

3/14/13

1 carried by voice vote.

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3 **5. Continued Public Hearing**

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5 **Case 687-AM-11** Petitioner: **Phillip W. and Sarabeth F. Jones** Request to amend the Zoning Map to
6 **change the zoning district designation from CR Conservation Recreation to AG-1 Agriculture.**
7 **Location: An approximately 14 acre tract of land that is located in the North Half of the South Half of**
8 **the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois**
9 **Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and**
10 **County Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**

11
12 **Case 688-S-11** Petitioner: **Phillip W. and Sarabeth F. Jones** Request to authorize the construction and
13 **use of a “Restricted Landing Area” for use by airplanes consistent with Illinois Department of**
14 **Transportation regulations and helicopter use for public safety assistance as needed and with limited**
15 **helicopter use for personal use, as a Special Use on land that is proposed to be rezoned to the AG-1**
16 **Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related**
17 **zoning case 687-AM-11; and with a waiver of a Special Use standard condition required by Section 6.1**
18 **that requires compliance with Footnote 11 of Section 5.3.** Location: **An approximately 14 acre tract of**
19 **land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of**
20 **Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet**
21 **south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly**
22 **known as the property at 175N CR 1600E, Villa Grove.**

23
24 Mr. Thorsland called Cases 687-AM-11 and 688-S-11 concurrently.

25
26 Mr. Thorsland informed the audience that Case 688-S-11 is an Administrative Case and as such the County
27 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
28 show of hands for those who would like to cross examine and each person will be called upon. He requested
29 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
30 that those who desire to cross examine are not required to sign the witness register but are requested to
31 clearly state their name before asking any questions. He noted that no new testimony is to be given during
32 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
33 exempt from cross examination.

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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.

3/14/13

1 Mr. Thorsland asked the petitioners if they or their representative desired to make a statement outlining the
2 nature of their request.

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4 Mr. Alan Singleton, attorney for the petitioners, distributed an informational packet dated March 14, 2013, to
5 the Board and staff for review. He said that he will provide a summary of the distributed packet but he
6 would also like to address some of the concerns that were raised during the last public hearing for these
7 cases.

8
9 Mr. Singleton stated that at the last public hearing the Board requested additional information regarding
10 conservation on the subject property and voiced their concerns about the proximity of the proposed location
11 to Mr. Larry Hall's home.

12
13 Mr. Singleton stated that in order to keep things in perspective, according to I.D.O.T. data there are 1.2
14 million vehicle passes on Route 130 versus a few plane passes on the proposed restricted landing area. He
15 said that 80,000 pounds is the maximum weight that a semi-truck and trailer can have on U.S. Route 130 and
16 Dr. Jones' aircraft weighs less than 4,000 pounds. He said that the frequency and relative weight of the
17 vehicles that passes by Mr. Larry Hall's home is greater than the maximum weight of Dr. Jones' aircraft.

18
19 Mr. Singleton stated that this has been a very long, drawn-out case for everyone involved therefore he would
20 like to address everyone's concerns. He said that he attempted to be very thorough and organized with the
21 materials that he presented tonight and he apologizes for not having this information to staff and the Board
22 sooner. He said that Tab #1 is a summary of the new site plan shifting the RLA 36 feet further south of
23 Larry Hall's home. He said that the side transition is already located on the land owned by Bragg Farms
24 therefore a little bit more was shifted onto that property and Dr. Jones can testify that he spoke with Mr.
25 Bragg and Mr. Bragg indicated that he was agreeable to the shift. Mr. Singleton stated that 36 feet is the
26 maximum amount that the RLA can be shifted south without requiring that Dr. Jones purchase additional
27 farmland.

28
29 Mr. Singleton stated that Tab #2 is the new site plan indicating the 36 foot shift of the RLA to the south. He
30 said that the angle of the trees at the west helps with any conservation concerns that the Board may have. He
31 said that Tab #3 includes traffic counts on Route 130 compared to the RLA. He said that Dr. Jones will be
32 completing a total of 126 passes, landings and take-offs, per year and I.D.O.T. data indicates that there are
33 1.2 million vehicle passes per year on Route 130 and 80,300 of those passes are by trucks. He said that Tab
34 #4 is a January 22, 2013, article from the *News Gazette* regarding a van hitting a residence and then
35 overturning. He said that Tab #5 is a photograph indicating an example of the relative weights of Dr. Jones'
36 aircraft in comparison to a semi that can legally be driven on Route 130. He said that he did not make copies
37 of the underlying documents for this comparison for everyone but he would submit the documents for the
38 record. He said that included in the submitted documentation are the weights of Dr. Jones' aircraft.

3/14/13

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2 Mr. Singleton stated that Tab #6 is a map indicating that the center of Route 130 is closer to the Larry Hall's
3 home than the center of the runway extended. He said that it is 203 feet from the centerline of the proposed
4 RLA to the south edge of Larry Hall's home compared to 170 feet from the centerline of Route 130 to the
5 east edge Larry Hall's home. He said that by the time that the airplane arrives to the runway safety area the
6 aircraft will be 1,000 feet in the air therefore 1,203 feet could be indicated in lieu of 203 feet, although he did
7 not indicate such.

8
9 Mr. Singleton stated that Tab #7 is a map indicating that the Larry Hall home is closer to the zoning setback
10 from the highway than it is to the runway safety area. He said that it is 143 feet from the north edge of the
11 runway safety area to the south edge of Larry Hall's home compared to 85 feet from the front yard setback,
12 as required by the Zoning Ordinance, to the east edge of Larry Hall's home. He said that when you think
13 about associated risks he would not believe that someone would want to play catch or have a picnic along the
14 shoulder of the highway with your children or grandchildren because cars could veer off the pavement and at
15 times the highway is very noisy. He said that the runway safety area is I.D.O.T.'s setback and to add
16 anything over and beyond what I.D.O.T. has indicated for safety is unwarranted. He said that the petitioners
17 would like to mitigate any effects on Mr. and Mrs. Hall and the other neighbors.

18
19 Mr. Singleton stated that Tab #8 is a letter from an arborist providing that the trees at the west end of the
20 RLA will not grow further and the RLA will not harm the forest. He said that the arborist personally
21 examined the property and the trees located at the west end of the runway and determined that it is unlikely
22 that the trees will grow taller in height therefore it is unlikely that any trimming of the trees will be
23 necessary. He said that Tab #9 is a summary of the possible positive effect of moving the RLA to the south
24 36 feet in terms of vegetation and this information has already been discussed. He said that Tab #10 is a
25 memorandum addressing the article on grass height that Larry Hall submitted at the December 13, 2012,
26 meeting, from the United Kingdom Civil Aviation Authority. He said that the United Kingdom Civil
27 Aviation Authority is not a governing body in the United States. He said that Dr. Jones intends to maintain
28 the grass runway in adherence with the recommendations of the safety brochure put out by the Civil Aviation
29 Authority, which suggests a height no more than 30 percent of the wheel. He said that the safety
30 recommendation pertains only to the height of the grass on the runway therefore the side area around the
31 runway itself, side transitions, are not the subject of the grass height recommendations and therefore will be
32 able to provide additional area for agricultural use, hay production.

33
34 Mr. Singleton stated that Tab #11 addresses the requirement that the petitioners adopt a land management
35 plan. He said that the process for a land management plan has been started although it has not been
36 completed to date. He said that the petitioners are proposing that a special condition be added requiring the
37 land management plan. He said that Mr. John Hall recommended that the petitioner contact Bruce Stickers,
38 Resource Conservationist, Champaign County Soil and Water Conservation District, and they did although

3/14/13

1 Mr. Stickers was unable to complete the entire plan because he had some personal issues that required him
2 to be out of town. Mr. Singleton stated that the standards for establishment of a land management plan are
3 set forth in Mr. Stickers e-mail, which is included in Tab #11.

4
5 Mr. Singleton stated that Tab #12 addresses the previous mention of spot zoning. He said that he and the
6 petitioners do not believe that the request for the subject property is spot zoning because the property is
7 contiguous to AG-1 across Route 130 and there are other areas of AG-1 and CR along Route 130 near the
8 subject property. He said that Tab #13 is a photograph of some of the seedlings planted by the petitioners on
9 the subject property. He said that Tab #14 is a map indicating the location of 1009 trees which have been
10 planted on the petitioner's homestead. He said that Dr. Jones previously indicated that he and his wife
11 planted 2500 trees. Mr. Singleton stated that 1009 trees were discovered on the subject property and the
12 other 1491 trees have been planted on other properties owned by Dr. Jones.

13
14 Mr. Singleton stated that Tab #15 is a summary and documentation of the 31.8 acres that Dr. Jones has
15 enrolled in conservation programs. He said that 11.5 of those acres are dedicated to CP21 Filter strips, 15.0
16 acres are dedicated to CP23 Wetland Restoration, 4.3 acres are dedicated to CP5A Field Windbreak, and 1.0
17 acre is dedicated to CP81 Grass Waterways. He said that USDA documentation is attached indicating that
18 Dr. Jones planted 670 trees although he is sure that Dr. Jones will later indicate that the total number of trees
19 planted exceeds 670. Mr. Singleton stated that 31.8 acres in conservation is a significant amount of acreage
20 and the 1009 new trees that were found on the subject property is a significant amount of trees and there are
21 a lot of aspects to the type of conservation that Dr. Jones practices.

22
23 Mr. Singleton stated that when you think about the big picture you have to keep in mind the perspective and
24 the relevance of 1.2 million vehicles traveling up and down Route 130, which is closer to the Hall home than
25 the proposed RLA, and less than 200 take-offs and landings by a helicopter or airplane. He said that the
26 aircraft is lighter than many of the vehicles that are part of the 1.2 million count traveling Route 130. He
27 said everyone has to keep the relative risks involved in perspective.

28
29 Mr. Singleton stated that some concerns and comments have been voiced regarding the berm on the subject
30 property. He said that the intent of the berm was to act as a fence and perhaps Dr. Jones sent the wrong
31 signal to the neighbors and that is why the neighbors are upset. Mr. Singleton stated that the bottom line is
32 that Dr. Jones and his family has done a lot for conservation on the subject property and they have done the
33 best that they can to mitigate any safety issues to any of the neighbors. He said that the risk, in terms of
34 safety, with the RLA versus the traffic on Route 130 is minimal.

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

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38 Mr. Thorsland asked if staff had any questions for Mr. Singleton.

3/14/13

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Mr. John Hall, Zoning Administrator, asked Mr. Singleton if the plan which has been revised only reflects some of the recommendations made by staff.

Mr. Singleton stated yes, and clarified that his letter that he previously submitted is somewhat overstated.

Mr. Hall stated that the revised site plan indicates that the runway is 1,640 feet long.

Mr. Singleton stated yes. He said that Wayne Ward believed that 1,640 feet would be okay. He asked Mr. Hall if there was an issue with the 1,640 feet.

Mr. Hall stated that Mr. Singleton's letter suggested that the runway could be 50 feet longer, etc. but when staff finished reading the letter and reviewed the plan it was not clear what was actually being proposed.

Mr. Thorsland stated that Mr. Singleton's letter indicated 1,600 feet.

Mr. Hall stated that the cross-section indicates 1,600 feet and normally staff would take the site plan at face value but the letter indicated that the runway could be 50 feet longer and the slope of the approach area is still in its original position. He said that for a 1,600 foot RLA the approach area would start at the end of the 1,600 foot RLA. He said that this question could be clarified at tonight's public hearing.

Mr. Singleton stated that he understands the discrepancy and apologized. He asked Dr. Jones if a 1,600 foot RLA is sufficient.

Dr. Jones stated yes.

Mr. Hall stated that Tab 8 includes the letter from Greg Durst, Durst Tree Service. Mr. Hall asked Mr. Singleton to confirm that the professional arborist actually stepped foot on the land located on the west side of the river.

Mr. Singleton stated that Greg Durst did not step on to the land that is located on the west side of the river because the land was flooded. He said that the professional arborist made his determination from the Jones' side of the property.

Mr. Hall stated that he agreed with Mr. Singleton in that there is only so much information that can be prepared and ready for a meeting. Mr. Hall stated that he did find on the internet, and he does not know if the Board is interested, an F.A.A. paper on unpaved turf runway criteria which refers to a Montana Department of Transportation standard on airport turf height and maintenance and the Montana standard indicates the

ZBA

AS APPROVED APRIL 25, 2013

3/14/13

1 following: keep runways clipped to approximately 2-1/2 inches. He said that currently the proposal is to
2 follow the 30% of the wheel height rule.

3
4 Mr. Singleton stated that the petitioner is willing to go along with the original proposal of 30% of the wheel
5 height.

6
7 Mr. Hall stated that during a previous meeting a citizen presented information that he had found and raised
8 the height of the grass on the runway as an issue. Mr. Hall stated that obviously Dr. Jones has been taking
9 off of the grass runway for several years so it is apparent that Dr. Jones is aware of what is considered safe.

10
11 Mr. Singleton stated that taller grass will slow down the aircraft when landing which is a plus but on the
12 other hand the grass should not be so tall as to become tangled up in the wheels. He said that he will let Dr.
13 Jones address this issue.

14
15 Mr. Hall stated that Tab #11 addresses the land management plan. He said that he does not know if the
16 Board will require a land management plan but at a minimum if the Board does the petitioner will need to
17 indicate where it is proposed and how large it is.

18
19 Mr. Singleton stated that the petitioner will submit the information required by the Board.

20
21 Mr. Hall asked Mr. Singleton if all of the 31.8 acres that are enrolled in CRP are located in Douglas County.

22
23 Mr. Singleton stated yes.

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

26
27 Mr. Thorsland asked if staff had any additional questions for Mr. Singleton and there were none.

28
29 Mr. Singleton stated that during previous public hearings there were some materials which were referred to
30 during testimony and underlying supporting documents were not submitted therefore he would like to submit
31 those supporting documents in to the record at tonight's public hearing.

32
33 Mr. Thorsland called John Hall to testify.

34
35 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated March 14, 2013,
36 and an Attachment G. Item 23 Addition to Case 687-AM-11 Finding of Fact and Final Determination dated
37 March 14, 2013, to the Board for review.

3/14/13

1 Mr. Hall stated that the Supplemental Memorandum dated March 14, 2013, includes new information
2 received from the petitioner. He said that the memorandum reviews the revised site plan and points out the
3 relevant items of evidence that need to be updated to reflect those revisions so that if this case does move to
4 a higher level those revisions are included. He said that the memorandum raises the question regarding the
5 south side transition area and as far as he knows staff has not received documentation indicating that the
6 landowner to the south of the proposed RLA even agreed with the original overlap much less the 49 feet that
7 is proposed currently. He said that in most cases the Board would require such documentation prior to a
8 final determination or require the documentation as a special condition of approval. He said that the Board
9 could determine that documentation indicating the landowner's approval is not a concern and is not
10 necessary.

11
12 Mr. Hall stated that the hangar area was reduced by 26 feet which reduced the area of the existing CR district
13 in the vicinity of the hangar to 26,903 square feet. He said that Mr. Singleton's letter indicated that shifting
14 the hangar area will decrease any need to cut trees for the hangar area. Mr. Hall stated that Mr. Singleton
15 may have additional information regarding this issue that he may want to share with the Board.

16
17 Mr. Hall stated that a new special condition is proposed in the memorandum which reads as follows:
18 **No take-offs or landings shall occur at anytime other than during daylight hours except as**
19 **required for public safety assistance which may occur anytime necessary.**
20 The above condition is necessary to ensure the following:
21 **That the use of RLA does not occur at nighttime unless required for public safety assistance.**

22
23 Mr. Hall stated that the memorandum that was included in the mailing indicated that staff may have a legal
24 review by the State's Attorney by date of the meeting. He said that a legal review has been completed by the
25 State's Attorney although there is no written memorandum to distribute therefore it is up to him to convey
26 the results of the legal review. He said that the good news is that the State's Attorney has determined that it
27 is possible for the County to make a site specific determination regarding adequacy of proposed separation
28 between the given RLA and specific adjacent properties at that location. He said that the bad news is that
29 legal risk can only be minimized to the extent that there are specific considerations related to the specific
30 location. He said that the State's Attorney reviewed the case law suggested by Mr. Singleton as well as other
31 case law and the most relevant case was the Winnebago County case and he was so impressed by this case
32 that he noted that the County could consider non-technical, things not specifically addressed by I.D.O.T.,
33 broader public safety questions posed by an RLA. Mr. Hall stated that he believes that what has been
34 discussed at this public hearing to date are non-technical broader public safety questions. He said that the
35 Board cannot focus on a specific physical separation unless it can be related to the specifics of the case. He
36 said that the Division of Aeronautics does not concern itself with the non-technical aspects of airports and
37 public welfare so it is the County's duty to make an independent evaluation of those things. He said that to
38 deny simply on the basis of safety the local zoning authority must bring forward some objective evidence on

3/14/13

1 a particular safety problem or hazard peculiar to this RLA rather than speculative fears of local residents. He
2 said to deny simply on the basis of noise there must be standards in the ordinance and an objective
3 determination as to the noise made by the petitioner's plane or its direct dilatory affects such as if this was
4 proposed near a hospital. He said that he has not had a lot of time to discuss these with the State's Attorney
5 but the fact that the dwelling is in the CR District where RLA's are not allowed changing the zoning to now
6 introduce an RLA, and the normal noise associated with an RLA, raises some questions but the State's
7 Attorney was not prepared to go there.

8
9 Mr. Hall stated that the State's Attorney made it very clear that the Board must have specific concerns about
10 this location and this RLA and unfortunately the State's Attorney did not have any specific concerns to
11 recommend. Mr. Hall said that it might be helpful to review four things that occurred to him about this
12 specific location and this RLA. He said that the entire RLA is in the mapped Special Flood Hazard Area and
13 based on the LIDAR ground elevation data some portion of the western end also appears to be below the
14 base flood elevation therefore there should be concern about the wetness of the grass runway following a
15 flooding event. He said that the Board is aware that I.D.O.T. reviews for drainage but he has never seen any
16 reference in the I.D.O.T. literature reviewing for floodplain issues. He said that in context with an RLA,
17 with a focus on public safety, this creates a possibility of a pressure to use the RLA for public safety
18 purposes following a flood event which could have made the RLA especially wet. He said that if that public
19 safety response used a plane what kind of risks are created when an RLA is used during wetter than normal
20 conditions with a plane to simply respond to public safety. He said that he may be stretching this scenario
21 because he does not know if the plane will ever be used for public safety but he remembered some mention
22 of the possibility.

23
24 Mr. Hall stated that the evidence regarding likely encroachment at the end of the approach slope in the
25 riparian woodlands to the west means that the RLA is very speculative and adds to poor suitability of this
26 location for a proposed RLA. He said that he did not find that the letter from the professional arborist to be
27 very convincing. He said that the soil survey is normally the gold standard for reference and it appears that
28 encroachment into the approach area is guaranteed.

29
30 Mr. Hall stated that historically the County has been more lenient towards rural residential development in
31 the CR District than in the AG-1 District. He said that the homeowner's who are opposed to the RLA live in
32 the E.E. Roger's Subdivision which was platted in 1974 which was shortly after the Zoning Ordinance was
33 adopted in October 1973. He said that anyone familiar with rural land use in Champaign County knows that
34 there are many times more non-farm dwellings in the CR District than in the AG-1 District and it makes
35 perfect sense to allow an RLA in the AG-1 District and to prohibit them in the CR District. He said that in
36 that regard item 9.C in Case 687-AM-11 should be revised. He said that currently item 9.C indicates that all
37 of the land on the subject property is not in the area most suitable for the CR District. He said that although
38 he proposed item 9.C originally the west 500 feet is below the base flood elevation and is located in the

3/14/13

1 floodplain and is subject to be wetter and that the land is suitable to the CR District therefore he recommends
2 that item 9.C in Case 687-AM-11 be revised.

3
4 Mr. Hall stated that an RLA proposed in the existing AG-1 District would have little impact on the landscape
5 and there are typically a few neighbors which could be impacted. He said that at this location in the CR
6 District the likely impacts on the scenic and natural area that constitutes the CR District are significant and
7 there are neighbors very close by that will be impacted. He said that Attachment E. Additional Evidence
8 Related to Suitability and Injury to the District is attached to the Supplemental Memorandum dated March
9 14, 2013. He said that there are two proposed changes, based on the State's Attorney's response, to evidence
10 included in items 8.O and 8.Z in Case 688-S-11 and the first part of item 22.C in Case 687-AM-11. He said
11 that he went back and read the petition in opposition submitted by Larry Hall at the August 11, 2011, public
12 hearing and decided that Larry must have been connecting with the State's Attorney telepathically. Mr. John
13 Hall read the following text from the petition in opposition: We, the undersigned oppose the rezoning in
14 order to protect the existing neighborhoods in the area, preserve the property values of the homes in the
15 existing residential neighborhoods, protect the wildlife, farm, and domestic animals in the area, preserve the
16 scenic value as stated in the Zoning Code as one of the purposes of the Conservation-Recreation
17 classification, protect the safety and welfare of those traveling along Route 130 and protect the safety and
18 welfare of the homeowners in the existing neighborhoods. Mr. John Hall recommended that the text from
19 the petition in opposition be added as evidence in item 8.O in Case 688-S-11 and the first part of item 22.C
20 in Case 687-AM-11 so that someone reading that will understand not only how many people signed the
21 petition but the concerns that they testified to when they signed the petition.

22
23 Mr. Hall stated that new item 8.Z. is in regard to nuisance noise from the proposed RLA, the berm that has
24 been constructed, and the effect on the scenic qualities of the CR District. Mr. Hall read new item 8.Z. as
25 follows: (1) As indicated on a Survey Exhibit for Dr. Phillip Jones received August 19, 2009, from Koehler
26 Professional Engineers & Land Surveyors (an attachment to the Supplemental Memorandum dated 3/14/13),
27 there is a berm located on the petitioner's property north of the proposed RLA and along the east property
28 line and bordering the rear property lines of the neighboring residential properties; and (2) Petitioner's
29 Attorney Alan Singleton testified at the June 16, 2011, public hearing that one of the purposes of the berm
30 was to serve as a noise barrier to the airplane; and (3) The petitioner Dr. Phillip Jones testified at the August
31 11, 2011, public hearing in part as follows: (a) He plants native grasses and he assumes that what he has
32 planted is growing; and (b) He is not sure what he is going to do yet regarding maintaining the vegetation on
33 the berm; and (4) At the August 11, 2011, public hearing neighbor Larry Hall testified in part as follows: (a)
34 He is concerned with the safety and noise aspects of the proposed RLA; and (b) He and his wife understood
35 there was noise from the highway when the purchased the property; and (c) The total proposal includes the
36 berms that have been constructed and the lack of maintenance of the berms; and (d) The berm located west
37 of his residence has a grade of 1.2 to 1 and that slope cannot be maintained and the weeds are seven to eight
38 feet tall and why would the Board believe that anything else will be maintained; and (5) At the June 16,

3/14/13

1 2011, public hearing neighbor Julia Wright Hall testified in part as follows: (a) She and her husband are
2 concerned with the existing wildlife and vegetation of the area and in her opinion increased air traffic over
3 their property would discourage wildlife from using the area; and (b) Before the eight to nine feet
4 embankment was built by Dr. Jones to the west of their home they were able to observe deer grazing in the
5 field but since the embankment was created they have not been able to see any deer; and (c) Her and her
6 husband's view of the natural and scenic area have been destroyed by the wall of dirt topped by tall weeds
7 and thistle and the view will be depreciated even further by the sound of planes and helicopters; and (6) At
8 the June 16, 2011, public hearing neighbor Jean Fisher testified in part that the 10 feet tall dirt berm that has
9 been constructed on the Jones' property is an eyesore and it has forever changed the landscape; and (7) At
10 the June 16, 2011, public hearing neighbor Mark Fisher testified in part as follows: 9a) He and his wife
11 purchased their property over 20 years ago to enjoy the scenic view to the west and south that is zoned CR
12 Conservation Recreation; and (b) He is searching for a valid reason to allow a piece of our historic natural
13 resource to become an airstrip; and (c) He wonders why Dr. Jones does not locate the RLA on his other
14 farmland rather than chipping away at our valued conservation property.

15
16 Mr. Hall stated that also attached to the Supplemental Memorandum dated March 14, 2013, is a letter from
17 the Illinois Historic Preservation Agency indicating that no significant historic, architectural or
18 archaeological resources are located within the proposed project area therefore no Phase 1 Survey is required
19 therefore staff recommends that the project WILL NOT IMPEDE Goal 10, Cultural Amenities.

20
21 Mr. Hall stated that Attachment G, Item 23 Addition to Case 687-AM-11 Finding of Fact and Determination
22 was distributed to the Board for review. He said that staff reviewed the purpose and intent statements of the
23 Zoning Ordinance and found that paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning
24 regulations and standards that have been adopted and established is to conserve the value of land, buildings,
25 and structures throughout the County. He said that staff has proposed evidence for item 2.0 (b). He said that
26 paragraph 2.0(e) of the Ordinance states that one purpose of the zoning regulations and standards that have
27 been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
28 He said that staff has proposed evidence for item 2.0(e) discussing that the property is currently zoned CR
29 and an RLA is not an authorized use in the CR District and the proximity of the RLA to the nearest dwelling.
30 He said that page G-4 of the attachment includes paragraph 2.0(o) which states that the Ordinance states that
31 one purpose of the zoning regulations and standards that have been adopted and established is to protect
32 natural features such as forested area and watercourses.

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

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36 Mr. Courson asked Mr. Hall if the immediate property to the south of the subject property is zoned AG-1 or
37 CR.

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3/14/13

1 Mr. Hall stated that the property is zoned CR.

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

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5 Mr. Thorsland called Phillip Jones to testify.

6
7 Dr. Phillip Jones, who resides at 175 CR 1600E, Villa Grove, stated that he would like to address the
8 repeated questions regarding the CR and AG-1 in relation to the subject property. He asked what changes
9 the property by stamping a piece of paper that indicates the zoning district as AG-1 or CR. He said that
10 everything is in place on the actual property for what he and his wife wants to do and nothing is going to
11 change. He said that realistically he drives his lawnmower up and down the property at least 150 times
12 therefore the grass is not going to get any more use so why is it a hang-up for his request. He said that this is
13 a rubber stamp issue and it does not make sense. He said that he is forced to request that his property be
14 rezoned to CR because that is the law and he does and intends to continue to follow the law. He said that, to
15 him, the question of CR versus AG-1 is senseless and if it were up to him he would leave the property zoned
16 CR and have the permit issued. He said he hates to change the property to AG-1 because it is pointless and
17 does not change anything other than the allowance to obtain a permit for his intended use. He said that it is
18 not his fault that the property is zoned CR and it is what it is but the land is in agricultural use.

19
20 Dr. Jones stated that the next question is what happens if the rezoning request fails. He said that what was
21 on the property before he and his wife completed all of their work regarding the prairie grass, trees, etc., the
22 property was bare dirt that was farmed. He said that the land was plowed up baring raw dirt all winter and
23 planted in corn and beans during the spring and summer. He said that he cannot let seven or eight acres of
24 tillable land stand in grass for eight bales of hay a year so he will chisel up the ground and plant it in a
25 profitable corn crop. He said that there are 300 acres of commercial corn within one-half mile of his
26 property so will planting his ground in corn better the environment or conservation.

27
28 Dr. Jones stated that he owns a lot of property and he takes care of his properties and they are beautiful. He
29 said that regardless of the testimony from neighbors about the so-called weeds his property is a wildlife
30 haven. He said that if his requests are denied he will be forced to put the land back into crop production and
31 it will look just like the neighboring agricultural properties in row crop. He said that there will not be any
32 deer grazing on grass or bedding in the switch grass. He said that he does not make any revenue from the
33 airplanes or helicopters or the land for the wildlife but he could certainly benefit from the revenue on 15
34 acres of corn. He said that the he does not care if the Board calls his property CR or AG-1 he only requests a
35 permit for his intended use.

36
37 Dr. Jones stated that the signed petition opposing his requests was mentioned during previous testimony. He
38 said that he submitted, to staff, a letter from one of the people who signed the petition and he hopes that the

3/14/13

1 Board read that letter. He said that without attempting to embarrass Larry Hall, he too could have submitted
2 a petition indicating support, not opposition, to his requests but Dr. Jones did not feel the need to go to his
3 friends and neighbor's homes requesting that they sign a supportive petition. He said that his requests are
4 not going to impact anyone. He said that if the federal and state government entities determine that a certain
5 house is not within a danger zone then it is not within the danger zone. He said that the County and the ZBA
6 cannot judge the determination of the FAA or IDOT because they certainly know a lot more about flying
7 than anyone in this room and it is crazy to think that they would allow Larry Hall's home to be involved in
8 any type of safety issue. He said that if the ZBA would approve it he could put a public airport on the
9 property. He said that Larry Hall's house is not in harm's way and no professional is going to indicate that it
10 is and if IDOT and the FAA stated that it is not in the safety area then it must be true.

11
12 Dr. Jones apologized for being so loud and rigid but this entire process is tiring and he would like to get it
13 finalized. He said that he would be happy to answer any questions that staff or the Board may have.

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

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

18
19 Mr. Thorsland asked Dr. Jones if the hay crop on the subject property is enrolled in a government program.

20
21 Dr. Jones stated the subject property is not enrolled in the CRP. He said that the hay is registered yearly on a
22 particular property.

23
24 Mr. Thorsland asked Dr. Jones if the subject property remained zoned as CR due to denial of the map
25 amendment, would he till up the property and plant corn.

26
27 Dr. Jones stated yes, because he can't do anything with grass and he does not want to mow it all summer.

28
29 Mr. Thorsland stated that Mr. Singleton testified that there was a benefit in this being AG because the
30 runway would be kept short but the side transitions would be baled for hay.

31
32 Dr. Jones stated that if the runway is approved then they could use some of the property for generating some
33 hay for his livestock but he does not need that much hay because he has plenty of hay. He said that the only
34 reason why the grass was planted at that location was for the runway.

35
36 Mr. Thorsland stated that grass was established at this location for the runway and not for the establishment
37 of an agricultural operation.

38

3/14/13

1 Dr. Jones stated yes.

2

3 Mr. Thorsland asked Dr. Jones if the only reason why he is requesting the rezoning is so that the runway
4 could be approved.

5

6 Dr. Jones stated yes.

7

8 Mr. Thorsland stated that the Board has received conflicting information regarding the recommended height
9 of the grass on the runway. He asked Dr. Jones if he mows the grass off of the runway.

10

11 Dr. Jones stated that currently he has not mowed the grass runway so that it can be harvested for hay but if
12 the Board will establish the recommended height for the grass located on the runway he will gladly keep the
13 grass at that height. Dr. Jones stated that he has a large mower and it would only take about one hour to
14 mow the entire runway. He said that he desires to keep the runway's grass at a safe height because he does
15 not want any risks of an accident.

16

17 Mr. Thorsland asked Dr. Jones if he has any documentation from Mr. and Mrs. Bragg indicating that they
18 agree to the side transition area.

19

20 Dr. Jones stated no. He said that Mr. and Mrs. Bragg are currently in Florida but they have verbally
21 indicated that they have no issues.

22

23 Mr. Thorsland asked Dr. Jones if he could obtain such a document signed by Mr. and Mrs. Bragg.

24

25 Dr. Jones stated that he is sure that Mr. and Mrs. Bragg will sign any document that the Board requires.

26

27 Mr. Thorsland requested that Dr. Jones submit a document signed by Mr. and Mrs. Bragg.

28

29 Dr. Jones agreed.

30

31 Mr. Thorsland asked Dr. Jones if he knows the sound level of his helicopter and the standard sound ratings
32 that the FAA uses.

33

34 Dr. Jones stated that this information has been previously submitted.

35

36 Mr. Thorsland stated that Dr. Jones' previous testimony compared the noise generated by his helicopter to
37 the helicopter used for patient transport at Carle Hospital. Mr. Thorsland stated that he does not know the
38 decibels for the one engine helicopter flown by Dr. Jones versus the dual engine helicopter flown by Carle

3/14/13

1 Hospital.
2
3 Dr. Jones stated that he can submit this information to staff and the Board for review.
4
5 Mr. Thorsland asked the Board if there were any questions for Dr. Jones and there were none.
6
7 Mr. Thorsland asked if staff had any further questions for Dr. Jones and there were none.
8
9 Mr. Thorsland asked the audience if anyone desired to cross examine Dr. Jones and there was no one.
10
11 Mr. Thorsland called Sara Beth Jones to testify.
12
13 Mrs. Sara Beth Jones declined to testify at this time.
14
15 Mr. Thorsland asked the Board and staff if there were any questions for Mrs. Jones and there were none.
16
17 Mr. Alan Singleton stated that the petitioner has provided a summary of the noise levels and is included in
18 the submitted folder as a Document of Record.
19
20 Mr. Thorsland called Julia Hall to testify.
21
22 Mr. Thorsland informed the audience that, at this time, testimony should only be in regards to Case 687-AM-
23 11.
24
25 Ms. Julia Hall, who resides at 177 N CR 1600E, Villa Grove, stated that her property abuts the proposed
26 RLA. She said that she and her husband purchased their home from Richard and Julie Lively in May 2004
27 which was before Phillip and Sara Beth Jones purchased their property and built their home. She said that at
28 the December 13, 2012, public hearing the Board requested documentation regarding the trees along the east
29 branch of the Embarras River. She said that she had originally contacted Sandy Mason, Extension Educator
30 for Horticulture at the University of Illinois Extension Office, although Ms. Mason referred Ms. Hall to Jim
31 Payne, Master Naturalist at the University of Illinois Extension Office, who then referred her to Roger
32 Jansen, Heritage Biologist, Illinois Department of Natural Resources District 14 NHB, based in Charleston,
33 IL. She said that Mr. Jansen supplied a link for information regarding the species of trees found in the
34 Embarras River Basin. She noted that the listing in the mailing packet from the Morton Arboretum is a
35 much better list than the one that she will submit.
36
37 Ms. Hall stated that the neighbors and the Board have been focusing on the trees but there are many other
38 things that will be impacted by the proposed use. She said that the impacts on the environment will be much

3/14/13

1 greater than just on the trees. She said that there are many native oak trees but there are also shrubs, vines,
2 birds, wildlife and reptiles which will be affected by the removal or destruction of trees along the Embarras
3 corridor. Ms. Hall read the following excerpts from the website of the Embarras River Basin Critical Trends
4 Assessment: 1. The Embarras has its headwaters in the morainal upland on the southern fringe of
5 Champaign-Urbana and is the second largest Illinois tributary of the Wabash; and 2. The river's basin has a
6 net comprising 2,440 square miles and portions of eleven counties: Champaign, Clark, Coles, Crawford,
7 Cumberland, Douglas, Edgar, Jasper, Lawrence, Richland and Vermilion; and 3. No naturalist who studies
8 the river basin can question the Embarras' importance because two sections of the river, a total of 112.5
9 miles, second highest in the state, come under the official "Biologically Significant Streams" ranking; and 4.
10 Of the 299 bird species that normally occur in Illinois, at least 267 (89%) have been recorded in the
11 Embarras region; and 5. The basin's forested uplands are home to such characteristic tree species as black,
12 red and white oaks, shagbark, mockernut hickories, basswood, sugar maple, and, in the southern reaches,
13 American beech; and 6. Upland forest birds range from the barred owl and wild turkey to black-capped
14 Carolina chickadees, and from the blue jay, scarlet tanager, Kentucky warbler, white-breasted nuthatch, and
15 the red-bellied, downy, and hairy woodpeckers. Mammals most often encountered include the hoary and
16 silver-eared bats, gray fox, eastern chipmunk, southern flying squirrel, gray and fox squirrels, and woodland
17 vole; and 7. A multitude of birds are drawn to this watery environment for the bounty of food it provides
18 such as mallards, bald eagles, hawks, and green and great blue herons are all familiar sights; and 8. The
19 Embarras and its feeder streams contain zones of what the Illinois State Geological Survey characterizes as
20 sever bank erosion; and 9. The loss of forested land in the area may be similar to or somewhat greater than
21 the rate for the state as a whole, only about 30%, of the pre-settlement area of forest remains and the amount
22 that is old growth is vanishingly small.

23
24 Mr. Thorsland requested that Ms. Hall summarize the assessment and submit it as a Document of Record.

25
26 Ms. Hall agreed. She said that replacing old growth trees from their natural habitat with tiny seedlings on
27 top of the berm on the subject property is not the answer. She said that the Embarras area is full of
28 endangered species and she wanted to bring this information to the Board's attention. She said that
29 decreasing the wooded areas around the Embarras, in any amount, for pleasure use will only continue to
30 erode this necessary river.

31
32 Ms. Hall stated that in many instances Dr. Jones has indicated that he assists several agencies for search and
33 rescue. She said that there is a big difference between being Dr. Jones being asked to volunteer his services
34 and Dr. Jones volunteering his services and one of those big differences is liability. She said that the Board
35 has seen letters indicating that Dr. Jones does assist with emergency services. She said that during the fire in
36 downtown Villa Grove a small plane was flying over the fire which hindered rescue operations. She said
37 that Sara Beth Jones testified that it was not Dr. Jones that was flying over the fire.

38

3/14/13

1 Ms. Hall stated that one of the many aircraft that Dr. Jones owns is a WACO UPF-7 and during her research
2 she found that this particular plane has been involved in two separate accidents, one due to crosswinds and
3 the other due to failure of the pilot to maintain directional control during landing with a quartering tail wind,
4 resulting in the aircraft nosing over and coming to rest inverted. She submitted documentation from the
5 Aviation Database as proof of these accidents and submitted the documentation as a Document of Record.
6

7 Mr. Thorsland stated that the Board understands that the plane has been involved in an accident and accepted
8 Ms. Hall's submittal in the record.
9

10 Ms. Hall stated that accidents do happen therefore is her family expected to evacuate their home and take
11 cover when they hear a plane approaching. She said that the petitioner will more than likely fly his aircraft
12 on the weekends when she and her husband are attempting to have a day of rest.
13

14 Ms. Hall stated that she would like to address Mr. Singleton's assertion about the possibility of a land
15 vehicle hitting her home. She said that such an event is a remote possibility but reminded the Board that her
16 family chose to purchase and live at their property which is located next to the highway and did not choose
17 to live next to a landing strip. She said that they chose to live in a peaceful, quiet, rural area where they
18 could look out their window to observe the deer, birds, and other wildlife. She said that if they did desire to
19 live near a landing strip they could have moved to a home located at Aerospace Subdivision. She said that
20 Mr. Singleton's examples only prove that accidents do happen and when the SUV driver left his home that
21 morning she is sure that he did not intend on driving into a home that morning. She said that should a plane
22 hit her home, unless it is a suicide mission, it will not be a planned event but as Mr. Singleton pointed out,
23 accidents do and can happen. She said that their home is a lifelong investment and they plan to retire
24 peacefully and die in this home but they would rather die from old age than from a plane crashing into their
25 living room. She requested that the Board ask Dr. Jones if he has ever been involved in an aircraft accident
26 because she has been told that he has been involved in a helicopter incident.
27

28 Ms. Hall stated that page 27 of 40 of the Revised Draft Summary of Evidence dated March 8, 2013, indicates
29 two proposed special conditions, 12.A. and B. which cannot be enforced by the Zoning Administrator and
30 encourages the petitioner to follow such rule on an honor basis so as to help ensure good neighborly
31 relations. She said that during previous hearings it has been demonstrated that through all outward
32 appearances the honorable petitioner does not desire to ensure good neighborly relations. She said that
33 construction of the berm along the entire east side of the subdivision and allowing it to grow up in weeds is
34 not a neighborly gesture.
35

36 Mr. Roger Miller stated the berm has no relevance to the rezoning.
37

38 Mr. Thorsland stated that Mr. Miller is correct but it does go with the quality of the case.

3/14/13

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Ms. Hall stated that she and her husband were out walking in their yard one day and the police arrived at their home due to a call that they received regarding trespassing. She said that this is not the act of a person who wants to have good neighborly relations.

Mr. Thorsland noted that this is not a character case therefore Ms. Hall should only discuss evidence regarding the map amendment.

Ms. Hall stated that she is only trying to give an example of the honor of the petitioner regarding good neighborly relations.

Mr. Thorsland stated that he will shortly ask the Zoning Administrator what his office will do if they receive a complaint from the neighbors.

Ms. Hall stated that the Board received various letters from realtors regarding the property values of the neighboring properties of the proposed RLA. She asked the Board which they would choose if they had an option whether to purchase a home next to an RLA or a home which was not next to an RLA.

Ms. Hall stated that Mr. Durst does not include any specific types of trees in his letter and states that the species, according to reference books, have a theoretical height taller than their current height, and it is unlikely that they will grow any taller in height at this point. He said that the trees at the edge of the wooded area are unlikely to increase in height because they are fully exposed to the sun on their eastern side and hence do not need to grow taller to compete for additional sunlight. Ms. Hall stated that she received an e-mail from Alexandra Julius, Educational Development Manager, International Society of Arboriculture, which states that edge trees tend to grow taller quicker because of light competition and a tree's mature height in a forest stand will be whatever it takes to out compete the other trees, which is different for a tree of the same species grown alone.

Ms. Hall stated that she also received an e-mail from Roger Jansen, Heritage Biologist, Illinois Department of Natural Resources District 14 NHB, stating that the trees will continue to grow despite the additional sunlight. Mr. Jansen stated that the rate at which trees grow varies with species and soil conditions and oaks in general will grow slower than cottonwoods and trees found in the area where the soil is poor will grow slower than trees in good soil.

Ms. Hall stated that Mr. Durst also indicated in his letter that in the unlikely event that some trimming of the trees were needed due to growth, the trimming would be minimal and would not affect the overall health of any specific tree or the forest as a whole. Ms. Hall stated that according to Ms. Julius any cutting of trees in the forested area will have a significant impact on the remaining trees and could cause them to fail. Ms.

3/14/13

1 Julius stated in her e-mail that the condition of these trees depends on if they have always been edge trees or
2 are recently exposed and recently exposed trees are more likely to fail quicker, as they have not adapted to
3 the wind and sun as exterior trees would. Ms. Hall stated that when Dr. Jones removes the amount of trees
4 that he needs to remove for the proposed hangar the trees that remain will be negatively impacted and are
5 likely to fail. She said that the entire environment of the area will be impacted due to the desire to have a
6 few weekends for flying. She added that Dr. Jones indicated that there are trees around the pond but there
7 are no trees around the pond and if he is referring to the trees that were planted on the berm those trees are
8 soft pine trees and not hardwood trees. She said that the trees that were originally planted on top of the berm
9 died due to the lack of water and were replanted in 2012. She said that according to Mr. Durst the seedlings
10 will not grow very tall because they will not need to because they will have adequate sunlight.

11
12 Ms. Hall stated that she would also like to submit evidence that Mr. Durst is not a certified arborist. She said
13 that her family is also tired of this case and they have presented mounds of evidence, not just personal
14 opinion, in objection to these requests.

15
16 Ms. Hall stated that Mr. J.C. Crawford called her husband requesting a time to meet him at the Villa Grove
17 Ag Days Celebration so that he could sign the opposing petition.

18
19 Mr. Thorsland stated that the best thing that could occur to put this matter to rest is that Mr. J.C. Crawford
20 would attend the next public hearing to clarify whether he does or does not support the proposed requests.

21
22 Ms. Hall stated that the bottom line is that Dr. Jones wants to fly his plane for recreational and supposedly
23 agricultural purposes. She said that Dr. Jones' farm ground is located in Douglas County not Champaign
24 County therefore if the property is rezoned to AG-1 no row crops will be planted on the soil but it will house
25 an air strip. She said that the Board should not grant the rezoning for a just-because reasoning and like a
26 child Dr. Jones wants what he wants on his property. She said that there are already unenforceable
27 restrictions in the finding of fact and the petitioner has already done things that are restricted in Champaign
28 County. She said that the petitioners have already not complied with the rules and regulations of Champaign
29 County and by their own actions they are already at odds with their neighbors. She said that the only thing
30 that we leave behind is a concrete stone which indicates the day that we were born and the day that we died
31 but it is the dash in between that indicates how we lived and how we will be remembered when we are gone.
32 She requested that the Board deny the petitioner's requests.

33
34 Mr. Miller stated that it is a property owner's prerogative if they wish to remove and plant trees upon their
35 own property.

36
37 Mr. Thorsland stated that Mr. Miller is correct although mature trees will be removed for the special use and
38 the Board has received conflicting testimony about the impact of those tree removals in the CR District.

3/14/13

1

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

3

4 Mr. Thorsland asked if staff had any questions for Ms. Hall.

5

6 Mr. Hall asked Ms. Julia Hall if during her reading she found any difference between the environmental
7 qualities along the main stem of the Embarras River versus the environmental quality along the east branch
8 of the Embarras River. He said that Ms. Julia Hall read a lot of information regarding the Embarras River
9 but there was no mention regarding the east branch of the Embarras.

10

11 Ms. Julia Hall stated that she would have to review her notes but from her perspective it all flows together as
12 a drainage system therefore what impacts one impacts the other.

13

14 Mr. Hall stated that there is a big difference therefore he encouraged Ms. Julia Hall to investigate it.

15

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

17

18 Mr. Thorsland called Larry Hall to testify.

19

20 Mr. Larry Hall, who resides at 177 N County Road 1600E, Villa Grove, stated he has lived there for four
21 years and he has never seen 1.2 million vehicles take off or land near his house and he does not understand
22 the relevance of such an absurd comparison. He said that Mr. Singleton stated that the risk comparison
23 should be kept in perspective but risk is risk. Mr. Hall stated that Dr. Jones indicated that he does not make
24 any money off of the airplanes although during previous testimony Dr. Jones indicated that he invested in
25 planes. Mr. Hall stated that he would assume that Dr. Jones invests his money wisely therefore it could be
26 assumed that Dr. Jones buys and sells those airplanes to make money.

27

28 Mr. Thorsland requested that Mr. Hall's testimony only relate to the map amendment case.

29

30 Mr. Larry Hall stated that during Dr. Jones' testimony he referenced the petition opposing the requests and
31 the signatures that were on that petition. Mr. Hall stated that it is true that his son and daughter-in-law
32 signed the petition as well as Mr. Fisher's mother. He said that these immediate family members do have a
33 vested interest in their property because if something were to happen to them it is possible that one of those
34 immediate family members could reside at the property. Mr. Hall stated that he would like to highlight a few
35 things from the Finding of Fact and Final Determination dated March 14, 2013, for Case 687-AM-11. He
36 said that the last sentence in item 5.A. on page 2 of 26 reads as follows: In addition, if rezoned, the land
37 would serve the agricultural needs of the applicant's other agricultural properties and activities as the
38 applicant will be applying for an RLA special use permit, which would not be permissible with current

3/14/13

1 zoning. Mr. Hall stated that it seems to him that all of the agricultural activities that the petitioner is
2 interested in participating in are already happening in the properties current CR zoning. He said that
3 rezoning the property is not necessary for the growing of crops therefore he does not understand what
4 agricultural benefit is being served by the rezoning.

5
6 Mr. Larry Hall stated that the second sentence in item 5.B. reads as follows: Rezoning to AG-1 allows for
7 more efficient use of the land whether as a matter of right (plant nursery, advertising signs, tree sales lot) or
8 with special use permit (e.g., RLA permit, among many others). Applicant would like to be able to take
9 advantage of all of these commercially beneficial activities, encouraged by the LRMP. Mr. Hall stated that
10 he is not an arborist but he believes that the pine trees that have been planted on the berm with a three foot
11 separation will eventually have to be thinned out.

12
13 Mr. Larry Hall stated that item 4.C.(3) stated that the County may authorize a discretionary review
14 development provided that existing public services are adequate to support the proposed development
15 effectively and safely without undue public expense. He said that his interpretation of the paragraph is that
16 will it be reasonable for the County to service it safely without any public expense or if additional public
17 expense will be required for running water, etc. He said that he agrees that there should not be any public
18 expense incurred due to the rezoning but he does not understand the relevance of 4.C.(3)(a) which indicates
19 the advantages of Dr. Jones' public services going outward to the community.

20
21 Mr. Larry Hall stated that item 18.A.(2)(c) stated that the petitioner testified at the August 11, 2011, public
22 hearing that the trees will not be damaged, touched, or violated in any way during the use of the proposed
23 RLA. Mr. Larry Hall stated that there has been conflicting evidence regarding this issue and he believes that
24 during the construction of the proposed RLA the trees will be damaged, touch, or violated. He said that
25 18.A.(2)(d) stated that the petitioner testified at the December 13, 2012, public hearing that he has planted
26 over 2,500 native hardwood trees on his property. Mr. Larry Hall stated that the trees which were planted
27 were not all hardwood trees and that pine trees were actually planted on the property. He said that the
28 planting of various trees does not justify or compensate destroying the existing natural habitat for personal
29 convenience.

30
31 Mr. Larry Hall stated that item 20.A(1)(c) stated that the petitioner has not yet provided the results of a Phase
32 I Archaeological Survey.

33
34 Mr. Andrew Kass stated that staff received a letter from the State Historic Preservation Agency indicating
35 that a Phase I Archaeological Survey is not required on the subject property. He said that the letter was
36 received after the mailing date for the case packets therefore it is attached to the March 14, 2013,
37 Supplemental Memorandum.

3/14/13

1 Mr. Larry Hall stated that item 22.H.(2) indicates that Dr. Jones has been flying for over 20 years and has
2 never had an incident of any kind and the argument regarding crosswinds is not an issue. Mr. Hall stated
3 that his wife submitted evidence indicating that a pilot did wreck an airplane that is owned by Dr. Jones
4 which was involved in an incident due to crosswinds.

5
6 Mr. Thorsland stated that Dr. Jones' testimony was that he had never had an incident of any kind due to
7 crosswinds.

8
9 Mr. Larry Hall stated that item 22.H.(3) indicates that Larry Hall's house is further away than almost all
10 airport hangars to a landing strip and it is impossible to drive an airplane through the five feet of grass that is
11 near Mr. Hall's property. Mr. Larry Hall stated that it probably is impossible to drive an airplane through the
12 five foot of grass and he does not expect Dr. Jones to drive through the five foot of grass that is near his
13 property but he does worry about the take-offs and landings near his property. He said that item 22.H. (4)
14 indicates that an airplane's engine is on idle when it lands therefore Dr. Jones' aircraft will be quieter than
15 his diesel truck is when he drives down his lane. There may be a little noise when he takes off but he will be
16 1,000 feet in the air when he passes over Larry Hall's house. Mr. Larry Hall distributed previously
17 submitted photographs to the Board and staff for review which indicate that the airplane is not 1,000 feet in
18 the air when it passes his home. He said that the photograph was taken from his rear patio and includes two
19 mature pine trees and indicates how high the plane actually is in the air when it passes his house therefore
20 contradicting the statement in item 22.H.(4). Mr. Larry Hall submitted the photographs as Documents of
21 Record.

22
23 Mr. Larry Hall stated that item 22..K states that at the December 13, 2013, public hearing Linda Schumm,
24 Bureau Chief Aviation Safety IDOT, testified that air traffic control will not tell a pilot to land in an RLA,
25 but will tell the pilot that there is an RLA in the area because it is always safer to land on a runway than on a
26 cornfield or road. Mr. Larry Hall stated that the attachment to the Supplemental Memorandum dated March
27 8, 2013, titled *Grass Landing*, indicates that perhaps the most significant benefit of grass-field capability is
28 the additional 11,000 plus potential emergency landing options that grass fields provide throughout the
29 United States. He said that Ms. Schumm confirmed that air traffic control will indeed indicate to a pilot that
30 there is a place to land which increases his family's concerns about having a distressed pilot landing 143 feet
31 from their home instead of 107 feet which is not a big difference. He said that the article continues to
32 indicate that according to the Civil Aviation Authority (CAA), approximately one-third of reportable general
33 aviation accidents in the United Kingdom occur at unlicensed (private) grass fields during takeoff or landing
34 In the United States, the National Transportation Safety Board data also indicates a similar situation. Mr.
35 Larry Hall stated that the following coincides with Mr. John Hall's earlier testimony regarding his concerns
36 with the floodplain: Conversely, a much greater stopping distance is needed after a heavy dew, frost, or rain
37 all of which can render aircraft brakes and steerable nose wheels and tail wheels virtually ineffective. Pilot's
38 operating handbook figures are based on a dry grass runway and are therefore useless for calculating

3/14/13

1 distances in other situations and the CAA suggests increasing wet grass landing distances by 60 percent “like
2 an icy surface.” He said that if the landing area is increased on the proposed project by 60% would be into
3 the trees, which is probably why all other landing areas presented at the last meeting were out in the middle
4 of open areas.

5
6 Mr. Larry Hall stated that item 22.L states that a letter received December 13, 2012, from Jongin Kim
7 Craggs, Residential Appraiser, indicates that it is her professional opinion that the proposed RLA would not
8 cause any decrease in property values and that because of the assistance provided to local law enforcement
9 property values may increase because of the greater community safety. He said that he will submit a letter
10 that he wrote after the August 11, 2011, ZBA meeting documenting a phone conversation between himself
11 and Dr. Jones. He said that during the conversation Dr. Jones challenged the professional opinion letter
12 from the Hall’s realtor and stated that anyone can get a realtor to write a letter saying anything. Mr. Larry
13 Hall stated that his response was that this was not the approach that he chose to take.

14
15 Mr. Thorsland asked Mr. Larry Hall if he would be submitting this letter as a Document of Record.

16
17 Mr. Larry Hall stated that he will submit any information that the Board requests.

18
19 Mr. Thorsland stated that it is up to him as to what he desires to submit as a Document of Record. He said
20 that there is no time limit but asked Mr. Hall if he was close to the end of his testimony for tonight.

21
22 Mr. Larry Hall stated that everyone has indicated that they are tired of this case and the Summary and
23 Finding of Fact documents that there have been seven meetings that have spanned almost two years. He said
24 that the pattern of bringing in packets of new information to the meetings or submitting them two or three
25 days prior to the meeting is also tiresome therefore he would like to know when it will be considered that
26 enough is enough. He said that it is not about investments, outside backers, etc. but the amount of money
27 that is being spent upon this project is supposedly being done to gain a few minutes of time to assist
28 emergency services, which is probably 12 to 15 minutes since the current hangar for Mr. Jones’ aircraft is
29 located near Tuscola. He said that this appears to be that Dr. Jones wants what he wants and the status that
30 comes with it while ignoring the rights and concerns of his neighbors.

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

33
34 Mr. Thorsland asked if staff had any questions for Mr. Larry Hall and there were none.

35
36 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Larry Hall and there was no one.

37
38 Mr. Thorsland called for a ten minute recess. He reminded everyone that this is not a trial but a public

3/14/13

1 hearing and there are no set time limits for testimony although the meeting itself does have a time limit and
2 he would like to get through the witness register tonight.

3
4 **The meeting recessed at 8:40 p.m.**

5 **The meeting resumed at 8:50 p.m.**

6
7 Mr. Thorsland stated that it is 8:50 p.m. and the meeting ends at 9:30 p.m. He said that he cannot request
8 that someone end their testimony but he does not intend to extend the meeting past 9:30 p.m.

9
10 Mr. Thorsland called Mark Fisher to testify.

11
12 Mr. Fisher requested that Jean Fisher testify.

13
14 Mr. Thorsland stated that Mr. and Mrs. Fisher may testify as a team if they so desire.

15
16 Mr. Fisher declined.

17
18 Mr. Thorsland called Jean Fisher to testify.

19
20 Ms. Jean Fisher, who resides at 195 CR 1600E, Villa Grove, stated that since this case has been going on for
21 a long time she was not sure if the ZBA had realized that the letter dated March 3, 2011, from the Illinois
22 Department of Natural Resources states that if the project has not been implemented within two years of the
23 date of the letter a new consultation would be necessary. She noted that the project is past the expiration
24 date stated in the letter.

25
26 Ms. Fisher stated that Champaign County LRMP Goal 8 states as follows: Champaign County will strive to
27 conserve and enhance the County's landscape and natural resources and ensure their sustainable use. She
28 said that Dr. Jones has referenced that he owns property in Douglas County where his helicopter is currently
29 stored. She submitted a copy of the property information for Dr. Jones' property located in Douglas County
30 obtained from the Douglas County Assessor's website.

31
32 Ms. Fisher stated that the Champaign County Board would best serve LRMP Goal 8 by not allowing the
33 requested rezoning and special use and that 100% of the surrounding properties located in the CR District
34 will remain intact and free from impact.

35
36 Ms. Fisher stated that according to the Flight School and Aviation Training Index Dr. Jones is listed as a
37 flying instructor. She said that Mr. Singleton's submitted article from *The News Gazette* regarding the use of
38 helicopters during rescue efforts with Hurricane Irene was to demonstrate some sort of public safety need.

3/14/13

1 She said that any reasonable person who lives in Illinois is aware of the fact that we do not experience
2 hurricanes and if Dr. Jones want to assist a state which does experience hurricanes then she would suggest
3 that he go for it as long as he takes off from his property located in Douglas County.

4
5 Ms. Fisher stated that she feels that the liability with the use of a private citizen is probably too great for
6 policing agencies therefore another option that may be available to those agencies is the use of drones. She
7 said that drones are an easier, cheaper, and faster way to search with the additional benefit of the release of
8 liability in the use of private citizens. Ms. Fisher submitted an article for WICD Channel 15 as a Document
9 of Record.

10
11 Ms. Fisher stated that in regard to Mr. Singleton's statement at the December 13, 2012, public hearing he
12 referred to the weight of a Ford F-150 truck and the weight of a small helicopter or plane to be roughly 5,000
13 pounds and equated such to an 80,000 pound semi-truck. She said that she would presume that Mr.
14 Singleton is attempting to indicate that when compared the plane would be of little comparison to its degree
15 of damage capability to a semi-trailer. She said that with all due respect to Mr. Singleton she has been doing
16 some research regarding this issue and has attempted to search any reference to a scale of damage and she
17 found nothing to demonstrate the difference in the degree of death if hit and killed by a 5,000 pound plane or
18 an 80,000 pound semi-truck. She said that dead is dead with no difference in the degree and her family
19 would not grieve to any lesser degree if she were killed by a 5,000 pound plane or an 80,000 pound semi-
20 truck therefore she does not take any comfort in his comparison and actually takes offense by it.

21
22 Ms. Fisher stated that Mr. Singleton and Dr. Jones both testified to the safety of aircraft and that an accident
23 with aircraft is very rare. She said that per a *The News Gazette* article dated March 4, 2013, titled *Fire near*
24 *Cisco destroys hangar, experimental plane, vehicles*. She said that as she specifically addressed at a
25 previous meeting, everything that is described in this article is a potential problem for the petitioner's request
26 for the people, homes and conservation areas of the E.E. Rogers Subdivision and it was even made light of
27 that such an event would never happen. She said that the petitioner's request would present more of an issue
28 because it has the close proximity to homes, large slow growing forested area, as well as a major river
29 tributary, which is the Embarras River. She said that the rural Cisco RLA was in a sterile runway field. She
30 said that the article reads as follows: A storage shed used as a hangar for a rural Cisco landing strip was
31 destroyed by fire Sunday evening. An estimated 30 firefighters from six fire districts battled the fire at 179
32 East 1300 North Road, which claimed not only the 40' x 60' shed but several vehicles, including an
33 experimental plane constructed by the company that uses Gary Norfleet's landing strip as a launching point
34 for crop dusting. Their immediate concern was farm chemical cans that were exploding during the fire, and
35 a pair of 250 gallon tanks of aviation fuel located less than 100 feet from the shed. Mr. Weishaar,
36 emergency response personnel, stated that their first concern was cooling down those tanks but the tanks
37 were saved as was a one-story home on the property but he estimated that the loss at \$200,000 due to the
38 contents of the structure, a plane, dual-cab pickup truck, motor home, tractor, antique tractor, ATV and

3/14/13

1 several pieces of professional lawn care equipment. Due to the high dollar loss the cause of the blaze is
2 considered undetermined at this time and they had no reason to believe that there was anything suspicious in
3 nature about the fire. Ms. Fisher stated that if there was nothing suspicious about the previously stated fire
4 then she would tend to believe that it was accidental.

5
6 Ms. Fisher stated that she will submit all of the articles and additional information as Documents of Record
7 for staff and Board review. She said that she will review some of the additional articles briefly. She said
8 that on February 25, 2013, a Tennessee doctor was killed in a single-engine Piper Arrow plane in Florida and
9 15 acres of land burned near the crash site. She said that on December 4, 2012, Larry Diffley, President of
10 Bemidji Aviation Services in Bemidji, MN, crashed a multi-engine Beech 58 in a field which was one-half
11 mile away from two homes and the debris field spread five to six hundred yards away from the crash contact
12 area. Ms. Fisher stated that on October 17, 2012, a fiery helicopter crash claimed a member of a
13 Pennsylvania Fire Company who was a retired 24-year state trooper who flew choppers for the state police.
14 Officials at the scene were trying to determine whether Cpl. Doug Brigham took off from a helipad on his
15 property or from the Van Sant Airport about three miles away. The helicopter went down just a few hundred
16 feet from Brigham's home and he appeared to have been thrown from the chopper when it crashed. She said
17 that on August 11, 2012, a 30-year old accomplished pilot and aircraft mechanic was killed after a skydiving
18 plane crashed in a residential area and the debris from the crash spread across two or three blocks.

19
20 Mr. Thorsland asked Ms. Fisher if she planned to submit all these articles as Documents of Record.

21
22 Ms. Fisher stated yes.

23
24 Mr. Thorsland stated that the Board will receive this information in the next mailing therefore he would
25 appreciate it if she would only summarize any additional information.

26
27 Ms. Fisher stated that the petitioner is requesting agricultural zoning for non-agricultural use therefore if he
28 is using the property for the RLA he is taking the land out of production use. She said that the petitioner
29 stated that he grows hay on the grass strips although he only gets 10 bales of hay which is very confusing.

30
31 Ms. Fisher presented Google maps of the subject property and surrounding area. She said that the map
32 indicates Section 27 of Crittenden Township and the subject and surrounding properties. She said that the
33 area following Route 130 along the Embarras River is saturated with trees and is very thick. She said that
34 the 1973 and 1993 GIS maps indicate that the trees were not as big and concentrated as they are currently.
35 She indicated the areas of AG-1 and the areas of CR in Section 27 and stated that the proposed rezoning
36 should be considered spot zoning because the founding fathers of the County had a reason why they
37 designated this area as CR and that was because of the trees along the river basin. She said that the adjacent
38 farm ground to the east is zoned AG-1 but that is because there are no trees on that side of the road therefore

3/14/13

1 it stands to reason why the subject property should remain CR. She said that it was previously mentioned
2 that if the requested RLA is approved that another questionable RLA near the subject property, helicopter
3 landing pad with repair services, is within one mile of each other which presents an additional safety issue
4 for the area. She said that there may be low flying planes and helicopters in the same area and it is unknown
5 whether or not they contact each other when they take off and land.
6

7 Ms. Fisher stated that according to the Forest Land Management Productivity Article, published in 1997,
8 less than one percent of Champaign County's acreage was forested. She said that the article further states
9 that the largest area of forest land is around major rivers and is generally well suited to growing high quality
10 trees. She said that productivity of the trees is accomplished by proper management and management
11 measures needed in these areas are those excluding livestock from the stands. She said that the current area
12 where Dr. Jones' livestock inhabits is in the low land and heavily forested area as opposed to a typical farm
13 field and there is already a demonstrated destruction of this conservation area. She said that Dr. Jones has
14 moved the cattle for three days to a higher area pasture but the low lying area has been ripped up by the
15 cattle. She submitted photographs of what she feels her family is exposed to by Dr. Jones' family operation.
16

17 Mr. Thorsland reminded Ms. Fisher that the photographs need to provide evidence regarding the map
18 amendment and not how the property is being kept.
19

20 Ms. Fisher stated that the photographs establish how the property is managed for conservation and
21 preservation.
22

23 Mr. Thorsland stated that what is occurring on the subject property currently, even though it is relevant to the
24 Fisher family, is not relevant to the map amendment case. He said that it would be very helpful if
25 photographs were submitted about the land and safety issues and not whether or not the property has thistle.
26

27 Ms. Fisher stated that she understands Mr. Thorsland's point but her concerns are not about thistle.
28

29 Mr. Thorsland stated that even though he appreciates Ms. Fisher's concerns he does not want the cases to
30 continue in perpetuity while the Board reviews photographs. He requested that the information remain
31 relevant.
32

33 Ms. Fisher stated that she does not believe that the opposing parties have ever requested a continuance.
34

35 Mr. Thorsland noted that it is only the Board who can request a continuance.
36

37 Ms. Fisher stated that the photographs indicate what she views from her property. She said that she views a
38 stand of rag weeds and a home improvement semi-trailer which is conveniently located between the trees.

3/14/13

1 She said that the bottom land has minimal flooding and the photograph indicates the livestock fencing which
2 houses the cattle that have free run of the area. She said that the trees that were knocked down near Dr.
3 Jones' tool shed have been left at the location that they were dropped which happens to be in the area of the
4 river basin where flooding occurs. She said that leaving these trees at their current location assists with
5 damming of the river which affects the natural flow of the river and causes additional flood issues. She said
6 that Dr. Jones has piled manure right along her property line and she would like the Board to address this
7 matter.

8
9 Mr. Passalacqua noted that Ms. Fisher is swaying away from the map amendment.

10
11 Mr. Thorsland stated that if Dr. Jones so desires he could clear cut all of the trees on his property without
12 permission from the zoning department. He said that testimony should only refer to the map amendment.

13
14 Ms. Fisher stated that Dr. Jones indicated that he planted 2,500 trees on the subject property. She said that
15 Dr. Jones stated that he planted trees on the berm but they died and were replanted within six months. She
16 said that Dr. Jones indicated that he planted hardwoods which are oaks, sycamores, etc. not pine trees. She
17 said that if a tree that is 60 foot tall with a good diameter along the river basin is removed then the erosion of
18 the river basin is changed. She said that the larger trees have huge roots which maintains the river basin in
19 place and to say that those mature trees will be swapped out with seedling trees is not safe. She said that
20 simply planting trees in another area with no guarantee for maturity is not a replacement for the natural
21 landscape, erosion control, conservation of species and sustainability of the natural resources in the area.
22 She said that his entire project could change the environment.

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

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

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

29
30 Mr. Thorsland called Mark Fisher to testify. He requested that only new testimony regarding the map
31 amendment case be presented.

32
33 Mr. Mark Fisher, who resides at 195 CR 1600E, Villa Grove, presented a Google map of the subject
34 property. He said that the public has not been presented an overview of how the airstrip and the angles
35 coming off the airstrip would impact the property and it is his opinion that this would be a great place to
36 have started. He said that the area that is outlined in orange on the map is the property that has been
37 requested for the rezoning and the two blue areas are the runway approach. He said that the trees at the west
38 end of the runway have not been addressed and no one has measured the heights of the trees or measured the

3/14/13

1 distance from the end of the runway to the tree line. He said that Mr. Wayne Ward testified at the last
2 meeting that when the runway was to be in the center of the zoning area the tree line did not start until
3 approximately 2,500 feet but Google Earth disagrees. He said that everything that is outside of the black
4 box, as indicated on the Google map, is outside of the property. He said that at 737 feet from the end of the
5 runway at a 15:1 slope there could not be a tree higher than 58 feet and that takes into account the difference
6 in elevation. He asked how a tree taller than 58 feet will be dealt with.

7
8 Mr. Fisher stated that he agrees with Dr. Jones' statement that these cases have gone too long and he
9 understands that Dr. Jones only wants an airport but the problem is that the petition was based on two
10 principals, agricultural and law enforcement aid. Mr. Fisher stated that the *Illinois Administrative Code*
11 indicates that no crops can be within 50 feet of the centerline. He said that the questions that he has been
12 waiting to hear answers for are the following: 1. Is there evidence to show financial harm to the petitioner if
13 the rezoning is denied; and 2. Has staff received a letter from a farmer, seed company, fertilizer company
14 supporting agricultural cause for the petitioner; and 3. Is there any evidence from any agricultural expert
15 supporting the petitioner's claim. Mr. Fisher stated that he has not heard or seen any answers to these
16 questions therefore he would assume that there are none. He said that Dr. Jones admitted that he only wants
17 the airstrip and no agricultural product will be raised on the property. Mr. Fisher asked if 13 acres, which
18 once was planted in row crop and is no out of production, should be allowed for an RLA.

19
20 Mr. Fisher stated that there have been letters submitted from law enforcement officials which is a good start
21 but it is just that, a good start. He said that we all know the legal anomaly involving state and private entities
22 working together but there is a multitude of legal issues that need to be addressed before this idea becomes
23 to pass. He said that it is a known fact that Dr. Jones is a dentist and Mrs. Jones has testified that Dr. Jones
24 works long days and as a business owner Mr. Fisher absolutely believes Mrs. Jones but the question is how
25 can a dentist who works this many hours aid law enforcement at a moment's notice. He asked why the
26 Board should be required to make a permanent decision based on an idea that may not be factually feasible.

27
28 Mr. Fisher stated that it has been two years and the petitioner has had an extra year to gather factual
29 information to satisfy the ZBA and it is of no fault of the Board that he has not done so. He said that it is his
30 opinion that a pattern is being set by the Board in allowing continuous extensions due to the tardiness of the
31 petitioner to present materials. He said that for all of the reasons that he has discussed he is requesting that
32 the ZBA move to a final vote at tonight's hearing and deny the rezoning.

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

35
36 Mr. Thorsland asked if staff had any questions for Mr. Fisher and there were none.

37
38 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Fisher and there was no one.

3/14/13

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Mr. Thorsland stated that there are three additional signatures on the witness register for tonight although if those witnesses could assure their attendance at the next public hearing regarding this case he will assure those witnesses that they will be called to testify first. He said that during the recess he polled the Board regarding an extension of the meeting and no one was in favor of such an extension. He said that the Board will need to grant a short extension to the meeting to address other matters but if Mr. Jody Eversole, Mr. William Jones, and Mr. Ben Shadwick would be able to attend the next meeting he will give them ample time to address the Board with their testimony.

Mr. Eversole stated that he will definitely make every attempt to attend the next public hearing. He requested a continuance date.

Mr. Thorsland stated that the Board will determine a continuance date shortly.

Mr. Shadwick and Mr. Jones also indicated that they will be in attendance at the next meeting.

Mr. Thorsland stated that staff has suggested that the cases be continued to the April 25th meeting. He asked if the petitioners were available for the April 25th meeting.

Mr. Thorsland entertained a motion to continue Cases 687-AM-11 and 688-S-11 to the April 25, 2013, meeting.

Ms. Capel moved to continue Case 687-AM-11 and 688-S-11 to the April 25, 2013, meeting.

Mr. Passalacqua recommended that the petitioner and anyone else who desires to participate in these cases that they submit new information as soon as possible so that staff and the Board can review it before the meeting as opposed to digesting the information at the meeting or requiring another continuance.

Mr. Miller highly agreed.

Mr. Thorsland stated that the Board would like to review a signed document from Mr. Bragg, the farmer to the south, indicating his agreement.

Mr. Singleton stated that the only information that the Board requires prior to the next meeting is the signed document from Mr. Bragg and information regarding the trees located in the hangar area. He asked if there was any further information required by staff or the Board at this time.

Mr. Palmgren seconded Ms. Capel's motion. The motion carried by voice vote.

3/14/13

1
2 **Case 738-S-12 Petitioner: Terry Plampin Request to authorize a Therapeutic Riding Center as a**
3 **“Riding Stable” as a Special Use with waivers of Special Use standard conditions for: (1) a minimum**
4 **fence height of 5 feet; and (2) a minimum front setback of 55 feet from the centerline of CR 700E; and**
5 **(3) a minimum front yard of 25 feet in the AG-1 Agriculture Zoning District. Location: A 5 acre tract**
6 **in the Southwest Quarter of the Northwest Quarter of the Northwest Quarter in Section 17 of**
7 **Pesotum Township and commonly known as the home and buildings at 378 CR 700E, Pesotum.**
8

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

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

22 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
23

24 Mr. Terry Plampin, who resides at 378 CR 700E, Pesotum, stated that as he indicated at the last meeting
25 there is an underserved community in Champaign County which would benefit by a Therapeutic Riding
26 Center.
27

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

30 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Plampin and there was no one.
31

32 Mr. Thorsland called John Hall to testify.
33

34 Mr. John Hall, Zoning Administrator, stated the Supplemental Memorandum dated March 8, 2013, clearly
35 indicates that this case is ready for final action tonight. He said that the 15 day requirement for township
36 comments has passed although staff was able to contact Steven P. Miller, Pesotum Township Highway
37 Commissioner, on March 5, 2013, and Mr. Miller had no comments or objections regarding the proposed
38 Therapeutic Riding Center.

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

Mr. Kass stated that a new Items 3 and 4. should be added to the Documents of Record as follows: 3. Supplemental Memorandum dated February 28, 2013, with attachments; and 4. Supplemental Memorandum dated March 8, 2013.

Mr. Thorsland stated that the Board will now review the Findings of Fact for this case. He asked Mr. Plampin if he would like Mr. Thorsland to read the proposed special conditions to assure clarity and agreement.

Mr. Plampin stated that he agreed to the proposed special conditions and reading the again was not necessary.

Findings of Fact for Case 738-S-12:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 738-S-12 held on February 28, 2013 and March 14, 2013, the Zoning Board of Appeals of Champaign County finds that:

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

Mr. Palmgren stated that the requested Special Use Permit IS necessary for the public convenience at this location because there is no other facility like this in the area and the Champaign-Urbana Park District has submitted a letter supporting the proposed facility.

Mr. Thorsland stated that the facility is reasonably accessible to major roads.

Ms. Capel stated that rather than indicating that there is no other facility like this in the area she would propose to indicate that the facility will serve an underserved population in the area because she is not sure that there is no other facility like this in the area.

Mr. Palmgren agreed with Ms. Capel.

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

3/14/13

1 safety and welfare.

2
3 a. The street has ADEQUATE traffic capacity and the entrance location has
4 ADEQUATE visibility.

5
6 Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
7 visibility.

8
9 b. Emergency services availability is ADEQUATE.

10
11 Mr. Passalacqua stated that emergency services availability is ADEQUATE.

12
13 c. The Special Use WILL be compatible with adjacent uses.

14
15 Mr. Courson stated that the Special Use WILL be compatible with adjacent uses.

16
17 d. Surface and subsurface drainage will be ADEQUATE.

18
19 Mr. Passalacqua stated that surface and subsurface drainage will be ADEQUATE because it is unchanged.

20
21 e. Public Safety will be ADEQUATE.

22
23 Mr. Miller stated that public safety will be ADEQUATE.

24
25 f. The provisions for parking will be ADEQUATE.

26
27 Ms. Capel stated that the provisions for parking will be ADEQUATE.

28
29 **And except that in the CR, AG-1, and AG-2 Districts the following additional**
30 **criteria shall also apply:**

31
32 g. The property is BEST PRIME FARMLAND and the property with the
33 proposed improvements IS WELL SUITED OVERALL.

34
35 Mr. Courson stated that the property is BEST PRIME FARMLAND and the property with the proposed
36 improvements IS WELL SUITED OVERALL.

37
38 h. The existing public services ARE available to support the proposed special use

3/14/13

1 **effectively and safely without undue public expense.**

2

3 Mr. Courson stated that the existing public services ARE available to support the proposed special use
4 effectively and safely without undue public expense.

5

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

9

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

12

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

16

17 **3a. The requested Special Use Permit, subject to the special conditions imposed herein,**
18 **DOES conform to the applicable regulations and standards of the DISTRICT in which**
19 **it is located.**

20

21 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,
22 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

23

24 **3b. The requested Special Use Permit, subject to the special conditions imposed herein,**
25 **DOES preserve the essential character of the DISTRICT in which it is located because:**

26

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

29

30 Ms. Capel stated that the Special Use will be designed to CONFORM to all relevant County Ordinances and
31 Codes.

32

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

34

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

36

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

38

3/14/13

1 Mr. Miller stated that public safety will be ADEQUATE.

2

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

5

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

8

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

10

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

13

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

16

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

21

22 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein, is
23 so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it
24 shall be located or otherwise detrimental to the public health, safety, and welfare.

25

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

29

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

32

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

35

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

37

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

3/14/13

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6. Regarding necessary waivers of standard conditions:

A. Regarding the requested waiver of the standard condition in Section 6.1.3 from the minimum required fencing requirements:

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

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

(2) Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

Ms. Capel stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

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

Mr. Thorsland stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.

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

Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

(5) The requested waiver, subject to the proposed special conditions, IS the

3/14/13

minimum variation that will make possible the reasonable use of the land/structure.

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

B. Regarding the requested waiver of the standard condition in Section 6.1.3 from the minimum required front setback for a Riding Stable.

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

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

(2) Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

Mr. Courson stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

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

Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.

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

Mr. Courson stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT

3/14/13

1 result from actions of the applicant.

- 2
- 3 **(5) The requested waiver, subject to the proposed special conditions, IS the**
- 4 **minimum variation that will make possible the reasonable use of the**
- 5 **land/structure.**
- 6

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

- 9
- 10 **C. Regarding the requested waiver of the standard condition in Section 6.1.3 from**
- 11 **the minimum required front yard for a Riding Stable.**
- 12

- 13 **(1) The waiver, subject to the proposed special conditions, IS in accordance**
- 14 **with the general purpose and intent of the Zoning Ordinance and WILL**
- 15 **NOT be injurious to the neighborhood or to the public health, safety,**
- 16 **and welfare.**
- 17

18 Mr. Courson stated that the waiver, subject to the proposed special conditions, IS in accordance with the
19 general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to
20 the public health, safety, and welfare.

- 21
- 22 **(2) Special conditions and circumstances DO exist which are peculiar to the**
- 23 **land or structure involved, which are not applicable to other similarly**
- 24 **situated land and structures elsewhere in the same district.**
- 25

26 Mr. Palmgren stated that special conditions and circumstances DO exist which are peculiar to the land or
27 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
28 same district.

- 29
- 30 **(3) Practical difficulties or hardships created by carrying out the strict letter**
- 31 **of the regulations sought to be varied WILL prevent reasonable or**
- 32 **otherwise permitted use of the land or structure or construction.**
- 33

34 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of the
35 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
36 or construction.

- 37
- 38 **(4) The special conditions, circumstances, hardships, or practical difficulties**

3/14/13

DO NOT result from actions of the applicant.

Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

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

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

7. The special conditions imposed herein are required to ensure compliance with the criteria for Special Use Permits and for the particular purposes described below:

- A. This Special Use Permit shall be void if the Therapeutic Riding Center has ceased operations for 12 consecutive months without the Therapeutic Riding Center being actively marketed for sale.**
The special condition stated above is required to ensure the following:
That the subject property is properly maintained and does not become a nuisance.
- B. Clients of the Therapeutic Riding Center shall not be present on the subject property between the hours of 10 p.m. and 6 a.m.**
The special condition stated above is required to ensure the following:
That the Therapeutic Riding Center does not have clients visiting the property at irregular hours of the day.
- C. A Change of Use Permit shall be applied for within 30 days of the approval of Case 738-S-12 by the Zoning Board of Appeals.**
The above special condition is required to ensure the following:
The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

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

Mr. Courson moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of

3/14/13

1 **Record and Findings of Fact as amended. The motion carried by voice vote.**

2

3 Mr. Thorsland entertained a motion to move to the Final Determination for Case 738-S-12.

4

5 **Ms. Capel moved, seconded by Mr. Courson to move to the Final Determination for Case 738-S-12.**
6 **The motion carried by voice vote.**

7

8 **Final Determination for Case 738-S-12:**

9

10 **Ms. Capel moved, seconded by Mr. Courson that the Champaign County Zoning Board of Appeals**
11 **finds that, based upon the application, testimony, and other evidence received in this case, the**
12 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted**
13 **by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use**
14 **requested in Case 738-S-12 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant**
15 **Terry W. Plampin to authorize a Therapeutic Riding Center as a “Riding Stable” as a Special Use**
16 **with waivers of Special Use standard conditions for (1) a minimum fence height of 5 feet; (2) a**
17 **minimum front setback of 55 feet from the centerline of CR 700E; and (3) a minimum front yard of 25**
18 **feet in the AG-1 Agriculture Zoning District. Subject to the following special conditions:**

19

20 **A. This Special Use Permit shall be void if the Therapeutic Riding Center has**
21 **ceased operations for 12 consecutive months without the Therapeutic Riding**
22 **Center being actively marketed for sale.**
23 The special condition stated above is required to ensure the following:
24 **That the subject property is properly maintained and does not become a**
25 **nuisance.**

26

27 **B. Clients of the Therapeutic Riding Center shall not be present on the subject**
28 **property between the hours of 10 p.m. and 6 a.m.**
29 The special condition stated above is required to ensure the following:
30 **That the Therapeutic Riding Center does not have clients visiting the property**
31 **at irregular hours of the day.**

32

33 **C. A Change of Use Permit shall be applied for within 30 days of the approval of**
34 **Case 738-S-12 by the Zoning Board of Appeals.**
35 The above special condition is required to ensure the following:
36 **The establishment of the proposed use shall be properly documented as required**
37 **by the Zoning Ordinance.**

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3/14/13

1 Mr. Thorsland requested a roll call vote.

2

3 The roll was called:

4

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

7

8 Mr. Hall informed Mr. Plampin that he has received an approval of his request and that staff will be mailing
9 the final documentation as soon as possible and if Mr. Plampin had any questions he should give staff a call.

10

11 Mr. Thorsland stated that the Board will hear Cases 687-AM- 11 and 688-S-11.

12

13 **6. New Public Hearings**

14

15 None

16

17 **7. Staff Report**

18

19 None

20

21 **8. Other Business**

22

23 **A. Review of Docket**

24

25 Mr. Kass stated that staff has received four or five new zoning cases this month therefore the summer is
26 anticipated to be very busy. He said that new cases are now being docketed for June.

26

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

28

29 None

30

31 **10. Adjournment**

32

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

34

35 **Mr. Miller moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**
36 **vote.**

37

38 The meeting adjourned at 9:33 p.m.

ZBA

AS APPROVED APRIL 25, 2013

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Respectfully submitted

Secretary of Zoning Board of Appeals

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DRAFT SUBJECT TO APPROVAL DRAFT ZBA //

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