Champaign County
Department of
PLANNING &
ZONING

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

(217) 384-3708 zoningdept@co.champaign.il.us www.co.champaign.il.us/zoning

# CASES 828-S-16 and 834-V-16

SUPPLEMENTAL MEMORANDUM #1 April 28, 2016

**Petitioner:** Jonathan Hasselbring, Planning Director for the Champaign County

Forest Preserve District

**Request:** Authorize as a Special Use as a "public park or recreational facility" those

portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana, in the AG-1 and AG-2 Agriculture Zoning Districts and subject to the variance summarized below but fully described in the legal advertisement, on property that is commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and that is described more fully in the legal advertisement but is summarized here as follows:

<u>Part A Subject Property:</u> A 13.2 acre tract in the AG-1 District in Sections 10 and 15 of St. Joseph Township and subject to a variance <del>for setback of 66 feet in lieu of the minimum required 85 feet; a front yard of 33 feet in lieu of the minimum required 35feet, and from parking requirements.</del>

<u>Part B Subject Property:</u> An 11.6 acre tract in the AG-1 District in Sections 9 and 16 of St. Joseph Township and subject to a variance for setback of 61 feet in lieu of the minimum required 85 feet; a front yard of 25 feet in lieu of the minimum required 25 feet, and from parking requirements.

<u>Part C Subject Property</u>: A 9.2 acre tract in the AG-1 District in Sections 8 and 17 of St. Joseph Township and subject to a variance for setback of 53 feet in lieu of the minimum required 85 feet; a front yard of 27 feet in lieu of the minimum required 35 feet, and from parking requirements.

<u>Part D Subject Property</u>: A 12.4 acre tract in the AG-1 District in Sections 7 and 18 of St. Joseph Township and subject to a variance for setback of 58 feet in lieu of the minimum required 85 feet; a front yard of 21 feet in lieu of the minimum required 35 feet; a rear yard of 22 feet in lieu of the minimum required 25 feet, and from parking requirements.

<u>Part E Subject Property</u>: A 12.1 acre tract in the AG-2 District in Sections 12 and 13 of Urbana Township and subject to a variance for setback of 65 feet in lieu of the minimum required 85 feet; a front yard of 30 feet in lieu of the minimum required 35 feet, and from parking requirements.

<u>Part F Subject Property</u>: A 12.1 acre tract in the AG-2 District in Sections 11 and 14 of Urbana Township and subject to a variances for setback of 65 feet in lieu of the minimum required 85 feet; a front yard of 22 feet in lieu of the minimum required 35 feet, and from parking requirements.

AMENDMENT: Part G Subject Property: A 2.1 acre tract in the R-2 Residential District in Sections 10 and 15 of Urbana Township and subject to a variances for setback of 69 feet in lieu of the minimum required 85 feet; a front yard of 0 feet in lieu of the minimum required 35 feet, and from parking requirements.

**Location**: Generally, 9 different tracts of land totaling 72.7 acres (as amended)

comprised of the various Parts described above and commonly known as the inactive CSX railroad line between the City of Urbana and the Village of St. Joseph and that shall connect to those portions of the

Jonathan Hasselbring/CCFPD

APRIL 28, 2016

Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana, Illinois and more specifically described in the attached legal advertisement.

**Site Area**: 72.7 acres (as amended)

**Time Schedule for Development:** As soon as possible

Prepared by: Susan Chavarria

Senior Planner

John Hall

**Zoning Administrator** 

#### **STATUS**

Staff became aware that an additional 1.93 parcel (see Attachment A) located between the East Main Street Spur and High Cross Road (IL 130) should also be a part of the proposed Special Use Permit and variance requests. An amended legal advertisement (Attachment B) was printed in the April 27, 2016 News Gazette; in order to comply with the 15 day advertising requirement, Part G of the Special Use/Variance requests cannot take final action until at least the May 12, 2016 ZBA meeting. Staff has created a map of each variance requirement by location (see Attachment C), including those required for the additional property.

Neighbors have expressed concerns about construction of the trail on the former Interurban Line and the current use of ATVs on the trail properties. The Champaign County Farm Bureau has also been contacted concerning the Interurban Line, but staff has not received specifics on those discussions. Attachments D and E have more information on these concerns.

Discussion of the Interurban Line prompted a closer look at property lines and right-of-way for the proposed trail. The Petitioners sent additional documentation about the properties being used for the trail, which is a Notice of Assignment between CSX Transportation, Inc. and the Petitioners dated October 2, 2013 and received April 26, 2016 (Attachment F). Based on this additional information, staff is confident that the proposed trail will be constructed on Champaign County Forest Preserve District property, and will not occur on the Interurban Line.

Final variance measurements shown in Attachment C are also listed in text format below.

#### REVISED VARIANCE MEASUREMENTS

Further review of the street right of way and subject property rights of way resulted in a number of sections not needing a variance. The table below summarizes which variances are still necessary and their revised measurements. All sections still need the variance from parking, as no parking will be provided in those areas.

#### Cases 828-S-16 and 834-V-16

Jonathan Hasselbring/CCFPD APRIL 28, 2016

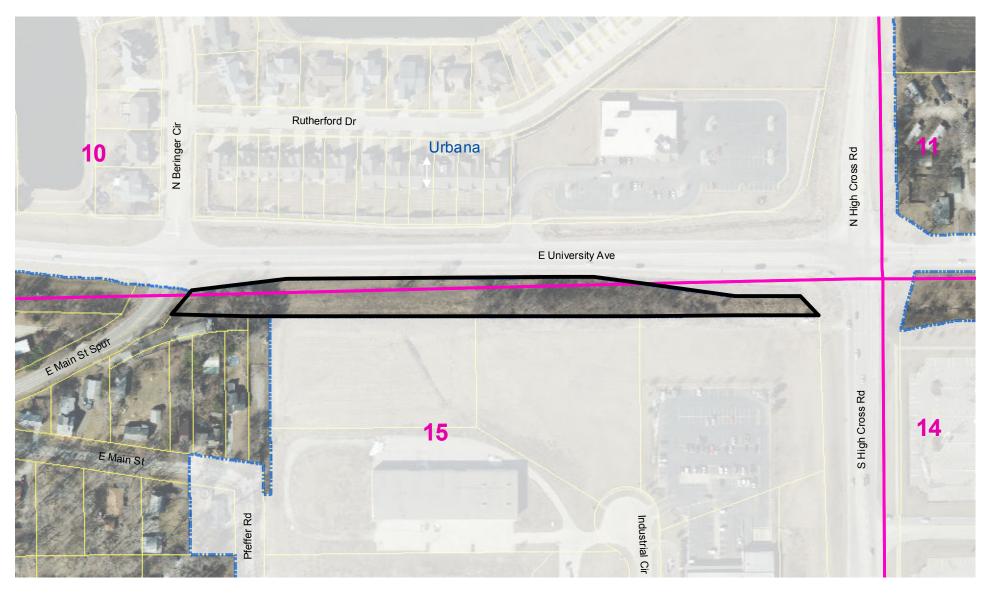
SUP Section	Min Setback from Street Centerline	Min Front Yard	Min Rear Yard
A	NA	NA	NA
В	65 in lieu of 85	NA	23 in lieu of 25
С	59 in lieu of 85	23 in lieu of 35	23 in lieu of 25
D	61 in lieu of 85	NA	NA
Е	65 in lieu of 85	NA	NA
F	56 in lieu of 85	26 in lieu of 35	NA
G	69 in lieu of 85	0 in lieu of 35	NA

#### **ATTACHMENTS**

- A Map of additional 1.93 acre property
- B Amendment to Legal Advertisement in the News Gazette April 27, 2016 edition
- C Maps of Variance requirements by location
- D Notification regarding trail use based on neighbor's concern, received April 26, 2016
- E Emails (2) from Jonathan Hasselbring regarding Interurban Line and trail location, received April 26, 2016
- F Notice of Assignment between CSX Transportation, Inc. and the Petitioners dated October 2, 2013 and received April 26, 2016

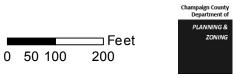
# **New Section G**

Cases 828-S-16 and 834-V-16 April 28, 2016



## Legend





#### LEGAL PUBLICATION: WEDNESDAY, April 27, 2016 CASES: 828-S-16 and 834-V-16

<u>AMENDMENT</u> TO NOTICE OF PUBLIC HEARING IN REGARD TO A SPECIAL USE PERMIT AND VARIANCES UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING ORDINANCE.

CASES: 828-S-16 and 834-V-16

Jonathan Hasselbring, Planning Director for the Champaign County Forest Preserve District, PO Box 1040, Mahomet, Illinois, has filed petitions for a Special Use Permit and Variances under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petitions are on file in the office of the Champaign County Department of Planning and Zoning, 1776 E. Washington Street, Urbana, Illinois.

A public hearing will be held **Thursday, April 28, 2016, at 7:00 p.m.** prevailing time in the John Dimit Room, Brookens Administrative Center, 1776 E. Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider petitions to:

#### ADDITIONAL PARCEL FOR CASE 828-S-16 and CASE 834-V-16

Authorize those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana, as a Special Use as a "public park or recreational facility", in the AG-2 Agriculture and R-2 Residential Zoning Districts and subject to the described variance, on the Subject Property described below in Parts and in general:

#### Special Use Part G Subject Property:

A 2.1 acre tract in the R-2 Residential District in the North Half of the North Half of Section 15 and the South Half of the South Half of Section 10, Township 19N Range 9E of the Third Principal Meridian in Urbana Township, commonly known as the inactive CSX railroad line located on the south side of U.S. Route 150 and subject to the following variance:

#### Variance Part G:

<u>Part G1</u>: A variance from Section 5.3 of the Zoning Ordinance for a front setback of 69 feet in lieu of the minimum required 85 feet from the centerline of a Federal or State Highway in the R-2 District; and

<u>Part G2</u>: A variance from Section 5.3 of the Zoning Ordinance for a front yard of 0 feet in lieu of the minimum required 35 feet in the R-2 Agriculture District.

<u>Part G3</u>: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

### AMENDED Subject Property in General:

Nine different tracts of land totaling 72.7 acres comprised of the various Parts described above and commonly known as the inactive CSX railroad line between the City of Urbana and the Village of St. Joseph and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the City of Urbana.

All persons interested are invited to attend said hearing and be heard. The hearing may be continued and reconvened at a later time.

Eric Thorsland, Chair Champaign County Zoning Board of Appeals

# TO BE PUBLISHED: WEDNESDAY, April 27, 2016 ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.

Brookens Administrative Center 1776 E. Washington Street

Urbana, IL 61802

Phone: 384-3708

# **Variance Measurements**

Cases 828-S-16 and 834-V-16 April 28, 2016

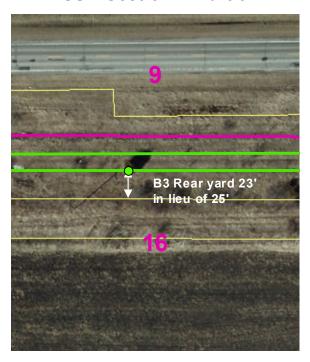
**SUP Section A** 



**SUP Section B Part 1** 



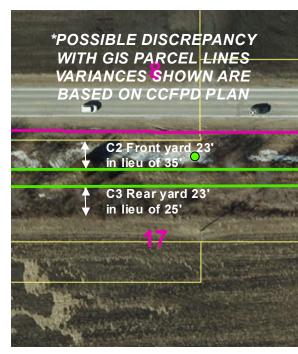
**SUP Section B Part 3** 



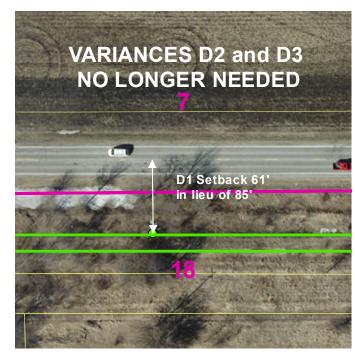
**SUP Section C Part 1** 



SUP Section C Parts 2 and 3\*



**SUP Section D Part 1** 



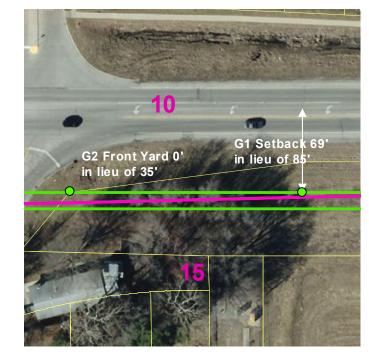
SUP Section E Part 1



**SUP Section F Parts 1 and 2** 



SUP Section G Parts 1 and 2





Parcels

Trail structure (14')





#### Susan Chavarria

From: Jonathan Hasselbring <JHasselbring@ccfpd.org>

Sent: Tuesday, April 26, 2016 11:44 AM To: Susan Chavarria; John Hall

Subject: FW: Kickapoo Rail Trail is Closed at this Time

Hi Susan and John,

Please see the below email notification that the trail is closed to public use until construction is completed. If you would like to subscribe to these updates please let me know.

Thanks, Jon

From: Champaign County Forest Preserve District [mailto:lsprinkle@ccfpd.org]

Sent: Tuesday, April 26, 2016 11:39 AM

To: Jonathan Hasselbring

Subject: Kickapoo Rail Trail is Closed at this Time

RECEIVED

APR 26 2016

CHAMPAIGN CO. P & Z DEPARTMENT

# The Kickapoo Rail Trail Is Closed At This Time



The Kickapoo Rail Trail (along the former CSX rail line between Urbana and Danville) is closed to visitors until complete sections of the trail are constructed. For your own safety, as well as the safety of construction workers and others, please do not use the trail area at this time. Use of

the area can be considered trespassing and appropriate action can be taken. We estimate the first 6.7 miles from Urbana to St. Joseph to be completed in July of 2017. We will publicly announce when this phase of construction is complete and the trail is open to the public.

Champaign County Forest Preserve District, P.O. Box 1040, Mahomet, IL 61853

SafeUnsubscribe™ jhasselbring@ccfpd.org

Forward this email | Update Profile | About our service provider

Sent by lsprinkle@ccfpd.org in collaboration with

Constant Contact', A



#### Susan Chavarria

From:

Jonathan Hasselbring < JHasselbring@ccfpd.org>

Sent:

Tuesday, April 26, 2016 10:19 AM

To:

Susan Chavarria

Cc:

Dan Olson; Mary Ellen Wuellner

Subject:

RE: Brad Uken called about Kickapoo Rail Trail

Hi Susan,

As I understand, the interurban line parcels were sold to CSX and adjacent landowners prior to our sales agreement with CSX. Thus, we now own some, but not all of the interurban line. For example, West of CR 1800 we own the former interurban line. East of CR 1800 the interurban line is owned by an adjacent landowner for access to an isolated agricultural parcel. It appears that other parcels of the interurban are still owned by Norfolk Southern. That being said, we are not planning construction on the old interurban line. Only the former CSX rail line, which lies north of the interurban. I would be happy to speak with Brad directly if he has additional questions. Please pass along my contact info to him.

I had a phone conversation with Becki Koch yesterday regarding the four wheeler issue. I informed her that the KRT rules prohibit motorized vehicle use, and CCFPD typically places signage at trail / road intersections indicating "no motor vehicles". I assured her that we would notify the contractors as well, so that they may be on the lookout.

Any other questions please let me know. Thanks, Jon

# JON HASSELBRING, AIA, LEEDAP

Planning Director
Champaign County Forest Preserve District
P.O. Box 1040 | Mahomet, IL 61853
direct 217.586.1260
email jhasselbring@ccfpd.org

Follow Us: Facebook.com/CCFPD | twitter.com/ChampCoForest
Support: Forest Preserve Friends Foundation | kickapoorailtrail.org

From: Susan Chavarria [mailto:schavarr@co.champaign.il.us]

Sent: Tuesday, April 26, 2016 9:47 AM

To: Jonathan Hasselbring

Subject: FW: Brad Uken called about Kickapoo Rail Trail

APR **26** 2016

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

Hi Jon,

Do you have information about where the trail will lay as it compares to the old Interurban Line? Please see below.

Also, I received a call with a neighbor who would like signs posted as soon as possible for prohibiting non-motorized traffic on the properties. They have a fair amount of 4 wheelers using the trail out that way.

Thanks, Susan From: John Hall

Sent: Tuesday, April 26, 2016 9:15 AM

To: Susan Chavarria

Subject: Brad Uken called about Kickapoo Rail Trail

Brad called and explained that he is getting calls from landowners concerned that the Rail Trail construction is proposed to go outside of the former railroad ROW and into the ROW of the former Interurban line. He asked if we were getting calls about that and I told Brad that you have received some calls from landowners and that the Interurban ROW was discussed(at least that is what I remember overhearing).

I was already trying to get a better handle on the setback/front yard/ rear yard and I explained to Brad that I had not yet seen any indication that construction was proposed outside of what I understand is the railroad ROW and into the Interurban ROW.

Brad expects a large crowd to show up for the hearing and he will phone on Thursday morning to check with us again.



#### Susan Chavarria

From:

Jonathan Hasselbring < JHasselbring@ccfpd.org>

Sent:

Tuesday, April 26, 2016 3:03 PM

To:

John Hall

Cc:

Susan Chavarria

Subject:

RE: Brad Uken called about Kickapoo Rail Trail

Thanks John,

I agree that some text on the maps are difficult to read, and I'll keep asking CSX to provide better maps. If any other questions arise please let me know.

I look forward to meeting you and Susan on Thursday.

Best, Jon

From: John Hall [mailto:jhall@co.champaign.il.us]

Sent: Tuesday, April 26, 2016 1:38 PM

To: Jonathan Hasselbring Cc: Susan Chavarria

Subject: RE: Brad Uken called about Kickapoo Rail Trail

Jon, this information was helpful even though I cannot make heads or tails of the maps because much of the information is too light to be read.

It is clear that the width of the mapped area narrows greatly on Map 3 which should correspond to Sec. 17 of St. Joseph Twp. which is where the construction drawings show the ROW narrowing to as little as 60 feet and the narrowing illustrated in the construction drawings is consistent with the narrowing on Map 3.

Page 33 of the sales agreement was a listing of CSX parcels in Champaign County by parcel number (PIN) and included acreage. Dividing acreage by length resulted in an average width of 75.74 feet for PIN 28-22-17-100-012 (in Sec. 17 of St. Joseph Township) and an average width of 95.37 feet for PIN 28-22-16-100-005 (in Sec. 16 of St. Joseph Twp.) and approximately 100 feet for all other parcels of interest and that seems to corroborate the widths indicated in the construction drawings.

I believe we can demonstrate that no proposed construction appears to cross the property line.

Thanks.

Sincerely,

John Hall

Champaign County Zoning Administrator

From: Susan Chavarria

Sent: Tuesday, April 26, 2016 12:45 PM

To: John Hall

Subject: FW: Brad Uken called about Kickapoo Rail Trail

RECEIVED

APR 26 2016

CHAMPAIGN CO. P & Z DEPARTMENT

From: Jonathan Hasselbring [JHasselbring@ccfpd.org]

Sent: Tuesday, April 26, 2016 12:32 PM

To: Susan Chavarria

Subject: RE: Brad Uken called about Kickapoo Rail Trail

Hi Susan,

I've reviewed the information below alongside the construction drawings and tax maps, and I understand why Brad has questions. Upon reviewing these side by side, I see that there are inconsistencies between the R.O.W. as indicated on the construction drawings and as they are shown on the tax maps.

The R.O.W. information as indicated on the construction drawings appear to be consistent with the attached maps provided by CSX as part of our sales agreement. Please review this information and let me know your thoughts.

I appreciate the questions and the efforts being made to address your board's concerns prior to Thursday's meeting. I am happy to help in any way possible.

Thanks again,

Jon

From: Susan Chavarria [mailto:schavarr@co.champaign.il.us]

Sent: Tuesday, April 26, 2016 11:42 AM

To: Jonathan Hasselbring

Subject: FW: Brad Uken called about Kickapoo Rail Trail

Hi Jon,

Our Zoning Administrator has some concerns, please see below. You've been great to answer our questions so far, and he is trying to anticipate questions that might come from ZBA members at the hearing. Any information you can provide would be great.

Thanks, Susan

From: John Hall

Sent: Tuesday, April 26, 2016 11:31 AM

To: Susan Chavarria

Subject: RE: Brad Uken called about Kickapoo Rail Trail

Susan, I'm wondering if part or all of the concern may lie in the western portion of Sec. 18 of St. Joseph Township which abuts Sec. 13 of Urbana Township and also Sec.s 17 and 16 of St. Joseph Twp. CR1800E divides the two townships.

On the tax map the old Interurban ROW is south of the railroad ROW in Sec. 18 of St. Joseph Twp. but the Interurban ROW does not appear in Sec. 13 of Urbana Twp.

On the tax maps the combined width of the railroad ROW and Interurban ROW in Sec. 18 of St. Joseph Twp. is approximately equal in width to the railroad ROW in Sec. 13 of Urbana Twp. but the construction drawings indicate a consistent 100 feet of width in the railroad ROW in both Sec. 18 of St. Joseph Township and Sec. 13 of Urbana Township.

Another anomaly is the narrowing of the railroad ROW to as little as 60 feet in Sec. 17 and part of Sec. 16 of St. Joseph Twp. This narrowing does not appear on the tax map.

I would appreciate if you could pass these concerns on to Jon at CCFPD.

From: Susan Chavarria

Sent: Tuesday, April 26, 2016 9:43 AM

To: John Hall

Subject: RE: Brad Uken called about Kickapoo Rail Trail

I have not heard from anyone about the Interurban line. I will pass this on to Jon at CCFPD.

Thanks, Susan

From: John Hall

Sent: Tuesday, April 26, 2016 9:15 AM

To: Susan Chavarria

Subject: Brad Uken called about Kickapoo Rail Trail

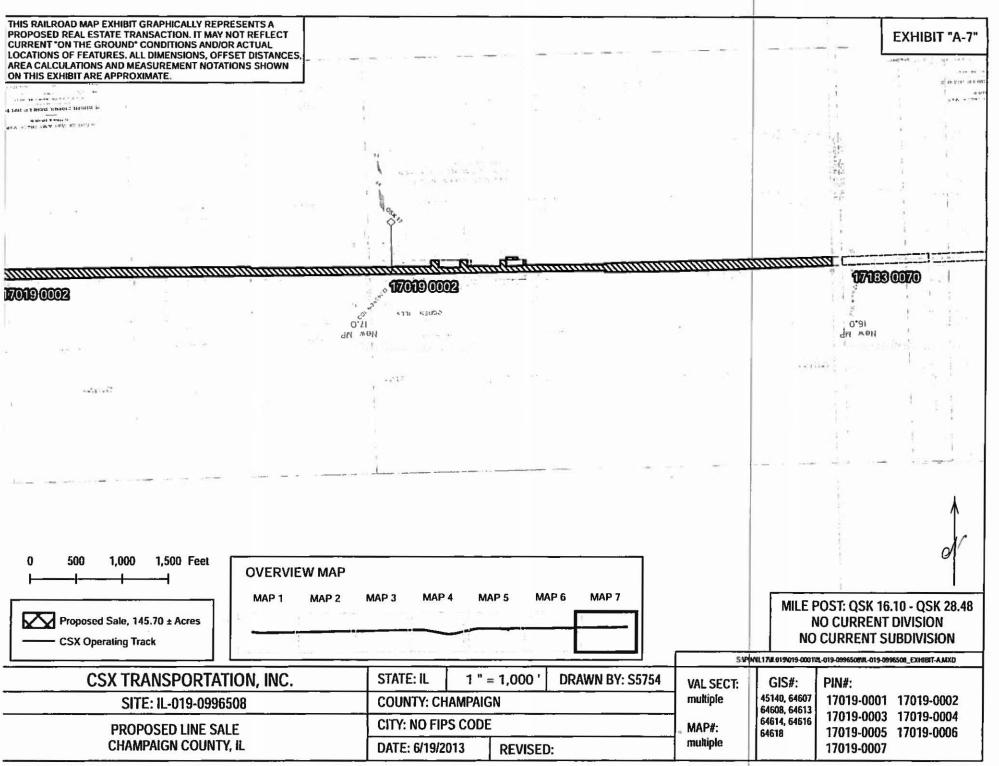
Brad called and explained that he is getting calls from landowners concerned that the Rail Trail construction is proposed to go outside of the former railroad ROW and into the ROW of the former Interurban line. He asked if we were getting calls about that and I told Brad that you have received some calls from landowners and that the Interurban ROW was discussed(at least that is what I remember overhearing).

I was already trying to get a better handle on the setback/front yard/ rear yard and I explained to Brad that I had not yet seen any indication that construction was proposed outside of what I understand is the railroad ROW and into the Interurban ROW.

Brad expects a large crowd to show up for the hearing and he will phone on Thursday morning to check with us again.

CSX owned parcels Smith Rd East to County Line

PIN's	2011 Taxes	Estimated 2012	Acres
30-21-15-200-001	36.30	-	1.23
30-21-15-200-002	59.74		1.23
30-21-15-200-003	N/A	800x.071135= 56.91	2.06
30-21-14-100-004	358.16		12.12
30-21-13-100-005	141.40		4.68
30-21-13-100-006	218.74		7.44
28-22-18-100-007	426.40		12.37
28-22-17-100-012	316.20		9.18
28-22-16-100-005	397.92		11.56
28-22-15-100-006	436.88		13.27
28-22-15-200-001	53.52		1.55
28-22-14-100-002	348.24		10.06
28-22-14-100-001	50.40		1.54
28-22-11-400-002	4.32		0.14
28-22-11-400-001	49.02		1.51
28-22-13-100-001	316.48		9.7
28-22-12-400-010	98.68		2.58
28-22-12-400-009	132.24		3.45
17-23-07-400-007	173.48		4.93
17-23-18-100-006	185.78		4.93
17-24-07-400-004	185.08		5.45
17-24-18-100-005	191.88		5.45
17-24-08-400-001	185.08		5.46
17-24-17-200-029	205.78		6.06
17-24-09-300-002	40.82		0.42
17-24-16-100-001	76.58		2.05
17-24-16-200-006	119.38		3.04
17-24-09-400-002	109.70		3.04
Total 28 parcels	4918.20	56.91	146.5



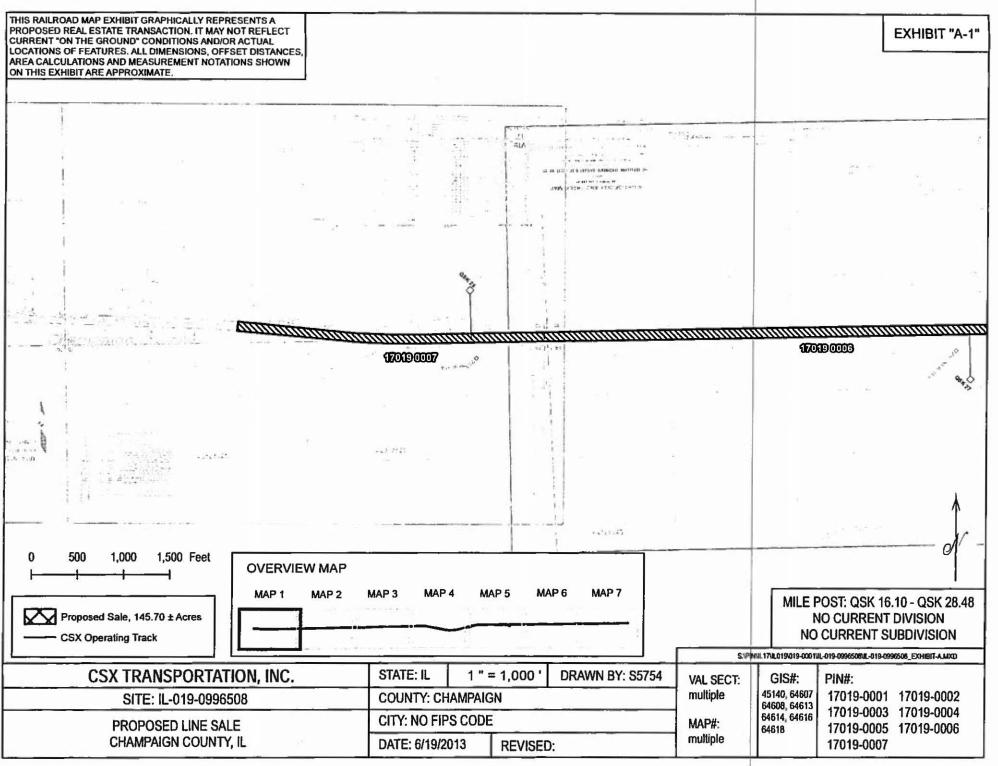
ases 828-S-16 and 834-V-16 , ZBA 04/28/16, Supp Memo 1 Attachment F Page 3 of

ases 828-S-16 and 834-V-16 , ZBA 04/28/16, Supp Memo 1 Attachment F Page 4 of

Cases 828-S-16 and 834-V-16 , ZBA 04/28/16, Supp Memo 1 Attachment F Page 5 o

Cases 828-S-16 and 834-V-16 , ZBA 04/28/16, Supp Memo 1 Attachment F Page 6

Sases 828-S-16 and 834-V-16,ZBA 04/28/16, Supp Memo 1 Attachment F Page 7 of



Cases 828-S-16 and 834-V-16 , ZBA 04/28/16, Supp Memo 1 Attachment F Page 8 of