

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **November 14, 2013**
Time: **6:30 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

*Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.
and enter building through Northeast
door.*

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (June 27, 2013; September 12, 2013; September 26, 2013; and October 17, 2013)
5. Continued Public Hearings

*Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.*

Note: Meeting Time at 6:30!

Case 685-AT-11 Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay district as follows:

- (1) Require that each proposed residential lot shall have an area equal to the minimum required lot area in the zoning district that is not in the Special Flood Hazard Area;**
- (2) Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation;**
- (3) Require a minimum driveway separation between driveways in the same development;**
- (4) Require minimum driveway standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
- (5) Require for any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results;**
- (6) Require for any proposed RRO in a high probability area as defined in the Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response;**
- (7) Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.**

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
NOVEMBER 14, 2013

6. New Public Hearings

Case 763-AM-13 Petitioner: **David A. Andersen**

Request: **Amend the Zoning Map to change the zoning district designation from the B-1 Rural Trade Center Zoning District to the AG-2 Agriculture Zoning District.**

Location: **An approximate 1 acre lot located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 26 of St. Joseph Township and commonly known as the house and building at 2270 CR 1300N, St. Joseph.**

***Case 764-V-13** Petitioner: **Lars Johnson with agent Shawn Bickers**

Request: **Authorize the following in the R-4 Multiple Family Residence Zoning District to authorize the construction of an addition to an existing townhouse:**

Part A. Variance for a side yard of 2 feet in lieu of the minimum required 10 feet;

Part B. Variance for lot coverage of 44% in lieu of the maximum allowed 40%;

Part C. Variance for a front setback for an existing townhome of 40 feet from the centerline of Briar Hill Drive in lieu of the minimum required 55 feet;

Part D. Variance for a front yard for an existing townhome of 18 feet in lieu of the minimum required 25 feet;

Part E. Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement.

Location: **Lot 1 of Wisegarver's Subdivision in the Southeast Quarter of Section 21 of Champaign Township and commonly known as the townhome at 2120 Briar Hill Drive, Champaign.**

7. Staff Report

8. Other Business

A. Review of Docket

B. Monthly Report

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

10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

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6 **MINUTES OF REGULAR MEETING**
7
8 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
9 1776 E. Washington Street
10 Urbana, IL 61802

11
12 **DATE:** June 27, 2013 **PLACE:** Lyle Shields Meeting Room
13 1776 East Washington Street
14 **TIME:** 7:00 p.m. **Urbana, IL 61802**

15
16 **MEMBERS PRESENT:** Catherine Capel, Paul Palmgren, Tom Courson, Eric Thorsland, Roger Miller

17
18 **MEMBERS ABSENT :** Brad Passalacqua

19
20 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass

21
22 **OTHERS PRESENT :** Kerry Gifford, Jeff Breen, John Sherwood, Jeff Oberman, Dale Stierwalt,
23 Bradley Clemmons, David Kieffer, Karl Newman, Mike Wachstetter,
24 Norman Wachstetter, David Stalter, Dennis Cummins, Roger Miller, Bud
25 Parkhill

26
27
28 **1. Call to Order**

29
30 The meeting was called to order at 7:00 p.m.

DRAFT

31
32 **2. Roll Call and Declaration of Quorum**

33
34 The roll was called and a quorum declared present with one member absent and one vacant Board seat.

35
36 **3. Correspondence**

37
38 None

39
40 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
41 sign the witness register for that public hearing. He reminded the audience that when they sign the
42 witness register they are signing an oath.

43
44 **4. Approval of Minutes**

45
46 None

47
48 **5. Continued Public Hearing**

49
50 None

51
52 **6. New Public Hearings**
53

1 **Case 749-V-13 Petitioner Sangamon Valley Public Water District with Kerry Gifford, General**
2 **Manager Request to authorize a County Board Variance from Subsection 13.2.1A.4 that requires**
3 **construction or use to comply with the SUBDIVISION regulations of a municipality when the**
4 **requirement for annexation to the municipality is pursuant to or is a requirement for plat approval by**
5 **that municipality, for a proposed expansion of a water treatment plant and related facilities that are**
6 **owned and operated by a predominately rural water district in the AG-2 District. Location: An**
7 **approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest**
8 **Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the**
9 **Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.**

10
11 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
12 sign the witness register for that public hearing. He reminded the audience that when they sign the
13 witness register they are signing an oath.

14
15 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

16
17 Mr. Kerry Gifford, General Manager for Sangamon Valley Public Water District, stated that he is before the
18 Board with a request for a variance from the subdivision requirements. He said that the water district is in
19 the process of working with planning regarding the plat. He said that they have not been successful with
20 negotiations with the Village of Mahomet regarding the annexation issue.

21
22 Mr. Thorsland called John Hall to testify.

23
24 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated June 27, 2013, to
25 the Board for review. He said that he is not sure if it was obvious to the Board members when they read the
26 preliminary memorandum but the final version of the text amendment, Case 743-AT-13, that was
27 recommended by the ZBA for approval to the County Board to fend off municipal protests was revised. He
28 said that in the Summary of Evidence for Case item #6.: Regarding specific Zoning Ordinance requirements,
29 749-V-13, Subsection 13.2.1A.4. includes three requirements that were added to the amendment. He said
30 that staff was trying to get agreements from municipalities and the County Board still had to override a
31 municipal protest, and it did, but staff added a requirement, item # 6.C.(1)(a), for a Plat of Subdivision to be
32 submitted. He said that the Plat does not have to be a complete Plat because the only way that staff would
33 know if it were complete would be to have the Village of Mahomet review it but this was a necessary
34 addition to at least get one municipality to not protest the text amendment. He said that item # 6.C.(1)(b) is a
35 requirement that there be a condition on the approval that approval of the variance does not confer or support
36 violation of the technical platting requirements. He said that item #6.C.(1)(c) requires that the County
37 provide notice to the relevant municipality of the public hearing and the final determination of the variance
38 and copies of any related Zoning Use Permit or Zoning Compliance Certificates that are authorized. He said
39 that this is so the municipality is kept informed. He said that staff did notify the Village of Mahomet about
40 this public hearing and the new Supplemental Memorandum indicates staff's recommendations for proposed
41 special conditions as follows:

- 1 **A. The approval of Case 749-V-13 shall not confer County Board approval or support**
2 **for violation of the technical platting requirements of the Village of Mahomet**
3 **subdivision ordinance.**
4 The above special condition is required to ensure the following:
5 **To ensure compliance with the *Zoning Ordinance* requirements.**
6
- 7 **B. The Zoning Administrator shall provide notice to the Village of Mahomet of the final**
8 **determination for Case 749-V-13 and copies of any related Zoning Use Permit or**
9 **Zoning Compliance Certificate that are authorized.**
10 The above special condition is required to ensure the following:
11 **To ensure compliance with the *Zoning Ordinance* requirements.**
12
- 13 **C. The Zoning Administrator shall not issue a Zoning Compliance Certificate until a plat**
14 **of subdivision for the subject property has been received that meets the requirements of**
15 **13.2.1A.4.(1)(a).**
16 The above special condition is required to ensure the following:
17 **To ensure compliance with the *Zoning Ordinance* requirements.**
18

19 Mr. Hall said that, as the Board often does, if the petitioner does not have something at the public hearing
20 that can reasonably be put off and there is need to put it off the Board often approves cases with a special
21 condition. He said that this is what staff would recommend regarding the plat of subdivision. He said that
22 staff is not going to review the plat of subdivision for compliance with anything but the idea is that we are
23 doing everything we can to encourage compliance with technical platting requirements.
24

25 Mr. Hall stated that attached to the Supplemental Memorandum dated June 27, 2013, is an e-mail from Don
26 Wauthier, dated June 27, 2013. Mr. Hall stated that Mr. Wauthier sent the e-mail to staff as a private citizen
27 although everyone here knows that Don Wauthier is with Berns, Clancy and Associates who does work for
28 the Village of Mahomet. Mr. Hall stated that he did not have a chance to discuss the e-mail with Mr.
29 Wauthier but he did want to include the e-mail tonight for the Board’s review and enter the e-mail as a
30 Document of Record.
31

32 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.
33

34 Mr. Thorsland called Kerry Gifford to testify.
35

36 Mr. Kerry Gifford, General Manager for Sangamon Valley Public Water District, stated that SVPWD has
37 been going through this process for quite some time but he would like to go through some key points to
38 explain why they are requesting the variance and why they need to move forward immediately. He said that
39 there is a health and safety issue because everyone deserves clean drinking water and proper fire protection.
40 He said that the Illinois Environmental Protection Agency has issued an order of restricted status due to the
41 lack of storage and capacity at the plant. He said that the restricted status will hurt the local economy and

1 would essentially put a stop to all growth therefore no new subdivisions could connect to the system. He
2 said that a very big motivator is obtaining the Governor's Clean Water Initiative. He said that the SVWPD
3 has been approved for a 1.9% interest rate on a 20-year loan and this type of borrowing achievement will not
4 be around for much longer. He said that SVPWD needs to get the shovel in the ground so that they can act
5 upon the loan and secure the funds and it will save their customers thousands of dollars over the life of the
6 loan.

7
8 Mr. Gifford stated that the issue at hand is the annexation agreement which calls for the need for the
9 variance. He said that the October 12th article from the *Mahomet Citizen*, which is attached to the June 20,
10 2013, Preliminary Memorandum, includes the following text: "Annexation is the heart of the issue, Village
11 Planner Bob Mahrt said that the Village's policies for growth occurring contiguous to its limits triggers
12 automatic annexation of the site whether the zoning moves forward through County or Village channels."
13 Mr. Gifford stated that this continues to be the issue today and the intentions of Mahomet is not what they
14 say but what they do. He said that SVPWD and their attorney spoke with the Village of Mahomet during the
15 Fall of 2012 and went through negotiations for an intergovernmental agreement. He said that during the
16 Village of Mahomet's Board meeting the motion failed due to the lack of a second because they had no
17 interest in an intergovernmental agreement. He said that after that meeting the Village of Mahomet decided
18 to protest the requested text amendment by the County and the requested map amendment by SVPWD. He
19 said that prior to the text amendment by the County he spoke to the Village of Mahomet Administrator and
20 they discussed the possibility of sitting down to hash out the issues and from the SVPWD viewpoint they
21 had no problems with it but when they asked that the Village of Mahomet remove their protest the Village
22 Administrator indicated no. He said that there must be two parties working together to make the
23 negotiations work and it will not occur when one party has a hammer over their head. Mr. Gifford stated
24 that the Village of Mahomet has taken the approach that SVPWD is going to annex. He said that the school
25 district, township, forest preserve, and other local entities have intergovernmental agreements with the
26 Village of Mahomet but they refuse to have such an agreement with SVPWD. He said that SVPWD has a
27 great loan rate and they have the project ready and they are ready to move as soon as possible and they are
28 willing to do whatever they need to do to be compliant with the County. He said that he would appreciate
29 the Board's support.

30
31 Mr. Thorsland asked the Board if there were any questions for Mr. Gifford and there were none.

32
33 Mr. Thorsland asked if staff had any questions for Mr. Gifford.

34
35 Mr. Hall stated that his understanding of evidence which was submitted at a previous hearing was that the
36 underlying concern for the water district is that annexation to the Village of Mahomet could eventually lead
37 to dissolution of the rural water district and it would merge with the Village of Mahomet's water department.
38 He said that if this is true the Board should note this statement as an item of evidence.

39
40 Mr. Gifford stated that there is a lot of potential for that occurring. He said if the water district is completely
41 within the boundaries of the Village of Mahomet the water district does not have the right to own and

1 operate and the Village of Mahomet could dissolve the water district. He said that Bob Mahrt has made this
2 statement to him more than once and the same statement was made by Don Wauthier to him after the first
3 ZBA meeting. Mr. Gifford stated that he would prefer that his attorney address this issue because it is a legal
4 concern. He said that it is a major concern but there is even more concern over and above dissolving the
5 district because the Village of Mahomet would also have control of the tanks and treatment plants and
6 anything else the water district desired to do on the site.
7

8 Mr. Hall stated that in Don Wauthier's e-mail he reviewed the statement by Mr. Mahrt in the *Mahomet*
9 *Citizen* and reasserted in the e-mail that the Village of Mahomet has repeatedly said that annexation is not
10 required. Mr. Hall reminded the Board that staff included the letter from the Village of Mahomet because he
11 believed that the letter would actually affirmatively state that annexation would not be required but the letter
12 does not state that. He said that the Village of Mahomet has an opportunity to go on the record to indicate
13 that annexation would not be required and if they had, this variance would not be a valid case but they did
14 not go on the record to state such. He said that as far as he is concerned, the County has no way of really
15 verifying one way or the other and based on what Mr. Gifford has said about how critical this new treatment
16 plant is for the residents of the water district, it is a very valid variance and getting at this underlying concern
17 of the rural water district is key to this case.
18

19 Mr. Gifford submitted an e-mail that he sent to Mr. Hall as a Document of Record which indicates the
20 relevant portions of the Village of Mahomet's Subdivision Ordinance. He said that the ordinance clearly
21 states annexation or annexation agreement more than one time.
22

23 Mr. Thorsland asked the Board if there were any questions for Mr. Gifford and there were none.
24

25 Mr. Thorsland called Phillip Van Ness to testify.
26

27 Mr. Phillip Van Ness, attorney for Sangamon Valley Public Water District, stated that there was a statement
28 made previously regarding the difficulty from the County's perspective of knowing what is and is not
29 required by the Village of Mahomet. He said that, it is his opinion, that there is no question that in at least
30 three locations the Village of Mahomet requires not an annexation agreement but actual annexation once the
31 property is contiguous to the Village of Mahomet. He said that if the Board reviews the map it is clear that
32 his clients are already contiguous so the idea of an annexation agreement would be off the table from the get
33 go.
34

35 Mr. Van Ness distributed the minutes from the Village of Mahomet Board of Trustees Meeting on October
36 23, 2012, to the Board for review and entered those minutes as a Document of Record. He said that two
37 issues were raised during the meeting. The first issue was whether the Village of Mahomet would object to
38 the original zoning request, which they did, but there was also a matter where Mr. Colravy, one of the
39 members of the Village of Mahomet Board of Trustees, moved to direct staff to explore an
40 intergovernmental agreement that would eliminate the requirement of annexation. Mr. Van Ness noted that
41 Mr. Colravy's motion died for lack of a second. Mr. VanNess stated that not only have his clients been

1 unable to constructively dialogue with these people but the Village of Mahomet's staff has been prohibited
2 from even discussing the matter with his clients. Mr. VanNess stated that his clients have made the effort
3 and they have failed and have been told no numerous times therefore the issue of annexation will be seen for
4 what it is, which is a bit of a red herring at this point, and his client must simply move on. He said that this
5 is a matter of public health and public safety and ultimately the economic health and well being of that
6 portion of Champaign County. He said that restricted status by the IEPA is a cumbersome process to
7 eliminate and relieve and during that process no additional hook-ups to the public water supply are allowed
8 which will essentially choke off expansion of businesses, additions of subdivisions, any type of additional
9 water usage ranging from a factory to a car washing business will be denied at the door. He said that this is a
10 good time for his clients to move forward because they have the financing and conditions in place and they
11 have need well established.

12
13 Mr. Thorsland asked the Board if there were any questions for Mr. VanNess and there were none.

14
15 Mr. Thorsland asked if staff had any questions for Mr. VanNess and there were none.

16
17 Mr. Thorsland asked Mr. VanNess if there was a timeline on the restricted status or is it a usage issue.

18
19 Mr. VanNess stated that the way that the restricted status works is that the EPA receives reports from time to
20 time from each water district explaining the reserve capacity, the transport capacity, and the amount of
21 demand on the system. He said that once a certain critical point is reached, the EPA reviews the water
22 district's ability to deliver and over deliver and SVPWD is working very hard to meet that requirement but
23 they are already numerically at issue. He said that if there were any indications at the EPA that the request
24 was not going to be met he would suspect that the status would follow very quickly and the process for
25 getting rid of it is a whole different ballgame. He said that while his clients are awaiting the opportunity to
26 put the shovel in the ground, new homes, subdivisions, and businesses are being added to the area and at
27 some point and time the rubber band is going to break. He said that he could not tell the Board that if one
28 more house or one more gallon of demand will be the magic bullet but as an attorney who worked for the
29 IEPA for nine years he can tell the Board that once it happens things become very ugly because all of the
30 growth in a community is stopped.

31
32 Mr. Thorsland asked the Board if there were any questions for Mr. VanNess and there were none.

33
34 Mr. Thorsland asked the Board if there were any questions for Mr. Gifford and there were none.

35
36 Mr. Thorsland asked Mr. Gifford if he had any additional testimony to add and Mr. Gifford indicated that he
37 did not.

38
39 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
40 testimony regarding this case and there was no one.

41

1 Mr. Thorsland closed the witness register.

2
3 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

4
5 Mr. Thorsland read the proposed special conditions as follows:

6
7 **A. The approval of Case 749-V-13 shall not confer County Board approval or support**
8 **for violation of the technical platting requirements of the Village of Mahomet**
9 **subdivision ordinance.**

10 The above special condition is required to ensure the following:
11 **To ensure compliance with the *Zoning Ordinance* requirements.**

12
13 **B. The Zoning Administrator shall provide notice to the Village of Mahomet of the final**
14 **determination for Case 749-V-13 and copies of any related Zoning Use Permit or**
15 **Zoning Compliance Certificate that are authorized.**

16 The above special condition is required to ensure the following:
17 **To ensure compliance with the *Zoning Ordinance* requirements.**

18
19 **C. The Zoning Administrator shall not issue a Zoning Compliance Certificate until a plat**
20 **of subdivision for the subject property has been received that meets the requirements of**
21 **13.2.1A.4.(1)(a).**

22 The above special condition is required to ensure the following:
23 **To ensure compliance with the *Zoning Ordinance* requirements.**

24
25 Mr. Thorsland asked Mr. Gifford and Mr. VanNess if they agreed to the proposed special conditions as read.

26
27 Mr. Gifford and Mr. VanNess indicated that they agreed with the proposed special conditions as read.

28
29 Mr. Thorsland entertained a motion to approve the special conditions as read.

30
31 **Mr. Courson moved, seconded by Mr. Palmgren to approve the special conditions as read. The**
32 **motion carried by voice vote.**

33
34 He said that the following items should be added to the Documents of Record: 9. Letter from Kerry Gifford
35 received June 4, 2013; and 10. Supplemental Memorandum dated June 27, 2013; and 11. E-mail from Don
36 Wauthier dated June 27, 2013; and 12. Village of Mahomet Board of Trustees Minutes dated October 23,
37 2013, submitted by Phil VanNess at the June 27, 2013, public hearing.

38
39 Mr. Hall recommended that the following statement be added as a new items #7.D. and #9.D.: The
40 Sangamon Valley Public Water District has previously stated that they do not want to annex to the Village of
41 Mahomet for fear that annexation could lead to dissolution of the rural water district and merger with the

1 Village of Mahomet Water Department. He said that he would like to amend item #7.C as follows: The
 2 existing water treatment plant must be expanded in order to provide needed water for the residents served by
 3 the Sangamon Valley Public Water District and is necessary to serve the public health, safety and well being
 4 of those residents.

5

6 **Finding of Fact for Case 749-V-13:**

7

8 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
 9 749-V-13 held on June 27, 2013, the Zoning Board of Appeals of Champaign County finds that:

10

- 11 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
 12 **structure involved, which are not applicable to other similarly situated land and**
 13 **structures elsewhere in the same district.**

14

15 Ms. Capel stated that special conditions and circumstances DO exist which are peculiar to the land or
 16 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
 17 same district because the public water district’s property is contiguous with the Village of Mahomet’s
 18 boundary.

19

20 Mr. Thorsland stated that the proposed expansion is contiguous to the existing plant and is necessary to
 21 better serve the continued growth of the customer demand.

22

23 Mr. Hall stated that this is the first time that the County Board will approve a variance therefore this is
 24 actually a recommendation to the County Board. He suggested that Mr. Thorsland add to his
 25 recommendation for Finding #1 the following: the proposed expansion is necessary to serve the public
 26 health, safety and well being of the residents.

27

28 Mr. Thorsland agreed with Mr. Hall’s suggestion.

29

30 Mr. Hall suggested that Ms. Capel indicate that the public water district is predominately rural.

31

32 Ms. Capel agreed.

33

34 Mr. Kass read the Board’s findings as follows:

- 35 • The predominately rural public water district property is contiguous with the Village
 36 of Mahomet corporate limits.
- 37 • The predominately rural public water district expansion is contiguous to the existing
 38 plant.
- 39 • The proposed expansion is necessary for the public health, safety, and well-being of
 40 the residents of the predominately rural water district.

41

1 The Board agreed.

2

3 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
4 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
5 **the land or structure or construction.**

6

7 Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the
8 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
9 or construction because compliance with the Village of Mahomet subdivision regulations would result in
10 annexation and could result in dissolution of the predominately rural water district.

11

12 Mr. Kass read the Board’s finding as follows:

- 13 • Compliance with the Village of Mahomet subdivision regulations would result in
- 14 annexation and could result in the dissolution of the predominately rural water
- 15 district.

16

17 The Board agreed.

18

19 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
20 **result from actions of the applicant.**

21

22 Mr. Palmgren stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
23 result from actions of the appliance because it is a long term existing facility requiring updating because of
24 population growth within the district. He said that Sangamon Valley Public Water District has attempted to
25 comply with the Village of Mahomet’s Subdivision Regulations without annexation but failed.

26

27 Mr. Thorsland stated that Sangamon Valley Public Water District has shown intent to follow the Village of
28 Mahomet’s technical requirements.

29

30 Mr. Kass read the Board’s findings as follows:

31

- 32 • It is a long term existing facility needing upgrades because of population growth
- 33 within the district.
- 34 • Sangamon Valley Public Water District’s previous attempts to comply with the
- 35 Village of Mahomet subdivision regulations without annexation have failed.
- 36 • Sangamon Valley Public Water District has shown the intent to follow the technical
- 37 municipal platting requirements.

38

39 The Board agreed.

40

41 **4. The requested variance, subject to the proposed conditions, IS in harmony with the**

1 **general purpose and intent of the Ordinance.**

2
3 Mr. Miller stated that the requested variance, subject to the proposed conditions, IS in harmony with the
4 general purpose and intent of the Ordinance because the proposed expansion is contiguous with the existing
5 facility and is well suited for municipal development and the proposed expansion will fill a need for a
6 growing community.

7
8 Mr. Thorsland stated that the small area used by the proposed expansion will minimize the loss of existing
9 farmland.

10
11 Mr. Hall stated that the Board could indicate that the proposed expansion is in conformance with the Area
12 General Plan. He said that this was something that was established back in the special use and map
13 amendment case previously but the petitioner revised the plan to specifically conform to the Area General
14 Plan.

15
16 Mr. Kass read the Board’s findings as follows:

- 17
- 18 • The proposed expansion is contiguous with the existing facility and is well suited for
- 19 municipal development.
- 20 • The proposed expansion will fill a need for a growing community.
- 21 • The proposed expansion is in conformance with the Area General Plan.
- 22

23 The Board agreed.

24
25 **5. The requested variance, subject to the proposed conditions WILL NOT be injurious to**
26 **the neighborhood or otherwise detrimental to the public health, safety, or welfare.**

27
28 Ms. Capel stated that the requested variance, subject to the proposed condition, WILL NOT be injurious to
29 the neighborhood or otherwise detrimental to the public health, safety, or welfare because the proposed
30 expansion directly improves the health, safety, and welfare of district residents.

31
32 Mr. Thorsland stated that we have received no comments or concerns from the fire protection district or the
33 road commissioner.

34
35 Mr. Kass read the Board’s findings as follows:

- 36
- 37 • The proposed expansion improves the health, safety, and welfare of district residents.
- 38 • We have received no comments or concerns from the fire protection district or the
- 39 relevant highway authority.
- 40

41 The Board agreed.

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- 6. **The requested variance, subject to the proposed conditions, IS the minimum variation that will make possible the reasonable use of the land/structure.**

Mr. Thorsland stated that the requested variance, subject to the proposed conditions, IS the minimum variation that will make possible the reasonable use of the land/structure.

The Board agreed.

- 7. **The special conditions imposed herein are required for the particular purposed described below:**

- A. **The approval of Case 749-V-13 shall not confer County Board approval or support for violation of the technical platting requirements of the Village of Mahomet subdivision ordinance.**

The above special condition is required to ensure the following:
To ensure compliance with the *Zoning Ordinance* requirements.

- B. **The Zoning Administrator shall provide notice to the Village of Mahomet of the final determination for Case 749-V-13 and copies of any related Zoning Use Permit or Zoning Compliance Certificate that are authorized.**

The above special condition is required to ensure the following:
To ensure compliance with the *Zoning Ordinance* requirements.

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate until a plat of subdivision for the subject property has been received that meets the requirements of 13.2.1A.4.(1)(a).**

The above special condition is required to ensure the following:
To ensure compliance with the *Zoning Ordinance* requirements.

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

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

Mr. Thorsland entertained a motion to move to the final determination for Case 749-V-13.

Ms. Capel moved, seconded by Mr. Palmgren to move the final determination for Case 749-V-13. The motion carried by voice vote.

1 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant
 2 therefore it is at his discretion to either continue Case 749-V-13 until a full Board is present or request that
 3 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative
 4 votes are required for approval.

5
 6 Mr. Gifford requested that the present Board move to the final determination for Case 749-V-13.
 7

8 **Final Determination for Case 749-V-13:**
 9

10 **Ms. Capel moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals**
 11 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
 12 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**
 13 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of appeals of**
 14 **Champaign County determines that the Variance requested by the petitioner, Sangamon Valley**
 15 **Public Water District, in Case 749-V-13 to authorize a County Board Variance from Subsection**
 16 **13.2.1A.4. that requires construction or use to comply with the subdivision regulations of a**
 17 **municipality when the requirement for annexation to that municipality is pursuant to or is a**
 18 **requirement for plat approval by that municipality, for a proposed expansion of a water treatment**
 19 **plant and related facilities that are owned and operated by a predominately rural water district in the**
 20 **AG-2 District should be GRANTED WITH CONDITONS by the County Board.**

21
 22 **Subject to the following special conditions:**
 23

- 24 **A. The approval of Case 749-V-13 shall not confer County Board approval or**
 25 **support for violation of the technical platting requirements of the Village of**
 26 **Mahomet subdivision ordinance.**

27 The above special condition is required to ensure the following:
 28 **To ensure compliance with the *Zoning Ordinance* requirements.**

- 30 **B. The Zoning Administrator shall provide notice to the Village of Mahomet of the**
 31 **final determination for Case 749-V-13 and copies of any related Zoning Use**
 32 **Permit or Zoning Compliance Certificate that are authorized.**

33 The above special condition is required to ensure the following:
 34 **To ensure compliance with the *Zoning Ordinance* requirements.**

- 36 **C. The Zoning Administrator shall not issue a Zoning Compliance Certificate until**
 37 **a plat of subdivision for the subject property has been received that meets the**
 38 **requirements of 13.2.1A.4.(1)(a).**

39 The above special condition is required to ensure the following:
 40 **To ensure compliance with the *Zoning Ordinance* requirements.**
 41

1 Mr. Thorsland requested a roll call vote.

2
3 The roll was called:

5 Courson-yes	5 Miller-yes	5 Palmgren-yes
6 Passalacqua-absent	6 Capel-yes	6 Thorsland-yes

7
8 Mr. Hall informed the petitioner that the case will be on the July 19th full County Board agenda.

9
10
11 **Case 752-S-13 Petitioner: Premier Cooperative Incorporated with board members Art Farley, Joseph**
12 **Kuntz, Bill Stierwalt, Kim Jolley, Kenneth Heiser, Stephen Hettinger, Roger Miller, Pat Feeney, Jim**
13 **Kleiss, Douglas Hansens, John G. Murray, Dwight Huffstutler, Maury Busboom, and corporate**
14 **officers Roger Miller, Jeff Breen and James Deters. Request to authorize the following as a Special**
15 **Use in the I-1 Light Industry Zoning District: Part A. Authorize multiple principal uses and**
16 **buildings on the same lot for bulk fuel storage, fertilizer sales and storage, and grain elevator**
17 **operations and storage. Part B. Authorize bulk fuel storage as “Gasoline and Volatile Oils Storage of**
18 **greater than 80,000 gallons but no more than 175,000 gallon capacity in the Aggregate” as a special**
19 **use. Part C. Authorize the replacement of an existing nonconforming grain elevator that is 120 feet in**
20 **height. Part D. Authorize the construction and use of four grain storage bins of the following height**
21 **110 feet, 118 feet, 122 feet, and 127 feet. Part E. Authorize the construction and use of two grain**
22 **dryers that are 120 feet in height. Part F. Authorize the construction and use of a grain elevator with**
23 **two receiving legs that are 185 feet in height, a wet grain leg that is 185 feet in height and a dry grain**
24 **leg that is 185 feet in height. Location: A 57.98 acre tract of land located in the Northeast Quarter of**
25 **the Northwest Quarter of Section 34 of Tolono Township and in the North One-Half of the Northeast**
26 **Quarter of Section 34 of Tolono Township and commonly known as the United Prairie Fertilizer sales**
27 **and storage facility and the Premier Cooperative grain elevator at 949 CR 700N, Tolono.**

28
29 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
30 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
31 of hands for those who would like to cross examine and each person will be called upon. He requested that
32 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
33 those who desire to cross examine are not required to sign the witness register but are requested to clearly
34 state their name before asking any questions. He noted that no new testimony is to be given during the cross
35 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
36 from cross examination.

37
38 Mr. Roger Miller, Champaign County Zoning Board of Appeals member, stated that he must abstain from
39 this case because he is listed as a petitioner.

40
41 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must

1 sign the witness register for that public hearing. He reminded the audience that when they sign the
2 witness register they are signing an oath.

3
4 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

5
6 Mr. Roger Miller, who resides at 804 E. Boone, Tolono, stated that he is the General Manager for Premier
7 Cooperative which is a farmer owned cooperative located primarily in Champaign County. He said that
8 Premier Cooperative does have facilities in Piatt, Ford and Vermillion Counties. He said that the Board of
9 Directors has asked management to secure the proper permits to get started on the proposed project. He said
10 that Jeff Breen, Regional Operations Manager for Premier Cooperative, is present tonight to address the
11 Board and discuss the grain assets and explain why Premier desires to expand it. He said that David Kieffer,
12 Petroleum Manager for Premier Cooperative, is also present tonight to briefly discuss the needs for the
13 petroleum expansion. Mr. Miller stated that other expert witnesses are present such as: Dennis Cummins,
14 Civil Engineer with Foth Infrastructure and Environmental, who designed the site and drainage plan for the
15 expansion; Karl Newman, Senior Environmental Project Manager with Geo-Con Professional Services, who
16 is preparing the Spill Prevention Control and Counter Measures Plan for the fuel bulk storage facility; and
17 two representatives from Seneca who is the winning bidder for the construction of the bulk fuel plant. Mr.
18 Miller stated that also present tonight is Jeff Oberman who is the Construction Sales Representative for
19 Seneca.

20
21 Mr. Thorsland asked the Board if there were any questions for Mr. Miller and there were none.

22
23 Mr. Thorsland called Andrew Kass to testify.

24
25 Mr. Andrew Kass, Champaign County Planning and Zoning Associate Planner, distributed a Supplemental
26 Memorandum with attachments dated June 27, 2013, to the Board for review. He said that staff received a
27 lot of new information over the past few days therefore the Summary of Evidence has been updated and
28 those updates are indicated in Attachment A. Mr. Kass reviewed Attachment A. with the Board. He said
29 that the following revision and additions to Items 5.A. and 5.C. are as follows: Replace references to June 3,
30 2013, with June 27, 2013. He said that the following revisions and additions to Item 5.B. are as follows: B.
31 The site plan received June 27, 2013, indicates the following proposed bulk fuel storage buildings and
32 structures: (1) A 105' x 60' fuel mixing and storage building with an 8,400 gallon diesel exhaust fluid
33 (DEF) storage tank located inside of it; and (2) Three 24,000 gallon fuel tanks and 3 future storage tanks;
34 and (3) One 10,000 gallon underground soybean oil storage tank. He said that new Item 7.F. should read as
35 following: A letter signed by Jeff Holt, President, Tolono Village Board, was received on June 27, 2013,
36 and is summarized as follows: (1) The Village of Tolono has passed a resolution encouraging the approval of
37 Premier Cooperative's request in Case 752-S.13; and (2) The proposed development in the County will
38 relieve pressure to increase activity at the elevator in Tolono and will also reduce truck traffic in the Village;
39 and (3) The Village of Tolono expects to benefit from the economic activity of the fuel storage and
40 distribution facility; and (4) The Village of Tolono Planning Commission has reviewed Premier
41 Cooperative's proposal and finds it compatible with the long range plan and the subdivision ordinance. He

1 said that new Item #8.C.(6) is as follows: In an email from Jeff Breen, Operations Manager, Premier
2 Cooperative, Inc., dated June 21, 2013, Mr. Breen indicates that loads (deliveries) to the proposed bulk fuel
3 storage facility will average 4 loads per week for the year with each load being 7,000 gallons. In the spring
4 and fall it may be more than 4. He said that new Item #8.C.(7) is as follows: In an email from Jeff Breen,
5 Operations Manager, Premier Cooperative, Inc., dated June 21, 2013, Mr. Breen indicates that loads going
6 out of the proposed bulk fuel storage facility will average 5 loads per week for the year with each load being
7 4,500 gallons. In the spring and fall it may be more than 5.

8
9 Mr. Kass continued to review Attachment A. with the Board. He said that new Item #8.C.(8) is as follows:
10 A letter signed by Bradley Clemmons, Road Commissioner, Tolono Township, received on June 27, 2013,
11 indicates that Tolono Township and Premier Cooperative are working on a road use agreement in regards to
12 the bulk fuel facility and the upgrades to the elevator. He said that the following text should be added to
13 Item #9.B.4.(b): A State Permit showing conformance to the *Illinois Gasoline Storage Act* (430 ILCS
14 15/0.01 et.set.) shall be presented to the Zoning Administrator prior to issuance of a County Zoning Use
15 Permit. *i.* The petitioner has applied for an Above Ground Non-Dispensing (Bulk) Storage Tank permit
16 and an Installation of Underground Storage Tank Permit through the Office of the State Fire Marshal; and *ii.*
17 A letter signed by Catherine L. Stashak, Office of the State Fire Marshal, Division of Technical Services,
18 indicates that the proposed installation of the above ground storage tanks appears to conform to Title 41
19 Illinois Administrative Code Part 160 “*Storage, Transportation, Sale and Use of Gasoline and Volatile Oils:*
20 *Rule and Regulations Relating to General Storage*”; and *iii.* A copy of the approved permit application for
21 the above ground storage tanks from the Office of the State Fire Marshal was received on June 26, 2013; and
22 *iv.* The Office of the State Fire Marshal has not made a determination regarding if the proposed underground
23 storage tank will require a permit because the storage of soy oil is not regulated. He said that new Item
24 #9.C.(3) should read as follows: A preliminary stormwater management plan and report prepared by Foth
25 Infrastructure and Environment, LLC, for the subject property was received on June 27, 2013, and is
26 summarized as follows: (1) Stormwater detention was added to the site between 2003 and 2007 to manage
27 runoff from improvements. The existing detention basin is approximately 2.5 acre-feet of storage and also
28 serves as the containment area for three large fertilizer tanks; and (2) The proposed detention basin will be
29 located on the west side of the property and will intercept sheet flow and pipe flow from the development.
30 The basin is proposed to have a bottom elevation of 703 feet and by a dry bottom basin. The proposed basin
31 is calculated to yield a reduction of 15.1 cfs of undetained runoff during a 50-year event; and (3) The
32 maximum elevation of the basin for the 49-year event is 704.3 feet and the required storage is 33,980 cubic
33 feet. The detention basin will provide 60,980 cubic feet of storage below 705.00 feet. Overflow of the
34 detention basin will occur at 704.2 feet via a 30 feet wide depression in the west bank of the basin; and (4)
35 The detention basin is proposed to be dewatered by a 6 inch diameter underdrain which is to be connected to
36 an existing 8 inch diameter field tile that flows to the west. It is not anticipated that this tile is capable of
37 receiving runoff at a measurable rate during a storm event, but is able to slowly dewater the basin afterward.

38
39 Mr. Thorsland asked the Board if there were any questions for Mr. Kass and there were none.

40
41 Mr. Thorsland asked Mr. Miller if he had any questions or comments for the Board.

1
2 Mr. Miller stated that he did not have any questions for comments for the Board at this time.

3
4 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Miller and there was no one.

5
6 Mr. Thorsland called David Kieffer to testify.

7
8 Mr. David Kieffer, Petroleum Manager for Premier Cooperative, stated that they are not requesting anything
9 out of the ordinary and are requesting something that already exists in Champaign County such as with Illini
10 F.S. and other competitors. He said that with their increase in footprint, due to their merger and formation in
11 2009, they would like to be able to provide fuel to their customers located in the southern portion of
12 Champaign County. He said that currently their bulk plant is located in Elliott, Illinois which is in Ford
13 County and their customers in the southern portion of Champaign County are being serviced from that plant
14 therefore they have trucks on the road constantly. He said that they feel that if they could strategically place
15 a bulk plant in the southern half of their draw area they could minimize road time for their truck traffic. He
16 said that they see a need for an infrastructure for fuel. He said that as a whole in the Midwest sector the
17 infrastructure for oil and petroleum is very old and within the last six months two oil pipelines have closed in
18 Illinois. He said that they used to pull fuel from the Peoria terminal but that is no longer available and the
19 closest terminal to draw from is located near Cape Girardeau, Missouri. He said that as those two terminals
20 close, the Cape Girardeau terminal will hit portions around St. Louis and the Peoria terminal will hit
21 Champaign and therefore there will be more demand seen out of the proposed terminal. He said that in order
22 to secure fuel storage for our area they must be able to have the second bulk plant to give them additional
23 storage capacity. He said that during the past spring there were five days where they were put on allocations
24 where they could not actually pull fuel from the Champaign terminal therefore if they had farmers who
25 required fuel they would be forced to wait. He said that Premier Cooperative is requesting to expand their
26 storage capabilities so that they can have a little bit of leeway during the spring and fall so that there is fuel
27 there and if allocations occur they can pull fuel from western Illinois and have fuel to serve their customers.

28
29 Mr. Thorsland asked the Board if there were any questions for Mr. Kiefer and there were none.

30
31 Mr. Thorsland asked if staff had any questions for Mr. Kiefer and there were none.

32
33 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Kiefer and there was no one.

34
35 Mr. Thorsland called Jeff Breen to testify.

36
37 Mr. Jeff Breen, Regional Operations Manager for Premier Cooperative, stated that he will be speaking about
38 the elevator expansion. He said that the Premier Cooperative Apex is flat storage and is located between
39 Sadorus and Tolono. He said that they are limited for expansion because they cannot build any more in
40 Tolono or Sadorus therefore they see the proposed expansion as a win/win situation where they could
41 increase their storage capacity, grain handling capacity, efficiency for labor as well as pull trucks and trains

1 from Tolono and Sadorus. He said that on a three year average in the fall, 483 truckloads of corn and beans
2 are hauled out of Tolono and Sadorus and after fall, 1,345 truckloads of grain are transported from Sadorus
3 and Tolono to Apex for loading onto the rail cars. He said that the expansion will help their customers by
4 being able to take their deliveries in a timely manner and it will also help the Villages of Tolono and
5 Sadorus.

6
7 Mr. Thorsland asked the Board if there were any questions for Mr. Breen and there were none.

8
9 Mr. Thorsland asked if staff had any questions for Mr. Breen and there were none.

10
11 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Breen and there was no one.

12
13 Mr. Thorsland called John Sherwood to testify.

14
15 Mr. John Sherwood, General Contractor of Seneca and Project Manager for the bulk fuel plant, said that he
16 is present tonight to answer any technical questions from the Board.

17
18 Mr. Hall asked Mr. Sherwood if the fuel facility has received all of the required permits.

19
20 Mr. Sherwood stated yes, and he has copies of those permits with him tonight. He said that they have above
21 ground tanks and the underground tank is not regulated because it will store a soy product and not a
22 petroleum product.

23
24 Mr. Thorsland asked the Board if there were any questions for Mr. Sherwood and there none.

25
26 Mr. Thorsland asked if staff had any further questions for Mr. Sherwood and there were none.

27
28 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Sherwood and there was no one.

29
30 Mr. Thorsland called Karl Newman to testify.

31
32 Mr. Karl Newman, who resides at 1821 Robert Drive, Champaign, stated that his part of the project was to
33 prepare a Spill Prevention Control and Counter Measures Plan. He said that the bulk storage facility tanks
34 are regulated by the State Fire Marshal. He said that Spill Prevention Control and Counter Measures Plan is
35 a federal regulation and comes out of the Clean Water Act in that when you meet a certain threshold in the
36 volume of storage of petroleum products in a bulk storage facility, you must have a plan in place to prevent
37 spillage from those tanks and if you do have a catastrophic event how do you control and clean up the spill.
38 He said that his company has been hired to prepare a Spill Prevention Control and Counter Measures Plan
39 for Premier Cooperative once their facility has been constructed and put into operation. He said that the
40 Spill Prevention Control and Counter Measures Plan is a procedural document that details the construction
41 layout of the facility, chain of command for maintaining the facility in the event of a spill or catastrophic

1 event, local Emergency Management Agency contacts, requirements for training personnel, requirements for
2 secondary containment and that it is sufficient to contain the oils that are stored in the bulk storage
3 containers. He said that he will be preparing this plan for Premier Cooperative's use and they will be
4 maintaining and implementing the plan at the facility.
5

6 Mr. Thorsland asked the Board if there were any questions for Mr. Newman and there were none.
7

8 Mr. Thorsland asked if staff had any questions for Mr. Newman.
9

10 Mr. Hall asked Mr. Newman if the federal requirements were ongoing and will require that a current plan is
11 always in place.
12

13 Mr. Newman stated yes. He said that Spill Prevention Control and Counter Measures Plan is required to be
14 in place within six months of starting the facility and to have the plan at all times when the plant is in
15 operation. He said that they are required to do a five year recertification of the Spill Prevention Control and
16 Counter Measures Plan or if they make a significant change to the facility. He said that currently they plan
17 to install three vertical tanks for their secondary containment with room for the addition of three future tanks
18 and if one year from now Premier decides to add the tanks they would need to revise the Spill Prevention
19 Control and Counter Measures Plan. He said that the Spill Prevention Control and Counter Measures Plan is
20 a living and breathing document that requires monthly and annual inspections and the Plan will be in place
21 during the lifetime of the facility with a minimum that it is recertified every five years.
22

23 Mr. Thorsland asked the Board if there were any questions for Mr. Newman and there were none.
24

25 Mr. Thorsland asked if staff had any further questions for Mr. Newman and there were none.
26

27 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Newman and there was no one.
28

29 Mr. Thorsland called Dennis Cummins to testify.
30

31 Mr. Dennis Cummins, Engineer for Foth Infrastructure and Environment, stated that his company is
32 responsible for maintaining the site plan and the stormwater detention plan. He said that as part of this
33 project his company will be providing a stormwater management in accordance with the Champaign County
34 Stormwater Management Policy.
35

36 Mr. Thorsland asked the Board if there were any questions for Mr. Cummins and there were none.
37

38 Mr. Thorsland asked if staff had any questions for Mr. Cummins.
39

40 Mr. Hall stated that included in the new information for tonight is Mr. Cummins' stormwater analysis. He
41 said that he has not had a chance to send the analysis to our engineer. He asked Mr. Cummins if his material

1 indicates that there may already be all the detention that is required.

2
3 Mr. Cummins stated that his company will do an analysis of that and some discussion amongst their team
4 about whether or not they desire to continue using the existing basin for stormwater management or whether
5 they want to try to divert most of the stormwater to another basin so that the existing basin can operate
6 correctly.

7
8 Mr. Hall stated that staff has proposed a special condition for stormwater management.

9
10 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Cummins and there was no one.

11
12 Mr. Thorsland asked the audience if anyone desired to sign to the witness register to present testimony for
13 Case 752-S-13 and there was no one.

14
15 Mr. Thorsland closed the witness register.

16
17 Mr. Thorsland requested that Mr. Karl Newman return to the witness microphone.

18
19 Mr. Thorsland asked Mr. Newman to repeat the name of the document that his company is preparing for this
20 project.

21
22 Mr. Newman stated that the document is a Spill Prevention Control and Counter Measures Plan. He said
23 that it is a federal regulation and Premier is required to comply with that regulation and it is based on their
24 threshold value for storage which is 1,320 gallons. He said that any facility that has petroleum bulk storage
25 for oil, once they get to the 1,320 gallon storage capacity the facility is required to have a Spill Prevention
26 Control and Counter Measures Plan.

27
28 Mr. Kass asked Mr. Newman who has oversight.

29
30 Mr. Newman stated that there is a regional administrator with the USEPA in Chicago.

31
32 Mr. Hall asked Mr. Newman if he is a private consultant.

33
34 Mr. Newman stated that he is employed by Geo-Con Professional Services, LLC.

35
36 Mr. Hall asked Mr. Newman if the Clean Water Act is the source of authority for the federal regulation.

37
38 Mr. Newman stated yes. He said that the Spill Prevention Control and Counter Measures Plan program is a
39 result of the Clean Water Act.

40
41 Mr. Hall stated that Board members may want to consider the following as an item of evidence: Karl

1 Newman with Geo-Con Professional Services, LLC. testified at the June 27, 2013, public hearing that a Spill
2 Prevention Control and Counter Measures Plan would be required for the facility by the Clean Water Act.
3 He said that the new evidence would be inserted as new item #8.I. in the Summary of Evidence and
4 renumbering the existing items.

5
6 The Board agreed.

7
8 Mr. Thorsland read the proposed special conditions as follows:

- 9 **A. A complete Stormwater Drainage Plan that conforms to the requirements of the**
10 **Stormwater Management Policy shall be submitted and approved as part of the**
11 **Zoning Use Permit application and all required certifications shall be submitted after**
12 **construction prior to issuance of the Zoning Compliance Certificate.**

13 The special condition stated above is required to ensure the following:

- 14 **That the drainage improvements conform to the requirements of the Stormwater**
15 **Management Policy.**

16
17 Mr. Thorsland asked Mr. Miller if he agreed to special condition A.

18
19 Mr. Miller indicated that he agreed to special condition A.

- 20
21 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
22 **authorizing occupancy of the proposed bulk fuel storage facility until the Zoning**
23 **Administrator has received a certification of inspection from an Illinois Licensed**
24 **Architect or other qualified inspector certifying that the new building complies with the**
25 **following codes: (A) The 2006 or later edition of the International Building Code; (B)**
26 **The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois**
27 **Plumbing Code.**

28 The special conditions stated above are required to ensure the following:

- 29 **That the proposed structure is safe and in conformance with Public Act 96-704.**

30
31 Mr. Thorsland asked Mr. Miller if he agreed to special condition B.

32
33 Mr. Miller indicated that he agreed to special condition B.

- 34
35 **C. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner**
36 **has demonstrated that any new or proposed exterior lighting on the subject property**
37 **will comply with the lighting requirements of Section 6.1.2.**

38 The special condition stated above is required to ensure the following:

- 39 **That any proposed exterior lighting is in compliance with the Zoning Ordinance.**

40
41 Mr. Thorsland asked Mr. Miller if he agreed to special condition C.

1

2 Mr. Miller indicated that he agreed to special condition C.

3

4 Mr. Hall indicated that proposed special condition D. is not required because the petitioner has already
5 proved compliance with the Illinois State Fire Marshal.

6

7 Mr. Thorsland entertained a motion to approve the proposed special conditions as read.

8

9 **Mr. Palmgren moved, seconded by Mr. Courson to approve the proposed special conditions as read.**

10 **The motion carried by voice vote.**

11

12 Mr. Thorsland asked staff if there were any new Documents of Record.

13

14 Mr. Kass stated that a new item #11 should indicate the following: Supplemental Memorandum for Case
15 752-S-13, dated June 27, 2013, with attachments.

16

17 **Finding of Fact for Case 752-S-13:**

18

19 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
20 752-S-13 held on June 27, 2013, the Zoning Board of Appeals of Champaign County finds that:

21

22 **1. The requested Special Use Permit IS necessary for the public convenience at this**
23 **location.**

24

25 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this
26 location because it will increase Premier Cooperative's ability to accept and store grain and serve farmers
27 with fuel while decreasing truck traffic in Sadorus and Tolono and rural roads.

28

29 Mr. Palmgren stated that this is an existing facility that will be improved within the current footprint.

30

31 Mr. Thorsland stated he was also thinking that this will provide a more efficient handling of both crop and
32 bulk fuel and reduce traffic. He said that he agrees with Ms. Capel's statement.

33

34 Mr. Kass read the Board's findings as follow:

35

- It will increase Premier's ability to store grain and to service farmers with fuel while decreasing truck traffic in both Tolono and Sadorus and on the rural roads.

36

- It is an existing facility that will be improved within the current footprint.

37

38 The Board agreed.

39

40 **2. The requested Special Use Permit, subject to the special conditions imposed herein, is**

41

1 so designed, located, and proposed to be operated so that it **WILL NOT** be injurious to
2 the district in which it shall be located or otherwise detrimental to the public health,
3 safety and welfare.
4

5 a. The street has **ADEQUATE** traffic capacity and the entrance location has
6 **ADEQUATE** visibility.
7

8 Ms. Capel stated that the street has **ADEQUATE** traffic capacity and the entrance location has **ADEQUATE**
9 visibility.
10

11 b. **Emergency services availability is ADEQUATE.**
12

13 Mr. Palmgren stated that emergency services availability is **ADEQUATE**.
14

15 c. **The Special Use WILL be compatible with adjacent uses.**
16

17 Mr. Thorsland stated that the Special Use **WILL** be compatible with adjacent uses.
18

19 d. **Surface and subsurface drainage will be ADEQUATE.**
20

21 Ms. Capel stated that surface and subsurface drainage will be **ADEQUATE**.
22

23 Mr. Thorsland stated that the petitioner will submit a full stormwater management plan that will conform to
24 the Champaign County Stormwater Management Policy.
25

26 Mr. Kass read the Board's finding as follows:
27

- 28 • The petitioner will submit a complete stormwater management plan that will be in
29 compliance with the Stormwater Management Policy.
30

31 The Board agreed.
32

33 e. **Public safety will be ADEQUATE.**
34

35 Mr. Palmgren stated that public safety will be **ADEQUATE**.
36

37 Mr. Thorsland stated that public safety will be improved because of the reduction in truck traffic.
38

39 Ms. Capel stated that the bulk fuel storage facility has received approval from the State Fire Marshal and the
40 bulk fuel storage facility will have a Spill Prevention Control Plan in place.
41

1 Mr. Kass read the Board's findings as follows:

- 2
- 3 • It will be improved because of the reduction in truck traffic
- 4 • The bulk fuel storage facility has received approval from the State Fire Marshal, and
- 5 the bulk fuel storage facility will have a SPCP Plan in place.
- 6

7 The Board agreed.

8

9 **f. The provisions for parking will be ADEQUATE.**

10

11 Mr. Thorsland stated that the provisions for parking will be ADEQUATE.

12

13 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,

14 is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in

15 which it shall be located or otherwise detrimental to the public health, safety and welfare.

16

17 **3a. The requested Special Use Permit, subject to the special conditions imposed herein,**

18 **DOES conform to the applicable regulations and standards of the DISTRICT in which**

19 **it is located.**

20

21 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein,

22 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

23

24 **3b. The requested Special Use Permit, subject to the special conditions imposed herein,**

25 **DOES preserve the essential character of the DISTRICT in which it is located.**

- 26
- 27 **a. The Special Use will be designed to CONFORM to all relevant County**
- 28 **ordinances and codes.**

29

30 Mr. Courson stated that the Special Use will be designed to CONFORM to all relevant County ordinances

31 and codes.

32

33 **b. The Special Use WILL be compatible with adjacent uses.**

34

35 Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.

36

37 **c. Public safety will be ADEQUATE.**

38

39 Mr. Courson stated that public safety will be ADEQUATE.

40

41 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,

1 DOES preserve the essential character of the DISTRICT in which it is located.

2

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

5

6 **a. The Special Use is authorized in the District.**

7 **b. The requested Special Use Permit IS necessary for the public convenience at this**
8 **location.**

9

10 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this
11 location.

12

13 **c. The requested Special Use Permit, subject to the special conditions imposed**
14 **herein, is so designed, located, and proposed to be operated so that it WILL**
15 **NOT be injurious to the district in which it shall be located or otherwise**
16 **detrimental to the public health, safety, and welfare.**

17

18 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,
19 is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in
20 which it shall be located or otherwise detrimental to the public health, safety, and welfare.

21

22 **d. The requested Special Use Permit, subject to the special conditions imposed**
23 **herein, DOES preserve the essential character of the DISTRICT in which it is**
24 **located.**

25

26 Mr. Palmgren stated that the requested Special Use Permit, subject to the special conditions imposed herein,
27 DOES preserve the essential character of the DISTRICT in which it is located.

28

29 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed
30 herein, IS in harmony with the general purpose and intent of the Ordinance.

31

32 **5. The requested Special Use IS an existing nonconforming use and the requested Special**
33 **Use Permit WILL make the existing use more compatible with its surroundings.**

34

35 Mr. Thorsland stated that the requested Special Use IS an existing nonconforming use and the requested
36 Special Use Permit WILL make the existing use more compatible with its surroundings.

37

38 **6. The special conditions imposed herein are required to ensure compliance with the**
39 **criteria for Special Use Permits and for the particular purposed described below:**

40

41 **A. A complete Stormwater Drainage Plan that conforms to the requirements of the**

1 **Stormwater Management Policy shall be submitted and approved as part of the**
 2 **Zoning Use Permit application and all required certifications shall be submitted**
 3 **after construction prior to issuance of the Zoning Compliance Certificate.**

4 The special condition stated above is required to ensure the following:

5 **That the drainage improvements conform to the requirements of the**
 6 **Stormwater Management Policy.**

7
 8 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
 9 **authorizing occupancy of the proposed bulk fuel storage facility until the**
 10 **Zoning Administrator has received a certification of inspection from an Illinois**
 11 **Licensed Architect or other qualified inspector certifying that the new building**
 12 **complies with the following codes: (A) The 2006 or later edition of the**
 13 **International Building Code; (B) The 2008 or later edition of the National**
 14 **Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

15 The special conditions stated above are required to ensure the following:

16 **That the proposed structure is safe and in conformance with Public Act 96-704.**

17
 18 **C. The Zoning Administrator shall not authorize a Zoning Use Permit until the**
 19 **petitioner has demonstrated that any new or proposed exterior lighting on the**
 20 **subject property will comply with the lighting requirements of Section 6.1.2.**

21 The special condition stated above is required to ensure the following:

22 **That any proposed exterior lighting is in compliance with the Zoning**
 23 **Ordinance.**

24
 25 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
 26 of Fact as amended.

27
 28 **Ms. Capel moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of**
 29 **Record and Findings of Fact as amended. The motion carried by voice vote.**

30
 31 Mr. Thorsland entertained a motion to move to the Final Determination for Case 752-S-13.

32
 33 **Mr. Palmgren moved, seconded by Mr. Courson to move to the Final Determination for 752-S-13.**
 34 **The motion carried by voice vote.**

35
 36 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant
 37 therefore it is at his discretion to either continue Case 752-S-13 until a full Board is present or request that
 38 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative
 39 votes are required for approval.

40
 41 Mr. Miller requested that the present Board move to the final determination for Case 752-S-13.

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Final Determination for Case 752-S-13:

Mr. Courson moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval 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 752-S-13 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant to Premier Cooperative, Inc. to authorize the following:

- Part A. Authorize multiple principal uses and buildings on the same lot for bulk fuel storage and sales, fertilizer sales and storage, and grain elevator operations and grain storage.
- Part B. Authorize bulk fuel storage with accessory sales as “Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallon capacity in the Aggregate” as a special use.
- Part C. Authorize the replacement of an existing nonconforming grain elevator that is 120 feet in height.
- Part D. Authorize the construction and use of four grain storage bins of the following heights, 110 feet, 118 feet, 122 feet , and 127 feet.
- Part E. Authorize the construction and use of two grain dryers that are 120 feet in height.
- Part F. Authorize the construction and use of a grain elevator with two receiving legs that are 185 feet in height, a wet grain leg that is 185 feet in height and a dry grain leg that is 185 feet in height.

Subject to the following special conditions:

- A. A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.
The special condition stated above is required to ensure the following:
That the drainage improvements conform to the requirements of the Stormwater Management Policy.
- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed bulk fuel storage facility until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.

1 The special conditions stated above are required to ensure the following:
2 **That the proposed structure is safe and in conformance with Public Act 96-704.**

3
4 **C. The Zoning Administrator shall not authorize a Zoning Use Permit until the**
5 **petitioner has demonstrated that any new or proposed exterior lighting on the**
6 **subject property will comply with the lighting requirements of Section 6.1.2.**
7 The special condition stated above is required to ensure the following:
8 **That any proposed exterior lighting is in compliance with the Zoning**
9 **Ordinance.**

10
11 Mr. Thorsland requested a roll call vote.

12
13 The roll was called.

14
15 **Capel-yes Courson-yes Miller-yes**
16 **Palmgren-yes Passalacqua-absent Thorsland-yes**

17
18 Mr. Hall informed the petitioners that they have received an approval for Case 752-S-13. He stated that
19 staff will mail out the appropriate information as soon as possible and if they have any questions they
20 should call the office.

21
22 Mr. Thorsland stated that the Board will take a five minute recess.

23
24 **The Board recessed at 8:45 p.m.**
25 **The Board resumed at 8:52 p.m.**

26
27 **Case 753-V-13 Petitioner: Wachstetter Farms, Inc, with owners Norman Wachstetter and Mike**
28 **Wachstetter. Request to authorize the following in the I-1 Light Industry Zoning District: Part A.**
29 **Variance for a front setback from Second Street of 32 feet in lieu of the minimum required 75 feet for**
30 **a proposed grain bin. Part B. Variance for a front setback from Ferguson Street of 28 feet in lieu of**
31 **the minimum required 55 feet for an existing nonconforming building. Location: Lots 1, 2, 3, 4, 5, 6**
32 **and B of Block 3 of the Original Town of Fooseland in the Southeast Quarter of Section 17 of Brown**
33 **Township and commonly known as the Wachstetter grain elevator at 200 Main Street, Fooseland.**

34
35 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
36 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
37 of hands for those who would like to cross examine and each person will be called upon. He requested that
38 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
39 those who desire to cross examine are not required to sign the witness register but are requested to clearly
40 state their name before asking any questions. He noted that no new testimony is to be given during the cross
41 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt

1 from cross examination.
2
3 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
4 sign the witness register for that public hearing. He reminded the audience that when they sign the
5 witness register they are signing an oath.
6
7 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
8
9 Mr. Norman Wachstetter, who resides at 3429 CR 100E, Foosland, stated that he would like to request the
10 approval for construction of a grain bin. He said that they have removed six grain bins with a storage
11 capacity of 160,000 bushels to make room for the new grain bin which has the storage capacity of 500,000
12 bushels. He said that the two flat buildings will remain although no grain will be stored in them. He said
13 that with the new structure they will be increasing their storage capacity by approximately 250,000 bushels.
14
15 Mr. Thorsland called John Hall to testify.
16
17 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated June 27, 2013, for the
18 Board's review. He said that the new memorandum includes a letter from Dale Sedberry, Village President,
19 Village of Foosland. Mr. Hall stated that the memorandum also includes a new item #11.F which reads as
20 follows: In a letter received June 27, 2013, from Dale Sedberry, Village President, Village of Foosland, Mr.
21 Sedberry indicated that at the Village Board meeting on June 10, 2013, a motion was made to authorize Dale
22 Sedberry to continue with the vacating of five feet of right-of-way on the west side of Second Street next to
23 the Wachstetter's property pending a final decision by the Champaign County Zoning Board of Appeals. He
24 said that Part B. of the variance that was included in the agenda is not needed because that structure is
25 located in the B-5, Central Business Zoning District and there is no minimum setback in that district
26 therefore only Part A. and Part C., as indicated on the agenda, of the variance are required.
27
28 Mr. Thorsland asked the Board if there were any questions for Mr. Wachstetter.
29
30 Mr. Roger Miller, ZBA Board member, asked if any of the six structures which were removed were located
31 in the setback.
32
33 Mr. Wachstetter stated that the buildings would not have complied with the County's current setback
34 requirements.
35
36 Mr. Palmgren stated that one of the photographs indicates a railroad crossing. He asked Mr. Wachstetter if
37 the railroad crossing experiences much traffic.
38
39 Mr. Wachstetter stated that the photograph is indicating the railroad crossing on CR 3350N. He said that
40 would be some truck traffic on the road but generally there are more cars traveling that road than trucks.
41

- 1 Mr. Palmgren asked Mr. Wachstetter if the road makes a turn after crossing the tracks.
2
- 3 Mr. Wachstetter stated that the road runs straight west but there is another road once you cross the tracks that
4 turns and runs parallel with the railroad tracks for about 500 feet and then turns back north.
5
- 6 Mr. Thorsland asked the Board if there were any additional questions for Mr. Wachstetter and there were
7 none.
8
- 9 Mr. Thorsland asked if staff had any questions for Mr. Wachstetter and there were none.
10
- 11 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Wachstetter and there was no one.
12
- 13 Mr. Thorsland called David Stalter to testify.
14
- 15 Mr. David Stalter, Brown Township Highway Commissioner, stated that water from a sump pump from the
16 Wachstetter Elevator is being pumped onto Second Street and Ferguson Street and flows to CR 100E to the
17 south. He said that a wider bend onto these right-of-ways would appear to escalate the problem.
18
- 19 Mr. Thorsland asked Mr. Stalter if he would like to see the petitioner direct the water differently.
20
- 21 Mr. Stalter stated that something needs to be done now or the problem will just escalate into a bigger
22 problem. He said that presently there is sand and gravel on the right hand lane. He said that the street is
23 located in the Village of Foosland and therefore it is not an issue for his township but it is his observation
24 that there is a problem.
25
- 26 Mr. Thorsland asked the Board if there were any questions for Mr. Stalter.
27
- 28 Mr. Miller asked Mr. Stalter if he was aware of an existing tile that could be accessed to alleviate some of
29 the surface water.
30
- 31 Mr. Stalter stated that the water problem could be corrected easily because there are storm drains on the
32 north side of Ferguson Street. He said that the drains are located on the Village of Foosland's property
33 therefore he cannot correct the issue. He said that he has addressed the issue with the Village of Foosland
34 with no progress.
35
- 36 Mr. Miller stated that it appears the Mr. Stalter is not opposed to the proposed project but he is voicing his
37 concern regarding the surface water.
38
- 39 Mr. Stalter stated yes.
40
- 41 Mr. Miller stated that the petitioner has removed six grain bins and is proposing to construct one large grain

1 bin therefore the surface drainage should not be any greater.

2
3 Mr. Thorsland asked the Board if there were any further questions for Mr. Stalter and there were none.

4
5 Mr. Thorsland asked if staff had any questions for Mr. Stalter.

6
7 Mr. Hall asked Mr. Stalter if he knows where the sump pump is located and what it is serving.

8
9 Mr. Miller stated that the sump pump is probably draining a grain pit.

10
11 Mr. Stalter stated that the sump pump services one existing grain bin although he does not know if there will
12 be a sump pump servicing the new grain bin.

13
14 Mr. Thorsland asked the Board and staff if there were any further questions for Mr. Stalter and there were
15 none.

16
17 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Stalter and there was no one.

18
19 Mr. Thorsland called Mr. Norman Wachstetter to the witness microphone.

20
21 Mr. Thorsland requested that Mr. Wachstetter address Mr. Stalter's concerns regarding the existing sump
22 pump and whether or not there will be an additional sump pump to service the new bin.

23
24 Mr. Wachstetter stated that the sump pump is located in the grain pit and it has existed for years. He said
25 that the sump pump discharge previously dumped onto the ground but they have installed a pipe to take the
26 discharge away from the grain bin. He said that prior to installing the pipe they asked the Village of Foosland
27 and the previous Brown Township Highway Commissioner if they could hook into the storm system and
28 they did not receive approval from either entity. He said that since they did not receive approval they ran the
29 pipe along the side of the bins and it outlets on top of the ground, just as it has in the past. He said that there
30 will not be any additional sump pumps installed. He said that by removing the six bins they have removed
31 more square footage of roof area than what they will be adding therefore the actual condensed runoff should
32 be less.

33
34 Mr. Thorsland asked Mr. Wachstetter if the new bin will be further from the road than the previous
35 structures.

36
37 Mr. Wachstetter stated no. He said that the new bin will be in the footprint of four of the previous bins but
38 by going larger in diameter they will be closer to the road. He said that they have removed the LP tank that
39 was closer to the road than what the new bin will be and the LP tank will be in a different location.

40
41 Mr. Hall asked Mr. Wachstetter if, since Second Street is maintained by the County Highway Department, is

1 there any chance that there may be something that the County Engineer could allow connection to.

2
3 Mr. Wachstetter stated that it is possible although he does not know whether this is in the County Engineer's
4 jurisdiction or not. He said that he does not know who has jurisdiction of the stormwater. He said that when
5 he asked the Village of Foosland they indicated that they could not give him permission to hook into it.

6
7 Mr. Thorsland asked Mr. Wachstetter if he discussed this matter with Mr. Stalter.

8
9 Mr. Wachstetter stated that he has spoken with the township highway commissioner and could not receive
10 permission to hook into the stormwater system.

11
12 Mr. Thorsland asked Mr. Wachstetter if he and Mr. Stalter could come up with a solution regarding the
13 existing issue with the surface discharge from the existing sump pump. He asked Mr. Wachstetter if there
14 was a timeframe for approval because perhaps an answer could be received from the Champaign County
15 Engineer regarding the possibility of alleviating this problem by using a County drain.

16
17 Mr. Wachstetter stated that he would like to start the new bin immediately for use this fall. He said that
18 everything is scheduled therefore if he received approval from this Board the construction can start.

19
20 Mr. Miller asked Mr. Wachstetter if the footings were poured.

21
22 Mr. Wachstetter stated that the footings have not been poured.

23
24 Mr. Miller asked Mr. Wachstetter if he could estimate the volume of water that is discharged from the
25 existing sump pump.

26
27 Mr. Wachstetter stated that the sump pump has a 1-1/2" line that has an automatic function to empty the pit.
28 He said that the pit is a very dry pit therefore to an extreme the sump pump may run once per day. He said
29 that during a rainy season the sump pump could run more than once a day but on average less than once per
30 day.

31
32 Mr. Miller asked Mr. Wachstetter if the sump pump discharges subsurface water and not rain water.

33
34 Mr. Wachstetter stated that the sump pump does not discharge rain water only subsurface water that seeps
35 through the pit walls.

36
37 Mr. Thorsland asked Mr. Wachstetter if the washout that is getting on the road is from his property.

38
39 Mr. Wachstetter stated that the gravel that is on the road is the gravel from the parking lot and not the sump
40 pump. He said that the sump pump discharges clean water that runs out onto the grass and then to the edge
41 of the road.

1

2 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Wachstetter and there
3 were none.

4

5 Mr. Thorsland called Mr. David Stalter to the witness microphone.

6

7 Mr. Stalter stated that through the township he serves the Wachstetters and they have not discussed placing
8 the pipe in the drain. He said that approximately one year ago he approached Mr. Norman Wachstetter and
9 indicated that the pipe should be connected to the storm drain but he did not deny him access to a road tile.
10 He said that he is not present tonight to begin a dispute but to only indicate his concerns.

11

12 Mr. Thorsland asked Mr. Stalter if there was a road tile located in his jurisdiction that Mr. Wachstetter could
13 connect the pipe to.

14

15 Mr. Stalter stated that if there was a road tile available for Mr. Wachstetter he would allow him to hook in to
16 it but his jurisdiction is basically one-half block away from the subject property. He said that Ferguson
17 Street is one-half block away from Brown Township but water is going down the street and not under the
18 street and it is a problem that could probably be solved very easily.

19

20 Mr. Miller stated that Mr. Wachstetter stated that he spoke to the township highway commissioner and was
21 denied access therefore perhaps it was the previous township road commissioner and not Mr. Stalter.

22

23 Mr. Wachstetter stated that Mr. Miller is correct.

24

25 Mr. Stalter stated that he has been with the township for five years. He said that he became the Brown
26 Township Highway Commissioner when the previous commissioner passed away. He said that the previous
27 highway commissioner did not mention this concern although he is willing to work with Mr. Wachstetter
28 regarding this matter.

29

30 Mr. Miller stated that the water issue is only relevant to some people.

31

32 Mr. Stalter stated that there is an elderly woman that lives on Ferguson Street that receives water from the
33 sump pump in her yard.

34

35 Mr. Miller stated that this is a pre-existing condition and the new bin will not make the condition worse.

36

37 Mr. Stalter stated that we do not know how the new bin will affect the drainage issue.

38

39 Mr. Thorsland stated that the sump pump in the existing pit is not part of the application tonight. He said
40 that the issue at the Board tonight is the new bin and the variances for that bin. He said that if there is an
41 existing problem which is posing concerns then those concerns should be resolved outside of this public

1 hearing. He said that the impervious area for the new bin appears to be less than before and it appears that
2 the water is from the ground and not rain water. He said that perhaps the petitioner should speak with the
3 County Engineer regarding this issue and how to resolve it.

4
5 Mr. Wachstetter stated that when they were planning their expansion and prior to installing the pipe he
6 wanted to hook in to the stormwater system therefore he spoke to the previous road commissioner and the
7 Village of Foosland. He said that he wanted to drain the pit by gravity and they could have done that if they
8 were allowed to hook in to the existing storm system but he was denied access therefore he stayed with the
9 existing sump pump. He said that this is an issue that they tried to get done.

10
11 Mr. Miller asked Mr. Wachstetter if he would connect to a road tile if the Brown Township Highway
12 Commissioner found one that was available.

13
14 Mr. Wachstetter stated absolutely. He said that there is a storm drain next to the elderly woman’s yard that
15 Mr. Stalter discussed and if he could hook into that drain he would but he has never been able to receive
16 permission to do so.

17
18 Mr. Hall stated that this is a very unusual case because this use is agriculture and the only part of the
19 Ordinance that applies to agriculture is the setback. He said that the Board works very hard to resolve
20 problems like this when they come up but given that the elevator is agricultural, it is a farmer owned
21 elevator, and the only thing that comes under the Zoning Ordinance’s jurisdiction is the setback. He said
22 that he hopes that the water issue can be corrected but frankly it is not directly related to the amount of
23 impervious area and is not directly related to the bin that is at issue in the variance. He said that this use is
24 agriculture so the existing water issue is not something that this Board can do anything about.

25
26 Mr. Thorsland stated that no special conditions are proposed. He said that a new item #6 should be added to
27 the Documents of Record as follows: Supplemental Memorandum dated June 27, 2013, with attachments.

28

29 **Finding of Fact for Case 753-V-13:**

30
31 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
32 753-V-13 held on June 27, 2013, the Zoning Board of Appeals of Champaign County finds that:

- 33
34 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
35 **structure involved, which are not applicable to other similarly situated land and**
36 **structures elsewhere in the same district.**

37
38 Mr. Courson stated that special conditions and circumstances DO exist which are peculiar to the land or
39 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
40 same district because the irregular shape of the parcel crosses the railroad tracks and minimizes the setbacks
41 that are available for the construction of a grain storage facility of this size.

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Mr. Palmgren stated that this is an existing facility that was constructed prior to the adoption of the Zoning Ordinance.

Mr. Hall read the Board’s findings as follows:

- The irregular shape of the parcel created by the railroad tracks and the road, minimizes the setback available for a storage facility of this size.
- This is an existing facility constructed prior to zoning.

The Board agreed.

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.

Mr. Palmgren stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because without the variance the strangely shaped lot will be limited in use other than what it was originally created for.

Ms. Capel stated that the buildable area for a standard grain storage bin is extremely limited on the lot.

Mr. Thorsland stated that no additional land is available for expansion at this location.

Mr. Hall read the Board’s findings as follows:

- Without the variance this strangely shaped lot would be very limited in any use other than what it was originally created for.
- The buildable area for a standard grain bin is very limited on this strangely shaped lot.
- There is no land available for expansion at this location.

The Board agreed.

3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

Mr. Palmgren stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the existing storage pre-dates the adoption of zoning in 1973.

1 Mr. Hall read the Board’s finding as follows:

2

- 3 • The existing storage pre-dated 1973.

4

5 The Board agreed.

6

7 **4. The requested variance IS in harmony with the general purpose and intent of the**
 8 **Ordinance.**

9

10 Mr. Palmgren stated that the requested variance IS in harmony with the general purpose and intent of the
 11 Ordinance because the petitioner removed older bins and is proposing to replace them with an updated more
 12 efficient bin.

13

14 Mr. Hall read the Board’s finding as follows:

15

- 16 • The petitioner removed 4 older bins and proposes to replace them with a more
 17 efficient bin.

18

19 The Board agreed.

20

21 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
 22 **detrimental to the public health, safety, or welfare.**

23

24 Mr. Miller stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
 25 detrimental to the public health, safety or welfare because the proposed new construction will have less
 26 square footage of impervious area which will create less runoff. He said that the new bin will not be any
 27 closer to the road than the previous structures.

28

29 Mr. Thorsland stated that the proposed new storage bin will allow for safer handling and storage of grain.

30

31 Mr. Hall read the Board’s findings as follows:

32

- 33 • The proposed new construction will have less square footage of impervious area
 34 which will reduce the runoff.
- 35 • The proposed new bin will not be any closer to the road than the previous structures.
- 36 • The proposed new bin will for safer handling and storage of grain.

37

38 **6. The requested variance IS the minimum variation that will make possible the**
 39 **reasonable use of the land/structure.**

40

41 Mr. Thorsland stated that the requested variance IS the minimum variation that will make possible the

1 Mr. Hall informed the petitioner that he has received an approval for his request. He said that staff will send
2 out the appropriate paperwork as soon as possible. He noted that the petitioner should call the office with
3 any questions.
4

5 **Case 757-AT-13 Petitioner: Champaign County Zoning Administrator Request to amend the**
6 **Champaign County Zoning Ordinance as follows: Part A. Adopt and updated Flood Insurance**
7 **Study with an effective date of October 2, 2013. Part B. Adopt updated Digital Flood Insurance Rate**
8 **Maps (DFIRM) for Champaign County, Illinois with an effective date of October 2, 2013. The new**
9 **maps can be viewed at www.illinoisfloodmaps.org Part C. Adopt a new Special Flood Hazard Area**
10 **Ordinance based on the minimum requirements of the National Flood Insurance Program (NFIP) and**
11 **the State of Illinois.**
12
13

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

18 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.
19

20 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated June 27, 2013, for the
21 Board's review. He said that he knew that this case would occur sometime this year but he did not know
22 until mid-April that the County had to have the new Ordinance adopted by mid-September therefore it is
23 necessarily rushed. He said that the public has already had the chance to view the maps that FEMA wants
24 adopted therefore there is really no discretion with them. He said that the Flood Insurance Study has all of
25 the documents that have been used and it is a valid study. He said that the he did not know until the middle
26 of April that the County was required to adopt a new Ordinance and the last time that FEMA directed the
27 County to adopt a new Ordinance was when the Department of Planning and Zoning was in between Zoning
28 Directors and the Ordinance was adopted in a rush. He said that the model ordinance is a bare minimum
29 ordinance and can't be very well tailored to any one jurisdiction because it is a model ordinance for every
30 jurisdiction in the State of Illinois and it is not written very well. He said that the new memorandum
31 proposes changes to Sections 5 and 7 and the Office of Water Resources has already approved these changes
32 and the changes make the Ordinance seem like it is actually written more for Champaign County in talking
33 about a Floodplain Development Permit, which is what we call permits in the floodplain and not
34 development permits, and it actually describes the process whether someone needs a Floodplain
35 Development Permit. He said that Section 7 is much improved because even the existing Section 7 in the
36 current Ordinance literally has some sections that we cannot make heads or tails about therefore those
37 sections have been corrected in the new version. He said that the new memorandum includes things that he
38 proposes to be added and those things are double underlined and again the Office of Water Resources has
39 already reviewed and approved those things.
40

41 Mr. Hall stated that most of what this text amendment is about is making sure that we understand what the

1 Ordinance does and that it does what we want it to do and what FEMA requires it to do and that it makes
2 sense.

3
4 Mr. Hall stated that the current Special Flood Hazard Areas Ordinance was adopted in 2003 and he became
5 the Zoning Administrator in 2006. He said that prior to 2004 he did not get involved in floodplain reviews
6 and the first time that he was asked to approve a Floodplain Development Permit he read that part of the
7 Ordinance, as amended on June 23, 2005, on page 8 that indicates the following: the lowest floor and all
8 electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located
9 at or above the flood protection elevation. Mr. Hall stated that he could not remember staff having ever done
10 anything about that and Ms. Hitt, Zoning Officer, who was actually approving such permits during the time
11 when there was a turnover with Zoning Administrators, did not remember doing so either. He said that
12 finally when he started working on the new Ordinance Ms. Hitt found a FEMA document that staff had not
13 reviewed previously and he included excerpts of that document with tonight's memorandum. He said that
14 the excerpt is titled, "Protecting Building Utilities from Flood Damage," and on the cover is an air
15 conditioning condenser surrounded by floodwater and you know exactly what they are talking about but the
16 County has never required an air conditioner condenser to be above the flood protection elevation yet the
17 Ordinance has always required it. He said that we have never really made an issue whether there were ducts
18 in the crawlspace but the model ordinance said that you couldn't have anything below the flood protection
19 elevation but he has talked to the Office of Water Resources and they indicated that it is really the base flood
20 elevation. He said that we are going to have to get better as to how we enforce the Flood Hazard Ordinance
21 but the Office of Water Resources indicated that not many other jurisdictions worry about those things either
22 which is why sometimes propane tanks get carried away in floodwaters and propane tanks are supposed to be
23 elevated or anchored and Champaign County has never done that. He said that staff has done a good job
24 with crawlspace requirements and it takes a lot of time to explain those requirements to people and helping
25 them figure out all of the elevations and how they should line up. He said that one thing that staff has always
26 wanted is a handout with an example drawing to show someone how to do that therefore another attachment
27 to tonight's memorandum are pages from a technical bulletin from FEMA titled, "Crawlspace Construction."
28 He said that these are technical illustrations from a FEMA technical bulletin but they do not tell anyone
29 everything that they need to know and he figured that there are at least 12 other items of information that
30 need to be put on an example cross section so that a citizen would have the specific guidance that they need
31 to determine how their crawlspace should be constructed in accordance with our Special Flood Hazard Areas
32 Ordinance. He said that he would like to get this handout developed as part of this text amendment because
33 he has learned that if you don't do these things as part of a text amendment you will never have time to do
34 them once the text amendment is in place.

35
36 Mr. Hall stated that Attachment C. is a draft handout and it isn't even half way finished but citizens do need
37 a handout that simply reviews the technical requirements for a Floodplain Development Permit. He said that
38 he has included the checklists that FEMA has in their manual regarding Protecting Building Support Utility
39 Systems from Flood Damage. He said that the checklists are not very useful for him because they discuss
40 things like components, units, elements, etc. and you need to read the entire manual to understand what they
41 mean. He said that citizens need a checklist that is simple such as, any outdoor central air conditioning unit

1 or outdoor heat exchanger unit must be installed at or above the flood protection elevation; and no HVAC
2 duct shall be located below the flood protection elevation; and any air intake or exhaust for the furnace must
3 be located at or above the flood protection elevation; and if the source of heat is propane (1) the propane
4 storage must either be installed at or above the flood protection elevation or securely anchored to resist
5 flotation and located downstream of the building; and (2) the fuel piping leaving the tank and entering the
6 building must be protected from flood waters; and if the source of heat is natural gas (1) the gas meter must
7 be located at or above the flood protection elevation if possible and (2) the gas line into the building must be
8 protected from flood waters; and will the electric service enter the building by overhead electrical lines or by
9 underground electrical lines? If underground electrical lines are to be used they must be protected from
10 flood waters where they enter the building; and the electric meter must be above the flood protection
11 elevation, if possible, and located on the downstream (relative to the direction of flow of flood waters) side
12 of the building; and no electrical circuit shall be located below the flood protection elevation unless there is
13 no other option. Any circuit below the flood protection elevation must have proper electrical wiring for a
14 wet location and the circuit must be protected by a ground fault circuit interrupter; and if the source of
15 potable water is an onsite water well, the water well should be located at or above the flood protection
16 elevation if possible and if not, the well must not allow intrusion of flood waters; and any exterior hose bibs
17 must be located above the flood protection elevation or installed with backflow preventers to prevent
18 contamination by flood waters.

19
20 Mr. Hall stated that staff has a couple of handouts to make but more importantly we want to make sure that
21 the Ordinance makes sense. He said that when the Board reads revised Section 7 they will see that he talks
22 about anything outside of the crawlspace including all HVAC and utility meters on the property and fuel
23 storage tanks. He said that originally he had hoped to have a full draft Ordinance for the Board to review
24 tonight but all he has been able to do is revise Sections 5 and 7 so that they make sense and it does what it is
25 supposed to do. He said that when Case 757-AT-13 comes back to the ZBA the Board will have a full draft
26 Ordinance.

27
28 Mr. Hall stated that he has a full set of flood maps for the Board's review tonight and the new flood maps
29 makes most sense when they are compared to the existing flood maps. He said that the existing flood maps
30 only show the roads, section lines, outlines of the perennial streams and the floodplain at a scale of 1" =
31 2,000 feet and somehow you are supposed to be able to know on a one acre tract out in the middle of a
32 square mile where a 30' x 50' house is going to be located. He said that at a scale of 1" = 2000 feet a 30' x
33 50' house is really not bigger than the point of the lead on your pencil. He said that the new maps have an
34 aerial background so anything that exists can be seen and the office has received some calls from people who
35 have provided elevations in the past to prove that their home is out of the floodplain yet the new and
36 improved flood maps still indicate them in the floodplain. He said that if someone has provided such
37 information the data is still accurate but there are some inaccuracies in the new flood maps. He said that
38 staff does not have base flood elevations for the Kaskaskia River so the shape of the floodplain along the
39 Kaskaskia is very smooth and continuous but the shape of the floodplain along the Embarrass River, where
40 we have a base flood elevation, is very jagged and it reflects the fact that they have base flood elevations and
41 digital topography therefore it is as accurate as it can be but it is not perfect. He said that the new maps are a

1 big improvement and they are easier to use. He said that on the old maps when staff is working within one
2 and one-half miles of a municipality when the floodplain goes into where the municipality was when the
3 maps were printed in 1984 there is nothing and staff has to refer to the municipal maps. He said that
4 FEMA's digital map is one file and the floodplain can be traced from the unincorporated area into the
5 municipality which will be easier than jumping from one map to another. He said that the public had the
6 opportunity to view these maps at the Champaign Library last summer and there were a lot of people there
7 and he would assume that those same people received notices about the current process. He said that staff
8 did not send notices to everyone that is located in the floodplain.

9
10 Mr. Hall stated that there is not a lot of discretion as to when the ZBA has to have this done and forwarded to
11 the County Board for their September meeting. He said that he is sure that the County will end up with a
12 better Special Flood Hazard Areas Ordinance in the end. He recommended that Case 757-AT-13 be placed
13 on every meeting agenda until the end of July just in case there is additional interest from the public.

14
15 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

16
17 Mr. Thorsland entertained a motion to continue Case 757-AT-13 to the July 11, 2013, meeting.

18
19 **Mr. Palmgren moved, seconded by Mr. Courson to continue Case 757-AT-13 to the July 11, 2013,**
20 **meeting. The motion carried by voice vote.**

21
22 **7. Staff Report**

23
24 None

25
26 **8. Other Business**

27 **A. Review of Docket**

28 **B. Cancellation of September 12, 2013, meeting**

29
30 Mr. Hall stated that by the next meeting staff will need to know if the Board intends to hold the September
31 12, 2013, meeting so that cases can be docketed.

32
33 Mr. Thorsland entertained a motion to cancel the September 12, 2013, meeting.

34
35 **Ms. Capel moved, seconded by Mr. Palmgren to cancel the September 12, 2013, meeting. The motion**
36 **carried by voice vote.**

37
38 **9. Audience Participation with respect to matters other than cases pending before the Board**

39
40 None

41

1 **10. Adjournment**

2

3 Mr. Thorsland entertained a motion to adjourn the meeting.

4

5 **Mr. Miller moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice**

6 **vote.**

7

8

9 The meeting adjourned at 9:57 p.m.

10

11

12 Respectfully submitted

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17 Secretary of Zoning Board of Appeals

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4 **MINUTES OF REGULAR MEETING**
5
6 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
7 1776 E. Washington Street
8 Urbana, IL 61802
9

10 **DATE:** September 12, 2013 **PLACE:** Lyle Shields Meeting Room
11 1776 East Washington Street
12 **TIME:** 7:00 p.m. **Urbana, IL 61802**

14 **MEMBERS PRESENT:** Catherine Capel, Paul Palmgren, Jim Randol, Eric Thorsland

16 **MEMBERS ABSENT :** Brad Passalacqua, Roger Miller

18 **STAFF PRESENT :** Lori Busboom, John Hall

20 **OTHERS PRESENT :** Charles Jesse, Kelly Pfeifer, Keith Padgett

21
22
23 **1. Call to Order**

24
25 The meeting was called to order at 7:01 p.m.

27 **2. Roll Call and Declaration of Quorum**

28
29 The roll was called and a quorum declared present with two members absent and one vacant Board seat.

31 **3. Correspondence**

32
33 None

DRAFT

35 **4. Approval of Minutes (July 11, 2013)**

36
37 Mr. Thorsland stated that despite the agenda there are no minutes submitted for the Board's approval.

38
39 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
40 sign the witness register for that public hearing. He reminded the audience that when they sign the
41 witness register they are signing an oath.

42
43
44 **5. Continued Public Hearing**

45
46 **Case 758-AM-13 Petitioner: Charles Jesse Request to amend the Zoning Map to change the zoning**
47 **district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning**
48 **District in order to authorize the proposed Special Use in related zoning Case 759-S-13. Location: A**
49 **10-acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**
50 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**
51 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**

1
2
3 **Case 759-S-13 Petitioner: Charles Jesse Request to authorize the following as a Special Use in the B-1**
4 **Rural Trade Center Zoning District: Part A. Authorize multiple principal uses and buildings on the**
5 **same lot consisting of (1) a heating and cooling contractors facility with accessory outdoor storage that**
6 **was originally authorized by Case 970-S-95; and (2) Self-Storage Warehouses, providing heat and**
7 **utilities to individual units as a special use. Part B. Authorize the construction and use of Self-**
8 **Storage Warehouses, providing heat and utilities to individual units as a special use. Location: A 10-**
9 **acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**
10 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**
11 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**
12

13 Mr. Thorsland called Cases 758-AM-13 and 759-S-13 concurrently.
14

15 Mr. Thorsland informed the audience that Case 759-S-13 is an Administrative Case and as such the County
16 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
17 show of hands for those who would like to cross examine and each person will be called upon. He requested
18 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
19 that those who desire to cross examine are not required to sign the witness register but are requested to
20 clearly state their name before asking any questions. He noted that no new testimony is to be given during
21 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
22 exempt from cross examination.
23

24 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
25 sign the witness register for that public hearing. He reminded the audience that when they sign the
26 witness register they are signing an oath.
27

28 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
29

30 Mr. Charles Jesse, petitioner, stated that he revised and submitted a new site plan. He said that the project
31 was a little too close to the interstate and that was corrected. He said that the required setbacks along the
32 interstate property line and the township road are now indicated on the revised site plan and the project is
33 well within all of the County's requirements. He said that he didn't need driveways on both sides of the RV
34 storage so he shifted two of the buildings and moved those buildings to the east and that eliminated an entire
35 row of concrete drive. He said that the buildings are limited to 12,000 square feet before a firewall is
36 required and instead of building a firewall the buildings are now separated which will be easier for snow
37 removal and emergency services access.
38

39 Mr. Thorsland asked Mr. Jesse if he will still maintain the agricultural access that was previously indicated.
40

41 Mr. Jesse stated that the agricultural access is still there.

1
2 Mr. Thorsland asked the Board if there were any questions for Mr. Jesse and there were none.

3
4 Mr. Thorsland asked if staff had any questions for Mr. Jesse and there were none.

5
6 Mr. Thorsland called John Hall to testify.

7
8 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated September 12,
9 2013, to the Board for review. He said that the memorandum reviews the new site plan that is attached and
10 the three proposed new special conditions. He said that Mr. Jesse did review the new special conditions and
11 indicated that he agreed to those conditions. Mr. Hall stated that the three proposed special conditions are
12 motivated by a call that he received from a local planning consultant who had been hired by a real estate
13 interest who wanted to make sure that the ZBA considered all of the possible impacts if the self-storage
14 warehouses were approved and not as successful or maintained as anticipated. He said that after his
15 conversation with the planning consultant it occurred to him that no special condition regarding outdoor
16 storage had been proposed therefore proposed special condition K is as follows:

17
18 **K. Regarding outdoor storage at the self-storage warehouses:**

- 19 **1. Outside storage shall only occur in the area on the plan indicated for outside storage**
- 20 **2. All outside storage shall be screened as required by the Zoning Ordinance**
- 21 **3. Outside storage shall only be for vehicles and equipment intended to be used**
- 22 **outdoors**
- 23 **4. Vehicles and equipment kept in outdoor storage shall be whole and intact and no**
- 24 **repairs shall be conducted outdoors.**

25
26 The special condition stated above is to ensure the following:

27 **The actual use of the property shall be consistent with the testimony and with**

28 **Ordinance requirements.**

29
30 Mr. Hall stated that staff is anticipating that the self-storage warehouse will be constructed immediately
31 while Jesse Heating and Air Conditioning stays in business but unforeseen things can happen and part of the
32 security with the self-storage warehouse is the monitoring from the contractor facility. He said that in
33 wondering what if, what if in the future the self-storage warehouse was actually managed separately from the
34 contractor facility. He said that proposed special condition L. requires a caretaker dwelling if the
35 management of the self-storage warehouse is not done from the contractor facility. He said that special
36 condition L. reads as follows:

37 **L. If either the Contractor Facility ceases to operate on the property or if the Contractor**

38 **Facility comes under separate management than the self-storage warehouses, a**

39 **caretaker dwelling for the self-storage warehouses shall be established on the property**

40 **as follows:**

- 41 **1. The caretaker dwelling shall be established within six months of either the**

- 1 **Cessation of the Contractor Facility operations or the start of separate**
2 **management of the Contractor Facility.**
- 3 2. **The caretaker dwelling shall be occupied by an employee or owner of the self-**
4 **storage warehouses.**
- 5 3. **The caretaker dwelling shall be provided with video monitoring of the self-**
6 **storage warehouses.**
- 7 4. **The caretaker dwelling may be located either in an existing Contractor Facility**
8 **building or the caretaker dwelling may be constructed to replace an existing**
9 **Contractor Facility building or it may be constructed in the area proposed for**
10 **self-storage warehouses in which case the caretaker dwelling shall be counted as**
11 **part of the authorized square footage of the self-storage warehouses.**
- 12 5. **The caretaker dwelling must be authorized by Zoning Use Permit.**
13 The special condition stated above is required to ensure the following:
14 **Adequate security and management for the self-storage warehouses.**
15

16 Mr. Hall stated that when he was speaking with the local planning consultant it was clear that everyone
17 recognizes that the Jesse property is very well maintained and it is understandable that any prospective
18 neighbor would want to make sure that the property is kept that way in future. He said that proposed special
19 condition M. tries to summarize the kinds of things a property maintenance code could ensure. He read
20 proposed special condition M. as follows:
21

- 22 **M. Regarding future property maintenance:**
- 23 1. **The exterior of the property shall be kept free of litter, garbage, and debris.**
- 24 2. **All landscaping on the property shall be maintained in a healthy condition and**
25 **non-woody vegetation shall be maintained at no more than 6 inches in height;**
26 **and that part of the property that is not used for the contractor facility or the**
27 **self-storage warehouses or the detention basin shall be kept in agriculture or**
28 **non-woody vegetation maintained at no more than 6 inches in height; and the**
29 **detention basin shall be kept free of woody vegetation.**

30 Mr. Hall stated that the detention basin has been described as a dry basin so the height of the vegetation
31 could become an issue. He said that he did not include a height limit because it is a detention basin and the
32 main thing is to keep the woody vegetation out although you wouldn't want to see it growing up in weeds.
33 He said that this may be something that the Board wants to discuss tonight.

- 34 3. **The exterior of all self-storage warehouse buildings shall be maintained in a**
35 **structurally sound and weatherproof condition and free from holes, or defects**
36 **that allow rain or weather to enter and any exterior finish that is peeling,**
37 **chipping, flaking, or abraded shall be repaired.**
- 38 4. **All exterior doors, door assemblies, and hardware shall be maintained in good**
39 **condition.**
- 40 5. **The interior of all self-storage warehouse buildings shall be maintained in good**
41 **repair, structurally sound and in a sanitary condition and any paint that is**

1 **peeling, chipping, flaking or abraded shall be repaired.**

2
3 Mr. Hall stated that one could argue what is the County's interest in the interior maintenance. He said that
4 the County's interest in the interior maintenance is that if the interior starts to run down it could be a
5 precursor to letting the exteriors run down and in any event once the interiors are run down that could have
6 some impact on how well the property rents or it could lead to other problems.
7

8 **6. All paving in the self-storage warehouse area shall be maintained in a**
9 **structurally sound and weatherproof condition and free of vegetation.**

10
11 He said that this condition does not require concrete and would allow gravel but the gravel does have to be
12 kept free of weeds. He said that it is not clear to him that concrete pavement is necessary and of course
13 concrete pavement looks much neater than most gravel paving and it does not develop potholes like gravel
14 paving but it does develop cracks and they are just as difficult to maintain as anything else.
15

16 The special condition stated above is required to ensure the following:
17 **Continuation of the existing very good property maintenance.**
18

19 Mr. Hall distributed copies of an e-mail from Katherine Pfeifer dated September 12, 2013, to the Board for
20 review. He said that Katherine Pfeifer is the planning consultant that he spoke to previously and her e-mail
21 included photographs of one of the self-storage facilities that Mr. Jesse mentioned at the last meeting, the
22 self storage warehouse in Savoy. Mr. Hall said that the e-mail suggests that the proposed self-storage
23 warehouse development could end up looking like the one in Savoy if it is not done properly and the
24 proposed special conditions could be enforced to prevent any of these things from occurring or at least would
25 create an enforcement basis for getting it corrected if it did happen. He said that he is not certain where the
26 property of the self-storage warehouse in the photographs ends and the adjacent property begins but the
27 photographs are a good image of what you would not want to see happen.
28

29 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.
30

31 Mr. Thorsland called Kelly Pfeifer to testify.
32

33 Ms. Kelly Pfeifer, who resides at 1311 Woodberry Court, Mahomet, stated that by education and training she
34 is a planner and she has been retained by an interested, potential future real estate interest who is concerned
35 about the request by the petitioner. She said that she would like to question the sunrise/sunset clause in the
36 Special Use that Mr. Jesse has proposed and that the Board is considering. She said that it appeared that the
37 clause would require construction to commence in no more than five years but that was changed by the
38 Board's request and replaced that construction can start within 14 years of the date of approval and
39 completed within 15 years of the date of approval. She said that it is her understanding that potentially Mr.
40 Jesse could begin construction in 2027 and finish it in 2028 and she is not sure that it is Mr. Jesse's intention
41 to wait that long or that construction didn't need to begin by that time.

1
2 Mr. Thorsland stated that the Board worked on Special Condition E at the last meeting and the wording to
3 that condition was as follows: The Zoning Administrator shall not authorize a Zoning Use Permit for
4 construction of a Self-Storage Warehouse on the subject property after 14 years of the date of authorization
5 of Case 759-S-13 and all construction must be completed within 15 years of the date of authorization of Case
6 759-S-13. He said that the special condition originally started with 9 years and completion within 10 years
7 but the Board understood that Mr. Jesse desired to start construction as soon as possible therefore the Board
8 felt that placing a timeline on the beginning of the special condition was not necessary. He said that the
9 Board did insert a completion date for construction, which includes all of the proposed phases, because the
10 Board did not want to make Mr. Jesse come back before the Board if he had built two of the three phases at
11 year nine.

12
13 Ms. Pfeifer asked if the special condition could be written that at least Phase One would at least be met
14 within a short time period allowing that full construction of all phases to be completed within 15 years. She
15 said that she is sure that with Mr. Jesse's reputation that he will do this very well with this project but 14
16 years is a long time from now and if the special use is approved it is not just for Mr. Jesse but a special use
17 on the land. She said that if something were to happen to Mr. Jesse his heirs could take the land and sell it to
18 someone else and they would not have to do anything until 14 years from now. She said that usually in her
19 practice if special uses were granted it would be understood that this is the condition now and that is what is
20 being assessed at the time therefore it is assessed that construction would be imminently. She said that if the
21 concern was that the Board wanted to make sure that Mr. Jesse was not forced to do it all very quickly at
22 least making the commitment to begin the endeavor soon rather than allowing a lot of risk from someone
23 else acquiring the property and executing this would be her recommendation. She said that she trusts that
24 Mr. Jesse is in support of the aesthetic and maintenance requirements but it has been seen in practice by
25 others that these structures are constructed but are not maintained. She said that the longer that this waits the
26 more likely it is that Mr. Jesse will not be the one constructing these structures therefore the Board will not have
27 that safe confidence level. She suggested that a sunrise clause be placed in the special condition that at least
28 will require that Phase I commence earlier rather than later. She said that she appreciates Mr. Jesse's
29 intentions but he could get hit by a bus and the Board would have still approved this request and the request
30 runs with the land not the owner.

31
32 Mr. Thorsland stated that if, hypothetically Mr. Jesse does get hit by a bus and hypothetically the Board has
33 approved the special use and the map amendment. He asked Ms. Pfeifer if the approved construction on the
34 site does not happen for five years but does happen and gets finished with all of the other conditions that
35 backs up the quality of construction what is her concern if the construction starts later. He asked Ms. Pfeifer
36 if she is concerned that homes will be built unaware that a storage unit could be built on the adjacent
37 property.

38
39 Ms. Pfeifer stated that if Mr. Jesse is not going to construct the storage facility for 14 years then the Board
40 shouldn't approve it yet. She said that the Board is supposed to assess if this is a special use permitted
41 understanding today's conditions and anticipating the future. She said that if the Board truly believes that

1 this project should not begin for 14 years then she does not think that anyone knows what the roads will be
2 like or how fast the City of Champaign could grow. She said that the subject property is within one-half
3 mile of the City of Champaign's limits, even though it is located within the City of Champaign's ETJ, and it
4 is adequate for residential development and there are very successful residential pieces which are nearly the
5 exact same shape and size as the subject property that exist very beautifully next to other residential areas,
6 such as, Briarhill Subdivision off of Windsor Road and I-57 and Eagle Ridge. She said that there are
7 approximately forty single family units in Briarhill in value at about \$7 million dollars in property and
8 approximately \$5 million in Eagle Ridge. She said that the property is very useful even as residential and in
9 14 years that is a better use and until recently and all over most of the country, storage facilities are
10 predominately located in industrial zoning districts for a very good reason about what is getting stored in the
11 buildings, how the buildings are maintained, and we have seen them encroach into lower density and lower
12 intensity uses. She said that in this case when this property is annexed into the City of Champaign it will be
13 zoned general commercial and the City of Champaign has slated all of this area for residential therefore a
14 buffer zone will be created because unless this facility looks beautiful like a hotel there won't be a \$500,000
15 property next to it which is where her interested person comes in to play. She said that it is of the utmost
16 importance that this is done well because the closer residential is to this area will determine the types of
17 screening, paving, etc. that will be installed at this facility but at this point the facility will be located out in
18 the country so who would it hurt. She said that in 14 years the economy could turn around, therefore if the
19 property could be developed quicker so that people are aware of it now they could be making their plans and
20 the City of Champaign could adjust its Comprehensive Plan and respond accordingly with sewer, etc. She
21 said that with all of the arguments that the Board has to look at with the policies that are in place, it would be
22 premature to call a special use now that might not even happen for 14 years and that is the language that she
23 is seeing in the memorandum. She said that if Mr. Jesse is truly committed to this project then he should do
24 it now so that everyone knows what it is and it won't be an unforeseen entity. She said that Mr. Jesse may
25 start construction tomorrow but things can happen.

26
27 Mr. Thorsland asked Ms. Pfeifer is the concern of her interested party is that despite the fact that the permit
28 will be authorized and construction has not begun the potential for it to occur is always there.

29
30 Ms. Pfeifer stated yes.

31
32 Mr. Thorsland stated that the interested party should know that if the special use is approved and the
33 potential is there, regardless of when the construction begins and their risk or investment that they choose to
34 partake of in the land adjacent to a permit that has been granted, is up to them. He said that if the investor
35 decides that they do not desire to build a \$250,000 home next to a storage facility that has been approved and
36 is already there, then that is their choice but if they decide to build their \$250,000 home, and Mr. Jesse has
37 the unfortunate accident with the bus, the storage facility is still approved. He said that it is his
38 understanding that Ms. Pfeifer's client is concerned that if Mr. Jesse does not begin construction soon and
39 her client decides to build a \$250,000 home next to the subject property and Mr. Jesse then builds his storage
40 units, that the home will no longer be worth \$250,000. He said that this is a public meeting and the approval
41 will be public record therefore if it takes Mr. Jesse one year to begin construction due to financing then so be

1 it and the only thing that the concerned party needs to know is whether or not Mr. Jesse's request has been
2 approved.
3

4 Ms. Pfeifer stated that her client should assume that the project can be constructed but it doesn't have to.
5 She said that she understands that that this project is a long standing endeavor and that she is before the
6 Board at the eleventh hour and she apologized for her timing. She said that the Board already has a protest
7 from the City of Champaign for the rezoning and she is a little disappointed with their justifications of their
8 protest because she believes that there are more reasons than indicated for the protest but it is hard to untie
9 the rezoning with the special use. She said that she is sure that Mr. Jesse will probably do a very nice
10 development and he has obviously taken this very far down the process and the Board has been working with
11 him since 1995 when he had the expansion. She said that the Board is essentially being asked to change the
12 uses of the entire area that is slated for residential. She said that if this project looked like residential it
13 would be better and staff responding to some concerns has built in some conditions that helps that character
14 but she still believes that this is spot zoning and the Board is pushing the City of Champaign's hand to create
15 buffer zones around the subject property. She said that the storage facility located in Savoy has an empty
16 parcel to the east and its boundaries are pretty much in line with the driveway and then it is residential and
17 she would assume that the developer would have really liked to have taken the land and made it residential
18 because he could have made a lot of money from the land but instead it is a grassy grown up field that isn't
19 used. She suggested that potentially there will be a natural buffer created next to the proposed storage
20 facility because no one is going to want to live next to it unless it looks like the Taj Mahal of storage units.
21 She said that if Mr. Jesse is to construct the facility as indicated to the Board and he has demonstrated a
22 commitment to do something nice, then he should put up the infrastructure in a way that will be as nice as he
23 intends it to be but if we wait 14 years she is not so sure that she has a lot of comfort level in that happening.
24 She said that she has trouble running an 11 acre piece as commercial, which is what it will turn into when it
25 is annexed into the City of Champaign, when it is intended for residential. She said that the Board has a
26 policy or criteria which asks if this use is needed by rural residents that cannot be served in an urban area.
27 She said that she has a storage unit which is located on Country Fair Drive in Champaign and a lot of people
28 do use that facility. She said that she is not sure that there is the market to put that many units out that far
29 away but perhaps Mr. Jesse is pretty confident or hoping that in 14 years there will be enough of a market.
30

31 Ms. Pfeifer stated that it appears that the Board believes in Mr. Jesse and what he is trying to do and the
32 Board would like to not prohibit his intended use but make it happen. She said that the Board should
33 remove Mr. Jesse from the concept and decide whether or not the land will be used in the best way if it is
34 rezoned versus what the City of Champaign has anticipated for the land. She said that Mr. Jesse's use may
35 not occur for 14 years but the rezoning will drive future development because people will need to anticipate
36 whether or not they want to build a \$500,000 home next to the subject property. She said that she would like
37 to see the project start now so that people know what to anticipate in regards to the impact to the roads, etc.,
38 rather than wait 14 years when the character of the area changes completely and they wish that they had
39 never built their home next to this property. She said that fundamentally, any special use which requires an
40 analysis of current conditions and impacts as well as anticipation for the future requires that to be done
41 expeditiously and if the Board really wants to give Mr. Jesse 14 years for completion then they should

1 consider it later when Mr. Jesse is ready to build.
2

3 Mr. Thorsland stated that the reason why Mr. Jesse is before this Board tonight is because he has been
4 working on this project for months and he is not intending on waiting 14 years to begin this project. Mr.
5 Thorsland stated that he understands Ms. Pfeifer's concern and he has reviewed one of the City of
6 Champaign's maps which neglect to indicate Mr. Jesse's established business. He said that an aerial map
7 indicates the various parcels around the subject property and there is an airport which is closer to the
8 residential area than Mr. Jesse's storage facility will be and it is his understanding that most up-scale homes
9 will not appreciate jets flying into the airport near them. He said that the close proximity of the airport may
10 explain why the parcel is still zoned agriculture. He said that the Board had a long discussion about sewer
11 availability and the sewer line that would serve any residential use is many years away therefore if Mr. Jesse
12 wanted to do residential he couldn't because the City is taking too long of time to install the sewer lift
13 station. He said that the Board collectively decided upon the special condition indicating that the Special
14 Use Permit shall be void if the construction has not begun within 5 years. He said that he does not believe
15 that any member of the Board truly believes that Mr. Jesse is going to wait for 14 years to begin construction
16 and only put that in to not force his hand to start this fall.
17

18 Mr. Palmgren stated that this was expanded out because of the phases of the project. He said that Mr. Jesse
19 indicated that he wanted to start this project as soon as he could receive the appropriate approvals. Mr.
20 Palmgren stated that the Board gave Mr. Jesse time to complete all of the phases whether they all be
21 constructed at once or within the 14 year time span. He said that Mr. Jesse obviously believes that there is a
22 market for self storage in this area. Mr. Palmgren stated that the subject property is oddly shaped and abuts
23 I-57 therefore he would not be interested in building a \$500,000 home at that location so that he had to hear
24 the traffic on I-57 all day and night. He said that there is also a drainage ditch located on the other side of
25 the subject property which also limits its use therefore he does not believe that this property is suitable for
26 up-scale residential homes.
27

28 Ms. Capel stated that the Board agreed that it was an unnecessary condition but the Board did want a sunset
29 clause and a timeframe for him to be done yet give him adequate time to complete the construction. She said
30 that the Board mainly wanted to stay out of his business and allow Mr. Jesse to make choices about
31 construction which would be appropriate for him.
32

33 Mr. Thorsland stated that it had a lot to do with the phases and not putting too much restraint on when Mr.
34 Jesse needed to do all the proposed phases and only wanted to make sure that everything was done. He said
35 that the Board does not often deal with cases when the Board needs to determine when projects begin
36 because generally the construction has already begun or is completed before the petitioner comes to this
37 Board. He said that perhaps the Board is a little forgetful in placing a start time on uses because the Board
38 usually has to deal with getting a project stopped until the approvals or denials are finalized. He said that the
39 Board has a sunset clause which puts a bracket on the property/use and any interested party around the
40 subject property should be aware of that and should disclose that to any potential homeowner.
41

1 Mr. Hall stated that the five year threshold for beginning the project was very quick but Ms. Pfeifer does
2 have a good point. He asked the Board if they would feel differently if the project was not started by 10
3 years. He said that most of the things that are reviewed are in areas which do not have a comprehensive plan
4 but only the LRMP and the expectation is that the adjacent land uses will not really change but that is not the
5 case here and there is the timing issue. He said that five years is very quick but if we are going to cut it off at
6 14 years and not even require it to start within 10 years the Board could ask themselves if that is really a
7 consistent approach. He said that it seems unlikely that someone would wait for 14 years but no one can
8 imagine all of the crazy things that people get themselves into on purpose or by accident. He asked the
9 Board to think about what if the project does not start for 10 years and would that change the way that they
10 think about the request.

11
12 Ms. Pfeifer asked if Mr. Jesse has a start time that he would feel comfortable with that the Board could set as
13 a constraint to the special use or does Mr. Jesse want the time left open ended.

14
15 Mr. Thorsland stated that Mr. Jesse has worked on this with no small amount of thought and unfortunately
16 the minutes from the last meeting are not available for referral but Ms. Pfeifer is coming into this hearing
17 late.

18
19 Ms. Pfeifer stated that she realizes that she is late in addressing these requests before the Board and she does
20 not want to be the one to throw a thorn in the side after the Board has spent so much time and consideration
21 with these requests. She said that she is compelled to remind the Board to extract Mr. Jesse from the
22 consideration because the decision is for the land and there are no guarantees that Mr. Jesse will be the one
23 to execute what the Board could be permitting. She said that she understands that extracting Mr. Jesse will
24 be very difficult because he is the current petitioner but it is the land and the use of the land that is important.
25 She said that it is nice to have someone who is so conscientious and has demonstrated his intended use but at
26 the same time there is no guarantee and the Board has to incorporate a worst case scenario review during
27 their decision.

28
29 Ms. Pfeifer stated that she would like to repeat her previous statement that the shape and size of this parcel is
30 demonstrated very similarly to two highly successful well sought after single family developments which are
31 located two miles north of the subject property. She said that the developments are adjacent to Lincolnshire
32 Fields and Briar Hill Subdivision and include 40 units and even though they are attached they are single
33 family and have separate associations for each four unit building. She said that there have been seven
34 turnovers in property ownership in this area with an average sale price of \$182,000 which is not an
35 insignificant amount of money that that investment would make. She said that across the street is Eagle
36 Ridge Subdivision which is similar to the subject property in that it abuts I-57 and Windsor Road, another
37 arterial with an overpass that is not an interchange, with 26 units at a sale price of \$200,000. She said that it
38 is not that the subject property is improper or couldn't be developed in accordance with the City of
39 Champaign's intended use.

40
41 Mr. Thorsland pointed out that Mr. Jesse is before the Board tonight as the owner of the subject property and

1 the City of Champaign is not even close to his property at this time. He said that the City of Champaign
2 does not own the parcel nor does the interested party who has brought Ms. Pfeifer before this Board tonight.
3 He said that the Board worked on the case as presented by the current petitioner therefore as difficult as it
4 may seem to detach Mr. Jesse from the land it is because Mr. Jesse is the current owner of the land and he
5 would probably protest the Board for attempting to detach him from it. He said that the Board has thought a
6 lot about this case and has inserted a sunset clause as a special condition and because of Ms. Pfeifer's
7 client's concerns staff has suggested some conditions that the Board does not often see in a special use
8 permit such as the interior of the structure. He said that he does not remember seeing a condition regarding
9 the interior of the structure during his time on the Board. He said that the Board often works with the
10 appearance and aesthetics of a structure because of other concerned parties and the Board is very responsive
11 to other people's concerns but the Board has worked on the case for a long time and he is not sure how the
12 rest of the Board feels about changing any of the numbers. He said that Mr. Hall suggested that the 14 years
13 of the date of authorization could be changed to 10 years. Mr. Thorsland stated that he is pretty confident
14 that Mr. Jesse intends to stay safe and start as soon as possible but will not start until the County allows him
15 to do so. He said that there are four Board members present tonight and he is sure that the Board will further
16 discuss the case during its review of the Summary of Evidence.

17
18 Mr. Thorsland asked the Board if there were any questions for Ms. Pfeifer and there were none.

19
20 Mr. Randol reiterated that the Board has put a lot of time in on these cases and reviewed different avenues.
21 He said that these cases were first presented to the Board in May and they have taken up several meetings
22 therefore he does not believe that the Board needs to back up and change their way of thinking.

23
24 Mr. Thorsland asked if staff had any questions for Ms. Pfeifer and there were none.

25
26 Mr. Hall stated that he needs to correct Mr. Thorsland's statement regarding the change in the special
27 condition. He said that the change that the ten years that he was suggesting was changing the five years to
28 ten years in the first paragraph He said that it is true that the Board has worked for some time on these cases
29 but this condition was just proposed at the last meeting and ten years was in the second part but was not in
30 the first part and when you do that it materially changes things. He said that the process of designing these
31 conditions and doing these scenarios when you start with ten in the second part and don't consider it being
32 the second part really changes it and that is what he wants the Board to consider.

33
34 Mr. Thorsland asked the Board if they had any comments or questions for Mr. Hall or Ms. Pfeifer and there
35 were none.

36
37 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Pfeifer and there was no one.

38
39 Mr. Thorsland called Keith Padgett to testify.

40
41 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that the areas that were previously

1 described, Eagle Ridge Road and Briar Hill Drive, are his township's responsibility for maintenance and he
2 knows the roads very well. He said that the areas are very nice and the garages are out towards the road and
3 the back of the homes face the Lincolnshire Golf Course which makes their location pretty nice. He said that
4 perhaps in the future a golf course will be constructed on the other side of the ditch along Mr. Jesse's
5 property so that people won't have to look at the interstate or Old Church Road but he does not believe that
6 it will happen. He said that he has attended several of the meetings related to the case and he has heard Mr.
7 Jesse testify and as cooperative as Mr. Jesse has been with the Board in updating the site plan that he will not
8 wait 14 years to build this project. Mr. Padgett said that he believes that as soon as the County gives Mr.
9 Jesse the okay that he will begin as soon as possible and will not wait 14 years to build this project. He said
10 that he certainly appreciates what the Board does and he believes that Mr. Jesse feels the same way.

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

13
14 Mr. Thorsland asked if staff had any questions for Mr. Padgett and there were none.

15
16 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Padgett and there was no one.

17
18 Mr. Thorsland called Charles Jesse to the witness microphone.

19
20 Mr. Thorsland asked Mr. Jesse when he intends to begin Phase I.

21
22 Mr. Jesse stated that he intends to begin Phase I as soon as he possibly can.

23
24 Mr. Thorsland stated that Mr. Jesse has seen the changes to the proposed special conditions and some of
25 which just happened tonight and he was here during the discussion of proposed special condition E. where
26 the Board struck E.(1) which indicated that the special use permit shall be void if the construction has not
27 begun within 5 years and part of the reason that the Board did that was because Mr. Jesse indicated his
28 eagerness to start. Mr. Thorsland asked Mr. Jesse if he would be uncomfortable with the Board adding back
29 in E.(1) with the revision of 10 years in lieu of 5 years.

30
31 Mr. Jesse stated that he would have no problem with that revision.

32
33 Mr. Thorsland stated that the Board was very clear that they did not want to put too short of a sunset on this
34 special use in case that it took time to complete. He said that he would like to keep the 15 years for
35 completion as stated. He asked Mr. Jesse if he was agreeable to the fact that the project must begin within
36 10 years if the requests are approved.

37
38 Mr. Jesse stated yes.

39
40 Mr. Thorsland stated that the Board will review the conditions again at a later time. He asked Mr. Jesse if he
41 would like to add new testimony.

1

2 Mr. Jesse stated that the good news is that his wife and two sons are involved in the business therefore the
3 bus would have to hit all of them and not just him. He said that the self-storage business is competitive and
4 he realizes that he is out a ways therefore he will have to make his facility very nice because if it is not
5 people will not come there. He said that he intends to bring some of the people from the other storage
6 facilities to his facility because those people would like to keep their things at a nicer place. He said that he
7 has been competing in business for over 32 years and he does not claim to know it all but he does know for
8 sure that it is going to benefit him to keep the facility very nice so that people want to patronize his facility.

9

10 Mr. Thorsland stated that Mr. Jesse indicated at the last meeting that people desire self-storage to be within
11 three miles of their home and he assumes that there is a significant population within three miles of the
12 proposed facility.

13

14 Mr. Jesse stated yes.

15

16 Mr. Thorsland asked the Board if there were any questions for Mr. Jesse and there were none.

17

18 Mr. Thorsland asked if staff had any questions for Mr. Jesse and there were none.

19

20 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Jesse and there was no one.

21

22 Mr. Thorsland closed the witness register.

23

24 Mr. Thorsland stated that the revised Draft Finding of Fact dated September 12, 2013, includes all the
25 Board's findings from the last meeting for Case 758-AM-13. He said that at the last meeting the Board
26 reviewed all of the LRMP and the *Sinclair* and *LaSalle* sections and its relevance to the Ordinance and
27 reviewed the Summary of Evidence. He asked staff if there were any new additions to the Documents of
28 Record.

29

30 Mr. Hall stated that the following items should be added to the Documents of Record as follows: # 37:
31 Supplemental Memorandum dated September 12, 2013, with attachments; and #38: e-mail and photographs
32 submitted by Kelly Pfeifer dated September 12, 2013. He said that item #8 on pages 3 and 4 of the Finding
33 of Fact needs to be updated as follows: #8.A. The revised site plan received September 6, 2013, indicates
34 the following existing and proposed improvements:; and #8.A.(2)(e)i: A 45' x 150' storage building with 11
35 units; and #8.A.(2)(e)ii: A 90' x 130' storage building with 96 units of varying sizes; and #8.a.(2)(f)i: A 40'
36 x 130' storage building with 11 units; and #8.A.(2)(g)i: A 40' x 130' storage building with 11 units; and
37 #8.A.(2)(g)ii: A 90' x 130' storage building with 96 units of varying sizes.

38

39 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
40 of Fact as amended.

41

1 Mr. Palmgren asked if the square footage would change due to the change in dimensions of the buildings.

2
3 Mr. Hall stated that staff did not actually report the square footage of the buildings. He said that the square
4 footage indicated is impervious area and it will change a little bit but he did not have time to make that
5 change today.

6
7 **Mr. Palmgren moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of**
8 **Record and Findings of Fact as amended. The motion carried by voice vote.**

9
10 Mr. Thorsland entertained a motion to move to a final determination for Case 758-AM-13.

11
12 **Mr. Randol moved, seconded by Ms. Capel to move to a final determination for Case 758-AM-13. The**
13 **motion carried by voice vote.**

14
15 Mr. Thorsland informed Mr. Jesse that two Board members are absent and one Board seat is vacant therefore
16 it is at his discretion to either continue Case 758-AM-13 until a full Board is present or request that the
17 present Board move forward to the Final Determination. He informed Mr. Jesse that four affirmative votes
18 are required for approval.

19
20 Mr. Jesse requested that the present Board move to the final determination for Case 758-AM-13.

21
22 **Final Determination for Case 758-AM-13:**

23
24 **Ms. Capel moved, seconded by Mr. Palmgren that pursuant to the authority granted by Section 9.2 of**
25 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
26 **determines that the Zoning Ordinance Amendment requested in Case 758-AM-13 should BE**
27 **ENACTED by the County Board in the form attached hereto.**

28
29 Mr. Thorsland requested a roll call vote.

30
31 The roll was called:

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

35
36 Mr. Hall informed Mr. Jesse that Case 758-AM-13 has received a recommendation of approval therefore the
37 case will be forwarded to the Environment and Land Use Committee meeting on October 3, 2013, and then
38 will be forwarded to the County Board meeting on October 24, 2013.

39
40 Mr. Thorsland called for a five minute recess.

1 **The Board recessed at 8:05 p.m.**

2 **The Board resumed at 8:10 p.m.**

3

4 Mr. Thorsland stated that the Board will now review Case 759-S-13. He said that the Board has before them
5 a Summary of Evidence dated August 29, 2013, and there are decision points which the Board needs to
6 review. He said that for the sake of clarity he asked the audience if anyone desired to add any new testimony
7 for this case before the Board works through the Summary of Evidence and there was no one.

8

9 Mr. Thorsland stated that item #7.G on page 10 is the first decision point for the Board which reads as
10 follows: The evidence in related Case 758-AM-13 established that the proposed Special Use IS/IS NOT a
11 service better provided in a rural area than in an urban area. He said that the Board did receive testimony
12 that there are people who use these facilities typically within three miles of their home and testimony that
13 there are multiple homes within three miles of this proposed use. He entertained an IS/IS NOT
14 determination from the Board.

15

16 Ms. Capel stated that the evidence in related Case 758-AM-13 established that the proposed Special Use IS a
17 service better provided in a rural area than in an urban.

18

19 The Board agreed.

20

21 Mr. Thorsland stated that item #8.M. on page 15 is the next decision point for the Board which reads as
22 follows: The Special Use WILL/WILL NOT be compatible with adjacent uses because the evidence in
23 related Case 758-AM-13 established that the proposed Special Use WILL/WILL NOT interfere with
24 agricultural operations and the subject site IS/IS NOT suitable for the proposed Special Use.

25

26 Mr. Palmgren stated that the Special Use WILL be compatible with adjacent uses because the evidence in
27 related Case 758-AM-13 established that the proposed Special Use WILL NOT interfere with agricultural
28 operations and the subject site IS suitable for the proposed Special Use.

29

30 The Board agreed.

31

32 Mr. Thorsland stated that item #9.G(2) is an additional decision point for the Board which reads as follows:
33 Compatibility of the proposed Special Use with surrounding agriculture was evaluated in related Case 758-
34 AM-13 under review of Land Resource Management Plan Objective 4.2 regarding interference with
35 agricultural operations and the Zoning Board of Appeals found that the proposed Special Use WILL/WILL
36 NOT interfere with agricultural operations.

37

38 Mr. Thorsland stated that compatibility of the proposed Special Use with surrounding agriculture was
39 evaluated in related Case 758-AM-13 under review of Land Resource Management Plan Objective 4.2
40 regarding interference with agricultural operations and the Zoning Board of Appeals found that the proposed
41 Special Use WILL NOT interfere with agricultural operations.

1

2 The Board agreed.

3

4 Mr. Thorsland stated that the Board will now review the proposed special conditions under item #12. Mr.
5 Thorsland read proposed special condition 12.A. as follows:6 **A. A complete Stormwater Drainage Plan that conforms to the requirements of the**
7 **Stormwater Management Policy shall be submitted and approved as part of the Zoning**
8 **Use Permit Application for Phase I construction and all required certifications shall be**
9 **submitted after construction prior to issuance of the Zoning Compliance Certificate.**

10 The special condition stated above is required to ensure the following:

11 **That the drainage improvements conform to the requirements of the Stormwater**
12 **Management Policy.**

13

14 Mr. Thorsland asked Mr. Jesse if he agreed with proposed special condition 12.A.

15

16 Mr. Jesse indicated that he agreed.

17

18 Mr. Thorsland read proposed special condition 12.B. as follows:

19

20 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
21 **authorizing occupancy of the proposed self-storage warehouses until the Zoning**
22 **Administrator has received a certification of inspection from an Illinois Licensed**
23 **Architect or other qualified inspector certifying that the new building complies with**
24 **the following codes: (A) The 2006 or later edition of the International Building Code;**
25 **(B) The 2008 or later edition of the National Electrical Code NFPA 70; and (c) the**
26 **Illinois Plumbing Code.**

27 The special condition stated above is required to ensure the following:

28 **That the proposed structure is safe and in conformance with Public Act 96-704.**

29

30 Mr. Thorsland asked Mr. Jesse if he agreed with proposed special condition 12.B.

31

32 Mr. Jesse indicated that he agreed.

33

34 Mr. Thorsland read proposed special condition 12.C as follows:

35

36 **C. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner**
37 **has demonstrated that any new or proposed exterior lighting on the subject property**
38 **will comply with the lighting requirements of Section 6.1.2.**

39 The proposed special condition stated above is required to ensure the following:

40 **That any proposed exterior lighting is in conformance with the Zoning Ordinance.**

41

1 Mr. Thorsland asked Mr. Jesse if he agreed with proposed special condition 12.C.

2

3 Mr. Jesse indicated that he agreed.

4

5 Mr. Thorsland read proposed special condition 12.D. as follows:

6

7 **D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
8 **proposed self-storage warehouses until the petitioner has demonstrated that the**
9 **proposed Special Use complies with the Illinois Accessibility Code.**

10 The special condition stated above is necessary to ensure the following:

11 **That the proposed Special Use meets applicable state requirements for accessibility.**

12

13 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition 12.D.

14

15 Mr. Jesse indicated that he agreed.

16

17 Mr. Thorsland stated that at the last meeting the Board struck proposed special condition E.(1) indicated in
18 the September 5, 2013, memorandum. He said that tonight there is a proposal and the petitioner has
19 indicated that he is in agreement to reinstate proposed special condition E.(1) and change the five years to 10
20 years. He asked the Board if they agreed with the following:

21

22 **E. Regarding the timing of construction and establishment of the proposed Special Use:**

23 **(1) The Special Use Permit shall be void if the construction of the proposed Self-**
24 **Storage Warehouses has not begun within 10 years of the date of authorization**
25 **of Case 759-S-13.**

26

27 The Board agreed.

28

29 Mr. Thorsland read proposed special condition E.(2) as follows:

30

31 **(2) The Zoning Administrator shall not authorize a Zoning Use Permit for**
32 **construction of a Self-Storage Warehouse on the subject property after 9 years**
33 **of the date of authorization of Case 759-S-13 and all construction must be**
34 **completed within 10 years of the date of authorization of Case 759-S-13.**

35 The proposed special condition is necessary to ensure the following:

36 **That the proposed Special Use is established and constructed in a timely manner**
37 **in order to provide future surrounding land uses knowledge as to what will be**
38 **constructed on the subject property.**

39

40 Mr. Thorsland proposed that E.(2). be revised to indicate 10 and 15 years in lieu of 9 and 10 years.

41

1 Ms. Capel disagreed and indicated that E.(2) should indicate 14 and 15 years in lieu of 9 and 10 years.

2

3 Mr. Thorsland stated that revised special condition E. would read as follows:

4 **E. Regarding the timing of construction and establishment of the proposed Special Use:**

5 (1) **The Special Use Permit shall be void if the construction of the proposed Self-**
6 **Storage Warehouses has not begun within 10 years of the date of authorization**
7 **of Case 759-S-13.**

8 (2) **The Zoning Administrator shall not authorize a Zoning Use Permit for**
9 **construction of a Self-Storage Warehouse on the subject property after 14 years**
10 **of the date of authorization of Case 759-S-13 and all construction must be**
11 **completed within 15 years of the date of authorization of Case 759-S-13.**

12 The proposed special condition is necessary to ensure the following:

13 **That the proposed Special Use is established and constructed in a timely manner**
14 **in order to provide future surrounding land uses knowledge as to what will be**
15 **constructed on the subject property**

16

17 Mr. Thorsland entertained a motion to approve proposed special condition E. as amended.

18

19 **Ms. Capel moved, seconded by Mr. Palmgren to approve proposed special condition E. as amended.**
20 **The motion carried by voice vote.**

21

22 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition E. as amended.

23

24 Mr. Jesse indicated that he agreed.

25

26 Mr. Thorsland read proposed special condition F. as follows:

27

28 **F. Regarding security on the subject property:**

29 (1) **The Zoning Administrator shall not authorize a Zoning Use Permit until written**
30 **documentation has been provided from the petitioner that the relevant fire**
31 **protection district will have access through the security gate at all times.**

32 (2) **The zoning Administrator shall not authorize a Zoning Compliance Certificate**
33 **until the petitioner has installed security cameras.**

34 The special condition stated above is necessary to ensure the following:

35 **That the petitioner provides adequate security measures and provides access to**
36 **appropriate public safety agencies.**

37

38 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition F.

39

40 Mr. Jesse indicated that he agreed.

41

1 Mr. Thorsland read proposed special condition G. as follows:
2

3 **G. No construction or planting of any tree and shrub screening shall occur within the**
4 **Kaskaskia Drainage District easement that extends 30 feet from the top of the bank of**
5 **the drainage ditch.**

6 The special condition stated above is necessary to ensure the following:

7 **That no construction or vegetation impedes the access of the Drainage District.**

8 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition G.
9

10 Mr. Jesse agreed.
11

12 Mr. Thorsland read proposed special condition H. as follows:
13

14 **H. The proposed self-storage buildings shall be no taller than 35 feet in height.**

15 The special condition stated above is necessary to ensure the following:

16 **That the proposed construction is of a reasonable height in a zoning district with no**
17 **maximum height requirements.**

18
19 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition H.
20

21 Mr. Jesse indicated that he agreed.
22

23 Mr. Thorsland read proposed special condition I. as follows:
24

25 **I. The only two principal uses authorized by Case 759-S-13 are a Contractors Facility**
26 **with outdoor storage and/or outdoor operations and self-storage warehouses providing**
27 **heat and utilities to individual units. Other uses that can be established by right in the**
28 **B-1 District may be established if they are the only use on the subject property other**
29 **than agriculture.**

30 The special condition stated above is necessary to ensure the following:

31 **That the petitioner and future landowners understand the requirements of the Zoning**
32 **Ordinance.**

33
34 Mr. Thorsland asked Mr. Jesse if he agreed with proposed special condition I.
35

36 Mr. Jesse indicated that he agreed.
37

38 Mr. Thorsland read proposed special condition J. as follows:
39

40 **J. The development of the site must be the same as in the approved site plan that consists**
41 **of the following:**

- 1 (1) the Revised Site Plan received September 6, 2013; and
- 2 (2) the annotated site plan to show farm equipment access received August 28,
- 3 2013; and
- 4 (3) the excerpt of site plan to show location of existing septic system and leach field
- 5 received August 28, 2013.

6 The special condition stated above is required to ensure the following:
 7 **That the development of the site is the same as described in the public hearing.**

8
 9 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition J.

10
 11 Mr. Jesse indicated that he agreed.

12
 13 Mr. Thorsland read proposed special condition K. as follows:

14
 15 **K. Regarding outdoor storage at the self-storage warehouses:**

- 16 (1) Outdoor storage shall only occur in the area on the plan indicated for outside
- 17 storage.
- 18 (2) All outside storage shall be screened as required by the Zoning Ordinance.
- 19 (3) Outside storage shall only be for vehicles and equipment intended to be used
- 20 outdoors.
- 21 (4) Vehicles and equipment kept in outdoor storage shall be whole and intact and
- 22 no repairs shall be conducted outdoors.

23 The special condition stated above is required to ensure the following:
 24 **The actual use of the property shall be consistent with the testimony and with**
 25 **the Ordinance.**

26
 27 Mr. Thorsland entertained a motion to approve proposed special condition K.

28
 29 **Ms. Capel moved, seconded by Mr. Palmgren to approve proposed special condition K. The motion**
 30 **carried by voice vote.**

31
 32 Mr. Thorsland asked Mr. Jesse if he agreed to proposed special condition K.

33
 34 Mr. Jesse indicated that he agreed.

35
 36 Mr. Thorsland read proposed special condition L. as follows:

37
 38 **L. If either the Contractor Facility ceases to operate on the property or if the Contractor**
 39 **Facility comes under separate management that the self-storage warehouses, a**
 40 **caretaker dwelling for the self-storage warehouses shall be established on the property**
 41 **as follows:**

- 1 (1) The caretaker dwelling shall be established within six months of either the
2 cessation of the Contractor Facility operations or the start of separate
3 management of the Contractor Facility.
4 (2) The caretaker dwelling shall be occupied by an employee or owner of the self-
5 storage warehouses.
6 (3) The caretaker dwelling shall be provided with video monitoring of the self-
7 storage warehouses.
8 (4) The caretaker dwelling may be located either in an existing Contractor Facility
9 building or the caretaker dwelling may be constructed to replace an existing
10 Contractor Facility building or it may be constructed in the area proposed for
11 the self-storage warehouses in which case the caretaker dwelling shall be
12 counted as part of the authorized square footage of the self-storage warehouses.
13

14 Ms. Capel asked if this special condition is to limit the construction of a separate structure for the caretaker
15 dwelling because it isn't indicated on the site plan.
16

17 Mr. Hall stated that he was trying to keep the area that is developed from creeping out and taking up more
18 of the site. He said that some people may disagree because it is just a dwelling and if the property is going to
19 be surrounded by dwellings then what would be one more dwelling. He said that the Board may not want
20 the dwelling to count against the self-storage space but that is how it is written.
21

22 Ms. Capel stated that in 14 years down the road when all of the phases are constructed and the self-storage
23 warehouse may be managed by a different owner the caretaker would have to reside in the area proposed for
24 self-storage.
25

26 Mr. Jesse asked if the Board is talking about someone actually living inside one of the self-storage units
27 because the way that it is set up now no one is living there.
28

29 Mr. Hall stated that currently Mr. Jesse's business is open six days per week therefore he knows what is
30 going on but in the event that somehow the self-storage facility falls under different management he was
31 making the Board aware that someone needs to be there so that they know what is going on.
32

33 Mr. Jesse stated that most self-storage sites only have someone present during normal operation hours and he
34 assumed that this is how he would operate as well. He said that requiring someone to live onsite appears to
35 be too restrictive.
36

37 Mr. Hall informed Mr. Jesse that he has to agree to the condition therefore he if disagrees then now is the
38 time to discuss it.
39

40 Mr. Jesse stated that he doesn't plan on going anywhere therefore he is not going to argue the point.
41

1 Mr. Thorsland stated that he can see two things happening with special condition L. He said that if Mr. Jesse
2 splits the business off to someone else the special condition requires that a caretaker reside on the property
3 but he agrees with Mr. Jesse in that most self-storage warehouses do not operate as such. He said that the
4 facility is a self-storage warehouse and not a hotel therefore there is access for the customers and someone is
5 there to manage the facility during regular business hours and security measures are taken during the rest of
6 the time. He said that the footprint which is indicated on the site plan would not substantially change at all
7 because if all of the phases were finished the caretaker would either renovate one of the existing units or
8 move into the plumbing business. He said that he is not entirely comfortable with the caretaker portion of
9 special condition L. and he is not overly uncomfortable in assuming that if the business was sold that both
10 parts would go together and the nice building could presumably be turned into a residence for a caretaker
11 although he is not comfortable with making a caretaker living there. He said that he is not uncomfortable
12 with keeping the footprint the same because at some point after 14 years when the project is completely
13 established, unless the new owner comes back for a variance for a caretaker's dwelling in the agricultural
14 portion of the property, this site plan is pretty set. He said that he would be happier if the Board worked on
15 making the footprint look the same should both uses become separate entities but he is not comfortable with
16 dictating the employment of a caretaker and where that person has to live.
17

18 Ms. Capel stated that it is very common for these things to have an office with office hours.
19

20 Mr. Thorsland stated that there is an office indicated which will have office hours.
21

22 Mr. Jesse agreed.
23

24 Ms. Capel stated that one way to word the special condition is that the office shall be actively staffed full-
25 time.
26

27 Mr. Thorsland stated that if the petitioner no longer operates the storage facility the storage facility needs to
28 have staff present during normal business hours.
29

30 Mr. Randol stated that the petitioner could sell the plumbing business and keep the self-storage warehouse.
31 He said that the special condition should indicate that the self-storage facility shall be staffed during normal
32 business hours. He said that he does not agree with the County dictating that someone has to live on site.
33

34 Mr. Thorsland stated that the Board needs to make sure that the self-storage has adequate supervision during
35 normal business hours located within the site plan.
36

37 Mr. Randol stated that the supervision could be done from any of the units.
38

39 Mr. Thorsland stated that he does not want to indicate where the supervision should take place from.
40

41 Mr. Hall stated that perhaps the Board would want to replace "caretaker dwelling" with "management

1 office” or just add “management office.”

2
3 Mr. Thorsland stated that he agrees with the insertion of “management office.”

4
5 Mr. Hall stated that the change can be made throughout special condition L.

6
7 Mr. Thorsland stated that revised special condition L. would read as follows:

8
9 **L. If either the Contractor Facility ceases to operate on the property or if the Contractor**
10 **Facility comes under separate management that the self-storage warehouses, a**
11 **caretaker dwelling or management office for the self-storage warehouses shall be**
12 **established on the property as follows:**

13 (1) **The caretaker dwelling or management office shall be established within six**
14 **months of either the cessation of the Contractor Facility operations or the start**
15 **of separate management of the Contractor Facility.**

16 (2) **If a caretaker dwelling, it shall be occupied by an employee or owner of the self-**
17 **storage warehouses or if a management office it shall be staffed during normal**
18 **business hours.**

19 (3) **The caretaker dwelling or management office shall be provided with video**
20 **monitoring of the self-storage warehouses.**

21 (4) **The caretaker dwelling or management office may be located either in an**
22 **existing Contractor Facility building or the caretaker dwelling or management**
23 **office may be constructed to replace an existing Contractor Facility building or**
24 **it may be constructed in the area proposed for the self-storage warehouses in**
25 **which case the caretaker dwelling or management office shall be counted as part**
26 **of the authorized square footage of the self-storage warehouses.**

27
28 (5) **The caretaker dwelling or management office must be authorized by a Zoning**
29 **Use Permit.**

30 The special condition stated above is required to ensure the following:
31 **Adequate security and management for the self-storage warehouses.**

32
33 Mr. Thorsland asked Mr. Jesse if he agreed with special condition L.

34
35 Mr. Jesse indicated that he agreed with special condition L.

36
37 Mr. Thorsland entertained a motion to approve special condition L. as amended.

38
39 **Mr. Randol moved, seconded by Mr. Palmgren to approve special L. as amended. The motion carried**
40 **by voice vote.**

41

1 Mr. Thorsland read proposed special condition M. as follows:

2

3 **M. Regarding future property maintenance:**

4 **(1) The exterior of the property shall be kept free of litter, garbage and debris.**

5 **(2) All landscaping on the property shall be maintained in a healthy condition and**
6 **non-woody vegetation shall be maintained at no more than 6 inches in height;**
7 **and that part of the property that is not used for the contractor facility or the**
8 **self-storage warehouses or the detention basin shall be kept in agriculture or**
9 **non-woody vegetation maintained at no more than 6 inches in height; and the**
10 **detention basin shall be kept free of woody vegetation.**

11

12 Ms. Capel recommended that that the last portion of M.(2) should be revised as follows: and the detention
13 basin shall be kept free of woody vegetation and non-woody vegetation maintained at no more than 6 inches
14 in height.

15

16 Mr. Hall recommended 24 inches in the detention basin because many times it will be difficult to mow the
17 detention basin.

18

19 Mr. Thorsland stated that amended M.(2) shall read as follows:

20

21 **(2) All landscaping on the property shall be maintained in a healthy condition and**
22 **non-woody vegetation shall be maintained at no more than 6 inches in height;**
23 **and that part of the property that is not used for the contractor facility or the**
24 **self-storage warehouses or the detention basin shall be kept in agriculture or**
25 **non-woody vegetation maintained at no more than 6 inches in height; and the**
26 **detention basin shall be kept free of woody vegetation and non-woody**
27 **vegetation maintained at no more than 24 inches in height.**

28

29 The Board agreed with amended M(2).

30

31 **(3) The exterior of all self-storage warehouse buildings shall be maintained in a**
32 **structurally sound and weatherproof condition and free from holes, or defects**
33 **that allow rain or weather to enter and any exterior finish that is peeling,**
34 **chipping, flaking or abraded shall be repaired.**

35 **(4) All exterior doors, door assemblies, and hardware shall be maintained in good**
36 **condition.**

37 **(5) The interior of all self-storage warehouse buildings shall be maintained in good**
38 **repair, structurally sound and in a sanitary condition and any paint that is**
39 **peeling, chipping, flaking, or abraded shall be repaired.**

40

41 Ms. Capel stated that the portion of M(5) regarding paint should be stricken.

1
2 Mr. Thorsland stated that he would recommend that all of M(5) be stricken. He said that it is in the best
3 interest of the owner to not allow the tenants to trash the units and if the tenant does trash the unit the owner
4 will evict the tenant.

5
6 Ms. Capel stated that M(5) is consistent with M(4).

7
8 Mr. Thorsland recommended that M(5) only indicate the following:

- 9
10 **(5) The interior of all self-storage warehouse buildings shall be maintained in good**
11 **repair.**

12
13 The Board agreed with amended M(5).

- 14
15 **(6) All paving in the self-storage warehouse shall be maintained in a structurally**
16 **sound and weatherproof condition and free of vegetation.**
17 The special condition stated above is required to ensure the following:
18 **Continuation of the existing, very good property maintenance.**

19
20 Mr. Thorsland asked Mr. Jesse if he agreed with amended special condition M.

21
22 Mr. Jesse indicated that he agreed with amended special condition M.

23
24 Mr. Thorsland entertained a motion to approved special condition M. as amended.

25
26 **Ms. Capel moved, seconded by Mr. Palmgren to approve special condition M. as amended. The**
27 **motion carried by voice vote.**

28
29 Mr. Thorsland asked staff if there were any additions to the Documents of Record.

30
31 Mr. Hall stated that the additions to the Documents of Record are as follows: #32: Revised Land Use Map
32 dated August 29, 2013; and #33: Revised Zoning Map dated August 29, 2013; and #34: Growth Area
33 Potential: Service Capacity Analysis Map “E” from the City of Champaign Comprehensive Plan; and #35:
34 Revised Site Plan received September 4, 2013; and #36 Supplemental Memorandum for Cases 758-AM-12
35 & 759-S-13 dated September 5, 2013, with attachments: A. Revised Site Plan received September 4, 2013;
36 and B. Case 758-AM-13 Revised Draft Finding of Fact; and #37: Supplemental Memorandum for Cases
37 758-AM-12 & 759-S-13 dated September 12, 2013, with attachments: A. Revised Site Plan received
38 September 6,2013; and #38: Email and photos submitted by Kelly Pfeifer on September 12, 2013.

39
40 **Finding of Fact for Case 759-S-13:**

41

1 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
2 759-S-13 held on July 25, 2013; August 29, 2013; and September 12, 2013, the Zoning Board of Appeals of
3 Champaign County finds that:

4
5 **1. The requested Special Use Permit IS necessary for the public convenience at this**
6 **location.**

7
8 Mr. Thorsland stated that the requested Special Use Permit IS necessary for the public convenience at this
9 location because the business would serve the current and future residents of defined Growth Area E as
10 called out by the City of Champaign. He said that its location would reduce road miles needed to utilize the
11 facility and not require the additional sanitary sewer connections that multiple homes require and these two
12 concerns are both indicated as challenges by the city of Champaign. He said that this use is a low impact
13 solution that will serve a known customer base.

14
15 The Board agreed.

16
17 Mr. Hall read Mr. Thorsland’s finding as follows:

- 18
19 • This business would serve the current and future residents of defined Growth
20 Area E as called out by the City of Champaign.
21 • Its location would reduce road miles needed to utilize the facility and not
22 require the additional sanitary sewer connections that multiple homes require.
23 • These two concerns are both indicated as challenges by the City of Champaign.
24 • This use is a low impact solution that will serve a known customer base.

25
26 Mr. Hall stated that he does not understand why the additional sanitary sewer connections are mentioned.

27
28 Mr. Thorsland stated that testimony from the petitioner indicated that none of the septic system requirements
29 go up because of the proposed use and even with the caretaker dwelling or management office the septic
30 system would still be adequate, but of course that is up to the Health Department to decide. He said that
31 future sanitary connection was a big concern from the City of Champaign.

32
33 Mr. Thorsland asked the Board if they agreed with the findings as read.

34
35 The Board agreed.

36
37 **2. The requested Special Use Permit, subject to the special conditions imposed herein, is**
38 **so designed, located, and proposed to be operated so that it WILL NOT be injurious to**
39 **the district in which it shall be located or otherwise detrimental to the public health,**
40 **safety, and welfare.**

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- a. **The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.**

Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

- b. **Emergency services availability is ADEQUATE.**

Mr. Randol stated that emergency services availability is ADEQUATE.

- c. **The Special Use WILL be compatible with adjacent uses.**

Mr. Palmgren stated that the Special Use WILL be compatible with adjacent uses.

- d. **Surface and subsurface drainage will be ADEQUATE.**

Mr. Palmgren stated that surface and subsurface drainage will be ADEQUATE.

- e. **Public safety will be ADEQUATE**

Ms. Capel stated that public safety will be ADEQUATE.

- f. **The provisions for parking will be ADEQUATE.**

Mr. Randol stated that the provisions for parking will be ADEQUATE.

- g. **The property is BEST PRIME FARMLAND and the property with the proposed improvements IS WELL SUITED OVERALL.**

Mr. Palmgren stated that the property is BEST PRIME FARMLAND and the property with the proposed improvements IS WELL SUITED OVERALL.

- h. **The existing public services ARE available to support the proposed special use effectively and safely without undue public expense.**

Ms. Capel stated that the existing public services ARE available to support the proposed special use effectively and safely without undue public expense.

- i. **The only existing public infrastructure together with proposed improvements ARE adequate to support the proposed development effectively and safely without undue public expense.**

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Mr. Randol stated that the only existing public infrastructure together with proposed improvements ARE adequate to support the proposed development effectively and safely without undue public expense.

Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions 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.

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.

Ms. Capel 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 because:

a. The Special Use will be designed to CONFORM to the relevant County ordinances and codes.

Ms. Capel stated that the Special Use will be designed to CONFORM to the relevant County ordinances and codes.

b. The requested Special Use Permit WILL be compatible with adjacent uses.

Mr. Randol stated that the requested Special Use Permit WILL be compatible with adjacent uses.

c. Public safety will be ADEQUATE.

Mr. Palmgren stated that public safety will be ADEQUATE.

Mr. Thorsland 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.

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 because:

a. The Special Use is authorized in the District.

b. The requested Special Use Permit IS necessary for the public convenience at this

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location.

Mr. Palmgren stated that the requested Special Use Permit IS necessary for the public convenience at this location.

- c. The requested Special Use Permit, subject to the special conditions 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. Randol stated that the requested Special Use Permit, subject to the special conditions 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.

- d. 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.**

Ms. Capel 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.

Mr. Thorsland 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.

- 5. The requested Special Use IS NOT an existing nonconforming use.**

Mr. Thorsland stated that the requested Special Use IS NOT an existing nonconforming use.

- 6. The special conditions imposed herein are required to ensure compliance with the criteria for special use permits and for the particular purposes described below:**

- A. A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit Application for Phase I construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate. The special condition stated above is required to ensure the following:
That the drainage improvements conform to the requirements of the Stormwater Management Policy.**

- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed self-storage warehouses until the Zoning**

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Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and (c) the Illinois Plumbing Code.

The special condition stated above is required to ensure the following:

That the proposed structure is safe and in conformance with Public Act 96-704.

C. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.

The proposed special condition stated above is required to ensure the following:

That any proposed exterior lighting is in conformance with the Zoning Ordinance.

D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed self-storage warehouses until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

The special condition stated above is necessary to ensure the following:

That the proposed Special Use meets applicable state requirements for accessibility.

E. Regarding the timing of construction and establishment of the proposed Special Use:

(1) The Special Use Permit shall be void if the construction of the proposed Self-Storage Warehouses has not begun within 10 years of the date of authorization of Case 759-S-13.

(2) The Zoning Administrator shall not authorize a Zoning Use Permit for construction of a Self-Storage Warehouse on the subject property after 14 years of the date of authorization of Case 759-S-13 and all construction must be completed within 15 years of the date of authorization of Case 759-S-13.

The proposed special condition is necessary to ensure the following:

That the proposed Special Use is established and constructed in a timely manner in order to provide future surrounding land uses knowledge as to what will be constructed on the subject property

F. Regarding security on the subject property:

(1) The Zoning Administrator shall not authorize a Zoning Use Permit until written documentation has been provided from the petitioner that the relevant fire protection district will have access through the security gate at all times.

(2) The zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has installed security cameras.

The special condition stated above is necessary to ensure the following:

That the petitioner provides adequate security measures and provides access to

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appropriate public safety agencies.

G. No construction or planting of any tree and shrub screening shall occur within the Kaskaskia Drainage District easement that extends 30 feet from the top of the bank of the drainage ditch.

The special condition stated above is necessary to ensure the following:
That no construction or vegetation impedes the access of the Drainage District.

H. The proposed self-storage buildings shall be no taller than 35 feet in height.

The special condition stated above is necessary to ensure the following:
That the proposed construction is of a reasonable height in a zoning district with no maximum height requirements.

I. The only two principal uses authorized by Case 759-S-13 are a Contractors Facility with outdoor storage and/or outdoor operations and self-storage warehouses providing heat and utilities to individual units. Other uses that can be established by right in the B-1 District may be established if they are the only use on the subject property other than agriculture.

The special condition stated above is necessary to ensure the following:
That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

J. The development of the site must be the same as in the approved site plan that consists of the following:

- (1) the Revised Site Plan received September 6, 2013; and**
- (2) the annotated site plan to show farm equipment access received August 28, 2013; and**
- (3) the excerpt of site plan to show location of existing septic system and leach field received August 28, 2013.**

The special condition stated above is required to ensure the following:
That the development of the site is the same as described in the public hearing.

K. Regarding outdoor storage at the self-storage warehouses:

- (1) Outdoor storage shall only occur in the area on the plan indicated for outside storage.**
- (2) All outside storage shall be screened as required by the Zoning Ordinance.**
- (3) Outside storage shall only be for vehicles and equipment intended to be used outdoors.**
- (4) Vehicles and equipment kept in outdoor storage shall be whole and intact and no repairs shall be conducted outdoors.**

The special condition stated above is required to ensure the following:

1 **The actual use of the property shall be consistent with the testimony and with**
2 **the Ordinance.**

3
4 **L. If either the Contractor Facility ceases to operate on the property or if the Contractor**
5 **Facility comes under separate management that the self-storage warehouses, a**
6 **caretaker dwelling or management office for the self-storage warehouses shall be**
7 **established on the property as follows:**

8 (1) **The caretaker dwelling or management office shall be established within six**
9 **months of either the cessation of the Contractor Facility operations or the start**
10 **of separate management of the Contractor Facility.**

11 (2) **If a caretaker dwelling, it shall be occupied by an employee or owner of the self-**
12 **storage warehouses or if a management office it shall be staffed during normal**
13 **business hours.**

14 (3) **The caretaker dwelling or management office shall be provided with video**
15 **monitoring of the self-storage warehouses.**

16 (4) **The caretaker dwelling or management office may be located either in an**
17 **existing Contractor Facility building or the caretaker dwelling or management**
18 **office may be constructed to replace an existing Contractor Facility building or**
19 **it may be constructed in the area proposed for the self-storage warehouses in**
20 **which case the caretaker dwelling or management office shall be counted as part**
21 **of the authorized square footage of the self-storage warehouses.**

22
23 (5) **The caretaker dwelling or management office must be authorized by a Zoning**
24 **Use Permit.**

25 The special condition stated above is required to ensure the following:
26 **Adequate security and management for the self-storage warehouses.**

27
28 **M. Regarding future property maintenance:**

29 (1) **The exterior of the property shall be kept free of litter, garbage and debris.**

30 (2) **All landscaping on the property shall be maintained in a healthy condition and**
31 **non-woody vegetation shall be maintained at no more than 6 inches in height;**
32 **and that part of the property that is not used for the contractor facility or the**
33 **self-storage warehouses or the detention basin shall be kept in agriculture or**
34 **non-woody vegetation maintained at no more than 6 inches in height; and the**
35 **detention basin shall be kept free of woody vegetation and non-woody**
36 **vegetation maintained at no more than 24 inches in height.**

37 (3) **The exterior of all self-storage warehouse buildings shall be maintained in a**
38 **structurally sound and weatherproof condition and free from holes, or defects**
39 **that allow rain or weather to enter and any exterior finish that is peeling,**
40 **chipping, flaking or abraded shall be repaired.**

41 (4) **All exterior doors, door assemblies, and hardware shall be maintained in good**

- 1 condition.
- 2 (5) The interior of all self-storage warehouse buildings shall be maintained in good
- 3 repair.
- 4 (6) All paving in the self-storage warehouse shall be maintained in a structurally
- 5 sound and weatherproof condition and free of vegetation.
- 6 The special condition stated above is required to ensure the following:
- 7 Continuation of the existing, very good property maintenance.
- 8

9 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
10 of Fact as amended.

11
12 Ms. Capel moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of
13 Record and Findings of Fact as amended. The motion carried by voice vote.

14
15 Mr. Thorsland entertained a motion to move to a final determination.

16
17 Ms. Capel moved, seconded by Mr. Palmgren to move to a final determination. The motion carried by
18 voice vote.

19
20 Mr. Thorsland informed Mr. Jesse that two Board members are absent and one Board seat is vacant therefore
21 it is at his discretion to either continue Case 759-S-13 until a full Board is present or request that the present
22 Board move forward to the Final Determination. He informed Mr. Jesse that four affirmative votes are
23 required for approval.

24
25 Mr. Jesse requested that the present Board move to the final determination for Case 759-S-13.

26
27 **Final Determination for Case 759-S-13:**

28
29 Ms. Capel moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals
30 finds that, based upon the application, testimony, and other evidence received in this case, the
31 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted
32 by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use
33 requested in Case 759-S-13 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant
34 Charles Jesse to authorize the following:

35 Part A. Authorize multiple principal uses and buildings on the same lot consisting of
36 (1) a heating and cooling contractors facility with accessory outdoor storage that
37 was originally authorized by Case 970-S-95 and (2) Self-Storage Warehouses,
38 providing heat and utilities to individual units as a special use.

39 Part B. Authorize the construction and use of Self-Storage Warehouses, providing heat
40 and utilities to individual units as a special use.

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Subject to the following special conditions:

- A. A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit Application for Phase I construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate. The special condition stated above is required to ensure the following:
That the drainage improvements conform to the requirements of the Stormwater Management Policy.**
- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed self-storage warehouses until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and (c) the Illinois Plumbing Code.
The special condition stated above is required to ensure the following:
That the proposed structure is safe and in conformance with Public Act 96-704.**
- C. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.
The proposed special condition stated above is required to ensure the following:
That any proposed exterior lighting is in conformance with the Zoning Ordinance.**
- D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed self-storage warehouses until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.
The special condition stated above is necessary to ensure the following:
That the proposed Special Use meets applicable state requirements for accessibility.**
- E. Regarding the timing of construction and establishment of the proposed Special Use:**
 - (1) The Special Use Permit shall be void if the construction of the proposed Self-Storage Warehouses has not begun within 10 years of the date of authorization of Case 759-S-13.**
 - (2) The Zoning Administrator shall not authorize a Zoning Use Permit for construction of a Self-Storage Warehouse on the subject property after 14 years of the date of authorization of Case 759-S-13 and all construction must be completed within 15 years of the date of authorization of Case 759-S-13.
The proposed special condition is necessary to ensure the following:**

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That the proposed Special Use is established and constructed in a timely manner in order to provide future surrounding land uses knowledge as to what will be constructed on the subject property

- F. Regarding security on the subject property:**
 - (1) The Zoning Administrator shall not authorize a Zoning Use Permit until written documentation has been provided from the petitioner that the relevant fire protection district will have access through the security gate at all times.**
 - (2) The zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has installed security cameras.**
 The special condition stated above is necessary to ensure the following:
That the petitioner provides adequate security measures and provides access to appropriate public safety agencies.

- G. No construction or planting of any tree and shrub screening shall occur within the Kaskaskia Drainage District easement that extends 30 feet from the top of the bank of the drainage ditch.**
 The special condition stated above is necessary to ensure the following:
That no construction or vegetation impedes the access of the Drainage District.

- H. The proposed self-storage buildings shall be no taller than 35 feet in height.**
 The special condition stated above is necessary to ensure the following:
That the proposed construction is of a reasonable height in a zoning district with no maximum height requirements.

- I. The only two principal uses authorized by Case 759-S-13 are a Contractors Facility with outdoor storage and/or outdoor operations and self-storage warehouses providing heat and utilities to individual units. Other uses that can be established by right in the B-1 District may be established if they are the only use on the subject property other than agriculture.**
 The special condition stated above is necessary to ensure the following:
That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

- J. The development of the site must be the same as in the approved site plan that consists of the following:**
 - (1) the Revised Site Plan received September 6, 2013; and**
 - (2) the annotated site plan to show farm equipment access received August 28, 2013; and**
 - (3) the excerpt of site plan to show location of existing septic system and leach field received August 28, 2013.**

1 The special condition stated above is required to ensure the following:

2 **That the development of the site is the same as described in the public hearing.**

3
4 **K. Regarding outdoor storage at the self-storage warehouses:**

5 (1) **Outdoor storage shall only occur in the area on the plan indicated for outside**
6 **storage.**

7 (2) **All outside storage shall be screened as required by the Zoning Ordinance.**

8 (3) **Outside storage shall only be for vehicles and equipment intended to be used**
9 **outdoors.**

10 (4) **Vehicles and equipment kept in outdoor storage shall be whole and intact and**
11 **no repairs shall be conducted outdoors.**

12 The special condition stated above is required to ensure the following:

13 **The actual use of the property shall be consistent with the testimony and with**
14 **the Ordinance.**

15
16 **L. If either the Contractor Facility ceases to operate on the property or if the Contractor**
17 **Facility comes under separate management that the self-storage warehouses, a**
18 **caretaker dwelling or management office for the self-storage warehouses shall be**
19 **established on the property as follows:**

20 (1) **The caretaker dwelling or management office shall be established within six**
21 **months of either the cessation of the Contractor Facility operations or the start**
22 **of separate management of the Contractor Facility.**

23 (2) **If a caretaker dwelling, it shall be occupied by an employee or owner of the self-**
24 **storage warehouses or if a management office it shall be staffed during normal**
25 **business hours.**

26 (3) **The caretaker dwelling or management office shall be provided with video**
27 **monitoring of the self-storage warehouses.**

28 (4) **The caretaker dwelling or management office may be located either in an**
29 **existing Contractor Facility building or the caretaker dwelling or management**
30 **office may be constructed to replace an existing Contractor Facility building or**
31 **it may be constructed in the area proposed for the self-storage warehouses in**
32 **which case the caretaker dwelling or management office shall be counted as part**
33 **of the authorized square footage of the self-storage warehouses.**

34
35 (5) **The caretaker dwelling or management office must be authorized by a Zoning**
36 **Use Permit.**

37 The special condition stated above is required to ensure the following:

38 **Adequate security and management for the self-storage warehouses.**

39
40 **M. Regarding future property maintenance:**

41 (1) **The exterior of the property shall be kept free of litter, garbage and debris.**

- 1 (2) **All landscaping on the property shall be maintained in a healthy condition and**
- 2 **non-woody vegetation shall be maintained at no more than 6 inches in height;**
- 3 **and that part of the property that is not used for the contractor facility or the**
- 4 **self-storage warehouses or the detention basin shall be kept in agriculture or**
- 5 **non-woody vegetation maintained at no more than 6 inches in height; and the**
- 6 **detention basin shall be kept free of woody vegetation and non-woody**
- 7 **vegetation maintained at no more than 24 inches in height.**
- 8 (3) **The exterior of all self-storage warehouse buildings shall be maintained in a**
- 9 **structurally sound and weatherproof condition and free from holes, or defects**
- 10 **that allow rain or weather to enter and any exterior finish that is peeling,**
- 11 **chipping, flaking or abraded shall be repaired.**
- 12 (4) **All exterior doors, door assemblies, and hardware shall be maintained in good**
- 13 **condition.**
- 14 (5) **The interior of all self-storage warehouse buildings shall be maintained in good**
- 15 **repair.**
- 16 (6) **All paving in the self-storage warehouse shall be maintained in a structurally**
- 17 **sound and weatherproof condition and free of vegetation.**
- 18 The special condition stated above is required to ensure the following:
- 19 **Continuation of the existing, very good property maintenance.**

21 Mr. Thorsland requested a roll call vote.

23 The roll was called:

25 Capel-yes	Miller-absent	Palmgren-yes
26 Passalacqua-absent	Randol-yes	Thorsland-yes

28 Mr. Hall informed Mr. Jesse that he has received an approval for his special use permit request therefore the
29 next step is the map amendment approval from ELUC and then the County Board in October.

32 **6. New Public Hearings**

34 None

36 **7. Staff Report**

38 None

40 **8. Other Business**

41 **A. Review of Docket**

1
2 Mr. Hall distributed a handout to the Board regarding the Citizen Planner Workshop for review. He said that
3 the program is attached to the handout and he encouraged the Board to attend. He said that if Board
4 members intend to attend the workshop he would recommend that they RSVP as soon as possible.
5

6 Mr. Thorsland stated that the Green Infrastructure Workshop handout indicates a website for registration.
7 He said that the workshop is on Tuesday, September 17th.
8

9 Mr. Hall stated that the floodgate of zoning cases dried up in July and the Board completed 30 cases during
10 the first six months of 2013 which is generally what the Board completes in an entire year. He said that he
11 may now have the opportunity to switch the Associate Planner over to helping with enforcement which is
12 what he has been trying to do for the past four years but has not had the chance. He said that either the
13 zoning cases will start building again or Mr. Kass will go out and start on enforcement but either way it will
14 be a good thing. He said that 2013 has been a very productive year.
15

16 **9. Audience Participation with respect to matters other than cases pending before the Board**
17

18 None
19

20 **10. Adjournment**
21

22 Mr. Thorsland entertained a motion to adjourn the meeting.
23

24 **Mr. Palmgren moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice**
25 **vote.**
26

27 The meeting adjourned at 9:10 p.m.
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29

30 Respectfully submitted
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35 Secretary of Zoning Board of Appeals
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3 **5. Continued Public Hearing**
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5 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
6 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
7 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
8 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
9 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
10 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
11 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
12 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
13 **driveway separation between driveways in the same development; (4) require minimum driveway**
14 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
15 **(5) require for any proposed residential lot not served by a public water supply system and that is**
16 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
17 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**
18 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**
19 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**
20 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**
21 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**
22 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**
23 **the agency response.**
24

25 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
26 sign the witness register for that public hearing. He reminded the audience that when they sign the
27 witness register they are signing an oath.
28

29 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.
30

31 Mr. John Hall, Zoning Administrator, stated that staff has not had any time to work on this case because he
32 has been drafting another ordinance for the County and it has been taking a lot of time and he has also been
33 focusing on Case 732-AT-12. He stated that the Board could continue this case to their October 17th or
34 November 14th meeting. He said that he will not have the case ready for final action on October 17th and
35 since he is working on this other project he may not have much done at all.
36

37 Mr. Thorsland asked Mr. Hall if there is a possibility that the case would be ready for final action at the
38 November 14th meeting.
39

40 Mr. Hall stated that there is a very good chance that the case would be ready for final action at the November
41 14th meeting.

1
2 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to November 14, 2013.

3
4 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 685-AT-11 to the November 14, 2013,**
5 **meeting. The motion carried by voice vote.**
6

7 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
8 **Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-family” and**
9 **replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace**
10 **with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and (3) Revise**
11 **subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in area”; add the**
12 **phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4) Add new**
13 **subparagraph 7.1.2B.(3) to authorized that all employees may be present and working on the**
14 **premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated**
15 **by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to authorize that family**
16 **members who are residents of the property when the HOME OCCUPATION is operating but whom**
17 **subsequently move from the premises may remain active in the HOME OCCUPATION and shall not**
18 **be counted as a non-resident employee as long as their participation in the HOME OCCUPATION**
19 **continues. Part B. Revise paragraph 7.1.2E. as follows: (1) Strike “Second Division vehicle as**
20 **defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase**
21 **“and parked at”. (2) Add new subparagraph 7.1.2E(1) to require that the number of MOTOR**
22 **VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used**
23 **in any way for the RURAL HOME OCCUPATION shall be within the limits established. (3)**
24 **Renumber subparagraph 7.1.2E.i.to be 7.1.2E.(2) and strike “vehicles over 8,000 gross weight” and**
25 **replace with “MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with**
26 **tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)”; and add the phrase**
27 **“and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS**
28 **5/15-111)”. (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace**
29 **with “MOTOR VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert**
30 **“licensed”; and strike “and off-road vehicles”; and insert the phrase “or owner”. (5) Renumber**
31 **subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less**
32 **than five feet from a side or rear property line or less than 10 feet from a front property line; and (b)**
33 **Add subparagraph 7.1.2E(4)(b) to require that outdoor parking for more than one motor vehicle shall**
34 **be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling; and (c)**
35 **Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that**
36 **does not meet certain requirements shall be at least 10 feet from any lot line and be screened. (6) Add**
37 **subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL**
38 **HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after**
39 **September 1, 2012. (7) Add subparagraph 7.1.2E.(6)(a) and (b) to require the following: (a) Any**
40 **MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for**
41 **a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be**

1 used provided that the total number of vehicles are not more than 10 and no more than 3 may be
2 truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code; (b)
3 Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the
4 same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in
5 business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may
6 be replaced with a similar motor vehicle or licensed trailer or piece of equipment. Part C. Add new
7 paragraph 7.1.2F. as follows: (1) Limit the number of motorized or non-motorized complete pieces of
8 non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of
9 equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES
10 and licensed trailers that are also parked outdoors; and (2) Require that equipment in outdoor
11 storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and
12 7.1.2E.(4)(c). Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons
13 and onsite employees shall be screened; and also provide that loading berths are not required for
14 RURAL HOME OCCUPATIONS. Part E. Revise paragraph 7.1.2K. as follows: (1) Add the phrase
15 “for other than equipment used in any RURAL HOME OCCUPATION”; and strike the phrase
16 “screened as provided by Section 7.6, and replace with the phrase “shall be provided as follows:” (2)
17 Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street
18 parking spaces; and (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs
19 in any yard within 1,000 feet of certain specified uses of surrounding property.
20

21 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
22 sign the witness register for that public hearing. He reminded the audience that when they sign the
23 witness register they are signing an oath.
24

25 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.
26

27 Mr. John Hall, Zoning Administrator, stated that this was continued from the last Board meeting so that staff
28 could do a complete mailing of all parts of this case to all interested parties. He said that a complete mailing
29 for this case includes the revised handout with example site plans, the revised application, and a new
30 comparison table. He said that since the mailing last week Mr. Kass has added the relevant notes to example
31 site plans “C” and “D”. Mr. Hall said that the ELUC agenda was sent out for next Thursday and the agenda
32 had this case included and ELUC members were made aware that the ZBA had not taken final action on this
33 case but final action is anticipated at tonight’s meeting. He said that if something comes up at tonight’s
34 meeting the Board does not have to take final action on this case but if nothing does come up he would
35 appreciate final action. He said that he cannot imagine that there is anything else to do on this case but
36 maybe something has come up since the last meeting.
37

38 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.
39

40 Mr. Thorsland stated that the Summary Finding of Fact is indicated on pages 13-15 of the Revised Draft
41 Finding of Fact and Final Determination dated September 26, 2013. He said that the Documents of Record

1 have been revised.
2
3 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
4
5 Mr. Passalacqua asked Mr. Hall if this is the case the Mr. Dillard was so passionate about.
6
7 Mr. Hall stated yes. He said that John Collins, Co-Chair of the Hensley Township Plan Commission, spoke
8 at the last meeting as a citizen of the County and he indicated that he was concerned that these rules might be
9 applied to individuals like him because in Mr. Collins' mind he was not running a business. Mr. Hall stated
10 that staff printed 2011 aerial photographs of Mr. Collins' property and he found no issues or violations but it
11 is conceivable that if a complaint is received the things that Mr. Collins described would require some
12 screening.
13
14 Mr. Passalacqua stated that Mr. Collins indicated that he and his father had the potential in the future to have
15 more tractors and trucks and he was concerned that this amendment may affect him at that time. Mr.
16 Passalacqua stated that in listening to Mr. Collins it sounded like the property was already sufficiently
17 screened.
18
19 Mr. Hall stated that Mr. Collins' father's property is an agricultural property to begin with so even though it
20 does not change the rules pieces of extra farm equipment are not a problem.
21
22 Mr. Passalacqua asked Mr. Hall which subdivision is near Mr. Collins' property.
23
24 Mr. Hall stated that the subdivision is so old that it does not have a name but it is one of the larger R-1
25 District subdivisions in the County and there are at least 40 homes in the subdivision.
26
27 Mr. Passalacqua asked Mr. Hall where the subdivision is located.
28
29 Mr. Hall stated that the subdivision is located north of the Hensley Township building.
30
31 Mr. Hall stated that he assumes that a mailing packet was sent to Mr. Collins.
32
33 Mr. Kass stated that a mailing packet was sent to Mr. Collins.
34
35 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
36
37 Ms. Capel stated that she has a few edits to the Finding of Fact. She said that item #7.1.2.E.4.c.(2) of
38 Attachment B: Revised Draft Amendment (Annotated) to Sec. 7.1.2 Rural Home Occupations, on page B-2
39 of the Supplemental Memorandum dated September 19, 2013, should be revised as follows: The
40 requirements of Section 7.4 notwithstanding, all off-street parking and outside storage of motor vehicles
41 and/or any licensed semitrailer and/or any licensed pole trailer that is visible from and located within 100

1 feet of either a residential district or the building restriction line of a lot containing a dwelling conforming to
2 use, shall be subject to the following screen requirements. She said that item #7.1.2.F.4.b on page B-5.
3 should be revised as follows: When there is no more than two complete pieces of equipment (each weighing
4 less than 15,000 pounds gross weight), no screen is required unless the total number of motor vehicles (each
5 weighing less than 15,000 pounds gross vehicle weight) and equipment is more than four, in which case the
6 required screen shall be required by 7.1.2 E.4.c. She said that item #7.1.2.B.iv. should be revised as follows:
7 family members who are resident on the property while the home occupation is operating but who
8 subsequently move from the premises may remain active in the home occupation and shall not be counted as
9 a non-resident employee as long as their participation in the home occupation continues.

10
11 Mr. Hall stated that grammar challenges are difficult when writing these ordinances.

12
13 Mr. Thorsland stated that the Board will now review the Summary Finding of Fact and if there are no
14 changes he would entertain a motion to approve the Summary Finding of Fact.

15
16 Mr. Hall asked that the Board take the time to review #3 of the Summary Finding of Fact to ensure that the
17 Board is comfortable with all of the positive comments which are included. He said that the comments are
18 meant to be nothing more than objective statements about what this amendment will do but sometimes when
19 you are so close to the gears you do not appreciate where everything is heading. He said that he would like
20 to make sure that the Board agrees with everything included in #3.

21
22 Ms. Capel stated that she believes that something positive should have been mentioned about land values.

23
24 Mr. Kass stated that he believes that Ms. Capel is referring to the purpose statements of the Ordinance and
25 not the LRMP policies.

26
27 Ms. Capel stated that Mr. Kass is correct.

28
29 Mr. Hall stated that Ms. Capel's concern is included in item #16.B. of the Finding of Fact and staff indicated
30 that the proposed amendment is not directly related to this purpose. He said that if the Board feels
31 differently the Board could insert the following beginning comments included in item 16.K: The proposed
32 amendment is directly related to this purpose because.

33 Mr. Thorsland stated that the Board could indicate that the following for item #16.B: The proposed
34 amendment is related to this purpose.

35
36 Mr. Hall stated that the comment in item #16.L. could be inserted under item #16.B. as follows: The
37 proposed amendment is directly related to this purpose and because the amendment is intended to ensure that
38 Rural Home Occupations maintain compatibility with the Zoning Districts in which they are located.

39
40 Mr. Thorsland asked the Board if they agreed to the revision to item #16.B. and the Board agreed.

41

1 Mr. Passalacqua stated that he could see Mr. Dillard disagreeing with the comments regarding protection of
2 the neighbors.

3
4 Mr. Hall stated that he believes that this disagreement will always be there.

5
6 Mr. Passalacqua agreed.

7
8 Mr. Kass stated that Purpose B will be added to item #2 in the Summary Finding of Fact.

9
10 Ms. Capel stated that item #9.A.(1)(a) should be revised to read as follows: While an RHO is not a
11 discretionary development, the proposed amendment is intended to mitigate impacts an RHO will have on
12 existing infrastructure through weight limits and limiting the number of vehicles to ensure that undue public
13 expense does not occur. She said that the first sentence in item #17.A. (4)(a) should be revised as follows:
14 The current requirement that all Second Division vehicles parked outdoors must be 50 feet from any lot line
15 and 100 feet from any off-site dwelling conforming to use is eliminated and replaced with a requirement that
16 vehicles must be only 10 feet from a lot line except that one vehicle is allowed to be only five feet from a
17 property line as authorized for a Neighborhood Home Occupation and the vehicle parking requirements from
18 the Neighborhood Home Occupation (paragraph 7.1.2K.) are incorporated by reference. She said that the
19 last sentence in item #17.A.(5)(b) should be revised as follows: This change may benefit some start-up
20 RHOs for forestalling the expense of screening in the beginning years of the business.

21
22 Mr. Thorsland stated that the only revision to the Summary Finding of Fact is that Purpose B will become
23 item #2.A. and all other items will be renumbered.

24
25 Mr. Hall stated that a new item #12 should be added to the Documents of Record indicating the following:
26 12. A. Example RHO Site Plan C. RHO on one acre lot with accessory building and outdoor storage and B.
27 Example RHO Site Plan D. Small RHO on one acre lot with no accessory building.

28
29 **Summary Finding of Fact for Case 732-AT-12:**

30
31 From the documents of record and the testimony and exhibits received at the public hearing conducted
32 on, **January 31, 2013; February 14, 2013; February 28, 2013; April 11, 2013; June 13, 2013;**
33 **August 15, 2013; and September 26, 2013,** the Zoning Board of Appeals of Champaign County finds
34 that:

- 35
36 1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):
37 A. **Regarding Goal 4:**
38 • **It WILL HELP ACHIEVE Objective 4.3 requiring any discretionary development to**
39 **be on a suitable site because it WILL HELP ACHIEVE the following:**
40 • **Policy 4.3.4 requiring existing public infrastructure be adequate to support the**
41 **proposed development effectively and safely without undue public expense (see**
42 **Item 14.C.(3)).**

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- It will either not impede or is not relevant to the other Objectives and Policies under this goal.
- Based on achievement of the above Objectives and Policies, the proposed map amendment **WILL HELP ACHIEVE Goal 4 Agriculture.**

B. **Regarding Goal 7:**

- Objective 7.1 **consider traffic impact in land use decisions** because it **WILL HELP ACHIEVE** Objective 7.1.
- It will either not impede or is not relevant to the other Objectives and Policies under this goal.
- Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE Goal 7 Transportation (see Item 17.A.(1)).**

C. The proposed text amendment will **NOT IMPEDE** the following LRMP goal(s):

- **Goal 1 Planning and Public Involvement**
- **Goal 2 Governmental Coordination**
- **Goal 3 Prosperity**
- **Goal 6 Public Health and Public Safety**
- **Goal 8 Natural Resources**
- **Goal 9 Energy Conservation**

D. The proposed text amendment is **NOT RELEVANT** to the following LRMP goal(s):

- **Goal 5 Urban Land Uses**
- **Goal 10 Cultural Amenities**

E. Overall, the proposed text amendment **WILL HELP ACHIEVE** the Land Resource Management Plan.

2. The proposed amendment **HELPS ACHIEVE the purpose of the Zoning Ordinance** as follows:

- A. Conserves the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY (Purpose 2.0 (b); see Item 16.B).
- B. Lessens and avoids congestion in the public streets (Purpose 2.0 (c); see Item 16.C.).
- C. Regulates and limits the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structure (Purpose 2.0 (h); see Item 16.H.).
- D. Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0 (i); see Item 16.I.).
- E. Ensures compatibility in the Zoning Districts in which RHOs are authorized (Purpose 2.0 (l);

1 see Item 16.L.).
2

3 3. The proposed text amendment **WILL IMPROVE** the Zoning Ordinance in the following ways:

4 A. In regards to the proposed limits on the number of vehicles and equipment permissible at an
5 RHO (see Item 17.A.(3)):

6 (1) **it makes the Ordinance easier to understand** in regards to the limits on vehicles and
7 equipment permissible at an RHO;
8

9 (2) **it helps protect rural roads** by making the weight limits on vehicles consistent
10 with the Illinois Vehicle Code;
11

12 (3) **it helps protect neighbors by retaining current limits** for the total number of vehicles
13 that are permissible at an RHO; and the current limit on the number of very large
14 vehicles (such as semi-trucks and tandem axle vehicles); and the current limit on the
15 amount of equipment that may be stored outdoors;
16

17 (4) **it helps RHO owners by eliminating current overly restrictive requirements** of the
18 current 8,000 pound vehicle weight limit for RHOs; and by eliminating the need for
19 screening of equipment if there is no more than two complete pieces of equipment; and
20 including new rules that allow greater flexibility in the numbers of equipment stored
21 outdoors if the equipment is on a trailer and also if the trailer is connected to a motor
22 vehicle; and it actually increases the total amount of equipment permissible at an RHO
23 because it does not limit the amount of equipment that may be stored indoors;

24 (5) **it protects current RHO owners** by adding specific rules regarding nonconformity of
25 vehicles and equipment at RHOs that existed prior to September 1, 2012.
26

27 B. In regards to the proposed parking requirements for vehicles at an RHO and the outdoor
28 storage requirements for equipment at an RHO (see Items 17.A.(4) and (5)):

29 (1) **it makes the screening requirements easier to understand** in regards to an
30 RHO;
31

32 (2) **it helps RHO owners by eliminating current overly restrictive requirements** for
33 separation of parking from the property line and any off-site dwelling; and the 8,000
34 pound vehicle weight threshold for screening; and the requirement for a loading berth;
35 and eliminates the requirement for paving of parking areas.
36

37 (3) **it ensures adequate protection for neighbors by retaining current screening**
38 **requirements** even though the vehicle weight threshold is increased from 8,000 pound
39 to 15,000 pounds; and prohibiting parking in the street.
40

41 C. In regards to the proposed changes regarding the regulation of employees at an RHO (see
42 Item 17.C.):

43 (1) **it helps some RHO owners by increasing the number of employees allowed on**
44 **properties two acres and larger.**

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(2) **it helps all RHO owners by adding flexibility** to allow all workers to be onsite for short periods and for family members who move from the property.

D. The Zoning Board of Appeals has reviewed an updated RHO handout with new examples of RHO site plan requirements and an updated RHO application form and found that these materials are ready to be used upon adoption of the proposed amendment. The handout and application form can be updated later without a text amendment as the need arises.

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

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

Mr. Thorsland entertained a motion to move to a final determination.

Mr. Passalacqua moved, seconded by Mr. Palmgren to move to a final determination. The motion carried by voice vote.

Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant therefore it is at his discretion to either continue Case 732-AT-12 until a full Board is present or request that the present Board move forward to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

Mr. Hall requested that the present Board move to the final determination for Case 732-AT-12.

Final Determination for Case 732-AT-12:

Ms. Capel moved, seconded by Mr. Passalacqua that pursuant to the authority granted by Section 9.2 of the Champaign county Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Zoning Ordinance Amendment requested in Case 732-AT-12 should BE ENACTED by the County Board in the form attached hereto.

Mr. Thorsland requested a roll call vote.

The roll was called as follows:

Capel-yes	Miller-absent	Palmgren-yes
Passalacqua-yes	Randol-yes	Thorsland-yes

Mr. Thorsland stated that the Board will now hear Case 756-AT-13.

1
2 **Case 756-AT-13 Petitioner: Champaign County Zoning Administrator Request to amend the**
3 **Champaign County Zoning Ordinance as follows: Amend paragraph 7.1.2L to add a requirement**
4 **that any new RURAL HOME OCCUPATION with any new exterior lighting for an outdoor storage**
5 **area, and/or outdoor operations area, and/or parking area, and/or new building with exterior lighting**
6 **or any wholly new outdoor storage area that is lighted or wholly new outdoor operations area that is**
7 **lighted or parking area that is lighted, and/or new building with exterior lighting, that is added to any**
8 **existing RURAL HOME OCCUPATION, shall have exterior lighting that is full-cutoff type lighting**
9 **fixtures with limited light output and other relevant restrictions.**

10
11 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
12 sign the witness register for that public hearing. He reminded the audience that when they sign the
13 witness register they are signing an oath.

14
15 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

16
17 Mr. John Hall, Zoning Administrator, stated that any RHO existing with any outdoor storage area and any
18 buildings isn't required to meet this requirement even when the lighting fixtures are replaced and it is only
19 when they have a wholly new outdoor storage area or wholly new building with outdoor lighting or a wholly
20 new parking area. He said that he wants to make sure that the Board is comfortable with this amendment.
21 He said that technically they don't have to come to us to add new parking areas so it is conceivable that there
22 could be new parking areas added without knowledge that they have lighting that is full-cutoff type but if
23 they add a new outdoor storage area or building they are to contact staff. He said that generally RHOs do not
24 expand that much but it is possible.

25
26 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

27
28 Mr. Thorsland stated that the Board will now review the Summary Finding of Fact for Case 756-AT-13.

29
30 Mr. Hall stated that item #1.B. indicates the following: Overall, the proposed text amendment WILL HELP
31 ACHIEVE the Land Resource Management Plan. He said that his impression is that if the proposed
32 amendment is not impeding any goal but also is not helping achieve any goal then perhaps item #1.B. should
33 say that the proposed text amendment will not impede the LRMP.

34
35 The Board agreed.

36
37 Ms. Capel stated that perhaps it will help achieve natural resources.

38
39 Mr. Thorsland stated that there is a wattage limit.

40
41 Mr. Hall stated that the most recent rezoning case was revised to indicate that it would help with Goal 3:

1 Prosperity. He said that he would suppose that even though we don't have any objectives under Goal 8
2 which specifically deal with dark sky.

3
4 Mr. Kass stated that Goal 6 has a policy that refers directly to light trespass and that was originally proposed
5 as a will help achieve but we revised it to will not impede.

6
7 Mr. Hall stated that all we really need is an earlier version of that Finding of Fact.

8
9 Mr. Kass stated that Policy 6.1.3. states the following: The County will prevent nuisances created by light
10 and glare and will endeavor to limit excessive night lighting and to preserve clear views of the night sky
11 throughout as much of the County as possible.

12
13 Mr. Thorsland proposed that the proposed text amendment will NOT IMPEDE Goals 1 thru 10 excluding
14 Goal 6 and that it will HELP ACHIEVE Goal 6.

15
16 Mr. Hall stated that the wording was in the Draft Preliminary Finding of Fact.

17
18 Mr. Kass stated that staff will revise the Summary Finding of Fact as follows: 1.A. will refer to Goal 6; and
19 1.B. will refer to Goals 1-10 excluding Goal 6; and 1.C. will refer to the overall. He said that the
20 achievement of Goal 6 will be reflected in the body of the Finding of Fact.

21
22 **Summary Finding of Fact for Case 756-AT-13:**

23
24 From the documents of record and the testimony and exhibits received at the public hearing conducted
25 on, **June 13, 2013, August 15, 2013, and September 26, 2013**, the Zoning Board of Appeals of
26 Champaign County finds that:

- 27
28 1. Regarding the effect of the proposed amendment on the Land Resource Management Plan
29 (LRMP):
30 A. **Regarding Goal 6:**
31 ● It **WILL HELP ACHIEVE** Objective 6.1 **ensuring that rural development does not**
32 **endanger public health or safety** because it **WILL HELP ACHIEVE** the following:
33 ● **Policy 6.1.3 preventing nuisances created by light and glare (see Item 11.A.(1)).**
34
35 ● It will either not impede or is not relevant to the other Objectives and Policies under this
36 goal.
37
38 ● Based on achievement of the above Objectives and Policies, the proposed map
39 amendment **WILL HELP ACHIEVE Goal 6 Public Health and Public Safety.**
40
41 B. The proposed text amendment **WILL NOT IMPEDE** the following LRMP goal(s):
42 ● **Goal 1 Planning and Public Involvement**

- 1 ● **Goal 2 Governmental Coordination**
- 2 ● **Goal 3 Prosperity**
- 3 ● **Goal 4 Agriculture**
- 4 ● **Goal 5 Urban Land Use**
- 5 ● **Goal 7 Transportation**
- 6 ● **Goal 8 Natural Resources**
- 7 ● **Goal 9 Energy Conservation**
- 8 ● **Goal 10 Cultural Amenities**
- 9

10 C. Overall, the proposed text amendment **WILL HELP ACHIEVE** the Land Resource
11 Management Plan.

12
13 2. The proposed Zoning Ordinance text amendment **WILL HELP ACHIEVE the purpose of the**
14 **Zoning Ordinance** as follows:

- 15 ● Promote public health, safety, and welfare (Purpose 2.0 (e) see Item 16.E.).
- 16
- 17 ● Regulates and limits the intensity of the use of lot areas, and regulating and determining
18 the area of open spaces within and surrounding buildings and structure (Purpose 2.0 (h)
19 see Item 16.H.).
- 20
- 21 ● Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0 (i) see Item
22 16.I.).
- 23
- 24 ● Fixes regulations and standards to which buildings, structures, or uses therein shall
25 conform (Purpose 2.0 (k) see Item 16.K.).
- 26
- 27 ● Ensures compatibility in the Zoning Districts that an RHO is authorized in (Purpose 2.0
28 (l) see Item 16.L.).
- 29

30 Mr. Thorsland entertained a motion to adopt the Summary Finding of Fact as amended.

31
32 **Mr. Passalacqua moved, seconded by Mr. Randol to adopt the Summary Finding of Fact as amended.**
33 **The motion carried by voice vote.**

34
35 Mr. Thorsland stated that there are no new Documents of Record. He entertained a motion to adopt the
36 Finding of Fact, Documents of Record and Summary Finding of Fact as amended.

37
38 **Mr. Palmgren moved, seconded by Mr. Passalacqua to adopt the Finding of Fact, Documents of**
39 **Record and Summary Finding of Fact as amended. The motion carried by voice vote.**

40
41 Mr. Thorsland entertained a motion to move to a final determination for Case 756-AT-13.

42
43 **Ms. Capel moved, seconded by Mr. Palmgren to move to a final determination for Case 756-AT-13.**

1 **The motion carried by voice vote.**

2
3 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant
4 therefore it is at his discretion to either continue Case 756-AT-13 until a full Board is present or request that
5 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative
6 votes are required for approval.

7
8 Mr. Hall requested that the present Board move to the final determination for Case 756-AT-13.

9
10 **Final Determination for Case 756-AT-13:**

11
12 **Mr. Randol moved, seconded by Ms. Capel that pursuant to the authority granted by Section 9.2 of**
13 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
14 **determines that the Zoning Ordinance Amendment requested in Case 756-AT-13 should BE**
15 **ENACTED by the County Board in the form attached hereto.**

16
17 Mr. Thorsland requested a roll call vote.

18
19 The roll was called as follows:

20
21 **Capel-yes** **Miller-absent** **Palmgren-yes**
22 **Palmgren-yes** **Passalacqua-yes** **Thorsland-yes**

23
24 Mr. Hall stated that Cases 732-AT-12 and 756-AT-13 are on the ELUC agenda for next Thursday night's
25 meeting.

26
27
28 **6. New Public Hearings**

29
30 None

31
32 **7. Staff Report**

33
34 Mr. Hall stated that with the drop off in cases Mr. Kass has started to assist the Zoning Officer with
35 enforcement cases.

36
37
38 Mr. Kass stated that two enforcement cases were resolved today.

39
40 Mr. Hall stated that the County Board will expect to see a pickup in enforcement cases so with the drop off
41 in cases before the ZBA staff will have the opportunity to work on other things.

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8. Other Business

A. Review of docket

Mr. Hall stated that the one new case that staff has received is scheduled for the October 17th meeting. He said that during these times when zoning cases become scarce staff likes to concentrate cases so that we can do more for the Board's per diem but Mr. Busboom has been waiting on his case so it will remain on the docket for October 17th.

Mr. Kass stated that he has been waiting for a couple of cases to be submitted although he has been waiting for several months and staff has not received any documentation.

Ms. Capel asked Mr. Hall if there is another wind farm permit on the horizon.

Mr. Hall stated not at this point and it is his understanding that a new wind farm permit is not in the near future.

Ms. Capel stated that she had heard rumors of another wind farm.

Mr. Passalacqua asked Mr. Hall if staff has received any complaints regarding California Ridge.

Mr. Hall stated no.

Mr. Passalacqua asked staff if there is an update on the Denny Anderson property.

Mr. Hall stated no.

Mr. Kass reminded the Board about the Citizen Planner Workshop which will be held on Thursday, October 10, 2013. He said that if any Board member desires to attend it is requested that they RSVP by October 1st. He said that the Board received a handout regarding the workshop.

Mr. Thorsland stated that he attended the Green Infrastructure Conference and it was very informative.

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.

1
2 **Ms. Capel moved, seconded by Mr. Randol to adjourn the meeting. The motion carried by voice vote.**

3
4 The meeting adjourned at 7:52 p.m.

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8 Respectfully submitted

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13 Secretary of Zoning Board of Appeals
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1 **The motion carried.**

2

3 **5. Continued Public Hearing**

4

5 None

6

7 **6. New Public Hearings**

8

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

14

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

18

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

20

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

23

24 Mr. Thorsland called John Hall to testify.

25

26 Mr. John Hall, Zoning Administrator, stated that this property has been zoned a combination of B-5 and R-1
27 since the adoption of zoning and was formerly the site of a grocery store. He said that the request is to
28 rezone 1.2 acres of a 4 acre lot in order to bring the residential use of the subject property into conformance.
29 He said that the area to be rezoned would go from the centerline of County Highway 11 up to the existing R-
30 1 which would leave approximately a 1.4 acre area of B-5 still remaining on the property. He said that it is
31 his understanding that the whole 4 acre triangular shaped property is going to be sold and the owner desires
32 to demolish the existing home and build a new home but that is not possible in B-5 unless you also have a
33 business therefore the rezoning makes sense. He said that the Finding of Fact that was included in the
34 mailing makes it pretty clear that changing the zoning to B-5 to R-1 is an improvement as far as many of the
35 Goals and Policies are concerned. He said that since the existing use is residential and the proposed use is
36 residential it is really not going to change anything in the way of needed services or infrastructure therefore
37 staff recommends that the map amendment HELPS ACHIEVE the Land Resource Management Plan and
38 complies with the *LaSalle* and *Sinclair* criteria and ACHIEVES the purpose of the Zoning Ordinance. He
39 said that if someone wanted to establish a use on the part of the property which is zoned B-5 and they didn't
40 live in the residence the property would require a subdivision because each principal use has to be on a
41 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

1 no need for the entire B-5 portion to be rezoned. He said that when there are properties that are split zoned
2 there can still only be one principal use on the lot which means that this property will remain residential until
3 it is divided but it is fully consistent with the Land Use Management Plan. He said that when the Board
4 reviews the Finding of Fact he has additional evidence that he would like to add to make it clear how much
5 of the property is being rezoned and how much will remain B-5.
6

7 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.
8

9 Mr. Thorsland asked the Board if there were any questions for Ms. Kay Busboom and there were none.
10

11 Mr. Thorsland called Stephanie Mullvain to testify.
12

13 Ms. Mullvain declined to testify at this time.
14

15 Mr. Thorsland called Tyler Vogelsang to testify.
16

17 Mr. Vogelsang declined to testify at this time.
18

19 Mr. Thorsland closed the witness register.
20

21 Mr. Thorsland stated that the Board will now review the Finding of Fact.
22

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

28 The Board agreed with staff's recommendation for LRMP Goal 1.
29

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

36 Mr. Hall stated that the following sentence should be added to item # 2. as follows: The area to be rezoned
37 is 175 feet in the east/west dimension and 300 feet in the north/south dimension.
38

39 Mr. Hall stated that item #8.D. (1) should be revised as follows: The R-1 District is a less intensive zoning
40 District than the B-5 District and the types of uses authorized in the R-1 District are less problematic for this
41 location which is without either public water or public sewer, than are the uses authorized in the B-5 District.

1 He said that item #8.D.(3) should be revised as follows: The proposed rezoning is consistent with the
2 adjacent R-1 zoning and will be contiguous to the existing R-1 zoning. He said that new item #8.D.(4)
3 should read as follows: Approximately 1.5 acres of the property will remain in the B-5 District.
4

5 Mr. Thorsland read LRMP Goal 2 as follows: “Champaign County will collaboratively formulate land
6 resource and development policy with other units of government in area of overlapping land use planning
7 jurisdiction.” He said that staff recommends that the proposed rezoning will NOT IMPEDE the achievement
8 of Goal 2.
9

10 The Board agreed with staff’s recommendation for LRMP Goal 2.
11

12 Mr. Thorsland read LRMP Goal 3 as follows: “Champaign County will encourage economic growth and
13 development to ensure prosperity for its residents and the region.” He said that staff recommends that the
14 proposed rezoning will NOT IMPEDE the achievement of Goal 3.
15

16 The Board agreed with staff’s recommendation of LRMP Goal 3.
17

18 Mr. Thorsland read Policy 4.3.4 as follows: “The County may authorize a discretionary review development
19 provided that existing public infrastructure, together with proposed improvements, is adequate to support the
20 proposed development effectively and safely without undue public expense.” He said that staff recommends
21 that the proposed rezoning will HELP ACHIEVE Policy 4.3.4. He said that staff also recommends that the
22 proposed amendment WILL NOT IMPEDE the achievement of Policies 4.3.1 and 4.3.5.
23

24 The Board agreed with staff’s recommendations for Policies, 4.3.4, 4.3.1 and 4.3.5.
25

26 Mr. Thorsland read Policy 4.3.3 as follows: “The County may authorize a discretionary review development
27 provided that existing public services are adequate to support the proposed development effectively and
28 safely without undue public expense.” He said that staff recommends that the proposed rezoning will HELP
29 ACHIEVE Policy 4.3.3.
30

31 The Board agreed with staff’s recommendation for Policy 4.3.3.
32

33 Mr. Thorsland stated that Objective 4.3 states the following: “Champaign County will require that each
34 discretionary review development is located on a suitable site.” He read Policy 4.3.2 as follows: “On best
35 prime farmland, the County may authorize a discretionary review development provided the site with
36 proposed improvements is well-suited overall for the proposed land use.” He said that staff recommends
37 that the proposed rezoning will HELP ACHIEVE Objective 4.3 and Policy 4.3.2.
38

39 The Board agreed with staff’s recommendations for Objective 4.3 and Policy 4.3.2.
40

41 Mr. Thorsland stated that Objective 4.2 states the following: “Champaign County will require that each

1 discretionary review development will not interfere with agricultural operations.” He read Policy 4.2.2 as
2 follows: The county may authorize discretionary review development in a rural area if the proposed
3 development: a. is a type that does not negatively affect agricultural activities; or b. is located and designed
4 to minimize exposure to any negative affect caused by agricultural activities; and c. will not interfere with
5 agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural
6 roads, or other agriculture-related infrastructure.” He said that staff recommends that the proposed rezoning
7 will HELP ACHIEVE Objective 4.2 and Policy 4.2.2.

8
9 The Board agreed with staff’s recommendations for Objective 4.2 and Policy 4.2.2.

10
11 Mr. Thorsland stated that staff recommends that the proposed amendment WILL NOT IMPEDE the
12 achievement of Policies 4.2.1, 4.2.3, and 4.2.4.

13
14 The Board agreed with staff’s recommendations regarding Policies 4.2.1, 4.2.3, and 4.2.4.

15
16 Mr. Thorsland read Policy 4.1.6 as follows: “Provided that the use, design, site and location are consistent
17 with County policies regarding: i. Suitability of the site for the proposed use; ii. Adequacy of infrastructure
18 and public services for the proposed use; iii. Minimizing conflict with agriculture; iv. Minimizing the
19 conversion of farmland; and v. Minimizing the disturbance of natural areas; then a) On best prime farmland,
20 the county may authorize discretionary residential development subject to a limit on total acres converted
21 which is generally proportionate to tract size and is based on the January 1, 1998, configuration of tracts,
22 with the total amount of acreage converted to residential use (inclusive of by-right development) not to
23 exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed
24 12 acres in total; or b) On best prime farmland, the County may authorize non-residential discretionary
25 development; or c) The County may authorize discretionary review development on tracts consisting of other
26 than best prime farmland.” He said that the staff recommends that the proposed rezoning will HELP
27 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,
28 4.1.7, 4.1.8, and 4.1.9.

29
30 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
31 4.1.9.

32
33 Mr. Thorsland read Objective 4.1 as follows: “Champaign County will strive to minimize the fragmentation
34 of the County’s agricultural land base and conserve farmland, generally applying more stringent
35 development standards on best prime farmland.” He said that Policy 4.1.1 states, “Commercial agriculture is
36 the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and
37 drainage, suited to its pursuit. The County will not accommodate other land uses except under very
38 restricted conditions or in areas of less productive soils.” He said that staff recommends that the proposed
39 rezoning will HELP ACHIEVE Objective 4.1 and Policy 4.1.1.

40
41 The Board agreed with staff’s recommendations regarding Objective 4.1 and Policy 4.1.1.

1
2 Mr. Thorsland stated that due to the previous recommendations the proposed rezoning will HELP ACHIEVE
3 Goal 4.
4
5 The Board agreed.
6
7 Mr. Thorsland stated that Policy 5.3.2 states, “The County will: a. require that proposed new urban
8 development, with proposed improvements, will be adequately served by public infrastructure, and that
9 related needed improvements to public infrastructure are made without undue public expense; and b.
10 encourage, when possible, other jurisdictions to require that proposed new urban development, with
11 proposed improvements, will be adequately served by public infrastructure, and that related needed
12 improvements to public infrastructure are made without undue public expense.” He said that staff
13 recommends that the proposed rezoning will HELP ACHIEVE Policy 5.3.2.
14
15 The Board agreed with staff’s recommendation for Policy 5.3.2.
16
17 Mr. Thorsland stated that staff recommends that the proposed amendment WILL NOT IMPEDE the
18 achievement of Policy 5.3.3.
19
20 The Board agreed.
21
22 Mr. Thorsland stated that Objective 5.3. states, “Champaign County will oppose proposed new urban
23 development unless adequate utilities, infrastructure, and public services are provided. He said that Policy
24 5.3.1 states, “The County will: a. require that proposed new urban development in unincorporated areas is
25 sufficiently served by available public services and without undue public expense; and b. encourage, when
26 possible, other jurisdictions to require that proposed new urban development is sufficiently served by
27 available public services and without undue public expense.” He said that staff recommends that the
28 proposed rezoning will HELP ACHIEVE Objective 5.3 and Policy 5.3.1.
29
30 The Board agreed with staff’s recommendations for Objective 5.3 and Policy 5.3.1.
31
32 Mr. Thorsland stated that Objective 5.2 states, “When new urban development is proposed, Champaign
33 County will encourage that such development demonstrates good stewardship of natural resources.” He said
34 that Policy 5.2.1 states, “The County will encourage the reuse and redevelopment of older and vacant
35 properties within urban land when feasible.” He said that Policy 5.2.2 states, “The County will: a. ensure
36 that urban development proposed on best prime farmland is efficiently designed in order to avoid
37 unnecessary conversion of such farmland; and b. encourage, when possible, other jurisdictions to ensure that
38 urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary
39 conversion of such farmland.” He said that staff recommends that the proposed rezoning HELPS ACHIEVE
40 Objective 5.2 and Policies 5.2.1 and 5.2.2.
41

1 The Board agreed with staff’s recommendations for Objective 5.2 and Policies 5.2.1 and 5.2.2.
2
3 Mr. Thorsland stated that staff recommends that the proposed amendment WILL NOT IMPEDE the
4 achievement of Policy 5.2.3.
5
6 The Board agreed with staff’s recommendation for Policy 5.2.3.
7
8 Mr. Thorsland stated that Policy 5.1.6 states, “to reduce the occurrence of agricultural land use and non-
9 agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require
10 discretionary development to create a sufficient buffer between existing agricultural operations and the
11 proposed urban development.” He said that staff recommends that the proposed rezoning will HELP
12 ACHIEVE Policy 5.1.6. and WILL NOT IMPEDE the achievement of Policy 5.1.1 and Policies 5.1.3, 5.1.4,
13 5.1.7, 5.1.8, and 5.1.9 are NOT RELEVANT to the proposed rezoning.
14
15 Mr. Hall stated that the area proposed for rezoning is part of the existing 4 acre triangular shaped property
16 and the whole property is separated from the large farmland to the west by the unnamed drainage ditch
17 which is tributary to the Flatville Ditch. He said that it could be relevant that an adjacent drainage ditch
18 separates the property from farmland to the west. He said that this information could be interesting but not
19 relevant and he does not know why staff overlooked it originally but he believes that staff was focusing on
20 just the 1.2 acres that was proposed for rezoning. He said that if the Board agreed the following sentence
21 could be added to item #14.A(3)(a): An adjacent drainage ditch separates the property from the farmland to
22 the west.
23
24 The Board agreed with the addition to item #14.A(3)(a). The Board also agreed with staff’s
25 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.
26
27 Mr. Thorsland stated that Policy 5.1.5 states, “The County will encourage urban development to explicitly
28 recognize and provide for the right of agricultural activities to continue on adjacent land.” He said that staff
29 recommends that the proposed rezoning will HELP ACHIEVE Policy 5.1.5.
30
31 The Board agreed with staff’s recommendation for Policy 5.1.5.
32
33 Mr. Thorsland stated that Policy 5.1.2 states, “a. The County will encourage that only compact and
34 contiguous discretionary development occur within or adjacent to existing villages that have not yet adopted
35 a municipal comprehensive land use plan; and b. The County will require that only compact and contiguous
36 discretionary development occur within or adjacent to existing unincorporated settlements.” He said that
37 staff recommends that the proposed rezoning will HELP ACHIEVE Policy 5.1.2 for the following reasons:
38 (a) The subject property is located at Flatville, an unincorporated settlement. Mr. Thorsland stated that he
39 would like to add an item (b) as follows: (b) the rezoning will provide for infill development.
40
41 The Board agreed with staff’s recommendation for Policy 5.1.2 and the addition of item (b) as proposed by

1 Mr. Thorsland.
2
3 Mr. Thorsland read Goal 5 as follows: Champaign County will encourage urban development that is
4 compact and contiguous to existing cities, villages, and existing unincorporated settlements. He said that
5 due to the previous recommendations the proposed rezoning will HELP ACHIEVE Goal 5.
6
7 Mr. Thorsland stated that staff recommends that the proposed amendment WILL NOT IMPEDE the
8 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
9 are NOT RELEVANT to the proposed amendment.
10
11 Mr. Thorsland stated that Policy 6.1.2 states, “The County will ensure that the proposed wastewater disposal
12 and treatment systems of discretionary development will not endanger public health, create nuisance
13 conditions for adjacent uses, or negatively impact surface or groundwater safety. He said that staff
14 recommends that the proposed rezoning will HELP ACHIEVE Policy 6.1.2.
15
16 The Board agreed with staff’s recommendation for Policy 6.1.2.
17
18 Mr. Thorsland stated that Objective 6.1 states, “The Champaign County will seek to ensure that development
19 in unincorporated areas of the County does not endanger public health or safety.” He said that Policy 6.1.1
20 states, “The County will establish minimum lot location and dimension requirements for all new rural
21 residential development that provides ample and appropriate area for onsite wastewater and septic systems.
22 He said that staff recommends that the proposed rezoning will HELP ACHIEVE Objective 6.1 and Policy
23 6.1.1.
24
25 The Board agreed with staff’s recommendation for Objective 6.1 and Policy 6.1.1.
26
27 He said that due to the previous recommendations the proposed rezoning will HELP ACHIEVE Goal 6.
28
29 Mr. Thorsland read Goal 7 as follows: Champaign County will coordinate land use decisions in the
30 unincorporated area with the existing and planned transportation infrastructure and services. He said that
31 staff recommends that the proposed rezoning will NOT IMPEDE the achievement of Goal 7.
32
33 The Board agreed with staff’s recommendation regarding Goal 7.
34
35 Mr. Thorsland read Goal 8 as follows: Champaign County will strive to conserve and enhance the County’s
36 landscape and natural resources and ensure their sustainable use. He said that staff recommends that the
37 proposed rezoning will NOT IMPEDE the achievement of Goal 8.
38
39 The Board agreed with staff’s recommendation regarding Goal 8.
40
41 Mr. Thorsland read Goal 9 as follows: Champaign County will encourage energy conservation efficiency,

1 and the use of renewable energy sources. He said that staff recommends that the proposed rezoning will
2 NOT IMPEDE the achievement of Goal 9.

3
4 The Board agreed with staff's recommendation regarding Goal 9.

5
6 Mr. Thorsland read Goal 10 as follows: Champaign County will promote the development and preservation
7 of cultural amenities that contribute to a high quality of life for its citizens. He said that staff recommends
8 that the proposed rezoning will NOT IMPEDE the achievement of Goal 10.

9
10 The Board agreed with staff's recommendation regarding Goal 10.

11
12 Mr. Thorsland stated regarding item #20.D. regarding the *LaSalle* factor he would like to add an item
13 20.D(2) as follows: (2) the rezoning will provide for infill development.

14
15 Ms. Capel stated that she has a question regarding Policy 6.1.2. She asked staff if a new wastewater system
16 will be installed or if the old system will be used for the new construction.

17
18 Mr. Hall stated that if the existing system is a system that can be lawfully reused then there should not be a
19 problem.

20
21 Ms. Capel asked staff if there is any oversight.

22
23 Mr. Hall stated that the Champaign County Health Department reviews the County's permits every month
24 and during that review they will see that home is proposed in Flatville and will contact the builder to verify
25 that either there is a lawful system on the property or that a new system is required. He said that the Health
26 Department will also go through their records to see if a new system has already been installed.

27
28 Mr. Thorsland stated that staff recommends that the proposed amendment will HELP ACHIEVE the purpose
29 of the Zoning Ordinance as established in Section 2 of the Ordinance.

30
31 The Board agreed with staff's recommendation.

32
33 **Summary Finding of Fact:**

34
35 From the documents of record and the testimony and exhibits received at the public hearing conducted on
36 **October 17, 2013**, the Zoning Board of Appeals of Champaign County finds that:

- 37
38 1. Regarding the effect of the proposed amendment on the Land Resource Management Plan
39 (LRMP):
40 A. **Regarding Goal 4:**
41 ● **Objective 4.3 requiring any discretionary development to be on a suitable site**

1 because it will *HELP ACHIEVE* the following:

- 2 • Policy 4.3.4 requiring existing public infrastructure be adequate to support the
3 proposed development effectively and safely without undue public expense (see
4 Item 13.C.(3)).
- 5 • Policy 4.3.3 requiring existing public services be adequate to support the proposed
6 development effectively and safely without undue public expense (see Item
7 13.C.(2)).
- 8 • Policy 4.3.2 requiring a discretionary development on best prime farmland to be
9 well-suited overall (see Item 13.C.(1)).
- 10
- 11 • Objective 4.2 requiring discretionary development to not interfere with agriculture
12 because it will *HELP ACHIEVE* the following:
- 13 • Policy 4.2.2 requiring discretionary development in a rural area to not interfere with
14 agriculture or negatively affect rural infrastructure (see Item 13.B.(1)).
- 15
- 16 • Objective 4.1 requiring minimization of the fragmentation of farmland, conservation
17 of farmland, and stringent development standards on best prime farmland because it
18 will *HELP ACHIEVE* the following:
- 19 • Policy 4.1.6 requiring that the use, design, site and location are consistent with
20 policies regarding suitability, adequacy of infrastructure and public services,
21 conflict with agriculture, conversion of farmland, and disturbance of natural areas
22 (see Item 13.A.(2)).
- 23 • Policy 4.1.1 requiring that other land uses only be accommodated under very
24 restricted conditions or in areas of less productive soils (see Item 13.A.(1)).
- 25
- 26 • Based on achievement of the above Objectives and Policies and because it will either not
27 impede or is not relevant to the other Objectives and Policies under this goal, the
28 proposed map amendment will *HELP ACHIEVE* Goal 4 Agriculture.
- 29

30 **B. Regarding Goal 5:**

- 31 • Objective 5.3 requiring County opposition to new urban development unless
32 adequate infrastructure and public services are provided because it will *HELP*
33 *ACHIEVE* the following:
- 34 • Policy 5.3.2 require that new urban development be adequately served by public
35 infrastructure without undue public expense (Item 14.C.(2)).
- 36 • Policy 5.3.1 require that new urban development be adequately served by public
37 services without undue public expense (Item 14.C.(1)).
- 38
- 39 • Objective 5.2 encourage any urban development to demonstrate good stewardship of
40 natural resources because it will *HELP ACHIEVE* the following:

- 1 • Policy 5.2.2 ensure that urban development on best prime farmland is efficiently
 2 designed to avoid unnecessary conversion and encourage other jurisdictions to do
 3 the same (Item 14.B.(2)).
- 4 • Policy 5.2.1 encourage the reuse and redevelopment of older and vacant properties
 5 within urban land (Item 14.B.(1)).
- 6
- 7 • Objective 5.1 ensure that the population growth and economic development is
 8 accommodated by new urban development in or adjacent to existing population
 9 centers because it will *HELP ACHIEVE* the following:
- 10 • Policy 5.1.6 reduce the occurrence of agricultural land use and non-agricultural
 11 land use conflicts (Item 14.A.(3)).
- 12 • Policy 5.1.5 encourage urban development to recognize and provide for the right of
 13 agricultural activities on adjacent land (Item 14.A.(2)).
- 14 • Policy 5.1.2 encourage compact and contiguous development within or adjacent to
 15 unincorporated settlements or villages without a comprehensive plan (Item
 16 14.A.(1)).
- 17
- 18 • Based on achievement or non-achievement of the above Objectives and Policies and
 19 because it will either not impede or is not relevant to the other Objectives and Policies
 20 under this goal, the proposed map amendment will *HELP ACHIEVE* Goal 5 Urban
 21 Land Use.
- 22
- 23 **C. Regarding Goal 6:**
- 24 • Objective 6.1 ensuring that development does not endanger public health or safety
 25 because it will *HELP ACHIEVE* the following:
- 26 • Policy 6.1.2 ensure that wastewater disposal and treatment will not endanger public
 27 health, create nuisance conditions for adjacent uses, or negatively impact surface or
 28 groundwater quality (see Item 15.A.(2)).
- 29 • Policy 6.1.1 establishing minimum lot dimensions for rural residential development
 30 to provide adequate area for wastewater systems (see Item 15.A.(1)).
- 31
- 32 • Based on achievement of the above Objectives and Policies and because it will either not
 33 impede or is not relevant to the other Objectives and Policies under this goal, the
 34 proposed map amendment will *HELP ACHIEVE* Goal 6 Public Health and Public
 35 Safety.
- 36
- 37 **E. The proposed amendment will *NOT IMPEDE* the following LRMP goal(s):**
- 38 • **Goal 1 Planning and Public Involvement**
- 39 • **Goal 2 Governmental Coordination**
- 40 • **Goal 3 Prosperity**
- 41 • **Goal 7 Transportation**
- 42 • **Goal 8 Natural Resources**

- **Goal 9 Energy Conservation**
- **Goal 10 Cultural Amenities**

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

2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:

- The amendment will allow the subject property to be redeveloped
- The subject property is suitable for the existing and proposed use.
- The proposed amendment minimizes the amount of agricultural land from being rezoned.

3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE the purpose of the Zoning Ordinance** because:

- Establishing the B-1 District at this location will help classify, regulate, and restrict the location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 21.I.).
- Establishing the B-1 District at this location will help divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification (Purpose 2.0 (j) see Item 21.J.).
- Establishing the B-1 District at this location will help fix regulations and standards to which buildings, structures, or uses therein shall conform (Purpose 2.0 (i) see Item 21.K.).
- Establishing the B-1 District at this location will help prohibit uses, buildings, or structures incompatible with the character of such districts (Purpose 2.0 (i) see Item 21.L.).
- Establishing the B-1 District at this location will help protect the most productive farmland from unplanned intrusions of urban uses (Purpose 2.0 (i) see Item 21.N.).

4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:

- The subject property has been zoned as it is since 1973 and the commercial zoning of that portion of the property that used for residential purposes is no longer appropriate.

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

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

1
2 Ms. Busboom, Ms. Mullvain and Mr. Vogelsang indicated that they had no new testimony to add at this
3 time.

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

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

10
11 Mr. Thorsland entertained a motion to move to the final determination.

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

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

20
21 Ms. Kay Busboom requested that the present Board move to the final determination for Case 762-AM-13.

22
23 **Final Determination for Case 762-AM-13:**

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

29
30 Mr. Thorsland requested a roll call vote.

31
32 The roll was called:

33
34 **Capel-yes Miller-absent Palmgren-yes**
35 **Passalacqua-yes Randol-yes Thorsland-yes**

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

41

1 **7. Staff Report**

2
3 None

4
5 **8. Other Business**

6 **A. Review of Docket**

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

13
14 Ms. Capel stated that if the October 31st ZBA meeting is held she will be absent.

15
16 Mr. Thorsland entertained a motion to cancel the October 31, 2013, ZBA meeting and to move Case 763-
17 AM-13 to the November 14, 2013, meeting.

18
19 **Mr. Palmgren moved, seconded by Ms. Capel to cancel the October 31, 2013, ZBA meeting and to**
20 **move Case 763-AM-13 to the November 14, 2013, meeting. The motion carried by voice vote.**

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

22
23 None

24
25 **10. Adjournment**

26
27 Mr. Thorsland entertained a motion to adjourn the meeting.

28
29 **Ms. Capel moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**
30 **vote.**

31
32 The meeting adjourned at 7:35 p.m.

33
34
35 Respectfully submitted

36
37
38
39
40 Secretary of Zoning Board of Appeals

41



GOALS, OBJECTIVES AND POLICIES

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

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

Background

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

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

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

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

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

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

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

LRMP Goals

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

Goal 1 Planning and Public Involvement

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

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Objective 1.3 Incremental Updates

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

Objective 1.4 Comprehensive Updates

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

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Policy 1.2.1

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

Objective 1.3 Incremental Updates

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

Policy 1.3.1

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

Objective 1.4 Comprehensive Updates

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

Policy 1.4.1

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

Policy 1.4.2

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

Goal 2 Governmental Coordination

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

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

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

Objective 2.2 Information Sharing

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

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

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

Policy 2.1.1

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

Policy 2.1.2

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

Policy 2.1.3

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

Objective 2.2 Information Sharing

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

Goal 3 Prosperity

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

Goal 3 Objectives

Objective 3.1 Business Climate

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

Objective 3.2 Efficient County Administration

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

Objective 3.3 County Economic Development Policy

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

Goal 4 Agriculture

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

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

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

Objective 4.2 Development Conflicts with Agricultural Operations

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

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Objective 4.3 Site Suitability for Discretionary Review Development

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

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

Policy 4.1.1

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

Policy 4.1.2

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

Policy 4.1.3

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

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

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

Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
- 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

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

- i. suitability of the site for the proposed use;
 - ii. adequacy of infrastructure and public services for the proposed use;
 - iii. minimizing conflict with agriculture;
 - iv. minimizing the conversion of farmland; and
 - v. minimizing the disturbance of natural areas,
- then,
- a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
- c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

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

Policy 4.1.8

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

Policy 4.1.9

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

Objective 4.2 Development Conflicts with Agricultural Operations

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

Policy 4.2.1

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

Policy 4.2.2

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

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

Policy 4.2.3

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

Policy 4.2.4

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

Objective 4.3 Site Suitability for Discretionary Review Development

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

Policy 4.3.1

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

Policy 4.3.2

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

Policy 4.3.3

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

Policy 4.3.4

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

Policy 4.3.5

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

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

Objective 4.4 Regulations for Rural Residential *Discretionary Review*

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

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

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

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Policy 4.9.1

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

Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

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

Objective 5.2 Natural Resources Stewardship

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

Objective 5.3 Adequate Public Infrastructure and Services

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

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

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

Policy 5.1.1

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

Policy 5.1.2

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

Policy 5.1.3

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

Policy 5.1.4

- The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:
- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
 - b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
 - c. the development is generally consistent with all relevant LRMP objectives and policies.

Policy 5.1.5

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

Policy 5.1.6

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

Policy 5.1.7

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

Policy 5.1.8

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

Policy 5.1.9

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

Objective 5.2 Natural Resources Stewardship

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

Policy 5.2.1

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

Policy 5.2.2

The County will:

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

Policy 5.2.3

The County will:

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

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

Objective 5.3 Adequate Public Infrastructure and Services

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

Policy 5.3.1

The County will:

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

Policy 5.3.2

The County will:

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

Policy 5.3.3

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

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives**Objective 6.1 Protect Public Health and Safety**

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

Objective 6.2 Public Assembly Land Uses

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

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

Policy 6.1.1

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

Policy 6.1.2

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

Policy 6.1.3

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

Policy 6.1.4

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

Objective 6.2 Public Assembly Land Uses

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

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

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

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

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

Objective 7.2 Countywide Transportation System

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

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

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

Policy 7.1.1

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

Objective 7.2 Countywide Transportation System

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

Policy 7.2.1

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

Policy 7.2.2

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

Policy 7.2.3

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

Policy 7.2.4

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

Policy 7.2.5

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

Policy 7.2.6

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

Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

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

Objective 8.2 Soil

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Objective 8.4 Surface Water Protection

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Objective 8.6 Natural Areas and Habitat

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

Objective 8.7 Parks and Preserves

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

Objective 8.8 Air Pollutants

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

Objective 8.9 Natural Resources Assessment System

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

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

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

Policy 8.1.1

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

Policy 8.1.2

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

Policy 8.1.3

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

Policy 8.1.4

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

Policy 8.1.5

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

Policy 8.1.6

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

Policy 8.1.7

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

Policy 8.1.8

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

Policy 8.1.9

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

Objective 8.2 Soil

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

Policy 8.2.1

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Policy 8.3.1

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

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

Objective 8.4 Surface Water Protection

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

Policy 8.4.1

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

Policy 8.4.2

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

Policy 8.4.3

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

Policy 8.4.4

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

Policy 8.4.5

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

Policy 8.4.6

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Policy 8.5.1

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

Policy 8.5.2

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

Policy 8.5.3

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

Policy 8.5.4

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

Policy 8.5.5

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

Objective 8.6 Natural Areas and Habitat

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

Policy 8.6.1

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

Policy 8.6.2

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

Policy 8.6.3

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

Policy 8.6.4

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

Policy 8.6.5

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

Policy 8.6.6

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

Objective 8.7 Parks and Preserves

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

Policy 8.7.1

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

Policy 8.7.2

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

Policy 8.7.3

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

Policy 8.7.4

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

Policy 8.7.5

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

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

Objective 8.8 Air Pollutants

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

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

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

Objective 8.9 Natural Resources Assessment System

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

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

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

Policy 9.1.1

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

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Policy 9.2.1

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

Policy 9.2.2

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

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 10 Cultural Amenities

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

Goal 10 Objective

Objective 10.1 Cultural Amenities

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

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

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

Policy 10.1.1

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

APPENDIX 10

DEFINED TERMS ¹

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

best prime farmland

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

by right development

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

contiguous urban growth area

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

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

discretionary development

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

discretionary review

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

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

discretionary review (continued)

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

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

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

parks and preserves

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

pre-settlement environment

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

public infrastructure

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

public services

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

rural

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

site of historic or archeological significance

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

suited overall

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

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

well-suited overall

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

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

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

urban land

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

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

urban land use

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

CASE NO. 763-AM-13

PRELIMINARY MEMORANDUM

November 8, 2013

Petitioners: **David A. Andersen**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: **1 acre**

Time Schedule for Development: **Existing**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: **Amend the Zoning Map to change the zoning district designation from the B-1 Rural Trade Center Zoning District to the AG-2 Agriculture Zoning District.**

Location: **An approximate 1 acre lot located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 26 of St. Joseph Township and commonly known as the house and building at 2270 CR 1300N, St. Joseph.**

BACKGROUND

The petitioner requests to rezone a 1 acre nonconforming lot of record in order to bring the nonconforming residential use of the subject property into conformance. Currently the subject property is zoned B-1 Rural Trade Center and has a home and a detached garage located on it. The subject property has been zoned this way since the adoption of zoning. It is unclear as to why it was zoned B-1 because the home on the property existed prior to zoning, but at one point in time there was a grain elevator that operated on adjacent property, and presumably the subject property was used in the conduct of those operations. Currently the home on the property is vacant and the petitioner wishes to sell the subject property. The existing home is in poor condition and prospective buyers of the property intend to demolish the existing home and replace it with a new one. Without the rezoning a new residential use cannot be established on the subject property as a principal use.

The lot being proposed for rezoning will be contiguous with the adjacent AG-2 District to the east and west and will be large enough to accommodate a new septic system and meet all other Zoning Ordinance requirements. The subject property is considered best prime farmland with an LE of 100, although no part of the subject property is in agricultural production.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. St. Joseph Township has a plan commission. The Plan Commission has been notified and has protest rights. No comments have been received.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	B-1 Rural Trade Center
North	Railroad Right-of-Way	I-1 Light Industry (Case 138-AM-13)
East	Agriculture	AG-2 Agriculture
West	Residential	AG-2 Agriculture
South	Agriculture	AG-1 Agriculture

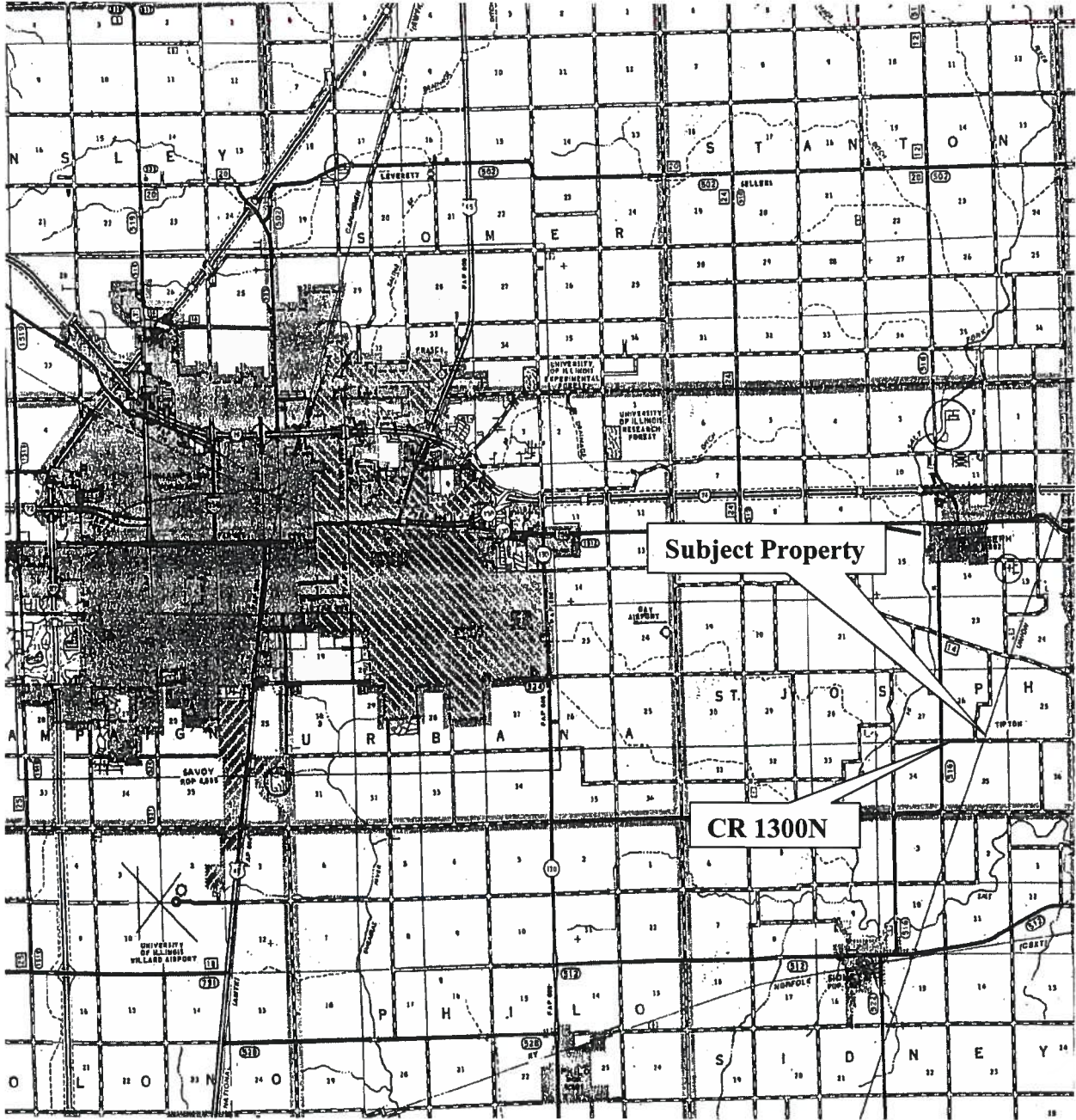
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Visit Photos (included separately)
- C LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
- D Draft Finding of Fact and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

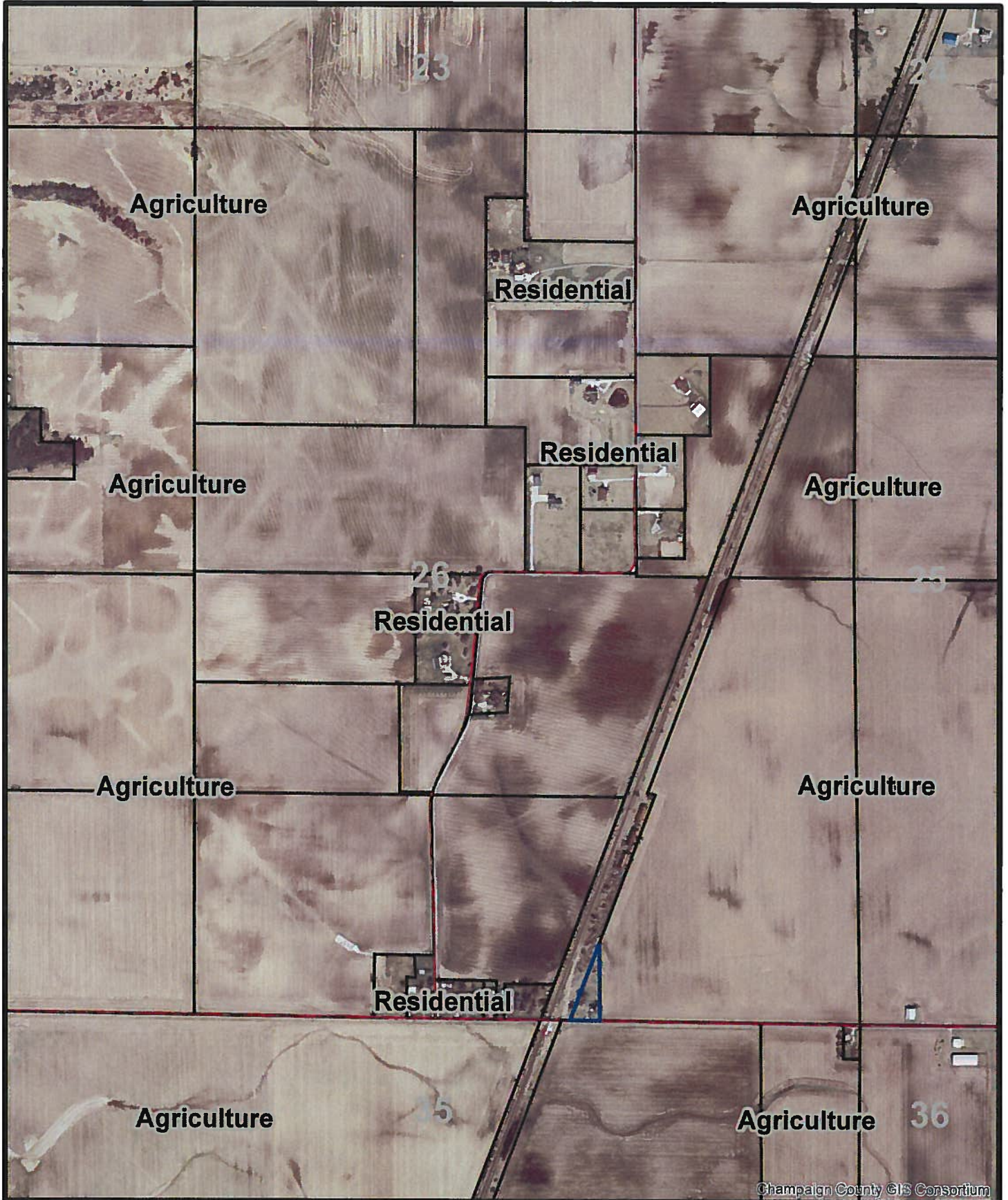
Case: 763-AM-13

November 8, 2013



Champaign
County
Department of
PLANNING &
ZONING

Attachment A: Land Use Map
Case 763-AM-13
November 8, 2013



 Subject Property

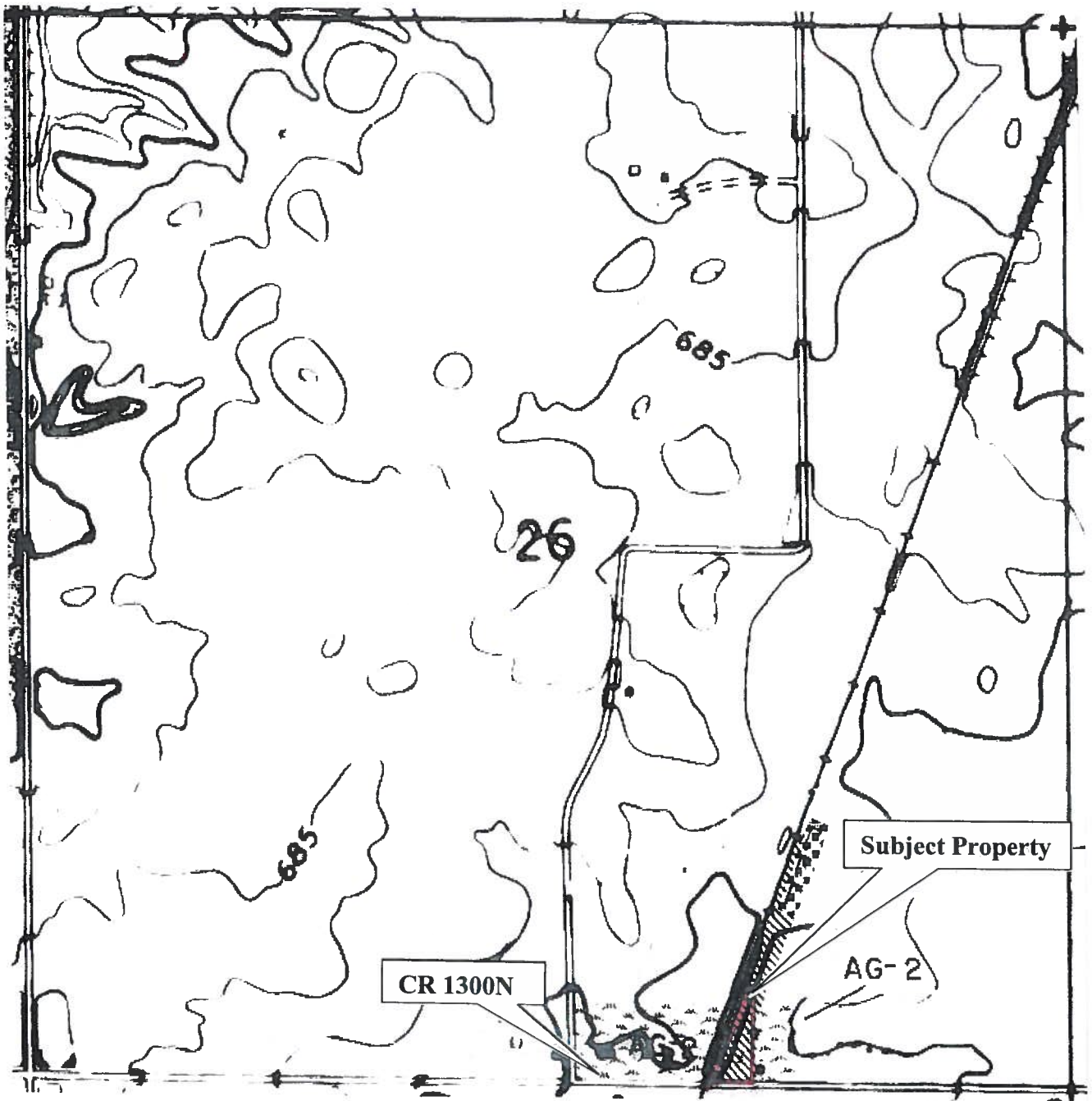
1 inch = 800 feet



ATTACHMENT A. ZONING MAP

Case: 763-AM-13

November 8, 2013



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

PRELIMINARY DRAFT

763-AM-13

**FINDING OF FACT
AND FINAL DETERMINATION
of**

Champaign County Zoning Board of Appeals

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

Date: November 14, 2013

Petitioner: David A. Andersen

Request: **Amend the Zoning Map to change the zoning district designation from the B-1 Rural Trade Center Zoning District to the AG-2 Agriculture Zoning District.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **November 14, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner David A. Andersen, 401 South Market, Bondville, owns the subject property.
2. The subject property is an approximate 1 acre lot located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 26 of St. Joseph Township and commonly known as the house and building at 2270 CR 1300N, St. Joseph.
3. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. St. Joseph Township has a plan commission. The Commission has been notified and has protest rights.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

“Its been zoned B-1 since the adoption of zoning on October 10, 1973, and sometime after that was converted to residential use and the intention is to keep it residential rather than business.”

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

“There is a house on the property that is over 100 years old and is in poor condition. Property is for sale and interested parties want to tear the house down.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned B-1 Rural Trade Center and is in residential use.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north is zoned I-1 Light Industry, and is railroad right-of-way and was formerly the site of a pallet recycling business.
 - (2) Land on the south is zoned AG-1 Agriculture, and is in agricultural production.
 - (3) Land west of the subject property is zoned AG-2 Agriculture and is in residential use.
 - (4) Land east of the subject property is zoned AG-2 Agriculture and is in agricultural production.

7. Previous zoning cases in the vicinity are the following:
- A. Case 138-AM-13 was a request to rezone approximately 1.10 acres immediately north of the subject property from B-1 Rural Trade Center to I-1 Light Industry for the use of a pallet recycling company.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
- (1) The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
 - (2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The B-1 DISTRICT is generally located in rural areas suitable for businesses operations to serve the needs of rural residents.
 - (2) The AG-2 DISTRICT is generally located in areas within one and one-half miles of existing municipalities.
 - (3) The Zoning Map has always contained locations of the AG-2 DISTRICT that are more than one and one-half miles from existing municipalities.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 29 types of uses authorized by right in the B-1 District and there are 13 types of uses authorized by right in the AG-2 District:
 - (a) The following 5 uses are authorized by right in the B-1 District and are not authorized at all in the AG-2 District:
 - PARKING GARAGE or LOT;
 - Telegraph Office;
 - Farm Equipment Sales and Service;
 - Locker, Cold Storage for Individual Use;
 - Minor AUTOMOBILE Repair (all indoors)
 - (b) The following 6 uses are authorized by right in both the B-1 District and AG-2 District:

PRELIMINARY DRAFT

- SUBDIVISION(s) totaling three LOTS or less;
 - AGRICULTURE;
 - Minor RURAL APECIALTY BUSINESS;
 - Township Highway Maintenance Garage (by right in AG-2 only if it complies with footnote 17);
 - Christmas Tree Sales Lot;
 - TEMPORARY USES
- (c) The following 7 uses are authorized by right in the AG-2 District and not at all in the B-1 District:
- SINGLE FAMILY DWELLING;
 - Roadside Stand Operated by Farm Operator;
 - Plant Nursery;
 - Country Club or Golf Course;
 - Commercial Breeding Facility;
 - OFF-PREMISES SIGN within 660' of the edge of the RIGHT-OF-WAY of an interstate highway;
 - OFF-PREMISES SIGN along federal highways except interstate highways
- (d) The following 18 uses are authorized by right in the B-1 District but require a Special Use Permit in the AG-2 District:
- SUBDIVISION(S) totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - Major RURAL SPECIALTY BUSINESS;
 - Municipal or GOVERNMENT BUILDING;
 - Township Highway Maintenance Garage (SUP in AG-2 if it does not comply with footnote 17);
 - Police station or fire station;
 - Library, museum or gallery;
 - Public park or recreational facility;
 - Telephone Exchange;
 - Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
 - Roadside Produce Sales Stand;
 - Feed and Grain (sales only);
 - Grain Elevator and Bins;
 - Antique Sales and Service;
 - Contractors Facilities (with no Outdoor STORAGE nor Outdoor OPERATIONS);
 - Contractors Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS);
 - AGRICULTURAL DRAINAGE CONTRACTOR Facility (with no

- Outdoor STORAGE and/or Outdoor OPERATIONS);
 - AGRICULTURAL DRAINAGE CONTRACTOR Facility (with Outdoor STORAGE and/or Outdoor OPERATIONS);
 - SMALL SCALE METAL FABRICATING SHOP
- (2) There are 10 types of uses authorized by Special Use Permit (SUP) in the B-1 District and 77 types of uses authorized by SUP in the AG-2 District:
- (a) The following 6 uses may be authorized by SUP in the both the B-1 District and AG-2 District:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
 - Self-Storage Warehouses, not providing heat and utilities to individual units
- (b) The following 4 uses may be authorized by Special Use Permit in the B-1 District and not at all in the AG-2 District:
- Self-storage Warehouses, providing heat and utilities to individual units;
 - Gasoline and Volatile Oils Storage up to and including 80,000 gallon capacity in the aggregate;
 - Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallon capacity in the aggregate;
 - Liquefied Petroleum Gases Storage
- (c) The following 53 uses may be authorized by SUP in the AG-2 District and not at all in the B-1 District:
- TWO-FAMILY DWELLING;
 - Home for the aged;
 - NURSING HOME;
 - HOTEL-No more than 15 LODGING UNITS;
 - TRAVEL TRAILER Camp;
 - Residential PLANNED UNIT DEVELOPMENT;
 - Artificial lake of 1 or more acres;
 - Commercial greenhouse;
 - Greenhouse (not exceeding 1,000 square feet);
 - Garden Shop
 - Mineral Extraction, Quarrying, topsoil removal and allied activities;
 - Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;

PRELIMINARY DRAFT

- Church, Temple or church related TEMPORARY USES on church PROPERTY;
- Penal or correctional institution;
- Sewage disposal plant or lagoon;
- Water Treatment Plant;
- Radio or Television Station;
- Public Fairgrounds;
- MOTOR BUS Station;
- Truck Terminal;
- Railroad Yards and Freight Terminals;
- AIRPORT;
- RESIDENTIAL AIRPORTS;
- RESTRICTED LANDING AREAS;
- HELIPORT/HELISTOPS;
- Mortuary or Funeral Home;
- Artist Studio;
- RESIDENTIAL RECOVERY CENTER;
- Amusement Park;
- Resort or Organized CAMP;
- Bait Sales;
- Country Club Clubhouse;
- Lodge or private club;
- Outdoor commercial recreational enterprise (except amusement park);
- Private Indoor Recreational Development;
- Public CAMP or picnic area;
- Riding Stable;
- Seasonal hunting or fishing lodge;
- Stadium or coliseum;
- OUTDOOR THEATER;
- Commercial Fishing Lake;
- Aviation sales, service or storage;
- Cemetery or Crematory;
- Pet Cemetery;
- KENNEL;
- VETERINARY HOSPITAL;
- OFF-PREMISES SIGN beyond 660' of the edge of the RIGHT-OF-WAY of an interstate highway;
- LANDSCAPE WASTE PROCESSING FACILITIES;
- Gas Turbine Peaker;
- BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS);
- Wood Fabricating Shop and Related Activities;

- Sawmills and Planing Mills, and related activities;
- Pre-Existing Industrial Uses (existing prior to October 10, 1973)

D. Regarding the logic of the proposed rezoning:

- (1) The AG-2 District is a less intensive District than the B-1 District and the types of uses authorized in the AG-2 District are less problematic for this location without either public water or public sewer, than are the uses authorized in the B-1 District.
- (2) The approximately 1 acre lot exceeds the minimum area required in Section 4.3.4 for lots without either public water or public sewer.
- (3) The proposed rezoning is consistent with the adjacent AG-2 zoning to the east and the west.
- (4) The subject property has been in residential use for many years and the surrounding land uses are residential in nature.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:

A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

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

B. The LRMP defines Goals, Objectives, and Policies as follows:

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

C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

PRELIMINARY DRAFT

REGARDING LRMP GOALS & POLICIES

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

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

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

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

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

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

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

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

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

Goal 3 has three objectives and no policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 3.

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

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

Goal 4 has 9 objectives and 22 policies. The proposed will *HELP ACHIEVE* Goal 4 for the following reasons:

- A. Objective 4.1 states, **“Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”**

The proposed rezoning will *HELP ACHIEVE* Objective 4.1 because of the following:

- (1) Policy 4.1.1 states, **“Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.1 for the following reasons:

- (a) The subject property is already in residential use. The current commercial zoning of the property allows many more and intensive uses than the proposed zoning district.
 - (b) No part of the subject property is in agricultural production.
- (2) Policy 4.1.6 states, **“Provided that the use, design, site and location are consistent with County policies regarding:**
- i. **Suitability of the site for the proposed use;**
 - ii. **Adequacy of infrastructure and public services for the proposed use;**
 - iii. **Minimizing conflict with agriculture;**
 - iv. **Minimizing the conversion of farmland; and**
 - v. **Minimizing the disturbance of natural areas; then**
 - a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
 - b) **On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) **The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.6 for the following reasons:

- (a) The subject property consists of Flanagan Silt Loam (154A) and Drummer Silty Clay Loam (152A) with an LE of 100 and is considered best prime farmland.
 - (b) No part of the subject property is in agricultural production.
 - (c) Achievement of Policy 4.1.6 requires achievement of related Objectives 4.2 and 4.3.
- (3) The proposed amendment *WILL NOT IMPEDE* the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.

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- B. Objective 4.2 states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:
 - a. is a type that does not negatively affect agricultural activities; or
 - b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
 - c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- (a) The existing buildings on the subject property have existed since the adoption of zoning.
 - (b) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (c) The proposed rezoning will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure and is consistent with the adjacent AG-2 zoning.
- (2) The proposed amendment **WILL NOT IMPEDE** the achievement of Policies 4.2.1, 4.2.3, 4.2.4.

- C. Objective 4.3 states, “Champaign County will require that each *discretionary review* development is located on a suitable site.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) Policy 4.3.2 states, “On best prime farmland, the County may authorize a *discretionary review* development provided the site with proposed improvements is well-suited overall for the proposed land use.

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 for the following reasons:

- (a) The subject property consists of Flanagan Silt Loam (154A) and Drummer Silty Clay Loam (152A) with an LE of 100 and is considered best prime farmland.

- (b) The subject property has not been in agricultural production since long before the adoption of the Zoning Ordinance in 1973.
 - (c) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (d) The proposed rezoning will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure and is consistent with the adjacent AG-2 zoning.
 - (e) The subject property is not served by sanitary sewer, but there is an existing septic system that serves the existing home. If the existing home is demolished it is likely that a new septic system will need to be installed and the lot area of approximately 1 acre exceeds the minimum area required in Section 4.3.4 for lots without either public water or public sewer.
- (2) Policy 4.3.3 states, **“The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.3 for the following reason:

- (a) The subject property is located approximately 4 road miles from the St. Joseph – Stanton Fire Protection District Station. The fire protection district was notified of this case and no comments have been received.
 - (b) The proposed rezoning will not create an additional demand for public services compared to the existing use.
- (3) Policy 4.3.4 states, **“The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.4 for the following reason:

- (a) The subject property has access to CR 1300N. CR 1300N is an oil and chip road that is approximately 16 feet in width that has adequate capacity for the proposed use.

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- (b) All relevant highway authorities were notified of this case and no comments have been received.
- (c) The proposed rezoning will not create any additional need for infrastructure compared to the existing use.
- (4) The proposed amendment **WILL NOT IMPEDE** the achievement of Policies, 4.3.1 and 4.3.5.

D. The proposed amendment **WILL NOT IMPEDE** the achievement of Objectives 4.4, 4.6, 4.7, 4.8 and 4.9 and Policies 4.6.1, 4.6.2, 4.6.3, and 4.9.1. Objective 4.5 is **NOT RELEVANT** to the proposed amendment.

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

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 5. The proposed rezoning is not urban land use, but Policy 5.2.1 is still relevant to the proposed rezoning. Policy 5.2.1 states as follows: **“The County will encourage the reuse and redevelopment of older and vacant properties within urban land when feasible.”**

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

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

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

A. Objective 6.1 states, **“Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”**

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

- (1) Policy 6.1.1 states, **“The County will establish minimum lot location and dimension requirements for all new rural residential development that provide ample and appropriate areas for onsite wastewater and septic systems.”**

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.1 for the following reasons:

- (a) The area proposed to be rezoned meets all minimum lot location requirements for residential development and provides adequate area for a new wastewater system.
- (2) The proposed amendment **WILL NOT IMPEDE** the achievement of Policies 6.1.2, 6.1.3 and 6.1.4.

- B. The proposed amendment **WILL NOT IMPEDE** the achievement of Objectives 6.3 and 6.4. Objective 6.2 and Policies 6.2.1, 6.2.2, and 6.2.3 are **NOT RELEVANT** to the proposed amendment.

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

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

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

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

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

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

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

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

Goal 9 has 5 objectives and 5 policies. The proposed rezoning will **NOT IMPEDE** the achievement of Goal 9.

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

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

Goal 10 has 1 objective and 1 policy. The proposed rezoning will **NOT IMPEDE** the achievement of Goal 10.

GENERALLY REGARDING THE LaSalle Factors

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

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that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

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

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

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Residential	B-1 Rural Trade Center
North	Railroad Right-of-Way	I-1 Light Industry (Case 138-AM-98)
East	Agriculture	AG-2 Agriculture
West	Residential	AG-2 Agriculture
South	Agriculture	AG-1 Agriculture

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

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of the subject property, the requested map amendment may have some positive effect or else the landowner would not have submitted the petition for the rezoning.

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

- (1) There has been no evidence submitted regarding property values.
- (2) The proposed rezoning should not have a negative effect on the public health, safety, and welfare and therefore, denying the request to rezone the property will not promote public health, safety, or welfare.

- D. ***LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**
- (1) There is no particular gain to the public as a result of the proposed rezoning, but it would allow the petitioner to sell the property and would allow the buyer to construct a new home on the subject property.
 - (2) The rezoning will allow the current condition of the property to be improved.
- E. ***LaSalle* factor: The suitability of the subject property for the zoned purposes.**
- (1) The subject property is suitable for the current and proposed zoned purposes.
- F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
- (1) The B-1 District was planned in 1973, and is intended to provide areas for AGRICULTURAL related business services to rural residents.
 - (2) The AG-2 District was planned in 1973, and is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (3) No part of the subject property is in agricultural production.
 - (4) The subject property has been in residential use since the adoption of zoning on October 10, 1973.
- G. ***Sinclair* factor: The need and demand for the use.**
- There is apparently demand for this property. The petitioner intends to sell the property for a new owner to demolish the existing dilapidated home on the property and construct a new one. Constructing a new home will improve the condition of the property and the surround area.
- H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- Based on the review of LRMP Goals, and Objectives in Items 10 through 19 of this Finding of Fact, the proposed rezoning is in general conformance with the Land Resource Management Plan Goals, Objectives, and Policies.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

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

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- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is not directly related to this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is not directly related to this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use

of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.
 - (a) The proposed amendment is directly related to this purpose because rezoning the property will bring the existing residential use into compliance and will allow a new dwelling to be built on the property.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.
 - (a) The proposed amendment is directly related to this purpose because rezoning the property will bring the existing residential use into compliance and will allow a new dwelling to be built on the property.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.
 - (a) The proposed amendment is directly related to this purpose because rezoning the property will bring the existing residential use into compliance and will allow a new dwelling to be built on the property.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.
 - (a) The proposed amendment is directly related to this purpose because rezoning the property will bring the existing residential use into compliance and will allow a new dwelling to be built on the property.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

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The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

(a) The subject property is not in agricultural production.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. Regarding proposed special conditions of approval:

No Special Conditions of Approval are proposed at this time.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on November 14, 2013, the Zoning Board of Appeals of Champaign County finds that:

1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):
 - A. **Regarding Goal 4:**
 - Objective 4.3 requiring any discretionary development to be on a suitable site because it will *HELP ACHIEVE* the following:
 - Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
 - Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).
 - Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
 - Objective 4.2 requiring discretionary development to not interfere with agriculture because it will *HELP ACHIEVE* the following:
 - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(1)).
 - Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it will *HELP ACHIEVE* the following:
 - Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(2)).
 - Policy 4.1.1 requiring that other land uses only be accommodated under very restricted conditions or in areas of less productive soils (see Item 13.A.(1)).
 - Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE* Goal 4 Agriculture.
 - C. **Regarding Goal 6:**
 - Objective 6.1 ensuring that development does not endanger public health or safety because it will *HELP ACHIEVE* the following:
 - Policy 6.1.1 establishing minimum lot dimensions for rural residential development to provide adequate area for wastewater systems (see Item 15.A.(1)).
 - Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE* Goal 6 Public Health and Public Safety.

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- E. The proposed amendment will ***NOT IMPEDE*** the following LRMP goal(s):
- **Goal 1 Planning and Public Involvement**
 - **Goal 2 Governmental Coordination**
 - **Goal 3 Prosperity**
 - **Goal 5 Urban Land Use**
 - **Goal 7 Transportation**
 - **Goal 8 Natural Resources**
 - **Goal 9 Energy Conservation**
 - **Goal 10 Cultural Amenities**
- G. Overall, the proposed map amendment will ***HELP ACHIEVE*** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment ***IS*** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- The amendment will allow the subject property to be redeveloped.
 - The subject property is suitable for the existing and proposed use.
 - The proposed amendment will help improve the condition of the property and the surrounding area.
3. The proposed Zoning Ordinance map amendment will ***HELP ACHIEVE the purpose of the Zoning Ordinance*** because:
- Establishing the AG-2 District at this location will, help classify, regulate, and restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i) see Item 21.I.).
 - Establishing the AG-2 District at this location will, help divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification (Purpose 2.0 (j) see Item 21.J.).
 - Establishing the AG-2 District at this location will, help fix regulations and standards to which buildings, structures, or uses therein shall conform (Purpose 2.0 (i) see Item 21.K.).
 - Establishing the AG-2 District at this location will, help prohibit uses, buildings, or structures incompatible with the character of such districts (Purpose 2.0 (i) see Item 21.L.).
 - Establishing the AG-2 District at this location will, help protect the most productive farmland from unplanned intrusions of urban uses (Purpose 2.0 (i) see Item 21.N.).
4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:
- The subject property has been zoned as it is since 1973 and the long term use of the property has been residential instead of commercial.

DOCUMENTS OF RECORD

1. Application for Map Amendment received September 27, 2013, with attachment:
 - A Warranty Deed

2. Preliminary Memorandum dated November 8, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Visit Photos
 - C LRMP Goal, Objectives, Policies, and Appendix of Defined Terms
 - D Draft Finding of Fact and Final Determination

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 763-AM-13** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

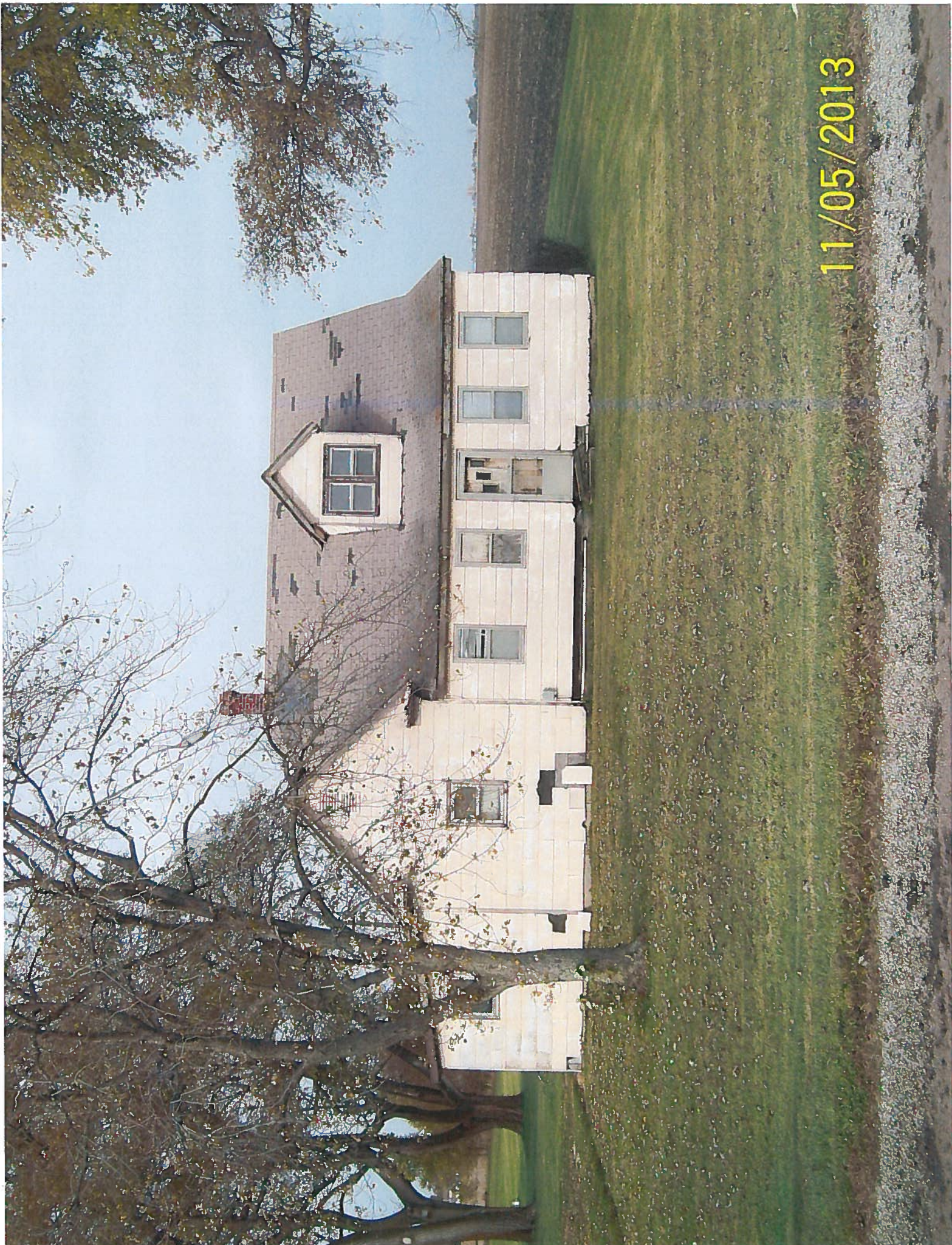
SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



11/05/2013



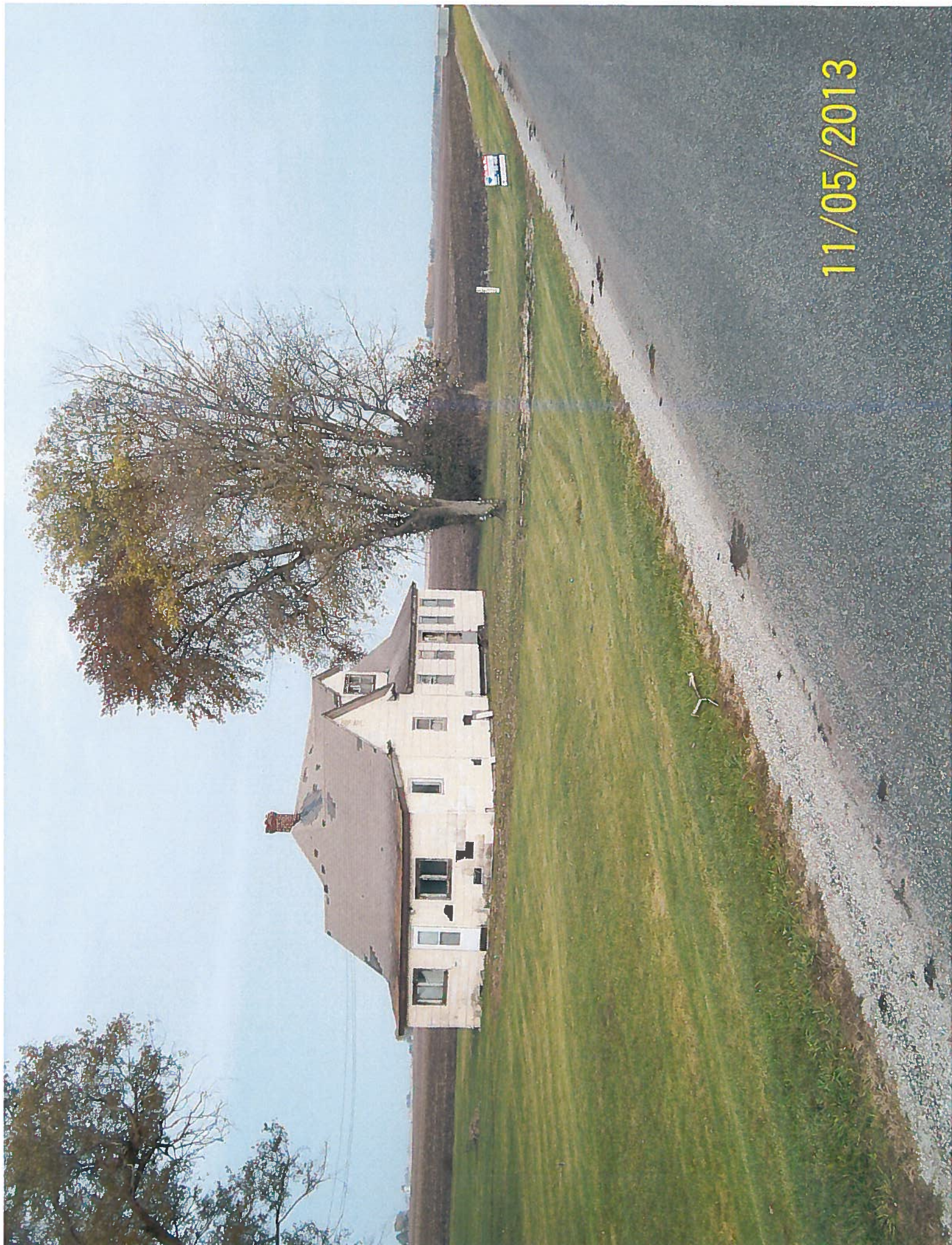
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CASE NO. 764-V-13

PRELIMINARY MEMORANDUM

November 8, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioners: Lars Johnson and Shawn Bickers

Request: Authorize the following in the R-4 Multiple Family Residence Zoning District to authorize the construction of an addition to an existing townhouse:

- Part A. Variance for a side yard of 1 feet in lieu of the minimum required 5 feet;
- Part B. Variance for lot coverage of 44% in lieu of the maximum allowed 40%;
- Part C. Variance for a front setback for an existing townhome of 40 feet from the centerline of Briar Hill Drive in lieu of the minimum required 55 feet;
- Part D. Variance for a front yard for an existing townhome of 20 feet in lieu of the minimum required 25 feet;
- Part E. Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement.

Subject Property: Lot 1 of Wisegarver's Subdivision in the Southeast Quarter of Section 21 of Champaign Township and commonly known as the townhome at 2120 Briar Hill Drive, Champaign.

Site Area: 14,840 square feet (0.34 acre)

Time Schedule for Development: As Soon as Possible

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioner's request a variance to authorize the construction of an addition to an existing townhouse located adjacent to Lincolnshire Fields Golf Course. The proposed addition is for the storage of a golf cart and for office space and is to be located 1 foot from the south property line, and within a recorded utility easement. It is unclear why the location of the addition was chosen because there appears to be adequate area in the rear for the addition that will meet all required yards and be out of the utility easement.

The existing townhouses were authorized by ZUPA No. 241-75-02 on September 3, 1975. When that permit was authorized the approved site plan indicated that the front yard was 29 feet, when in fact the front yard is only 18 feet. The setback from the centerline of the street is not indicated, but based

on the information provided on the site plan it appears to have a setback of 40 feet. In addition the existing building exceeds the maximum allowed lot coverage of 40%. It is unclear why the permit was even authorized, but many of the parts of the requested Variance are the result of staff error from the original permit.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities are not notified of Variance cases and do not have protest rights.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	R-4 Multiple Family Residence
North	Residential	R-4 Multiple Family Residence
East	Golf Course	R-4 Multiple Family Residence
West	Interstate Highway (I-57)	No Zoning District
South	Residential	R-4 Multiple Family Residence

UNAUTHORIZED CONSTRUCTION

On September 6, 2013, the petitioner submitted a Zoning Use Permit Application for the proposed construction. On September 10, 2013, Staff contacted the petitioner regarding the site plan submitted with the ZUPA. The petitioner was notified that the site plan was incorrect and that the proposed construction was too close to the property line, within a recorded utility easement, and that a variance would be required.

On November 5, 2013, Staff conducted a site visit to the subject property and saw that the petitioner had already installed the foundation and removed siding from the existing building for the proposed addition. Foundations do not typically require a Zoning Use Permit, but when the proposed construction is located within a utility easement the Department of Planning and Zoning treats that as a violation of the Zoning Ordinance because any construction within a utility easement is prohibited. No other portion of the proposed construction has been constructed.

UTILITY EASEMENT

There is a 10 feet wide utility easement along the north, south, and east property lines of the subject property (see Attachment F). The proposed construction encroaches almost the whole width of the easement on the south property line. The Urbana-Champaign Sanitary District (UCSD) Sewer Map indicates a Municipal Approved Collector Sewer located within this easement (see Attachment D). UCSD has been contacted regarding this, but no comments have been received. Staff does not recommend final action on this case until comments from UCSD are received.

The petitioner has provided an email from an Ameren Illinois employee indicating that there are no electrical facilities with the easement along the south property line at this time.

NEED FOR RE-ADVERTISEMENT

When Staff reviewed this application to write the legal advertisement, the site plan at that time was inadequate and Staff had to rely on the information available. Mr. Bickers was made aware that the case could proceed and risk the possibility of re-advertising the case, or the petitioner could wait until a more accurate site plan was available. Mr. Bickers chose to proceed. At that time the requested side yard variance was indicated as 2 feet. The revised site plan received October 31, 2013, indicates that the proposed addition will be as close as 1 foot from the south property line. If the ZBA anticipates approval of this Variance the case should be re-advertised.

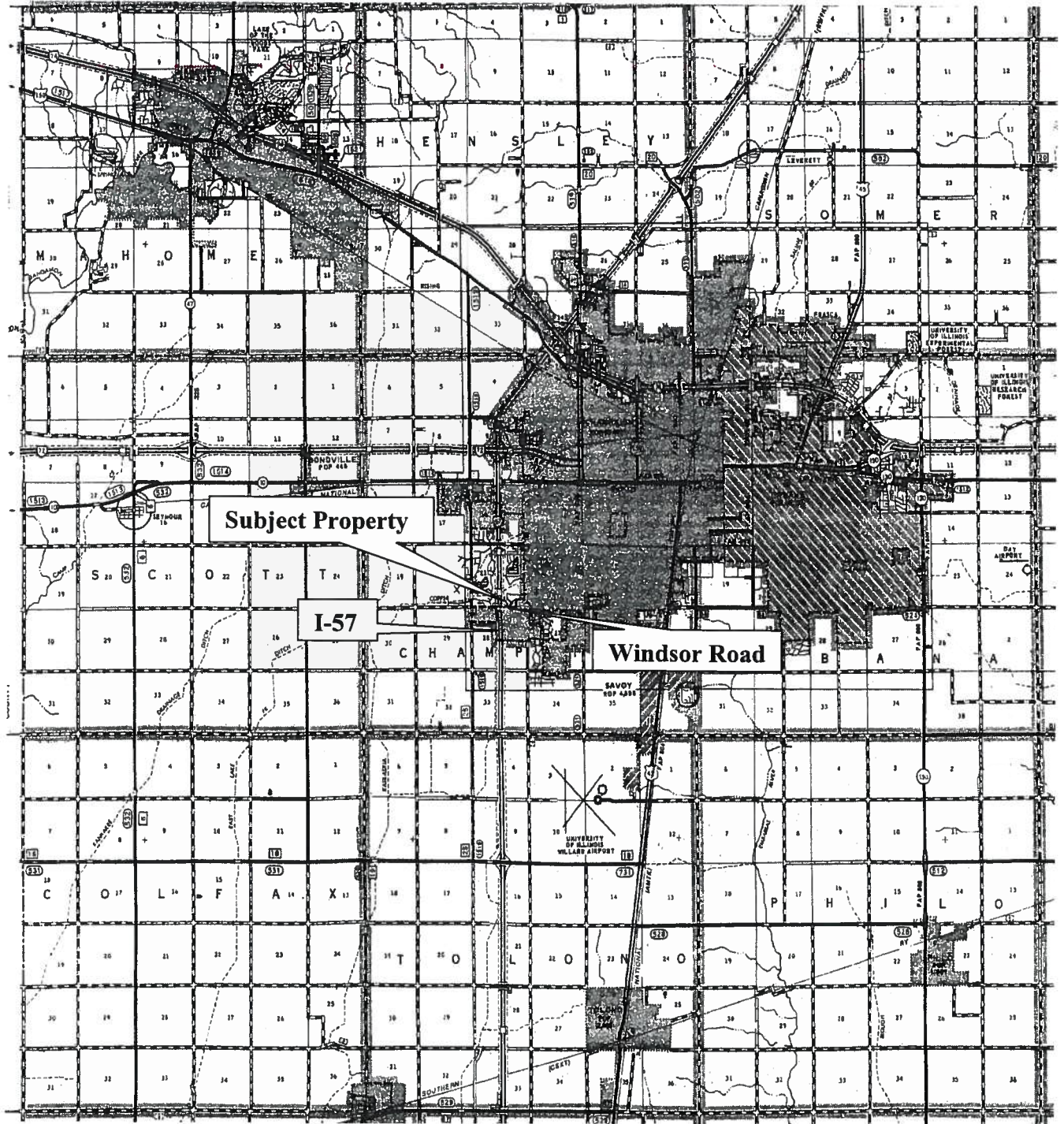
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received October 31, 2013
- C Annotated Site Plan
- D UCSD Sewer Map Excerpt
- E Floor Plan received October 15, 2013
- F Copy of Recorded Plat for Wisegarvers Subdivision
- G Email from Elmer Crawford, Ameren Illinois, to Shawn Bickers dated October 10, 2013
- H Site Visit Photos (included separately)
- I Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

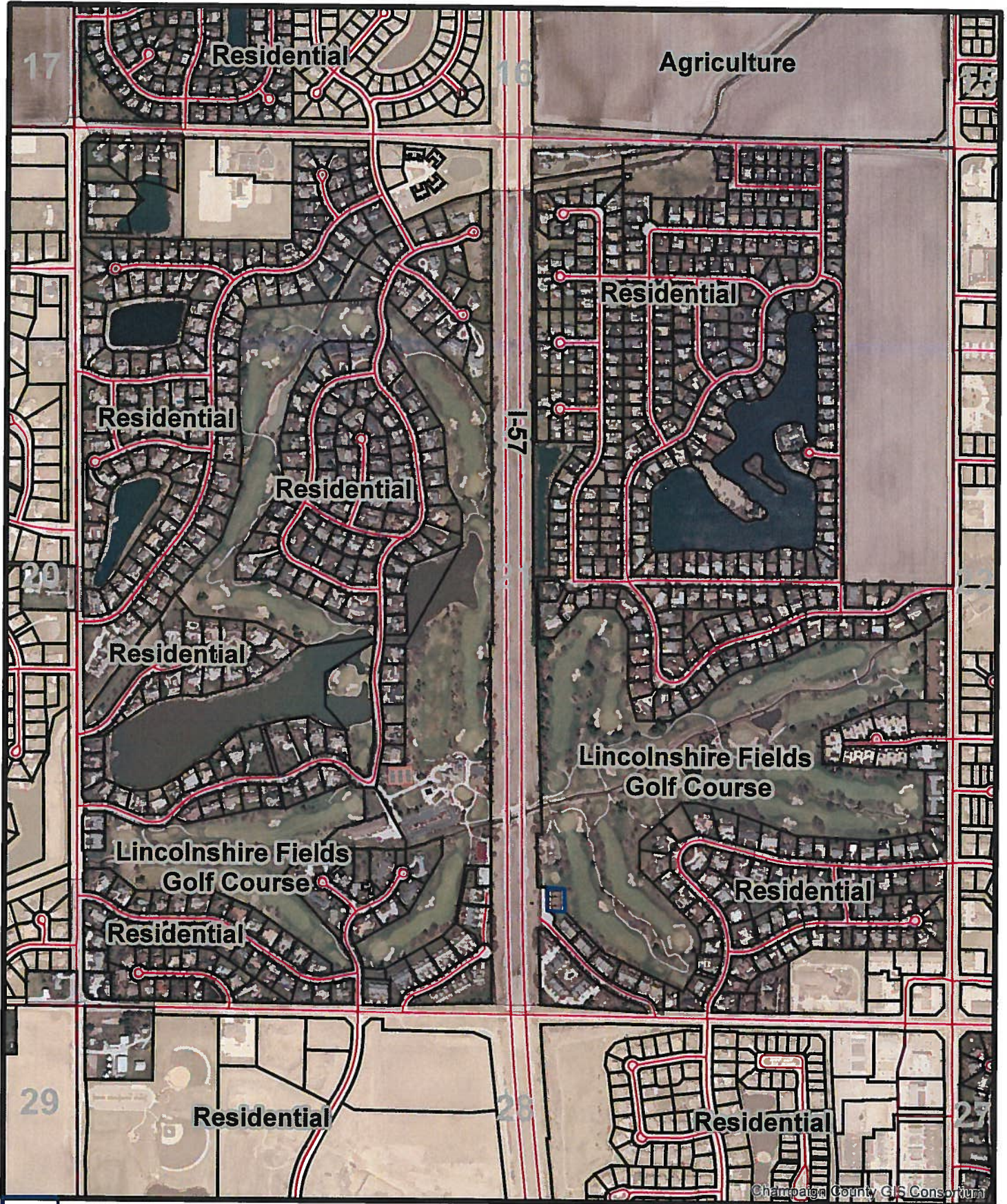
Case 764-V-13



November 8, 2013



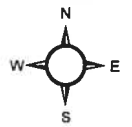
Champaign
County
Department of
PLANNING &
ZONING

Attachment A: Land Use Map
Case 764-V-13
November 8, 2013



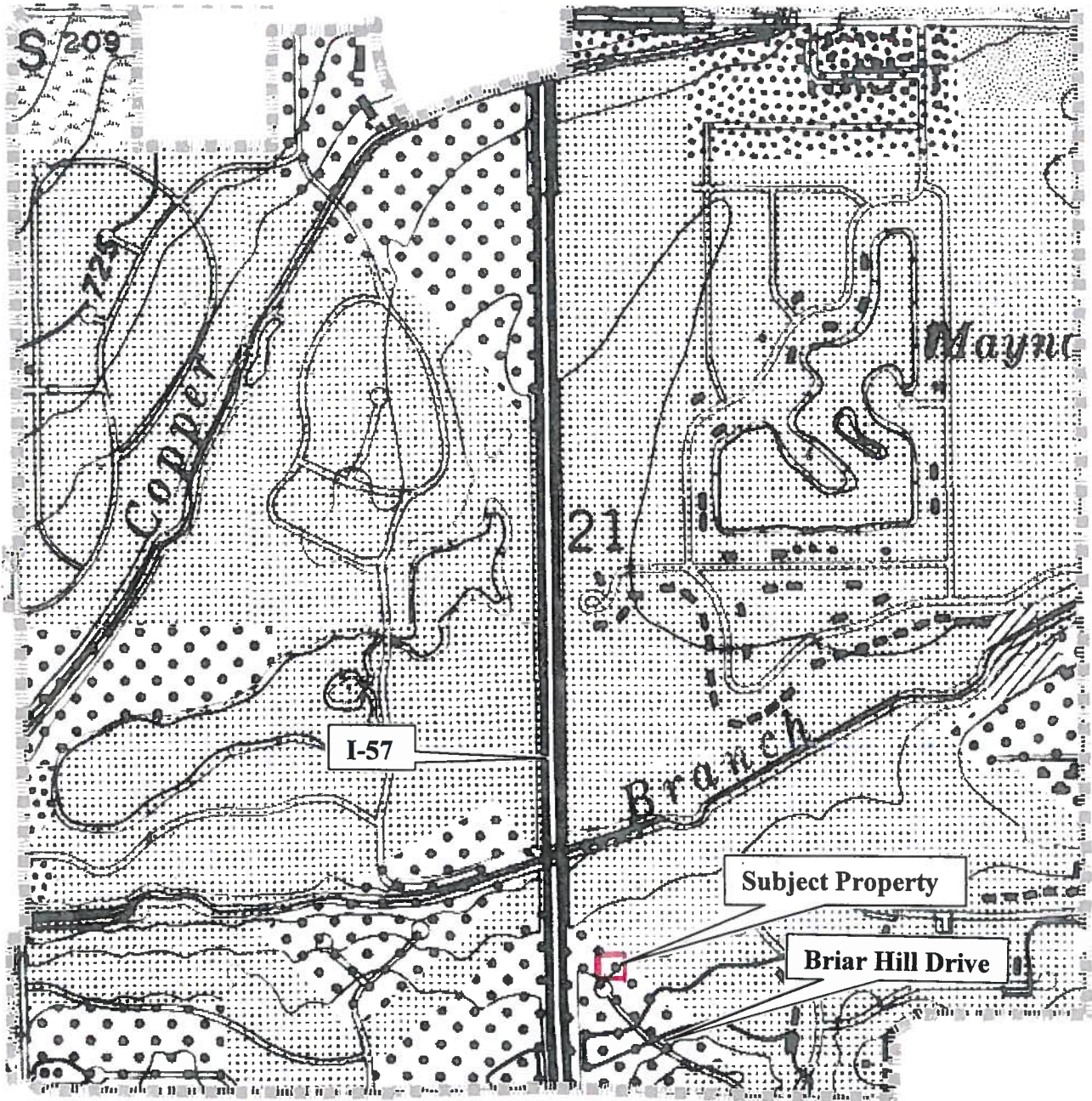
-  Subject Property
-  Municipal Boundary

1 inch = 800 feet

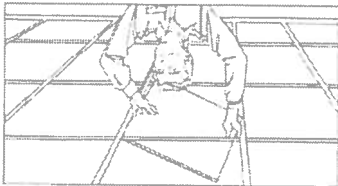


ATTACHMENT A. ZONING MAP

Case 764-V-13
November 8, 2013



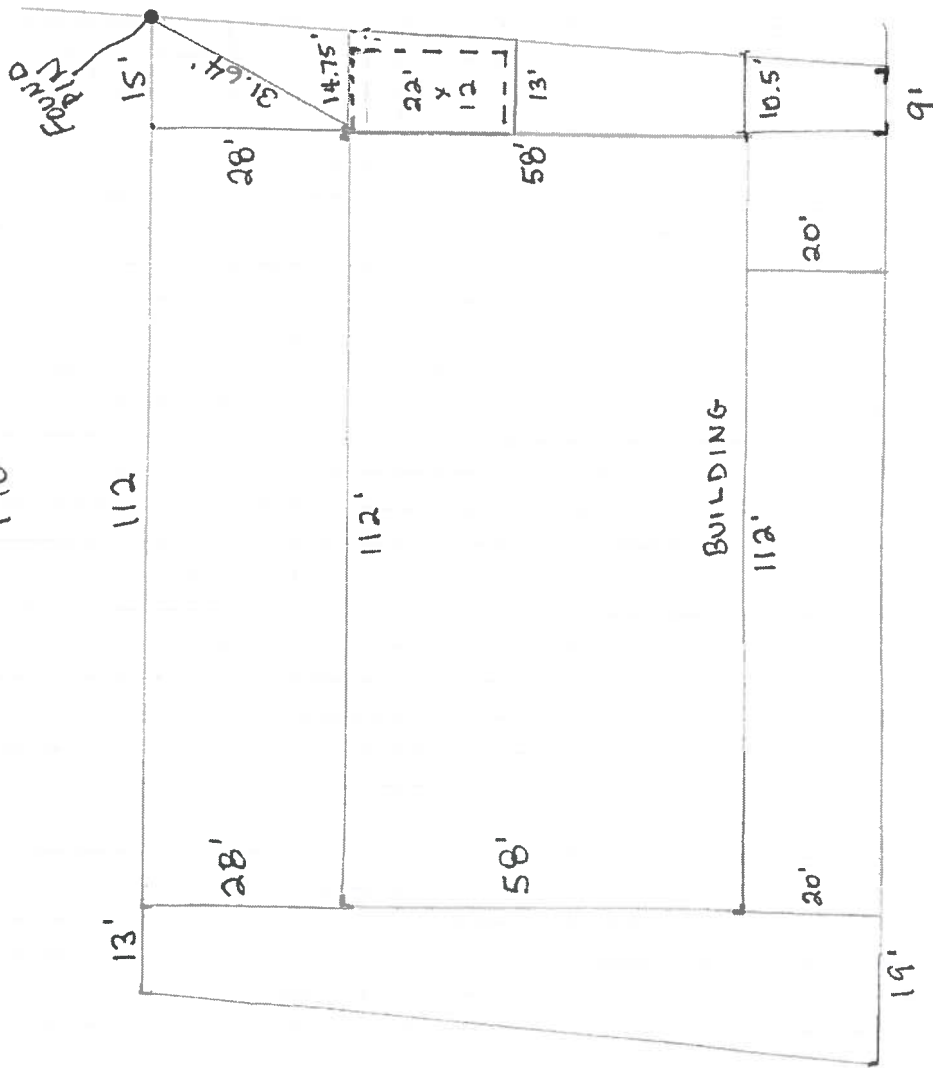
AG-3 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation-Recreation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



USG Ceilings

Acoustics University

LOT LINE
140'



LOT LINE
106'

47.25'
to nearest town home →

PROPOSED ADDITION IS 22' x 12'

RECEIVED

OCT 31 2013

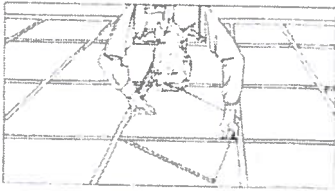
CHAMPAIGN CO. P & Z DEPARTMENT

2120 BRIAR HILL

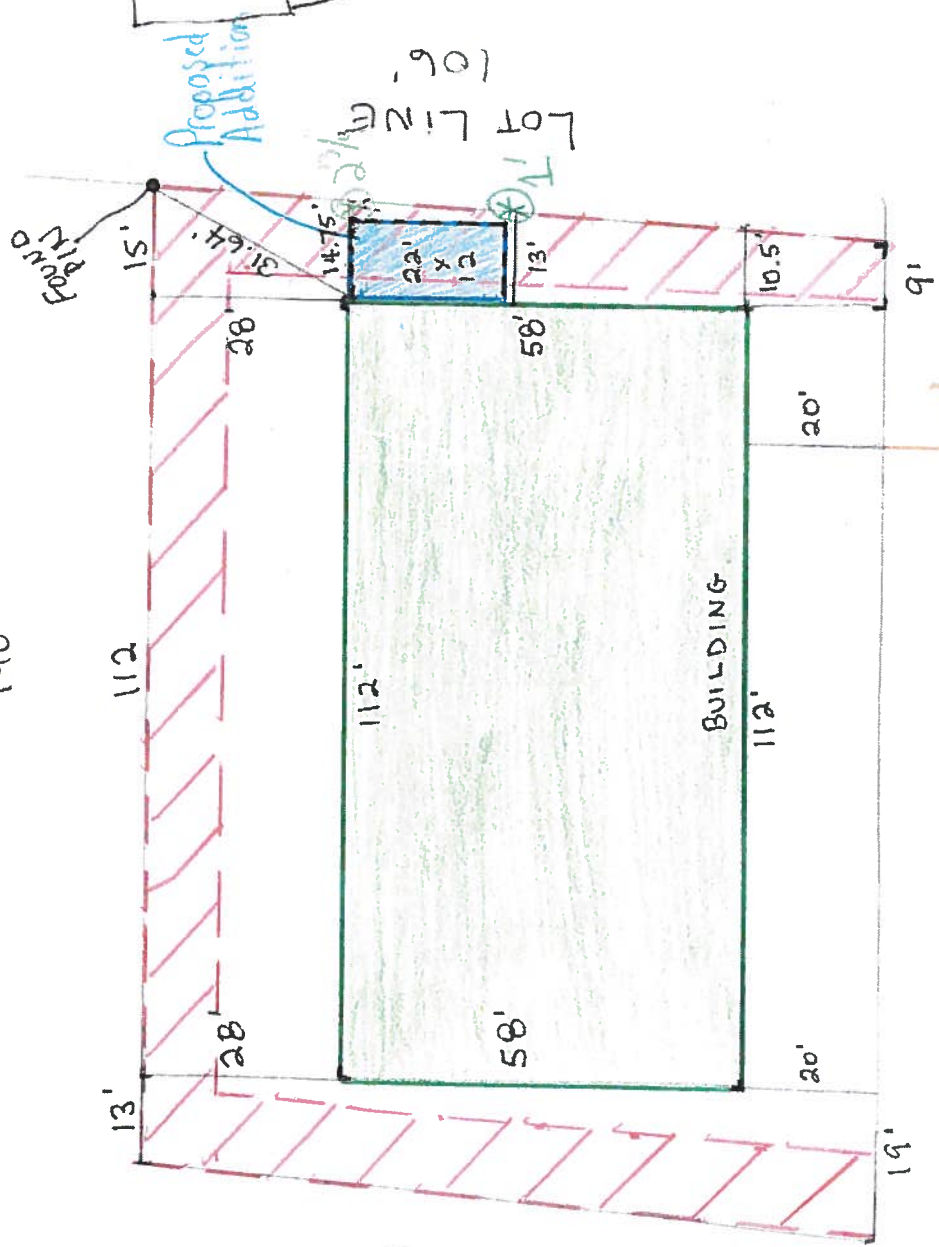


Annotated Site Plan

LOT LINE
146'



Academics University
USG Ceilings



47.25'
to nearest town home →

PROPOSED ADDITION
IS 22' x 12'

10' Utility Easement

RECEIVED

OCT 31 2013

CHAMPAIGN CO. P & Z DEPARTMENT

2120 BRIAR HILL

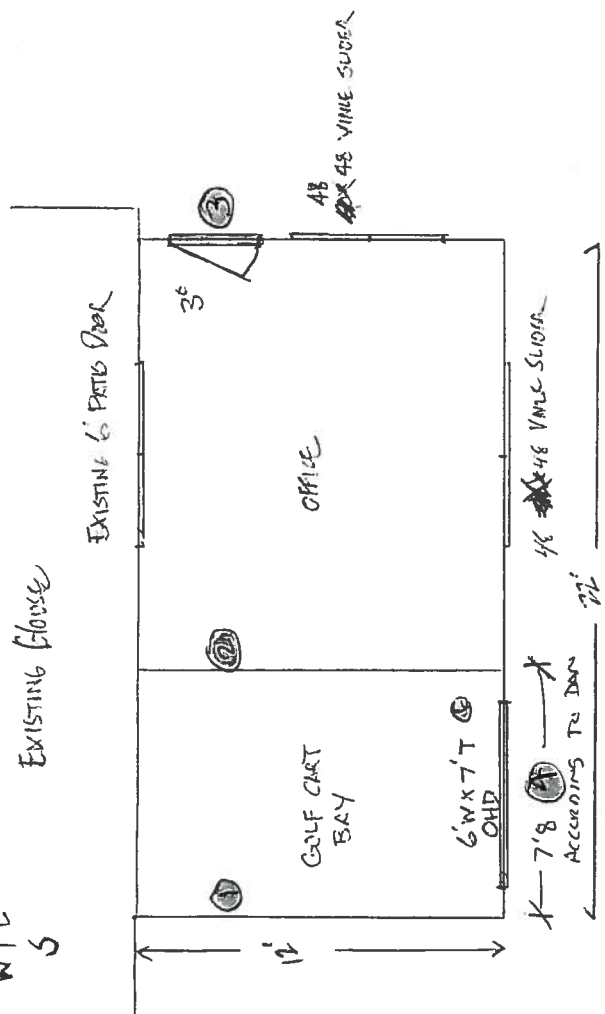
Briar Hill Drive

CSN
11-8-13 by AK

LARS JOHNSON
2120 BRIAR HILL
CHAMPAIGN, IL 61821

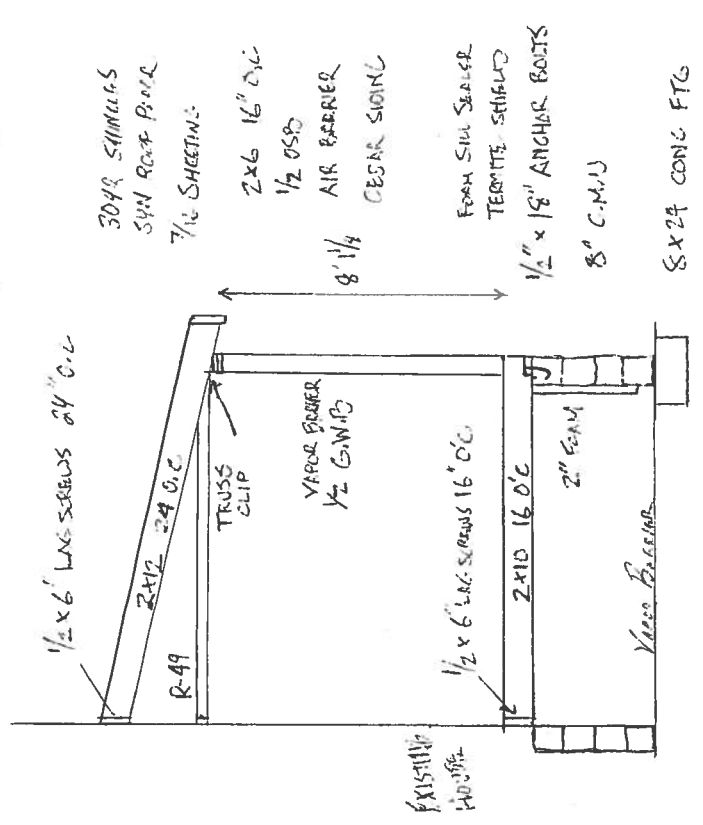
BICKERS CONSTRUCTION INC

N
W E
S



264 SQFT 1/4 = 1 FT

B
+
R
F



BICKERS CONSTRUCTION INC
1505 N HARRIS
CHAMPAIGN, IL 61820

356-9807 202-6958

FAX 359-6343

SHAWN BILKERS & GAINLO CON

AMARRAN

STEVEN CHAMPAIGN

383-7276

RECEIVED

OCT 15 2013

CHAMPAIGN CO. P & Z DEPARTMENT



Shawn Bickers <shawnbickers@gmail.com>

2120 Briar Hill

Crawford, Elmer E <ECrawford@ameren.com>
To: Shawn Bickers <shawnbickers@gmail.com>

Thu, Oct 10, 2013 at 9:19 AM

Shawn:

There are public utility easements along the south, east, and north sides of the property. Electric facilities are in the east and north easements. Though there is no immediate plan to use the south easement, this is not a vacation of the south easement.

From: Shawn Bickers [mailto:shawnbickers@gmail.com]
Sent: Wednesday, October 09, 2013 8:34 AM
To: Crawford, Elmer E
Subject: 2120 Briar Hill

I haven't seen your letter yet. Just touching base to see if you had my correct email. Thanks for your time.
Shawn

The information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Note that any views or opinions presented in this message are solely those of the author and do not necessarily represent those of Ameren. All e-mails are subject to monitoring and archival. Finally, the recipient should check this message and any attachments for the presence of viruses. Ameren accepts no liability for any damage caused by any virus transmitted by this e-mail. If you have received this in error, please notify the sender immediately by replying to the message and deleting the material from any computer. Ameren Corporation

RECEIVED

OCT 15 2013

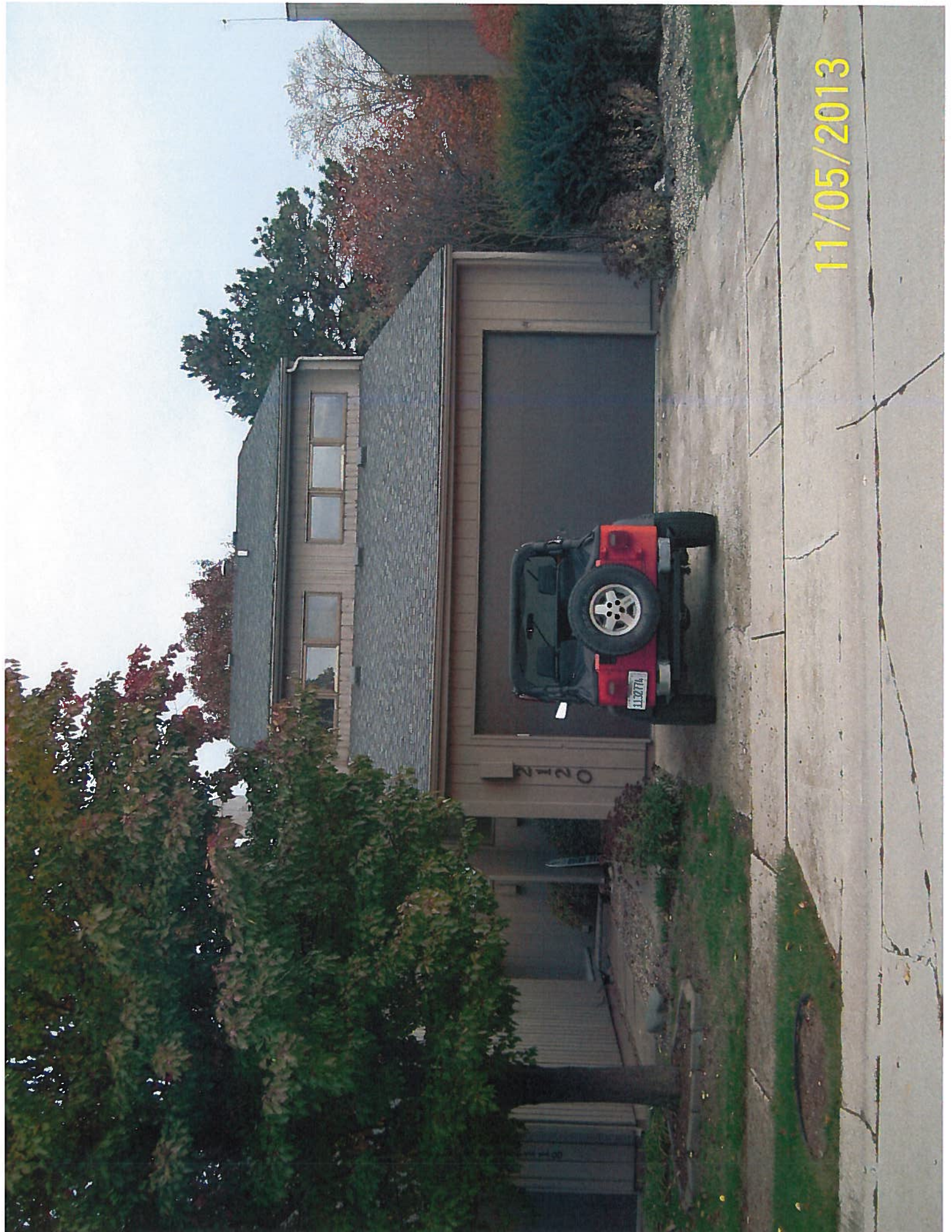
CHAMPAIGN CO. P & Z DEPARTMENT



11/05/2013



11/05/2013



11/05/2013



11/05/2013



11/05/2013



11/05/2013



11/05/2013

PRELIMINARY DRAFT

764-V-13

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

Final Determination: ***{GRANTED / GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: **November 14, 2013**

Petitioners: **Lars Johnson and Shawn Bickers**

Request: Authorize the following in the R-4 Multiple Family Residence Zoning District to authorize the construction of an addition to an existing townhouse:

CASE: 764-V-13

Part A. Variance for a side yard of 1 foot in lieu of the minimum required 5 feet;
Note: At the petitioners risk the legal advertisement indicated two feet in lieu of the required 5 feet. It is recommended that this Case be re-advertised with the actual required Variance.

Part B. Variance for lot coverage of 44% in lieu of the maximum allowed 40%;

Part C. Variance for a front setback for an existing townhome of 40 feet from the centerline of Briar Hill Drive in lieu of the minimum required 55 feet;

Part D. Variance for a front yard for an existing townhome of 18 feet in lieu of the minimum required 25 feet;

Part E. Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement.

Note: The foundation for the proposed addition has been constructed but no Zoning Use Permit been authorized.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **November 14, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Lars Johnson, 1956 West Berwyn Ave, Chicago, IL, owns the subject property. Shawn Bickers, 1305 North Harris, Champaign, is his agent and contractor.
2. The subject property is Lot 1 of Wisegarver's Subdivision in the Southeast Quarter of Section 21 of Champaign Township and commonly known as the townhome at 2120 Briar Hill Drive, Champaign.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned R-4 Multiple Family Residence, and is in residential use.
 - B. Land to the north is zoned R-4 Multiple Family Residence, and is in residential use.
 - C. Land to the east is zoned R-4 Multiple Family Residence, and is in use for a golf course.
 - D. Land to the west is Interstate 57.
 - E. Land to the south is zoned R-4 Multiple Family Residence, and is in residential use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The subject property is approximately 14,840 square feet (106' × 140') in total.
 - B. The Site Plan received October 31, 2013, indicates the following:
 - (1) The location of the existing 6,496 square feet building (four townhomes).
 - (2) The location of the proposed 264 square feet (12' × 22') addition on the south side of the existing building. According to the site plan the proposed addition will be 1 feet from the south property line. Earlier site plans had indicated 2 feet and that dimension was used in the legal advertisement. The foundation for the proposed addition has been constructed but no Zoning Use Permit been authorized.

PRELIMINARY DRAFT

- (3) The yards and setback for the existing home and proposed addition.
- (4) An indication that the nearest adjacent building is 47 feet away.
- C. The floor plan of the proposed addition received October 15, 2013, indicates the following:
 - (1) The 12' × 22' addition.
 - (2) An 8' × 12' golf cart bay.
 - (3) A 14' × 12' office.
 - (4) The location of existing and proposed doors.
 - (5) An elevation profile of the proposed addition. The proposed addition will be 14 feet in height.
- D. The required variance is as follows:
 - (1) Variance for a side yard of 1 foot in lieu of the minimum required 5 feet. At the petitioners risk the legal advertisement indicated two feet in lieu of the required 5 feet. It is recommended that this Case be re-advertised with the actual required Variance.
 - (2) Variance for lot coverage of 44% in lieu of the maximum allowed 40%.
 - (3) Variance for a front setback for an existing townhome of 40 feet from the centerline of Briar Hill Drive in lieu of the minimum required 55 feet.
 - (4) Variance for a front yard for an existing townhome of 18 feet in lieu of the minimum required 25 feet.
 - (5) Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) "AREA, BUILDING" is the total area taken on a horizontal plane at the largest floor level of the MAIN or PRINCIPAL BUILDING and all ACCESSORY BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent CANOPIES and planters.
 - (2) "AREA, LOT" is the total area within the LOT LINES.

- (3) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animals, and chattels.
- (4) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (5) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
- (6) "COVERAGE" the percentage of the LOT AREA covered by BUILDING AREA.
- (7) "DWELLING" is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (8) "DWELLING UNIT" is one or more rooms constituting all or part of a DWELLING which are used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.
- (9) "DWELLING, MULTI-FAMILY" is a DWELLING containing three or more DWELLING UNITS.
- (10) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (11) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (12) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE. In the case of a triangular or gore shaped lot or where the lot comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at a maximum distance from the FRONT LOT LINE or said tangent.
- (13) "LOT LINES" are the lines bounding a LOT.
- (14) "PUBLIC SANITARY SEWER SYSTEM" is any system, other than an individual septic tank or tile field that is operated by a municipality, governmental agency, or

PRELIMINARY DRAFT

a public utility for the collection, treatment, and disposal of liquid and solid sewage wastes, other than storm waters.

- (15) "PUBLIC WATER SUPPLY SYSTEM" is any system, other than an individual well, that is operated by a municipality, governmental agency, or a public utility for the purpose of furnishing potable water.
- (16) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY.
- (17) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (18) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (19) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (20) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- (21) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (22) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR

and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.

- (23) “YARD, REAR” is a YARD A YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
 - (24) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- B. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- C. Minimum SIDE YARD in the R-4 Single Family Residence Zoning District is established in Section 5.3 of the Zoning Ordinance as 5 feet.
- D. Maximum LOT COVERAGE in the R-4 Multiple Family Residence Zoning District is established in Section 5.3 of the Zoning Ordinance as 40%.

PRELIMINARY DRAFT

- E. Minimum setbacks from the centerline of a street and minimum FRONT YARD are established in Section 5.3 and Subsection 4.3.2 of the *Zoning Ordinance* as follows:
 - (1) The minimum setback from a MINOR STREET is listed in Section 5.3 and Subsection 4.3.2 as 55 feet.
 - (2) Footnote 3 of Section 5.3 further specifies the following:
 - (a) In no case shall the FRONT YARD be less than 25 feet from a MINOR STREET.
- F. Section 4.2.2D. establishes the requirement that no USE shall be established, CONSTRUCTION undertaken, nor fill placed in any recorded drainage or utility easement that would interfere with the function of the easement.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

- 7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, “**Large distance between buildings.**”
 - B. Regarding Parts A and E of the Variance:
 - (1) The subject property is a lot in a subdivision that was approved by the City of Champaign in 1976. The recorded plat indicates a 10 feet wide utility easement along the north, south, and east property lines.
 - (2) The Urbana-Champaign Sanitary District (UCSD) sewer map indicates that a municipal approved collector sewer line is located within the recorded utility easement along the south property line.
 - (3) The foundation for the proposed addition has been constructed but no Zoning Use Permit been authorized.
 - (4) At the petitioners risk the legal advertisement indicated two feet in lieu of the required 5 feet. It is recommended that this Case be re-advertised with the actual required Variance.
 - (5) There is approximately 50 feet between the shared property line of the proposed addition and the nearest adjacent building.
 - C. Regarding Part B of the Variance:
 - (1) The lot meets the minimum required lot area of 6,500 square feet for the first DWELLING UNIT and 2,000 square feet for each additional DWELLING UNIT.

The required lot area is 12,500 square feet and the total lot area is 14,840 square feet.

- (2) The lot also meets minimum required average lot width of 65 with a width of 140 feet.
- (3) The existing lot coverage of the building exceeds the maximum lot coverage (43%) and was granted a Zoning Use Permit in 1975 (No. 241-75-02). Presumably staff made an error in the review of this criterion.

D. Regarding Parts C and D of the Variance:

- (1) The existing building does not meet the minimum required setback or front yard. The existing building was authorized by a Zoning Use Permit in 1975 (No. 241-75-02) and presumably staff made an error when reviewing the permit, or incorrect measurements were provided when the permit was authorized.
- (2) It is unlikely that Briar Hill Drive will be widened in front the of the subject property because the subject property is located at the end of the street.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:

- A. The Petitioner has testified on the application, **“Asking to reduce side setback to allow for addition.”**
- B. Regarding Parts A and E of the proposed Variance:
 - (1) Without the proposed variance the petitioner could not construct the proposed addition on the side of the existing townhome and the foundation that has already been constructed will have to be removed. It is unclear why the addition is proposed on the side as opposed to the rear of the townhome. There appears to be adequate area in the rear of the townhome that would not encroach within the required side or rear yard or within the utility easement.
 - (2) In an email dated October 10, 2013, from Elmer Crawford, Ameren Illinois, to Shawn Bickers, co-petitioner, Mr. Crawford, indicated that there are electric facilities within the easement along the north and east easement and that there is no immediate plan to use the south easement, but it is not a vacation of the south easement.

PRELIMINARY DRAFT

- C. Without Parts B, C, and D of the proposed variance the existing townhouses could not be rebuilt in their current footprint in the event of a fire or natural disaster.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application, **“Owner was not aware of side setback.”**
- B. Generally regarding pending Zoning Use Permit Application (ZUPA) No. 249-13-01:
- (1) ZUPA No 249-13-01 for the proposed addition was submitted on September 6, 2013.
- (2) On September 10, 2013, Staff began processing the permit application and contacted Mr. Bickers (co-petitioner) regarding the site plan because Staff believed the site plan was incorrect based on research of the approved subdivision plat and the previously authorized ZUPA (No. 241-75-02) on the property. Mr. Bickers was informed that a Variance would be required because the proposed construction was too close to the south property line.
- (3) On November 5, 2013, Staff conducted a site visit to the subject property. On this visit staff became aware that the petitioner had already started construction without a Zoning Use Permit. Siding had been removed from the exterior and the foundation for the proposed addition had already been dug. No Zoning Use Permit is required for the removal of siding or digging a foundation.
- C. The nearest building on neighboring property is approximately 50 feet from the shared property line.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“Will match other addition in the neighborhood.”**
- B. Regarding the requested Variance:
- (1) Part A, the requested variance for a side yard of 1 foot is 20% of the minimum required 5 feet for a variance of 80%.
- (2) Part B, the requested variance for lot coverage of 44% is 110% of the maximum allowed 40% for a variance of 110%.

- (3) Part C, the requested variance for a front setback of 40 feet is 72% of the minimum required 55 feet for a variance of 28%.
 - (4) Part D, the requested variance for a front yard of 18 feet is 72% of the minimum required 25 feet for a variance of 28%.
 - (5) Part E, the requested variance from Section 4.2.2D. to authorize construction within a recorded utility easement is a 100% variance.
- C. Regarding Part A of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlay the side yard requirements. In general, the side yard is presumably intended to ensure the following:
 - (a) Adequate light and air: The subject property is in residential use. The properties to the south and east are in residential use.
 - (b) Separation of structures to prevent conflagration: The subject property is within the Lincolnshire Fields Fire Protection District and the station is approximately 1 road mile from the subject property. The nearest structure on adjacent property to the proposed addition is approximately 50 feet.
 - (c) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- D. Regarding Part B of the Variance:
- (1) Presumably the maximum lot coverage requirements are intended to allow for considerations such as adequate light, air, recreational areas and adequate area for septic systems.
 - (2) The maximum lot coverage in the R-4 District is 40%. The subject property is 14,840 square feet which would allow 5,936 square feet of coverage until the maximum lot coverage would be reached. The existing lot coverage of the building is 43% and was granted a Zoning Use Permit in 1975 (No. 241-75-02). Presumably staff made an error in the review of this criterion.
 - (3) The subject property is served by public water and public sanitary sewer systems.
- E. Regarding Parts C and D of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlay the front setback and front yard requirements. Presumably the front setback and front yard are intended to ensure intended to ensure the following:

PRELIMINARY DRAFT

- (a) Adequate separation from roads.
- (b) Allow adequate area for road expansion and right-of-way acquisition.
- (2) It is unlikely that Briar Hill Drive will be widened in front the of the subject property because the subject property is located at the end of the street.
- G. Regarding Part E of the Variance:
 - (1) Regarding the considerations related to the prohibition on construction in drainage easements and utility easements:
 - (a) The prohibition on construction in drainage easements and utility easements in paragraph 4.2.2 D. were added to the Zoning Ordinance in Ordinance No. 544 (Case 105-AT-97 Part D) that was adopted on November 18, 1997. The evidence, testimony, and Finding of Fact for Case 105-AT-97 Part D merely discussed that the amendment gave the Zoning Administrator the authority to prevent construction in these areas where construction is not supposed to occur.
- F. The requested variance is not prohibited by the *Zoning Ordinance*

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application: **“Allows 43 feet between buildings for firefighting, on a dead end street. Addition would be inside existing tree buffer.”**
 - B. The Township Road Commissioner has received notice of this variance and indicated to Andy Kass, Associate Planner, on November 8, 2013, that he has no problem with the requested variance from a road standpoint.
 - C. The Fire Protection District has been notified of this variance but no comments have been received.
 - D. The nearest building on neighboring property is approximately 50 feet from the shared property line.
 - E. Regarding the recorded utility easement:
 - (1) There is a 10 feet wide utility easement along the north, south, and east property lines of the subject property.

- (2) The Urbana-Champaign Sanitary District (UCSD) sewer map indicates that a municipal approved collector sewer line is located within the recorded utility easement along the south property line.
- (3) In an email dated October 10, 2013, from Elmer Crawford, Ameren Illinois, to Shawn Bickers, co-petitioner, Mr. Crawford, indicated that there are electric facilities within the easement along the north and east easement and that there is no immediate plan to use the south easement, but it is not a vacation of the south easement.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner has testified on the application: **“Would replace existing deck and trellis, no larger. Will not impair drainage or increase runoff.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

No Special Conditions are proposed at this time.

DOCUMENTS OF RECORD

1. Variance Application received on October 15, 2013, with attachments:
 - A Site Plan
 - B Floor Plan
 - C Plot Plans
 - D Email from Elmer Crawford, Ameren Illinois, to Shawn Bickers dated October 10, 2013
2. Zoning Use Permit Application No. 249-13-01 file received September 6, 2013
3. Zoning Use Permit 241-75-02 file
4. Revised Site Plan received October 31, 2013
5. Preliminary Memorandum dated November 8, 2013 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received October 31, 2013
 - C Annotated Site Plan
 - D UCSD Sewer Map Excerpt
 - E Floor Plan received October 15, 2013
 - F Copy of Recorded Plat for Wisegarvers Subdivision
 - G Email from Elmer Crawford, Ameren Illinois, to Shawn Bickers dated October 10, 2013
 - H Site Visit Photos
 - I Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **764-V-13** held on **November 14, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____

4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

PRELIMINARY DRAFT

6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: _____

7. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}*

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case 764-V-13 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Lars Johnson & Shawn Bickers (agent)** to authorize the following in the R-4 Multiple Family Residence Zoning District to authorize the construction of an addition to an existing townhouse:

- Part A. Variance for a side yard of 1 foot in lieu of the minimum required 5 feet;**
- Part B. Variance for lot coverage of 44% in lieu of the maximum allowed 40%;**
- Part C. Variance for a front setback for an existing townhome of 40 feet from the centerline of Briar Hill Drive in lieu of the minimum required 55 feet;**
- Part D. Variance for a front yard for an existing townhome of 18 feet in lieu of the minimum required 25 feet;**
- Part E. Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement.**

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date