

**MINUTES OF REGULAR MEETING**

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**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street**

**Urbana, IL 61802**

**DATE: August 16, 2012**

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

**TIME: 6:00 p.m.**

**Urbana, IL 61802**

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**MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad Passalacqua, Roger Miller

**MEMBERS ABSENT :** None

**COUNTY BOARD MEMBERS**

**PRESENT:** Steve Moser, Patsi Petrie

**STAFF PRESENT :** Lori Busboom, John Hall, Andrew Kass

**OTHERS PRESENT :** Norman Stenzel, Alan Singleton, Aly Jackson, Chris Murray, Peggy Anderson, Sarah Kellems, Kelli Tedlock, Patti Murray, Steve Burdin, Helen Carmien, Hal Barnhart, Kevin Donoho, Mark Fisher, Jean Fisher, Paulette Brock, Celeste Eichelberger, Riane Eichelberger, Mary Stocks, Leonard Stocks, Kyle Krapf, Lauren Murray-Miller, David D. Swartzendruber, Jack Murray, Kelly Ford, Sherri Bateman, Joan Hardwick, G.T. Hardwick, Donna Kesler, Gary Hixson, Jerry Wallace, Jason Watson, Laura Hartman, Nancy Bussell, Betty Murray, John Murray, Kelly Bland, Aaron Elzy, Connie Arnold, Lois Wood, Lyle Brock, Larry Hall, Ben Miller, Paige Kirby, Maggie Kirby, Judy Swartzendruber, Brenda Keith, Annie Murray, Shannon Mallock, Chris Wallace, Hannah Fink, Leigh Ann Kesler, Rhonda Kesler, Shaina Kozow, Dennis Hartman, Andrea Hartman, Scott Bidner, Roger Jackson

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**1. Call to Order**

The meeting was called to order at 6:00 p.m.

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

The roll was called and a quorum declared present with one Board seat vacant.

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.

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1 **3. Correspondence**

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3 None

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5 **4. Approval of Minutes (July 12, 2012)**

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7 **Mr. Passalacqua moved, seconded by Ms. Capel to approve the July 12, 2012, minutes as submitted.**

8  
9 Mr. Palmgren indicated that he had a correction to Page 40, lines 22-27, although it appears that two  
10 different copies of the July 12, 2012, minutes were distributed for review.

11  
12 Mr. Thorsland stated that due to the confusion regarding the distributed copies of the July 12, 2012, minutes  
13 the approval of those minutes should be deferred to the next hearing.

14  
15 **Mr. Palmgren moved, seconded by Mr. Courson to rearrange the agenda and hear Cases 687-AM-11,**  
16 **688-S-11 and 722-S-12 prior to Cases 699-AM-11, 700-S-11, 710-AT-12, 711-AT-12. The motion**  
17 **carried by voice vote.**

18  
19 **5. Continued Public Hearing**

20  
21 **Case 687-AM-11 Petitioner: Philip W. and Sarabeth F. Jones Request to amend the Zoning Map to**  
22 **change the zoning district designation from CR Conservation Recreation to AG-1 Agriculture.**  
23 **Location: An approximately 12.69 acre tract of land that is located in the North Half of the South Half**  
24 **of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois**  
25 **Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and**  
26 **County Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**

27  
28 **Case 688-S-11 Petitioner: Philip W. and Sarabeth F. Jones Request to authorize the construction and**  
29 **use of a “Heliport-Restricted Landing Area” as a Special Use on land that is proposed to be rezoned to**  
30 **the AG-1 Agriculture Zoning District from the current CR Conservation Recreation Zoning District**  
31 **in related zoning case 687-AM-11; and with a waiver of a Special Use standard condition required by**  
32 **Section 6.1 that requires a runway safety area to be located entirely on the lot. Location: An**  
33 **approximately 12.69 acre tract of land that is located in the North Half of the South Half of the**  
34 **Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route**  
35 **130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County**  
36 **Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**

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38 Mr. Thorsland called Cases 687-AM-11 and 688-S-11 concurrently.

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Mr. Thorsland called Alan Singleton to testify.

Mr. Alan Singleton, attorney for the petitioners, stated that since receiving the letter from I.D.O.T. and the follow-up letter from the Department of Planning and Zoning and he and the petitioners have been working on the site plan to assure that it complies with all of the County's requirements. He said that at this point he and the petitioners have requested assistance from an engineer therefore he would request a continuance date for the two cases.

Mr. Thorsland entertained a motion for a continuance date of November 15, 2012, for Cases 687-AM-11 and 688-S-11.

Mr. Singleton asked Mr. Hall when he would need all of the required information in his office for the meeting.

Mr. Hall stated that all of the information for the legal advertisement must be submitted by the first week of October.

**Ms. Capel moved, seconded by Mr. Palmgren to continue Cases 687-AM-11 and 688-S-11 to November 15, 2012. The motion carried by voice vote.**

Mr. Thorsland explained that Dr. Boero, petitioner for Case 722-S-12, is interested in having his case heard but there are two very long cases prior to his case being heard tonight therefore Dr. Boero has requested a continuance date for Case 722-S-12.

Mr. Thorsland entertained a motion to continue Case 722-S-12 to the September 13, 2012, meeting.

**Mr. Palmgren moved, seconded by Mr. Miller to continue Case 722-S-12 to September 13, 2012. The motion carried by voice vote.**

**Case 699-AM-11 Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren Murray and landowner John Murray 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 operate the proposed Special Use in related zoning case 700-S-11. Location: A 10 acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E, Champaign.**

**Case 700-S-11 Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren**

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1 **Murray and landowner John Murray Request to authorize the construction and use of an Event**  
2 **Center as a “Private Indoor Recreational Development” as a Special Use on land that is proposed to**  
3 **be rezoned to the AG-2, Agriculture Zoning District from the current AG-1, Agriculture District in**  
4 **related Case 699-AM-11. Location: A 10 acre tract in the Southwest Quarter of the Northwest**  
5 **Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E,**  
6 **Champaign.**

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8 Mr. Thorsland informed the audience that Case 700-S-11 is an Administrative Case and as such the County  
9 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
10 show of hands for those who would like to cross examine and each person will be called upon. He requested  
11 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said  
12 that those who desire to cross examine are not required to sign the witness register but are requested to  
13 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
14 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
15 exempt from cross examination.

16  
17 Mr. Thorsland informed the audience that the Board will only be taking testimony regarding Case 700-S-11  
18 because Case 699-AM-11 is at a state for Final Determination and the Board has taken all of the testimony  
19 that will be taken for that case.

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

24  
25 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.

26  
27 Ms. Lauren Murray-Miller, who resides at 105 Meadow Creek Ct, Lexington, stated that the building is  
28 not just something that they just want in the community but is something that is needed in the community.  
29 She said that not only have people attested to the necessity of the building but they calculated that in the  
30 past twelve months there were 18 events, which the new facility could have provided for, that were held  
31 outside of the community due to the lack of an adequate facility. She said that the location is necessary  
32 because it is a rural setting but it is in close proximity to the city limits and is on a main thoroughfare  
33 which provides safe access to the property. She said that the rural setting is secluded which will benefit  
34 both their guest as well as their neighbors. She said that they intend to create a needed beautiful gathering  
35 space and they have held public safety to its highest regard in completing the traffic impact study to assure  
36 that the project is not only necessary but is feasible and safe. She said that the facility will be an awesome  
37 experience and she hopes that the Board will be proud that it is a facility that they helped create.

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1 Ms. Murray-Miller thanked the Board for their consideration and hopefully their approval of their  
2 requests.

3  
4 Mr. Thorsland called John Hall.

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6 Mr. John Hall, Zoning Administrator, stated that no new information is available for Case 700-S-11  
7 tonight. He said that the mailing for tonight's meeting included the approved Finding of Fact for Case  
8 699-AM-11 without a final determination and an updated Summary of Evidence for Case 700-S-11.  
9

10 Mr. Thorsland informed the audience that the Board plans to go through Case 700-S-11 and complete the  
11 Finding of Fact and Documents of Record and then make the final determination on Case 699-AM-11 and  
12 Case 700-S-11. He said that holding the final determination for Case 699-AM-11 helps the Board in  
13 being consistent with the two findings as they apply to both the map amendment and the special use  
14 permit.

15  
16 Mr. Thorsland called Judy Swartzendruber to testify.

17  
18 Ms. Judy Swartzendruber, who resides at 2129 CR 1000E, Champaign, stated that she has noticed that  
19 during all of the months that this proposed project has been discussed the public has been led to believe  
20 that the project will not take any farm ground out of production however it appears that the construction of  
21 the driveway will take out approximately two acres. She said that the site plan indicates that the parking  
22 area in front of the existing house will also take away another acre or maybe two therefore the testimony  
23 has not been above board and the public has been led to believe something that is not true.  
24

25 Ms. Swartzendruber stated that she and her husband are very disappointed that the Murray girls have not  
26 visited the neighbors that this project will most definitely affect. She said that she and her husband did  
27 not hear from the Murray girls and perhaps if they had contacted them they may feel differently about  
28 the project at this point. She said that if the Murray girls had taken the time to stop by and introduce  
29 themselves to explain their project then she and her husband might feel differently about the proposed  
30 project. She said that it appears that the girls had plenty of time to go out and contact other people, as  
31 indicated by their generous list, and those neighbors are not directly affected by the proposed project.  
32

33 Mr. Thorsland asked the Board if there were any questions for Ms. Swartzendruber and there were none.

34  
35 Mr. Thorsland asked if staff had any questions for Ms. Swartzendruber and there were none.

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37 Mr. Thorsland asked if anyone desired to cross examine Ms. Swartzendruber at this time and there was no  
38 one.

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Mr. Thorsland called Gene Hardwick to testify.

Mr. Hardwick, architect for the project, stated that he was available to answer any questions that the Board may have regarding this case.

Mr. Thorsland asked the Board and staff if they had any questions for Mr. Hardwick at this time and there were none.

Ms. Kelly Ford, attorney for the petitioners, stated that item 9.A of the revised Draft Summary of Evidence dated August 16, 2012, indicates that the applicant did not indicate a response to the question. She said that she would like to correct the record by indicating “yes” the petitioners believe that the proposed special use CONFORMS to the applicable regulations and standards and preserves the essential character of the District in which it shall be located.

Ms. Ford stated that the petitioners would like to apologize for the oversight of not visiting with Mr. and Mrs. Swartzendruber and discussing the proposed project with them. She said that the petitioners did not believe that Mr. and Mrs. Swartzendruber would be directly affected because they are not a direct neighbor. She said that the additional parking spaces will consist of 97 spaces for overflow parking and the reconfiguration of the driveway and .875 acres of farmland will be lost.

Mr. Thorsland asked the Board if there were any questions for Ms. Ford.

Mr. Courson asked Ms. Ford if the .875 acres includes the driveway relocation.

Ms. Ford stated yes.

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 closed the witness register for Case 700-S-11.

Mr. Thorsland noted that Mr. Hardwick is available if the Board or staff has any questions regarding the proposed project.

Mr. Thorsland stated that the Board has gone through Case 699-AM-11 and is at the point for final determination and the Board can start working through Case 700-S-11. He said that the Board has a copy of the revised draft and one change that must be made is item 9.A. on page 26 of 54.

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Mr. Hall stated that item 9.A. should read as follows: The petitioner’s attorney, Kelly Ford, testified at the public hearing on August 16, 2012, that the petitioner does propose to conform to applicable regulations and standards and preserve the essential character of the District in which it shall be located.

The Board agreed to Mr. Hall’s proposed text for item 9.A.

Mr. Thorsland stated that a lot of the determinations made in Case 699-AM-11 are reflected in Case 700-S-11 and most of those determinations are the same until you get to the special conditions. He said that the conditions begin on page 39 of 54 of the revised draft dated August 16, 2012. He asked the petitioners if they have had a chance to review the conditions and if they disagreed with any of the proposed conditions at this time and the petitioners indicated that they did not.

Mr. Thorsland read the special conditions as follows:

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

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

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

- B. **Regarding State of Illinois accessibility requirements:**
  - (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the proposed Event Center will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**
  - (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

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

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1                   **That the proposed Special Use meets applicable state codes for handicap**  
2                   **accessibility.**

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

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

11                                   **That the proposed structure is safe and built to current standards.**

12           **D.    All onsite foodservice shall be in compliance at all times with the Champaign**  
13           **County Health Ordinance.**

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

15                                   **That foodservice for the proposed Event Center is consistent with County**  
16                                   **requirements and the testimony in the public hearing and that compliance is**  
17                                   **enforceable.**

18           **E.    The proposed parking area for the proposed Event Center shall comply with the**  
19           **Champaign County Zoning Ordinance requirements for screening from adjacent**  
20           **residences and Residential Districts.**

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

22                                   **That all parts of the proposed Event Center are consistent with the**  
23                                   **Ordinance and that compliance is enforceable.**

24           **F.    All onsite Special Use activities shall be in compliance at all times with the**  
25           **Champaign County Health Ordinance, the Champaign County Liquor Ordinance,**  
26           **and the Champaign County Recreation and Entertainment Ordinance.**

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



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**That the proposed Special Use is in on-going compliance with all applicable County requirements.**

**G. The following condition will ensure that the recommendation of Roger Windhorn (soil surveyor) regarding compaction of the septic site and that the septic system is built as was approved by the Champaign County Health Department are a requirement for a Zoning Use Permit:**

- (1) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property as recommended by the Roger Windhorn.**
- (2) The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Zoning Use Permit for the Event Center.**
- (3) The Zoning Use Permit Application for the construction and establishment of the proposed SPECIAL USE shall include the following:**
  - (a) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
  - (b) The site plan for the Zoning Use Permit Application shall indicate the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (4) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to issuance of a Zoning Compliance Certificate for the proposed SPECIAL USE.**

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

**The area of the proposed septic system does not become compacted in order to prevent a reduction in permeability of the soil and that the septic system is**

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1                                    **in compliance with the Champaign County Health Department.**

2            **H.    Regarding compliance with the Champaign County Stormwater Management**  
3            **Policy:**

4            **1.    The Zoning Administrator shall not issue a Zoning Compliance Certificate**  
5            **without documentation that the petitioner has filed with the Recorder of**  
6            **Deeds a tile access and maintenance easement with a width of 40 feet for any**  
7            **underground tile in the developed portion of the property**

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

9  
10            **The Special Use Permit is in compliance with the Stormwater Management**  
11            **Policy.**

12            **2.    The Zoning Administrator shall not authorize any Zoning Use Permit on the**  
13            **subject property until the following has occurred:**

14            **(a)    Subsurface investigations intended to identify underground drain tile**  
15            **are conducted at least 50 feet on either side of the suspected centerline**  
16            **of tiles indicated on the approved site plan and in a manner and to a**  
17            **depth below ground as recommended by the Champaign County Soil**  
18            **and Water Conservation District.**

19            **(b)    Written notice identifying the proposed date for subsurface**  
20            **investigation has been provided to the Zoning Administrator at least**  
21            **one week prior to the investigation.**

22            **(c)    If any underground drain tiles are encountered during the subsurface**  
23            **investigation the course of each tile across the subject property shall**  
24            **be established by additional investigation in consultation with the**  
25            **Champaign County Soil and Water Conservation District.**

26            **(d)    Documentation and certification of all subsurface investigations by an**  
27            **Illinois Professional Engineer shall be provided to the Zoning**  
28            **Administrator.**

29            **(e)    When full and complete excavation of tile clearly indicates that the tile**  
30            **does not serve any upstream areas other than the subject property**

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- 1                                   **and certifications to that effect are made in writing by an Illinois**  
2                                   **Professional Engineer and the excavations are inspected by the**  
3                                   **Zoning Administrator, such tile may be removed and capped at the**  
4                                   **point at which the tile enters the developed area.**
- 5                                   **(f) Any proposed construction on the subject property shall either be**  
6                                   **located so as to avoid any identified underground drain tile or the**  
7                                   **identified underground drain tile shall be relocated to avoid the**  
8                                   **proposed construction.**
- 9                                   **(g) Any relocation of underground drain tile shall meet the requirements**  
10                                   **of the Champaign County Stormwater Management Policy and shall**  
11                                   **be certified by an Illinois Professional Engineer. Relocated tile shall**  
12                                   **be non-perforated conduit to prevent root blockage provided that the**  
13                                   **petitioner may install new underground drainage tile to serve the**  
14                                   **subject property so long as cleanout manholes are provided at the**  
15                                   **point of connection to the existing underground drain tile.**
- 16                                   **(h) As-built drawings shall be provided of any relocated underground**  
17                                   **drain tile and shall be approved by the Zoning Administrator prior to**  
18                                   **approval of a Zoning Compliance Certificate on the subject property.**  
19                                   **Any relocated drain tile must be inspected by the Zoning**  
20                                   **Administrator prior to backfilling.**
- 21                                   **3. If any underground drain tile is encountered during construction the**  
22                                   **applicant must do the following:**
- 23                                   **(a) Construction shall cease until the course of each tile across the subject**  
24                                   **property is established by additional investigation and construction**  
25                                   **shall not recommence until authorized by the Zoning Administrator**  
26                                   **except that construction that does not implicate the tile may continue.**
- 27                                   **(b) The Zoning Administrator shall be notified within 48 hours or the**  
28                                   **next business day.**
- 29                                   **(c) Any tile that is encountered during construction must be relocated or**  
30                                   **rerouted in conformance with the Champaign County Stormwater**  
31                                   **Management Policy unless the proposed construction is modified to**  
32                                   **avoid the tile. Any modification of the construction to avoid the tile**

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shall be indicated on a revised site plan approved by the Zoning Administrator. Relocated tile shall be non-perforated conduit to prevent root blockage. Conformance of any tile relocation with the Stormwater Management Policy shall be certified by an Illinois Professional Engineer.

(d) As-built drawings shall be provided of any relocated underground drain tile and shall be approved by the Zoning Administrator prior to approval of a Zoning Compliance Certificate on the subject property. Any relocated drain tile must be inspected by the Zoning Administrator prior to backfilling.

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

Possible field tiles on the subject property are identified prior to development and adequately protected and that any possible tiles that are discovered during construction are adequately protected.

I. The evergreen trees in the screening along the north property line shall be at least 2 feet 8 inches tall at the time of planting and within two years of issuance of a Zoning Compliance Certificate shall provide at least 50% of the required screen or additional plantings shall be required.

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

Adequate screening is provided to the parking areas and as a buffer for the adjacent property.

J. The Driveway shall be improved as follows:

(1) The petitioner shall provide the County Engineer with engineering drawings of the proposed driveway entrance. In addition to the actual driveway the driveway drawings shall also include the following:

(a) A stop sign shall be placed on the event center driveway with due consideration for proper sight distance and shall be placed in accordance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) guidelines. The location and details of the

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stop sign shall be included on the engineering drawings submitted to the County Engineer.

(b) Lighting at the entrance to the subject property shall be provided. This lighting shall only be operated during event times and fully comply with the lighting requirements of Section 6.1.2. The location of the lighting shall be included on the engineering drawings submitted to the County Engineer.

(c) Way finding signage shall be placed a minimum of 200 feet in advance of the entrance to the subject property as recommended by the Traffic Impact Analysis conducted by CUUATS and detailed in the driveway drawings. All signage shall be placed in accordance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) guidelines.

(2) The Zoning Administrator shall not approve a Zoning Use Permit for the proposed event center without documentation of the County Engineer’s approval of the proposed driveway entrance.

(3) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer’s approval of the constructed driveway entrance including any necessary as-built engineering drawings.

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

All parking related to the Special Use Permit can safely enter and exit the subject property safely with adequate visibility and regardless of weather conditions.

K. (1) The Special Use shall include the following:

(a) A KNOX box shall be installed on the building for fire department access.

(b) A monitored fire alarm system shall be installed within the building.

(c) An all access defibrillator shall be provided in the public space.

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**(d) A dry hydrant shall be installed at the detention basin in a location that is within 8 feet of a hard surfaced driveway or a no parking area that is built to carry the load of an emergency vehicle and is accessible at all times by a posted fire lane. The location and details of construction shall be approved in writing by the Thomasboro Fire Protection District Chief. The as-built dry hydrant shall also be approved in writing by the Thomasboro Fire Protection District Chief.**

**(2) The Fire Protection District shall approve the operation of the dry hydrant and all other items requested by the Fire Chief in writing before the Zoning Compliance Certificate authorizing occupancy can be approved by the Zoning Administrator.**

**(3) The dry hydrant shall be maintained in good working order by the landowner for the life of the special use permit.**

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

**Adequate public safety.**

Mr. Thorsland asked the petitioners if there were any aspects of the proposed special conditions, as read, which they have any questions about.

The petitioners stated no.

Mr. Thorsland asked the petitioners if they were in agreement with the special conditions as read.

The petitioners indicated yes, they are in agreement with the special conditions as read.

Mr. Thorsland asked the Board if there were any questions regarding the special conditions.

Mr. Palmgren questioned special condition J(1)(c). He asked if the way signage would also be for traffic traveling from the north.

Mr. Hall stated that the CUUATS study assumed no traffic from the north although there probably will be traffic from the north however the way finding signage is really there so that when traffic from the south slows the traffic behind it will have enough time to react. He said that the conditions from the north are

ZBA

1 actually much different and probably do not merit way finding signage but if the Board desires to make the  
2 signage requirement be from both the north and the south he cannot imagine that it will be a big deal. He  
3 said that the Board will need to consult with the petitioners to see if they are in agreement with a second  
4 sign.

5  
6 Mr. Thorsland asked the petitioners if they were in agreement to the addition of a second sign and the  
7 petitioners agreed.

8  
9 Mr. Hall stated that special condition J(1)(c) could be revised as follows:

10 **Way finding signage shall be placed a minimum of 200 feet in advance of the entrance to**  
11 **the subject property from both north and south directions as recommended by the Traffic**  
12 **Impact Analysis conducted by CUUATS and detailed in the driveway drawings. All**  
13 **signage shall be placed in accordance with the latest version of the Manual on Uniform**  
14 **Traffic Control Devices (MUTCD) guidelines.**

15  
16

17 Mr. Palmgren agreed to the revision of J(1)(c).

18  
19

20 Mr. Thorsland entertained a motion to approve the special conditions as read and amended.

21  
22

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

24 **amended. The motion carried by voice vote.**

25  
26

27 Mr. Kass stated that a new item 40 should be added to the Documents of Record as follows: Supplemental  
28 Memorandum for Case 700-S-11 dated August 10, 2012, with attachments.

29  
30

31 Mr. Hall pointed out that the bulleted items are the items which were included in the Supplemental  
32 Memorandum dated August 10, 2012, under Evidence Recommended for the Finding and it is up to the  
33 Board whether to include those bulleted items in the finding.

34  
35

36 **Findings of Fact for Case 700-S-11:**

37  
38

From the documents of record and the testimony and exhibits received at the public hearing for zoning  
case 700-S-11 held on March 29, 2012, April 26, 2012, June 14, 2012, July 12, 2012 and August 16,  
2012, the Zoning Board of Appeals of Champaign County finds that:

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**1. The requested Special Use Permit, subject to the special conditions imposed herein, IS necessary for the public convenience at this location.**

Mr. Kass read the evidence recommended for Item #1 as follows: 1. Testimony by the petitioner and others in the public hearing that indicated a need for the proposed Special Use; and 2. County Highway 1 provides convenient access to the property and the added traffic will not have a significant impact; and 3. The evidence in related Case 699-AM-11 established that the proposed Special Use is a service better provided in a rural area than in an urban area and the subject property is well suited overall for the proposed use.

Mr. Thorsland asked if there were any comments from the Board.

Ms. Capel stated that the evidence recommended for the findings reflect what the hearings brought up.

Mr. Hall asked Ms. Capel if she desires to have finding #1 indicate IS and because would be the three items listed.

Ms. Capel stated yes. She said that she would like to add a statement indicating that no factual information has been provided indicating a positive economic impact for this particular event center.

Mr. Courson agreed with Ms. Capel and stated that the economic impact, at this specific location, could be for any facility in the County and not just for this particular event center.

Mr. Hall stated that the statement should be made clear that this is a general benefit.

Mr. Thorsland stated that the statement would lean towards the public convenience issue and not location.

Mr. Palmgren asked how public convenience versus private invitation only would be defined.

Mr. Thorsland stated that as a matter of public convenience the public is the customer in this case.

Ms. Capel stated that anyone can hold an event at this location.

Mr. Hall stated that this is a very problematic finding and some counties get by without this finding because it is not required by the statutes but is required by our Ordinance and in most cases public convenience has a broad interpretation.



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1 Mr. Palmgren asked if a gas station or strip club could be considered as a public convenience.

2  
3 Mr. Hall stated that this same finding is required for a lake which is larger than one acre although he knows  
4 of no lake which is larger than one acre that is necessary for public convenience and yet the countryside is  
5 literally scattered with lakes.  
6

7 **Ms. Capel moved, seconded by Mr. Miller that the requested Special Use Permit, subject to the**  
8 **special conditions imposed herein, IS necessary for the public convenience at this location because:**

- 9 • **the testimony by the petitioner and others in the public hearing indicated a need for the**  
10 **proposed Special Use.**
- 11 • **County Highway 1 provides convenient access to the property and the added traffic will**  
12 **not have a significant impact.**
- 13 • **the evidence in related Case 699-AM-11 established that the proposed Special Use is a**  
14 **service better provided in a rural area than in an urban area and the subject property**  
15 **is well suited overall for the proposed use, despite no factual information has been**  
16 **provided indicating a positive economic impact for this particular event center at this**  
17 **location.**

18  
19 Mr. Thorsland requested a roll call vote.

20  
21 The roll was called:

22	23 <b>Capel-yes</b>	23 <b>Courson-yes</b>	23 <b>Miller-yes</b>
24	24 <b>Palmgren-no</b>	24 <b>Passalacqua-yes</b>	24 <b>Thorsland-yes</b>

25  
26 **2. The requested Special Use Permit, subject to the special conditions imposed herein,**  
27 **is so designed, located, and proposed to be operated so that it WILL NOT be**  
28 **injurious to the district in which it shall be located or otherwise detrimental to the**  
29 **public health, safety and welfare because:**

- 30
- 31 **a. The street has ADEQUATE traffic capacity and the entrance location has**  
32 **ADEQUATE visibility BASED ON the Traffic Impact Analysis prepared by**  
33 **CUAATS.**

34  
35 Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has  
36 ADEQUATE visibility BASED ON the Traffic Impact Analysis prepared by CUAATS.

37  
38 Mr. Passalacqua asked if the CUAATS report includes the worst case scenario.

ZBA

1  
2 Mr. Hall stated that the CUAATS report took into account an unrealistic busy period and assumed  
3 maximum customers coming and leaving from both this facility and the Hindu Temple all within the same  
4 hour which happened to be the busiest hour for traffic on County Highway 1.

5  
6 Mr. Palmgren stated that he is concerned about the location of the entrance at the low area and it appears that  
7 the road commissioner information indicated that same concern. He said that the CUUATS report didn't  
8 mention the southbound traffic to the north and how the elevation changes along there at 10 to 15 feet at both  
9 ends. He said that he is concerned about someone in a small vehicle on the east side of the road in front of  
10 the subject property stopping in traffic to wait for an opportunity to turn in to the entrance and this fact is a  
11 contributing basis as to why this location is not very good safety wise. He said that he visited the area  
12 several times and there are no shoulders on the road therefore if someone, who is unfamiliar with the area,  
13 has to slow down to turn into the subject property and traffic is speeding closer behind that person there is  
14 nowhere for that traffic to go to avoid hitting the slower vehicle but into the ditch or into oncoming traffic.  
15 He said that there appears to be a lot of rear end accidents on County Highway 1 and a great improvement  
16 would be to install shoulders on the road or a turn lane into the subject property. He said that he is not  
17 comfortable with the entrance location and the limited visibility to the north and to the south and some  
18 escape room if a driver is surprised when someone stops in traffic. He said that there may not be a lot of  
19 people coming from the north but some of the proposed commercial projects in Rantoul will probably make  
20 great customers and will more than likely travel County Highway 1 to attend an event. He said that he has  
21 traveled County Highway 1 several times and it requires more improvement other than just signs and lights.  
22 He said that his concern is mainly a safety concern and he is sure that the Murray's do not want an accident  
23 to occur in front of their property.

24  
25 Mr. Hall stated that CUAATS does not expect people to stop on County Highway 1 and if they were going to  
26 be stopping the traffic impact analysis would have been much different than it was. He said that the County  
27 Engineer had no concerns regarding visibility and the County Engineer's only concern was the amount of  
28 traffic therefore he deferred to CUAATS. He said that CUAATS specifically addressed visibility in the  
29 traffic impact analysis and there are no visibility problems, which is what he believed during staff's own  
30 analysis. He said that Mr. Palmgren is correct in that the shoulders are inadequate and there is a grant in  
31 place but has not been approved and it has nothing to do with this project. He said that it would have  
32 something to do with this project if this project was going to create safety problems. He said that the  
33 County's traffic engineers, the same engineers who complete traffic planning for the whole urbanized area,  
34 had no concerns. He said that the petitioner paid \$5,000 for the County's engineers to complete the traffic  
35 impact analysis and bringing this up now suggests that maybe we should go back and request more analysis  
36 and we have done that once in that we had a traffic impact analysis and staff clarified certain concerns with  
37 CUAATS.

38

ZBA

1 Mr. Thorsland stated that CUAATS provided a response to Birgit McCall’s testimony and in that response  
 2 there was a table indicating site distance calculations for stopping and the table indicated the following: The  
 3 site distance for the study road segment would be 495 feet and CUAATS staff did not find any issues related  
 4 to stopping site distance for the proposed development as the site distance requirements are well within the  
 5 available distance. He said that CUAATS feels that there is more than the 495 feet. He said that the Board  
 6 will vote on each part of the findings and instead of BECAUSE or DESPITE the Board can insert some of  
 7 the Board’s concerns although he does not know if CUAATS shares those same concerns. He said that he  
 8 defers expertise to CUAATS although he does travel the road often and he does understand Mr. Palmgren’s  
 9 concerns. Mr. Thorsland stated that most of the time he travels on CH 1 on two wheels and he is always  
 10 worried about someone not seeing him or stopping. He said that if Mr. Palmgren would like to indicate a  
 11 despite then that is possible or he could indicate his concern with his vote.  
 12

13 Mr. Palmgren stated that it is a personal problem therefore he could indicate his concerns with his vote.  
 14

15 Mr. Thorsland stated that at this point Ms. Capel indicated that the street has ADEQUATE traffic capacity  
 16 and the entrance location has ADEQUATE visibility BASED ON the Traffic Impact Analysis prepared by  
 17 CUAATS. He asked the Board if there was any additional commentary that should be added to this  
 18 finding.  
 19

20 **Mr. Miller moved, seconded by Ms. Capel that the street has ADEQUATE traffic capacity and the**  
 21 **entrance location has ADEQUATE visibility BASED ON the Traffic Impact Analysis prepared by**  
 22 **CUAATS.**  
 23

24 Mr. Thorsland requested a roll call vote.  
 25

26 The roll was called:  
 27

28	<b>Courson-no</b>	<b>Miller-yes</b>	<b>Palmgren-no</b>
29	<b>Passalacqua-no</b>	<b>Capel-yes</b>	<b>Thorsland-yes</b>

30  
 31 Mr. Thorsland stated that the By-laws indicate that a tie vote is a NO vote.  
 32

33 **b. Emergency services availability is ADEQUATE BASED ON the special**  
 34 **conditions based on the recommendations of the Thomasboro Fire Department.**  
 35

36 Mr. Thorsland stated that emergency services availability is ADEQUATE BASED ON the special  
 37 conditions based on the recommendations of the Thomasboro Fire Department. He said that he would like  
 38 have a special notation indicating: See special conditions imposed.

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Mr. Hall stated that the special notation is not necessary because the finding already refers to the special conditions.

Mr. Thorsland stated that Mr. Hall is correct therefore his special notation could be stricken.

**Mr. Passalacqua moved, seconded by Mr. Courson that emergency services availability is ADEQUATE BASED ON the special conditions based on the recommendations of the Thomasboro Fire Department.**

Mr. Thorsland requested a roll call vote.

The roll was called:

<b>Miller-yes</b>	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>
<b>Capel-yes</b>	<b>Courson-yes</b>	<b>Thorsland-yes</b>

**c. The Special Use WILL BE compatible with adjacent uses because the evidence in related Case 699-AM-11 established that the proposed Event Center will not interfere with agricultural operations and the subject site is well-suited for the proposed Special Use.**

Mr. Kass stated that the evidence in related Case 699-AM-11 established that the proposed Event Center will not interfere with agricultural operations and the subject site is well-suited for the proposed Special Use.

**Mr. Passalacqua moved, seconded by Mr. Courson that the Special Use WILL BE compatible with adjacent uses because the evidence in related Case 699-AM-11 established that the proposed Event Center will not interfere with agricultural operations and the subject site is well-suited for the proposed Special Use.**

Mr. Thorsland requested a roll call vote.

The roll was called:

<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>	<b>Capel-yes</b>
<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Thorsland-yes</b>

**d. Surface and Subsurface drainage will be ADEQUATE BASED ON the review**

ZBA

1 of the preliminary stormwater drainage plan by the County’s engineering  
2 consultant and the special conditions imposed.

3  
4 **Mr. Passalacqua moved, seconded by Mr. Courson that surface and subsurface drainage will be**  
5 **ADEQUATE BASED ON** the review of the preliminary stormwater drainage plan by the County’s  
6 **engineering consultant and the special conditions imposed.**

7  
8 Mr. Thorsland requested roll call vote.

9  
10 The roll was called:

11			
12	<b>Passalacqua-yes</b>	<b>Capel-yes</b>	<b>Courson-yes</b>
13	<b>Miller-yes</b>	<b>Palmgren-yes</b>	<b>Thorsland-yes</b>

14  
15 e. **Public safety will be ADEQUATE BASED ON** the special conditions based on  
16 **the recommendations of the Thomasboro Fire Department and the requirement**  
17 **for building code compliance pursuant to Public Act 96-074 and the petitioners**  
18 **have received a permit for the proposed wastewater system.**

19  
20 Mr. Kass stated that Finding 2.e should note that the petitioners have received a permit for the proposed  
21 wastewater system.

22  
23 **Ms. Capel moved, seconded by Mr. Passalacqua that public safety will be ADEQUATE BASED ON**  
24 **the special conditions based on the recommendations of the Thomasboro Fire Department and the**  
25 **requirement for building code compliance pursuant to Public Act 96-074 and the petitioners have**  
26 **received a permit for the proposed wastewater system.**

27  
28 Mr. Thorsland requested a roll call vote.

29  
30 The roll was called:

31			
32	<b>Capel-yes</b>	<b>Courson-yes</b>	<b>Miller-yes</b>
33	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>	<b>Thorsland-yes</b>

34  
35 f. **The provisions for parking will be ADEQUATE BASED ON** the proposed  
36 **permanent parking and overflow parking areas.**

37  
38 **Ms. Capel moved, seconded by Mr. Courson that the provisions for parking will be ADEQUATE**

ZBA

1 **BASED ON the proposed permanent parking and overflow parking areas.**

2

3 Mr. Thorsland requested a roll call vote.

4

5 The roll was called:

6

<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Palmgren-yes</b>
<b>Passalacqua-yes</b>	<b>Capel-yes</b>	<b>Thorsland-yes</b>

9

10 **Ms. Capel moved, seconded by Mr. Miller that the requested Special Use Permit, subject to the special**  
11 **conditions imposed herein, is so designed, located, and proposed to be operated so that it WILL NOT**  
12 **be injurious to the district in which it shall be located or otherwise detrimental to the public health,**  
13 **safety and welfare.**

14

15 Mr. Thorsland requested a roll call vote.

16

17 The roll was called:

18

<b>Miller-yes</b>	<b>Palmgren-no</b>	<b>Passalacqua-yes</b>
<b>Capel-yes</b>	<b>Courson-no</b>	<b>Thorsland-yes</b>

21

22 Mr. Thorsland stated that in error he forgot to include findings 2.g, 2.h, and 2.i, prior to determining an  
23 overall determination for finding 2. He said that the recommended evidence for these items comes from Case  
24 699-AM-11.

25

26 Mr. Hall stated that this is part of the required findings for every special use permit in the AG and CR  
27 districts as a result of a recent text amendment, Case 683-AT-11. He said that the recommendations for  
28 findings 2.g, 2.h, and 2.i, are taken directly from Case 699-AM-11.

29

30 **And except that in the CR, AG-1 and AG-2 Districts the following additional criteria shall also apply:**

31

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

34

35 Mr. Passalacqua asked why it would matter if the subject property is best prime farmland if it is already  
36 taken out of production.

37

38 Mr. Hall stated that item 14.C(2) on page 18 of 32 of the As Approved Finding of Fact dated July 12, 2012,

ZBA

1 for Case 699-AM-11, indicates that Policy 4.3.2 states, “On best prime farmland, the County may authorize a  
2 discretionary review development provided the site with proposed improvements is well-suited overall for  
3 the proposed land use.” He said that the Board determined that the proposed rezoning ACHIEVES Policy  
4 4.3.2 because it is best prime farmland and most of the subject property has been in agricultural production  
5 and much of the area for the proposed event center has not; and the subject property fronts and has access to  
6 County Highway 1/CR 1000E and the Traffic Impact Analysis conducted by CUUATS indicates that the  
7 proposed use will have minimal impacts on the road network; and drainage should not be affected because a  
8 special condition has been proposed in related Case 700-S-11; and the subject property is not served by  
9 sanitary sewer, but a new septic system is proposed to be installed and the petitioners have already received a  
10 permit for the septic system.

11  
12 Mr. Hall stated that Policies 4.3.3 and 4.3.4 relate to the findings about services and infrastructure and the  
13 Board found, in both cases, that those policies are ACHIEVED. He said that the Board can go back and  
14 revisit Case 699-AM-11 if in hind sight they believe that they should.

15  
16 Mr. Miller stated that it is important to note that the family of the petitioner is heavily involved in agriculture  
17 and the facility may assist the agriculture community by holding training meetings and seminars.

18  
19 Mr. Courson stated that the property could be sold and any permitted use could be at this location.

20  
21 Mr. Thorsland stated that during Case 699-AM-11 the Board determined that the property is WELL SUITED  
22 OVERALL.

23  
24 Ms. Anne Murray asked if they could propose that if the request is granted and the property is sold or the use  
25 differs from what they are proposed in this case that the land revert back to AG-1. She said that this would  
26 be a special condition to remedy the Board’s concern.

27  
28 Mr. Hall stated that the by-right uses in AG-2 are virtually identical to AG-1 and anything that could happen  
29 in AG-1 right now is all that could happen with the rezoning and anything else would require a special use.

30  
31 Ms. Murray stated that each owner would require a special use permit for whatever they requested on the  
32 subject property in the future.

33  
34 Mr. Passalacqua stated that his problem is not with the proposed facility but a lot of time and effort has been  
35 spent on the LESA and CUGA criteria in regards to best prime farmland and site suitability.

36  
37 Mr. Hall stated that for this use to be authorized the subject site has to be WELL SUITED OVERALL.

38

ZBA

1 Ms. Capel stated that a very small amount of land is being taken out of production.

2  
3 Mr. Thorsland stated that the Board determined in Case 699-AM-11 that the property IS WELL SUITED  
4 OVERALL.

5  
6 Mr. Hall stated that if the Board does not believe that it IS WELL SUITED it should consider the traffic, the  
7 ability to deal with the wastewater, the ability to provide public safety, non-interference with surrounding  
8 agriculture, absence from the floodplain, and non-disturbance to natural areas. He said that he cannot see  
9 how the property is not WELL SUITED and it would behoove the Board to put down into writing why the  
10 property is not WELL SUITED although the Board would have to go back to Case 699-AM-11 to do so. He  
11 said that the Board could indicate such in Case 700-S-11 but the Board has no evidence indicating that the  
12 property is NOT WELL SUITED OVERALL.

13  
14 Mr. Passalacqua stated that his concern was due to best prime farmland preservation.

15  
16 Mr. Hall stated that LESA does not cause any farmland to be preserved. He said that a determination of  
17 WELL SUITED does not have anything to do with the quality of land that it is on.

18  
19 Mr. Passalacqua stated that the Board could write this finding without best prime farmland.

20  
21 Mr. Hall stated no, because the Zoning Ordinance requires the Board to address the fact that the use is  
22 proposed on best prime farmland. He said that why a less acceptable traffic impact analysis might work on  
23 prime farmland rather than best prime farmland is beyond him. He said that why a septic system wouldn't  
24 work is acceptable on prime farmland and not best prime farmland is beyond him. He said that why a use  
25 might be able to interfere with neighboring agriculture if you own prime farmland but not if you are on best  
26 prime is beyond him. He said that frankly those are not his policies but are the County Board's policies and  
27 sometimes they do not make a lot of sense but it is a good thing that the subject property must be well suited  
28 overall and he does not see any evidence to indicate that it is not. He said that if there was twice as much  
29 traffic the subject property would not be well suited overall and the traffic impact analysis might be different.  
30 He said that if there are trees along the property line shading adjacent fields or if a septic system permit was  
31 not obtained then the outcome might be different.

32  
33 Mr. Thorsland stated that the subject property could be divided into three lots by-right and three homes could  
34 be placed on each lot taking the land out of production and no approval would be required by this Board. He  
35 said that he petitioner has indicated that they will do their best to keep as much as possible in production.  
36 He said that Mr. Miller indicated that the agricultural community would be served well by the proposed use.

37  
38 **Ms. Capel moved, seconded by Mr. Miller that the property is BEST PRIME FARMLAND and the**



ZBA

1 **property with proposed improvements IS WELL SUITED OVERALL.**

2

3 Mr. Thorsland requested a roll call vote.

4

5 The roll was called:

6

7	<b>Palmgren-no</b>	<b>Passalacqua-no</b>	<b>Capel-yes</b>
8	<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Thorsland-yes</b>

9

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

12

13 **Ms. Capel moved, seconded by Mr. Passalacqua that the existing public services ARE available to**  
14 **support the proposed special use effectively and safely without undue public expense.**

15

16 Mr. Thorsland requested a roll call vote.

17

18 The roll was called:

19

20	<b>Passalacqua-yes</b>	<b>Capel-yes</b>	<b>Courson-yes</b>
21	<b>Miller-yes</b>	<b>Palmgren-yes</b>	<b>Thorsland-yes</b>

22

23 **i. The existing public infrastructure together with proposed improvements IS**  
24 **adequate to support the proposed development effectively and safely without**  
25 **undue public expense.**

26

27 **Ms. Capel moved, seconded by Mr. Miller that the existing public infrastructure together with**  
28 **proposed improvements IS adequate to support the proposed development effectively and safely**  
29 **without undue public expense.**

30

31 Mr. Thorsland requested a roll call vote.

32

33 The roll was called:

34

35	<b>Capel-yes</b>	<b>Courson-no</b>	<b>Miller-yes</b>
36	<b>Palmgren-no</b>	<b>Passalacqua-no</b>	<b>Thorsland-yes</b>

37

38 Mr. Thorsland stated that the Board voted on the overall determination for finding #2 and the vote was four

ZBA

1 affirmative and two negative votes. He said that the Board may vote on the overall determination for finding  
2 #2 with the addition of findings 2.g, 2.h, and 2.i and the record will indicate the final vote. He asked the  
3 Board if they would like to return to the overall vote for finding #2.

4  
5 The consensus of the Board was to return to the overall vote for finding #2 with the addition of items 2.g,  
6 2.h, and 2.i.

7  
8 Mr. Thorsland read finding #2 and entertained a motion.

9  
10 **Ms. Capel moved, seconded by Mr. Palmgren that the requested Special Use Permit, subject to the**  
11 **special conditions imposed herein, is so designed, located, and proposed to be operated so that it**  
12 **WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the**  
13 **public health, safety and welfare.**

14  
15 Mr. Thorsland requested a roll call vote.

16  
17 **Courson-no Miller-yes Palmgren-no**  
18 **Passalacqua-no Capel-yes Thorsland-yes**

19  
20 **3a. The requested Special Use Permit, subject to the Special Conditions imposed herein,**  
21 **DOES conform to the applicable regulations and standards of the DISTRICT in which**  
22 **it is located.**

23  
24 **Ms. Capel moved, seconded by Mr. Courson that the requested Special Use Permit, subject to the**  
25 **Special Conditions imposed herein, DOES conform to the applicable regulations and standards of the**  
26 **DISTRICT in which it is located.**

27  
28 Mr. Thorsland requested a roll call vote.

29  
30 The roll was called:

31  
32 **Miller-yes Palmgren-no Passalacqua-no**  
33 **Capel-yes Courson-yes Thorsland-yes**

34  
35 Mr. Hall stated that he would like to make sure that the Board understands that the requested special use  
36 permit does meet the requirements of the Ordinance in terms of applicable standards, setback, front yard, and  
37 lot area.

ZBA

1 Mr. Passalacqua stated that he misunderstood the intent for finding 3.a. therefore he would like to revise his  
2 vote to a yes.

3  
4 Mr. Thorsland requested a second roll call vote to clarify the Board’s determination for finding 3.a. He said  
5 that the Board is voting whether the proposed use complies with the Ordinance. He said that finding 3.a. is  
6 not about public safety but is about whether or not the building is proposed in the right place and whether or  
7 not the driveway has the correct visibility triangle. He said that the motion is that the special use permit  
8 DOES conform and the motion is as follows:  
9

10 **Ms. Capel moved, seconded by Mr. Courson that the requested Special Use Permit, subject to the**  
11 **Special Conditions imposed herein, DOES conform to the applicable regulations and standards of the**  
12 **DISTRICT in which it is located.**

13  
14 Mr. Thorsland requested a roll call vote.

15  
16 The roll was called:

17		<b>Miller-yes</b>	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>
18		<b>Capel-yes</b>	<b>Courson-yes</b>	<b>Thorsland-yes</b>
19				
20				

21 **3b. The requested Special Use Permit, subject to the special conditions imposed herein,**  
22 **DOES preserve the essential character of the DISTRICT in which it is located because:**

23  
24 **a. The Special Use will be designed to CONFORM to all relevant County**  
25 **ordinances and codes (see Finding of Fact 3a.).**  
26

27 **Ms. Capel moved, seconded by Mr. Miller that the special use will be designed to CONFORM to all**  
28 **relevant County ordinances and codes (see Finding of Fact 3a.).**

29  
30 Mr. Thorsland requested a roll call vote.

31  
32 The roll was called:

33		<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>	<b>Capel-yes</b>
34		<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Thorsland-yes</b>
35				
36				

37 **b. The Special Use WILL be compatible with adjacent uses (see Finding of Fact 2c.)**  
38

ZBA

1 Mr. Kass stated that the evidence in related Case 699-AM-11 established that the proposed Event Center will  
2 not interfere with agricultural operations and the subject site is well suited for the proposed Special Use.

3  
4 **Mr. Passalacqua moved, seconded by Ms. Capel that the Special Use WILL be compatible with**  
5 **adjacent uses because the evidence in related Case 699-AM-11 established that the proposed Event**  
6 **Center will not interfere with agricultural operations and the subject site is well suited for the**  
7 **proposed Special Use.**

8  
9 Mr. Thorsland requested a roll call vote.

10  
11 The roll was called:

12			
13	<b>Passalacqua-yes</b>	<b>Capel-yes</b>	<b>Courson-yes</b>
14	<b>Miller-yes</b>	<b>Palmgren-yes</b>	<b>Thorsland-yes</b>
15			

16 Mr. Thorsland called for a ten minute recess.

17  
18 **The Board recessed at 7:35 p.m.**  
19 **The Board resumed at 7:45 p.m.**

20  
21 **c. Public safety will be ADEQUATE (see Finding of Fact 2e).**

22  
23 Mr. Kass stated that public safety will be ADEQUATE BASED ON the special conditions based on the  
24 recommendations of the Thomasboro Fire Department and the requirement for building code compliance  
25 pursuant to Public Act 96-074 and the petitioners have received a permit for the proposed wastewater  
26 system.

27  
28 **Ms. Capel moved, seconded by Mr. Miller that public safety will be ADEQUATE (see Finding of Fact**  
29 **2e).**

30  
31 Mr. Thorsland requested a roll call vote.

32  
33 The roll was called:

34			
35	<b>Capel-yes</b>	<b>Courson-yes</b>	<b>Miller-yes</b>
36	<b>Palmgren-no</b>	<b>Passalacqua-no</b>	<b>Thorsland-no</b>
37			

38 Mr. Thorsland asked if the Board is to consider new sub-findings 3.b(d), 3.b(e) and 3.b(f).

ZBA

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Mr. Hall stated that those findings are the three bullets that were recommended in the Supplemental Memorandum for Case 700-S-11 dated August 10, 2012. He said that the additional findings are to augment this finding regarding the essential character of the district.

Mr. Kass read the new sub-findings as follows:

- d. The Special Use will not hinder agricultural production on adjacent properties (See 9.F.(2));**
- e. The Special Use will not have a significant traffic impact (see 9.F.(4))**
- f. The Special Use will not substantially change the visual character of the subject property because the proposed building is clustered with the existing home and the parking area will be screened and agricultural production will still occur onsite in the same general area that has been under production (see 9.F.(3)).**

Mr. Thorsland entertained a motion to include new sub-findings d, e, and f to finding 3.b.

**Ms. Capel moved, seconded by Mr. Courson to add sub-finding d, e, and f to finding 3.b. as read.**

Mr. Thorsland requested a roll call vote.

The roll was called:

<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Palmgren-no</b>
<b>Passalacqua-no</b>	<b>Capel-yes</b>	<b>Thorsland-yes</b>

Mr. Thorsland read finding 3.b. for an overall determination.

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

**Ms. Capel moved, seconded by Mr. Miller 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 requested a roll call vote.

ZBA

1 The roll was called:

2

3

Miller-yes

Palmgren-no

Passalacqua-no

4

Capel-yes

Courson-no

Thorsland-no

5

6

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

7

8

9

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

10

**b. The requested Special Use Permit IS necessary for the public convenience at this location (see Finding of Fact 1).**

11

12

Mr. Hall stated that it is obvious that the Board is treating each of these findings with the upmost diligence and on the findings that indicate (see Finding of Fact#?) the Board has already made a decision and he does not see what benefit it serves to agonize over that finding again here. He said that on the standard Finding of Fact the sub-items 4.a, 4.b, 4.c, and 4.d. have already been decided and there is no need to work through those findings again. He said that in the Supplemental Memorandum dated August 10, 2012, staff recommended new bullets to deal with the specific consideration for each finding and for this finding the consideration is harmony with the general purpose and intent of the Ordinance. He said that there are three new bullets which have not been considered in the previous findings so the idea is that 4.a, 4.b, 4.c and 4.d. have already been determined by the Board and if staff had the correct software it would be reflected when the Board is ready to determine Finding 4 and all that would require determination is the three new sub-findings. He noted that the Board does not have to include the new sub-findings but they are, in staff's mind, relevant to harmony with the general purpose and intent.

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**Ms. Capel moved, seconded by Mr. Miller that the requested Special Use Permit IS necessary for the public convenience at this location (see Finding of Fact 1).**

26

27

28

Mr. Passalacqua asked if the Board needed to vote on this finding if they have already made a determination therefore the Board should only direct its attention to the recommended bulleted items.

29

30

31

Mr. Thorsland stated that the Board needs to direct their attention to Finding 4 but the Board needs to make sure that everyone is in agreement or have voted on 4.a, 4.b, 4.c and 4.d.

32

33

34

Mr. Passalacqua noted that the Board has voted on these items.

35

36

Mr. Thorsland stated that indeed the Board has voted on these items but the Board needs to confirm those votes. He said that a voice vote can be taken but a roll call vote makes it easier to keep everything on record.

37

38

ZBA

1 Ms. Capel asked Mr. Hall if he is indicating that the Board does not need to vote on these findings.

2  
3 Mr. Hall stated that the Board has already voted on these findings. He said that the reason why the findings  
4 are set up like this is because staff cannot indicate automatically on paper what the Board has previously  
5 decided but the minutes will. He said that he agrees with Mr. Thorsland that it might be good to just review  
6 these again to remind the Board of their decision but voting on these findings again is a waste of time that  
7 the Board does not have.

8  
9 Mr. Thorsland stated that there was a concern that if the Board determined a finding by voice vote and it was  
10 a close vote that it was better to do it by a roll call. He said that he understands Mr. Hall’s point but this is a  
11 case that will be looked at and he would prefer, as Chair, to go through every step to assure what the vote  
12 was for each finding.

13  
14 Mr. Thorsland requested a roll call vote.

15  
16 The roll was called:

<b>Palmgren-no</b>	<b>Passalacqua-yes</b>	<b>Capel-yes</b>
<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Thorsland-yes</b>

17  
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21 **c. The requested Special Use Permit, subject to the special conditions imposed**  
22 **herein, is so designed, located and proposed to be operated so that it WILL**  
23 **NOT be injurious to the district in which it shall be located or otherwise**  
24 **detrimental to the public health, safety and welfare (See Finding of Fact 2).**

25  
26 **Ms. Capel moved, seconded by Mr. Courson that The requested Special Use Permit, subject to the**  
27 **special conditions imposed herein, is so designed, located and proposed to be operated so that it WILL**  
28 **NOT be injurious to the district in which it shall be located or otherwise detrimental to the public**  
29 **health, safety and welfare (See Finding of Fact 2).**

30  
31 Mr. Thorsland requested a roll call vote.

32  
33 The roll was called:

<b>Passalacqua-yes</b>	<b>Capel-yes</b>	<b>Courson-yes</b>
<b>Miller-yes</b>	<b>Palmgren-no</b>	<b>Thorsland-yes</b>

34  
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37  
38 Mr. Hall stated that the Board just determined a different vote than what was determined for Finding of Fact

ZBA

1 2, which is exactly why voting on these items redundantly creates problems. He said that this finding now  
2 has a differently result than when the Board voted on it previously.

3  
4 Mr. Miller asked if there is a “no” vote can the Board request a reason. He asked if the Board is voting on  
5 opinion or proclaiming to be an expert in disagreeing with County engineers and CUUATS.

6  
7 Mr. Hall stated that it is good to document a vote but the Board cannot actually request a justification, or at  
8 least the by-laws don’t require such, but common sense suggests that if there is no justification in writing  
9 how could a vote be supported. He said that different results are being created every time the Board votes on  
10 the same finding.

11  
12 Mr. Miller stated that in many cases there is justification for a positive finding yet “no” votes which  
13 contradict professional facts.

14  
15 Mr. Palmgren stated that the Board knows where he stands in regards to his concerns related to the issue of  
16 public safety and traffic. He said that he has read the professional report and he is here to tell the Board that  
17 an entrance at the bottom of the hill with traffic traveling the road is an issue.

18  
19 Mr. Miller stated that if such a concern may only be one person’s opinion and, even though we are entitled to  
20 our opinion, unless that person is a self-proclaimed expert that person has no expertise to disagree with  
21 CUUATS or the County Engineer.

22  
23 Mr. Courson stated that he does not disagree with Mr. Palmgren’s concern because he believes that it is a  
24 dangerous intersection. He said that he is not an engineer but he has 25 years of experience in the road  
25 construction business constructing turn lanes and roads.

26  
27 Mr. Hall stated that the next time that a petitioner comes before this Board and is instructed to pay for a  
28 Traffic Impact Analysis that petitioner is not going to inclined to do so because the Board is ignoring the  
29 results of this Traffic Impact Analysis.

30  
31 Mr. Courson stated that he read the analysis and the speeds that are reported are slower than the actual  
32 speeds that are traveled down County Highway 1. He said that a speed gun would prove that it is not  
33 unusual for vehicles to travel 75 to 80 mph every day.

34  
35 Mr. Hall stated that the traffic impact analysis assumed 200 vehicles entering and leaving this property in the  
36 same hour that 120 vehicles are entering and existing the Hindu Temple property at the same time there is  
37 peak traffic on County Highway 1 and that is a condition that will never, ever exist and even with that  
38 condition there is no problem.



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Mr. Thorsland stated that the Board has reviewed the Traffic Impact Analysis several times and Mr. Palmgren’s vote reflects his opinion. He said that those different opinions and concerns is the reason why a roll call vote is important for each finding so that the record accurately reflects what occurred during this hearing. He said that this is not the last place that this case has to receive review therefore it is important that the next people who review the case have all of the information available at their disposal to assist them with their decision.

**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 (see Finding of Fact 3b.)**

**Ms. Capel moved, seconded by Mr. Miller 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 (see Finding of Fact 3b.)**

Mr. Thorsland requested a roll call vote.

The roll was called:

<b>Capel-yes</b>	<b>Courson-no</b>	<b>Miller-yes</b>
<b>Palmgren-no</b>	<b>Passalacqua-yes</b>	<b>Thorsland-yes</b>

**Ms. Capel moved, seconded by Mr. Courson 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.**

Mr. Thorsland requested a roll call vote.

The roll was called:

<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Palmgren-yes</b>
<b>Passalacqua-yes</b>	<b>Capel-yes</b>	<b>Thorsland-yes</b>

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

**Ms. Capel moved, seconded by Mr. Courson that the requested Special Use IS NOT an existing**

ZBA

1 **nonconforming use.**

2

3 Mr. Thorsland requested a roll call vote.

4

5 The roll was called:

6

7 **Miller-yes**

**Palmgren-yes**

**Passalacqua-yes**

8 **Capel-yes**

**Courson-yes**

**Thorsland-yes**

9

10 **6. The Special Conditions imposed herein are required to ensure compliance with the**  
11 **criteria for Special Use Permits and for the particular purposes described below:**

12

13 **A. A complete Stormwater Drainage Plan that conforms to the requirements of the**  
14 **Stormwater Management Policy shall be submitted and approved as part of the**  
15 **Zoning Use Permit application and all required certifications shall be submitted**  
16 **after construction prior to issuance of the Zoning Compliance Certificate.**

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

18 **That the drainage improvements conform to the requirements of the**  
19 **Stormwater Management Policy.**

20 **B. Regarding State of Illinois accessibility requirements:**

21 **(1) The Zoning Administrator shall not approve a Zoning Use Permit for the**  
22 **proposed Special Use Permit without certification by an Illinois Licensed**  
23 **Architect or Illinois Professional Engineer that the proposed Event Center**  
24 **will comply with the Illinois Accessibility Code and Illinois Environmental**  
25 **Barriers Act;**

26 **(2) The Zoning Administrator shall not authorize a Zoning Compliance**  
27 **Certificate authorizing operation of the proposed Special Use Permit until**  
28 **the Zoning Administrator has verified that the Special Use as constructed**  
29 **does in fact comply with the Illinois Accessibility Code and Illinois**  
30 **Environmental Barriers Act.**

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

32 **That the proposed Special Use meets applicable state codes for handicap**  
33 **accessibility.**

ZBA

1           **C.    The Zoning Administrator shall not authorize a Zoning Compliance Certificate**  
 2           **authorizing occupancy of the proposed Event Center until the Zoning**  
 3           **Administrator has received a certification of inspection from an Illinois Licensed**  
 4           **Architect or other qualified inspector certifying that the new building complies with**  
 5           **the following codes: (A) The 2006 or later edition of the International Building**  
 6           **Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and,**  
 7           **(C) the Illinois Plumbing Code.**

8  
9           The special conditions stated above are required to ensure the following:

10                           **That the proposed structure is safe and built to current standards.**

11  
 12           **D.    All onsite foodservice shall be in compliance at all times with the Champaign**  
 13           **County Health Ordinance.**

14  
15           The special condition stated above is required to ensure the following:

16                           **That foodservice for the proposed Event Center is consistent with County**  
 17                           **requirements and the testimony in the public hearing and that compliance is**  
 18                           **enforceable.**

19  
 20  
 21           **E.    The proposed parking area for the proposed Event Center shall comply with the**  
 22           **Champaign County Zoning Ordinance requirements for screening from adjacent**  
 23           **residences and Residential Districts.**

24  
25           The special condition stated above is required to ensure the following:

26                           **That all parts of the proposed Event Center are consistent with the**  
 27                           **Ordinance and that compliance is enforceable.**

28  
 29  
 30           **F.    All onsite Special Use activities shall be in compliance at all times with the**  
 31           **Champaign County Health Ordinance, the Champaign County Liquor Ordinance,**  
 32           **and the Champaign County Recreation and Entertainment Ordinance.**

33  
34           The special condition stated above is required to ensure the following:

35                           **That the proposed Special Use is in on-going compliance with all applicable**  
 36                           **County requirements.**

37



ZBA

- 1           **1.     The Zoning Administrator shall not issue a Zoning Compliance Certificate**
- 2           **without documentation that the petitioner has filed with the Recorder of**
- 3           **Deeds a tile access and maintenance easement with a width of 40 feet for any**
- 4           **underground tile in the developed portion of the property**

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

- 6                           **The Special Use Permit is in compliance with the Stormwater Management**
- 7                           **Policy.**
- 8

- 9
- 10           **2.     The Zoning Administrator shall not authorize any Zoning Use Permit on the**
- 11           **subject property until the following has occurred:**

- 12                   **(a)     Subsurface investigations intended to identify underground drain tile**
- 13                   **are conducted at least 50 feet on either side of the suspected centerline**
- 14                   **of tiles indicated on the approved site plan and in a manner and to a**
- 15                   **depth below ground as recommended by the Champaign County Soil**
- 16                   **and Water Conservation District.**

- 17                   **(b)     Written notice identifying the proposed date for subsurface**
- 18                   **investigation has been provided to the Zoning Administrator at least**
- 19                   **one week prior to the investigation.**

- 20                   **(c)     If any underground drain tiles are encountered during the subsurface**
- 21                   **investigation the course of each tile across the subject property shall**
- 22                   **be established by additional investigation in consultation with the**
- 23                   **Champaign County Soil and Water Conservation District.**

- 24                   **(d)     Documentation and certification of all subsurface investigations by an**
- 25                   **Illinois Professional Engineer shall be provided to the Zoning**
- 26                   **Administrator.**

- 27                   **(e)     When full and complete excavation of tile clearly indicates that the tile**
- 28                   **does not serve any upstream areas other than the subject property**
- 29                   **and certifications to that effect are made in writing by an Illinois**
- 30                   **Professional Engineer and the excavations are inspected by the**
- 31                   **Zoning Administrator, such tile may be removed and capped at the**

ZBA

- 1 point at which the tile enters the developed area.
- 2 (f) Any proposed construction on the subject property shall either be
- 3 located so as to avoid any identified underground drain tile or the
- 4 identified underground drain tile shall be relocated to avoid the
- 5 proposed construction.
- 6 (g) Any relocation of underground drain tile shall meet the requirements
- 7 of the Champaign County Stormwater Management Policy and shall
- 8 be certified by an Illinois Professional Engineer. Relocated tile shall
- 9 be non-perforated conduit to prevent root blockage provided that the
- 10 petitioner may install new underground drainage tile to serve the
- 11 subject property so long as cleanout manholes are provided at the
- 12 point of connection to the existing underground drain tile.
- 13 (h) As-built drawings shall be provided of any relocated underground
- 14 drain tile and shall be approved by the Zoning Administrator prior to
- 15 approval of a Zoning Compliance Certificate on the subject property.
- 16 Any relocated drain tile must be inspected by the Zoning
- 17 Administrator prior to backfilling.
- 18 3. If any underground drain tile is encountered during construction the
- 19 applicant must do the following:
  - 20 (a) Construction shall cease until the course of each tile across the subject
  - 21 property is established by additional investigation and construction
  - 22 shall not recommence until authorized by the Zoning Administrator
  - 23 except that construction that does not implicate the tile may continue.
  - 24 (b) The Zoning Administrator shall be notified within 48 hours or the
  - 25 next business day.
  - 26 (c) Any tile that is encountered during construction must be relocated or
  - 27 rerouted in conformance with the Champaign County Stormwater
  - 28 Management Policy unless the proposed construction is modified to
  - 29 avoid the tile. Any modification of the construction to avoid the tile
  - 30 shall be indicated on a revised site plan approved by the Zoning
  - 31 Administrator. Relocated tile shall be non-perforated conduit to
  - 32 prevent root blockage. Conformance of any tile relocation with the

ZBA

1 **Stormwater Management Policy shall be certified by an Illinois**  
2 **Professional Engineer.**

3 (d) **As-built drawings shall be provided of any relocated**  
4 **underground drain tile and shall be approved by the Zoning**  
5 **Administrator prior to approval of a Zoning Compliance**  
6 **Certificate on the subject property. Any relocated drain tile**  
7 **must be inspected by the Zoning Administrator prior to**  
8 **backfilling.**

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

10 **Possible field tiles on the subject property are identified prior to development**  
11 **and adequately protected and that any possible tiles that are discovered**  
12 **during construction are adequately protected.**

13  
14  
15 **I. The evergreen trees in the screening along the north property line shall be at**  
16 **least 2 feet 8 inches tall at the time of planting and within two years of**  
17 **issuance of a Zoning Compliance Certificate shall provide at least 50% of the**  
18 **required screen or additional plantings shall be required.**

19  
20  
21 The special condition stated above is required to ensure the following:

22 **Adequate screening is provided to the parking areas and as a buffer for the adjacent**  
23 **property.**

24  
25  
26 **J. The Driveway shall be improved as follows:**

27 (1) **The petitioner shall provide the County Engineer with engineering drawings of**  
28 **the proposed driveway entrance. In addition to the actual driveway the**  
29 **driveway drawings shall also include the following:**

30 (a) **A stop sign shall be placed on the event center driveway with due**  
31 **consideration for proper sight distance and shall be placed in**  
32 **accordance with the latest version of the Manual on Uniform Traffic**  
33 **Control Devices (MUTCD) guidelines. The location and details of the**  
34 **stop sign shall be included on the engineering drawings submitted to**  
35 **the County Engineer.**

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(b) **Lighting at the entrance to the subject property shall be provided. This lighting shall only be operated during event times and fully comply with the lighting requirements of Section 6.1.2. The location of the lighting shall be included on the engineering drawings submitted to the County Engineer.**

(c) **Way finding signage shall be placed a minimum of 200 feet in advance of the entrance to the subject property from both north and south directions as recommended by the Traffic Impact Analysis conducted by CUUATS and detailed in the driveway drawings. All signage shall be placed in accordance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) guidelines.**

(2) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed event center without documentation of the County Engineer’s approval of the proposed driveway entrance.**

(3) **The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer’s approval of the constructed driveway entrance including any necessary as-built engineering drawings.**

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

**All parking related to the Special Use Permit can safely enter and exit the subject property safely with adequate visibility and regardless of weather conditions.**

**K. (1) The Special Use shall include the following:**

(a) **A KNOX box shall be installed on the building for fire department access.**

(b) **A monitored fire alarm system shall be installed within the building.**

(c) **An all access defibrillator shall be provided in the public space.**



ZBA

- 1                                   (d)     **A dry hydrant shall be installed at the detention basin in a location that**
- 2   **is within 8 feet of a hard surfaced driveway or a no parking area that is**
- 3   **built to carry the load of an emergency vehicle and is accessible at all**
- 4   **times by a posted fire lane. The location and details of construction shall**
- 5   **be approved in writing by the Thomasboro Fire Protection**
- 6   **District Chief. The as-built dry hydrant shall also be approved in writing**
- 7   **by the Thomasboro Fire Protection District Chief.**
- 8
- 9                                   (2)     **The Fire Protection District shall approve the operation of the dry hydrant**
- 10   **and all other items requested by the Fire Chief in writing before the Zoning**
- 11   **Compliance Certificate authorizing occupancy can be approved by the**
- 12   **Zoning Administrator.**
- 13
- 14                                   (3)     **The dry hydrant shall be maintained in good working order by the**
- 15   **landowner for the life of the special use permit.**
- 16

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

**Adequate public safety.**

22 **Ms. Capel moved, seconded by Mr. Courson that the special conditions imposed herein are required**

23 **to ensure compliance with the criteria for Special Use Permits and for the particular purposes**

24 **described.**

26 Mr. Thorsland requested a roll call vote.

28 The roll was called:

30 <b>Capel-yes</b>	<b>Miller-yes</b>	<b>Courson-yes</b>
31 <b>Palmgren-yes</b>	<b>Passalacqua-yes</b>	<b>Thorsland-yes</b>

33 Mr. Hall stated that when the Board voted on Findings 2 and 3b. the vote was a tie and the By-laws provide

34 no guidance as to the impact of a tie vote on the adoption of a finding but for the overall case a tie vote is a

35 denial. He said that at this point, with this case as determined, staff has no idea what to indicate for the

36 Findings 2 and 3.b. because they received a tie vote and the Board did not adopt any finding. He said that if

37 these Findings were a Final Determination the Board would have voted to deny the request.

ZBA

1 Mr. Passalacqua stated that the Board cannot make another Board member appear.

2

3 Mr. Miller asked Mr. Hall to indicate any guidance that the By-laws may provide.

4

5 Mr. Hall stated that the By-laws provide all of the guidance that the Board requires for the Final  
6 Determination but statutorily when all is said and done the Board needs to have adopted findings. He said  
7 that if the Board has not adopted a Finding for 2 and 3b. then the Board cannot proceed to the Final  
8 Determination.

9

10 Ms. Capel asked if the Board should seek guidance from the State's Attorney.

11

12 Mr. Hall stated that the State's Attorney did not have time to attend tonight's meeting.

13

14 Mr. Thorsland informed the audience that the problem is that there are two of the Findings which received a  
15 tie vote and the By-laws indicate direction regarding the Final Determination and a tie vote but no guidance  
16 regarding a tie vote for a Finding of Fact. He said that one of the issues at this time is that the ZBA Board  
17 normally has seven members although currently one seat is vacant.

18

19 Mr. Miller asked if the Board would like to reconsider Finding 2a. He said that this Board requested a traffic  
20 impact analysis and the analysis came back affirmative indicating that there are no concerns so how can this  
21 Board ignore that. He asked if anyone on the Board had the qualifications to disagree with a professional  
22 study.

23

24 Mr. Palmgren stated that his only qualification is that he has driven the road and at high speeds there is  
25 nowhere to go and that will be an issue.

26

27 Mr. Miller stated that his question only required a simple yes or no answer. He said that everyone has driven  
28 down a road but does that make them qualified to disagree with a professional study.

29

30 Mr. Palmgren stated that the study does not consider any traffic coming from the north.

31

32 Mr. Thorsland stated that the Board has the ability to make a motion to suspend the rules and reconsider  
33 Finding 2a.

34

35 Mr. Hall stated that the Board does not need to suspend the rules to reconsider Finding 2. He said that  
36 anyone on the Board can make a motion to reconsider any Finding.

37

38 Mr. Miller stated that the Board asked for the traffic study and it came back without any concerns yet that is

ZBA

1 not good enough. He asked what the Board will ask for next.  
2  
3 Mr. Thorsland stated that the Board can vote to reconsider Finding 2a. and the motion should come from a  
4 member who is on the majority side of the vote but the Board has the benefit that the original vote was a tie  
5 therefore any Board member can make a motion to reconsider the vote for Finding 2a.  
6  
7 Mr. Hall stated that the Board needs to reconsider the vote for Finding 2. He said that overall Finding is  
8 what is important and not the subsidiary Findings. He said that when the Board voted on the overall  
9 Finding for 2 the vote was split.  
10  
11 Mr. Thorsland entertained a motion to reconsider Finding 2.  
12  
13 Mr. Passalacqua asked if he could read the text for Finding 2a. to the Board.  
14  
15 Mr. Thorsland stated that he would like to have a motion to reconsider Finding 2 first.  
16  
17 Mr. Hall stated that if the Board desires they could reconsider the vote for 2a. as well.  
18  
19 Mr. Courson stated that he would like to base his vote for 2 on Finding 2a. He said that the motion was for  
20 the following: **The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE**  
21 **visibility BASED ON the Traffic Impact Analysis prepared by CUAATS.** He said that he would agree  
22 that the Street has ADEQUATE traffic capacity and the entrance has ADEQUATE visibility despite the  
23 Traffic Impact Analysis prepared by CUAATS.  
24  
25 **Ms. Capel moved, seconded by Mr. Passalacqua to reconsider finding 2. The motion carried by voice**  
26 **vote.**  
27  
28 Mr. Thorsland stated that the reconsideration for the overall finding for 2 appears to focus on 2a. therefore  
29 the Board should have gentle debate about 2a.  
30  
31 Mr. Passalacqua stated that he also drives on County Highway 1 and he does agree with Mr. Palmgren's  
32 concerns however the vote should be focused on the language of 2a. He said that the language states that  
33 the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility BASED on  
34 the CUUATS study. He said that the way that this is presented to the Board for a vote it does not give the  
35 Board the opportunity to voice its opinion because CUUATS has indicated that it is safe.  
36  
37 Mr. Hall stated no, staff only gave a recommendation for Finding 2a. and the Board has the freedom to  
38 eliminate this or do whatever the Board sees fit. He said that this is not required by the Ordinance and the

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1 Ordinance does not require the Board to have this much detail in the Finding. He requested that the Board  
2 tailor this Finding as they see fit.

3  
4 Mr. Passalacqua stated that he would agree that the street has adequate capacity based on the information  
5 that CUUATS provided the Board and that the petitioner's paid for. He said that he cannot agree on it  
6 based on his own personal experience but he could agree if it is based on the information that has been  
7 presented.

8  
9 Ms. Capel proposed the following: The street has ADEQUATE traffic capacity and the entrance location  
10 has INADEQUATE visibility DESPITE the Traffic Impact Analysis prepared by CUUATS.

11  
12 Mr. Passalacqua stated that he would agree with Ms. Capel's proposal.

13  
14 Mr. Hall stated that if the County is taken to court regarding this case there is no evidence to support Ms.  
15 Capel's proposed Finding. He said that the Board could indicate that they are not concerned about any  
16 future lawsuits and the court can decide what happens. He said that his job is to give the Board advice so  
17 that the County can minimize its court costs and try to have decisions which are reasonable and consistent  
18 with the law. He said that the Board has no evidence to support Ms. Capel's proposed finding.

19  
20 Mr. Passalacqua asked if a Board member personally drives down that road it is not considered evidence.

21  
22 Mr. Hall stated that when he speaks about evidence his is talking about something that is included in the  
23 Summary of Evidence that will go to the court if the County is sued and the court can read that two ZBA  
24 members drove down County Highway 1 and did not feel that the road had adequate visibility. He said that  
25 when the Board makes a Finding it is preferable that the Board has evidence to base that Finding upon. He  
26 said that the Board does have the professional evaluation from CUUATS and the County's planning staff.

27  
28 Mr. Passalacqua stated that as he stated previously he can agree with the way that 2a. is recommended.

29  
30 Mr. Thorsland stated that the previous motions for 2a. and 2 were determined with a tie vote.

31  
32 Mr. Passalacqua stated that Mr. Hall just pointed out that his driving down the road is not evidence and if  
33 the only evidence that he has to base his vote upon is the traffic impact analysis then he would have to vote  
34 affirmative on the Finding.

35  
36 Mr. Thorsland reminded Mr. Passalacqua that as a Board member he can introduce evidence at any time.

37  
38 **Mr. Miller moved, seconded by Mr. Passalacqua to vote on Finding 2a. based on how it was**

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1 **originally written.**

2  
3 Mr. Thorsland clarified that the motion for finding 2a. is for the following: The street has ADEQUATE  
4 traffic capacity and the entrance location has ADEQUATE visibility BASED on the CUUATS study.

5  
6 Mr. Miller stated correct.

7  
8 Mr. Thorsland requested a roll call vote.

9  
10 The roll was called:

11			
12	<b>Passalacqua-yes</b>	<b>Capel-yes</b>	<b>Courson-yes</b>
13	<b>Miller-yes</b>	<b>Palmgren-no</b>	<b>Thorsland-yes</b>

14  
15 Mr. Thorsland stated that the original motion was to reconsider Finding 2 overall. He read Finding  
16 2 as follows:

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

20  
21 Mr. Thorsland requested a motion to vote on Finding 2 during this period of reconsideration.

22  
23 **Mr. Passalacqua moved, seconded by Ms. Capel to vote on Finding 2 during this period of**  
24 **reconsideration.**

25  
26 Mr. Thorsland requested a roll call vote.

27  
28 The roll was called:

29			
30	<b>Capel-yes</b>	<b>Courson-yes</b>	<b>Miller-yes</b>
31	<b>Palmgren-no</b>	<b>Passalacqua-yes</b>	<b>Thorsland-yes</b>

32  
33 Mr. Thorsland requested a motion to reconsider Finding 3b.

34  
35 **Ms. Capel moved, seconded by Mr. Miller to reconsider Finding 3b. The motion carried by voice**  
36 **vote with on opposing vote.**

37  
38 Mr. Thorsland read Finding 3b. as follows:

ZBA

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

3  
4 Mr. Thorsland stated that the Board determined that sub-finding 3b(a) CONFORMS to all relevant  
5 County ordinances and codes; and 3b(b)the special use WILL be compatible with adjacent uses; and  
6 3b(c) public safety will be ADEQUATE; and 3b(d) the special use WILL NOT hinder agricultural  
7 production on adjacent Properties; 3b(e) the special use WILL NOT have a significant traffic impact; and  
8 3b(f) the special use WILL NOT substantially change the visual character of the subject property because  
9 the proposed building is clustered with the existing home and the parking area will be screened and  
10 agricultural production will still occur onsite in the same general area that has been under production.

11  
12 Mr. Passalacqua stated that he would like to change 3b(e) to indicate the following:  
13 **The special use, per the CUUATS report, WILL NOT adversely affect traffic.**

14  
15 Mr. Thorsland asked the Board if they agreed with Mr. Passalacqua’s suggested text for sub-finding  
16 3b(e) and the Board indicated that they did agree.

17  
18 **Ms. Capel moved, seconded by Mr. Passalacqua to reconsider the vote on Finding 3b.**

19  
20 Mr. Thorsland read Finding 3b. as follows:  
21 **The requested Special Use Permit, subject to the special conditions imposed herein, DOES**  
22 **preserve the essential character of the DISTRICT in which it is located.**

23  
24 Mr. Thorsland requested a roll call vote.

25  
26 The roll was called:

27  
28 **Courson-no Miller-yes Palmgren-no**  
29 **Passalacqua-yes Capel-yes Thorsland-yes**

30  
31 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and  
32 Finding of Fact as amended.

33  
34 **Mr. Passalacqua moved, seconded by Mr. Miller to adopt the Summary of Evidence, Documents of**  
35 **Record and Finding of Fact as amended.**

36  
37 Mr. Thorsland requested a roll call vote.

38

ZBA

1 The roll was called:

2

3	<b>Miller-yes</b>	<b>Passalacqua-yes</b>	<b>Palmgren-yes</b>
4	<b>Capel-yes</b>	<b>Courson-yes</b>	<b>Thorsland-yes</b>

5

6 Mr. Thorsland stated that the Board is going to step back in time to Case 699-AM-11. He said that at the  
7 last public hearing some Board members were absent at the last meeting therefore the petitioners  
8 requested that the final determination be deferred until a full Board was present.

9

10 Mr. Thorsland informed the petitioners that one Board seat was vacant therefore it is at their discretion to  
11 either continue Case 699-AM-11 until a full Board is present or request that the present Board move forward  
12 to the Final Determination. He informed the petitioners that four affirmative votes are required for approval.

13

14 Mr. Hall stated that before the petitioner answers Mr. Thorsland’s question he wants the Board to consider if  
15 they know where they are headed for Case 699-AM-11 since there was not a roll call vote on a positive  
16 Finding of Fact.

17

18 Mr. Thorsland asked the Board if they desired to take a roll call vote on Case 699-AM-11.

19

20 Ms. Capel asked if the Board should review the Summary Finding of Fact for Case 699-AM-11.

21

22 Mr. Miller stated that Case 700-S-11 states that the As Approved Finding of Fact for related Case 699-AM-  
23 11 is positive and is supportive of a recommendation. He said that the As Approved Finding of Fact is  
24 already here and he wasn’t at the last hearing but he was able to read and understand the direction that the  
25 Board was going therefore if the Finding is already positive why does the Board need to review it again.

26

27 Mr. Thorsland stated that he thought that the Board was at the point of Final Determination as well.

28

29 Mr. Courson stated that he is ready to move forward to the Final Determination.

30

31 Mr. Passalacqua agreed.

32

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

34

35 **Final Determination for Case 699-AM-11:**

36

37 **Ms. Capel moved, seconded by Mr. Miller that pursuant to the authority granted by Section 9.2 of the**  
38 **Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**

ZBA

1 **determines that the Zoning Ordinance Amendment requested in Case 699-AM-11 should BE**  
2 **ENACTED by the County Board in the form attached hereto.**

3  
4 Mr. Thorsland requested a roll call vote.

5  
6 The roll was called:

7			
8	<b>Palmgren-no</b>	<b>Passalacqua-yes</b>	<b>Capel-yes</b>
9	<b>Courson-no</b>	<b>Miller-yes</b>	<b>Thorsland-yes</b>

10  
11 Mr. Hall informed the petitioners that Case 699-AM-11 will be forwarded to the Committee of the Whole at  
12 their meeting on September 4<sup>th</sup>.

13  
14  
15 **Ms. Capel moved, seconded by Mr. Miller to move to the Final Determination for Case 700-S-11.**  
16 **The motion carried by voice vote.**

17  
18 Mr. Thorsland informed the petitioners that one Board seat was vacant therefore it is at their discretion to  
19 either continue Case 700-S-11 until a full Board is present or request that the present Board move forward to  
20 the Final Determination. He informed the petitioners that four affirmative votes are required for approval.

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

23  
24 **Final Determination for Case 700-S-11:**

25  
26 **Mr. Passalacqua moved, seconded by Mr. Courson that the Champaign County Zoning Board of**  
27 **Appeals finds that, based upon the application, testimony and other evidence received in this case, the**  
28 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted**  
29 **by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use**  
30 **requested in Case 700-S-11 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicants**  
31 **L.A. Gourmet Catering, LLC owned by Anne Murray and Lauren Murray to authorize the**  
32 **construction of an Event Center as a “Private Indoor Recreational Development” as a Special Use**  
33 **subject to the approval related rezoning Case 699-AM-11, subject to the following special conditions:**

- 34
- 35 **A. A complete Stormwater Drainage Plan that conforms to the requirements of the**
- 36 **Stormwater Management Policy shall be submitted and approved as part of the**
- 37 **Zoning Use Permit application and all required certifications shall be submitted**
- 38 **after construction prior to issuance of the Zoning Compliance Certificate.**



ZBA

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

2 **That the drainage improvements conform to the requirements of the**  
3 **Stormwater Management Policy.**

4 **B. Regarding State of Illinois accessibility requirements:**

5 **(1) The Zoning Administrator shall not approve a Zoning Use Permit for the**  
6 **proposed Special Use Permit without certification by an Illinois Licensed**  
7 **Architect or Illinois Professional Engineer that the proposed Event Center**  
8 **will comply with the Illinois Accessibility Code and Illinois Environmental**  
9 **Barriers Act;**

10 **(2) The Zoning Administrator shall not authorize a Zoning Compliance**  
11 **Certificate authorizing operation of the proposed Special Use Permit until**  
12 **the Zoning Administrator has verified that the Special Use as constructed**  
13 **does in fact comply with the Illinois Accessibility Code and Illinois**  
14 **Environmental Barriers Act.**

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

16 **That the proposed Special Use meets applicable state codes for handicap**  
17 **accessibility.**

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

25  
26 The special conditions stated above are required to ensure the following:

27 **That the proposed structure is safe and built to current standards.**

28  
29 **D. All onsite foodservice shall be in compliance at all times with the Champaign**  
30 **County Health Ordinance.**

31  
32 The special condition stated above is required to ensure the following:

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**That foodservice for the proposed Event Center is consistent with County requirements and the testimony in the public hearing and that compliance is enforceable.**

- E. The proposed parking area for the proposed Event Center shall comply with the Champaign County Zoning Ordinance requirements for screening from adjacent residences and Residential Districts.**

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

**That all parts of the proposed Event Center are consistent with the Ordinance and that compliance is enforceable.**

- F. All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

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

**That the proposed Special Use is in on-going compliance with all applicable County requirements.**

- G. The following condition will ensure that the recommendation of Roger Windhorn (soil surveyor) regarding compaction of the septic site and that the septic system is built as was approved by the Champaign County Health Department are a requirement for a Zoning Use Permit:**

- (1) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property as recommended by the Roger Windhorn.**
- (2) The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Zoning Use Permit for the Event Center.**
- (3) The Zoning Use Permit Application for the construction and establishment of the proposed SPECIAL USE shall include the following:**

ZBA

- 1                   (a)     **A true and correct copy of an approved COUNTY Health**
- 2                             **Department PERMIT for construction of the private sewage disposal**
- 3                             **system.**
- 4
- 5                   (b)     **The site plan for the Zoning Use Permit Application shall indicate the**
- 6                             **identical area for the private sewage disposal system as approved in**
- 7                             **the COUNTY Health Department PERMIT and only the private**
- 8                             **sewage disposal system approved by the COUNTY Health**
- 9                             **Department may occupy that portion of the LOT.**
- 10
- 11               (4)     **A true and correct copy of the COUNTY Health Department Certificate of**
- 12                             **Approval for the private sewage disposal system shall be submitted to the**
- 13                             **Zoning Administrator prior to issuance of a Zoning Compliance Certificate**
- 14                             **for the proposed SPECIAL USE.**
- 15

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

**The area of the proposed septic system does not become compacted in order to prevent a reduction in permeability of the soil and that the septic system is in compliance with the Champaign County Health Department.**

**H.     Regarding compliance with the Champaign County Stormwater Management Policy:**

- 1.     **The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation that the petitioner has filed with the Recorder of Deeds a tile access and maintenance easement with a width of 40 feet for any underground tile in the developed portion of the property**

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

**The Special Use Permit is in compliance with the Stormwater Management Policy.**

- 2.     **The Zoning Administrator shall not authorize any Zoning Use Permit on the subject property until the following has occurred:**

ZBA

- 1                   (a)    **Subsurface investigations intended to identify underground drain tile**  
2                   are conducted at least 50 feet on either side of the suspected centerline  
3                   of tiles indicated on the approved site plan and in a manner and to a  
4                   depth below ground as recommended by the Champaign County Soil  
5                   and Water Conservation District.
  
- 6                   (b)    **Written notice identifying the proposed date for subsurface**  
7                   investigation has been provided to the Zoning Administrator at least  
8                   one week prior to the investigation.
  
- 9                   (c)    **If any underground drain tiles are encountered during the subsurface**  
10                  **investigation the course of each tile across the subject property shall**  
11                  **be established by additional investigation in consultation with the**  
12                  **Champaign County Soil and Water Conservation District.**
  
- 13                  (d)    **Documentation and certification of all subsurface investigations by an**  
14                  **Illinois Professional Engineer shall be provided to the Zoning**  
15                  **Administrator.**
  
- 16                  (e)    **When full and complete excavation of tile clearly indicates that the tile**  
17                  **does not serve any upstream areas other than the subject property**  
18                  **and certifications to that effect are made in writing by an Illinois**  
19                  **Professional Engineer and the excavations are inspected by the**  
20                  **Zoning Administrator, such tile may be removed and capped at the**  
21                  **point at which the tile enters the developed area.**
  
- 22                  (f)    **Any proposed construction on the subject property shall either be**  
23                  **located so as to avoid any identified underground drain tile or the**  
24                  **identified underground drain tile shall be relocated to avoid the**  
25                  **proposed construction.**
  
- 26                  (g)    **Any relocation of underground drain tile shall meet the requirements**  
27                  **of the Champaign County Stormwater Management Policy and shall**  
28                  **be certified by an Illinois Professional Engineer. Relocated tile shall**  
29                  **be non-perforated conduit to prevent root blockage provided that the**  
30                  **petitioner may install new underground drainage tile to serve the**  
31                  **subject property so long as cleanout manholes are provided at the**  
32                  **point of connection to the existing underground drain tile.**

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1                   **(h) As-built drawings shall be provided of any relocated underground**  
2                   **drain tile and shall be approved by the Zoning Administrator prior to**  
3                   **approval of a Zoning Compliance Certificate on the subject property.**  
4                   **Any relocated drain tile must be inspected by the Zoning**  
5                   **Administrator prior to backfilling.**

6                   **3. If any underground drain tile is encountered during construction the**  
7                   **applicant must do the following:**

8                   **(a) Construction shall cease until the course of each tile across the subject**  
9                   **property is established by additional investigation and construction**  
10                   **shall not recommence until authorized by the Zoning Administrator**  
11                   **except that construction that does not implicate the tile may continue.**

12                   **(b) The Zoning Administrator shall be notified within 48 hours or the**  
13                   **next business day.**

14                   **(c) Any tile that is encountered during construction must be relocated or**  
15                   **rerouted in conformance with the Champaign County Stormwater**  
16                   **Management Policy unless the proposed construction is modified to**  
17                   **avoid the tile. Any modification of the construction to avoid the tile**  
18                   **shall be indicated on a revised site plan approved by the Zoning**  
19                   **Administrator. Relocated tile shall be non-perforated conduit to**  
20                   **prevent root blockage. Conformance of any tile relocation with the**  
21                   **Stormwater Management Policy shall be certified by an Illinois**  
22                   **Professional Engineer.**

23                   **(d) As-built drawings shall be provided of any relocated**  
24                   **underground drain tile and shall be approved by the Zoning**  
25                   **Administrator prior to approval of a Zoning Compliance**  
26                   **Certificate on the subject property. Any relocated drain tile**  
27                   **must be inspected by the Zoning Administrator prior to**  
28                   **backfilling.**

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

30  
31                   **Possible field tiles on the subject property are identified prior to development**  
32                   **and adequately protected and that any possible tiles that are discovered**  
33                   **during construction are adequately protected.**

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**I. The evergreen trees in the screening along the north property line shall be at least 2 feet 8 inches tall at the time of planting and within two years of issuance of a Zoning Compliance Certificate shall provide at least 50% of the required screen or additional plantings shall be required.**

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

**Adequate screening is provided to the parking areas and as a buffer for the adjacent property.**

**J. The Driveway shall be improved as follows:**

**(1) The petitioner shall provide the County Engineer with engineering drawings of the proposed driveway entrance. In addition to the actual driveway the driveway drawings shall also include the following:**

- (a) A stop sign shall be placed on the event center driveway with due consideration for proper sight distance and shall be placed in accordance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) guidelines. The location and details of the stop sign shall be included on the engineering drawings submitted to the County Engineer.**
- (b) Lighting at the entrance to the subject property shall be provided. This lighting shall only be operated during event times and fully comply with the lighting requirements of Section 6.1.2. The location of the lighting shall be included on the engineering drawings submitted to the County Engineer.**
- (c) Way finding signage shall be placed a minimum of 200 feet in advance of the entrance to the subject property from both north and south directions as recommended by the Traffic Impact Analysis conducted by CUUATS and detailed in the driveway drawings. All signage shall be placed in accordance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) guidelines.**

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1 (2) The Zoning Administrator shall not approve a Zoning Use Permit for the  
2 proposed event center without documentation of the County Engineer's  
3 approval of the proposed driveway entrance.

4 (3) The Zoning Administrator shall not issue a Zoning Compliance Certificate  
5 without documentation of the County Engineer's approval of the constructed  
6 driveway entrance including any necessary as-built engineering drawings.

7 The special condition stated above is required to ensure the following:  
8

9 All parking related to the Special Use Permit can safely enter and exit the  
10 subject property safely with adequate visibility and regardless of weather  
11 conditions.  
12

13 K. (1) The Special Use shall include the following:  
14

15 (a) A KNOX box shall be installed on the building for fire department  
16 access.  
17

18 (b) A monitored fire alarm system shall be installed within the building.  
19

20 (c) An all access defibrillator shall be provided in the public space.  
21

22 (d) A dry hydrant shall be installed at the detention basin in a location that  
23 is within 8 feet of a hard surfaced driveway or a no parking area that is  
24 built to carry the load of an emergency vehicle and is accessible at all  
25 times by a posted fire lane. The location and details of construction shall  
26 be approved in writing by the Thomasboro Fire Protection  
27 District Chief. The as-built dry hydrant shall also be approved in writing  
28 by the Thomasboro Fire Protection District Chief.  
29

30 (2) The Fire Protection District shall approve the operation of the dry hydrant  
31 and all other items requested by the Fire Chief in writing before the Zoning  
32 Compliance Certificate authorizing occupancy can be approved by the  
33 Zoning Administrator.  
34

35 (3) The dry hydrant shall be maintained in good working order by the  
36 landowner for the life of the special use permit.

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

**Adequate public safety.**

Mr. Thorsland requested a roll call vote.

The roll was called:

<b>Passalacqua-yes</b>	<b>Capel-yes</b>	<b>Courson-yes</b>
<b>Miller-yes</b>	<b>Palmgren-no</b>	<b>Thorsland-yes</b>

Mr. Hall informed the petitioners that they have received an approval for Case 700-S-11, subject to the County Board’s decision on Case 699-AM-11.

**The Board recessed at 8:34 p.m.**  
**The Board resumed at 8:44 p.m.**

Mr. Miller left the meeting upon completion of Cases 699-AM-11 and 700-S-11.

**Case 722-S-12 Petitioner: Dr. Michael Boero Request to authorize an equine veterinary surgery clinic and performance problem evaluation facility as a “Veterinary Hospital” as a Special Use on 4.5 acres that is part of a 22 acre property previously authorized as a stable in Case 719-S-90 and located in the CR Conservation-Recreation Zoning District. Location: A 22 acre parcel in the West Half of the Southeast Quarter of the Southwest Quarter of Section 26 of Newcomb Township and commonly known as the home and stable at 430 CR 2500N, Mahomet.**

**7. Continued Text Amendment Hearings:**

**Case 710-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4 as follows: Part A. Revise the Land Evaluation (LE) part as follows: 1. Revise all soil information to match the corresponding information in the *Soil Survey of Champaign County, Illinois* 2003 edition. 2. Revise all existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop Productivity Rating for Illinois Soils* published August 2000 by the University of Illinois College of Agricultural, Consumer and Environmental Sciences Office of Research. 3. Delete the 9 existing Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture**



ZBA

1 **Value Groups with Relative LE ranging from 100 to 0. Part B. Revise the Site Assessment (SA) part**  
 2 **as follows: 1. Add definitions for “agriculture”; “agricultural production”; “animal units”; “best**  
 3 **prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal**  
 4 **use”; and “subject site”.; and 2. Delete SA Factors A.2.; A,3.; B.2.; B.3.; C.2.; D.2.; E.1.; E.2.; E.3.;**  
 5 **E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.; and 3. Revise SA Factor A.1. to be new Factor 8; Factor B.1. to be**  
 6 **new Factor 7; Factor C.1. to be new Factor 5; Factor D.1. to be new Factor 1; and revise scoring**  
 7 **guidance for each revised Factor, as described in the legal advertisement; and 4. Add new SA Factors**  
 8 **2a.; 2b.; 2c.; 3.; 4.; 6.; 9.; 10.; and scoring guidance for each new Factor, as described in the legal**  
 9 **advertisement. Part C. Revise the Rating for Protection as described in the legal advertisement. Part**  
 10 **D. Revise the general text and reformat.**

11  
 12 **Case 711-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
 13 **Ordinance as follows: Part A. In Section 3, revise the definition of “best prime farmland” as follows:**  
 14 **a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land**  
 15 **Evaluation rating of 91 or higher”; and b) add “prime farmland soils and under optimum**  
 16 **management have 91% to 100% of the highest soil productivities in Champaign County, on average,**  
 17 **as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and c) add “soils**  
 18 **identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation**  
 19 **and Site Assessment (LESA) System”; and d) add “Any development site that includes a significant**  
 20 **amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3**  
 21 **and/or 4 soils:. Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score**  
 22 **greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and**  
 23 **replace with “is made up of soils that are BEST PRIME FARMLAND” Part C. Revise paragraph**  
 24 **5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s**  
 25 **Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST**  
 26 **PRIME FARMLAND”**

27  
 28 Mr. Thorsland thanked staff for providing a map and scoring his and Ms. Capel’s parcels. He said that his  
 29 score and staff’s score were fairly close.

30  
 31 Mr. Thorsland stated that no action will be taken on these cases at tonight’s meeting.

32  
 33 Mr. Thorsland called Kyle Krapf to testify.

34  
 35 Mr. Kyle Krapf, who resides at 809 Riverside, Mahomet, stated that he is the Chair of the Champaign  
 36 County Farm Bureau Land Use Committee. He said that his comments are on behalf of the organization  
 37 centered on the LESA and the proposal before the Board this evening. He said that he has three points that  
 38 he would like to discuss at tonight’s public hearing. He said that the first point that his Committee would like

## ZBA

1 to make is to see the definition of a farm dwelling changed throughout the proposal. He said that in the  
2 Draft, a farm dwelling is defined as “a dwelling occupied by a farm owner or operator, tenant farm worker,  
3 or hired farm worker.” He said that in Champaign County, it is generally assumed that a dwelling located on  
4 a lot that is 35 acres or larger is a farm dwelling, unless information is provided as part of the public record  
5 to the ZBA indicating otherwise. He said that the challenge with this definition is that it assumes that if you  
6 live on a lot smaller than 35 acres you are not a farmer and if you are a farmer the burden of proof is on you  
7 to prove it. He said that in talking with many of the Farm Bureau’s leaders, approximately one-half of them  
8 do not live on lots which are 35 acres or larger therefore these individuals, who may not be aware of the  
9 zoning change in the process, will need to supply to the ZBA public record that they indeed do farm and live  
10 on a smaller lot.

11  
12 Mr. Krapf stated that his Committee would like to propose the following definition for usage throughout the  
13 draft proposal: A farm dwelling is a dwelling occupied by a farm owner, operator, tenant farm worker, or  
14 seasonal or year around hired farm worker and this may be determined by utilizing assessment records, other  
15 public documents or by information provided as part of the public record to the ZBA. He said that his  
16 Committee feels that removing the 35 acre requirement and allowing staff to utilize assessment records  
17 removes some of the burden being proposed and placed on landowners in the County.

18  
19 Mr. Krapf stated that secondly his Committee is concerned with criteria number 9 and 10 in relying, at least  
20 partially, on drive-by inspections and then relying on landowners to enter into public record if they have  
21 livestock in a barn one-half mile up a lane or indeed a farm dwelling that the County incorporates a 30-day  
22 advance notification to all residents within one and one-half miles of a proposed land use change prior to the  
23 first ZBA hearing on such proposal. He said that this notification would be helpful for the residents to be  
24 able to provide the ZBA and the office staff accurate information prior to the zoning change. He said that his  
25 approach is supported by the Illinois Farm Bureau.

26  
27 Mr. Krapf stated that finally his Committee urges the ZBA to add its recommendation of a suggested review  
28 schedule to this system and in fact, the County’s Land Resource Management Plan calls for a review of the  
29 SA portion at least once every 10 years.

30  
31 Mr. Krapf stated that he hopes that the ZBA takes these recommendations into consideration and that the  
32 Board sees the value of the proposed changes to the proposal. Mr. Krapf submitted his written statement and  
33 the proposed definition of a farm dwelling as Documents of Record.

34  
35 Mr. Thorsland asked the Board if there were any questions for Mr. Krapf.

36  
37 Ms. Capel said that Mr. Krapf stated that there are people who rent farm houses therefore is that dwelling not  
38 considered a farm dwelling if they do not fit into the proposed definition. She said that the dwelling could

ZBA

1 be owned by a farmer and he may want to keep it in tact and renting the home is how he satisfies that need.  
2  
3 Mr. Krapf stated that Ms. Capel’s question would be a good question for Mr. Hall. He said that if the farm  
4 dwelling is not on a 35 acre parcel then the draft would not consider it as a farm dwelling.  
5  
6 Ms. Capel stated that this home would not be considered a farm dwelling in either proposal. She asked Mr.  
7 Hall if it would be appropriate to consider, under this definition, a farm house on a parcel that is either less  
8 than 35 acres or more than 35 acres and is rented by someone who is not a farmer but the parcel is owned by  
9 a farmer.  
10  
11 Mr. Hall stated that is a level of detail that is not necessary and is very burdensome. He said that whatever  
12 the ZBA recommends and the County Board adopts is what staff will do.  
13  
14 Ms. Capel stated that she is recognizing that all of the categories involve a lot of detail.  
15  
16 Mr. Thorsland asked the Board if there were any additional questions for Mr. Krapf and there were none.  
17  
18 Mr. Thorsland asked if staff had any questions for Mr. Krapf and there were none.  
19  
20 Mr. Thorsland called Normal Stenzel to testify.  
21  
22 Mr. Norman Stenzel, who resides at 545A County Road 1900N, Champaign, stated that he spoke at the last  
23 meeting in regard to the strategy of including items in the LESA that would reflect local agriculture and  
24 community based agriculture from farms and indeed the definition of agriculture in the proposed LESA does  
25 include many of those kinds of agriculture and if the LESA itself doesn’t reflect the definition it is not valid.  
26 He said that during previous meetings he spoke about validity and reliability with the Board and the  
27 importance of the Board in challenging the validity of the proposed LESA.  
28  
29 Mr. Stenzel stated that at a previous meeting he distributed a document which he titled, “Decision Tree to  
30 Determine Relevant Material and Necessary Sufficient Features,” and he discussed that one of the elements  
31 of justifiable conversion may be compact and contiguous. He said that the chart runs through a set of “yes”  
32 and “no” questions and at some points the chart will indicate that a conversion is justified while at other  
33 points it indicates that further investigation is necessary. He said that at some point in the decision it  
34 suggests that there should be some alternatives for the proposed conversion and rather than accepting the  
35 conversion the Board could recommend that the land is ideal for local based agriculture. He said that one of  
36 the things that bothers him is the County giving up any jurisdiction or any influence with respect to what  
37 happens in the CUGA therefore washing the County’s hands of any input into what happens in a CUGA  
38 even though it may not be compact and contiguous or have water and sewer availability. He said that if a

## ZBA

1 parcel does not have water and sewer availability he would suggest that the Board provide recommendations  
2 that the County has input into the CUGA process because the parcel could be ideal for other things such as  
3 community based agriculture or a neighborhood garden project for the people in the community.  
4

5 Mr. Stenzel stated that he provided the Board with an inventory because he has been distressed about the  
6 idea that the only thing that is counted as agriculture is a production field of some sort. He said that there are  
7 other functions, other than row crop, that are included as agriculture and those other functions are not  
8 adequately addressed in the proposed LESA such as enhanced soils which are found in an organic process.  
9 He said that there are other functions that might need to come from people who are more familiar with local  
10 food production. He said that he is just giving examples of what needs to be done to include local  
11 agriculture in LESA and not have it tacked on as a different process because it should be part of the process  
12 that the ZBA approves and recommends to the County Board.  
13

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

16 Mr. Thorsland asked if staff had any questions for Mr. Stenzel and there were none.  
17

18 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present  
19 testimony for Cases 710-AT-12 or 711-AT-12 and there was no one.  
20

21 Mr. Thorsland closed the witness registers for Cases 710-AT-12 and 711-AT-12.  
22

23 Mr. Passalacqua asked Mr. Thorsland to indicate his impression of his LESA score.  
24

25 Mr. Thorsland stated that due to the availability of data the LESA score completed by staff was probably  
26 more accurate than the LESA score that he completed. He said that he does not look at the LESA score as  
27 some sort of measure as to whether he has done a good job or not. He said that there was a very good effort  
28 to make a very streamlined LESA system to do this and given the constraints he believes that the Committee  
29 did a very good job although some things did get pushed off. He said that there are probably a lot of ways to  
30 do this but this is the Board's opportunity to narrow those ways down and now is an excellent time to do so  
31 and he would like the Board to consider local food production. He said that he is mildly disappointed that  
32 there are not more people here to give input about local food production but not surprised. He said that the  
33 LESA meetings went on for a long time and a lot of people submitted their input and he tends to agree with  
34 the Farm Bureau's suggestion that a minimum of 35 acres is too high for consideration of a farm dwelling.  
35 He said that there are a lot of farmers in the County whose dwellings do not sit on 35 acres and he does not  
36 believe that either of the two examples, the Thorsland property or the Capel property, are any less of a farm  
37 because they sit on a parcel that is less than 35 acres and are not in row crop.  
38

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1 Mr. Hall asked if Ms. Capel's 19.75 acres of which 14% is considered best prime farmland is not less of a  
2 farm than a 300 acre tract of best prime farmland.

3  
4 Mr. Thorsland stated that Ms. Capel's farm is no less of a farm because it is still a farm and should be scored  
5 accordingly and Ms. Capel's farm scored well. He said that if Ms. Capel's parcel did not have the 14% of  
6 best prime farmland and the score was lower he does not think that the LESA would reflect that Ms. Capel's  
7 farm is a viable operation. He said that his contention is that the LESA, as it stands currently, does a pretty  
8 good job and the proposed LESA also does a pretty good job but it does not do a perfect job.

9  
10 Mr. Hall stated that he understands that the LESA does not do a perfect job and he was very disappointed as  
11 to how high the proposed LESA scored Ms. Capel's property.

12  
13 Ms. Capel stated that the only reason why her property scored high is because it is so far from town and is  
14 surrounded by the AG-1 and CR Districts.

15  
16 Mr. Hall stated that it scored high because of the 14% best prime farmland. He said the areas on Ms. Capel's  
17 property which have the most problematic soils, Drummer soils, is what makes her property best prime  
18 farmland.

19  
20 Ms. Capel stated that she does not believe that the soil survey is accurate. She said that the Soil Survey on  
21 the website indicates a warning indicating that at the given scale the information may be accurate.

22  
23 Mr. Passalacqua stated that the Board just had this conversation during the previous cases regarding  
24 professional data and whether or not it is reliable.

25  
26 Mr. Hall stated that someone could hire their own soil classifier to take soil samples. He said that the  
27 question is raised, which will sound like blasphemy to many in this room, whether or not the County wants  
28 to go down to the last smallest acre with no escape hatches for people with land like Ms. Capel. He asked  
29 Ms. Capel if she believes that she has best prime farmland.

30  
31 Ms. Capel stated no, and the gentleman who used to farm the parcel does not believe it either. She said that  
32 she still can't wrap her head around the fact that one instrument will be able to speak to both large tracts of  
33 land in commodity production and small tracts of land that are appropriate for local foods. She asked if the  
34 County has the will to provide that kind of possibility for people who are willing to grow local foods and if  
35 the County does is there some sort of instrument to use other than the LESA. She said that it seems that  
36 there is no out for someone with 20 acres who would like to develop the tract.

37  
38 Mr. Thorsland stated that his point has not been that he desires to have his parcel score better due to his pride

## ZBA

1 but because there are many pieces of land out in the County which have been greatly improved by their  
2 owners by amending their soil, installing drainage, irrigation, etc. He said that Mr. Stenzel brought up a  
3 good point that depending upon farm practices there is a very big difference between what he started with  
4 and what he has now due to the improvements that he chose to make to the land. He said that the proposed  
5 LESA does not take into account improvements to a parcel that has become in production. He said that  
6 happily he has fallen into a very good category due to the surroundings of his parcel.

7  
8 Mr. Passalacqua stated that Mr. Thorsland stated that he is not concerned about the score due to his pride  
9 therefore he is really concerned about what will happen to the land when he is not there.

10  
11 Mr. Thorsland stated that he cares about the fact that there are places all around the County, the State and  
12 Country that would not be what the general public would consider a farm and his parcel is a farm. He said  
13 that the proposed LESA does not score all of the factors that makes a parcel a farm properly.

14  
15 Mr. Passalacqua stated that no one is going to take his land.

16  
17 Mr. Thorsland stated that this has nothing to do with the land because his land is in a trust and his kids are  
18 stuck with it and they cannot do a thing with it but it has everything to do with scoring well in both big  
19 agriculture, small agriculture and agriculture in between and trying to do it as simply as possible which may  
20 be completely impossible to do.

21  
22 Mr. Passalacqua stated the proposed LESA does that.

23  
24 Mr. Thorsland stated that it did but his parcel and Ms. Capel's parcel have a couple of things that, by  
25 complete luck, makes them over because, for instance, he just happens to have some big producers around  
26 his parcel and if not look at all of the house lots because he would be at 102 if it were not for a few people.  
27 He said that Ms. Capel has this little bit of soil and the particular filter that has been put in place now takes  
28 anything over 10% of a good piece of what is arguably not the best piece of your farm and kicks her score  
29 up. He said that the LESA scored their properties well but there may be a piece of land in the County that is  
30 just like his parcel that is missing one of these little things or one guy with a huge farm next to it that will  
31 kick it down.

32  
33 Mr. Passalacqua stated that the one piece may not have the little bit of Drummer soil that could bring up the  
34 score might have a house placed on it.

35  
36 Mr. Thorsland stated that he is concerned that the piece of land might not score well enough to receive the  
37 consideration that it needs. He said that one of his factors should be whether or not the land is in production  
38 currently which does not mean corn and beans.

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Mr. Passalacqua stated that no one is going to take the land away and use it differently unless someone sells the land.

Mr. Thorsland stated yes, but it should still have a filter for the prospective developer or buyer that indicates that the land has been developed to do it current use.

Mr. Passalacqua stated that you cannot have LESA that takes in to account a hypothetical prospective use.

Mr. Thorsland stated no.

Mr. Passalacqua stated that eventually, through growth, the price of Mr. Thorsland's land is going to be more than what he chooses to pay and it may not be profitable to grow egg plants. He said that he does not understand how the LESA could accurately access both of these types of properties at the same time. He said that this is a streamlined tool that may need a little bit of tweaking but it is going to impossible for that tool to grade faulty soils that are being amended with organic materials. He said that perhaps the LESA needs to have a sub-part that considers if a landowner's parcel is in local food production but he does not know how the current LESA, other than by luck, could score Mr. Thorsland's and Ms. Capel's properties high.

Mr. Thorsland stated that it can if you take into account some other factors.

Mr. Passalacqua stated that the Board must remember that one of the driving factors for updating the LESA is to make it more streamlined and easier for staff to score a parcel.

Mr. Thorsland stated that sometimes things are made too simple. He said that there are some businesses that form a pool for raises and some businesses choose to have no raises and pay everyone the same which the approach indicating that there are no winners and everyone is treated the same. He said that the LESA takes the streamlined approach, in an attempt to make it as simple and efficient as possible, but there is a point where you get too efficient therefore taking away the ability for any particular thing to excel. He said that the proposed LESA is good but it may be too efficient.

Mr. Passalacqua stated that he promises that such will not exist in County government.

Mr. Thorsland stated that the Board can only speculate as to what will happen at the County Board but it is here at this Board and it would be very easy to bring in a few extra factors that will also help a larger tract. He said that there are a lot of landowners who are installing drainage this year because they have had dry weather and the ability to do so and that practice should be factored in. He said that there are some parcels

ZBA

1 that have not been improved at all and the land should be scored accordingly.  
2  
3 Mr. Passalacqua suggested that Mr. Thorsland draft these factors to present to the Board for consideration.  
4  
5 Mr. Thorsland thanked Mr. Passalacqua for his suggestion of staff scoring his and Ms. Capel's parcels.  
6  
7 Mr. Passalacqua stated that using the two parcels as examples helped him understand Mr. Thorsland and Ms.  
8 Capel's concerns. He said that he hates to admit it but he has two acres at his residence that should have  
9 never had a house built upon it because you could dig all day and still hit good black dirt.  
10  
11 Mr. Thorsland stated that if he could take it home in his pocket he would farm the black dirt that is in front  
12 of his office building.  
13  
14 Mr. Hall stated that he would like to comment on the Farm Bureau's comment regarding the 30 day advance  
15 notification. He said that the state statute requires notification no more than 30 days therefore setting it at 30  
16 days would be a little close and can be modified to 25 days but we would not want to create a situation  
17 where the County could be challenged for doing more than 30 days. He said that he is astounded by the  
18 Farm Bureau's recommendation of utilizing assessment records because he has battles every week with  
19 owners that point to their assessment records that they are farmers but there is no way that they are farmers.  
20 He said that the landowners go to the USDA/FSA office and they obtain farm numbers and the Supervisor of  
21 Assessment's Office accepts that information. He said that he does not believe that the Board wants to base  
22 the LESA upon that. He said that the determination of what is considered a farm dwelling is one of the most  
23 difficult things in zoning and he wishes there was a perfect way to do it but basing it on the assessment  
24 records will not help. He said that there are some assessment records that are completely valid and would  
25 work but he will always be opposed to basing zoning and zoning reviews on assessment records because  
26 they are two different things. He said that Mr. Thorsland's western 30 acres, which is land where he does  
27 not live but does farm, would receive a score of 238 if it were proposed for development and if it received  
28 three more points it would have a very high rating. He said that for those who would like to see Ms. Capel's  
29 land receive a very high rating he does not believe that a system like that would be adopted in Champaign  
30 County and her land already received a very high rating and he does not see why it needs to be any higher or  
31 considered more important for agriculture. He said that he listened to people for months requesting changes  
32 but no one ever recommended a specific change and to step up and recommend a change that will work on  
33 test sites is extremely difficult.  
34  
35 Mr. Passalacqua stated that he suggested that Mr. Thorsland draft a suggestion because he does not know  
36 where he would even start.  
37  
38 Mr. Thorsland stated that he said a long time ago that as far as soil amendment or organic practice should not



ZBA

1 be in the SA part.

2

3 Mr. Passalacqua asked how that could be quantified.

4

5 Mr. Thorsland stated that it would be quantified in the LE part.

6

7 Mr. Passalacqua asked Mr. Thorsland if he is going to give him receipts for those improvements. He asked  
8 how Mr. Thorsland will find justification for a point value for amendments that have been made to the soil.

9

10 Mr. Thorsland stated that he pays a lot of money every year to be certified. He said that he has to present  
11 records of all of his numbered fields indicating the amount of crops that come out of those fields and those  
12 records are audited every year.

13

14 Mr. Hall stated that Mr. Thorsland's land is already scored at 248.

15

16 Mr. Thorsland stated that 248 is great. He said that whether a parcel is scored at 148 or 248 if more things  
17 have been done to make it a better place the LESA should take that into account.

18

19 Mr. Passalacqua asked Mr. Thorsland if he does or does not want the amendments to affect the score.

20

21 Mr. Thorsland stated that there are places where there is poor soil and people have performed practices to  
22 build the soil up, even though the underlying soil is still the soil, and his Xenia soil is still Xenia soil  
23 although he could take a bucket of his soil and a bucket of unimproved Xenia soil and find that the two soils  
24 are very different. He said that the LESA should have some sort of a small score bump if the landowner can  
25 prove that for the past five years they have been organic or that used the proper cover crop. He said that not  
26 all soil is as good as what is in Champaign County but it is better due to their practices.

27

28 Mr. Thorsland opened the witness register.

29

30 Mr. Thorsland called Kevin Donoho to testify.

31

32 Mr. Kevin Donoho, District Conservationist for Champaign County, with the USDA-Natural Resources  
33 Conservation Service and member of the LESA Update Committee, stated that these issues have been  
34 discussed many times and he does not disagree with many of the things that Mr. Thorsland commented about  
35 but the LESA system addresses the land and not the management of the land. He said that the LESA  
36 addresses the soil that exists on the land and not how the land has been managed or the improvements that  
37 have been made to the land. He said that the soils are what we are talking about and not any amendments  
38 that are put in to the land, organics, cover crops, manure, tile, etc. He said that all of the improvements are

## ZBA

1 great things and as an owner you can choose to spend the money and use your expertise for crop rotations,  
2 specialty crops, etc. He said that all of the things that are management decisions that are used to improve the  
3 land for yourself, your production, or specialty markets is impossible to address in the LESA system. He  
4 said that the soil survey is accurate and the scale is okay but you can always make something better. He said  
5 that when a septic system is installed on a farmstead the soil map is used as a basis to start from to get an  
6 idea of how it will function although it is unknown how it will function without completing percolation tests.  
7 He said that he does not want the ZBA to have to go through the same things that the LESA Committee went  
8 through in order to put the proposed LESA together. He said that the proposed LESA is bigger than he  
9 would have liked it to be but he does not know how it could have been made any smaller to complete the  
10 task that needed to be completed. He said that the issues that needed to be addressed and the technology  
11 available to use to help make this tool as efficient as possible. He said that he believes that this tool is a  
12 good tool and it is the best thing that can be presented at this time.

13  
14 Ms. Capel stated that there is no protection for conservation land that is associated with agriculture.

15  
16 Mr. Donoho stated that he does not disagree but it comes down to philosophy. He said that we all have our  
17 own idea of what we want a certain thing to be and that idea is based upon all of our experience, training,  
18 etc. He said that we are talking about whether or not a piece of ground is able to change from agriculture to  
19 something else and to give some value relative to what it is currently in agriculture versus what someone  
20 proposes what it will become. He said that all of this is based on a person who wants to do something with  
21 their land and not someone stepping in saying that they have to do something to improve this ground. He  
22 said that the landowner makes their own decisions as to what they desire to do with their land.

23  
24 Ms. Capel stated she is talking about filling in the wetlands.

25  
26 Mr. Donoho stated that there are already regulations in place for filling in wetlands.

27  
28 Mr. Thorsland called Hal Barnhart to testify.

29  
30 Mr. Hal Barnhart, who resides at 469 County Road 1500N, Champaign, stated that Mr. Thorsland has 30  
31 acres and if we assumed that the ground is bare he could place four houses on that 30 acres by-right and then  
32 on the other 16 acres he could apply for an RRO. He said that the LESA score should be completed on the  
33 entire tract and not just the portion of the tract that the developer submits for improvements.

34  
35 Mr. Thorsland stated that both of his scores indicate that when you score the entire tract and not just the part  
36 under consideration that there is a big difference.

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38 Mr. Barnhart stated that his position is that the LESA is more than just the soils.

ZBA

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

Mr. Thorsland called Kyle Krapf to testify.

Mr. Kyle Krapf stated that he is not speaking at this time on behalf of the Farm Bureau . He said that he was on the LESA Committee and was told that there would be six meetings to complete the proposed LESA although it ended up that it took 15 meetings to complete it. He said that the Committee discussed and contemplated everything imaginable including installation of drainage tile and soil improvements. He said that he is a farm manager and he has spent \$100,000 in tile installation and if his owner is offered the right amount he will sell it. He said that any improvements that are made to a tract will not prevent it from being sold if the offer is right. He said that improvements are hard to rate and as a farm manager he completes appraisals that are based on the soils.

Mr. Krapf stated that the LESA Committee worked long and hard and Mr. Barnhart attended almost all of the meetings to submit his input. He said that realtors, farm managers, soil scientists and farmers were all part of the LESA Committee and they all made good recommendations. He said that the ZBA’s time is very valuable therefore the ZBA should study, review and make changes to the product that the LESA Committee submitted and move forward.

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

Mr. Hall stated that he hopes that at the August 30<sup>th</sup> meeting the ZBA will have a Draft Finding of Fact for both these cases and that the Board will be close to a recommendation to the County Board.

**8. Staff Report**

None

**9. Other Business**

**A. Review of Docket**

Mr. Thorsland stated that Case 722-S-12, Dr. Michael Boero, was moved to the September 13<sup>th</sup> public meeting. He said that hopefully the August 30<sup>th</sup> meeting will be a productive meeting for Cases 710-AT-11 and 711-AT-11.

**B. June and July 2012 Monthly Reports**

ZBA

1 Mr. Hall stated that at the end of July 2012 there have been 23 cases filed as opposed to 16 in 2011. He said  
2 that the ZBA has completed 15 cases in 2012 as opposed to 11 in 2011. He said that 19 cases are pending in  
3 2012 as opposed to 14 in 2011 and since July 2012 two more cases have been added to the docket. He said  
4 that he is estimating 27 cases for all of 2012 and it may be higher. He said that it is a good thing that staff  
5 has an Associate Planner, Andrew Kass or staff would be scrambling.  
6

7 Mr. Passalacqua asked if anyone has applied for the vacant Board seat.  
8

9 Mr. Hall stated that if anyone is interested in filling the vacant Board seat they have not applied.  
10

11 Mr. Thorsland stated that he has submitted his application for re-appointment to the ZBA.  
12

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

15 None  
16

17 **11. Adjournment**  
18

19 **Mr. Passalacqua moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice**  
20 **vote.**  
21

22 The meeting adjourned at 9:41 p.m.  
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29 Respectfully submitted  
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34 Secretary of Zoning Board of Appeals  
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8/16/12

AS APPROVED DECEMBER 13, 2012

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