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2 *AS APPROVED APRIL 11, 2013*

3
4 **MINUTES OF REGULAR MEETING**

6 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

7 **1776 E. Washington Street**

8 **Urbana, IL 61802**

10 **DATE: February 14, 2013**

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

11
12 **TIME: 6:30 p.m.**

Urbana, IL 61802

14 **MEMBERS PRESENT:** Thomas Courson, Eric Thorsland, Paul Palmgren, Brad Passalacqua, Roger
15 Miller

17 **MEMBERS ABSENT :** Catherine Capel

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

21 **OTHERS PRESENT :** Keith Padgett, John Murphy

23
24 **1. Call to Order**

25
26 The meeting was called to order at 6:33 p.m.

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

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

31
32 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
33 sign the witness register for that public hearing. He reminded the audience that when they sign the
34 witness register they are signing an oath.

35
36 **3. Correspondence**

37
38 None

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40 **4. Approval of Minutes (December 13, 2013)**

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42 Mr. Thorsland entertained a motion to approve the December 13, 2013, minutes as submitted.

43
44 **Mr. Palmgren moved, seconded by Mr. Passalacqua to approve the December 13, 2013, minutes as**
45 **submitted. The motion carried by voice vote.**

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 2 Mr. Hall stated that one necessary clarification was discovered this afternoon therefore he recommends that
 3 the December 13, 2013, minutes be removed from the agenda to allow for the clarification and then return
 4 for approval at the February 28th meeting.

5
 6 Mr. Thorsland entertained a motion to remove the December 13, 2013, minutes from the agenda and return
 7 for approval at the February 28th meeting.

8
 9 **Mr. Courson moved, seconded by Mr. Miller to remove the December 13, 2013, minutes from the**
 10 **agenda and return for approval at the February 28th meeting. The motion carried by voice vote.**

11
 12 **5. Continued Public Hearing**

13
 14 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
 15 **Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-family” and**
 16 **replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace**
 17 **with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and (3) Revise**
 18 **subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in area”; add the**
 19 **phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4) Add new**
 20 **subparagraph 7.1.2B.(3) to authorized that all employees may be present and working on the**
 21 **premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated**
 22 **by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to authorize that family**
 23 **members who are residents of the property when the HOME OCCUPATION is operating but who**
 24 **subsequently move from the premises may remain active in the HOME OCCUPATION and shall not**
 25 **be counted as a non-resident employee as long as their participation in the HOME OCCUPATION**
 26 **continues. Part B. Revise paragraph 7.1.2E. as follows: (1) Strike “Second Division vehicle as**
 27 **defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase**
 28 **“and parked at”. (2) Add new subparagraph 7.1.2E(1) to require that the number of MOTOR**
 29 **VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used**
 30 **in any way for the RURAL HOME OCCUPATION shall be within the limits established.**

31
 32 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
 33 sign the witness register for that public hearing. He reminded the audience that when they sign the
 34 witness register they are signing an oath. He asked the audience if anyone desired to sign the witness
 35 register at this time.

36
 37 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of this request.

38
 39 Mr. John Hall, Zoning Administrator, stated that the request is an amendment to clarify the limits on
 40 vehicles and equipment in Rural Home Occupations. He said that the Supplemental Memorandum dated
 41 February 8, 2013, reviewed the changes and those marked with the asterisks are the changes that were

1 discussed by the Board at the last meeting. He said that the Board discussed how they wanted the limit of
2 motor vehicles to apply to semitrailers but not necessarily the other trailers and the Board's recommendation
3 is included in revised paragraph 7.1.2E.3. and 7.1.2F.2. He said that a trailer will not be counted as a
4 separate piece of equipment when it is carrying a piece of equipment. He said that paragraph 7.1.2F.1.
5 indicates that trailers are considered equipment with the exception of licensed semitrailers.
6

7 Mr. Hall stated that a specific prohibition was added regarding parking in the right-of-way. He said that he
8 hopes that the grandfathering provision for existing vehicles and equipment in existing RHO's is very clear.
9 He said that vehicles and equipment that are at existing RHO's today that exceed the limits would be
10 grandfathered under this amendment. He said that the one RHO owner who has been following this case the
11 entire time is not present tonight but staff may want to call him to make sure that he has no comments
12 regarding the grandfathering.
13

14 Mr. Hall stated that the numbering change to the amendment is basically for consistency. He said that the
15 version of the amendment which was sent to the Committee of the Whole appeared to indicate that if
16 vehicles and equipment were at least 50 feet from the lot line or 100 feet from an adjacent dwelling that they
17 would not need to be screened but that is not what the current Ordinance indicates and relaxing the standard
18 that much would not be the recommendation and was not the intention. He said that hopefully the text in the
19 revised amendment is very clear in indicating that everything needs to be screened as it does now but it does
20 not need to be 50 feet from the lot line, as the current Ordinance requires. He said that all of the text
21 regarding equipment was relocated to paragraph H. so that the limit on equipment and the screening required
22 for equipment is all located in one place, which has caused some confusion for citizens in the past. He said
23 that the other changes to the amendment were in regard to formatting issues.
24

25 Mr. Hall stated that the changes are what the Board was expecting to see at this meeting and he would hope
26 that when this case comes back to the Board a revised Summary Finding of Fact will be prepared and the
27 case will be ready for final action.
28

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

31 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
32 testimony regarding this case and there was no one.
33

34 Mr. Thorsland closed the witness register.
35

36 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
37

38 Mr. Thorsland asked the Board if the recommended modifications to the amendment were outlined well in
39 the February 8th Supplemental Memorandum.
40

41 Mr. Passalacqua stated yes.

1
2 Mr. Passalacqua asked Mr. Hall if the limit was changed to 15 rather than the proposed 10.
3

4 Mr. Hall stated that he remembers the discussion and at the time it appeared that a change to the limit might
5 be necessary but the limit of 15 was first proposed to deal with the limit on trailers. He said that when
6 trailers are not counted towards the limit an increase is not necessary.
7

8 Mr. Passalacqua agreed.
9

10 Mr. Thorsland stated that he had the same question and he reviewed his notes as well.
11

12 Mr. Thorsland requested a continuance date from staff.
13

14 Mr. Hall asked Mr. Kass if Case 732-AT-12 could be continued to the February 28th meeting.
15

16 Mr. Kass stated yes.
17

18 Mr. Thorsland entertained a motion to continue Case 732-AT-12 to the February 28th meeting.
19

20 **Mr. Palmgren moved, seconded by Mr. Passalacqua to continue Case 732-AT-12 to the February 28th**
21 **meeting. The motion carried by voice vote.**
22

23 **Case 733-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
24 **Ordinance as follows: Part A. Add defined term “AGRICULTURE DRAINAGE CONTRACTOR”**
25 **to Section 3 to be defined as “a contractor whose principal business is installing and/or selling**
26 **agricultural drainage facilities such as grassed waterways, field terraces, underground drainage tile,**
27 **tile inlets, culverts, and related drainage improvements. Part B. Add “AGRICULTURAL**
28 **DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor**
29 **OPERATIONS” as an authorized principal use to the Table of Authorized Principal Uses in Section**
30 **5.2 permitted by Special Use Permit in the CR, AG-1, and AG-2 Zoning Districts; and by right in the**
31 **B-1, B-4, B-5, I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the**
32 **dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail**
33 **sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section**
34 **6.1.3. Part C. Add “AGRICULTURAL DRAINAGE CONTRACTOR Facility (with Outdoor**
35 **STORAGE and/or Outdoor OPERATIONS” as an authorized principal use to the Table of**
36 **Authorized Principal Uses in Section 5.2 permitted by Special Use Permit in the CR, AG-1, AG-2, B-4**
37 **(if screening is not provided), and B-5 Zoning Districts; and by right in the B-1, B-4 (if OUTDOOR**
38 **STORAGE is located in the REAR YARD and completely screened), I-1, and I-2 Zoning Districts;**
39 **and add a footnote authorizing as much as 50% of the dollar volume of business at an**
40 **AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage**
41 **products; and add Special Use Permit Standard Conditions to Section 6.1.3.**

1
2 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
3 sign the witness register for that public hearing. He reminded the audience that when they sign the
4 witness register they are signing an oath. He asked the audience if anyone desired to sign the witness
5 register at this time.

6
7 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of this request.

8
9 Mr. Hall stated that the Supplemental Memorandum that was included in the mailing added the changes that
10 were discussed at the previous meeting. He said that the memorandum clarified that the volume of retail
11 sales is on average and limiting the facilities in the CR District to those that existed on the effective date of
12 the amendment. He said that there are specific policies which relate to new development in the CR district
13 and those are pretty prominent policies therefore the standard condition in Section 6.1.3. was added making
14 it clear that any expansion of an existing facility in the CR district has to minimize the disturbance of
15 existing habitat or natural areas. He said that he is somewhat familiar with the one facility that is located in
16 the CR district and he does not expect that the standard condition would cause any problems for that facility
17 given where it is located but if the standard condition was not included there would be questions at the
18 County Board level.

19
20 Mr. Hall distributed a Supplemental Memorandum dated February 14, 2013, to the Board for review. He
21 said that attached to the memorandum is a Revised Finding of Fact. He said that on pages 19 and 20 of the
22 Revised Finding of Fact is a Summary Finding of Fact and he would like the Board to concentrate on this
23 Summary Finding of Fact. He said that if the Board believes that the Summary Finding of Fact does a good
24 job in cutting down the review process as to why the case should or should not be approved then those two
25 pages are the only documents that will be sent to the County Board and this would become the new standard
26 for text and map amendments. He said that the references are cited so that a County Board member who is
27 diligent enough and has the time could go back into the Finding of Fact and read the specifics but if they are
28 only concerned about what the amendment will help achieve and does not impede the goals and policies then
29 this Summary Finding of Fact would give them a good idea. He said that for years he has received negative
30 comments about how long the Finding of Facts are for any particular case. He said that the Zoning Board
31 must still prepare a complete Finding of Fact but the County Board does not need to review it all. He said
32 that this is the procedure that he would like to begin to follow although any big change like this requires
33 some experimentation and this procedure does not have to be followed for this case. He said that during the
34 process of preparing the Revised Summary Finding of Fact he and Mr. Kass reviewed some of the
35 recommendations that the Board made on the policies and the first recommendations included several
36 policies under HELP ACHIEVE that he felt that staff was attempting to reach too far.

37
38 Mr. Hall stated that Policy 4.2.3 on page 7 indicates the following: “The County will require that each
39 proposed discretionary development explicitly recognize and provide for the right of agricultural activities to
40 continue on adjacent land.” He said that previously it was recommended that the amendment would HELP
41 ACHIEVE Policy 4.2.3 but there is nothing in the text amendment which relates to that policy therefore it

1 would be best to indicate that the amendment does NOT IMPEDE Policy 4.2.3.

2
3 Mr. Hall stated that Policy 4.2.1 on page 6 indicates the following: “The County may authorize a proposed
4 business or other non-residential discretionary review development in a rural area if the proposed
5 development supports agriculture or involves a product or service that is provided better in a rural area than
6 in an urban area. He said that this amendment relates directly to Policy 4.2.1 and HELPS ACHIEVE it.

7
8 Mr. Hall stated that several policies were removed because staff was at a loss as to how to how to identify
9 what the proposed amendment would do for those objectives and policies. He said that the following
10 policies were revised to an evaluation of WILL NOT IMPEDE: Objectives 4.1, 5.3, 8.2 and Policies 4.1.1,
11 4.1.6, 4.2.3, 4.2.4, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 5.2.2, 5.3.1, 5.3.2, 8.2.1, and 8.5.2.

12
13 Mr. Hall stated that under Objective 4.3, the only Policy that staff retained as HELP ACHIEVE was Policy
14 4.3.5 which states the following: “On best prime farmland, the County will authorize a business or other
15 non-residential use only if: a. it also serves surrounding agriculture uses or an important public need; and
16 cannot be located in an urban area or on a less productive site; or b. the use is otherwise appropriate in a
17 rural area and the site is very well suited to it.” He said that some policies were removed under Goal 5, 6
18 and 8.

19
20 Mr. Hall stated that the whole goal in having a Summary Finding of Fact is having something that is as short
21 as possible therefore staff did not state the verbatim policies in the Summary Finding of Fact because they
22 are summaries of the policies. He said that some people will probably be greatly offended because they
23 place so much importance on each and every policy, particularly those regarding best prime farmland, but if
24 the Board is comfortable with the Summary Finding of Fact then staff is as well.

25
26 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

27
28 Mr. Palmgren clarified that the Summary Finding of Fact is just that, a summary, but the ZBA Board and the
29 County Board will receive the full length Summary of Evidence and Finding of Fact if they desire to review
30 it.

31
32 Mr. Hall stated yes.

33
34 Mr. Thorsland asked the audience if anyone desired to present testimony regarding this case and there was
35 no one.

36
37 Mr. Thorsland closed the witness register for Case 733-AT-12 at this time.

38
39 Mr. Thorsland stated that the only concern that he had regarding this case was clarifying the dollar volume of
40 sales and the change of some of the recommendations of HELP ACHIEVE to NOT IMPEDE and those
41 changes are reflected in the new Summary Finding of Fact. He asked the Board if they preferred the new

1 Summary of Evidence for review or go through each policy individually for review.

2
3 Mr. Passalacqua stated that he is very happy with the condensed version.

4
5 **Summary Finding of Fact for Case 733-AT-12:**

6
7 From the documents of record and the testimony and exhibits received at the public hearing conducted on,
8 January 31, 2013, and February 14, 2013, the Zoning Board of Appeals of Champaign County finds that:

9
10 **1. The proposed text amendment HELPS ACHIEVE the Land Resource Management**
11 **Plan because of the following (objectives and policies are briefly summarized):**

12
13 **A. The proposed text amendment HELPS ACHIEVE the following LRMP goals:**

14
15 **Goal 4 Agriculture because while it will not impede or is not relevant to may**
16 **objectives and policies under this goal, it HELPS ACHIEVE the following:**

- 17 • **Objective 4.2 requiring discretionary development to not interfere with**
18 **agriculture because it HELPS ACHIEVE the following:**
 - 19 • **Policy 4.2.1 requiring a proposed business in a rural area to support**
20 **agriculture or provide a service that is better provided in the rural**
21 **area (See Item 9.1.(1)).**
 - 22 • **Policy 4.2.2 requiring discretionary development in a rural area to not**
23 **interfere with agriculture or negatively affect rural infrastructure (See**
24 **Item 9.A.(2)).**
- 25
26 • **Objective 4.3 requiring any discretionary development to be on a**
27 **suitable site because it HELPS ACHIEVE the following:**
 - 28 • **Policy 4.3.5 requiring any business on best prime farmland to be**
29 **appropriate in a rural area and on a site that is well suited (See Item**
30 **9.B.(1)).**

31
32 **Goal 5 Urban Land Use because while it will not impede one objective and is not**
33 **relevant to many policies under this goal, it HELPS ACHIEVE the following:**

- 34 • **Objective 5.2 requiring any urban development to demonstrate good**
35 **stewardship of natural resources because it HELPS ACHIEVE the**
36 **following:**
 - 37 • **Policy 5.2.3 requiring that new urban development shall result in no**
38 **more than minimal disturbance to natural areas with significant**
39 **quality (See Item 10.B.(1)).**

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Goal 8 Natural Resources because while it will not impede one objective and is not relevant to many policies under this goal, it HELPS ACHIEVE the following:

- **Objective 8.5 that encourages the maintenance and enhancement of aquatic and riparian habitats because it HELPS ACHIEVE the following:**
 - **Policy 8.5.1 requiring discretionary development to preserve existing habitat, enhance degraded habitat and restore habitat (see Item 13.a.(1)).**
- **Objective 8.6 that avoids loss of degradation of habitat because it HELPS ACHIEVE the following:**
 - **Policy 8.6.2 requiring new development to minimize the disturbance of habitat or to mitigate unavoidable disturbance of habitat (See Item 13.B.(2)).**

B. The proposed text amendment will NOT IMPEDE the following LRMP goal(s):

- **Goal 1 Planning and Public Involvement**
- **Goal 2 Governmental Coordination**
- **Goal 3 Prosperity**
- **Goal 6 Public Health and Public Safety**
- **Goal 7 Transportation**
- **Goal 9 Energy Conservation**

C. The proposed text amendment is NOT RELEVANT to the following LRMP Goal(s):

- **Goal 10 Cultural Amenities**

2. The proposed amendment HELPS ACHIEVE the purpose of the Zoning Ordinance as follows:

- **Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0 (i) see Item 16.I).**
- **Fixes regulations and standards to which USES shall conform (Purpose 2.0 (k) see Item 16.K.).**
- **Protects natural features in the CR District such as forested areas and watercourses (Purpose 2.0 (o) see Item O.).**

- 1 **3. The proposed text amendment WILL IMPROVE the Zoning Ordinance as follows:**
- 2 • **Adds the principal use “AGRICULTURAL DRAINAGE**
- 3 • **CONTRACTOR” that is currently not included in the Zoning**
- 4 • **Ordinance even though it is present in the County and needed by the**
- 5 • **agricultural community.**
- 6 • **Specifies important differences between an “AGRICULTURAL**
- 7 • **DRAINAGE CONTRACTOR” and other types of contractors.**
- 8 • **Accommodates the expansion of nonconforming “AGRICULTURAL**
- 9 • **DRAINAGE CONTRACTOR” uses in the CR District but not allowing**
- 10 • **the establishment of new “AGRICULTURAL DRAINAGE**
- 11 • **CONTRACTOR” uses that are not already located in the CR District.**
- 12 • **Specifies standards by which an “AGRICULTURAL DRAINAGE**
- 13 • **CONTRACTOR” can be authorized.**

14

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

16 Finding of Fact as amended.

17

18 **Mr. Courson moved, seconded by Mr. Miller to adopt the Summary of Evidence, Documents of**

19 **Record and Summary Finding of Fact as amended. The motion carried by voice vote.**

20

21 Mr. Thorsland entertained a motion to move to the Final Determination for Case 733-AT-12.

22

23 **Mr. Courson moved, seconded by Mr. Passalacqua to move to the Final Determination for Case 733-**

24 **AT-12. The motion carried by voice vote.**

25

26 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant

27 therefore it is at his discretion to either continue Case 733-AT-12 until a full Board is present or request that

28 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative

29 votes are required for approval.

30

31 Mr. Hall requested that the present Board move forward to the Final Determination.

32

33 **Final Determination for Case 733-AT-12:**

34

35 **Mr. Passalacqua moved, seconded by Mr. Courson that pursuant to the authority granted by Section**

36 **9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**

37 **determines that the Zoning Ordinance Amendment requested in Case 733-AT-12 should BE**

38 **ENACTED by the County Board in the form attached hereto.**

39

1 Mr. Thorsland requested a roll call vote.

2

3	Miller-yes	Palmgren-yes	Passalacqua-yes
4	Courson-yes	Capel-absent	Thorsland-yes

5

6 Mr. Hall thanked the Board and noted that the amendment will be forward to the Committee of the Whole in
7 March.

8

9 Mr. Passalacqua asked Mr. Hall why he believes some of the County Board members will not appreciate the
10 Summary Finding of Fact.

11

12 Mr. Hall stated that some of the County Board members may not like the abbreviated policies. He said that
13 the full polices could be inserted and the document would still be under two pages but this is a simple text
14 amendment. He said that a Summary Finding of Fact for a map amendment would be a different story. He
15 said that he believes that most County Board members will have the same reaction that the ZBA did in
16 regards to the Summary Finding of Fact.

17

18 **6. New Public Hearings**

19

20 **Case 735-S-12 Petitioner: TC Management, LLC, with owners John F. Murphy and Terry Woller**
21 **Request to authorize the use of existing multiple principal buildings on the same lot in the I-1 Light**
22 **Industry Zoning District as a Special Use. Location: Lot 2 of Stahly Subdivision in the Southeast**
23 **Quarter of Section 8 of Champaign Township and commonly known as the buildings at 309 Tiffany**
24 **Court, Champaign.**

25

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

34

35 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
36 sign the witness register for that public hearing. He reminded the audience that when they sign the
37 witness register they are signing an oath. He asked the audience if anyone desired to sign the witness
38 register at this time.

39

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

41

1 Mr. John Murphy, who resides at 1948 CR 150E, Seymour, stated that he is one of the owners of TC
2 Management LLC. He said that the property was purchased in late April 2012 and due to some of the
3 challenges with the property the main building was offered at a significantly lower than market rate. He said
4 that they are before the Board tonight requesting the authorized use of the second building on the property so
5 that they could possibly get an additional revenue stream out of the property. He said that currently the
6 second use is outside of the Ordinance and he is attempting to remedy the situation tonight.

7
8 Mr. Thorsland called Mr. John Hall to testify.

9
10 Mr. John Hall, Zoning Administrator, stated that the Preliminary Memorandum dated February 8, 2013,
11 discussed that after staff had advertised the case staff identified that a variance for parking was required. He
12 said that staff could not figure out a way to get the number of parking spaces required by the Ordinance,
13 which is 54, therefore a variance is required and must be advertised. He said that once the variance case is
14 advertised the Board could take final action on both cases.

15
16 Mr. Hall distributed a Supplemental Memorandum dated February 14, 2013, which includes an e-mail from
17 Don Wauthier, representing the Fountain Head Drainage District. Mr. Hall read Mr. Wauthier's e-mail to
18 the Board.

19
20 Mr. Hall stated that staff has received complaints regarding drainage in Stahly Subdivision and he believes
21 that this is a wide spread problem. He said that he is not aware that anything related to this zoning case
22 contributes to the drainage problem. He said that the reason why this case is before the Board is because of
23 the small self-storage warehouse facility. He said that the facility was an existing storage building that was
24 converted in to a self-storage warehouse which made it a second principal building on the lot and triggered
25 the need for the Special Use Permit. He said that the need for the variance is because of the amount of
26 parking required for the new gymnastics center. He said that a gymnastics center parking standard is one
27 space per 200 square feet and that is close to 9,000 square feet which computes to 45 spaces. He said that a
28 certain amount of parking is also required for the self-storage warehouses and the property currently only has
29 approximately one-half of the parking spaces required. He said that it is important that there is enough
30 parking on the site so that clients will not be parking in the street. He said that Keith Padgett, Champaign
31 Township Highway Commissioner is present tonight to answer any questions that the Board may have
32 regarding this case.

33
34 Mr. Hall stated that the gymnastics center applied for their permit although it has not been issued and he is
35 not certain if the gymnastics center was already in operation. He said that staff does not inform people to
36 stop operation but if they continued to use the facility that they had invested so much money into they would
37 be doing it at their own risk. He said that staff is not aware of any actual parking issues other than the
38 Zoning Ordinance requires a lot more than exists on the lot currently. He said that the drainage issues in the
39 development are related to some of the other uses and the fact that this is an old development and probably
40 not all of the field tiles were identified when the subdivision was platted which allowed structures to be built
41 upon the old drainage tile. He said that the old tiles are probably not working any longer which creates a

1 drainage issue with the road ditch. He said that some of the uses in this subdivision contribute to the
2 drainage issues and perhaps over time this matter will be get better but as far as the subject property he is not
3 aware that it is contributing to the drainage problem.

4
5 Mr. Thorsland asked the Board if there were any questions for Mr. Hall had there were none.

6
7 Mr. Murphy requested the opportunity to make a brief comment.

8
9 Mr. Thorsland called Mr. John Murphy to testify.

10
11 Mr. John Murphy stated that they did not contribute to the existing drainage issues but did volunteer to
12 provide money to Mr. Shaw last summer. He said that Mr. Shaw approached them and they agreed that if
13 there was something that they could do to improve his situation then, as a good neighbor, they provided
14 \$1,000 to address the drainage.

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

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

19
20 Mr. Thorsland asked if staff had any questions for Mr. Murphy.

21
22 Mr. Hall asked Mr. Murphy if the site accommodates all of the parking that is needed for the Hayasaki
23 Gymnastics Center and everything else that occurs on the site.

24
25 Mr. Murphy stated that the site does accommodate all of the parking because the gymnastic classes are
26 staggered at various times and the majority of the traffic includes drop-off and pick-up of the students. He
27 said that there are a few parents who do stay and watch their kids participate in the classes and of course the
28 staff that is present during the class times.

29
30 Mr. Hall asked Mr. Murphy if it is his opinion that he could create additional parking spaces if the need
31 arises in the future.

32
33 Mr. Murphy stated yes, but they would be some distance from the entrance to the facility.

34
35 Mr. Hall stated that staff has not proposed any special conditions for the special use yet but staff will
36 recommend a special condition for the variance indicating that no parking is allowed in the right-of-way. He
37 said that the special condition will be included in the next mailing and the Board will need to make sure that
38 Mr. Murphy is comfortable with that condition.

39
40 Mr. Murphy stated that he is comfortable with the special condition. He said that some of the landscaping
41 that they proposed was an attempt to address some issues that were occurring with another business that

1 appeared to be a negative impact on everyone.

2
3 Mr. Passalacqua stated that the photographs indicate that there is vacant office space for rent. He asked Mr.
4 Murphy if there are vacant areas of the building that is not being utilized at this time and is available for rent.

5
6 Mr. Murphy stated yes. He said that the building is 12,000 square feet and Mr. Hayasaki is renting
7 approximately 8,600 square feet.

8
9 Mr. Passalacqua asked Mr. Murphy if there would be adequate parking if the vacant area is rented.

10
11 Mr. Murphy stated that having heard what Mr. Hall has stated tonight this would certainly be something that
12 they would need to address as they screen what type of tenant could occupy the area. He said that Mr.
13 Hayasaki is their anchor tenant therefore whatever they bring into the vacant area would have to be
14 compatible with Mr. Hayasaki's operation. He said that there is approximately 1,200 square feet that could
15 be used for office space, cold storage, etc, which would still allow some inside parking that could be
16 available through the two overhead doors.

17
18 Mr. Passalacqua asked Mr. Murphy if the gymnastics center hosts competition events where the parking area
19 could be completely full at any one time.

20
21 Mr. Murphy stated that he is not aware of any event that has been hosted at the gymnastics center since they
22 opened in late August 2012. He said that he cannot say that Mr. Hayasaki would not want to host an event in
23 the summer but if the parking would be a significant issue the neighbor to the south has significant parking
24 and he is sure that they could work with that property owner on a case by case basis.

25
26 Mr. Passalacqua stated that if the parking area was completely full there may be some parking available in
27 the agreed overflow area.

28
29 Mr. Murphy stated yes. He said that he is pretty sure that Steve Koester of S & K Fence would work with
30 them as well regarding any overflow parking requirements.

31
32 Mr. Thorsland stated that, as a rule, the competition events occur on Saturdays therefore the additional
33 parking that would be available is due to the fact that the other businesses are not open for business on
34 Saturday. He asked Mr. Murphy if there would be additional spaces available if the event occurred on a
35 Tuesday or Friday.

36
37 Mr. Murphy stated that the first location that he was referring to is directly south of the subject property the
38 nature of that property's business is that no customers visit the property therefore a huge amount of parking
39 is available during any time of the week.

40
41 Mr. Murphy stated that since there are no before and after pictures to present to the Board he can only say

1 that they have put a tremendous amount of time and money into this property and some of the comments that
2 have been received, mainly Steve Koester, have been very positive. Mr. Murphy stated that they have added
3 a lot to the area in improving what was known as a blighted building and they are anxious to become a good
4 neighbor and not present any obstacles for businesses in the area.

5
6 Mr. Thorsland asked if staff had any additional questions for Mr. Murphy.

7
8 Mr. Thorsland asked if the Board had any additional questions for Mr. Murphy.

9
10 Mr. Courson stated that the additional parking may be available today from the other businesses but if the
11 economy improves the other businesses may not have that available parking in the future. He asked if the
12 Board should address the parking issue on the subject property at this time. He said that there could be a lot
13 of parents attending the events which would increase the parking and he would like to hear input from the
14 tenant regarding his future plans for events and parking arrangements.

15
16 Mr. Thorsland requested that staff contact the tenant regarding future plans.

17
18 Mr. Passalacqua stated that he would like to have letter from S & K Fence indicating the availability of his
19 property for overflow parking, if needed. He said that he believes that the S & K Fence property is fenced
20 and gated which would mean having to gain access to that area. He said that anything to support the
21 overflow parking arrangement would be a great asset to the Documents of Record.

22
23 Mr. Murphy stated that Mr. Koester offered to attend the meeting tonight. Mr. Murphy stated that he will
24 obtain a written statement from Mr. Koester regarding the use of his property for overflow parking.

25
26 Mr. Hall asked the Board if there is a need to require an alternative parking layout on the subject property.

27
28 Mr. Passalacqua stated that he does not see many alternative parking spots on the subject property. He asked
29 Mr. Murphy if the subject property used to be the home of Central States Roofing Supply.

30
31 Mr. Murphy stated yes.

32
33 Mr. Passalacqua asked Mr. Murphy if the property consisted of one building or both buildings.

34
35 Mr. Murphy stated that Central States Roofing Supply had both buildings. He said that the outbuilding was
36 built in the 1990's and was originally used as an open building to store shingles. He said that they enclosed
37 the building and replaced steel on the main building. He said that they painted the outbuilding and installed
38 new doors, gutters, etc.

39
40 Mr. Thorsland requested clarification of the blue and red indications on the annotated land survey included
41 as an attachment to the February 14, 2013, Supplemental Memorandum.

1

2 Mr. Kass stated that the parking area indicated in blue is approximately 22' x 57' area that is paved and
3 currently there is a work trailer parked in this location. He said that the 22' x 57' area could be utilized as
4 striped parking spaces.

5

6 Mr. Thorsland asked if the parking spaces indicated in red are the existing parking spaces.

7

8 Mr. Murphy stated that he believes that the drawing is correct. He said that he did not submit the annotated
9 plan.

10

11 Mr. Kass stated that he created the annotated plan from memory and the measurements that he took when he
12 visited the site.

13

14 Mr. Murphy stated that the photographs indicate the parking spots and what is striped. He said that the
15 parking spots and the flow of the lot were designed by Mr. Hayasaki in terms of what would accommodate
16 his needs.

17

18 Mr. Hall stated that he does not recall the dimension from the face of the main building to the front lot line
19 but he does recall that there is not enough dimension for three rows of 90 degree parking spaces. He said
20 that another type of variance that might help, if the entire parking area is revamped, is to allow the parking
21 spaces to go all the way to the front property lot line providing 10 more feet of parking.

22

23 Mr. Kass stated that the 10 feet to the front of the property line is a utility easement.

24

25 Mr. Hall stated that he would presume this is the reason why the area is just rock and not concrete.

26

27 Mr. Passalacqua asked if there is enough width on the south side to allow for five or six parallel parking
28 spots.

29

30 Mr. Hall stated yes because there is 24 feet of clearance which would be enough room for a traffic aisle and a
31 parking aisle.

32

33 Mr. Kass stated that patrons would have to essentially park next to the building or on the walkway. He said
34 that one photograph indicates the south side of the building and parking on the south side would block the
35 south entrance to the building. He said that when he visited the property he was not comfortable, in his
36 opinion, to provide five or six parking spots in that area. He said that the math computation would indicate
37 that parking could occur there but he does not believe that it is not a good alternative.

38

39 Mr. Thorsland asked the Board if the possible areas for additional parking need to be marked.

40

41 Mr. Kass noted that currently there are no marked handicap accessible spaces on the property.

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Mr. Courson stated that there are double striped marks in the photographs.

Mr. Kass stated that the double striped marks in the photographs are indicating the end of the row.

Mr. Courson stated that the handicap spaces should be near the building.

Mr. Kass stated yes.

Mr. Thorsland asked if it would be possible to indicate one handicap accessible parking space at the southwest corner close to the door.

Mr. Passalacqua asked if the size of the first angled spot which is closest to the entry door under the “for rent” sign could be increased.

Mr. Hall stated that when this was done there should have been a provision for an accessible parking space and at this point requiring any new spaces to be provided would definitely have to include at least one accessible space. He said that if the Board determines that the number of spaces on the property is adequate then no new accessible space has to be added but if any new spaces are added then one accessible space has to be included and should be placed next to the building and not divided by a traffic lane.

Mr. Passalacqua stated that as much parking as possible should be added to the property because it will be difficult to keep the parking off of the street.

Mr. Thorsland stated that if the Board specifies adding any parking the Board needs to specify an accessible spot and where it should be located.

Mr. Passalacqua asked Mr. Hall to indicate the Illinois Accessibility Code requirements for location.

Mr. Hall stated that the location is supposed to be as close to the entrance as possible. He said that one Board member mentioned adding this space along the south side of the building and he would agree. He said that there is enough room at that location for a 10 foot wide accessible space which would allow the patron to travel directly to the entrance door without crossing a traffic way. He said that placing the handicap space at this location would open up one more parking space. Mr. Hall stated that the owner’s would have to determine if this will work for their tenant and if it does this would be a simple way to maximize parking. He said that the concrete would have to be completed to the door.

Mr. Thorsland stated that the one drawing indicates a pad of concrete along the southwest side of the building but it is not apparent in the photograph. He said that he assumes that the fancier doors are the main entrance doors to the building.

1 Mr. Murphy stated that the brick entrance is the main entrance and the handicap accessible parking being
2 located in the area of the Hayasaki Gym entrance sign would allow a person to have continuous concrete
3 from the parking spot to the door. He said that they poured a sidewalk that ties into the parking lot and
4 continues to the entrance of the business.

5
6 Mr. Thorsland asked Mr. Murphy if he knew how many people other than Mr. Hayasaki work at the center.

7
8 Mr. Murphy stated that the staff varies and some of the University of Illinois gymnasts assist Mr. Hayasaki
9 with classes. He said that the staff level depends on what age and type of class is being offered at any given
10 time.

11
12 Mr. Thorsland asked Mr. Murphy if an employee parked at the proposed southwest parking spot and was
13 counted as one of the parking spots would it not impede progress into the building. He asked Mr. Kass if
14 the southwest area was wide enough for two parking spaces.

15
16 Mr. Kass stated that the survey indicates that the building is 24 feet to the south property line and 25 feet to
17 the north property line. He said that the Ordinance prohibits parking within five feet of the lot line.

18
19 Mr. Hall stated that this might be a good instance for a variance.

20
21 Mr. Thorsland stated that this area could be for employees only and a variance could be requested for
22 parking within five feet of the lot line. He said that the handicap spot could be in the southeast corner of the
23 building where there is already paving.

24
25 Mr. Passalacqua asked Mr. Murphy if Mr. Hayasaki uses the overhead doors.

26
27 Mr. Murphy stated no.

28 Mr. Thorsland asked if Mr. Hayasaki used the overhead doors to carry in equipment.

29
30 Mr. Murphy stated that Mr. Hayasaki did originally use them to bring in the heavy equipment but the area
31 with the overhead doors is not part of Mr. Hayasaki's leased area.

32
33 Mr. Thorsland asked Mr. Murphy if the parking lot remains as it is currently and the area with the overhead
34 doors was leased out to someone, could they access the overhead doors.

35
36 Mr. Murphy stated yes.

37
38 Mr. Passalacqua stated that they could access the overhead doors.

39
40 Mr. Murphy stated that if the handicap spot was to the south of the small door there would still be quite a bit
41 of space. He said that there is an entrance on either side of the split rail fence therefore if you came in using

1 the northern most entrance they would have a straight shot to the overhead doors.
2
3 Mr. Hall informed Mr. Murphy that staff will be in touch so that the parking issue can be resolved prior to
4 the legal advertisement for the variance case. He said that at this point every additional parking space is
5 important.
6
7 Mr. Thorsland informed Mr. Murphy that the Board would like to have a letter from S & K Fence and Mr.
8 Hayasaki regarding possible tournaments and parking accommodations. He said that a diagram of possible
9 parking spaces should be submitted for review as well.
10
11 Mr. Passalacqua asked Mr. Hall if the three loading berth sketches are only indicated as potential spots.
12
13 Mr. Hall stated that there must be three loading berths and the three sketches indicate the areas that would
14 meet the Ordinance requirement.
15
16 Mr. Thorsland asked Mr. Murphy if he had any questions for the Board or staff.
17
18 Mr. Murphy stated he will take care of the requested letters and will discuss the parking space diagram with
19 staff.
20
21 Mr. Thorsland asked the Board if there were any additional questions for Mr. Murphy or staff and there were
22 none.
23
24 Mr. Thorsland asked if staff had any questions for Mr. Murphy and there were none.
25
26 Mr. Thorsland called Mr. Keith Padgett to testify.
27
28 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that he appreciates the Board's
29 efforts regarding this property because this area has been a difficult one from time to time. He said that as
30 long as the petitioner will comply with the Board's recommendations in not parking in the right-of-way on a
31 regular basis, and the reduced bus traffic in the area and the alternating traffic from the subject property
32 during their events, the township road district would welcome new neighbors to the area.
33
34 Mr. Thorsland asked the Board if there were any questions for Mr. Padgett.
35
36 Mr. Passalacqua asked Mr. Padgett if over the last year there has been active work going on regarding the
37 water issue in the area.
38
39 Mr. Padgett stated that there has been a lot of discussion between the State and the owners of the bus
40 business regarding the water issue.
41

1 Mr. Passalacqua stated that he has probably just seen the installation of silt barriers in the culverts or outlets
2 and no construction going on.

3
4 Mr. Padgett stated that there was some construction when the gas station was constructed. He said that a
5 detention pond was constructed and drain tiles were directed from the detention pond to a catch basin on the
6 north side of the road where all of the water is located. He said that the tile no longer drains back to the field
7 where Mr. Shaw's drainage problem occurs and since it is not in the right-of-way it is not within Mr.
8 Padgett's jurisdiction therefore the State was attempting to deal with the issue. He said that it appears that
9 Mr. Wauthier is more knowledgeable about where a tile might have been that is no longer working. Mr.
10 Padgett stated that the culvert running under Tiffany Drive had rotted under the road therefore he contacted
11 the State and instead of digging it up and replacing it they inserted a sleeve in it although it did not remedy
12 the water issue. He said that the State researched the water issue and why it was ponding in the ditch. He
13 said that the State found that the water travels from the south side of the road along the railroad tracks under
14 a culvert under Route 10 to the catch basin and during a one-half inch rain the water could and would have
15 gone away in the 1950's but it no longer does that. He said that the surface water from the gas station comes
16 into the same catch basin and has to climb over the summit in the ditch and under Tiffany Drive to the north
17 side of the road down to the Number One Spur Ditch, which is an open ditch which runs to Rising Road. He
18 said that the water issue is a big issue but it will not resolve itself.

19
20 Mr. Passalacqua asked Mr. Padgett if the subject property will add to the problem.

21
22 Mr. Padgett stated no.

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

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

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

29
30 Mr. Thorsland requested a continuance date from staff.

31
32 Mr. Hall stated that the variance case must be advertised. He said that the Board could consider holding a
33 special meeting on April 11th in the John Dimit Meeting Room. He said that if the Board approves the
34 special meeting it is possible that both cases could be placed on the docket for that meeting.

35
36 Mr. Kass stated that there would be adequate time for advertisement of the variance case if this case was
37 continued to the April 11th meeting.

38
39 Mr. Thorsland entertained a motion to schedule a special meeting on April 11th to be held in the John Dimit
40 Meeting Room.

41

1 **Mr. Courson moved, seconded by Mr. Palmgren to schedule a special meeting on April 11th to be held**
2 **in the John Dimit Meeting Room. The motion carried by voice vote.**

3
4 Mr. Thorsland entertained a motion to continue Case 735-S-12 to the April 11th meeting.

5
6 **Mr. Courson moved, seconded by Mr. Passalacqua to continue Case 735-S-12 to the April 11th**
7 **meeting. The motion carried by voice vote.**

8
9 **7. Staff Report**

10 Mr. Hall informed the Board that the February 28th meeting will be held in the John Dimit Meeting Room.

11
12 **8. Other Business**

13 **A. November 2012 Monthly Report**

14 Mr. Hall stated that a Summary has not been completed for Fiscal Year 2012 but he believes that it would
15 indicate that permits were up in 2012 in comparison to 2011 and zoning case activity increased by 50% in
16 2012 than in 2011. He said that the Board completed almost twice as many cases in 2012 than in 2011 and
17 the number of cases pending at the end of Fiscal Year 2012 was almost the same. He said that 34 cases is
18 the expected long term average number of zoning cases therefore in terms of what the economy may look
19 like in regards to zoning cases, it looks pretty good. He said that permitting is not at what might be called a
20 long term average but the office is very, very busy.

21
22 **B. Review of Docket**

23
24 Mr. Thorsland stated that the Board previously discussed the docket.

25
26 **9. Audience Participation with respect to matters other than cases pending before the Board**

27
28 None

29
30 **10. Adjournment**

31
32 Mr. Thorsland entertained a motion to adjourn the meeting.

33
34 **Mr. Miller moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice**
35 **vote.**

36
37 The meeting adjourned at 7:47 p.m.

38
39 Respectfully submitted

40
41

1 Secretary of Zoning Board of Appeals
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AS APPROVED APRIL 11, 2013

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