

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61802

DATE: January 14, 2016

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Catherine Capel, Frank DiNovo, Debra Griest, Jim Randol, Eric Thorsland

MEMBERS ABSENT : Marilyn Lee, Brad Passalacqua

STAFF PRESENT : Lori Busboom, Susan Chavarria, John Hall

OTHERS PRESENT : Mike Millage, Bruce Roth, Jason Wishall, Brian Wishall, Mike Billimack,
Tom Berns, Chris Billing, Lin Warfel, Christine Walsh, Matt Schweighart,
Mike Wishall

1. Call to Order

The meeting was called to order at 6:30 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with two members absent.

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

3. Correspondence

None

4. Approval of Minutes (December 17, 2015)

Mr. Thorsland entertained a motion to approve the December 17, 2015, minutes as submitted.

Mr. Randol moved, seconded by Ms. Capel to approve the December 17, 2015, minutes as submitted.

Mr. Thorsland asked the Board if there were any additions or corrections to the minutes and there were none.

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The motion carried by voice vote.

Mr. Thorsland entertained a motion to rearrange the agenda and hear Case 819-AT-15 prior to Cases 805-AM-15, 806-S-15 and 807-V-15.

Ms. Griest moved, seconded by Mr. DiNovo to rearrange the agenda and hear Case 819-AT-15 prior to Cases 805-AM-15, 806-S-15, and 807-V-15. The motion carried by voice vote.

5. Continued Public Hearing

Cases 805-AM-15, 806-S-15 and 807-V-15 Petitioner: Michael Wishall, Jason Wishall, Brian Wishall d.b.a. Wishall Transport, Wishall Farms & Transportation, Inc., and Wishall Farms, Inc.

Case 805-AM-15: Request to amend the Zoning Map to change the zoning district designation from the AG-1, Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to authorize the use of an existing unauthorized Truck Terminal as a proposed Special Use in related Zoning Case 806-S-15 and subject to the requested variance in related zoning case 807-V-15.

Case 806-S-15: Request: Part A: Authorize the use of an existing unauthorized Truck Terminal as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning Case 805-AM-15 and subject to the requested variance in related zoning case 807-V-15; and Part B: Authorize the following waiver to the standard conditions of the “Truck Terminal” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 30 feet in lieu of the required 200 feet between any Truck Terminal and any adjacent residential district or residential use.

Case 807-V-15: Request to authorize the following variance on land proposed to be rezoned to the AG-2 Agriculture Zoning District in related Case 805-AM-15 in order to authorize the use of an existing unauthorized Truck Terminal as a proposed Special Use in related Case 806-S-15: Part A: A variance from Section 5.3 of the Zoning Ordinance for a lot size of 5.68 acres in lieu of the maximum area of 3 acres for lots with soils that are best prime farmland; and Part B: A variance from the Champaign County Stormwater Management and Erosion Control Ordinance which requires a Stormwater Drainage Plan and review for lots of 2 to 6.25 acres that have greater than one acre of impervious surface area.

Mr. Thorsland informed the audience that Cases 806-S-15 and 807-V-15 are Administrative Cases and as such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands for those who would like to cross examine and each person will be called upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any questions. He said that those who desire to cross examine are not required to sign the witness register but

1 are requested to clearly state their name before asking any questions. He noted that no new testimony is to
2 be given during the cross examination. He said that attorneys who have complied with Article 7.6 of the
3 ZBA By-Laws are exempt from cross examination.
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5 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
6 the witness register for that public hearing. He reminded the audience that when they sign the witness
7 register they are signing an oath.
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9 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
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11 Mr. Matthew Schweighart, attorney for the petitioners, stated that the nature of the operation, being
12 considered today, is a family farm that has been at this location since 1939. He said that as the result of hard
13 work and organic growth the farm operation evolved into a trucking business that is mostly agriculturally
14 related. He said that the petitioners have made every effort and wish to continue to make every effort to be
15 good neighbors and operate with this Board and staff as necessary.
16

17 Mr. Thorsland asked the Board if there were any questions for Mr. Schweighart and there were none.
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19 Mr. Thorsland asked if staff had any questions for Mr. Schweighart and there were none.
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21 Mr. Thorsland called John Hall to testify.
22

23 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated January 14, 2016,
24 to the Board. He said that the memorandum includes an email from Attorney Matt Schweighart which
25 answered a list of staff's questions. He said that after the last public hearing staff realized that the Board did
26 not discuss whether fueling occurs on the subject property. He said that there are fuel tanks indicated in
27 photographs therefore staff questioned whether the fuel tanks were used for the farming operation or the
28 trucking operation. He said that Mr. Schweighart indicated in his email that the fuel tanks were used for both
29 the farm trucks and the trucking operation. Mr. Hall stated that staff realized that they had not received as
30 much input as desired for the special use identifying what parts of the property the special use does use. He
31 said that staff asked if the trucking operation used both driveways or just the south driveway and Mr.
32 Schweighart indicated that the trucking operation does indeed use both driveways.
33

34 Mr. Hall stated that staff was informed that there are significant activities carried out in an addition to the
35 dwelling. He said that it is important for the petitioners to understand that the site plan that is approved has
36 all of the buildings that can be built for the special use without having to obtain a new special use. He said
37 that the Board always wants to make sure that the petitioner has considered the next five to ten years and if
38 any future buildings will be required that are not indicated on the site plan. He said that he is not interested
39 in the agricultural buildings because agriculture is exempt from zoning and he is not interested in the
40 dwelling even though there is one addition that is partially used for the trucking business and partially used
41 for the family farm. He said that the petitioners could add on to the dwelling as much as they desire. He

1 said that the dwelling is part of the special use but it is not regulated like buildings that are otherwise used
2 for the trucking business. He said that if the petitioners are going to construct a new conference center for
3 the trucking business then that would be part of the special use and it would need to be on the approved site
4 plan. He said that typically small storage buildings that have not been included on the approved site plan are
5 generally allowed to be used without needing a new special use. He said that the site plan is important and
6 should include all of the buildings that have been approved for the special use and even though the house is
7 part of the special use, it is in the area where the special use is located, he is not suggesting that the house is
8 under the same limits as other buildings that are used for the special use but he does think that it is important
9 for the Board to know that the house is part of the special use.

10

11 Mr. DiNovo asked Mr. Hall if the house doesn't have to be accessory to the business.

12

13 Mr. Hall stated that it is now.

14

15 Mr. DiNovo asked Mr. Hall if the house is sold or rented in the future to someone who is not accessory to
16 the business then the house should be on a separate lot.

17

18 Mr. Hall stated that Mr. DiNovo is correct unless the house is for a caretaker.

19

20 Mr. DiNovo stated that as long as the petitioner understands that the house cannot be on the business
21 premises unless the house is related to the business.

22

23 Mr. Hall stated that the first memorandum didn't accurately portray the area of the map amendment. He said
24 that the map amendment applies to the entire five acre parcel plus that part of the special use that goes off
25 the five acre parcel and the petitioners have had their surveyor provide a new legal description that defines
26 that area. He said that the new legal description was very helpful in drafting the resolution for the County
27 Board.

28

29 Mr. Hall stated that staff requested information regarding which family members have an owner interest in
30 the trucking company because the statute requires that for every special use permit, if it is a corporation, that
31 the legal advertisement includes all officers and/or directors and shareholders of 20% or more. He said that
32 many times staff does not have this information in time for the legal advertisement and is content if they at
33 least have it in the file.

34

35 Mr. Hall stated that in regards to accessibility, Doug Gamble has retired from the Capital Development
36 Board and is no longer burdened with accessibility. Mr. Hall stated that there is a new accessibility specialist
37 who has asked for an accessibility survey prepared by an architect. He said that the petitioners are working
38 with the Capital Development Board so that they can obtain a statement of compliance. He said that the
39 condition regarding accessibility needs to stay as a condition and he is glad to see that we are on our way to
40 getting all of the information that is required.

41

1 Mr. Hall stated that staff sent out the updated Findings of Fact and Summaries of Evidence and the new
2 memorandum needs to be added as a new Document of Record. He said that another attachment to the new
3 memorandum that he did not mention is the agreement between LMJ Transportation, Inc. and the Tolono
4 Township Highway Commissioner. Mr. Hall stated that when the Board reviews the special conditions for
5 the special use permit they should add the Tolono Township agreement to Special Condition B.(1) which
6 currently only refers to the Pesotum Township agreement.

7
8 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

9
10 Mr. Thorsland called Jason Wishall to testify.

11
12 Mr. Jason Wishall, who resides at 4711 Chestnut Grove Drive, Champaign, stated that he doesn't have
13 anything to add at this time but he is available to answer any questions that the Board and staff may have.

14
15 Mr. Thorsland asked the Board if there were any questions for Mr. Jason Wishall.

16
17 Mr. DiNovo stated that there are two parcels involved in the case. He asked Mr. Jason Wishall to clarify
18 who owns the five acre parcel.

19
20 Mr. Jason Wishall stated that the five acre parcel is owned by himself, his father and his brother. He said
21 that the back side, .68 acres, is owned by Wishall Farms, Inc.

22
23 Mr. DiNovo asked if there are other parties involved in Wishall Farms, Inc.

24
25 Mr. Jason Wishall stated no.

26
27 Mr. Thorsland stated that legally they are separate entities. He said that the five acre parcel and .68 acres are
28 included in the new description.

29
30 Mr. DiNovo asked Mr. Jason Wishall to indicate their expectations or plans for future growth.

31
32 Mr. Jason Wishall stated that they are pretty much where they want to be with employees, drivers and
33 equipment. He said that it has taken them a lot of years to get to this size and they are comfortable with it.
34 He said that the size of their operation works well with the size of their farm and everything just kind of
35 works very well together. He said that anything else would require more staff and trucks which is not their
36 desire because they like their current size.

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

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41 Mr. Thorsland asked if staff had any questions for Mr. Wishall.

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Mr. Hall stated that he would like to review that the map amendment is for the entire five acres and the little part that extends out. He said that the special use permit could be for the entire five acres but the approval is for the buildings that have been shown whether the special use is for the entire five acres or for a lesser part of it. He asked Mr. Jason Wishall if he understood that the special use is not for the entire five acres or would he rather have it for the entire five acres.

Mr. Jason Wishall stated that they would rather not have the special use on the entire five acres.

Mr. Hall asked Mr. Jason Wishall if the maps that were included in the memorandum as Attachment G would work for them.

Mr. Jason Wishall stated yes.

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

Mr. Thorsland called Brian Wishall to testify.

Mr. Brian Wishall, who resides at 486 CR 900E, Tolono, stated that the only thing that he has to add is his response to the question regarding who would live at the residence if he did not. He said that the residence has been in his family since 1939 and he, his wife or their small daughter do not have any intention of leaving the property and intend to live there for at least as long as he is alive. He said that there will never be a tenant in the home on the property.

Mr. Thorsland asked the Board if there were any questions for Mr. Brian Wishall and there were none.

Mr. Thorsland asked if staff had any questions for Mr. Brian Wishall and there were none.

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

Mr. Thorsland called Michael Wishall to testify.

Mr. Michael Wishall, who resides at 547C CR 900E, Tolono, stated that he lives three-quarters of a mile from the subject property. He said that the property is five acres because when his parents set up their estate they were told that they had to have five acres. He said that if his parents had been told that they only needed three acres then the parcel would only be three acres today. He said that it appears that the five acres is a problem today but it wasn't an issue 20 years ago when his parents set up their estate. He said that his mother passed away three years ago and his father passed away six years ago and the creation of the estate was long before their passing.

1 Mr. Thorsland asked Mr. Michael Wishall if his parents' best information at the time of the creation of their
2 estate was that they had to have a five acre parcel.

3
4 Mr. Michael Wishall stated yes. He said that when his parents passed away he and his sons purchased the
5 property from his brother and sister. He said that Wishall Farms, Inc. owns the 320 acres that surrounds the
6 farm property. He said that Wishall Farms, Inc. does not own any tractors and he doesn't have any drivers
7 but he does own trailers and they are parked on the .68 acres that is included in the special use. He said that
8 he doesn't understand why the .68 acres is included in the special use but to make everyone happy he is
9 going along with it. He said that the farm meant everything to his parents and when he is gone it goes to his
10 kids. He said that his parents worked their whole life to make the farm better for him and he has worked all
11 of his life to make it better for his kids. He said that things have just evolved because there were more
12 mouths to feed and the way that he was able to purchase his equipment for the farm was to haul equipment
13 for a dealer. He said that Jason has six kids therefore he has to work a little harder than he had to so things
14 have grown to where they have gotten to the point where everything is working well for everyone and they
15 do not intend to expand any larger. He said that they were not aware that there were any issues until a year
16 ago when they received a letter and it was a total shock.

17
18 Mr. Thorsland stated that it is completely impossible to know what happened when the lot was created but
19 the only thought that he can provide is that perhaps Mr. Michael Wishall's parents spoke with the County
20 about the preparation of the will and the five acres but it never came up as to what the operation on the five
21 acres was going to be. He said that also at that time the trucking operation was only becoming a component
22 of the farm.

23
24 Mr. Michael Wishall stated that in regards to the trucking component, he still has his grandfather's
25 original 1936 truck that he drove. He said that it wasn't unusual for all of the farmers in the area to have
26 trucks because that is how you helped support your family. He said that his wife gets mad at him because he
27 won't tell them no when he is asked to do something but that is how he fed his family and it wasn't due to
28 the little bit of ground that he farmed.

29
30 Mr. Thorsland asked the Board if there were any questions for Mr. Michael Wishall.

31
32 Mr. DiNovo stated that he could imagine that the five acres probably came from the Plat Act.

33
34 Mr. Michael Wishall asked if the one building included in the special use is still 50% farm and 50%
35 trucking.

36
37 Mr. Hall stated correct. He said that if that building becomes 100% trucking he would be okay with that but
38 if the Board believes that it should be specified then it can be done. He said that he does not see why
39 whether the building is 50% farm and 50% trucking or 100% trucking is material to the special use. He said
40 that if the petitioners need to expand the use of the building then they certainly can. He asked the Board if
41 they want to include a standard condition making it clear that there is no limit on the number of trucks or

1 trailers that can be on the property.
2

3 Mr. Michael Wishall stated that this was one of their questions when this all started because they want to
4 know what number is the magic number. He said that they wanted to know if they needed to downsize the
5 number of trucks and trailers or could they increase the number.
6

7 Mr. Hall stated that it is entirely possible that he may retire someday and a new zoning administrator would
8 not be obligated to follow the things that he decided if they are not written into the Ordinance. He said that
9 they may want to request the Board to include a condition making it clear that there is no limit on the trucks
10 or trailers that are allowable in the special use. He said that this discussion is in the minutes and they will
11 always be there to refer to but it is up to the petitioner.
12

13 Mr. DiNovo asked Mr. Hall if the house is demolished and the area is paved it could become a truck parking
14 area.
15

16 Mr. Hall stated that if the Board is not limiting the number of trucks and trailers and the area in which they
17 can be parked then yes that would be a gray area. He said that what is limited is the area of building square
18 footage and the area of the property where there could be things for the special use.
19

20 Mr. Michael Wishall stated that everyone must remember that this is still a family farm operation and the
21 farm equipment takes up more area than the trucks do. He said that when they unfold the 120 foot sprayer it
22 takes up all of the area. He said that the lot looks huge when you look at it from the aerial but when that
23 sprayer is unfolded the lot doesn't look that big because it takes up a lot of room.
24

25 Mr. Hall stated that the Board has to look at these cases in a worst case scenario and in a worst case scenario
26 is that the Wishall family moves on to better things and this property is for sale to someone who is only
27 interested in a trucking operation; this is why Mr. DiNovo's question is so very relevant. He asked that since
28 we have the Stormwater Management Policy that requires detention for impervious areas why would adding
29 impervious area not at least require stormwater detention. He said that the current variance is a variance
30 from the current requirement for existing impervious areas but unless the Board makes it clear by means of a
31 special condition that the variance does not apply to future impervious area then the Stormwater
32 Management Policy would apply.
33

34 Mr. Thorsland stated that he is sure that Mr. Brian Wishall would take offense to his home being torn down
35 for impervious area.
36

37 Mr. Hall stated that he understands but this is how the Board has to look at these things.
38

39 Mr. DiNovo asked if the interpretation of this has changed. He stated there is no engineered site plan but we
40 do have an aerial photograph that has been construed to serve the function of a site plan. He said that it is his
41 understanding that special use permits are only for the site plan that is included in the special use petition

1 and can only have a minor change.
2

3 Mr. Hall stated that the site plan is the area from the outer side of both driveways and there is no limit on
4 trucks. He said that he does not normally construe a special use permit site plan to limit the paving area and
5 so if the Board wants to specify that then they could certainly do so by means of a special condition. He said
6 that if trucks and trailers are not being limited and the petitioner is willing to provide stormwater
7 management for any new impervious areas then he does not see why adding impervious area is material. He
8 said that when you discuss not limiting trucks and trailers it is beyond the imagination how many trucks and
9 trailers could be there if that huge area was made available. He said that he could not imagine more trucks
10 and trailers without an actual need for more buildings.

11
12 Mr. DiNovo suggested that a special condition could be added indicating that the special use is limited to the
13 existing paved area and any non-significant additions to be interpreted by the Zoning Administrator. He said
14 that he has no problem with a few more trailers but he does have some concerns about it being open ended.

15
16 Mr. Michael Wishall stated that he does not see a huge expansion in his lifetime.

17
18 Mr. Thorsland stated that the Board has received testimony that the operation is at a good size.

19
20 Mr. Michael Wishall stated that he did not understand whether he, Wishall Farms, Inc., who does not have
21 an interest in the trucking operation, will be limited as well.

22
23 Mr. Hall stated no.

24
25 Mr. Michael Wishall stated that it might have been nice to have been asked when this process started
26 because he could have told the Board that he didn't have any interest in the trucking operation but he does
27 have trailers for the farm. He said that the special use includes .68 acres of his farm to park his trailers but if
28 that is what has to be done, that is what they will do.

29
30 Mr. Hall stated that he was under the impression that the .68 acres portion that extends off of the five acres
31 was part of the non-farm trucking but if it isn't then it doesn't have to be included in the special use permit
32 unless it is being provided for some growth. He said that if it doesn't need to be part of the special use
33 permit then it doesn't have to be shown that way.

34
35 Mr. Michael Wishall stated that the special use permit is basically for the building and the parking.

36
37 Mr. Hall stated yes.

38
39 Mr. Michael Wishall stated that he understands now and is fine with the inclusion of the .68 acres.

40
41 Ms. Griest stated that if the .68 acres is not included then they would be prohibited from parking any of the

1 vehicles or conducting any of the operations related to the commercial trucking operation on that piece. She
2 said that if they want to use the .68 acres for a parking lot for other trucks that are part of the trucking
3 company then they need to include it but if they do not want to include it nothing can be parked there.
4

5 Mr. Michael Wishall stated that the .68 acres should be included. He said that he didn't understand why part
6 of Wishall Farms, Inc. was being included but he does understand now and thanked Ms. Griest for the
7 clarification.
8

9 Mr. Hall stated that the intermingling is fine as long and the intermingling is the area where the special use
10 has been approved. He said that the farm trucks and trailers can go anywhere on the property and do
11 whatever they need to do but the non-agricultural trucks must stay in the area of the special use permit.
12

13 Mr. Thorsland asked the Board if there were any additional questions for Mr. Michael Wishall and there
14 were none.
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16 Mr. Thorsland asked if staff had any questions for Mr. Michael Wishall and there were none.
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18 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Michael Wishall and there was no
19 one.
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21 Mr. Thorsland called Mr. Lin Warfel to testify.
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23 Mr. Lin Warfel, 581 CR 900 East in Tolono, that he lives about a mile north of the subject property. He
24 said that his family bought the land that adjoins the Wishall property in 1882 and they have owned it
25 continuously since 1882. He said that he has worked with Mr. Michael Wishall and his family his entire
26 career and he looks forward to continuing a very cordial relationship with the Wishall family. He said
27 they are excellent neighbors and are very cooperative; in all their operations – farming and trucking –
28 they are considerate with their trucks when passing our farm home and they don't make a lot of noise.
29 He said that he is certain that if he did have a problem, he could call Mike, Jason, or Brian and they
30 would remedy the problem as soon as possible. Mr. Warfel stated that he just wanted to affirm the
31 Wishalls and their efforts; they have been entrepreneurial and where Mike was employed as a farmer
32 there are now 30 people working and generating income taxes and other taxes for Champaign County
33 and the State of Illinois. He said that he thinks we should be enthusiastic in our thanks for the Wishalls
34 and their operation because this is a time when many are leaving Illinois and the trucking companies that
35 left Illinois reduced the state income. He stated that he wanted to come tonight to support the Wishalls
36 and to ask the Board to encourage their business. He said that having a business of their size in
37 Champaign County, in Pesotum Township, in the Tolono-Sadorus area, is a really good thing because
38 those jobs are really good jobs. He stated that professional truckers can make \$40,000 to \$80,000 a year
39 if they work full time and there are not a lot of jobs like that. He said that the employees all pay income
40 taxes and property taxes and those are all really good things and Illinois is desperate for businesses to
41 stay in Illinois. He encouraged the Board to give the Wishalls favorable consideration on this project.

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

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

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

Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony regarding these cases and there was no one.

Finding of Fact review for Case 805-AM-15:

Mr. Thorsland stated that the Board will now review the Finding of Fact beginning with item 13 on page 10. He read item #13 as follows: LRMP Goal 4 is entitled “Agriculture” and states: “**Champaign County will protect the long term viability of agriculture in Champaign County its land resource base.**” Goal 4 has 9 objective and 22 policies. The proposed amendment WILL/WILL NOT HELP ACHIEVE Goal 4. He said that that the Board needs to make these findings affirmative or relatively supportive in order to satisfy the entire goal. He said that he will start with item 13.A. as follows: The proposed rezoning WILL/WILL NOT HELP ACHIEVE Objective 4.1. He said that the Board and staff has added new evidence so the Board can work backwards to achieve the final determination.

Ms. Griest suggested that the Board work through the different sections of item 13.A. rather than working backwards from the entire item.

Mr. Thorsland agreed.

Mr. Thorsland read the following: The proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.1.7 for the following reasons: a. The soil on the subject property is best prime farmland and consists of Elburn silt loam and Drummer silty clay loam, and has an average LE of 100; and b. The Petitioner’s truck terminal is located at a pre-existing 5 acre farmstead that was GRANTED/DENIED a variance for lot area in related Zoning Case 807-V-15 and even though the lot area exceeds the 3 acre maximum lot area that is otherwise required, co-locating with the farmstead allows significant amounts of lot area to serve both the truck terminal and the farming activities which helps to minimize the total land area occupied by both uses. He asked how the Board will answer item b. when 807-V-15 has not been determined.

Ms. Griest stated that typically if the Board approves the map amendment it is subject to the approval of 807-V-15 therefore she would recommend **GRANTED**. She said that if it is not GRANTED then perhaps the Board should do Case 807-V-15 first.

Mr. Hall stated that it is always complicated when there are three related cases. He said that this is the

1 only place that the variance is mentioned in the map amendment finding.
2

3 Mr. Thorsland stated that the variance is mentioned on page 13 and 14. He said that there is some
4 argument to make that it goes to the map amendment first and then work through the details of the
5 special use and he does not believe that the Board has done that before.
6

7 Mr. Hall stated that the Board could simply refer to a variance being requested therefore the two would
8 be completely separate and would allow the Board to work through the map amendment and deal with
9 the variance on its own. He said that there is no way to get around the interconnections between the map
10 amendment and the special use. He said that that the decisions that the Board has to make for the special
11 use criteria related directly to the decisions that the Board has to make regarding whether or not policies
12 are achieved and he does not believe that the Board can get around coordinating those things.
13

14 Mr. DiNovo stated that the special use clearly hinges on the map amendment
15

16 Mr. Thorsland suggested a ten minute recess to investigate issues with the microphones. He said that
17 clarity of the testimony is vital to the record on a complicated case like this with three cases involved.
18

19 **The Board recessed at 7:35 p.m.**
20

21 **The Board resumed at 7:45 p.m.**
22

23 Mr. Thorsland requested, due to an issue with the microphones, that the Board speak clearly, slowly and
24 loudly so that the tape can record everyone's testimony. He said that he would like to begin with page
25 33 of 37, Summary Finding of Fact. He said that the Summary Finding of Fact orients everything upside
26 down so that the Board arrives at the main conclusion, Goal 4, after all of the other questions are
27 answered. He said that the Board could begin with the Summary Finding of Fact and then return to the
28 relevant pages to complete the parts that are missing.
29

30 Mr. DiNovo stated that he would rather walk through all of the parts and then review the Summary
31 Finding of Fact. He said that none of the items in the Finding of Fact are huge items.
32

33 Mr. Thorsland stated that the Board could start with page 2 of 37 of the Finding of Fact for Case 805-
34 AM-15 or begin on page 10 of 37 with the first decision point.
35

36 Mr. DiNovo stated that the variance is independent therefore the Board could go ahead with it prior to
37 doing the other two cases. He said that the special use is completely contingent on the map amendment.
38 He said that the decision points should be reviewed by the Board.
39

40 Ms. Capel stated that reviewing the Summary Finding of Fact takes away from the decision points.
41

1 Mr. Hall stated that the decision points are put in there intentionally so that the Finding of Fact conveys
2 everything relevant to the case. He said that if the Champaign County Board receives a map amendment
3 in which there was a variance, the Board needs to know if the variance was approved or not. He said
4 that as Mr. Thorsland suggested allowing staff to indicate whether those were granted or not is a no
5 brainer. He asked Mr. DiNovo is he is saying that the fact there is a variance has nothing to do with the
6 map amendment.

7
8 Mr. DiNovo stated that he does not want to make a big deal out of it and if the Board wants to just keep
9 it the way it is then that is fine.

10
11 Mr. Hall stated that the real difficult thing is that the Board needs to work its way through the Finding of
12 Fact.

13
14 Mr. Thorsland stated that the Board will go back to page 9 of 37 for Case 805-AM-15. He said that
15 there is no decision point for Goals 1 and 2 because staff's recommendation is **NOT IMPEDE**. He said
16 that this is a business which generates revenue and has been going on for some time and provides jobs
17 therefore he agrees that the proposed map amendment **WILL HELP ACHIEVE** Goal 3. He said that
18 Goal 4 relates to agriculture and it is always the goal which takes the Board a long time to review.

19
20 Mr. Thorsland stated that Goal 4 has 9 objectives and 22 policies. He said that LRMP Goal 4 states that
21 Champaign County will protect the long term viability of agriculture in Champaign County and its land
22 resource base.

23
24 Mr. Hall suggested that the Board go through item 13.B. prior to recommending the decision points from
25 item 13.A.

26
27 Mr. Thorsland stated Objective 4.2 is entitled "Development Conflicts with Agricultural Operations"
28 and states, "Champaign County will require that each *discretionary* review development will not
29 interfere with agricultural operations." The proposed rezoning **WILL/WILL NOT HELP ACHIEVE**
30 Objective 4.2 because of the following: (1) Policy 4.2.1 states, "The County may authorize a proposed
31 business or other non-residential *discretionary review* development in a rural area if the proposed
32 development supports agriculture or involves a product or service that is better provided in a *rural* area
33 than in an urban area." The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.2.1 for the
34 following reasons: a. The Land Resource Management Plan (LRMP) provides no guidance regarding
35 what products or services are better provided in a rural area and therefore that determination must be
36 made in each zoning case. He said that staff recommends the following in item b.: As reviewed in Item
37 8 of this Finding of Fact, the land uses authorized by right in the AG-1 District are almost identical to
38 those authorized by-right in the AG-2 District and therefore, considering only the land uses authorized
39 by-right, the proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.1. He read item c. as follows:
40 Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with
41 adjacent AG-1 uses separate from this proposed map amendment. Nonetheless, on the basis of the

1 existing and proposed development in related Case 806-S-15 and 807-V-15 that was
2 GRANTED/DENIED by the Zoning Board of Appeals, the proposed rezoning WILL/WILL NOT HELP
3 ACHIEVE Policy 4.2.1.

4
5 Mr. Thorsland asked the Board to respond to the decision point in item 13.B.(1)c, whether the proposed
6 rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.2.1.

7
8 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.1.

9
10 Mr. Thorsland read item 13.B.(1)c.(a) as followings: The existing and proposed development in related
11 Cases 806-S-15 and 807-V-15 DOES support agriculture to some extent but is not limited to only that
12 purpose.

13
14 Mr. DiNovo proposed that item 13.B.(1)c.(a) read as follows: The existing and proposed development
15 in related Cases 806-S-15 and 807-V-15 principally supports agriculture to some extent but is not
16 limited to only that purpose. He said that item 13.B.(1)c(b)*i* indicates 80% of the business and item
17 13.B.(1)c(b)*ii* indicates 75%.

18
19 Mr. Hall stated that page 2 indicates 80% of the business.

20
21 Mr. Thorsland suggested that all of the items should indicate 80%.

22
23 Ms. Griest stated that item 13.B.(1)c(b)*iv* should be corrected to indicate 807-V-15 and not 507-V-15.

24
25 Mr. Thorsland stated that he will skip the decision point for item 13.B.(1)c(b)*iv* and recommended the
26 following: That the existing and proposed development in related Cases 806-S-15 and 807-V-15 **IS** a
27 service better provided in a rural area. He asked the Board if there were any required additions.

28
29 Mr. DiNovo stated that he is very uncomfortable with item 13.B.(1)c(b)*v* and indicating that the public
30 road has adequate traffic capacity.

31
32 Mr. Thorsland stated that testimony has been received indicating that the petitioners will work with the
33 two townships and has even worked with Pesotum Township in the past.

34
35 Mr. DiNovo stated that he would prefer that the item indicate that the subject property is approximately
36 4 miles from the I-57 exit at Pesotum and is approximately 1 mile from County Highway 17. He asked
37 the Board if we really want to set a precedent in accepting this type of road as having adequate traffic
38 capacity for a truck terminal.

39
40 Mr. Hall stated that he cannot imagine a future case that would be identical to this therefore he does not
41 have that concern.

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Ms. Griest stated that one of the other things that this item does not capture is that during the first meeting the Board discussed the road improvements that Wishall Trucking made along with the township between County Highway 17 and the subject property and limiting traffic to that area. She said that there is an on-going road improvement agreement that is part of the special use permit.

Mr. DiNovo stated that the road improvement agreement is important to emphasize.

Mr. Thorsland stated that the on-going road improvement agreement is emphasized in other parts of the finding. He said that item doesn't indicate that the road has perfect traffic capacity for this business but adequate traffic capacity for this business. He said that there has been a lot of testimony about the road since the first meeting in October and Mr. DiNovo was not present during that meeting but the minutes reflect that testimony. He said that the statement in the item is a simple statement and does not set a precedent for the future.

Mr. DiNovo stated that perhaps the item could be revised as follows: The subject property is approximately 4 miles from the I-57 exit at Pesotum and is approximately 1 mile from County Highway 17 and is located on a public road that has adequate traffic capacity with careful compliance with the township road agreements.

Mr. Hall agreed that it is important to indicate that the subject property is approximately 1 mile from County Highway 17 because the more we identify why this is a unique situation the less concern there will be about precedence.

Mr. Thorsland stated that with the modifications the recommendation for item item 13.B.(1)c(b) remains as previously read.

Mr. DiNovo asked if there are other places in the findings where this language occurs.

Ms. Griest asked if the numbering under 13.B.(1)c is correct.

Mr. Hall stated yes.

Mr. Thorsland requested a recommendation for item 13.B.(1) overall.

Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.1. overall.

Mr. Thorsland stated that 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

1 affect the operation of agricultural drainage systems, rural roads, or other agriculture-related
2 infrastructure.”

3
4 Mr. Thorsland read item 13.B(2)b. as follows: Any proposed Special Use Permit can be evaluated on a
5 case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map
6 amendment. Nonetheless, on the basis of the existing and proposed development in related Case 806-S-
7 15 and 807-V-15, the proposed rezoning that was GRANTED/DENIED by the Zoning Board of
8 Appeals, WILL/WILL NOT HELP ACHIEVE Policy 4.2.2. He read item 13.B(2).b(a) as follows: The
9 existing and proposed use of the subject property DOES/DOES NOT negatively affect agricultural
10 activities because it provides trucking services to a primarily agricultural customer base. For
11 consideration of possible effects of existing and proposed truck traffic on agricultural activities see the
12 discussion of rural road below.

13
14 Mr. Thorsland recommended the following: The existing and proposed subject property **DOES NOT**
15 negatively affect agricultural activities because it provides trucking services to a primarily agricultural
16 customer base.

17
18 Mr. Thorsland stated that he agrees with staff’s recommendation that the existing and proposed use of the
19 subject property **IS NOT** negatively affected by surrounding agricultural activities.

20
21 Mr. Thorsland read item 13.B(2).b(c) as follows: The existing and proposed use of the subject property
22 WILL/WILL NOT interfere with agricultural activities or damage or negatively affect the operation of
23 agricultural drainage systems based on the following: He said that there is evidence supporting a WILL
24 NOT decision but requested a recommendation from the Board.

25
26 Ms. Griest stated that the existing and proposed use of the subject property **WILL NOT** interfere with
27 agricultural activities or damage or negatively affect the operation of agricultural drainage systems.

28
29 Mr. Thorsland read item 13.B(2).b(d) as follows: The existing and proposed use of the subject property
30 WILL/WILL NOT interfere with agricultural activities or damage or negatively affect *rural* roads based on
31 the following: He said that this is the area where the Board should indicate the road agreements with
32 Pesotum and Tolono Townships.

33
34 Ms. Griest stated that the existing and proposed use of the subject property **WILL NOT** interfere with
35 agricultural activities or damage or negatively affect *rural* roads.

36
37 Mr. DiNovo asked if there is a specific document of evidence that staff provided that shows that the Wishalls
38 own the land adjacent to the other three sides of the subject property.

39
40 Mr. Thorsland stated that Mr. Wishall testified to that fact. He said that staff also provided documentation
41 indicating such during the October public hearing. He asked the Board if they were comfortable with leaving

1 item 13.B.(2)b.(c)*iii*.

2
3 Mr. DiNovo disagreed.

4
5 Ms. Griest stated that the petitioner may have provided the information to staff because it notes that it was
6 received on October 2, 2015.

7
8 Ms. Chavarria stated that staff verifies the land ownership by the Champaign County Assessor's records for
9 every case and in some cases the petitioners also confirm that they own the surrounding land.

10
11 Mr. Thorsland stated that this is supported by testimony and the minutes.

12
13 Mr. DiNovo stated item 13.B.(2)b.(d)*i* should be revised to reflect the testimony suggested tonight. He said
14 that perhaps it could read as follows: The traffic generated by the proposed use is unlikely to decrease as the
15 business expands.

16
17 Ms. Griest disagreed because evidence does not support that statement because the petitioner indicated that
18 they were at their ideal size and had no plans for expansion. She said that this statement does not limit the
19 petitioner from expanding in the future.

20
21 Mr. Thorsland stated that perhaps item 13.B.(2)b.(d)*i* should state the following: The traffic generated by
22 the proposed use will not likely increase as testimony from the petitioner indicated that the business is at a
23 comfortable size at this time.

24
25 Mr. Thorsland read item 13.B.2.b.(e) as follows: The existing and proposed use of the subject property
26 WILL/WILL NOT damage or negatively affect other agricultural-related infrastructure.

27
28 Ms. Griest stated that the existing and proposed use of the subject property **WILL NOT** damage or
29 negatively affect other agricultural-related infrastructure.

30
31 Mr. Thorsland stated that proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.2.

32
33 Mr. Thorsland stated that Policy 4.2.3 states, "The County will require that each proposed discretionary
34 development explicitly recognize and provide for the right of agricultural activities to continue on adjacent
35 land." The proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.2.3 for the following reason: a.
36 The Petitioners have farmland adjacent to the subject property and understand that this is a rural area where
37 agricultural activities take place; and b. A special condition has been added to the map amendment regarding
38 Champaign County's Right to Farm Resolution.

39
40 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.3.

1 Mr. Thorsland stated that there is no decision point for Policy 4.2.4.

2
3 Mr. Hall noted that the Board must make a recommendation for Objective 4.2 overall.

4
5 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Objective 4.2.

6
7 Mr. Thorsland stated that Objective 4.3 is entitled, "Site Suitability for Discretionary Review Development"
8 and states: "Champaign County will require that each discretionary review development is located on a
9 suitable site." The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Objective 4.3 because of the
10 following:. Mr. Thorsland stated that Policy 4.3.2 states, "On best prime farmland, the County may
11 authorize discretionary review development provided the site with proposed improvements is well-suited
12 overall for the proposed land use." The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.2
13 because the proposed site **IS/IS NOT WELL SUITED OVERALL** for the development proposed in related
14 Cases 806-S-15 and 807-V-15 for the following reasons:.

15
16 Mr. DiNovo stated that item 13.C(1)e should be revised as follows: The subject property is
17 approximately 4 miles from the I-57 exit at Pesotum and is approximately 1 mile from County Highway
18 17 and is located on a public road that has adequate traffic capacity with careful compliance with the
19 township road agreements.

20
21 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.2 because the proposed
22 site **IS WELL SUITED OVERALL** for the development proposed in related Case 806-S-15 and 807-V-15.
23 She said that the proposed rezoning **WILL HELP ACHIEVE** Objective 4.3.

24
25 Mr. Thorsland read Policy 4.3.3 as follows: "The County may authorize a discretionary review development
26 provided that existing public services are adequate to support the proposed development effectively and
27 safely without undue public expense." He said that staff recommends that the proposed rezoning will **HELP**
28 **ACHIEVE** Policy 4.3.3.

29
30 Mr. Thorsland stated that Policy 4.3.4 states, "The County may authorize a discretionary review
31 development provided that existing public infrastructure, together with proposed improvements, is adequate
32 to support the proposed development effectively and safely without undue public expense." The proposed
33 rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.4. He read item 13.C.(3)c states that in item
34 13.B.(2) of this Finding of Fact the Zoning Board of Appeals has recommended that the existing and
35 proposed use of the subject property **WILL/WILL NOT** damage or negatively affect the operation of
36 agricultural drainage systems, rural roads or other agriculture-related infrastructure.

37
38 Ms. Griest stated that the existing and proposed use of the subject property **WILL NOT** damage or
39 negatively affect the operation of agricultural drainage systems, rural road or other agriculture-related
40 infrastructure. She said that the rezoning **WILL HELP ACHIEVE** Policy 4.3.4.

1 Mr. DiNovo stated that the reference to Tolono Township should be included in item 13.C(3)a.

2
3 Mr. Thorsland stated that Policy 4.3.5 states, “On best prime farmland, the County will authorize a business
4 or other non-residential use only if: a) It also serves surrounding agricultural uses or an important public
5 need; and cannot be located in an urban area or on a less productive site; or b) The use is otherwise
6 appropriate in a rural area and the site is very well suited to it.” The proposed rezoning WILL/WILL NOT
7 HELP ACHIEVE Policy 4.3.5 for the following reasons:. a. The proposed use in related Cases 806-S-15 and
8 807-V-15 DOES serve surrounding agricultural land uses to some extent but is not limited to that purpose;
9 and b. The proposed use in related Cases 806-S-15 and 807-V-15 CANNOT be located in an urban area or
10 on a less productive site because of the following:. He noted that the indication of 75% in item 13.C(4)a(a)
11 should be revised to indicate 80%. He stated that item 13.C(4)c reads as follows: The proposed
12 development in related Cases 806-S-15 and 807-V-15 IS/IS NOT otherwise appropriate in a rural area based
13 on the following: (a) In item 13.B(1)c. of this Finding of Fact the Zoning Board of appeals has recommended
14 that the existing and proposed development in related Cases 806-S-15 and 807-V-15 IS/IS NOT a service
15 better provided in a rural area.

16
17 Mr. Thorsland stated that in item 13.B(1)c. of this Finding of Fact the Zoning Board of appeals has
18 recommended that the existing and proposed development in related Cases 806-S-15 and 807-V-15 **IS** a
19 service better provided in a rural area.

20
21 Mr. Thorsland read item 13.C(4)c(b) as follows: In item 13.B.(2)b.(a) of this Finding of Fact the Zoning
22 Board of Appeals has recommended that the existing and proposed use of the subject property DOES/DOES
23 NOT negatively affect agricultural activities.

24
25 Mr. Thorsland stated that In item 13.B.(2)b.(a) of this Finding of Fact the Zoning Board of Appeals has
26 recommended that the existing and proposed use of the subject property **DOES NOT** negatively affect
27 agricultural activities.

28
29 Mr. Thorsland stated that in Item 13.V.(2)b.(b) of this Finding of Fact the Zoning Board of Appeals has
30 recommended that the existing and proposed use of the subject property **IS NOT** negatively affected by
31 surrounding agricultural activities.

32
33 Mr. Thorsland read item 13.C(4)c(d) as follows: In items 13.B.(2)b.(c), (d) and (e) of this Finding of Fact
34 the Zoning Board of Appeals has recommended that the existing and proposed use of the subject property
35 WILL/WILL NOT damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or
36 other agriculture-related infrastructure.

37
38 Mr. Thorsland stated that in items 13.B.(2)b.(c) (d) and (e) of this Finding of Fact the Zoning Board of
39 Appeals has recommended that the existing and proposed use of the subject property **WILL NOT** damage or
40 negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related
41 infrastructure.

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Mr. Thorsland stated that regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.

Ms. Griest stated that regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.

Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.5.

Mr. Thorsland stated that the proposed amendment **WILL HELP ACHIEVE** Objective 4.3.

Mr. Thorsland stated that Goal 4 has 9 objectives and 22 policies. The proposed amendment **WILL/WILL NOT HELP ACHIEVE** Goal 4. He said that Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and 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/WILL NOT HELP ACHIEVE** Objective 4.1 because of the following:. He said that Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed zoning. He said that 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 because the Site Plan received October 2, 2015, will remove no additional land from agricultural production.

Mr. Thorsland stated that the Board must make a recommendation whether the proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.1.6 for the following reasons: a. The soil on the subject property is best prime farmland and consists of Elburn silt loam and Drummer silty clay loam, and has an average LE of 100; and b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland and **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.5.

Ms. Griest stated that regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland and **WILL HELP ACHIEVE** Policy 4.3.5.

Mr. Thorsland stated that regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4

1 regarding infrastructure.
2

3 Mr. Randol stated that regarding compliance with policies having to do with the adequacy of infrastructure
4 and public services for the proposed use, the ZBA has recommended that the proposed rezoning **WILL**
5 **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
6

7 Mr. Thorsland stated that regarding compliance with policies having to do with minimizing conflict with
8 agriculture, the ZBA has recommended that the proposed rezoning **WILL/WILL NOT HELP ACHIEVE**
9 Policy 4.2.1, Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
10

11 Ms. Griest stated that regarding compliance with policies having to do with minimizing conflict with
12 agriculture, the ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.1,
13 Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
14

15 Mr. Thorsland stated that regarding compliance with policies having to do with minimizing the conversion
16 of best prime farmland, the ZBA has recommended that the proposed rezoning **WILL/WILL NOT HELP**
17 **ACHIEVE** Policy 4.1.7.
18

19 Ms. Griest stated that regarding compliance with policies having to do with minimizing the conversion of
20 best prime farmland, the ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE**
21 Policy 4.1.7.
22

23 Mr. Thorsland stated that regarding compliance with policies having to do with minimizing the disturbance
24 of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT**
25 **IMPEDE** the achievement of Goal 8. He said that Policy 4.1.7 states “To minimize the conversion of best
26 prime farmland, the County will require a maximum lot size limit on new lots established as by right
27 development on best prime farmland.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy
28 4.1.7 for the following reasons: a. The soil on the subject property is best prime farmland and consists of
29 Elburn silt loam and Drummer silty clay loam, and has an average LE of 100. He said that he would like to
30 add that the lot was created by a will with the guidance of the best information at the time. He said that it
31 should be established why the lot is five acres and not three acres and testimony was received tonight
32 indicating that the parents prepared a will two decades ago and when they presumably contacted the County
33 they referenced the Plat Act. He said that they created the lot with the best information that they thought was
34 available.
35

36 Mr. Hall stated that Mr. Thorsland’s concern is addressed in Case 807-V-15.
37

38 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.1.7.
39

40 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.1.6.
41

1 Mr. Thorsland asked the Board if the proposed rezoning WILL/WILL NOT HELP ACHIEVE Objective 4.1.

2
3 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** Objective 4.1.

4
5 Mr. Thorsland asked the Board if the proposed amendment WILL/WILL NOT HELP ACHIEVE Goal 4.

6
7 Ms. Griest stated that the proposed amendment **WILL HELP ACHIEVE** Goal 4.

8
9 Mr. DiNovo asked if it would be possible to offer a motion that in every instance insert WILL or WILL
10 NOT, whichever formulation is favorable to the petitioner.

11
12 Mr. Hall stated that it could be done but how would Board members insert all those little changes that they
13 want to make.

14
15 Mr. DiNovo stated that he would make a motion, put it on the table and make changes.

16
17 Mr. Hall stated that if there were no changes to make then that would be okay but the ZBA is here to work
18 through and consider every one of the policies and make a decision, especially in a case like this. He said
19 that the Board could have done what Mr. DiNovo is suggesting in the beginning if there had been no changes
20 to the findings.

21
22 Mr. Thorsland explained that typically what he will do, if there is not a lot of discussion, is work off of the
23 Summary Finding of Fact and work through the decision points. He said that typically the Board will go
24 through all of the decision points and make a record regarding how those decision points were made, even if
25 there are no modifications. He said that the Board started this process when the LRMP was done and the
26 Board has gotten somewhat good at it.

27
28 Mr. Hall stated that the summary doesn't have a decision point at every policy and is only for the objectives
29 and literally the Board needed to go through every policy to sort through these things. He said that the Board
30 added good evidence about the roads and the location.

31
32 Mr. DiNovo stated that staff could edit the document.

33
34 Mr. Thorsland stated that at this time he only wants to work on this case and perhaps at a different time the
35 Board can discuss with staff how cases are determined at the public hearing.

36
37 Mr. Thorsland stated that the Board will now review LRMP Goal 5. He said that LRMP Goal 5 is entitled
38 "Urban Land Use" and states as follows: "Champaign County will encourage urban development that is
39 compact and contiguous to existing cities, villages, and existing unincorporated settlements." He said that
40 staff recommends that the proposed amendment will **NOT IMPEDE** the achievement. He said that there
41 was no new testimony which would change that recommendation.

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Mr. Thorsland stated that 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.” He said that staff recommends that the proposed amendment will **NOT IMPEDE** the achievement of Goal 6. He asked the Board if they agreed with staff’s recommendation and the Board agreed.

Mr. Thorsland stated that LRMP Goad 7 is entitled “Transportation” and states as follows: “Champaign County will coordinate land use decision in the unincorporated area with the existing and planned transportation infrastructure and services. He said that Goal 7 has 2 objective and 7 policies. He said that Objective 7.1 stated, Champaign Count will consider traffic impact in all land use decision and coordinate efforts with other agencies when warranted.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Objective 7.1 because of the following: Policy 7.1.1 states, “The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.” The proposed rezoning **WILL/WILL NOT CONFORM** to Policy 7.1.1 because a. the traffic generated by the proposed use will likely increase as the business grows; however, the Petitioners have signed a road maintenance agreement (see attachment) where the Petitioners pay fifty percent of the cost to oil and chip the township road between County Road 600 North (commonly known as Sadorus Road and County Highway 17 and the Wishall property.

Ms. Griest requested that the revised language for item 13.C(1)e be inserted indicating that the subject property is 1 mile from County Highway 17 and is located on a public road that has adequate capacity with careful compliance with township road agreement. She said that she would like the text, “as the business grows,” stricken and the revised language inserted.

Ms. Griest stated that the proposed rezoning **WILL CONFORM** to Policy 7.1.1.

Mr. Thorsland stated that staff recommends that the proposed amendment **WILL NOT IMPEDE** the achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.

Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Objective 7.1 and **WILL HELP ACHIEVE** Goal 7.

Mr. Thorsland stated that 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.” He said that staff recommends that the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8. He asked the Board if they agreed with staff’s recommendation and the Board agreed.

Mr. Thorsland stated that LRMP Goal 9 is entitled “Energy Conservation” and states as follows: “Champaign County will encourage energy conservation, efficiency, and the use of renewable energy

1 sources.” He said that staff recommends that the proposed amendment **WILL NOT IMPEDE** the
2 achievement of Goal 9. He asked the Board if they agreed with staff’s recommendation and the Board
3 agreed.
4

5 Mr. Thorsland stated that LRMP Goal 10 is entitled, “Cultural Amenities” and states as follows:
6 “Champaign County will promote the development and preservation of cultural amenities that contribute to a
7 high quality of life for its citizens.” He said that staff recommends that the proposed amendment **WILL**
8 **NOT IMPEDE** the achievement of Goal 10. He asked the Board if they agreed with staff’s
9 recommendation and the Board agreed.
10

11 Mr. Thorsland stated that the Board will now review the *LaSalle* factors. He said that the Board has a
12 decision point in item 20.B(3). He said that item 20.B(3) states the following: In regards to the value of
13 nearby residential properties, the requested map amendment **WILL/WILL NOT AFFECT** nearby residential
14 property values. He said that the language in item 20.B(3)a. should be revised by striking the text, “likely
15 increase as the business grows, and insert text indicating that the subject property is 1 mile from County
16 Highway 17 and is located on a public road that has adequate capacity with careful compliance with
17 township road agreements.” He said that an item 20.B(3)d. could be added indicating Mr. Warfel’s
18 testimony and his support of Wishall Trucking at the current location.
19

20 Mr. Hall stated that regarding item 20.B.(3)b. staff would have normally included the names of the six
21 neighbors mentioned and Mr. Warfel is one of those neighbors. He recommended that staff add the names
22 rather than referring to them in item 20.B(3)b.
23

24 Mr. Thorsland stated that in regards to the value of nearby residential properties, the requested map
25 amendment **WILL NOT AFFECT** nearby residential property values.
26

27 Mr. Thorsland stated that in item 20.C. staff recommended the following: *LaSalle* factor: The extent to
28 which the destruction of property values of the plaintiff **WILL** promote the health, safety, morals, and
29 general welfare of the public.
30

31 Mr. DiNovo stated that the purpose of this *LaSalle* factor is to justify zoning restrictions on the landowner.
32 He said that what we are proposing to do is liberalize the zoning on the landowner. He proposed the
33 following: The proposed rezoning will reduce the restrictions for the use on the petitioner’s property.
34

35 Mr. Thorsland requested input from the Board and there was none.
36

37 Mr. Thorsland stated that item 20.D. states the following: *LaSalle* factor: The relative gain to the public as
38 compared to the hardship imposed on the individual property owner. (1) The gain to the public of the
39 proposed rezoning **WILL/WILL NOT BE POSITIVE** because: as per a letter from Steve Miller, Pesotum
40 Township Highway Commissioner, received June 24, 2015 “the proposed amendment would allow the
41 Petitioner to continue being a significant local employer that purchases parts and equipment from local

1 suppliers and has increased the tax base of the Township” (see attachment). Mr. Thorsland asked the Board
2 if the road agreement with Tolono Township should also be included in item 20.D.

3
4 Mr. DiNovo stated that this is another case in which the Board is reducing the hardship imposed on the
5 individual property owner and requested that an item 20.D.(4) be added indicating such.

6
7 Mr. Thorsland stated that this points out that the petitioner is contributing to maintenance of the road.

8
9 Mr. DiNovo stated that he still believes that it is important to add that we are reducing the hardship imposed
10 on the individual property owner and it could be added to item 20.D.

11
12 Mr. Hall stated that the *LaSalle* factors, given that they come from case law and are about a specific instance,
13 staff tries to generalize it but he has a concern. He said that Mr. DiNovo’s recommendation is a good
14 recommendation as long as it makes sense overall.

15
16 Ms. Griest asked Mr. Hall if he is inferring that the general audience for these materials will not have a
17 thorough understanding of the case law or the knowledge that staff or other Board members may have.

18
19 Mr. DiNovo stated that he still believes that it is a relevant point for justification.

20
21 Mr. Thorsland stated that in the interest of efficiency Mr. DiNovo’s recommendation can be added to item
22 20.D. but he still needs a recommendation of WILL or WILL NOT.

23
24 Mr. Griest stated that the gain to the public of the proposed rezoning **WILL BE POSITIVE**.

25
26 Mr. Thorsland stated that item 20.E. states the following: *LaSalle* factor: The suitability of the subject
27 property for the zoned purposes. Regarding whether the site is well suited to the proposed land use, the
28 proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.3.2 regarding whether the site with
29 proposed improvements is well-suited overall for the proposed land use.

30
31 Mr. DiNovo stated that regarding whether the site is well suited to the proposed land use, the proposed
32 rezoning **WILL HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is
33 well-suited overall for the proposed land use.

34
35 Mr. Thorsland stated that item 20.G. states the following: *Sinclair* factor: The need and demand for the use.
36 Regarding this factor: (1) The Petitioner testified in the application that “the trucking operation has
37 expanded into a successful, profitable, and job creating trucking operation...that provides approximately 30
38 jobs to local employees”. (2) The ZBA has recommended that the proposed rezoning WILL/WILL NOT
39 HELP ACHIEVE Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural
40 area.

1 Mr. Thorsland recommended that the ZBA has recommended that the proposed rezoning **WILL HELP**
2 **ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.

3
4 Mr. Thorsland stated that staff recommended the following in item 20.G(3)a.: The proposed use **DOES**
5 serve surrounding agricultural land uses or an important public need. He said that item 20.G(3)b. stated that
6 the proposed development **IS/IS NOT** otherwise appropriate in a rural area. He recommended that the
7 proposed development **IS** otherwise appropriate in a rural area. The Board agreed with Mr. Thorsland's
8 recommendation.

9
10 Mr. Thorsland stated item 20.H. as follows: *Sinclair* factor: The extent to which the use conforms to the
11 municipality's comprehensive planning. The ZBA has recommended that the proposed rezoning
12 **WILL/WILL NOT HELP ACHIEVE** the Champaign County Land Resource Management Plan. (1) Overall,
13 the proposed map amendment **IS/IS NOT CONSISTENT** with the *LaSalle* and *Sinclair* factors. He said that
14 he would recommend that the ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE**
15 the Champaign County Land Resource Management Plan and that overall, the proposed map amendment **IS**
16 **CONSISTENT** with the *LaSalle* and *Sinclair* factors. The Board agreed with Mr. Thorsland's
17 recommendation.

18
19 Mr. Thorsland stated that there are no other decision points on page 27 therefore the Board will continue to
20 page 28 beginning with item 21.C. He said that item 21.C. stated that the proposed rezoning **WILL/WILL**
21 **NOT** lessen and avoid congestion in the public streets as follows: (1) Probable traffic impacts are reviewed
22 un Policy 7.1.1. He stated that there is evidence that the petitioners, in conjunction with the township, made
23 improvements to the drainage ditch and that the ground is flat and drains in all directions.

24
25 Ms. Griest recommended that proposed rezoning **WILL** lessen and avoid congestion in the public streets.
26 She said that there is testimony that the petitioner's improvement actually increased the width of the road for
27 drivable area. The Board agreed.

28
29 Mr. Thorsland stated that 21.D. states that Paragraph 2.0 (d) of the Ordinance states that one purpose of the
30 zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to
31 persons and damage to property resulting from the accumulation of runoff of storm or flood waters. The
32 proposed rezoning **WILL/WILL NOT** trigger the need for stormwater management. He recommended that
33 the proposed rezoning **WILL NOT** trigger the need for stormwater management.

34
35 Mr. Thorsland stated that in item 21.E. staff recommends that the proposed rezoning **WILL** promote the
36 public health, safety, comfort, morals, and general welfare. He said that item 21.E. includes evidence to
37 support staff's recommendation.

38
39 Mr. Thorsland stated that item 21.H. states the following: Paragraph 2.0 (m) of the Ordinance states that one
40 purpose of the zoning regulations and standards that have been adopted and established is to prevent
41 additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid

1 the restrictions and limitations lawfully imposed under this ordinance. This purpose is directly related to
2 maintaining compliance with the Zoning Ordinance requirements for the District; the specific types of uses
3 and the proposed Special Use WILL/WILL NOT HELP ACHIEVE those requirements.

4
5 Ms. Griest recommended that this purpose is directly related to maintaining compliance with the Zoning
6 Ordinance requirements for the District; the specific types of uses and the proposed Special Use **WILL**
7 **HELP ACHIEVE** those requirements.

8
9 Mr. Thorsland stated that item 21.I. states the following: Paragraph 2.0 (n) of the Ordinance states that one
10 purpose of the zoning regulations and standards that have been adopted and established is to protect the most
11 productive agricultural lands from haphazard and unplanned intrusion of urban uses. The proposed rezoning
12 WILL/WILL NOT protect the most productive agricultural lands from haphazard and unplanned intrusion of
13 urban uses as follows: (1) The proposed Special Use in related Case 806-S-15 does not meet the definition of
14 either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign
15 Land Resource Management Plan.; and 2. The ZBA has recommended that the proposed rezoning
16 WILL/WILL NOT HELP ACHIEVE Goal 4 Agriculture of the Champaign County Land Resource
17 Management Plan, although the proposed Special Use Permit is not urban in use.

18
19 Mr. Thorsland stated that the ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE**
20 Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed
21 Special Use Permit is not urban in use therefore the proposed rezoning **WILL** protect the most productive
22 agricultural lands from haphazard and unplanned intrusion of urban uses.

23
24 Mr. Thorsland stated that item 22. states the following:

25 A. LRMP Policy 4.2.3 required discretionary development and urban development to explicitly
26 recognize and provide for the right of agricultural activities to continue on adjacent land. The following
27 condition is intended to provide for that:

28
29 **The owners of the subject property hereby recognize and provide for the right of agricultural**
30 **activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see**
31 **attached).**

32
33 The above special condition is necessary to ensure the following:
34 **Conformance with policies 4.2.3 and 5.1.5.**

35
36 Mr. Thorsland asked the petitioners if they agreed to proposed Special Condition A.

37
38 Mr. Michael Wishall, Mr. Jason Wishall and Mr. Brian Wishall indicated that they agreed to the proposed
39 Special Condition.

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41 Ms. Capel asked if the Board needs to discuss another special condition regarding the road agreements.

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Mr. Thorsland stated that such a special condition will be included in Case 806-S-15.

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

Mr. Hall stated that a new item 14. should be added to the Documents of Record indicating the new Supplemental Memorandum #3 dated January 14, 2016, with attachments A, B, C, and D.

Mr. Thorsland stated that the Summary Finding of Fact will be modified by staff to reflect the Board’s recommendations.

Mr. Thorsland entertained a motion to approve the special condition.

Ms. Griest moved, seconded by Mr. Randol to approve the special condition. The motion carried by voice vote.

Mr. Thorsland entertained a motion to adopt the Finding of Fact, Documents of Record and Summary Findings of Fact as amended for Case 805-AM-15.

Ms. Griest moved, seconded by Ms. Capel to adopt the Finding of Fact, Documents of Record and Summary Findings of Fact as amended for Case 805-AM-15. The motion carried by voice vote.

Mr. Thorsland entertained a motion to move to the Final Determination for Case 805-AM-15.

Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Case 805-AM-15. The motion carried by voice vote.

Final Determination for Case 805-AM-15:

Ms. Griest moved, seconded by Mr. Randol 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 805-AM-15 should BE ENACTED by the County Board in the form attached hereto.

SUBJECT TO THE FOLLOWING SPECIAL CONDITION:

- A. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:**

The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).

The above special condition is necessary to ensure the following:
Conformance with policies 4.2.3 and 5.1.5.

Mr. Thorsland informed the petitioners that currently the Board has two absent Board members therefore it is at their discretion to either continue Case 805-AM-15 until a full Board is present or request that the present Board move to the Final Determination. He informed the petitioners that four affirmative votes are required for approval.

The petitioners requested that the present Board move to the Final Determination.

Mr. Thorsland requested a roll call vote.

The roll was called as follows:

DiNovo-yes	Griest-yes	Lee-absent
Randol-yes	Passalacqua-absent	Capel-yes
Thorsland-yes		

Summary of Evidence Review for Case 806-S-15:

Mr. Thorsland stated that the Board’s first decision point for Case 806-S-15 begins at item 8.C. located on page 11 of 30 of the Summary of Evidence. He read item 8.C. as follows: As proposed, the Special Use WILL/WILL NOT BE INJURIOUS in regards to the effects on traffic. He said that item 8.C. lists the evidence involved and item 8.C.(1).d. should be revised to indicate the following: The subject property is approximately 4 miles from the I-57 exit at Pesotum, 1.5 miles from US 45 South, and approximately 1 mile from County Highway 17. It is located on a public road that the ZBA believes has adequate traffic capacity with careful compliance to road agreements with Pesotum and Tolono Townships. He said that item 8.C.(1).f. should be revised as follows: The subject property is located about 4 miles north of the I-57 interchange at Pesotum and is about 1.5 miles west of US 45 South which is heavily traveled. The subject property is also approximately 1 mile from County Highway 17.

Ms. Capel stated that item 8.C.(4) also discusses the road agreement with Pesotum. She said that the road agreement with Tolono Township should also be included in item 8.C.(4).

Ms. Griest stated that the Special Use **WILL NOT BE INJURIOUS** in regards to the effects on traffic.

Mr. Thorsland stated that page 16 of 30 discusses the variance for stormwater management and he does not

1 believe that the Board has any information to add to page 16 as everything appears consistent. He said that
2 item 10.C. located on page 18 of 30 is the next decision point for the Board. He said that item 10.C. poses
3 the question whether the proposed Special Use Permit IS/IS NOT in harmony with the general purpose of the
4 Zoning Ordinance. He said that item 10.C.(2) indicates that the proposed Special Use **WILL** conserve the
5 value of real estate throughout the COUNTY. He said that item 10.C.(3) poses the question whether the
6 proposed Special Use **WILL/WILL NOT** lessen and avoid congestion in the public streets. He said that item
7 8.C.(3)a. should be revised to indicate that traffic generated by the proposed use will unlikely increase as the
8 business growth testimony from the petitioner is that they are comfortable with the size of the business at
9 this time. He recommended that the proposed Special Use **WILL** lessen and avoid congestion in the public
10 streets.

11
12 Mr. DiNovo stated that a reference to the road agreements should be included.

13
14 Mr. Thorsland agreed. He said that the specific road agreement with Pesotum actually indicates that the road
15 was made wider and the petitioners financially contributed to that improvement.

16
17 Mr. Thorsland stated that he would recommend the following for item 8.C.(4): The proposed Special Use
18 **WILL NOT** trigger the need for stormwater management.

19
20 Mr. Thorsland read the decision point for item 8.C.(8) as follows: This purpose is directly related to
21 maintaining compliance with the Zoning Ordinance requirements for the District; the specific types of uses
22 and the proposed Special Use **WILL/WILL NOT HELP ACHIEVE** those requirements.

23
24 Mr. Randol stated that the proposed Special Use **WILL HELP ACHIEVE** those requirements.

25
26 Mr. Thorsland stated that item 8.C.(9) states as follows: Paragraph 2.0(n) of the Ordinance states that one
27 purpose of the zoning regulations and standards that have been adopted and established is to protect the most
28 productive agricultural lands from haphazard and unplanned intrusions of urban uses. The proposed Special
29 Use **WILL/WILL NOT** subject the most productive agricultural lands to haphazard and unplanned intrusions
30 of urban uses as follows: a. The proposed special use does not meet the definition of either “urban
31 development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land
32 Resource Management Plan; and b. the ZBA has recommended that the proposed rezoning **WILL/WILL**
33 **NOT HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan,
34 although the proposed Special Use Permit is not urban in use.

35
36 Mr. Thorsland stated that the ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE**
37 Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed
38 Special Use Permit is not urban in use and that the proposed Special Use **WILL NOT** subject the most
39 productive agricultural lands to haphazard and unplanned intrusions of urban uses.

40
41 Ms. Griest stated that the proposed Special Use Permit **IS** in harmony with the general purpose of the

1 Ordinance.

2
3 Mr. Thorsland stated that item 13. Includes proposed special conditions of approval. He said that the Board
4 may choose to add special conditions. He read the special conditions as follows:

5
6 **A. Change of Use Permit shall be applied for within 30 days of the approval of Case
7 805-AM-15 by the County Board.**

8
9 The above special condition is required to ensure the following:
10 **The establishment of the proposed use shall be properly documented as
11 required by the Zoning Ordinance.**

12
13 Mr. Thorsland asked the petitioners if they agreed with Special Condition A.

14
15 The petitioners indicated that they agreed with Special Condition A.

16
17 **B. The Special Use shall be void if the owner/operator fails to comply with the road
18 agreement with Pesotum Township regarding an annual road maintenance fee,
19 provided as follows:**

20
21 Mr. Thorsland asked if we should include both road agreements with Pesotum Township and Tolono
22 Township.

23
24 Ms. Griest stated that there were no fees associated with the Tolono Township road agreement.

25
26 Mr. Hall stated that the Board could revise the special condition as follows: The Special Use shall be
27 void if the owner/operator fails to comply with the road agreement with Pesotum Township regarding
28 the road maintenance fee and the road agreement with Tolono Township.

29
30 **(1) This condition applies to the Agreement with Pesotum Township Road
31 Commissioner received June 24, 2015, the verbal agreement between the
32 petitioner and the Pesotum Township Road Commissioner that trucks
33 related to the petitioners' trucking business run empty, bobtail, and not to
34 run the tall van trailers, or to any subsequent road agreement between the
35 petitioner and Pesotum Township, provided that a fully executed
36 agreement shall be filed with the Zoning Administrator.**

37
38 Mr. Hall stated that after "tall van trailers" the following could be added: and the road agreement with
39 Tolono Township received January 14, 2016.

40
41 Mr. Schweighart stated that the verbal agreement was actually with the Tolono Township Highway

1 Commissioner.

2
3 Mr. Thorsland asked Mr. Schweighart if he is referring to the verbal agreement.

4
5 Mr. Schweighart stated that the agreement is now in writing.

6
7 Mr. Thorsland asked Mr. Schweighart if the Board should strike the word “verbal.”

8
9 Mr. Schweighart stated that if it could be stricken and just reference the Tolono Township written
10 Agreement received January 14, 2016.

11
12 Ms. Griest stated that perhaps special condition B.(1) could read as follows:

13 (1) This condition applies to the Agreements with the Pesotum Township Road
14 Commissioner received June 24, 2015, and the Tolono Township Road
15 Commissioner received January 14, 2016, ,or to any subsequent road agreements
16 between the petitioner and Pesotum Township or Tolono Township, provided that
17 a fully executed agreement shall be filed with the Zoning Administrator.
18

19 Mr. Schweighart agreed to the revision.
20

21 (2) **This condition shall be cancelled if the Pesotum Township Highway
22 Commissioner relieves the Petitioners of the road maintenance agreement
23 obligations.**
24

25 The special condition stated above is required to ensure the following:
26 **That any additional highway maintenance due to the truck traffic generated
27 by the proposed Special Use is reimbursed by the petitioner.**
28

29 Ms. Griest stated that this takes it back to whether the Board wants to keep the township road
30 agreements together or keep them separate because one could cancel the agreement and not the other.
31

32 Mr. Thorsland asked the Board if they wanted to have a separate condition for Tolono Township.

33
34 Ms. Griest stated that it may work better to keep them separate if there will be a cancellation provision.
35

36 Ms. Capel stated that the two could be kept together and the condition would only be cancelled if the
37 situation occurred where both townships cancelled their agreements.
38

39 Mr. Thorsland stated that Special Condition B.(2) could read as follows:
40

41 (2) This condition shall be cancelled if both the Pesotum and Tolono Township

1 Highway Commissioners relieve the Petitioners of the road maintenance
2 agreement obligations.

3
4 Mr. Thorsland said that if the Board does not agree then perhaps there should be two separate conditions
5 separating the two township agreements. He said that the Board could leave B. as originally indicated
6 and a new C. regarding Tolono Township.

7
8 Ms. Griest agreed.

9
10 Mr. Thorsland stated that the petitioner doesn't need the road in Tolono Township but they do have this
11 document which indicates that they can use the road in Tolono Township. He asked the Petitioners how
12 they wanted the special conditions to be written.

13
14 Mr. Schweighart stated that it makes sense to keep the road agreement special conditions regarding each
15 township separate. He said that noncompliance with the agreement would void the special use.

16
17 Ms. Griest stated that if the petitioners receive a release from either township the special condition does
18 not apply.

19
20 Mr. Thorsland stated that a special condition should be created for each township agreement. He said
21 that each condition would say the same thing but Pesotum Township would be inserted into one and
22 Tolono Township inserted in to the other.

23
24 Ms. Capel stated that the petitioners would need to be released by both.

25
26 Mr. Hall stated that the petitioners could be released by one township and not the other.

27
28 Ms. Capel stated that wouldn't release the petitioners from a condition that includes both agreements.

29
30 Mr. Thorsland stated that is why there needs to be two separate conditions for each township.

31
32 Mr. Hall stated that Special Condition B. could apply to Pesotum Township and new Special Condition
33 C. could apply to Tolono Township.

34
35 Mr. Thorsland stated that the special conditions would read as follows:

36
37 **B. The Special Use shall be void if the owner/operator fails to comply with the road**
38 **agreement with Pesotum Township regarding an annual road maintenance fee,**
39 **provided as follows:**

40 **(1) This condition applies to the Agreement with Pesotum Township Road**
41 **Commissioner received June 24, 2015, the verbal agreement between the**

petitioner and the Pesotum Township Road Commissioner that trucks related to the petitioners' trucking business run empty, bobtail, and not to run the tall van trailers, or to any subsequent road agreement between the petitioner and Pesotum Township, provided that a fully executed agreement shall be filed with the Zoning Administrator.

- (2) This condition shall be cancelled if the Pesotum Township Road Commissioner relieves the Petitioners of the road use agreement obligations.

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

That any additional highway maintenance due to the truck traffic generated by the proposed Special Use is reimbursed by the petitioner.

- C. The Special Use shall be void if the owner/operator fails to comply with the road agreement with Tolono Township regarding road use, provided as follows:

- (1) This condition applies to the Agreement with Tolono Township Road Commissioner received January 14, 2016, or to any subsequent road agreement between the petitioner and Tolono Township, provided that a fully executed agreement shall be filed with the Zoning Administrator.

- (2) This condition shall be cancelled if the Tolono Township Highway Commissioner relieves the Petitioners of the road use agreement obligations.

Mr. Hall stated that this special condition will be to ensure that specified condition are met by the petitioners.

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

To ensure that specified conditions are met by the petitioners.

Mr. Thorsland asked the petitioners if they agreed with revised Special Conditions B. and C.

The petitioners indicated that they agreed with revised Special Conditions B. and C.

Mr. Thorsland read new proposed Special Condition D. as follows:

- D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Truck Terminal 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:

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

Mr. Michael Wishall stated that both of his parents were handicapped. He said that his father used crutches for five years and his mother used a walker for at least five years as well. He said that his parents were able to go anywhere on the farm and that is how he wanted it.

Mr. Thorsland stated that this is the one special condition that is included in all special uses that the ZBA has absolutely no authority to change. He said that the petitioners will need to contact the Capital Development Board regarding what accessibility requirements will be required and they will have to comply. He said that the ZBA cannot waive the state requirements for accessibility.

Mr. Hall informed Mr. Schweighart that he wants to make sure that the contact person at the Capital Development Board understands how much there is that is agriculture versus non-agriculture. He said that they never make accessibility requirements for agriculture so the Capital Development Board needs focus only on the non-farm trucking.

Mr. Thorsland asked the petitioners if they agreed to Special Condition D.

The petitioners indicated that they agreed with Special Condition D.

Mr. Thorsland asked the Board if there needs to be a special condition on the number of trucks overall. He said that previously the Board had a case regarding the definition of trucks, trailers, trucks and trailers, etc.

Ms. Griest stated that she was inclined to not have a limit on the number of trucks and trailers because some of them are used for agricultural use and others for the non-agricultural use.

Mr. Thorsland stated that he is also comfortable in not having a special condition regarding the limit on the number of trucks because it is self-regulating and at some point the petitioners will decide when they have run out of room to move anything else around. He asked staff if this becomes someone else’s property or the township indicates that they can’t travel the roads, would the petitioners have to come back before this Board.

Mr. DiNovo stated that he believes that there absolutely has to be a limit on the number of trucks allowed. He said that it should be specified that the use is limited to the existing buildings and paved area and there shall be no more than a 10% increase to the paved area. He said that there should be no open ended amount of area that could be paved. He said that the Board needs to reference the document that establishes what that footprint is.

Mr. Thorsland asked if the 2014 aerial map could be the document for that reference.

1 Mr. DiNovo stated that it could be the approved site plan for the special use.

2

3 Mr. Hall stated that the site plan clearly indicates all of the existing parking areas and if the Board accepts a
4 limit on the increase of parking it would be easy to calculate. He asked the Board if they wanted to establish
5 a limit of 10% or more.

6

7 Mr. DiNovo stated that it is always possible for the petitioners to come back and ask for more and amend the
8 special use permit.

9

10 Mr. Hall stated that if you look at the site plan, the place that he would expect parking to be added would be
11 along the south side and that is more than 10%. He said that if the petitioners just filled out the parking on
12 the south side it is going to be more than 10% and he doesn't believe that it would be unreasonable.

13

14 Ms. Griest stated that part of the reason why she is opposed in placing any kind of numerical value is
15 because this is a dual use facility and just because it looks like a truck and sounds like a truck doesn't mean
16 it is part of the trucking operation and could easily be part of the farming operation. She said that she
17 believes that it would be a nightmare for staff to keep track of what is for the trucking operation and what is
18 for the farming operation. She said that she would be more concerned about things that the Board has already
19 asked about which were commercial operations for other carriers and that was ruled out because they are not
20 doing it and it is not included in their operational plan for the special use. She said that she does not want to
21 put a condition on something that is impossible to enforce or would use a huge amount of staff time when
22 the risk is minimal. She said that where the volume of trucks will be enforced is with the highway road
23 commissioners.

24

25 Mr. Thorsland asked if a special condition could do two things. He said that the special condition could
26 indicate that no more than a 10% increase can occur for parking area for the special use permit because it
27 allowed the variance of the stormwater management to continue. He said that anything more than 10%
28 would require stormwater management thus requiring the petitioners to come back before this Board.

29

30 Mr. Randol stated that the area is already full.

31

32 Mr. Thorsland stated that he agrees. He said that he wants to clearly state that the Board has taken care of
33 the stormwater concern because the Board is not going to allow anymore non-permeable area and the
34 petitioners will not want to put anymore trucks on the grass. He said that he does not want to place a limit
35 on the number of trucks.

36

37 Mr. DiNovo stated that he cannot imagine an open-ended authorization to put as many trucks on the five
38 acres as they can.

39

40 Mr. Thorsland stated that the Board is not going to let the petitioners make the parking area any larger.

41

1 Mr. DiNovo stated that he still cannot imagine authorizing a special use permit of this nature without some
2 kind of size limit that is less than the entire five acres. He said that his position is that a limit is absolutely
3 necessary.

4
5 Mr. Thorsland stated that he wants the limit to be more related to the water. He said that the water all works
6 now and if no more than 10% of impervious area is added the water will continue to do what it is doing and
7 as a by-product of that the Board will not have to place a limit on the number of trucks that are allowed.

8
9 Mr. DiNovo stated that it would not be proper to deny a variance for the stormwater requirements because
10 the Board concluded that there is excessive amount of traffic generated and that would not be a proper
11 reason to deny a stormwater variance.

12
13 Mr. Thorsland stated that the special condition that he would like to propose is that the non-permeable area
14 for parking shall not increase more than 10% so that stormwater management changes or is minimized. He
15 said that this special condition will ensure that there is not additional burden on the current stormwater
16 management that occurs on the property. He said that he doesn't want to say anything about the trucks or the
17 trailers because if they have been farming and driving trucks since at least 1939 they already know that you
18 don't park the trucks on the grass.

19
20 Mr. Hall stated that he is at a loss regarding what type of special condition the Board would like him to draft.

21
22 Mr. Thorsland stated that the other option is to draft no special condition about this concern.

23
24 Mr. DiNovo stated that there should be a 10% limit on the expansion of the paved and building area for the
25 following two reasons: (1) provide some upside limit on the amount of trucks that the petitioners could
26 potentially operate on site; and (2) stormwater.

27
28 Ms. Griest asked Mr. DiNovo how the limit will be imposed when half of the use is agriculture and they
29 could increase the number of trucks, buildings and impervious area as they desire for that agricultural use.

30
31 Mr. Randol stated that if you place a limit on the number of trucks you would also be affecting the
32 agricultural use.

33
34 Mr. Thorsland stated that the Board cannot place a limit on the number of trucks for the agricultural
35 operation.

36
37 Ms. Griest stated that if this were a single use facility it would be easier but this is dual use and the
38 protection of the agricultural component makes it almost impossible to enforce. She said that there could be
39 a special condition which indicates that no new buildings could be constructed without returning to the
40 Board for a new special use permit but that is already a given and there is no need for a special condition like
41 that.

1
2 Mr. DiNovo stated that he is not concerned about that and that issue can be dealt with when it arises. He
3 said that the guidelines should be clear in that only 10% can be added and that is it.

4
5 Mr. Thorsland asked Mr. DiNovo if he is referring to 10% non-permeable or just parking.

6
7 Mr. DiNovo stated that he is discussing buildings and parking because trucks can be stored inside buildings.
8 He said that his concern is that there should be some sort of upside limit on the maximum number of trucks
9 that are allowed on this site.

10
11 Mr. Thorsland stated that if the petitioners wanted to add another building for the agricultural use then that is
12 their business.

13
14 Mr. DiNovo stated that there are a limited number of trucks that can be operated by a single farm operation.

15
16 Mr. Thorsland stated the number of trucks a farmer utilizes in his farm operation is not up to this Board.

17
18 Mr. DiNovo stated that he is not overly concerned that the petitioners will be running 20 trucks for their
19 agricultural operation.

20
21 Mr. Thorsland stated that the more that this issue is discussed the more he believes that, except for
22 something related to stormwater, no additional special condition should be considered regarding the number
23 of truck and trailer numbers. He said that the Board has received testimony that the agricultural equipment is
24 larger than the trucks and trailers and the petitioners can have as much agricultural equipment as they want
25 on the property. He said that if they purchased a new sprayer/boom truck it could take up half of the property
26 for parking. He said that he is becoming more disinclined to have any additional special conditions other
27 than what the Board already has and the only thing that he might be comfortable with is just to say no more
28 parking area. He said that the petitioners can build as many agricultural buildings as they want and he is just
29 concerned with them exceeding all of the work they did to make the water flow properly. He said that the
30 Board received testimony at the October 2015 public hearing that they spent a lot of money and effort to
31 have a nice quality road ditch.

32
33 Mr. Hall stated that all of the testimony is included in the October 15, 2015, minutes and he is sure that Mr.
34 DiNovo has read those minutes.

35
36 Mr. Thorsland stated that the petitioners are not stupid people and he is sure that they do not want to drive
37 around in muck therefore he does not believe that they will ever intentionally exceed their ability to move
38 their water away.

39
40 **Mr. DiNovo moved that a special condition be created limiting the expansion of the building and**
41 **parking area used by the trucking business to no more than 10% of what currently exists.**

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Mr. Thorsland requested a second to Mr. DiNovo’s motion.

The motion failed due to the lack of a second.

Mr. Thorsland asked the petitioners again if they agree to Special Conditions A-D as amended.

Mr. Jason Wishall, Mr. Brian Wishall, Mr. Mike Wishall and Mr. Matt Schweighart agreed to Special Conditions A-D as amended.

Mr. Thorsland entertained a motion to approve the Special Conditions as amended.

Ms. Griest moved, seconded by Ms. Capel to adopt the Special Conditions as amended. The motion carried with one opposing vote.

Mr. Thorsland stated that new item #14 should be added to the Documents of Record reflecting Supplemental Memorandum #3 dated January 14, 2016, with attachments.

Ms. Griest moved, seconded by Ms. Capel to extend the meeting to 10:00 p.m. The motion carried by voice vote.

Findings of Fact for Case 806-S-15:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 806S-15 held on October 15, 2015 and January 14, 2016, the Zoning Board of Appeals of Champaign County finds that:

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

Mr. DiNovo stated that the requested Special Use Permit IS necessary for the public convenience at this location because the preponderance of the business is agricultural related and it is located in an agricultural area within reasonable distance of US45 and CH17.

Mr. Thorsland stated that the business has a known customer base.

- 2. 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 because:**

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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.**

Ms. Griest stated that emergency services availability is ADEQUATE.

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

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

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

Ms. Griest stated that surface and subsurface drainage will be ADEQUATE.

- e. Public safety will be ADEQUATE.**

Mr. Randol 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 WELL SUITED OVERALL for the proposed improvements.**

Ms. Griest stated that the property IS WELL SUITED OVERALL for the proposed improvements.

- h. Existing public services ARE available to support the proposed SPECIAL USE without undue public expense.**

Ms. Capel stated that existing services ARE available to support the proposed SPECIAL USE without undue public expense.

- i. Existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense.**

Ms. Griest stated that existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense.

1 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,
2 is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in
3 which it shall be located or otherwise detrimental to the public health, safety, and welfare.
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5 **3a. The requested Special Use Permit, subject to the special conditions imposed herein,
6 DOES conform to the applicable regulations and standards of the DISTRICT in which
7 it is located.**
8

9 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein,
10 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.
11

12 **3b. The requested Special Use Permit, subject to the special conditions imposed herein,
13 DOES preserve the essential character of the DISTRICT in which it is located because:**
14

15 **a. The Special Use will be designed to CONFORM to all relevant County
16 ordinances and codes.**
17

18 Ms. Capel stated that the Special Use will be designed to CONFORM to all relevant County ordinances and
19 codes.
20

21 **b. The Special Use WILL be compatible with adjacent uses.**
22

23 Mr. Thorsland stated that the Special Use WILL be compatible with adjacent uses.
24

25 **c. Public safety will be ADEQUATE.**
26

27 Mr. Thorsland stated that public safety will be ADEQUATE.
28

29 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,
30 DOES preserve the essential character of the DISTRICT in which it is located.
31

32 **4. The requested Special Use Permit, subject to the special condition imposed herein, IS in
33 harmony with the general purpose and intent of the Ordinance because:**
34

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

36 **b. The requested Special Use IS necessary for the public convenience at this
37 location.**
38

39 Mr. Thorsland stated that the requested Special Use IS necessary for the public convenience at this location.
40

41 **c. The requested Special Use Permit, subject to the special conditions imposed**

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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.

Ms. Capel 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.

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.

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. Subject to the following waiver of standard conditions:

A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance: that requires a separation distance of 30 feet in lieu of the required 200 feet between any Truck Terminal and any adjacent residential district or use:

(1) The waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare.

Mr. Randol stated that the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare.

Mr. DiNovo stated that the dwelling on the subject property is between the bulk of the truck terminal and the adjacent residences.

(2) Special conditions and circumstances DO 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.

Ms. Capel stated that special conditions and circumstances DO 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 the business developed organically over time.

Mr. Thorsland stated that the lot was created with the best information at the time.

Ms. Griest stated that the business developed organically over time from the farming operation.

(3) 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. DiNovo 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 limiting the special use to areas of the site more than 200 feet away from adjacent residential uses would substantially reduce the available area and make large existing paved areas and buildings unusable.

Mr. Thorsland stated that it would render a large part of the existing use, paved areas and buildings unavailable for the commercial aspect of the business.

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

Mr. Thorsland stated that special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the business developed organically from the farming operation over time on a lot created with the best information at the time.

(5) The requested waiver, subject to the proposed special conditions, IS the minimum variation that will make the reasonable use of the land/structure.

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

Mr. Thorsland stated that it could be noted that this is an existing facility.

7. The Special Conditions imposed herein are required to ensure compliance with the criteria for special use permits and for the particular purposes described below:

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- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 805-AM-15 by the County Board.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- B. **The Special Use shall be void if the owner/operator fails to comply with the road agreement with Pesotum Township regarding an annual road maintenance fee, provided as follows:**

- (1) **This condition applies to the Agreement with Pesotum Township Road Commissioner received June 24, 2015, or to any subsequent road agreement between the petitioner and Pesotum Township, provided that a fully executed agreement shall be filed with the Zoning Administrator.**

- (2) **This condition shall be cancelled if the Pesotum Township Highway Commissioner relieves the Petitioners of the road maintenance agreement obligations.**

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

That any additional highway maintenance due to the truck traffic generated by the proposed Special Use is reimbursed by the petitioner.

- C. **The Special Use shall be void if the owner/operator fails to comply with the road agreement with Tolono Township regarding road use, provided as follows:**

- (1) **This condition applies to the Agreement with Tolono Township Road Commissioner received January 14, 2016, or to any subsequent road agreement between the petitioner and Tolono Township, provided that a fully executed agreement shall be filed with the Zoning Administrator.**

- (2) **This condition shall be cancelled if the Tolono Township Highway Commissioner relieves the Petitioners of the road use agreement obligations.**

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

To ensure that specified conditions are met by the petitioners.

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

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

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

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

Ms. Griest moved, seconded by Ms. Capel to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote with one opposing vote.

Mr. Thorsland entertained a motion to move to the Final Determination for Case 806-S-15.

Ms. Griest moved, seconded by Mr. Randol to move the Final Determination for Case 806-S-15. The motion carried by voice vote.

Mr. Thorsland informed the petitioners that currently the Board has two absent Board members therefore it is at their discretion to either continue Case 806-S-15 until a full Board is present or request that the present Board move to the Final Determination. He informed the petitioners that four affirmative votes are required for approval.

The petitioners requested that the present Board move to the Final Determination.

Final Determination for Case 806-S-15:

Ms. Griest moved, seconded by Ms. Capel 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

1 The Special Use requested in Case 806-S-15 is hereby GRANTED WITH SPECIAL
 2 CONDITIONS to the applicants Michael Wishall, Jason Wishall, and Brian Wishall d.b.a.
 3 Wishall Transport, Wishall Farms & Transportation Inc., and Wishall Farms Inc., to
 4 authorize the following as a Special Use on land that is proposed to be rezoned to the AG-2
 5 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related
 6 Zoning Case 805-AM-15:

7 Part A. Authorize the establishment and use of a Truck Terminal as a Special
 8 Use on land that is proposed to be rezoned to the AG-2 Agriculture
 9 Zoning District from the current AG-1 Agriculture Zoning District in
 10 related Zoning Case 805-AM-15 and subject to the requested variance
 11 in related Zoning Case 807-V-15.

12 Part B. Authorize the following waiver to the standard conditions of the
 13 “Truck Terminal” special use as per Section 6.1.3 of the Zoning
 14 Ordinance: A separation distance of 30 feet in lieu of the required 200
 15 feet between the Truck Terminal and any adjacent residential district
 16 or residential use.

17 ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***

18 A. Waiver of the standard condition in Section 6.1.3 that requires a
 19 separation distance of 30 feet in lieu of the required 200 feet between
 20 any Truck Terminal and any adjacent residential district or
 21 residential use.

22
 23 ***SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:***

24 A. A Change of Use Permit shall be applied for within 30 days of the approval of
 25 Case 805-AM-15 by the County Board.

26
 27 The above special condition is required to ensure the following:
 28 The establishment of the proposed use shall be properly documented as
 29 required by the Zoning Ordinance.
 30

31 B. The Special Use shall be void if the owner/operator fails to comply with the road
 32 agreement with Pesotum Township regarding an annual road maintenance fee,
 33 provided as follows:

34 (1) This condition applies to the Agreement with Pesotum Township
 35 Road Commissioner received June 24, 2015, or to any subsequent

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road agreement between the petitioner and Pesotum Township, provided that a fully executed agreement shall be filed with the Zoning Administrator.

- (2) This condition shall be cancelled if the Pesotum Township Highway Commissioner relieves the Petitioners of the road maintenance agreement obligations.

The special condition stated above is required to ensure the following:
That any additional highway maintenance due to the truck traffic generated by the proposed Special Use is reimbursed by the petitioner.

- C. **The Special Use shall be void if the owner/operator fails to comply with the road agreement with Tolono Township regarding road use, provided as follows:**

- (1) **This condition applies to the Agreement with Tolono Township Road Commissioner received January 14, 2016, or to any subsequent road agreement between the petitioner and Tolono Township, provided that a fully executed agreement shall be filed with the Zoning Administrator.**
- (2) **This condition shall be cancelled if the Tolono Township Highway Commissioner relieves the Petitioners of the road use agreement obligations.**

The special condition stated above is required to ensure the following:
To ensure that specified conditions are met by the petitioners.

- D. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Truck Terminal 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.

1 Mr. Thorsland requested a roll call vote:

2
3 The roll was called as follows:

5	Griest-yes	Randol-yes	Capel-yes
6	DiNovo-no	Lee-absent	Passalacqua-absent
7	Thorsland-yes		

8
9 **Summary of Evidence Review for Case 807-V-15:**

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11 Mr. Thorsland stated that new information in the Summary of Evidence is indicated in red. He said that the
12 lot was created with information provided to Mr. Wishall’s parents.

13
14 Mr. DiNovo stated that the information regarding the lot creation was correct at the time of the lot’s creation.

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16 Mr. Thorsland asked Mr. DiNovo if he desired to insert his statement in the Summary of Evidence.

17
18 Mr. DiNovo stated that his statement will be reflected in the minutes.

19
20 Mr. Thorsland read item 10.G. on page 11 of 16 of the Summary of Evidence for Case 807-V-15 as follows:
21 In related Case 806-S-15 the Zoning Board of Appeals determined that the proposed special use permit,
22 subject to the requested variance **IS** in harmony with the general purpose and intent of the Zoning Ordinance.
23 He said that a new item #14 should be added to the Documents of Record indicating Supplemental
24 Memorandum #3 dated January 14, 2016, with attachments.

25
26 **Findings of Fact for Case 807-V-15:**

27
28 From the documents of record and the testimony and exhibits received at the public hearing for Zoning Case
29 807-V-15 held on October 15, 2015 and January 14, 2016, the Zoning Board of appeals of Champaign
30 County finds that:

- 31
- 32 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
- 33 **structure involved, which are not applicable to other similarly situated land and**
- 34 **structures elsewhere in the same district.**
- 35

36 Mr. Thorsland requested that staff insert the same language as indicated in Item 6.A(2) of the Findings of
37 Fact for Case 806-S-15: Special Conditions and circumstances DO exist which are peculiar to the land or
38 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
39 same district because the business developed organically from the farming operation over time on a lot
40 created with the best information at the time.

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. Thorsland requested that staff insert the same language as indicated in Item 6.A(3) of the Findings of Fact for Case 806-S-15: 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 it would render a large part of the existing use, paved areas, and buildings unavailable for the commercial aspect of the business.

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

Mr. DiNovo stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because provisions for the conveyance for the 5 acres were made in the preparation of the will which preceded adoption of the amendment establishing the maximum 3 acre lot size.

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

Mr. Thorsland stated that the requested variance IS in harmony with the general purpose and intent of the Ordinance because it allows an existing use that supports and is supported by the surrounding agricultural community.

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

Ms. Capel stated that the requested variance WILL NOT be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare because of the road agreements with the Pesotum and Tolono Township Road Commissioners.

Mr. Randol added that supportive testimony has been received from the neighbors.

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

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

Mr. DiNovo stated that it IS the minimum variation because there is no practical way of establishing a lot

1 that accommodates the business separately from the agricultural activities and within the maximum lot size.

2
3 **7. No special conditions are hereby imposed.**

4
5 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
6 of Fact as amended.

7
8 **Ms. Griest moved, seconded by Mr. DiNovo to adopt the Summary of Evidence, Documents of Record
9 and Findings of Fact as amended. The motion carried by voice vote.**

10
11 Mr. Thorsland entertained a motion to move to the Final Determination for Case 807-V-15.

12
13 **Ms. Capel moved, seconded by Mr. Griest to move to the Final Determination for Case 807-V-15.
14 The motion carried by voice vote.**

15
16 Mr. Thorsland informed the petitioners that currently the Board has two absent Board members therefore it is
17 at their discretion to either continue Case 807-V-15 until a full Board is present or request that the present
18 Board move to the Final Determination. He informed the petitioners that four affirmative votes are required
19 for approval.

20
21 The petitioners requested that the present Board move to the Final Determination.

22
23 **Final Determination for Case 807-V-15:**

24
25 **Ms. Griest moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals finds
26 that, based upon the application, testimony, and other evidence received in this case, that the
27 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted
28 in Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of
29 Champaign County determines that:**

30
31 **The Variance requested in Case 807-B-15 is hereby GRANTED to the petitioners Michael Wishall,
32 Jason Wishall, and Brian Wishall d.b.a. Wishall Transport, Wishall Farms & Transportation Inc.,
33 and Wishall Farms Inc. to authorize the following variance in the AG-2 Agriculture Zoning District:**

34
35 **Part A. A variance from Section 5.3 of the Zoning Ordinance for a lot size of 5.68 acres
36 in lieu of the maximum area of 3 acres for lots with soils that are best prime
37 farmland that is also the subject of related cases 805-AM-15 and 806-S-15.**

38
39 **Part B. A variance from the Champaign Count Stormwater Management and Erosion
40 Control Ordinance which requires a Stormwater Drainage Plan and review for
41 lots of 2 to 6.25 acres that have a greater than one acre of impervious surface**

1 area.

2
3 Mr. Thorsland requested a roll call vote.

4
5 The roll was called as follows:

6			
7	Randol-yes	Capel-yes	DiNovo-yes
8	Griest-yes	Lee-absent	Passalacqua-absent
9	Thorsland-yes		

10
11 Mr. Hall informed the petitioners that they have received approvals for all three cases in one night and that
12 is an achievement. He said that the map amendment will be forwarded to the Environment and Land Use
13 Committee for their February 4th meeting. He said that the Environment and Land Use Committee
14 will not be as diligent as the Zoning Board of Appeals but after the Environment and Land Use
15 Committee’s review the map amendment will be forwarded to the County Board for their February 18th
16 meeting.

17
18 **Case 819-AT-15 Petitioner: Champaign County Zoning Administrator Request: Amend the**
19 **Champaign County Zoning Ordinance by adding the following: Part A. In Section 6.1.3 revise the**
20 **standard conditions for “Fairground” by adding the following special provision (standard condition):**
21 **Site design, land management, and storm water management designs and practices shall provide**
22 **effective site drainage; shall meet or exceed state and federal water quality standards; shall protect**
23 **downstream drainage patterns; shall provide for stream flows that support health aquatic ecosystems;**
24 **shall minimize impacts on adjacent properties and cause no more than minimal disturbance to the**
25 **stream corridor environment; and, wherever possible, shall preserve existing habitat, enhance**
26 **degraded habitat, and restore habitat.” Part B. 1. In Section 4.2.1 C. add “PARKING LOT and**
27 **related passenger waiting buildings may be authorized in the CR District only as an additional**
28 **principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit**
29 **subject to Section 5.2.” 2. In Section 5.2, add “PARKING GARAGAE or LOT” as a Special Use**
30 **Permit in the CR District and add a footnote stating that “PARKING LOT and related passenger**
31 **waiting buildings may be authorized in the CR District by SPECIAL USE Permit only as an**
32 **additional principal USE or additional principal STRUCTURE on Public Fairgrounds provided that**
33 **the Public Fairgrounds were an established use at the subject location on October 10, 1973, and**
34 **provided that a Public Fair must continue to be held at the Public Fairgrounds or the Special Use**
35 **Permit shall become void and subject to the standard conditions in Section 6.1.3.” 3. In Section 6.1.3**
36 **add as a Special Use “PARKING LOT and related passenger waiting buildings as an additional**
37 **principal USE or additional principal STRUCTURE on a Public Fairgrounds in the CR District” and**
38 **require no minimum fencing; require the minimum LOT AREA, Width, Maximum HEIGHT, and**
39 **Required Yards to be the same as in the CR Zoning DISTRICT; and add the following special**
40 **provisions (standard conditions): 1. All or part of the parking area(s) may be used for parking not**
41 **otherwise related to the Fairground and the non-Fairground parking may be limited to parking for a**

1 **single other non-Fairground USE or to multiple other non-Fairground USES and may include the**
2 **construction and use of related passenger waiting buildings. 2. Traffic impacts shall be considered.**
3

4 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
5 the witness register for that public hearing. He reminded the audience that when they sign the witness
6 register they are signing an oath.
7

8 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of the request.
9

10 Mr. John Hall, Zoning Administrator, stated the case has been re-advertised. He said that the case now has
11 two parts; Part A. adds the requirements for all of the environmental considerations for the fairgrounds. He
12 said that that requirement will apply anytime the Special Use Permit for the fairgrounds is reviewed. He said
13 that Part B. adds the considerations related to adding a parking lot and related passenger waiting buildings on
14 a fairground in the CR District. He said that as the Board discussed at the last hearing, Section 5.2 is the part
15 of the Ordinance where there can be no variances, there is a footnote that indicates that the public
16 fairgrounds must have been an established use at the subject location on October 10, 1973, and also provided
17 that a public fair must continue to be held at the public fairgrounds or the Special Use Permit shall become
18 void and subject to the standard conditions in Section 6.1.3. He said that these things are part of the use as
19 authorized in Section 5.2 and are not subject to waivers or variances.
20

21 Mr. Hall stated that Section 6.1.3, Schedule of Standard Conditions for Specific Types of Special Uses,
22 specifies that the parking area may be used for parking not otherwise related to the fairground and that can be
23 either for single or multiple events and also may include construction and use of related passenger waiting
24 buildings. He said that traffic impacts shall be considered that has been part of this case from day one. He
25 said that this is the re-advertised case and as he suggested at the last public hearing he did not see the need to
26 go back and change anything in the Finding of Fact therefore it is as the Board reviewed it at the December
27 17, 2015, meeting. He said that at the last public hearing regarding this case the Board started their review
28 of the Summary Finding of Fact but made no decisions regarding the staff recommendations.
29

30 Mr. Thorsland stated that if the Board desires, after witness testimony, the Board can go back through
31 everything or just begin with the Summary Finding of Fact.
32

33 Mr. Thorsland called Mike Billimack to testify.
34

35 Mr. Mike Billimack, representative from Carle, stated that his office address is 611 W. Park Street, Urbana,
36 IL. He thanked the Board for hearing this case. He said that he and any of Carle's partners are willing to
37 answer any questions that the Board have regarding this request and the strong collaborative agreement
38 between Carle and the Champaign County Fair Association. He said that this is truly a win-win situation for
39 everyone.
40

41 Mr. Thorsland asked the Board if there were any questions for Mr. Billimack and there were none.

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

Mr. Thorsland asked the Board and staff if they desired to ask any questions to the other members of the audience representing Carle and the Board and staff indicated they did not.

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

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

Summary Finding of Fact for Case 819-AT-15:

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 10, 2015, December 17, 2015, and January 14, 2016**, the Zoning Board of Appeals of Champaign County finds that:

- 1. Regarding the effect of this text amendment on the Land Resource Management Plan (LRMP):
 - A. **Regarding Goal 8 Natural Resources:**
 - This amendment will **HELP ACHIEVE** Objective **8.4** requiring the County to 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 because it will **HELP ACHIEVE** the following:
 - Policy **8.4.2** requiring the County to require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patters, minimize impacts on adjacent properties and provide for stream flows that support health aquatic ecosystems (see Item 13.A.(2)).
 - Policy **8.4.5** requiring the County to ensure that non-point discharges from new development meet or exceed state and federal water quality standards (See Item 13.A.(3)).
 - This amendment will **HELP ACHIEVE** Objective **8.5** requiring the County to encourage the maintenance and enhancement of aquatic and riparian habitats because while it will either not impede or is not relevant to the other Policies under this Objective, it will **HELP ACHIEVE** the following:
 - Policy **8.5.1** requiring discretionary development to preserve existing habitat, enhance degraded habitat and restore habitat (See Item 13.B(2)).
 - Policy **8.5.2** requiring discretionary development to cause no more than minimal Disturbance to the stream corridor environment (See Item 13.B.(3)).

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- This amendment will **HELP ACHIEVE** Objective **8.6** requiring that the County avoid loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species because it will **HELP ACHIEVE** the following:
 - Policy **8.6.2** requiring new development to minimize the disturbance of habitat or to mitigate unavoidable disturbance of habitat (See item **13.C.(3)**).
- 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 text amendment will **HELP ACHIEVE Goal 8 Natural Resources**.

Mr. Thorsland asked the Board if they agreed with staff’s recommendations for Part A.

The Board indicated that they agreed with staff’s recommendations for Part A.

B. Regarding Goal 7 Transportation:

- This amendment will **HELP ACHIEVE** Objective 7.1 requiring that **Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted** because it will **HELP ACHIEVE** the following:
 - Policy 7.1.1 requiring the County to include traffic impact analyses in discretionary review development proposals with traffic generation (See Item **12.A.**).
- 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, this text amendment will **HELP ACHIEVE Goal 7 Transportation**.

Mr. Thorsland asked the Board if they agreed with staff’s recommendations for Part B.

The Board indicated that they agreed with staff’s recommendations for Part B.

C. This text amendment will NOT IMPEDE the following LRMP goal(s):

- **Goal 1 Planning and Public Involvement**
- **Goal 2 Governmental Coordination**
- **Goal 3 Prosperity**
- **Goal 4 Agriculture**
- **Goal 5 Urban Land Use**
- **Goal 6 Public Health and Safety**
- **Goal 9 Energy Conservation**
- **Goal 10 Cultural Amenities**

1 Mr. Thorsland asked the Board if they agreed with staff’s recommendations for Part C.

2

3 The Board indicated that they agreed with staff’s recommendations for Part C.

4

5 D. Overall, this text amendment will **HELP ACHIEVE** the Land Resource Management Plan.

6

7 2. The proposed Zoning Ordinance text amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because it will **HELP ACHIEVE** the following purposed of the Ordinance:

8 ● This text amendment will **HELP** conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY (Purpose 2.0 (b); see Item 16.B.).

9

10 ● This text amendment will **HELP** 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. (Purpose 2.0 (i); see Item 16.I.).

11

12 ● This text amendment 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 as may be deemed best suited to carry out the purpose of the ordinance. (Purpose 2.0 (j); see Item 16.J.).

13

14 ● This text amendment will **HELP** fix regulations and standards to which buildings, structures, or uses therein shall conform. (Purpose 2.0 (k); see Item 16.K.).

15

16 ● This text amendment will **HELP** prohibit uses, buildings, or structures incompatible with the character of such districts. (Purpose 2.0 (l); see Item 16.L.).

17

18 ● This text amendment will **HELP** prevent additions to and alteration of remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance. (Purpose 2.0 (m); see Item 16.M.).

19

20 ● This text amendment will **HELP** protect natural features such as forested areas and watercourses. (Purpose 2.0 (o); see Item 16.O.).

21

22 Mr. Thorsland asked the Board if they agreed with staff’s recommendations for Part D.

23

24 The Board indicated that they agreed with staff’s recommendations for Part D.

25

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

27

28 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Summary Findings of Fact.

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Ms. Griest moved, seconded by Ms. Capel to adopt the Summary of Evidence, Documents of Record and Summary Findings of Fact. The motion carried by voice vote.

Mr. Thorsland entertained a motion to move to the Final Determination for Case 819-AT-15.

Ms. Griest moved, seconded by Mr. DiNovo to move to the Final Determination for Case 819-AT-15. The motion carried by voice vote.

Final Determination for Case 819-AT-15:

Ms. Griest moved, seconded by Ms. Capel 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 Text Amendment requested in Case 819-AT-15 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	DiNovo-yes	Griest-yes
Lee-absent	Passalacqua-absent	Randol-yes
Thorsland-yes		

Mr. Hall thanked the Board for their approval of Case 819-AT-15. He stated that the case will be forwarded to the Environment and Land Use Committee at their February 4, 2016, meeting and it will stay at ELUC for one month before moving on to the County Board at their March 17th meeting.

Mr. Thorsland stated that the Board will now hear Cases 805-AM-15, 806-S-15, and 807-V-15.

6. New Public Hearings

None

7. Staff Report

None

8. Other Business

A. Review of Docket

1 Mr. Thorsland stated that the Board now consists of seven members therefore it should not be as difficult to
2 achieve a quorum for a meeting although tonight did have two members absent. He asked the Board if they
3 were aware of any scheduled absences that staff could document on the docket.

4
5 Ms. Griest reminded the Board that she will be absent from the February 11, 2016, meeting
6

7 Mr. DiNovo stated that he will probably be absent from the May 26, 2016, meeting.
8

9 Mr. Thorsland noted that he too may be absent from the May 26, 2016, meeting.
10

11 Mr. Thorsland requested that once a member of the Board realizes that they will be absent from a meeting
12 that they notify staff immediately.
13

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

15
16 None
17

18 **10. Adjournment**
19

20 Mr. Thorsland entertained a motion to adjourn the meeting.
21

22 **Ms. Griest moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice vote.**
23

24 The meeting adjourned at 9:47 p.m.
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28

29 Respectfully submitted
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34 Secretary of Zoning Board of Appeals
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