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1 Mr. Hall stated that the minutes will be amended to indicate the corrections stated by Mr. Palmgren.

2

3 **The motion carried.**

4

5 **5. Continued Public Hearing**

6

7 None

8

9 **6. New Public Hearings**

10

11 **Case 762-AM-13 Petitioner: Edgar Busboom Request to amend the Zoning Map to change the zoning**
12 **district designation from the B-5 Central Business Zoning District to the R-1 Single Family Residence**
13 **Zoning District. Location: A 1.2 acre portion of a 4 acre lot located in the Southeast corner of the**
14 **Southeast Quarter of the Southeast Quarter of Section 28 of Compromise Township and commonly**
15 **known as the house and buildings at 2501 CR 2100E, Thomasboro.**

16

17 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
18 sign the witness register for that public hearing. He reminded the audience that when they sign the
19 witness register they are signing an oath.

20

21 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

22

23 Ms. Kay Busboom, who resides at 2106 CR 2500N, Thomasboro, stated that she had no new information to
24 present to the Board at this time.

25

26 Mr. Thorsland called John Hall to testify.

27

28 Mr. John Hall, Zoning Administrator, stated that this property has been zoned a combination of B-5 and R-1
29 since the adoption of zoning and was formerly the site of a grocery store. He said that the request is to
30 rezone 1.2 acres of a 4 acre lot in order to bring the residential use of the subject property into conformance.
31 He said that the area to be rezoned would go from the centerline of County Highway 11 up to the existing R-
32 1 which would leave approximately a 1.4 acre area of B-5 still remaining on the property. He said that it is
33 his understanding that the whole 4 acre triangular shaped property is going to be sold and the owner desires
34 to demolish the existing home and build a new home but that is not possible in B-5 unless you also have a
35 business therefore the rezoning makes sense. He said that the Finding of Fact that was included in the
36 mailing makes it pretty clear that changing the zoning to B-5 to R-1 is an improvement as far as many of the
37 Goals and Policies are concerned. He said that since the existing use is residential and the proposed use is
38 residential it is really not going to change anything in the way of needed services or infrastructure therefore

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1 staff recommends that the map amendment HELPS ACHIEVE the Land Resource Management Plan and
2 complies with the *LaSalle* and *Sinclair* criteria and ACHIEVES the purpose of the Zoning Ordinance. He
3 said that if someone wanted to establish a use on the part of the property which is zoned B-5 and they didn't
4 live in the residence the property would require a subdivision because each principal use has to be on a
5 separate lot. He said that he is not aware of anything that is planned for that B-5 area at this time and there is
6 no need for the entire B-5 portion to be rezoned. He said that when there are properties that are split zoned
7 there can still only be one principal use on the lot which means that this property will remain residential until
8 it is divided but it is fully consistent with the Land Use Management Plan. He said that when the Board
9 reviews the Finding of Fact he has additional evidence that he would like to add to make it clear how much
10 of the property is being rezoned and how much will remain B-5.

11
12 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

13
14 Mr. Thorsland asked the Board if there were any questions for Ms. Kay Busboom and there were none.

15
16 Mr. Thorsland called Stephanie Mullvain to testify.

17
18 Ms. Mullvain declined to testify at this time.

19
20 Mr. Thorsland called Tyler Vogelsang to testify.

21
22 Mr. Vogelsang declined to testify at this time.

23
24 Mr. Thorsland closed the witness register.

25
26 Mr. Thorsland stated that the Board will now review the Finding of Fact.

27
28 Mr. Thorsland read LRMP Goal 1 as follows: "Champaign County will attain a system of land resource
29 management planning built on broad public involvement that supports effective decision making by the
30 County." He said that stated recommends that the proposed rezoning will NOT IMPEDE the achievement of
31 Goal 1.

32
33 The Board agreed with staff's recommendation for LRMP Goal 1.

34
35 Mr. Hall stated that item #6.A. should be revised as follows: Approximately 2.7 acres of the subject
36 property is currently zoned B-5, Central Business and approximately 1.3 acres is currently zoned R-1, Single
37 Family Residence and is in residential use, most of the property is in agricultural production. The area
38 proposed to be rezoned is intended to be contiguous to the portion of the property that is currently zoned R-

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1 1.

2

3 Mr. Hall stated that the following sentence should be added to item # 2. as follows: The area to be rezoned
4 is 175 feet in the east/west dimension and 300 feet in the north/south dimension.

5

6 Mr. Hall stated that item #8.D. (1) should be revised as follows: The R-1 District is a less intensive zoning
7 District than the B-5 District and the types of uses authorized in the R-1 District are less problematic for this
8 location which is without either public water or public sewer, than are the uses authorized in the B-5 District.
9 He said that item #8.D.(3) should be revised as follows: The proposed rezoning is consistent with the
10 adjacent R-1 zoning and will be contiguous to the existing R-1 zoning. He said that new item #8.D.(4)
11 should read as follows: Approximately 1.5 acres of the property will remain in the B-5 District.

12

13 Mr. Thorsland read LRMP Goal 2 as follows: “Champaign County will collaboratively formulate land
14 resource and development policy with other units of government in area of overlapping land use planning
15 jurisdiction.” He said that staff recommends that the proposed rezoning will NOT IMPEDE the achievement
16 of Goal 2.

17

18 The Board agreed with staff’s recommendation for LRMP Goal 2.

19

20 Mr. Thorsland read LRMP Goal 3 as follows: “Champaign County will encourage economic growth and
21 development to ensure prosperity for its residents and the region.” He said that staff recommends that the
22 proposed rezoning will NOT IMPEDE the achievement of Goal 3.

23

24 The Board agreed with staff’s recommendation of LRMP Goal 3.

25

26 Mr. Thorsland read Policy 4.3.4 as follows: “The County may authorize a discretionary review development
27 provided that existing public infrastructure, together with proposed improvements, is adequate to support the
28 proposed development effectively and safely without undue public expense.” He said that staff recommends
29 that the proposed rezoning will HELP ACHIEVE Policy 4.3.4. He said that staff also recommends that the
30 proposed amendment WILL NOT IMPEDE the achievement of Policies 4.3.1 and 4.3.5.

31

32 The Board agreed with staff’s recommendations for Policies, 4.3.4, 4.3.1 and 4.3.5.

33

34 Mr. Thorsland read Policy 4.3.3 as follows: “The County may authorize a discretionary review development
35 provided that existing public services are adequate to support the proposed development effectively and
36 safely without undue public expense.” He said that staff recommends that the proposed rezoning will HELP
37 ACHIEVE Policy 4.3.3.

38

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1 The Board agreed with staff’s recommendation for Policy 4.3.3.

2
3 Mr. Thorsland stated that Objective 4.3 states the following: “Champaign County will require that each
4 discretionary review development is located on a suitable site.” He read Policy 4.3.2 as follows: “On best
5 prime farmland, the County may authorize a discretionary review development provided the site with
6 proposed improvements is well-suited overall for the proposed land use.” He said that staff recommends
7 that the proposed rezoning will HELP ACHIEVE Objective 4.3 and Policy 4.3.2.

8
9 The Board agreed with staff’s recommendations for Objective 4.3 and Policy 4.3.2.

10
11 Mr. Thorsland stated that Objective 4.2 states the following: “Champaign County will require that each
12 discretionary review development will not interfere with agricultural operations.” He read Policy 4.2.2 as
13 follows: The county may authorize discretionary review development in a rural area if the proposed
14 development: a. is a type that does not negatively affect agricultural activities; or b. is located and designed
15 to minimize exposure to any negative affect caused by agricultural activities; and c. will not interfere with
16 agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural
17 roads, or other agriculture-related infrastructure.” He said that staff recommends that the proposed rezoning
18 will HELP ACHIEVE Objective 4.2 and Policy 4.2.2.

19
20 The Board agreed with staff’s recommendations for Objective 4.2 and Policy 4.2.2.

21
22 Mr. Thorsland stated that staff recommends that the proposed amendment WILL NOT IMPEDE the
23 achievement of Policies 4.2.1, 4.2.3, and 4.2.4.

24
25 The Board agreed with staff’s recommendations regarding Policies 4.2.1, 4.2.3, and 4.2.4.

26
27 Mr. Thorsland read Policy 4.1.6 as follows: “Provided that the use, design, site and location are consistent
28 with County policies regarding: i. Suitability of the site for the proposed use; ii. Adequacy of infrastructure
29 and public services for the proposed use; iii. Minimizing conflict with agriculture; iv. Minimizing the
30 conversion of farmland; and v. Minimizing the disturbance of natural areas; then a) On best prime farmland,
31 the county may authorize discretionary residential development subject to a limit on total acres converted
32 which is generally proportionate to tract size and is based on the January 1, 1998, configuration of tracts,
33 with the total amount of acreage converted to residential use (inclusive of by-right development) not to
34 exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed
35 12 acres in total; or b) On best prime farmland, the County may authorize non-residential discretionary
36 development; or c) The County may authorize discretionary review development on tracts consisting of other
37 than best prime farmland.” He said that the staff recommends that the proposed rezoning will HELP
38 ACHIEVE Policy 4.1.6. and WILL NOT IMPEDE the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5,

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1 4.1.7, 4.1.8, and 4.1.9.

2
3 The Board agreed with staff’s recommendations for Policies 4.1.6, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and
4 4.1.9.

5
6 Mr. Thorsland read Objective 4.1 as follows: “Champaign County will strive to minimize the fragmentation
7 of the County’s agricultural land base and conserve farmland, generally applying more stringent
8 development standards on best prime farmland.” He said that Policy 4.1.1 states, “Commercial agriculture is
9 the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and
10 drainage, suited to its pursuit. The County will not accommodate other land uses except under very
11 restricted conditions or in areas of less productive soils.” He said that staff recommends that the proposed
12 rezoning will HELP ACHIEVE Objective 4.1 and Policy 4.1.1.

13
14 The Board agreed with staff’s recommendations regarding Objective 4.1 and Policy 4.1.1.

15
16 Mr. Thorsland stated that due to the previous recommendations the proposed rezoning will HELP ACHIEVE
17 Goal 4.

18
19 The Board agreed.

20
21 Mr. Thorsland stated that Policy 5.3.2 states, “The County will: a. require that proposed new urban
22 development, with proposed improvements, will be adequately served by public infrastructure, and that
23 related needed improvements to public infrastructure are made without undue public expense; and b.
24 encourage, when possible, other jurisdictions to require that proposed new urban development, with
25 proposed improvements, will be adequately served by public infrastructure, and that related needed
26 improvements to public infrastructure are made without undue public expense.” He said that staff
27 recommends that the proposed rezoning will HELP ACHIEVE Policy 5.3.2.

28
29 The Board agreed with staff’s recommendation for Policy 5.3.2.

30
31 Mr. Thorsland stated that staff recommends that the proposed amendment WILL NOT IMPEDE the
32 achievement of Policy 5.3.3.

33
34 The Board agreed.

35
36 Mr. Thorsland stated that Objective 5.3. states, “Champaign County will oppose proposed new urban
37 development unless adequate utilities, infrastructure, and public services are provided. He said that Policy
38 5.3.1 states, “The County will: a. require that proposed new urban development in unincorporated areas is

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1 sufficiently served by available public services and without undue public expense; and b. encourage, when
2 possible, other jurisdictions to require that proposed new urban development is sufficiently served by
3 available public services and without undue public expense.” He said that staff recommends that the
4 proposed rezoning will HELP ACHIEVE Objective 5.3 and Policy 5.3.1.

5
6 The Board agreed with staff’s recommendations for Objective 5.3 and Policy 5.3.1.

7
8 Mr. Thorsland stated that Objective 5.2 states, “When new urban development is proposed, Champaign
9 County will encourage that such development demonstrates good stewardship of natural resources.” He said
10 that Policy 5.2.1 states, “The County will encourage the reuse and redevelopment of older and vacant
11 properties within urban land when feasible.” He said that Policy 5.2.2 states, “The County will: a. ensure
12 that urban development proposed on best prime farmland is efficiently designed in order to avoid
13 unnecessary conversion of such farmland; and b. encourage, when possible, other jurisdictions to ensure that
14 urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary
15 conversion of such farmland.” He said that staff recommends that the proposed rezoning HELPS ACHIEVE
16 Objective 5.2 and Policies 5.2.1 and 5.2.2.

17
18 The Board agreed with staff’s recommendations for Objective 5.2 and Policies 5.2.1 and 5.2.2.

19
20 Mr. Thorsland stated that staff recommends that the proposed amendment WILL NOT IMPEDE the
21 achievement of Policy 5.2.3.

22
23 The Board agreed with staff’s recommendation for Policy 5.2.3.

24
25 Mr. Thorsland stated that Policy 5.1.6 states, “to reduce the occurrence of agricultural land use and non-
26 agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require
27 discretionary development to create a sufficient buffer between existing agricultural operations and the
28 proposed urban development.” He said that staff recommends that the proposed rezoning will HELP
29 ACHIEVE Policy 5.1.6. and WILL NOT IMPEDE the achievement of Policy 5.1.1 and Policies 5.1.3, 5.1.4,
30 5.1.7, 5.1.8, and 5.1.9 are NOT RELEVANT to the proposed rezoning.

31
32 Mr. Hall stated that the area proposed for rezoning is part of the existing 4 acre triangular shaped property
33 and the whole property is separated from the large farmland to the west by the unnamed drainage ditch
34 which is tributary to the Flatville Ditch. He said that it could be relevant that an adjacent drainage ditch
35 separates the property from farmland to the west. He said that this information could be interesting but not
36 relevant and he does not know why staff overlooked it originally but he believes that staff was focusing on
37 just the 1.2 acres that was proposed for rezoning. He said that if the Board agreed the following sentence
38 could be added to item #14.A(3)(a): An adjacent drainage ditch separates the property from the farmland to

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1 the west.

2

3 The Board agreed with the addition to item #14.A(3)(a). The Board also agreed with staff's
4 recommendations for Policies 5.1.6, 5.1.1, 5.1.3, 5.1.4, 5.1.7, 5.1.8 and 5.1.9.

5

6 Mr. Thorsland stated that Policy 5.1.5 states, "The County will encourage urban development to explicitly
7 recognize and provide for the right of agricultural activities to continue on adjacent land." He said that staff
8 recommends that the proposed rezoning will HELP ACHIEVE Policy 5.1.5.

9

10 The Board agreed with staff's recommendation for Policy 5.1.5.

11

12 Mr. Thorsland stated that Policy 5.1.2 states, "a. The County will encourage that only compact and
13 contiguous discretionary development occur within or adjacent to existing villages that have not yet adopted
14 a municipal comprehensive land use plan; and b. The County will require that only compact and contiguous
15 discretionary development occur within or adjacent to existing unincorporated settlements." He said that
16 staff recommends that the proposed rezoning will HELP ACHIEVE Policy 5.1.2 for the following reasons:
17 (a) The subject property is located at Flatville, an unincorporated settlement. Mr. Thorsland stated that he
18 would like to add an item (b) as follows: (b) the rezoning will provide for infill development.

19

20 The Board agreed with staff's recommendation for Policy 5.1.2 and the addition of item (b) as proposed by
21 Mr. Thorsland.

22

23 Mr. Thorsland read Goal 5 as follows: Champaign County will encourage urban development that is
24 compact and contiguous to existing cities, villages, and existing unincorporated settlements. He said that
25 due to the previous recommendations the proposed rezoning will HELP ACHIEVE Goal 5.

26

27 Mr. Thorsland stated that staff recommends that the proposed amendment WILL NOT IMPEDE the
28 achievement of Objective 6.3 and 6.4 and that Objective 6.2 and Policies 6.1.3, 6.1.4, 6.2.1, 6.2.2, and 6.2.3
29 are NOT RELEVANT to the proposed amendment.

30

31 Mr. Thorsland stated that Policy 6.1.2 states, "The County will ensure that the proposed wastewater disposal
32 and treatment systems of discretionary development will not endanger public health, create nuisance
33 conditions for adjacent uses, or negatively impact surface or groundwater safety. He said that staff
34 recommends that the proposed rezoning will HELP ACHIEVE Policy 6.1.2.

35

36 The Board agreed with staff's recommendation for Policy 6.1.2.

37

38 Mr. Thorsland stated that Objective 6.1 states, "The Champaign County will seek to ensure that development

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1 in unincorporated areas of the County does not endanger public health or safety.” He said that Policy 6.1.1
2 states, “The County will establish minimum lot location and dimension requirements for all new rural
3 residential development that provides ample and appropriate area for onsite wastewater and septic systems.
4 He said that staff recommends that the proposed rezoning will HELP ACHIEVE Objective 6.1 and Policy
5 6.1.1.

6
7 The Board agreed with staff’s recommendation for Objective 6.1 and Policy 6.1.1.

8
9 He said that due to the previous recommendations the proposed rezoning will HELP ACHIEVE Goal 6.

10
11 Mr. Thorsland read Goal 7 as follows: Champaign County will coordinate land use decisions in the
12 unincorporated area with the existing and planned transportation infrastructure and services. He said that
13 staff recommends that the proposed rezoning will NOT IMPEDE the achievement of Goal 7.

14
15 The Board agreed with staff’s recommendation regarding Goal 7.

16
17 Mr. Thorsland read Goal 8 as follows: Champaign County will strive to conserve and enhance the County’s
18 landscape and natural resources and ensure their sustainable use. He said that staff recommends that the
19 proposed rezoning will NOT IMPEDE the achievement of Goal 8.

20
21 The Board agreed with staff’s recommendation regarding Goal 8.

22
23 Mr. Thorsland read Goal 9 as follows: Champaign County will encourage energy conservation efficiency,
24 and the use of renewable energy sources. He said that staff recommends that the proposed rezoning will
25 NOT IMPEDE the achievement of Goal 9.

26
27 The Board agreed with staff’s recommendation regarding Goal 9.

28
29 Mr. Thorsland read Goal 10 as follows: Champaign County will promote the development and preservation
30 of cultural amenities that contribute to a high quality of life for its citizens. He said that staff recommends
31 that the proposed rezoning will NOT IMPEDE the achievement of Goal 10.

32
33 The Board agreed with staff’s recommendation regarding Goal 10.

34
35 Mr. Thorsland stated regarding item #20.D. regarding the *LaSalle* factor he would like to add an item
36 20.D(2) as follows: (2) the rezoning will provide for infill development.

37
38 Ms. Capel stated that she has a question regarding Policy 6.1.2. She asked staff if a new wastewater system

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1 will be installed or if the old system will be used for the new construction.

2
3 Mr. Hall stated that if the existing system is a system that can be lawfully reused then there should not be a
4 problem.

5
6 Ms. Capel asked staff if there is any oversight.

7
8 Mr. Hall stated that the Champaign County Health Department reviews the County’s permits every month
9 and during that review they will see that home is proposed in Flatville and will contact the builder to verify
10 that either there is a lawful system on the property or that a new system is required. He said that the Health
11 Department will also go through their records to see if a new system has already been installed.

12
13 Mr. Thorsland stated that staff recommends that the proposed amendment will **HELP ACHIEVE** the purpose
14 of the Zoning Ordinance as established in Section 2 of the Ordinance.

15
16 The Board agreed with staff’s recommendation.

17
18 **Summary Finding of Fact:**

19
20 From the documents of record and the testimony and exhibits received at the public hearing conducted on
21 **October 17, 2013**, the Zoning Board of Appeals of Champaign County finds that:

- 22
23 1. Regarding the effect of the proposed amendment on the Land Resource Management Plan
24 (LRMP):
 - 25 A. **Regarding Goal 4:**
 - 26 • Objective **4.3 requiring any discretionary development to be on a suitable site**
27 because it will **HELP ACHIEVE** the following:
 - 28 • Policy **4.3.4 requiring existing public infrastructure be adequate to support the**
29 **proposed development effectively and safely without undue public expense (see**
30 **Item 13.C.(3)).**
 - 31 • Policy **4.3.3 requiring existing public services be adequate to support the proposed**
32 **development effectively and safely without undue public expense (see Item**
33 **13.C.(2)).**
 - 34 • Policy **4.3.2 requiring a discretionary development on best prime farmland to be**
35 **well-suited overall (see Item 13.C.(1)).**
 - 36 • Objective **4.2 requiring discretionary development to not interfere with agriculture**
37 because it will **HELP ACHIEVE** the following:

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- 1 • Policy **4.2.2** requiring discretionary development in a rural area to not interfere with
2 agriculture or negatively affect rural infrastructure (see Item 13.B.(1)).
3
- 4 • Objective **4.1** requiring minimization of the fragmentation of farmland, conservation
5 of farmland, and stringent development standards on best prime farmland because it
6 will *HELP ACHIEVE* the following:
7 • Policy **4.1.6** requiring that the use, design, site and location are consistent with
8 policies regarding suitability, adequacy of infrastructure and public services,
9 conflict with agriculture, conversion of farmland, and disturbance of natural areas
10 (see Item 13.A.(2)).
11 • Policy **4.1.1** requiring that other land uses only be accommodated under very
12 restricted conditions or in areas of less productive soils (see Item 13.A.(1)).
13
- 14 • Based on achievement of the above Objectives and Policies and because it will either not
15 impede or is not relevant to the other Objectives and Policies under this goal, the
16 proposed map amendment will *HELP ACHIEVE* Goal 4 Agriculture.
17

18 **B. Regarding Goal 5:**

- 19 • Objective **5.3** requiring County opposition to new urban development unless
20 adequate infrastructure and public services are provided because it will *HELP*
21 *ACHIEVE* the following:
22 • Policy **5.3.2** require that new urban development be adequately served by public
23 infrastructure without undue public expense (Item 14.C.(2)).
24 • Policy **5.3.1** require that new urban development be adequately served by public
25 services without undue public expense (Item 14.C.(1)).
26
- 27 • Objective **5.2** encourage any urban development to demonstrate good stewardship of
28 natural resources because it will *HELP ACHIEVE* the following:
29 • Policy **5.2.2** ensure that urban development on best prime farmland is efficiently
30 designed to avoid unnecessary conversion and encourage other jurisdictions to do
31 the same (Item 14.B.(2)).
32 • Policy **5.2.1** encourage the reuse and redevelopment of older and vacant properties
33 within urban land (Item 14.B.(1)).
34
- 35 • Objective **5.1** ensure that the population growth and economic development is
36 accommodated by new urban development in or adjacent to existing population
37 centers because it will *HELP ACHIEVE* the following:

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- 1 • Policy **5.1.6 reduce the occurrence of agricultural land use and non-agricultural**
- 2 **land use conflicts (Item 14.A.(3)).**
- 3 • Policy **5.1.5 encourage urban development to recognize and provide for the right of**
- 4 **agricultural activities on adjacent land (Item 14.A.(2)).**
- 5 • Policy **5.1.2 encourage compact and contiguous development within or adjacent to**
- 6 **unincorporated settlements or villages without a comprehensive plan (Item**
- 7 **14.A.(1)).**
- 8
- 9 • Based on achievement or non-achievement of the above Objectives and Policies and
- 10 because it will either not impede or is not relevant to the other Objectives and Policies
- 11 under this goal, the proposed map amendment will **HELP ACHIEVE Goal 5 Urban**
- 12 **Land Use.**

13
14 **C. Regarding Goal 6:**

- 15 • Objective **6.1 ensuring that development does not endanger public health or safety**
- 16 because it will **HELP ACHIEVE** the following:
- 17 • Policy **6.1.2 ensure that wastewater disposal and treatment will not endanger public**
- 18 **health, create nuisance conditions for adjacent uses, or negatively impact surface or**
- 19 **groundwater quality (see Item 15.A.(2)).**
- 20 • Policy **6.1.1 establishing minimum lot dimensions for rural residential development**
- 21 **to provide adequate area for wastewater systems (see Item 15.A.(1)).**
- 22
- 23 • Based on achievement of the above Objectives and Policies and because it will either not
- 24 impede or is not relevant to the other Objectives and Policies under this goal, the
- 25 proposed map amendment will **HELP ACHIEVE Goal 6 Public Health and Public**
- 26 **Safety.**

27
28 E. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):

- 29 • **Goal 1 Planning and Public Involvement**
- 30 • **Goal 2 Governmental Coordination**
- 31 • **Goal 3 Prosperity**
- 32 • **Goal 7 Transportation**
- 33 • **Goal 8 Natural Resources**
- 34 • **Goal 9 Energy Conservation**
- 35 • **Goal 10 Cultural Amenities**

36
37 G. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management
38 Plan.

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- 1
- 2 2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair*
- 3 factors because of the following:
- 4 ● The amendment will allow the subject property to be redeveloped
- 5
- 6 ● The subject property is suitable for the existing and proposed use.
- 7
- 8 ● The proposed amendment minimizes the amount of agricultural land from being rezoned.
- 9
- 10 3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE the purpose of the**
- 11 **Zoning Ordinance** because:
- 12 ● Establishing the B-1 District at this location will help classify, regulate, and restrict the
- 13 location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 21.I.).
- 14
- 15 ● Establishing the B-1 District at this location will help divide the entire County into districts of
- 16 such number, shape, area, and such different classes according to the use of land, buildings, and
- 17 structures, intensity of the use of lot area, area of open spaces, and other classification (Purpose
- 18 2.0 (j) see Item 21.J.).
- 19
- 20 ● Establishing the B-1 District at this location will help fix regulations and standards to which
- 21 buildings, structures, or uses therein shall conform (Purpose 2.0 (i) see Item 21.K.).
- 22
- 23 ● Establishing the B-1 District at this location will help prohibit uses, buildings, or structures
- 24 incompatible with the character of such districts (Purpose 2.0 (i) see Item 21.L.).
- 25
- 26 ● Establishing the B-1 District at this location will help protect the most productive farmland
- 27 from unplanned intrusions of urban uses (Purpose 2.0 (i) see Item 21.N.).
- 28
- 29 4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:
- 30 ● The subject property has been zoned as it is since 1973 and the commercial zoning of that
- 31 portion of the property that used for residential purposes is no longer appropriate.
- 32

33 Mr. Thorsland stated that there are no new Documents of Record.

34
35 Mr. Thorsland asked Ms. Busboom, Ms. Mullvain and Mr. Vogelsang if they had any new information
36 to present as testimony at this time.

37
38 Ms. Busboom, Ms. Mullvain and Mr. Vogelsang indicated that they had no new testimony to add at this

1 time.

2
3 Mr. Thorsland entertained a motion to adopt the Finding of Fact, Documents of Record and Summary
4 Finding of Fact as amended.

5
6 **Ms. Capel moved, seconded by Mr. Palmgren to adopt the Finding of Fact, Documents of Record
7 and Summary Finding of Fact as amended. The motion carried by voice vote.**

8
9 Mr. Thorsland entertained a motion to move to the final determination.

10
11 **Mr. Passalacqua moved, seconded by Ms. Capel to move to a final determination. The motion
12 carried by voice vote.**

13
14 Mr. Thorsland informed Ms. Kay Busboom that one Board member is absent and one Board seat is vacant
15 therefore it is at her discretion to either continue Case 762-AM-13 until a full Board is present or request that
16 the present Board move forward to the Final Determination. He informed the Ms. Busboom that four
17 affirmative votes are required for approval.

18
19 Ms. Kay Busboom requested that the present Board move to the final determination for Case 762-AM-13.

20
21 **Final Determination for Case 762-AM-13:**

22
23 **Mr. Palmgren moved, seconded by Mr. Randol that pursuant to the authority granted by Section 9.2
24 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
25 determines that the Zoning Ordinance Amendment requested in Case 762-AM-13 should BE
26 ENACTED by the County Board in the form attached hereto.**

27
28 Mr. Thorsland requested a roll call vote.

29
30 The roll was called:

31			
32	Capel-yes	Miller-absent	Palmgren-yes
33	Passalacqua-yes	Randol-yes	Thorsland-yes
34			

35 Mr. Hall informed Ms. Busboom that she has received a recommendation for approval therefore Case 762-
36 AM-13 will be forwarded to the County Board Environment and Land Use Committee meeting on
37 November 7, 2013, and then the full County Board on November 21st and will hopefully be completed at
38 that meeting.

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7. Staff Report

None

8. Other Business

A. Review of Docket

Mr. Thorsland stated that there is only one case, Case 763-AM-13, scheduled for the October 31st meeting. He said that if the petitioner's case was not heard on October 31st the petitioner would not be delayed in any fashion because the ZBA normally forwards a case to ELUC after a period of time and if Case 763-AM-13 was heard on November 14th it would be forwarded to ELUC during its normal time period. He said that if the case were moved to the November 14th ZBA meeting the October 31st meeting could be cancelled and the petitioner would be notified immediately about that change.

Ms. Capel stated that if the October 31st ZBA meeting is held she will be absent.

Mr. Thorsland entertained a motion to cancel the October 31, 2013, ZBA meeting and to move Case 763-AM-13 to the November 14, 2013, meeting.

Mr. Palmgren moved, seconded by Ms. Capel to cancel the October 31, 2013, ZBA meeting and to move Case 763-AM-13 to the November 14, 2013, meeting. The motion carried by voice vote.

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

None

10. Adjournment

Mr. Thorsland entertained a motion to adjourn the meeting.

Ms. Capel moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 7:35 p.m.

Respectfully submitted

ZBA

AS APPROVED NOVEMBER 14, 2013

10/17/13

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3 Secretary of Zoning Board of Appeals
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