller 10/20/2011

269.8'

RECEIVED

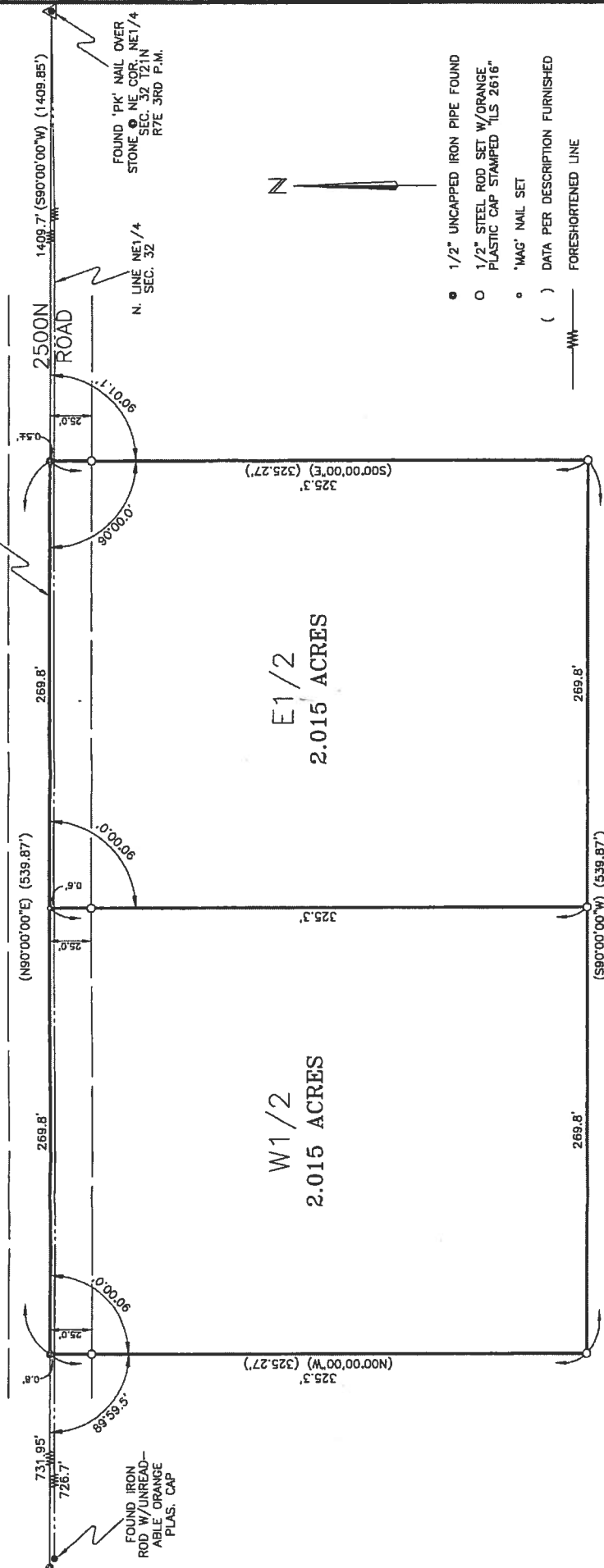
OCT 20 2011

CHAMPAIGN CO. P & Z DEPARTMENT

APV TO DOCS
7-28-11 Joanne Keller

PLAT OF SURVEY

PREVIOUSLY SURVEYED LINE, \oint OIL & CHIP PYMT.



FOUND 'PK' NAIL OVER
STONE \odot NE COR. NE1/4
SEC. 32 T21N
R7E 3RD P.M.

FOUND IRON
ROD W/UNREAD-
ABLE ORANGE
PLAS. CAP

- 1/2" UNCAPPED IRON PIPE FOUND
- 1/2" STEEL ROD SET W/ORANGE PLASTIC CAP STAMPED 'LS 2616'
- 'MAG' NAIL SET
- () DATA PER DESCRIPTION FURNISHED
- FORESHORTENED LINE

RECEIVED
JUL 28 2011
CHAMPAIGN CO. P & Z DEPARTMENT

EAST TRACT
The east half of a tract described as follows:
Commencing at the Northeast corner of the Northeast Quarter of Section 32, Township 21 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois; thence South 90°00'00" West along the North line of the Northeast Quarter of said Section 32 a distance of 1409.85 feet for a true place of Beginning; thence South 00°00'00" East a distance of 325.27 feet; thence South 90°00'00" West a distance of 539.87 feet; thence North 00°00'00" West a distance of 325.27 feet to the North line of the Northeast Quarter of said Section 32; thence North 90°00'00" East along the North line of the Northeast Quarter of said Section 32 a distance of 539.87 feet, to the place of beginning.

WEST TRACT
I hereby certify that this plat represents a survey, made by me, of two tracts of land described as:
The west half of a tract described as follows:
Commencing at the Northeast corner of the Northeast Quarter of Section 32, Township 21 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois; thence South 90°00'00" West along the North line of the Northeast Quarter of said Section 32 a distance of 1409.85 feet for a true place of Beginning; thence South 00°00'00" East a distance of 325.27 feet; thence South 90°00'00" West a distance of 539.87 feet; thence North 00°00'00" West a distance of 325.27 feet to the North line of the Northeast Quarter of said Section 32; thence North 90°00'00" East along the North line of the Northeast Quarter of said Section 32 a distance of 539.87 feet, to the place of beginning.

To the best of my knowledge and belief this professional service conforms to the current Illinois minimum standards applicable to boundary surveys.

DRAWN BY: ROBERT A. MOORE
MOORE SURVEYING & MAPPING
PAXTON, ILLINOIS
DATE: JULY 6, 2011
JOB NO.: 176015072

Robert A. Moore
Robert A. Moore
Illinois Land Surveyor No. 2818
License due for renewal 11/30/2012

7-13-11
Date

RESOLUTION NO. 3425A RESOLUTION PERTAINING TO THE
RIGHT TO FARM IN CHAMPAIGN COUNTY

WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and

WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and


WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:

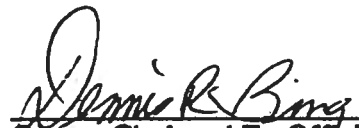
1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.
2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.
3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24th day of
May, A.D., 1994.



Chairman, County Board of the
County of Champaign, Illinois

ATTEST: 

County Clerk and Ex-Officio
Clerk of the County Board

CASE NO. 691-S-11

SUPPLEMENTAL MEMORANDUM

October 28, 2011

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioners: **Pastor David L. Rogers
and the Apostolic Life UPC Church**

Site Area: **4.7 acres**

Time Schedule for Development:
**Development contingent upon
funding**

Prepared by: **John Hall**
Zoning Administrator

Andy Kass
Associate Planner

Request: **Authorize the following on
land in the AG-2 Agriculture Zoning
District:**

- (1) **the Apostolic Life UPC Church
as a special use; and**
- (2) **the establishment and use of a
"Residential Recovery Center"
as a second special use.**

Location: **Lot 3 of the Almar First
Subdivision in the Northeast Quarter
of Section 3 of Urbana Township and
commonly known as the Apostolic Life
UPC Church located at 2107 High
Cross Road, Urbana.**

STATUS

This case was continued from the September 15, 2011, meeting. No new comprehensive site plan has been submitted to the Planning and Zoning office.

Letters have been received from John W. Hummel, P.E. and Pastor D.L. Rogers. The letter submitted by Randall Brown at the September 15, 2011 meeting has also been included. See attached.

New evidence is proposed for the Summary of Evidence.

The following evidence is proposed to be added to item 5 regarding the operations of the proposed RESIDENTIAL RECOVERY CENTER:

C. In an email dated October, 20, 2011, Pastor D.L. Rogers stated that supervision of residents will be accomplished with a responsible and qualified staff members providing onsite supervision twenty-four hours a day, seven days per week and a responsible dorm leader will reside in the proposed dorm. Residents will have guidelines concerning their whereabouts and activities at all times.

The following evidence is proposed to be added to item 8. B. regarding surface drainage:

(2) A letter from Thomas Berns to Al Miller (Attachment D of 10/28/2011 Supplemental Memo) dated April 5, 1984, regarding the Pyramid Paper Company site can be summarized as follows:

(a) The subject property does not have significant surface water drainage problems.

(b) The subject site has adequate on-site drainage facilities to serve all the existing improvements.

- (c) Existing on-site drainage has been designed and constructed with accepted engineering practices in order to reduce the likelihood of damage to adjoining properties.
- (3) The final plat for Almar First Subdivision (Attachment F of 10/28/2011 Supplemental Memo), depicts the location of a 12 inch diameter storm sewer and notes the location of the drainage easement. This plat was submitted and approved in 1990 by the City of Urbana. The 12 inch diameter storm sewer is the proposed outlet of the proposed storm water detention basin.
- (4) A site plan from Case 749-S-91 (Attachment G of 10/28/2011 Supplemental Memo), depicts the drainage system for the subject property. This was submitted in 1991 when Pyramid Paper applied for a special use permit to expand the parking area.

The following evidence is proposed to be added to item 8. G. regarding wastewater treatment and disposal on the property:

- (5) A letter dated September 13, 2011 from Steve Johnson of Johnson Wastewater Systems, Inc. to D.L. Rogers can be summarized as follows:
- (a) They are in the process of designing a system that will utilize an aerobic treatment and/or a sand filter followed by a low pressure pipe subsurface absorption field.
- (b) The design of the system will retain the treated effluent on the property.

The following evidence is proposed to be added to item 9.5.a. regarding the condition that the site have access to public transportation:

- (a) The Apostolic Life UPC Church is served by the Champaign-Urbana Mass Transit District. In a letter submitted September 15, 2011 from Pastor D.L. Rogers, Pastor Rogers reports that the church worked with the MTD Engineering Department to move the bus stop sign to the church property as a response to concerns brought up at the August 30th hearing.

ATTACHMENTS

- A Email from D.L. Rogers to John Hall received October 20, 2011
- B Letter from John Hummel received September 23, 2011
- C Letter from Randall Brown received September 15, 2011
- D Letter from Thomas Berns to Al Miller dated April 5, 1984
- E Portion of sheet 21-3H of the Sidwell's Tax Atlas R 1998
- F Portions of the final Plat of Almar First Subdivision
- G Site Plan from Case 749-S-91

John Hall

To: D. L. Rogers
Subject: RE: Apostolic Life

FILE COPY

From: D. L. Rogers [<mailto:pastorrogers1@comcast.net>]
Sent: Thursday, October 20, 2011 9:43 AM
To: John Hall
Subject: Apostolic Life

Hi John....just want to keep you updated: met with Steve Johnson yesterday and he is compiling info/drawings etc for sewer system
He met with Jeff Blackford as well. We will take his info and "merge" it onto BKB site plan. I will forward to you as soon as I have it.

As for the question of supervision of residents in proposed dorm: supervision of residents in proposed dorm will be accomplished with a responsible

and qualified staff member providing onsite supervision 24/7 and
a responsible Dorm Leader residing in the proposed dorm
in addition: the residents have guidelines concerning their whereabouts and activity at all times

I will bring you the sewer system info and updated site plan as soon as I obtain it.

Thanks
Pastor D L Rogers

September 21, 2011

RECEIVED

SEP 23 2011

CHAMPAIGN CO. P & Z DEPARTMENT

Director John Hall
Champaign County Zoning Administrator
Brookens Administration Center
1776 E. Washington Street
Urbana, IL 61801

RE: Case 691-S-11

Dear Director Hall:

Thank you for the opportunity to appear before the Champaign County Zoning Board of Appeals on September 15, and to present my concerns about the granting of a Special Use Permit to allow a Residential Recovery Center to be established on the property located at 2107 N. High Cross Road, Urbana.

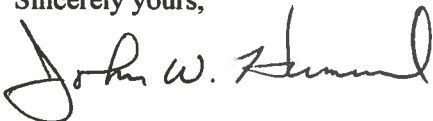
As I stated in my letter of July 3, I am concerned about the adequacy of the site to accommodate the proposed increased use, with the associated surface water management and waste water issues, without adversely impacting the surrounding neighborhood, and particularly the property at 2103 N. High Cross Road owned by my son and his wife, Mark and Debra Hummel. Information presented at the Public Hearing on September 15 did not lessen my concerns.

I applaud the Board for requesting additional information from the petitioner about existing sewage systems on the property. It is vitally important to adjacent property owners that adequate waste handling capability be available to accommodate the increased load.

The letter from Steve Johnson, J & S Wastewater Systems, Inc., indicates that an on-site waste water treatment system is being designed. I would expect the location of that system to be on the map that the Board requested, and that details of the design will also be provided.

I would appreciate receiving notification when any of this updated information is provided, and access to the new information. Review of technical specifications cannot be adequately addressed when materials are received less than one week prior to the next Public Hearing.

Sincerely yours,



John W. Hummel, P.E.
504 E. Mumford Drive
Urbana, IL 61801

9/15/11
R. Brown

Good evening, my name is Randall Brown and I live at 2408 N. High Cross Road.

In my discussion with the ZBA on 7-15-2010 relative to the previous case 668-AT-10, I raised the issue of USE. I am satisfied that, as a result, the UPC church has seriously considered special uses in a logical sequence to avoid litigation. What is still amiss in this case is the lack of address or mention of the remaining accessory uses being performed from the site. These are the previously discussed non-compliant uses consisting of Yard Work, Auto Detailing, Construction and Clean-up, and Moving Services. Although the board considers these as "reasonable" and not worthy of consideration as a principal use as was discussed in the approved minutes from 7/29/10 on Case 668-AT-10, I argue that this Case 691-S-11 has avoided the mention of the accessory uses and how they should be handled. As I see it, if I were to run a business out of my home, I would need to follow specifics of the ordinance as defined in 3.0 "Definitions" and Section 7 for a rural home occupation. I argue that the same requirement would apply to the Recovery Center family as defined in the ordinance relative to gain and support of the Recovery Center. There are very specific rules pertaining to Rural Home Occupation, and we, the public, deserve a complete analysis and appropriate authorization of each non-compliant use of this property. This petition does not address those issues. I recommend that this proposal be amended to address the criteria for which those activities may legally continue or whether these accessory uses fall under the limiting rules of Rural Home Occupation.

In the last meeting on this case, the issue of gender exclusion was glossed over as haphazard when, in fact, it is a violation of the Fair Housing Act as well as the 14th Amendment. The proponent's public webpage discloses gender exclusion in its purpose statement. The statement can be found at the proponent's website:
www.lifelineconnect.org/multipage.php?id=4372&

If this special use is authorized in its current form, the county may be at risk for litigation for approving a known gender discriminatory use. To me, this means that any new authorized special use must demand there be no gender issue relative to admission or occupation of a Residential Recovery Center. Compliance is a must without reconsideration.

In closing, I would recommend that these issues be discussed at length. Violation of the law is tort. We, the citizens of Champaign County, deserve your utmost diligence in this matter. There are now more than a dozen neighbors opposed to the development of this center, and I urge you to act carefully as this measure is far from ready for the full board's review. Thank you for your time.

From Case 502 - S - 84 .

BERNS, CLANCY AND ASSOCIATES
PROFESSIONAL CORPORATION

CONSULTING ENGINEERS
LAND SURVEYORS
PLANNERS

THOMAS B. BERNS
EDWARD L. CLANCY
CHRISTOPHER BILLING
DONALD WAUTHIER

April 5, 1984

405 EAST MAIN STREET
POST OFFICE BOX 755
URBANA, ILLINOIS 61801
217-384-1144

Mr. Al Miller
Pyramid Paper Company
2107 North High Cross Road
R. R. #2
Urbana, Illinois 61801

Dear Mr. Miller:

RE: Drainage Evaluation for Pyramid Paper Company Site in a Part of the East Half of Section 3, Township 19 North, Range 9 East of the Third Principal Meridian, Urbana Township, Champaign County, Illinois

In response to your request, we have performed a drainage evaluation for subject site. This drainage evaluation included an on-site inspection and investigation concerning existing and proposed physical facilities and drainage improvements. We also examined the engineering plans, topographic surveys, drainage plans and contractor's "As-Built" statements for on-site drainage work and other improvements.

As a result of our investigations, studies and field surveys we have formed the following professional opinions with a reasonable degree of scientific and engineering certainty:

1. The subject Pyramid Paper Company site does not now have a significant surface water drainage problem.
2. The subject Pyramid Paper Company site has adequate on-site drainage facilities to serve all the existing improvements.
3. The addition of a 48-foot by 120-foot building for bulk merchandise storage and ancillary drainage improvements on the subject Pyramid Paper Company site should not adversely affect the capabilities of the existing on-site drainage facilities.
4. If additional extensive impervious areas are added to the subject Pyramid Paper Company site, the existing on-site drainage system is such that it can be improved and expanded on site to resolve any drainage problems that might be created by the addition of any extensive impervious areas.

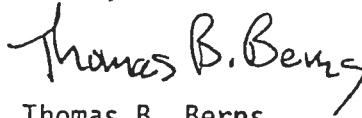
Al Miller
April 5, 1984
Page 2

5. The existing on-site drainage facilities on the subject Pyramid Paper Company site appear to have been designed and constructed by competent authority such that the surface waters have been planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to adjoining properties.

We appreciate this opportunity to be of service to you. If you have any question or comment, please feel free to contact us at any time.

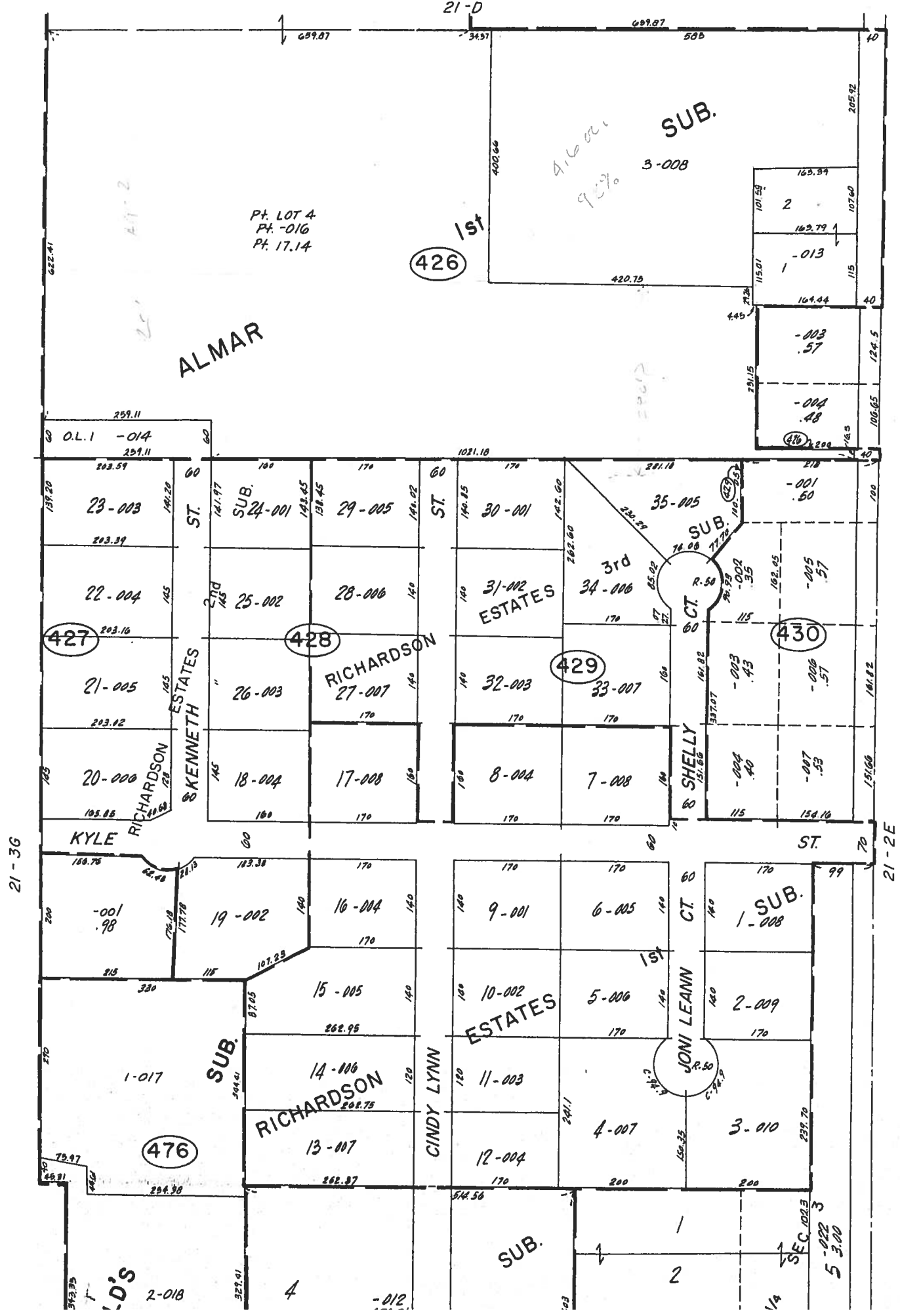
Respectfully submitted this 5th Day of April, 1984.

BERNS, CLANCY AND ASSOCIATES, P.C.



Thomas B. Berns
Illinois Registered Land Surveyor No. 2006
Illinois Professional Engineer No. 30889

1217
TBB:dj
cc: Holt Summers, Attorney



21-36

21-2E

21-D

ALMAR

426

1st

SUB.

3-008

Pt. LOT 4
Pt. -016
Pt. 17.14

O.L.1 -014

23-003

SUB. 24-001

29-005

30-001

35-005

22-004

25-002

28-006

31-002
ESTATES

34-006

33-007

427

428

429

430

21-005

26-003

27-007

32-003

33-007

20-006

18-004

17-008

8-004

7-008

KYLE

RICHARDSON
ESTATES
KENNETH

RICHARDSON

SHELLEY

-001 .98

19-002

16-004

9-001

6-005

1-SUB.
1-008

1-017

SUB.

15-005

10-002

5-006

2-009

RICHARDSON

CINDY LYNN

ESTATES

JONI LEANN

476

13-007

12-004

4-007

3-010

SUB.

D'S 2-018

4

-012

SEC. 022 3
5 3.00

SCALE IN FEET

W 1/4, SE 1/4, NE 1/4, SEC. 3

300 BRASS TAGS SET IN 3 FENCE POSTS TYPICAL

12 IN VCP STORM SEWER LINE APPROXIMATE LOCATION. SEE BASEMENT NOTE ABOVE.

EAST LINE, NE 1/4, SE 1/4, SEC. 3

I.P. FOUND WITH ALTECH CAP

NE COR., N 1/2, NE 1/4 SE 1/4, SEC. 3, T19N, R9E

N 89° 30' 35" E 585.00' (660')

NORTH LINE, NE 1/4, NE 1/4, SEC. 3

N 89° 30' 35" E 34.87'

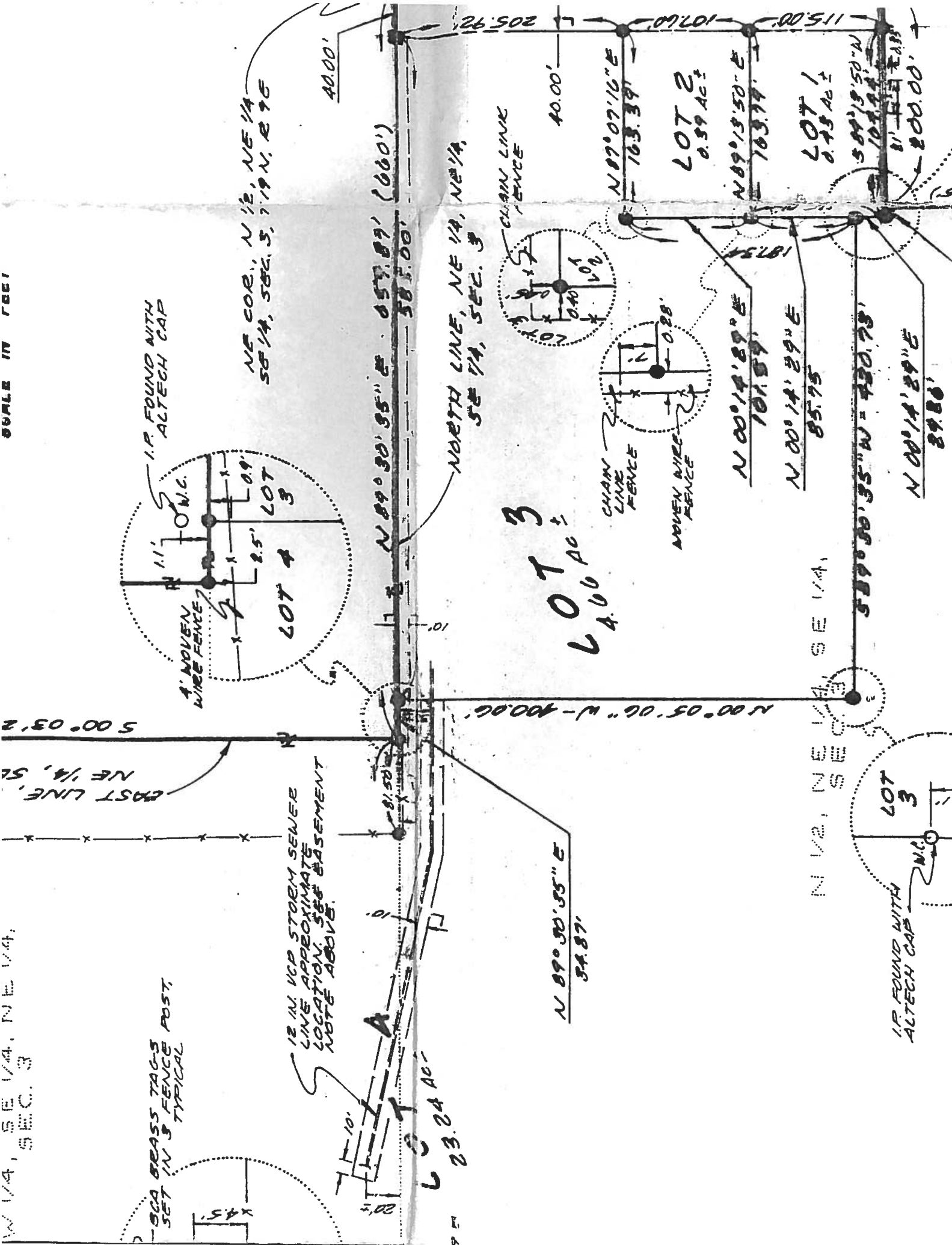
LOT 3
4.00 AC ±

LOT 2
0.59 AC ±

LOT 1
0.43 AC ±

LOT 3

I.P. FOUND WITH ALTECH CAP



2643.85' (2634.06')

1321.92'

NOTE: DRAINAGE EASEMENT FOR LOT 3, TWENTY (20) FEET WIDE, 10 FT. EACH SIDE OF THE EXISTING 12 INCH DIAMETER VITRIFIED CLAY PIPE STORM SEWER LINE. THE STORM SEWER LINE MAY BE RELOCATED FOR THE DEVELOPMENT OF LOT 4 WITH AN EQUAL OR GREATER SIZE OF STORM SEWER PIPE. THE RATE OF DISCHARGE OF A RELOCATED STORM SEWER SHALL NOT BE LESS THAN THE RATE OF DISCHARGE IN THE EXISTING STORM SEWER LINE. THIS EASEMENT SHALL CONTINUE TO EXIST AND MOVE WITH ANY RELOCATION.

1320.83'

32'

660.41'

657.30'

NE COR., SW 1/4, SE 1/4, NE 1/4
SEC. 3, T 19 N., R 9 E

NE COR., SE 1/4, SE 1/4, NE 1/4
SEC. 3, T 19 N., R 9 E

37" E 660.14'

1/4, SEC. 3
1/4, NE 1/4, SE 1/4.

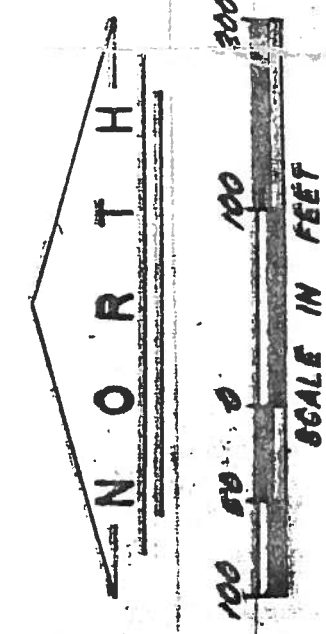
I.P. SET 2 FT.
BELOW GROUND
SURFACE

660.14'

ROAD - TWP RD 1600 E

3' 29" W 657.30'

1/4, SW 1/4, SE 1/4,
SEC. 3



NE COR., NE 1/4, NE 1/4,
SEC. 3, T 19 N., R 9 E

SE COR., NE 1/4, NE 1/4,
SEC. 3, T 19 N., R 9 E

1312.48'
656.24'
2624.96' (2618.88')

1/4, NE 1/4, SEC. 3

