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5 **MINUTES OF REGULAR MEETING**

7 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

8 **1776 E. Washington Street**

9 **Urbana, IL 61802**

11 **DATE: April 25, 2013**

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

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

Urbana, IL 61802

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

18 **MEMBERS ABSENT :** None

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

22 **OTHERS PRESENT :** Marcus Harris, Tim Murray, Alan Singleton, Julia Hall, Jean Fisher, Mark
23 Fisher, Wayne Ward, William Jones, Lois Jones, Elista Dimitrova, Neal
24 Toler, Phillip Jones, Ben Shadwick, Jerry Christian, David Martin, Steve
25 Stanley, Jody Eversole, Douglas Smith, Harold Hazen

28 **1. Call to Order**

30 The meeting was called to order at 6:36 p.m.

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

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

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

40 **3. Correspondence**

42 None

44 **4. Approval of Minutes (March 14, 2013)**

46 Mr. Thorsland entertained a motion to approve the March 14, 2013, minutes.

48 **Mr. Palmgren moved, seconded by Mr. Courson to approve the March 14, 2013, minutes.**

50 Mr. Thorsland stated that Mr. Larry Hall requested that staff review the meeting audio tape and revise Line
51 40 on page 12 as follows: Dr. Jones stated that if the runway is approved then they could use some of the
52 property for generating some hay for his livestock but he does not need that much hay because he has plenty
53 of hay. He said that the only reason why the grass was planted at that location was for the runway.

4/25/13

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2 Mr. Thorsland stated that Ms. Julia Hall sent staff an e-mail requesting the following revisions to her
3 testimony: Line 17 on Page 28 indicating the following: Ms. Hall stated that according to Ms. Julius any
4 cutting of trees in the forested area will have a significant impact on the remaining trees and could cause
5 them to fail; and Line 15 on Page 18 indicating that following: She said that there are already unenforceable
6 restrictions in the finding of fact and the petitioner has already done things that are restricted in Champaign
7 County.

8
9 Mr. Thorsland stated that staff reviewed these recommended changes with the meeting audio tape and
10 revised the minutes as requested.

11
12 Mr. Thorsland asked the Board if they were in favor of approving the March 14, 2013, minutes as amended
13 and the Board agreed.

14
15 **The motion carried by voice vote.**

16
17
18 **5. Continued Public Hearing**

19
20 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
21 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
22 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
23 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
24 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
25 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
26 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
27 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
28 **driveway separation between driveways in the same development; (4) require minimum driveway**
29 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
30 **(5) require for any proposed residential lot not served by a public water supply system and that is**
31 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
32 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**
33 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**
34 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**
35 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**
36 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**
37 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**
38 **the agency response.**

4/25/13

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2 Mr. Thorsland stated that the petitioner has requested a continuance for Case 685-AT-11. He asked the
3 petitioner if he would like to add any information at this time and the petitioner indicated that he did not.

4
5 Mr. Thorsland stated that a suggested continuance date for this case is May 16, 2013.

6
7 Mr. John Hall, Zoning Administrator, agreed to a continuance date of May 16th.

8
9 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the May 16th meeting.

10
11 **Mr. Passalacqua moved, seconded by Mr. Courson to continue Case 685-AT-11 to the May 16th**
12 **meeting. The motion carried by voice vote.**

13
14
15 **Case 687-AM-11 Petitioner: Phillip W. and Sarabeth F. Jones Request: Amend the Zoning Map to**
16 **change the zoning district designation from CR Conservation Recreation to AG-1Agriculture.**
17 **Location: An approximately 14 acre tract of land that is located in the North Half of the South Half of**
18 **the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois**
19 **Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and**
20 **County Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**

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

33
34 Mr. Thorsland called Cases 687-AM-11 and 688-S-11 concurrently.

35
36 Mr. Thorsland informed the audience that Case 688-S-11 is an Administrative Case and as such the County
37 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
38 show of hands for those who would like to cross examine and each person will be called upon. He requested

4/25/13

1 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
2 that those who desire to cross examine are not required to sign the witness register but are requested to
3 clearly state their name before asking any questions. He noted that no new testimony is to be given during
4 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
5 exempt from cross examination.
6

7 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
8 sign the witness register for that public hearing. He reminded the audience that when they sign the
9 witness register they are signing an oath.
10

11 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
12

13 Mr. Alan Singleton, attorney for Dr. and Mrs. Jones, stated that additional information has been submitted
14 and he will review that information with the Board tonight. He said that an appraisal report was completed
15 by James Webster, MAI, SRA, and Mr. Webster indicated on page 14 of his report that the granting of a
16 special use permit to allow an RLA will not have a negative impact on real estate values in the
17 neighborhood. Mr. Singleton stated that Mr. Webster's appraisal is the second appraisal on the subject
18 property, one previously submitted by Cragg's Appraisal Service, and the neighbors have not submitted any
19 opinions from an appraiser but only from a realtor.
20

21 Mr. Singleton stated that at the last meeting the Board requested a letter from Mr. Bragg affirming that the
22 Jones have permission for the RLA to use the Bragg Farms property for the side transition. Mr. Singleton
23 stated that Mr. Bragg's letter was included in the additional information for the Board's review.
24

25 Mr. Singleton stated that the submitted information for the Board's review also includes an updated EcoCat
26 review which indicates that adverse effects are unlikely. He said that included in the submitted packet of
27 information is a photograph taken from Route 130 of Larry and Julia Hall's front yard showing a recreational
28 vehicle parked in the yard and the only reason why he included this photo was because recreational vehicles
29 travel up and down Route 130 every day and there are no special licenses required for their weight. He noted
30 that Mr. and Mrs. Fisher also have an RV parked on their property. Mr. Singleton stated that recreational
31 vehicles are typical examples of outdoor storage and land uses that might occur in a rural area.
32

33 Mr. Singleton stated that the submitted packet of new information includes a photograph of a sign located in
34 the University of Illinois Research Park which is an indication that it is an accepted practice of not mowing
35 in order to encourage native plant growth, increase habitat for wildlife, and promote sustainable landscapes.
36 He said that there has been criticism from Mr. Larry Hall regarding the fact that Dr. Jones has planted trees
37 along the property line. Mr. Singleton stated that the packet of information includes an aerial GIS map of the
38 Hall property showing the line of trees that Dr. Jones planted along the northern boundary of the property

4/25/13

1 which is an example of the customary practice in rural areas to allow planted trees to function as a fence or
2 border. Mr. Singleton stated that the packet of information includes a Property Management Plan created by
3 Bruce Stickers, as requested by staff and the Board. He said that the plan appears to be a general plan but it
4 is what was requested and it has been submitted. Mr. Singleton stated that the packet of information
5 includes a bar graph depicting the comparison of sound pressure levels (SPL) in decibels, including Cessna
6 aircraft and a Bell helicopter. He said that what was interesting is that there is no differential in sound and
7 the aircraft fit in to the decibel levels and are certainly lower than other item on the list. He said that with the
8 few passes that will be made by the helicopter and airplane the noise becomes a non-issue.
9

10 Mr. Singleton stated that there have been some questions about the trees which exist in the area of the
11 proposed hangar. He said that the hangar was going to be located behind the Fisher's residence although a
12 different location was chosen due to the proximity to the neighbor's homes and was relocated to its current
13 proposed location. He said that the movement of the proposed hangar appears to be coming back to bite the
14 petitioner. He said that Mr. Wayne Ward will present testimony indicating that he located a few trees which
15 are in the nine or ten inch diameter range in the proposed hangar area. Mr. Singleton stated that he visited
16 the property this morning to observe the species of trees and found Osage Orange and Locust trees which
17 both are known for their thorns. He presented the Board with an example of the thorns that thrive on both
18 types of trees in the hangar area. He said that also in this general area, not in the area where the hangar is
19 proposed, are old trees which have died and the next generation of trees in the overgrowth are Osage Orange
20 and Locust.
21

22 Mr. Singleton stated that the petitioners are proposing a special condition which requires Dr. Jones to plant
23 two hardwood trees of four inches in diameter or greater for every ten inch or greater tree that is removed
24 and that those trees be hearty varieties such as Red Oak. He said that Red Oak trees establish well and
25 would be a great way to set up the right kind of eco-system in a managed fashion and would still allow the
26 hangar to be built in the proposed area. He said that this will establish a better species for reforestation and
27 replace the trash trees with good trees. He said that eventually, 150-years or more, the area might return to
28 oak trees but if the petitioner is aggressive and plants a good species of trees the process could be accelerated
29 to establish a good hardwood forested area.
30

31 Mr. Singleton stated that due to the amount of evidence he agrees to the need for the Table Summarizing
32 Most Salient Evidence but on page 3, Item 2.d. indicates that there has been conflicting opinion from real
33 estate professionals about the impact that the proposed RLA may have on adjacent property values. He said
34 the only opinion from a real estate professional was from Mr. Cothorn, Keller Williams Real Estate, which
35 was submitted by the neighbor, and Mr. Cothorn made no representation that he is an appraiser and rendered
36 his opinion before the RLA was shifted further south away from the homes and rendered an opinion before
37 there were special conditions limiting the impacts and made the assumption that a commercial insecticide
38 plane would land and reload with chemicals and fuel. Mr. Singleton stated that anytime an appraiser makes

4/25/13

1 and assumption or bases an appraisal upon false assumptions it must be disregarded therefore there is no
2 appraisal evidence to back up any confusion.

3
4 Mr. Singleton stated that he would like to call the Board's attention to the conservation aspect of the grass on
5 the runway. He said that as he thinks about walking through the areas of the country which are not farmed
6 the water which runs down the streams is clear and that is because the farmland is not washing into the
7 stream. He said that to have a buffer strip, an area where grass is planted in order to conserve soil, is a good
8 thing and he submitted an article regarding this topic for review.

9
10 Mr. Singleton stated that the petitioners have tried very hard to remain positive and not criticize the
11 neighbors but Ms. Fisher submitted a photograph of a semi-trailer which has been placed on the Jones'
12 property therefore he must respond to that photograph. Mr. Singleton submitted a photograph of a trash pile
13 which Mr. and Mrs. Fisher have placed upon the petitioner's property and they built a fence which is
14 approximately 40 or 50 feet over the land and their attorney sent the petitioners a letter indicating that Mr.
15 and Mrs. Fisher are attempting to take the land by adverse possession. Mr. Singleton stated that he
16 understands that this hearing is not the forum for the dispute between the Fishers and the petitioner regarding
17 the fenced area but as the Board listens to the people who testify they must also understand the motivation
18 behind their testimony.

19
20 Mr. Singleton stated that Mr. John Hall set forth a map which showed the area which is adjacent to the Hall
21 home that he believed was better suited for CR. Mr. Singleton stated that he began reviewing zoning
22 ordinances and the Zoning Ordinance for Piatt County does not directly include a CR district but its closest
23 district to the CR district does allow a special use permit in that district. He submitted a copy of the section
24 from the Piatt County Zoning Ordinance for the Board's review.

25
26 Mr. Singleton stated that Mr. Larry Hall submitted information which included comparisons and arguments
27 to the fact that his property will be diminished in value because properties that are adjacent to commercial
28 airports are diminished in value. Mr. Singleton stated that to say that the restricted landing area with only a
29 few landings is the same as a commercial airport is to say that a driveway is the same thing as the Dan Ryan
30 Expressway. He said that I.D.O.T. has blessed this project in the sense that they set forth a standard
31 indicating that the RLA is at a safe distance and there are case laws suggesting that for the County to impose
32 additional safety standards would be inappropriate. He said that the RLA is further from the Hall home than
33 Route 130 is from the Hall home. He encouraged the Board to keep things in perspective as they weigh the
34 evidence for this restricted use of the property and restricted RLA and respectfully requests that the Board
35 approve it.

36
37 Mr. Thorsland asked the Board if there were any questions for Mr. Singleton and there were none.
38

4/25/13

1 Mr. Thorsland asked if staff had any questions for Mr. Singleton.
2

3 Mr. John Hall, Zoning Administrator, clarified that every time he mentioned a property management plan it
4 was when the petitioner had made claims of the good things that they have done on the property. He said
5 that property management can be more complicated than what can be handled in a zoning case and he is not
6 a big fan of it but when the petitioners are testifying that they have created habitat on their property the only
7 way that habitat is communicated to the County Board is if there is a plan or drawing that shows the location
8 of improved prairie and woodland habitat. He said that granting permission for an RLA to remove woodland
9 because some trees are going to be planted somewhere else is fine if that is what the ZBA wants then that
10 would work but the policies talk about habitat which is not just planting trees. He said that staff can tell the
11 petitioners what the policies are but it is up to the petitioners to decide what it means and the value that they
12 put on things therefore if it is purely the number of trees then that is one thing. He said that the original site
13 plan indicated a hangar at the extreme north end of the property which would have been rezoning a strip of
14 land almost one-half mile long and it may have not taken out many trees but it would have looked even more
15 peculiar than the small area where the hangar is currently proposed. He said that having a smaller strip of
16 land is a better thing but again this is the CR district and the whole point of the CR district is the natural and
17 scenic areas and proposing to remove the habitat that makes up the scenic and natural area is, in his mind, a
18 very significant thing but it remains to be seen what the ZBA thinks about that and it remains to be seen what
19 the County Board thinks about it.
20

21 Mr. Singleton stated that the Board must keep in mind that this is not old growth forest but is a thicket. He
22 said that if the petitioner plants new hardwood trees, as per the petitioner's proposed special condition, then
23 the area will be better.
24

25 Mr. Hall asked Mr. Singleton where the new trees are proposed to be planted.
26

27 Mr. Singleton asked Mr. Hall where he would like the trees.
28

29 Mr. Hall stated that he does not know and that is up to the Board. He recommended to the Board that the
30 new location for the trees not to be in an area that is grazed or subject to a lot of recreational traffic from
31 four-wheeled vehicles. He said that unless the Board is only concerned about having a certain number of
32 trees then anywhere that is not already treed, which appears to be the area to the east, would be the ideal
33 location. He said that if the Board is going to be open to the idea of planting trees somewhere then the
34 petitioner should take the time to call that area out on a plan and determine how large of an area that will be
35 and if the Board accepts it then great.
36

37 Mr. Thorsland asked if the Board or staff had any other questions for Mr. Singleton and there were none. He
38 noted that the relevance of the Piatt County semi-equivalent CR district is not something that the Board

4/25/13

1 should consider and if Piatt County is more favorable then perhaps the RLA would be better suited in Piatt
2 County not Champaign County.

3
4 Mr. Singleton stated that he understands Mr. Thorsland's point although Mr. John Hall has cited ordinances
5 in other counties for guidance.

6
7 Mr. Thorsland stated that very early on the Board talked about the tree management plan and there was
8 thought that the petitioners had a plan. He said that asking Mr. Hall where he would like the trees planted is
9 not as relevant as the Jones telling the Board, other than providing handouts from Mr. Stickers, where they
10 desire to place the trees. He said that this information would give the Board a better idea as to how to rule
11 on the map amendment.

12
13 Mr. Singleton stated that the petitioners have already planted 1,009 trees.

14
15 Mr. Thorsland stated that the Board is aware of that evidence but the driver for this issue is the petitioner
16 when it comes to the management plan and not the Board. He said that the Board has requested the
17 management plan previously and indeed the Board has more information than it had before. He said that
18 there has been a desire to rule on the case fairly soon although another packet of new information has been
19 submitted at tonight's meeting. He asked Mr. Singleton if he would like the Board to continue the case to a
20 later date so that the Board can digest the submitted information or move forward tonight and include the
21 new packet as evidence.

22
23 Mr. Singleton stated that the new packet of information can be included as evidence. He said that these
24 cases have been going on for a long time and it is time to get a ruling. He said that he assumes that most of
25 the Board members have made their decision by now anyway.

26
27 Mr. Thorsland asked the Board and staff if there were any further questions for Mr. Singleton and there were
28 none.

29
30 Mr. Thorsland called John Hall.

31
32 Mr. John Hall, Zoning Administrator, stated that the only new information from staff tonight is the
33 distributed Table Summarizing Most Salient Evidence Relevant to Special Use Permit Criteria and Map
34 Amendment Findings in Cases 687-AM-11 and 688-S-11. He said that the table is intended to be the salient
35 evidence, from staff's perspective, of the hundreds of pages of evidence and the task is to make that evidence
36 available at the time that the Board makes its final decision. He said that the table lists the decisions that are
37 necessary for the special use permit and the decisions which are necessary for the map amendment and the
38 ones that use the same information are put together and the most salient information is to the right. He said

4/25/13

1 that the Board can use the references to the items of evidence to go back and review the evidence for each
2 item in each instance but there are hundreds of pages of evidence for these cases and the table is merely an
3 attempt to assist the Board while they are working through their decisions. He said that staff did the best it
4 could to make sure that the salient evidence is both evidence for and evidence against, if there is evidence on
5 both sides, and staff did not cherry pick the evidence.
6

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

9 Mr. Thorsland stated that he will first call witnesses from the last public hearing that, due to the lateness of
10 the meeting, did not have the opportunity to testify.
11

12 Mr. Thorsland called Ben Shadwick to testify.
13

14 Mr. Ben Shadwick, who resides at 1004 Fox Run Drive, Villa Grove, stated that he owns a five acre parcel
15 of land which is adjacent to Dr. and Mrs. Jones' property. He said that he has attended every meeting
16 regarding these cases and would like to voice his support for the RLA. He said that he has known Dr. Jones
17 for a long time and has been present in aircraft under Dr. Jones' operation. He said that Dr. Jones is a
18 licensed pilot and the FAA does everything they can to assure that they have safe pilots. He said that there
19 has been a lot of discussion regarding safety and he does understand many of the concerns by the neighbors.
20 He said that in regards to habitat, Dr. Jones has taken leaps and bounds to promote habitat and would be
21 happy to show anyone what he and his wife have done with the property.
22

23 Mr. Shadwick stated that in the near future he intends to build a home on his five acres which is adjacent to
24 the subject property and the possibility of Dr. Jones having an RLA in proximity to his property will not
25 detour him from his plans. He urged the Board to move forward and make a decision tonight. He said that
26 he is sure that these cases has been hard on everyone but if the Board allows these cases to continue negative
27 comments will continuously be heard. He said that, like Mr. Singleton, he assumes that most of the Board
28 already has their mind made up therefore a final decision needs to be made soon.
29

30 Mr. Thorsland asked the Board if there were any questions for Mr. Shadwick and there were none.
31

32 Mr. Thorsland asked if staff had any questions for Mr. Shadwick.
33

34 Mr. Hall asked Mr. Shadwick if he could estimate how far the location of his future home will be from the
35 proposed RLA.
36

37 Mr. Shadwick stated that he would estimate 300 yards or less than 1,000 feet.
38

4/25/13

1 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Shadwick at this time regarding
2 Case 688-S-11 only and there was no one.

3
4 Mr. Thorsland called Mr. Jody Eversole to testify.

5
6 Mr. Jody Eversole, who resides at 16 Hancock Drive, Villa Grove, stated that he cannot believe how long
7 these cases have continued on before this Board. He said that he grew up less than one mile from the subject
8 property and spent a lot of time canoeing up and down the river. He said that Dr. and Mrs. Jones have made
9 remarkable improvements to the property because at one time you could not even get through the property.
10 He said that Mrs. Jones is a school teacher for the Villa Grove Schools and she has a nature course that visits
11 the property. He said that he cannot believe how these cases have become all about trees and he would
12 recommend that anyone from the Board or staff visit the property to see the nature sanctuary that has been
13 established. He said that Dr. Jones has planted over 1,000 trees on the property which is a remarkable
14 amount. He said that he cannot see any reasons against the requests and the neighbors who are opposing the
15 requests are friends of his but it appears that the neighborhood has a Hatfield and McCoy scenario. He said
16 that it is absurd that the neighbors have accused the Jones of cutting down trees and not being
17 environmentally friendly because the property is 100 times better than it was prior to the Jones' ownership.

18
19 Mr. Eversole stated that the property is located along Route 130 therefore the issue of noise already exists.
20 He said that the main reason why he is in attendance is several county sheriffs are involved. He said that he
21 has been involved in politics most of his adult life and understands that when a political figure writes a letter
22 and places their name on it in support of a certain request then it is for a good reason. He said that at any
23 given time when Dr. Jones' assistance is required he drops his instruments and runs to assist. He said that
24 when Mr. Martin got lost in the Villa Grove area Dr. Jones provided his services in his helicopter to search
25 for him. He said that someone testified about aircraft flying through fires and being a detriment to the fire
26 fighters and law enforcement although this is not the practice of Dr. Jones because anytime someone calls
27 him to assist he provides his services.

28
29 Mr. Eversole stated that he considers himself an environmentalist as well and he drives past the subject
30 property every day and most of the time the property will look no differently because Dr. Jones does not
31 have a lot of time to fly due to his dentist practice.

32
33 Mr. Eversole thanked the Board for their time.

34
35 Mr. Thorsland asked the Board if there were any questions for Mr. Eversole and there were none.

36
37 Mr. Thorsland asked if staff had any questions for Mr. Eversole and there were none.

38

4/25/13

- 1 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Eversole regarding Case 688-S-11
2 only and there was no one.
3
- 4 Mr. Thorsland called Dr. William Jones to testify.
5
- 6 Dr. William Jones deferred to testify at this time.
7
- 8 Mr. Thorsland called Dr. Phillip Jones to testify.
9
- 10 Dr. Phillip Jones deferred to testify at this time.
11
- 12 Mr. Thorsland called Mark Fisher to testify.
13
- 14 Mr. Thorsland reminded Mr. Fisher that the Board requests that testimony remain brief and only contain new
15 information.
16
- 17 Mr. Mark Fisher, who resides at 195 CR 1600E, Villa Grove, stated that he feels that he must defend himself
18 in regards to the burn pile and fence line that was mentioned by Mr. Singleton. He said that the burn pile
19 and the fence line have been at its current location for over 20 years and the issue regarding ownership began
20 about one year ago. He said that the issue of the burn pile and fence line is a separate issue that cannot be
21 resolved by this Board.
22
- 23 Mr. Fisher stated that at the last meeting it was evident that the petition was not based on agriculture which
24 is important because it renews the question regarding what kind of aircraft are going to be used if not for
25 agriculture and how much noise will be produced. He said that at one point the petitioner stated that he
26 bought and sold planes as a broker therefore it is important to request the decibel levels of the aircraft that
27 Dr. Jones owns now because he may apparently own different aircraft in the future.
28
- 29 Mr. Fisher stated that at the last meeting Dr. Jones indicated that it is not his fault that the property is zoned
30 CR and that he does not care whether the County calls his property CR or AG-1 and only desires to obtain
31 the necessary permits for the RLA. Mr. Fisher stated that he and his wife purchased their property because it
32 was located in a conservation area but apparently the petitioner purchased his property mindless of what the
33 property was zoned which raises the question as to if the petitioner understands the difference between CR
34 and AG. Mr. Fisher stated that while it may not be the petitioner's fault as to how the property is zoned it is
35 still the responsibility of the landowner to educate themselves on local and county ordinances before land is
36 purchased for its intended use.
37
- 38 Mr. Fisher stated that he cannot see how a positive vote for the rezoning can occur until the tree issue at the

4/25/13

1 west end of the runway is resolved. He said that it is clear that trees are penetrating or have a significant
2 ability to penetrate the air space at the west end and what is most problematic is that the majority of the
3 hazardous trees are located on someone else's property. He said that the tree hazard area stretches from the
4 field on the east side of the river to the field on the west side of the river including the entire river basin
5 therefore how will the petitioner manage trees if they are not on his property. He cannot see how the Board
6 can approve the rezoning based on the tree issue alone.

7
8 Mr. Fisher stated that based on the reasons above and 37 other petitioners in opposition he requests that the
9 Board deny the petitioner's requests.

10
11 Mr. Thorsland asked the Board if there were any questions for Mr. Fisher and there were none.

12
13 Mr. Thorsland asked if staff had any questions for Mr. Fisher and there were none.

14
15 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Fisher and there was no one.

16
17 Mr. Thorsland asked Mr. Fisher if he had any written testimony to present to the Board.

18
19 Mr. Fisher indicated that he did not.

20
21 Mr. Thorsland called Jean Fisher to testify.

22
23 Ms. Jean Fisher, who resides at 195 CR 1600E, Villa Grove, stated that on July 28, 2010, the Department of
24 Planning and Zoning received an inquiry from the Illinois Department of Transportation Division of
25 Aeronautics requesting if an applicant had received approval for an RLA. She said that the petitioner had
26 apparently applied to the Illinois Department of Transportation on October 5, 2009, for a certificate of
27 approval for an RLA and had indicated "yes" under the question whether local zoning had been approved on
28 the IDOT application for an Airport/RLA Certificate of Approval. She said that the Zoning Administrator
29 replied to IDOT indicating that no zoning approval had been issued. She said that the IDOT Certificate of
30 Approval was placed on hold while the applicant sought local zoning approval. Ms. Fisher stated that this is
31 the origin of the petitioner's case and since then not much has changed.

32
33 Ms. Fisher stated that it is more than evident that Dr. Jones wants what he wants and to the detriment of rural
34 life citizens who are generally called neighbors. She said that Dr. Jones wants an RLA which places a very
35 big risk to the neighbors who chose to live in harmony with the conservation area. She said that the
36 conservation areas are a more populous area of residence due to the beauty of the conservation and forested
37 eco-systems. She said that, in her opinion, it is unfortunate that Dr. Jones does not recognize the impact that
38 his request will have on the area. She said that the area is part of less than 1% of forested land in Champaign

4/25/13

1 County and 37 people recognize the impact and safety issues and gladly signed a petition to deny these
2 requests. She urged the Board to preserve our natural resources and protect the citizens of the E.E. Rogers
3 Subdivision and the three mile curve conservation district.

4
5 Mr. Thorsland asked the Board if there were any questions for Ms. Fisher and there were none.

6
7 Mr. Thorsland asked if staff had any questions for Ms. Fisher and there were none.

8
9 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Fisher and there was no one.

10
11 Mr. Thorsland called Mr. Larry Hall to testify.

12
13 Mr. Larry Hall, who resides at 177 CR 1600E, Villa Grove, stated the he intends to be brief although he
14 would like to comment on a few items that have been mentioned. He said that Mr. Singleton spoke about
15 the trees to the north although those trees existed when Mrs. Julia Hall purchased the property and they
16 divide their yard from the neighbor's yard. He said that the existing trees have never impaired the view of
17 the conservation area or the wildlife that she observed when she purchased the house. He said that anyone is
18 welcome to come visit their property for a current view because the photograph that was submitted with the
19 appraisal is approximately three years old. Mr. Hall submitted a current picture of his property for the
20 Board's review. He said that the only reason why an older picture might have been submitted was to send a
21 subliminal message that any financial impact upon his property would not amount to much.

22
23 Mr. Larry Hall stated that during the last meeting Mr. Thorsland asked Dr. Jones if he knew the sound level
24 of his helicopter and the standard sound ratings utilized by the FAA. Mr. Hall stated that Dr. Jones
25 responded that he had submitted a chart although it was very general. Mr. Hall stated that he completed
26 some further investigation and discovered that the FAA Aircraft Noise Levels, which he submitted, page 8
27 indicated propeller driven aircraft and of the 22 models of Cessna aircraft all but 2 are above the cited
28 decibel range on the chart. He said that Appendix 10 shows 9 models of Bell helicopters, which is the model
29 that the petitioner owns, are above the 85 decibels indicated on the chart. He said that for every 10 decibels
30 the noise level doubles.

31
32 Mr. Thorsland noted that he has the benefit of having a Zoning Board of Appeals that knows more about
33 decibels than he could ever imagine because sound decibels were a very extensive subject during the wind
34 farm ordinances. He said that there is no need to explain further what the decibels mean and the doubling of
35 the sound.

36
37 Mr. Larry Hall stated that it is very important to realize that it doesn't take much to double the sound and he
38 feels that giving examples of decibel levels at the lowest end of the range is very misleading.

4/25/13

1
2 Mr. Larry Hall stated that page 14 of the appraisal report indicates that the consultant has considerable
3 experience appraising residences which are near private landing strips such as Aero-Place east of Urbana as
4 well along with community airports including Monticello, Paxton, and Tuscola where nearby properties has
5 not been negatively impacted. Mr. Hall stated that the Google maps that he has submitted to the Board for
6 review indicates the lack of residences along those runways as they go out into the fields with the exception
7 of a home which is located on the north end across the highway at Paxton. He said that he personally located
8 that home and found that it had approval before it was constructed. He said that there is a row of houses
9 north of the Piatt County Airport and across the road and a building on the airport property. He said that the
10 FAA data information sheet dated March 7, 2013, recommends take off to the south to avoid noise sensitive
11 areas to the north of the airport which is the location of the homes. He said that north is where the homes are
12 located which recognizes that there is a noise issue with take-offs. He said that the airport houses only single
13 engine planes and hang-gliders and is meant for local aviation. He said that the proposed RLA always talks
14 about taking off to the east which is where Mr. Hall's home is located. He said that the Annual Review of
15 Aviation Accidents indicates that half of all aviation accidents occur during either take-off or landings.

16
17 Mr. Larry Hall stated that Mr. John Hall referenced that there were no comparables to support the opinion of
18 the consultant. Mr. Larry Hall stated that what we have is an unsupported professional personal opinion by a
19 real estate appraiser versus what he and his wife submitted earlier which was a professional personal opinion
20 by a leading real estate marketing firm, Keller-Williams Real Estate. He said that the opinion from Keller-
21 Williams Real Estate stated that the negative impact on his property's value would be considerable. Mr.
22 Larry Hall stated that the Board now has differing opinions, one is right and one is wrong, but he is not
23 willing to take the risk that only time is going to answer which one is right because he does not want to be
24 the example.

25
26 Mr. Larry Hall stated that in regards to the property management plan, Mr. John Hall referenced the
27 submitted report as a guideline for the property management plan, on April 7, 2013, Dr. Jones burned a large
28 portion of his field on the proposed RLA property. Mr. Larry Hall stated that he was not aware of the event
29 until someone from Villa Grove called him because they could see the flames. He said that immediately
30 Mrs. Hall went outside and she could also see the flames that were occurring during the night. Mr. Larry
31 Hall stated that at 7:56 p.m. he called Dr. Jones to make sure that someone was back there and Dr. Jones
32 assured him that there was someone back there and that it was a controlled burn and everything was okay.
33 Mr. Larry Hall stated that Mr. Bruce Stickers indicated in his letter attached to the proposed management
34 plan that an annual permit is required from the Illinois EPA for burning and this information is also stated in
35 the CCSWCD guidelines section, Practice Standard 338 for Prescribed Burning. He said that his research of
36 the IEPA website indicated that a permit had been not issued therefore he would like the Board to ask Dr.
37 Jones if a permit was obtained, and if so is the permit current. Mr. Larry Hall stated that the practice
38 standard indicates that burning will occur during daylight hours only and mop-up should be completed

4/25/13

1 before sunset. He said that the practice standard also indicates that adjoining landowners, utility companies
2 with facilities within the burn unit (overhead or underground) and residences and businesses within the first
3 mile of the anticipated airshed shall be notified prior to burning. Mr. Hall stated that the neighbors were not
4 notified. Mr. Hall stated that Dr. Jones violated the property management guidelines even though he assured
5 the Board that he would follow them. Mr. Hall stated that the burning is an example of the continued pattern
6 of not following the established rules for public safety therefore, how can we trust that the rules will be
7 followed for the RLA, especially when some of those rules are self-policing.

8
9 Mr. Larry Hall stated that he appreciates the Board's time and consideration and he requests that the Board
10 deny the petitioner's requests tonight.

11
12 Mr. Thorsland asked the Board if there were any questions for Mr. Larry Hall and there were none.

13
14 Mr. Thorsland asked if staff had any questions for Mr. Larry Hall and there were none.

15
16 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Larry Hall and there was no one.

17
18 Mr. Thorsland called Wayne Ward to testify.

19
20 Mr. Wayne Ward, who resides at 977N CR 1500E, Camargo, stated that he is only providing professional
21 engineering service for the issue before this Board tonight. He said that he has provided engineering services
22 for Dr. Jones on several occasions therefore he assumes that Dr. Jones was satisfied with his work which is
23 the reason why he employed him for this project. Mr. Ward stated that he has no bias one way or another
24 regarding this matter and as a matter of fact he has provided engineering services for several of the people
25 who have gone on record as being opposed to the proposed RLA. He said that he has worked with several of
26 the neighbors, Larry and Julia Hall, Damon Hood, Carl Brown, Justin Harrison and Wes Miller regarding
27 various projects and he is sure that they will tell the Board that he has provided professional services within
28 the rules and regulations of their particular issue.

29
30 Mr. Ward stated that for this project he provided engineering information and drawings that are based upon
31 the rules and regulations of the federal and state requirements as well as those of the Champaign County
32 Zoning Ordinance. Mr. Ward said that having said all of the above there seems to be some issues remaining.
33 He said that the issue of the trees located at the west end of the proposed RLA seem to continue to be a
34 concern and according to his measurements and calculations concerning those trees the height and location
35 will currently meet the federal, state and county requirements. He said that he has also reviewed the area that
36 is designated as the site for the hangar and if all of the brush and small trees were removed from the area it
37 would involve the removal of 3/10th of an acre of brush and small trees. He said that there are only a few
38 trees as large as 10 inches in diameter and the rest are small trees and a lot of brush. He said that there are

4/25/13

1 three trees existing together and one is a large locust that is approximately 24 inches in diameter but it is the
2 largest tree in the cluster. He said that there are no large, mature trees within the site and he has taken
3 photographs from all angles around the site to indicate that there are no large trees existing within the site
4 and those photographs have been provided to the Board for review.

5
6 Mr. Ward stated that he knows of no issues in the proposed plan that does not conform to all of the
7 regulations of the federal government, the state government and the Champaign County Zoning Ordinance
8 requirements.

9
10 Mr. Thorsland asked the Board if there were any questions for Mr. Ward and there were none.

11
12 Mr. Thorsland asked if staff had any questions for Mr. Ward.

13
14 Mr. Hall stated that staff enjoys working with Mr. Ward and for the projects that he works on he provides
15 some of the best engineering data that staff receives and Mr. Hall appreciates what has been provided
16 tonight. Mr. Hall asked Mr. Ward if the large tree indicated in Photo #17 is within the hangar site.

17
18 Mr. Ward stated that the large tree indicated in Photo #17 is outside of the designated area.

19
20 Mr. Hall asked Mr. Ward if the tree in the photo is an Oak tree.

21
22 Mr. Ward stated yes. He said that there is another large oak tree to the east of the designated area as well.

23
24 Mr. Hall asked Mr. Ward if the trees that he referred to during his testimony are the trees that are just across
25 the river on west end of the runway.

26
27 Mr. Ward stated that the trees that he referred to during his testimony are the trees that are closest to the
28 runway.

29
30 Mr. Hall asked Mr. Ward if he crossed the river to review that area.

31
32 Mr. Ward stated no.

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

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

37
38 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Ward. He reminded the audience

4/25/13

1 that they may only ask Mr. Ward questions based upon his testimony.

2

3 Mr. Larry Hall asked Mr. Ward if he testified that the trees meet all requirements.

4

5 Mr. Ward stated yes.

6

7 Mr. Larry Hall asked Mr. Ward if he could state with professional authority that the future growth of the
8 trees will meet the requirements.

9

10 Mr. Ward stated certainly not.

11

12 Mr. Alan Singleton asked Mr. Ward if there was reason why he did not cross the river to measure the trees.

13

14 Mr. Ward stated that he measured the trees that would be affecting the 15:1 slope and those were the ones
15 that were the closest to that slope. He said that the trees that are further away are not a problem and the trees
16 that are closest to the runway are the ones that could create a problem. He said that anytime you go out on a
17 15:1 slope by the time you cross the river those trees are not a problem.

18

19 Mr. Thorsland asked the audience if there was anyone else who would like to cross examine Mr. Ward and
20 there was no one.

21

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

24

25 Mr. Thorsland closed the witness register.

26

27 Mr. Thorsland asked the Board if there were any questions for staff regarding these cases and there were
28 none.

29

30 Mr. Thorsland stated that the Board will review the map amendment first and once completed the Board will
31 review the special use.

32

33 Mr. Palmgren asked Mr. Hall if the Board is going to review the map amendment first, should the Board
34 ignore Case 688-S-11 during that review.

35

36 Mr. Hall stated that the policies discusses uses that are discretionary approvals and that is why the Board has
37 begun evaluating map amendments by a special use permit when there is one that is related. He said that the
38 Board cannot ignore Case 688-S-11 during the map amendment's review.

4/25/13

1
2 Mr. Palmgren read the following full disclosure statement: For the record, I have previously mentioned to
3 the Administrator and some of the ZBA members that I do know Dr. Phillip Jones and some members of his
4 family casually. Pilots tend to run into each other at pilot gatherings just as other groups with similar
5 interests would. At those infrequent times, no specifics of either case were discussed. I have no financial or
6 other interest in anything concerning the petitioners, nor the protestors, for that matter. I have never been on
7 the property in question although I have passed by it. Additionally, I have never been to Dr. Jones' residence
8 or office, nor have I flown with Dr. Jones or any family members. The record has shown that I am a private
9 pilot residing at Day Aero Place Residential Airport, sometimes called a "glorified RLA." My personal
10 experiences of flying from and living on this airstrip in very close proximity to numerous aircraft operations
11 for 17 years have caused me to take a special interest in these cases. Neither Dr. Jones nor any family
12 member has flown into Day Aero Place. Finally, after almost two years, eight meetings, many hours of staff
13 time and reams of documentation, I see no winners here, regardless of who prevails. I fear that these cases,
14 like Aero Place before them, will be a continuing issue for both parties unless differences can be resolved
15 among the participants.

16
17 Mr. Palmgren submitted his statement as a Document of Record.

18
19 Mr. Thorsland thanked Mr. Palmgren. He asked the Board if anyone was uncomfortable with Mr. Palmgren
20 voting on either case.

21
22 The Board indicated that they were not uncomfortable with Mr. Palmgren voting on either case.

23
24 Mr. Thorsland asked the petitioners if they were uncomfortable with Mr. Palmgren voting on either case.

25
26 The petitioners indicated that they were not uncomfortable with Mr. Palmgren voting on either case.

27
28 Mr. Thorsland stated that the Board will work through the Summary Finding of Fact. He said that if there
29 are relevant items that the Board would like to add to the Finding of Fact then this is the time to insert them.
30 He said that staff will update the Documents of Record to reflect the items which have been received tonight
31 and testimony will be inserted in the appropriate location.

32
33 Mr. Hall stated that prior to the meeting he noticed that the draft Findings of Fact that was mailed on April
34 17, 2013, Item #20.A on page 23, requires revision. He said that the decision is whether the proposed
35 rezoning will HELP ACHIEVE or NOT HELP ACHIEVE Objective 10.1 and the Board may recall that at
36 the last public hearing staff had received new information from the State Historic Preservation Agency
37 indicating that no Phase I Archaeological Survey is required. He said that unfortunately on the Summary
38 Finding of Fact Objective 10.1 is indicated under WILL NOT IMPEDE. He said that staff discussed this

4/25/13

1 issue and decided that they would put Objective 10.1 under WILL NOT IMPEDE since we now know that it
2 is not going to impede. He said that Objective 10.1 could be handled either way and it is certainly not going
3 to impede but in light of the fact that there are no resources at risk it could be left as HELP ACHIEVE. He
4 said that it is up to the Board and what they are comfortable doing but there is a contradiction and it needs to
5 be corrected. He said that this not detrimental to the case and is a good thing.

6
7 Mr. Passalacqua asked if the Board could indicate that it does not apply.

8
9 Mr. Hall stated that the petitioner could indicate that it does apply because the State Historical Preservation
10 Agency looked and decided that no Phase I Archaeological Survey is necessary. He asked the Board what
11 this means to them, does it mean that it WILL NOT IMPEDE or HELP ACHIEVE.

12
13 Mr. Palmgren stated that in a way it is not applicable and it is nothing that the petitioners should be dinged
14 for because State Historical Preservation Agency decided that no survey was required.

15
16 Mr. Thorsland stated that perhaps the Board could indicate an Item E indicating that GOAL 10 is a HELP
17 ACHIEVE because the petitioner did ask and received a letter indicating that no survey was necessary. He
18 said that the petitioner did take the appropriate steps that are part of the Goals and Policies of the LRMP. He
19 said if the Board could add Goal 10 to new Item E on the Summary Finding of Fact and indicate that the
20 proposed rezoning will HELP ACHIEVE Goal 10.

21
22 Mr. Palmgren agreed.

23
24 Mr. Hall stated that once the Board goes through the other Goals this will boil down to three sets, HELP
25 ACHIEVE, NOT IMPEDE and NOT RELEVANT and it remains to be seen if there are any other sets.

26
27 Mr. Thorsland asked the Board if they desired to work through each page of the Finding of Fact or would
28 they prefer to review the Summary Finding of Fact that has been prepared by staff.

29
30 Mr. Hall stated that he does not believe that the Board can adequately review the map amendment without
31 focusing on the special use and reminded the Board of all of the special conditions that are part of the special
32 use. He said that at this point there are a lot of special conditions that he is not sure will apply.

33
34 Mr. Passalacqua stated that he would like to review the Summary Finding of Fact in lieu of reviewing each
35 page of the Findings.

36
37 Mr. Thorsland asked Mr. Passalacqua if he wants to work both cases at the same time or just keep in mind
38 the special conditions that are associated with the special use.

4/25/13

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Ms. Capel stated that the Board should review the special conditions associated with the special use prior to review of the Summary Finding of Fact for the rezoning.

Mr. Thorsland read the special conditions proposed by the petitioner for Case 688-S-11 as follows:

- A. There will be no tight northbound departures below 1,000 feet.
- B. There will be an increased traffic pattern altitude of 1,500 feet above ground level as opposed to the standard 1000 feet above ground level.

Mr. Palmgren stated that altimeters in aircraft use mean sea level. He said that the elevation at Aero Place Subdivision is 700 feet and an 800 foot pattern or 1,500 feet m.s.l. which is what the pilot will review. He said that the Board may want to change special conditions A and B to indicate mean sea level measurements. He said that it is his opinion that doubling up on the height will not make a difference for noise but if that is what the petitioner has agreed to do then he assumes that it is okay. He said that currently we are looking at 1,000 feet plus whatever the elevation is, which is approximately 650 feet, therefore giving a 1,650 foot pattern altitude for aircraft.

Mr. Thorsland stated that the special conditions were proposed by the petitioners. He said that Mr. Palmgren's input is very important and the Board looks to Mr. Palmgren for his aviation expertise.

Mr. Thorsland stated that per Mr. Palmgren's suggestion special condition A. would read as follows:

- A. There will be no tight northbound departures below 1,000 feet above ground or 1,650 msl.

Mr. Palmgren agreed.

Mr. Thorsland stated that revised special condition A. would help someone who is not a pilot understand that it 1,000 feet up from where they are standing and the pilot would understand that it is 1,650 msl.

Mr. Thorsland stated that the map amendment is relevant to the special condition and he is inclined to work through the map amendment and staff is inclined that the Board at least considers the special condition in the special use.

Mr. Hall asked the Board if they are contemplating making the two proposed conditions as special conditions of the special use.

4/25/13

1 Mr. Thorsland stated that he is working through the special conditions with the Board as a process not
2 necessarily as final conditions. He said that Mr. Palmgren's submitted input as to how to revise the special
3 conditions proposed by the petitioner if they were a special condition is valuable. He said that he would like
4 to work through the Summary Finding of Fact for the map amendment keeping in mind the conditions
5 therefore perhaps the Board should only review the special conditions and not revise them at this time.
6

7 Mr. Courson asked how staff will enforce special conditions A and B. He said that he does not understand
8 how the special conditions can be relevant because people could call staff reporting that the plane is flying
9 lower than what they believe is 1,650 msl. He said that the proposed special conditions are a waste of time.
10

11 Mr. Thorsland asked Mr. Courson if he is indicating that the Board should not bother with proposed special
12 conditions A and B due to the enforcement issue.
13

14 Mr. Courson stated that it is nearly impossible to determine how high an airplane truly is unless you are
15 seated in the airplane looking at the altimeter therefore he doesn't see how the County can enforce such a
16 condition.
17

18 Mr. Thorsland stated that the one airport, not RLA, had a specific condition in its certificate which indicated
19 southbound departures only. He asked Mr. Palmgren if such a condition is something that IDOT may
20 propose if the petitioner had input.
21

22 Mr. Palmgren stated that if the pattern is to the south regardless of what runway is being used would be a
23 less safe thing to do because a standard aircraft pattern is to the left. He said that there are airports which
24 have conditions where they are near a hospital or something on the other side. He said that on the other side
25 if you take a standard one-half mile pattern from the runway and you throttle back the noise will be reduced
26 because when you are landing you are not at full power. He said that turning to the left is standard because
27 when you are in a fixed wing aircraft the pilot sits on the left side and when you have a right hand pattern the
28 pilot has a hard time seeing what he is approaching. He said that if pilots who are not familiar with the area
29 and in this case invitation only pilots, the petitioner will need to choose his friends carefully. He said that
30 Frasca Field has a right hand pattern and all left and right hand patterns are in the same area to the north of
31 the airport. He said that if you were to sit and watch the airfield you would observe that there are always
32 planes which are not in the correct pattern which occurs because pilots are human and are not used to things,
33 patterns that are not normal.
34

35 Mr. Thorsland stated that as a matter of time he will briefly read through the remaining special conditions so
36 that the Board has them in mind as they work through the map amendment.
37

38 Mr. Thorsland read staff's proposed special conditions as follows:

4/25/13

- 1
- 2 **A. The Restricted Landing Area must be in compliance with the approved Certificate of**
- 3 **Approval for operation from the Illinois Department of Transportation Division of**
- 4 **Aeronautics to ensure that the proposed RLA is operated so as to ensure public safety.**
- 5
- 6 **B. The petitioner shall apply for a Change of Use Permit within 30days of the approval of**
- 7 **the special use permit or the proposed rezoning in related zoning case 687-AM-11,**
- 8 **whichever occurs last to ensure that compliance with the Zoning Ordinance within a**
- 9 **reasonable time frame.**
- 10
- 11 **C. The use of the RLA by fixed wing aircraft for non-public safety assistance shall be no**
- 12 **more than three take offs and three landings in any 28 day period whether that use is**
- 13 **by the petitioner or an invited guest to ensure that the use of the RLA does not become**
- 14 **excessive in such close proximity to a dwelling under other ownership.**
- 15
- 16 **D. The use of the RLA for personal helicopter use shall be limited to no more than two**
- 17 **takeoffs and two landings in any 28 day period whether that use is by the petitioner or**
- 18 **an invited guest to ensure that the use of the helicopter(s) for personal use does not**
- 19 **exceed the amount of use authorized for fixed wing aircraft given that no Heliport-RLA**
- 20 **has been requested.**
- 21
- 22 **E. No “FLY-In Event” (more than 6 planes) as described in 92 IL.Adm.Code 14.760 shall**
- 23 **occur on the subject property to ensure that the use of the RLA does not become**
- 24 **excessive in such close proximity to a dwelling under the other ownership.**
- 25
- 26 **F. The petitioner shall maintain at all times when take-offs and/or landings may occur at**
- 27 **the RLA, public liability and property damage insurance with a minimum coverage of**
- 28 **\$5 million dollars and a copy of a valid certificate of insurance shall be on file with the**
- 29 **Zoning Administrator when any take-offs or landings do occur to ensure that the**
- 30 **petitioner has adequate insurance to compensate anyone affected by injury or property**
- 31 **damage resulting from the operation of the RLA in such close proximity to a dwelling**
- 32 **under other ownership.**
- 33
- 34 **G. No pre-operation run up procedures shall be conducted east of the proposed hangar**
- 35 **location to ensure to prevent nuisance conditions resulting from the RLA.**
- 36
- 37 **H. All landing traffic patterns shall be flown exclusively south of the RLA to maximize the**
- 38 **distance between the aircraft landing at the RLA and the neighboring residential**

4/25/13

- 1 **properties to the north to ensure to minimize nuisance conditions resulting from the**
2 **RLA.**
3
4 **I. The Special Use Permit shall not be transferrable to future owners of the subject**
5 **property to ensure any future owner(s) of the subject property must also receive the**
6 **proper approvals for an RLA.**
7
8 **J. All aircraft (operable and inoperable) and aircraft parts must be stored in a fully**
9 **enclosed building/hangar at all times to ensure that nuisance problems do not arise as a**
10 **result of the establishment of the RLA.**
11
12 **K. The only aircraft that may be stored at the RLA and on the owner’s adjacent property**
13 **shall be limited to the owner’s aircraft and the aircraft owned by the parents, children,**
14 **or siblings of the owner which in no case shall exceed eight aircraft at any given time to**
15 **ensure that the proposed RLA only be used for aircraft of the owner and the immediate**
16 **family.**
17
18 **L. This RLA Special Use Permit does not authorize landscape or tree maintenance in the**
19 **wooded area in the CR District on the west side of the East Branch of the Embarrass**
20 **River and any tree trimming or removal of trees in that area pursuant to the RLA shall**
21 **cause this Special Use Permit to become void to ensure that the environmental quality of**
22 **the wooded area is not damaged for the purpose of protecting the RLA certification by**
23 **IDOT.**
24
25 **M. No take-offs or landings shall occur at anytime other than during daylight hours except**
26 **as required for public safety assistance which may occur anytime necessary to ensure**
27 **that the use of the RLA does not occur at nighttime unless required for public safety**
28 **assistance.**
29
30 **N. There shall be a minimum separation distance of at least 230 feet between the nearest**
31 **point of the RLA and the nearest dwelling to ensure that the use of the RLA does not**
32 **pose unusual safety or nuisance concerns due to even closer proximity to a dwelling**
33 **under other ownership.**
34

35 Mr. Thorsland requested that Mr. Hall explain the note under Special Condition N.
36

37 Mr. Hall stated that Special Condition N is not proposed as a condition so much as a reminder. He said that
38 if the Board does not believe that there is any minimum separation necessary then the note can be ignored

4/25/13

1 but if the Board believes that there is a minimum separation necessary that is greater than what the current
 2 plan shows then the Board would either have to get the petitioner’s agreement with the special condition
 3 requiring that separation which doesn’t make sense because it suggests that there must be a different plan.
 4 He said that any condition that the Board imposes on the special use permit needs to be accepted by the
 5 petitioner because the Board cannot impose a condition that the petitioner does not agree to which is why in
 6 every special use the Board makes sure that they obtain that agreement. He said that the note is just a
 7 reminder to not overlook this but again it is whatever standard the Board believes is reasonable.

8
 9 Mr. Thorsland stated that keeping the special conditions in mind the Board should work on the Summary of
 10 Evidence for the map amendment.

11
 12 **Summary Finding of Fact:**

13
 14 From the documents of record and the testimony and exhibits received at the public hearing conducted on
 15 June 16, 2011, August 11, 2011, November 10, 2011, May 31, 2012, August 16, 2012, December 13, 2012,
 16 March 14, 2012, and April 25, 2013, the Zoning Board of Appeals of Champaign County finds that:

17
 18 **1. The proposed amendment will NOT HELP ACHIEVE the Land Resource**
 19 **Management Plan because of the following (objectives and policies are very briefly**
 20 **summarized).**

21 **A. The proposed amendment will NOT HELP ACHIEVE Goal 4 Agriculture**
 22 **because of the following:**

23 **•It will NOT HELP ACHIEVE Objective 4.1 requiring minimization of the**
 24 **fragmentation of farmland, conservation of farmland, and stringent**
 25 **development standards on best prime farmland because the only relevant**
 26 **policies are the following:**

27 **• It will HELP ACHIEVE Policy 4.1.1 requiring that other land uses only be**
 28 **accommodated under very restricted conditions or in areas of less**
 29 **productive soils (see Item 14.A.(2)).**

30
 31 Mr. Thorsland stated that the Board’s first decision point is the following:

32
 33 **• It DOES NOT conform to Policy 4.1.6 requiring that the use, design,**
 34 **site and location are consistent with policies regarding suitability,**
 35 **adequacy of infrastructure and public services, conflict with agriculture,**
 36 **conversion of farmland, and disturbance of natural areas (See Item**
 37 **14.A.(3)).**

4/25/13

1
 2 Mr. Thorsland stated that it is up to the Board to decide whether or not this DOES or DOES NOT conform
 3 to Policy and the Board will start with Policy 4.1.6. He said that it is suggested that it will HELP ACHIEVE
 4 Policy 4.1.1.

5
 6 Mr. Hall stated that it may be easier to answer Policy 4.1.6 after the Board reviews Policy 4.3 and Policies
 7 8.5.1, 8.5.2, and 8.6 which are the policies which are at issue. He said that Policy 4.1.6 is somewhat odd in
 8 that it is sort of overarching and cannot be answered until all of the other policies that are relevant to it have
 9 been considered but the Board has had this case for a long time and the Board may know what works for
 10 Policy 4.1.6.

11
 12 Mr. Thorsland stated that if the Board prefers they could move on to Objective 4.3.
 13

14 •It will NOT HELP ACHIEVE of Objective 4.3 requiring any discretionary
 15 development to be on a suitable site because it will NOT HELP ACHIEVE the
 16 following:

17 •It will NOT HELPAchieve Policy 4.3.1 requiring on other than best prime
 18 farmland the County may authorize a discretionary review development if the
 19 site is suited overall (See Item 14.C(1)).

20 And will HELP ACHIEVE the following:

21 •Policy 4.3.3 requirements existing public services be adequate to support the
 22 proposed development effectively and safely without undue public expense (see
 23 Item 14.C.(3)).

24 •Policy 4.3.4 requiring existing public infrastructure be adequate to support the
 25 proposed development effectively and safely without undue public expense (See
 26 Item 14.C.(4)).

27 B. The proposed amendment will NOT HELP ACHIEVE Goal 8 Natural
 28 Resources because while it will neither not impede or is not relevant to the other
 29 Objectives and Policies under this goal, it will NOT HELP ACHIEVE the
 30 following:

31 •Objective 8.5 requiring the County to encourage maintenance and
 32 enhancement of aquatic and riparian habitats because while it will either not
 33 impede or is not relevant to the other Objectives and Policies under this goal
 34 it, will NOT HELP ACHIEVE the following:

35 •Policy 8.5.1 requiring discretionary development to preserve existing habitat,
 36 enhance degraded habitat and restore habitat (See Item 18.a.(2)).

4/25/13

- 1 •Policy 8.5.2 requiring discretionary development to cause no more than
- 2 minimal disturbance to the stream corridor environment (See Item 18.A.(3)).
- 3 •Objective 8.6 that avoids loss of degradation of habitat because it will NOT
- 4 HELP ACHIEVE the following:
- 5 •Policy 8.6.2 requiring new development to minimize the disturbance of habitat
- 6 or to mitigate unavoidable disturbance of habitat (See Item 18.B.(2)).
- 7 And will HELP ACHIEVE the following:
- 8 •Policy 8.6.3 requiring the County to use credible sources of information to
- 9 identify priority areas for protection, restoration, preservation or
- 10 enhancement (See Item 18.B.(3)).
- 11 •Policy 8.6.4 requiring implementation of IDNR recommendations of
- 12 discretionary development sites that contain endangered or threatened species
- 13 (see Item 18.B.(4)).
- 14 C. The proposed amendment will NOT IMPEDE the following LRMP goal(s).
- 15 •Goal 6 Public Health and Safety
- 16 •Goal 7 Transportation
- 17 •Goal 10 Cultural Amenities
- 18 D. The proposed amendment is NOT RELEVANT to the following LRMP goal(s):
- 19 •Goal 1 Planning and Public Involvement
- 20 •Goal 2 Governmental Coordination
- 21 •Goal 3 Prosperity
- 22 •Goal 5 Urban Land Use
- 23 •Goal 9 Energy Conservation

24
 25 Mr. Hall reminded the Board that the distributed Table Summarizing Most Salient Evidence Relevant to
 26 Special Use Permit Criteria and Map Amendment Findings for these cases is available for their review. He
 27 said that the idea of the table is to boil down the hundreds of pages of evidence down to the smallest and
 28 fewest amount of words possible and the table finishes up the review of suitability that was begun in June
 29 2011 and it is all underlined in the middle column and proposed under new item 14.C.(1)(b)ix., which is
 30 Policy 4.3.1. He said that the new evidence talks about 38% of the area proposed for rezoning is at least
 31 “highly suited” to the CR District based on the compatibility of the proposed Special Use Permit with the CR
 32 District and changing the Zoning District will change the essential character of the CR District. He said that

4/25/13

1 the new evidence reviews the .671 acres where the hangar is proposed and the Board received new evidence
2 tonight regarding that .671 acres and he does not know if the proposed evidence necessarily changes whether
3 or not that land is highly suited to the CR District but it is relevant evidence. He said that the second bullet
4 talks about the 3.926 acres of existing CR District that is not wooded but is located near enough to the
5 existing wooded CR District such that the mature trees will likely penetrate the west Approach Area and is
6 located at or below the Base Flood Elevation which makes it susceptible to flooding and is therefore highly
7 suited to the CR District. He said that the third bullet talks about .953 acres of land within a 230 feet radius
8 of the adjacent dwelling located at 177CR1600E that is highly suited to the CR District based on
9 compatibility of the proposed Special Use Permit with the dwelling. He said that if the Board does not
10 believe that there is any minimum radius necessary or at least no more than what has been proposed, then the
11 land would no longer be highly suited to the CR District. He said that if the Board believes that 142 feet of
12 separation is adequate then the Board would not want to include bullet three in the evidence.

13
14 Mr. Passalacqua stated that he agrees with staff the proposed amendment does NOT IMPEDE Goals 6, 7 and
15 10 and is NOT RELEVANT to Goals 1, 2, 3, 5, and 9 but he can't find a reason to say anything other than
16 that Goals 4 and 8 do NOT HELP ACHIEVE.

17
18 Mr. Thorsland agreed with Mr. Passalacqua.

19
20 Mr. Thorsland asked Mr. Passalacqua if he is suggesting that Objectives 4.1, 4.3 and 4.3.1 should be
21 indicated as does NOT HELP ACHIEVE.

22
23 Mr. Passalacqua stated that Mr. Thorsland is correct.

24
25 Mr. Thorsland asked Mr. Passalacqua if he is indicating that the proposed map amendment DOES NOT
26 conform to Policy 4.1.6.

27
28 Mr. Passalacqua stated yes.

29
30 Mr. Thorsland asked Mr. Passalacqua if he is indicating that overall the proposed amendment will NOT
31 HELP ACHIEVE the Land Resource Management Plan.

32
33 Mr. Passalacqua stated yes.

34
35 Mr. Thorsland stated that the Board will now review Goal 8. He said Objective 8.5 requires that the County
36 encourages the maintenance and enhancement of aquatic and riparian habitats. He said that the Board has
37 received testimony tonight about the hangar area and the proposal to plant two trees for every one tree
38 removed that may or may not help achieve the goal of Objective 8.5. He read Policies 8.5.1 and 8.5.2 for the

4/25/13

1 Board.

2
3 Mr. Passalacqua stated that the proposed map amendment will NOT HELP ACHIEVE Objective 8.5.

4
5 Mr. Thorsland agreed.

6
7 Mr. Palmgren disagreed with Mr. Passalacqua due to all of the programs and replant that the petitioner has
8 started on the subject property. He said that essentially the airstrip itself is existing now therefore there are
9 no proposed changes, other than the petitioner is making the ground better than it is.

10
11 Mr. Thorsland asked Mr. Palmgren if he is indicating that the proposed map amendment will HELP
12 ACHIEVE Objective 8.5.

13
14 Mr. Palmgren stated yes.

15
16 Mr. Hall cautioned the Board that the Policies as they appear in the Draft Finding of Fact are not the
17 verbatim policies and he believes that the Board should be reading the full policies so that the Board cannot
18 be accused of working from an imperfect copy. He said that Policy 8.5.1. is located on page 19 of the
19 Summary of Evidence.

20
21 Mr. Thorsland requested that the Board read the verbatim text of Policy 8.5.1.

22
23 Mr. Hall stated that his view is that you do not have to enhance the degraded habitat just because there is
24 some on your property it is only when you are disturbing it. He said that the policies are meant to address
25 the areas that are being disturbed and not the entire property.

26
27 Mr. Palmgren stated that the only disturbance on the property is at the hangar location. He said that there
28 will be no change proposed at the location at the existing runway. He said that a plane could land on bare
29 land but the petitioner's management plan and their existing program is working to make the land better and
30 even though preservation is important sometimes you have to replant and clear brush that is not native.

31
32 Mr. Thorsland stated that the key words in Policy 8.5.1 are as follows: preserve existing habitat, enhance
33 degraded habitat and restore habitat. He said that there is an argument to be made that in the hangar area the
34 petitioner intends to restore habitat in a different location on the property. He said that Policy 8.5.2 reads as
35 follows: The County will require in its discretionary review that new development cause no more than
36 minimal disturbance to the stream corridor environment.

37
38 Mr. Palmgren stated that he believes that the proposed map amendment WILL ACHIEVE Policy 8.5.2

4/25/13

- 1 because they are not disturbing the stream corridor at all.
2
- 3 Mr. Thorsland asked Mr. Hall if the Board could change HELP ACHIEVE in the Summary Finding of Fact
4 to WILL ACHIEVE.
5
- 6 Mr. Hall stated that the Board can change the Summary Finding of Fact in any way that they desire. He said
7 that page 21 of 51 should indicate that the proposed rezoning WILL HELP ACHIEVE/WILL NOT
8 ACHIEVE/PREVENT ACHIEVEMENT OF Policy 8.5.2 for the same reasons as for Policy 8.5.1 above.
9
- 10 Mr. Thorsland asked the Board if they agreed with Mr. Palmgren in stating that Objective 8.5 will HELP
11 ACHIEVE Policy 8.5.1 and Policy 8.5.2.
12
- 13 Mr. Passalacqua stated that he will tend to agree with Mr. Palmgren regarding Policy 8.5.2 but he is shaky
14 about Policy 8.5.1. He said that he is thinking about the percentage of existing CR District in the County.
15
- 16 Mr. Thorsland stated that page 19 of 51 of the Draft Finding of Fact indicates Policy 8.5.1 and Mr.
17 Passalacqua points out that the proposed rezoning WILL NOT HELP ACHIEVE Policy 8.5.1 but Mr.
18 Palmgren points out that the proposed rezoning WILL HELP ACHIEVE Policy 8.5.2. Mr. Thorsland stated
19 that the discrepancy could be reflected in the Summary Finding of Fact.
20
- 21 Mr. Thorsland stated that Mr. Passalacqua is discussing the hangar area and how it is proposed to be
22 changed.
23
- 24 Mr. Palmgren stated that the airstrip itself will not be changed and the hangar area will not affect the airstrip.
25
- 26 Mr. Passalacqua agreed.
27
- 28 Mr. Thorsland stated that the hangar area is part of the map amendment and changing that area could be
29 enough argument to indicate NOT HELP ACHIEVE but at the same time since there is no intent to do
30 anything within the stream corridor the map amendment will HELP ACHIEVE Policy 8.5.2.
31
- 32 Mr. Hall stated that from a planning perspective the hangar area is also part of the stream corridor.
33
- 34 Ms. Capel stated that there is more to the stream corridor because it is an entire area and there is more to it
35 than just water, fish, deer and trees. She said that the stream corridor is an environment and there is going to
36 be a significant change and she does not agree that the map amendment will HELP ACHIEVE Policy 8.5.2.
37
- 38 Mr. Thorsland stated that the Board has taken a long circle and returned to the map amendment does NOT

4/25/13

1 HELP ACHIEVE Objective 8.5.

2
3 Mr. Palmgren stated that the petitioner will be enhancing habitat and restoring habitat and it is necessary to
4 do those things because they intend to build the hangar. He said that a replant of species which are more
5 suitable to the environment than the brush and locust trees is a big improvement to the area.
6

7 Mr. Thorsland stated that Ms. Capel is pointing out that it is not just the hangar area but the whole map
8 amendment and approving the map amendment will allow the special use which drives the changes to the
9 stream corridor and wooded areas. He said that after listening to Ms. Capel and Mr. Passalacqua and
10 thinking about as not what the petitioner has already done and how the area is now but what will happen if
11 the map amendment is approved and he tends to agree with Ms. Capel and Mr. Passalacqua's determination
12 of does NOT HELP ACHIEVE.
13

14 Mr. Palmgren stated that the Board is talking about less than 6/10ths of an acre and he does not see where
15 the surface of this will change from what it is today. He said that there will be no change to the airstrip
16 because they do not intend to take out any trees at the end.
17

18 Ms. Capel stated that the concern isn't just the particular intended special use but what happens when the
19 land changes from CR to AG-1 and the other uses that are allowed in the AG-1 District than in the CR
20 District. She said that the AG-1 District and the CR District have significantly different intents and the big
21 picture is how the RLA will impact the environment as a whole. She said that she understands that Dr. Jones
22 has had a positive impact on his property that is currently zoned CR but the request is to change the property
23 to AG-1.
24

25 Mr. Palmgren asked Ms. Capel to explain what ramifications will occur if the zoning is changed.
26

27 Ms. Capel stated that we would be taking a strip of CR that is right next to the woods and turning it into AG-
28 1 and that will create a lot of possibilities for that strip of land.
29

30 Mr. Thorsland stated that the special use permit, if approved, will expire if Dr. Jones no longer requires it but
31 the zoning will remain as AG-1. He said that the list of possible uses for AG-1 is very large in comparison
32 to the list for CR.
33

34 Mr. Palmgren stated that if the map amendment is approved there could be ramifications in the future if the
35 current occupant would leave the property the RLA would no longer be allowed.
36

37 Mr. Thorsland stated that the special use case hinges upon this map amendment but in broader perspective
38 once the map amendment is determined it will not change back if ownership changes. He said that special

4/25/13

1 conditions cannot be placed upon the map amendment therefore if the map is changed to AG-1 the land will
2 be different for a long time.

3
4 Mr. Palmgren stated that he does not know how long Dr. Jones intends to remain on the property but he
5 would imagine that the investments that have been made to make this project possible would indicate that he
6 is not planning on leaving the property any time soon.

7
8 Mr. Thorsland stated that the Board needs to remember that the special use is relevant to the map
9 amendment but the map amendment is its own thing and it will last forever. He said that the Board must
10 decide what will be achieved by the map amendment.

11
12 Mr. Palmgren asked if it would be possible for a special condition to be attached to the map amendment
13 indicating that if ownership changes the land would revert back to CR.

14
15 Mr. Thorsland stated that special conditions are never attached to map amendments.

16
17 Mr. Passalacqua stated that he agrees with Paul in that there is not a net impact of the airstrip but the net
18 impact is the rezoning of the ground from CR to AG-1. He said that the existing strip of grass will be
19 relatively unchanged but the net change is the rezoning.

20
21 Mr. Palmgren asked Mr. Thorsland how this dispute with findings will be handled.

22
23 Mr. Thorsland stated that a roll call vote could be taken but the Board needs to determine what they are
24 voting on.

25
26 Mr. Hall reminded the Board that Item 9.D.(1)(c) page 6 of 51 of the Draft Finding of Fact reads as follows:
27 The uses authorized by-right in the AG-1 District should be compatible with the uses authorized by-right in
28 the CR District. He said that he believes that the uses are compatible with the CR District also therefore the
29 concern about changing the zoning district and allowing other uses is not valid because the only uses that
30 would be a problem would be other special uses which always require approval by the ZBA. He said that, in
31 general, if it is AG-1 or CR disregarding the RLA from a staff perspective the land is more suitable for CR
32 given its natural qualities but in terms of the uses there is not much difference. He said that if the Board
33 disagrees with staff then maybe the Finding of Fact needs changed or reconsidered.

34
35 Mr. Palmgren asked Mr. Hall if the rezoning is not as big of a deal as others on the Board believe that it is.

36
37 Mr. Hall stated that he believes that the map amendment has to be looked at in context with the special use
38 and given that there is going to be three-quarters of an acre for the hangar area which will lose existing

4/25/13

1 vegetation it is a big deal. He said that the over-flight area across the river may be even a bigger deal and
2 letting an RLA go in when there is a lot of evidence indicating that it doesn't seem feasible in the long run
3 because of the trees on the other side of the river is a substantial question but as to whether it is AG-1 or CR
4 does not seem to be real meaningful. He said that the question is AG-1 with RLA or the existing CR.

5
6 Mr. Thorsland stated that the driver for the AG-1 zoning change is the special use permit and the only reason
7 why the ZBA is here tonight in trying to make a decision is because the Petitioner would like to obtain the
8 special use. He said that the changes to the CR District are because of the proposed special use but the Board
9 has to weigh whether or not it is warranted to change the zoning to AG-1 and what will be the long term
10 uses. He said that he agrees with Mr. Hall on some level regarding the by-right uses in both districts but
11 changing the zoning to AG-1 opens the property up to other applications for special use.

12
13 Mr. Hall stated that the ZBA will review every application for a proposed special use.

14
15 Mr. Thorsland stated that the Board needs to decide what two choices will be voted upon. He said that at
16 this point he believes that the two choices for Section B. of the Summary Finding of Fact are HELP
17 ACHIEVE or NOT HELP ACHIEVE. He said that the Board will include Objective 8.6 in the vote. He said
18 that he agrees with staff's recommendation of HELP ACHIEVE for Policies 8.6.3 and 8.6.4. He said that the
19 Board's roll call vote will be focusing on Objective 8.5, Policies 8.5.1, 8.5.2, Objective 8.6 and Policy 8.6.2.

20
21 Mr. Thorsland entertained a motion whether or not Goal 8, Objective 8.5, Policies 8.5.1, 8.5.2, Objective 8.6
22 and Policy 8.6.2. HELP ACHIEVE or NOT HELP ACHIEVE.

23
24 **Ms. Capel moved, seconded by Mr. Miller that the proposed map amendment will NOT HELP**
25 **ACHIEVE Goal 8, Objective 8.5, Policies 8.5.1, 8.5.2, Objective 8.6 and Policy 8.6.2. The motion**
26 **carried by voice vote.**

27
28 Mr. Thorsland requested a roll call vote.

29
30 **Courson-yes** **Miller-yes** **Palmgren-no**
31 **Passalacqua-yes** **Capel-yes** **Thorsland-yes**

32
33 Mr. Thorsland stated that the only items left to work on are Goals 6 and 7 which staff recommends that the
34 proposed map amendment will NOT IMPEDE. He said that Goal 10 Cultural Amenities will become Item
35 1.E. He said that staff recommends that the map amendment is NOT RELEVANT to Goals 1, 2, 3, 5, and 9.

36
37 Ms. Capel asked Mr. Thorsland if the Board needs to go back to Goal 4.

38

4/25/13

1 Mr. Thorsland stated that the Board determined that Goal 4 does NOT HELP ACHIEVE throughout.

2
3 Mr. Palmgren requested a vote on Goal 4.

4
5 Mr. Thorsland entertained a motion to vote “yes” for NOT HELP ACHIEVE for all items under Goal 4
6 except for Policy 4.1.6. He explained that a “yes” vote is for NOT HELP ACHIEVE for Goal 4, Objective
7 4.1, Policy 4.1.6, Objective 4.3, and Policy 4.3.1. He said that the Board previously reviewed and appeared
8 to have agreed with Mr. Passalacqua’s recommendations that the map amendment does NOT HELP
9 ACHIEVE Goal 4, Objective 4.1, Policy 4.1.6, Objective 4.3, and Policy 4.3.1. Mr. Thorsland read the
10 findings under Item 1 as follows:

11 **1. The proposed amendment will NOT HELP ACHIEVE the Land Resource**
12 **Management Plan because of the following (objectives and policies are very briefly**
13 **summarized).**

14 **A. The proposed amendment will NOT HELP ACHIEVE Goal 4 Agriculture**
15 **because of the following:**

16 **•It will NOT HELP ACHIEVE Objective 4.1 requiring minimization of the**
17 **fragmentation of farmland, conservation of farmland, and stringent**
18 **development standards on best prime farmland because the only relevant**
19 **policies are the following:**

20 **• It will HELP ACHIEVE Policy 4.1.1 requiring that other land uses only be**
21 **accommodated under very restricted conditions or in areas of less**
22 **productive soils (see Item 14.A.(2)).**

23 **• It DOES NOT conform to Policy 4.1.6 requiring that the use, design,**
24 **site and location are consistent with policies regarding suitability,**
25 **adequacy of infrastructure and public services, conflict with agriculture,**
26 **conversion of farmland, and disturbance of natural areas (See Item**
27 **14.A.(3)).**

28 **•It will NOT HELP ACHIEVE of Objective 4.3 requiring any discretionary**
29 **development to be on a suitable site because it will NOT HELP ACHIEVE the**
30 **following:**

31 **•It will NOT HELPACHIEVE Policy 4.3.1 requiring on other than best prime**
32 **farmland the County may authorize a discretionary review development if the**
33 **site is suited overall (See Item 14.C(1)).**

34 **And will HELP ACHIEVE the following:**

35 **•Policy 4.3.3 requirements existing public services be adequate to support the**
36 **proposed development effectively and safely without undue public expense**

4/25/13

- 1 (see Item 14.C.(3)).
- 2 •Policy 4.3.4 requiring existing public infrastructure be adequate to support
- 3 the proposed development effectively and safely without undue public
- 4 expense (See Item 14.C.(4)).
- 5 B. The proposed amendment will NOT HELP ACHIEVE Goal 8 Natural
- 6 Resources because while it will neither not impede or is not relevant to the other
- 7 Objectives and Policies under this goal, it will NOT HELP ACHIEVE the
- 8 following:
 - 9 •Objective 8.5 requiring the County to encourage maintenance and
 - 10 enhancement of aquatic and riparian habitats because while it will either not
 - 11 impede or is not relevant to the other Objectives and Policies under this goal
 - 12 it, will NOT HELP ACHIEVE the following:
 - 13 •Policy 8.5.1 requiring discretionary development to preserve existing habitat,
 - 14 enhance degraded habitat and restore habitat (See Item 18.a.(2)).
 - 15 •Policy 8.5.2 requiring discretionary development to cause no more than
 - 16 minimal disturbance to the stream corridor environment (See Item 18.A.(3)).
 - 17 •Objective 8.6 that avoids loss of degradation of habitat because it will NOT
 - 18 HELP ACHIEVE the following:
 - 19 •Policy 8.6.2 requiring new development to minimize the disturbance of habitat
 - 20 or to mitigate unavoidable disturbance of habitat (See Item 18.B.(2)).
 - 21 And will HELP ACHIEVE the following:
 - 22 •Policy 8.6.3 requiring the County to use credible sources of information to
 - 23 identify priority areas for protection, restoration, preservation or
 - 24 enhancement (See Item 18.B.(3)).
 - 25 •Policy 8.6.4 requiring implementation of IDNR recommendations of
 - 26 discretionary development sites that contain endangered or threatened species
 - 27 (see Item 18.B.(4)).
- 28 C. The proposed amendment will NOT IMPEDE the following LRMP goal(s).
 - 29 •Goal 6 Public Health and Safety
 - 30 •Goal 7 Transportation
 - 31 •Goal 10 Cultural Amenities
- 32 D. The proposed amendment is NOT RELEVANT to the following LRMP goal(s):
 - 33 •Goal 1 Planning and Public Involvement

4/25/13

- 1 •Goal 2 Governmental Coordination
- 2 •Goal 3 Prosperity
- 3 •Goal 5 Urban Land Use
- 4 •Goal 9 Energy Conservation

6 Mr. Thorsland entertained a motion that the map amendment does NOT HELP ACHIEVE Goal 4, Objective 4.1, Policy 4.1.6, Objective 4.3, and Policy 4.3.1.

9 **Ms. Capel moved, seconded by Mr. Courson that the map amendment does NOT HELP ACHIEVE Goal 4, Objective 4.1, Policy 4.1.6, Objective 4.3, and Policy 4.3.1.**

12 Mr. Thorsland stated that a “yes” vote will finalize Item #1.A. of the Summary Finding of Fact and a “no” vote will not.

15 Mr. Thorsland requested a roll call vote.

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

20 Mr. Kass noted that Goal 10 will be inserted in a similar format as the other Goals and Objectives under HELP ACHIEVE. He said it will become new Item C. and the original items C. and D. will become D. and E.

24 The Board agreed to staff’s recommendation for Goal 10.

26 Mr. Thorsland called for a five minute recess.

28 **The Board recessed at 8:50 p.m.**
29 **The Board resumed at 8:58 p.m.**

31 Mr. Thorsland stated that after a discussion with staff and some of the petitioners the Board has made much progress on the Jones’ cases although the cases will not be completed tonight. He said that the Board has another case on the agenda for the Board’s review and the meeting will end at 10:00 p.m. He said that the Board has indicated that they will not request any time extensions for tonight’s meeting. He said that in fairness to the next petitioner he would like to continue Case 687-AM-11 and Case 688-S-11 to the next

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AS APPROVED JUNE 13, 2013

4/25/13

1 available date so that the Board can continue the work that has already been completed. He said that if there
2 is any time left after the next case is completed, prior to 10:00 p.m., the Board will return to Case 687-AM-
3 11 tonight.

4

5 Mr. Singleton asked if the Board would reconsider extending the meeting.

6

7 Mr. Thorsland stated no. He said that when the Board voted to begin tonight's meeting at 6:30 p.m. an
8 extension had already been considered.

9

10 Mr. Thorsland entertained a motion to continue Cases 687-AM-11 and 688-S-11.

11

12 **Mr. Palmgren moved, seconded by Mr. Courson to continue Cases 687-AM-11 and 688-S-11.**

13

14 Mr. Thorsland stated that staff has recommended that the cases be continued to May 2, 2013.

15

16 Mr. Palmgren stated that he will not be in attendance at a meeting on May 2, 2013.

17

18 Mr. Passalacqua stated that it is important to have Mr. Palmgren in attendance.

19

20 Mr. Thorsland stated that the meeting room is available for a special meeting on May 1, 2013.

21

22 Mr. Palmgren stated that he would be available for a meeting on May 1, 2013.

23

24 Mr. Thorsland asked the petitioners if they would be available for the meeting and the petitioner indicated
25 that they would be available.

26

27 Mr. Thorsland entertained a motion to continue Cases 687-AM-11 and 688-S-11 to May 1, 2013, at 7:00
28 p.m.

29

30 **Mr. Passalacqua moved, seconded by Mr. Palmgren to continue Cases 687-AM-11 and 688-S-11 to**
31 **May 1, 2013, at 7:00 p.m. The motion carried by voice vote.**

32

33 Mr. Singleton asked Mr. Thorsland if the Board will revisit Case 687-AM-11 tonight.

34

35 Mr. Thorsland stated that the Board will revisit Case 687-AM-11 if there is ample time after Case 741-AM-
36 13 is completed and if it is before 10:00 p.m.

37

38 Mr. Singleton asked Mr. Thorsland if any further testimony would be allowed.

4/25/13

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Mr. Thorsland stated that previously he closed the witness register therefore unless there is a compelling reason why the Board would request that he re-open it the witness register will remain closed.

The Board proceeded to Case 741-AM-13.

The Board completed Case 741-AM-13 and returned to Case 687-AM-11.

Mr. Thorsland read Finding #2.

2. The proposed Zoning Ordinance map amendment IS NOT consistent with the *LaSalle* and *Sinclair* factors because of the following:

- **There have been conflicting reports on the effect of neighboring property values.**
- **The proposed use could not be established without the proposed map amendment.**
- **The subject property is SUITABLE for the current zoned uses and is NOT SUITABLE for the proposed Special Use Permit.**
- **The proposed map amendment on the basis of the proposed Special Use Permit, is INCOMPATIBLE with the existing uses and zoning of nearby property.**
- **There IS a need and demand for the use based on petitioner’s evidence regarding public safety.**
- **The proposed use DOES NOT CONFORM to the Champaign County Land Resource Management Plan.**

Mr. Thorsland requested the Board’s input for Finding #2.

Mr. Palmgren stated that regarding the third bulleted item he would recommend that the subject property is SUITABLE for the current zoned uses and is SUITABLE for the proposed Special Use Permit.

Mr. Passalacqua asked if the finding is in regard to the property’s current zoning.

Mr. Palmgren stated that staff has recommended SUITABLE for the current zoned uses. He said that he is indicating that the subject property is SUITABLE for the proposed Special Use Permit.

Ms. Capel stated that she disagrees with Mr. Palmgren. She said that she would state that the subject

4/25/13

1 property is SUITABLE for the current zoned uses and is NOT SUITABLE for the proposed Special Use
2 Permit.
3
4 Mr. Palmgren disagreed with Ms. Capel.
5
6 Mr. Thorsland stated that the Board will continue with its review of the bullets and any items that require a
7 roll call vote the Board will return to that item and address it with a roll call vote.
8
9 Mr. Thorsland stated that regarding the fourth bulleted item he would recommend that the proposed map
10 amendment, on the basis of the proposed Special Use Permit, is INCOMPATIBLE with the existing uses and
11 zoning of nearby properties because it is zoned CR and it would be CR continued nearby.
12
13 Mr. Palmgren disagreed.
14
15 Mr. Miller stated that regarding the fifth bulleted item he would recommend that there IS a need and demand
16 for the use.
17
18 Mr. Thorsland asked Mr. Miller if his determination is based upon the petitioner, public safety or some other
19 evidence.
20
21 Mr. Miller stated that his determination is based upon the petitioner and evidence regarding public safety.
22
23 Mr. Palmgren agreed with Mr. Miller.
24
25 Mr. Thorsland stated that regarding the sixth bulleted item he would recommend that the proposed use
26 DOES NOT CONFORM to the Champaign County Land Resource Plan.
27
28 Mr. Thorsland stated that by general consensus, but not by all members, he would entertain a motion that a
29 “yes” vote states the following: The proposed use is NOT SUITABLE for the proposed Special Use Permit;
30 and the proposed map amendment is INCOMPATIBLE with existing uses and zoning of nearby property;
31 and there IS a need and demand for the use; and that the proposed use DOES NOT CONFORM to the
32 Champaign County Land Resource Management Plan; and therefore IS NOT consistent with the *LaSalle* and
33 *Sinclair* factors.
34
35 Mr. Palmgren requested that each bulleted item be voted upon by roll call vote.
36
37 Mr. Hall stated that the first bullet, which is not a decision point, is a statement of fact. He said that in order
38 to give fair recognition of the study submitted by Mr. Webster the text indicating that no formal study has

4/25/13

- 1 been conducted regarding property values can be stricken.
2
- 3 Mr. Thorsland stated that the first bullet would read as follows: There have been conflicting reports on the
4 effect of neighboring property values.
5
- 6 Mr. Passalacqua stated that he does not agree with that either because he agrees with the testimony that only
7 bona-fide appraisers gave positive reports and an appraiser is one thing and a real estate broker is another.
8 He said that he would like the text to indicate the following: There have been conflicting reports on the
9 effect of neighboring property values but professional appraisers have agreed that there would be no affect
10 on property values.
11
- 12 Ms. Capel stated that you have to include the real estate broker's professional opinion and it is true that there
13 have been conflicting reports.
14
- 15 Mr. Hall stated that there were reports from Mr. Dan Cothorn, the Hillard Agency, Cragg's Appraisal
16 Service, and James Webster, MAI. He said that Mr. Webster is the only appraiser that submitted an
17 extensive report.
18
- 19 Mr. Passalacqua stated that the text for the first bullet should read as follows: There have been conflicting
20 reports on the effect of neighboring property values.
21
- 22 Mr. Thorsland asked the Board if they agreed with Mr. Passalacqua's proposed text for the first bullet and
23 the Board agreed.
24
- 25 Mr. Thorsland stated that second bullet is very straight forward in stating the following: The proposed use
26 could not be established without the proposed map amendment.
27
- 28 Mr. Thorsland stated that the third bullet has been requested by the majority of the Board to indicate the
29 following: The subject property is SUITABLE for the current zoned uses and is NOT SUITABLE for the
30 proposed Special Use Permit.
31
- 32 Mr. Thorsland entertained a motion that a "yes" vote is an indication that the subject property is SUITABLE
33 for the current zoned uses and is NOT SUITABLE for the proposed Special Use Permit.
34
- 35 **Mr. Courson moved, seconded by Ms. Capel that the subject property is SUITABLE for the current**
36 **zoned uses and is NOT SUITABLE for the proposed Special Use Permit.**
37
- 38 Mr. Thorsland requested a roll call vote.

4/25/13

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Miller-yes	Palmgren-no	Passalacqua-yes
Capel-yes	Courson-yes	Thorsland-yes

Mr. Thorsland stated that the fourth bullet has been requested by the majority of the Board to indicate the following: The proposed map amendment, on the basis of the proposed Special Use Permit, is INCOMPATIBLE with the existing uses and zoning of nearby properties.

Mr. Thorsland entertained a motion that a “yes” vote is an indication that the proposed map amendment, on the basis of the proposed Special Use Permit, is INCOMPATIBLE with the existing uses and zoning of nearby properties.

Mr. Passalacqua stated that we have AG-1 on one side and CR on the other so it is compatible on one side and incompatible on the other therefore we have an invisible line where it is and is not.

Ms. Capel stated that we are talking about the map amendment, on the basis of the Special Use Permit.

Mr. Thorsland stated that the bullet is asking if the proposed map amendment is COMPATIBLE or INCOMPATIBLE with the existing uses and zoning of nearby properties. He said that the proposed hangar goes up into CR therefore it is not just abutting on one side. He said that the perimeter of the north part includes the lines that go up and encompass the hangar area as well and all of that remains CR therefore if we go mathematically it abuts more CR than AG-1.

Ms. Capel moved, seconded by Mr. Courson that the proposed map amendment, on the basis of the proposed Special Use Permit, is INCOMPATIBLE with the existing uses and zoning of nearby properties.

Mr. Thorsland requested a roll call vote.

Miller-yes	Palmgren-no	Passalacqua-yes
Capel-yes	Courson-yes	Thorsland-yes

Mr. Thorsland stated that the Board agreed that the fifth bullet should indicate that there IS a need and demand for the use. He asked the Board if they were still in agreement.

Mr. Courson asked if it would be appropriate to indicate that the petitioner has indicated that there IS a need and demand for the use.

4/25/13

1 Mr. Hall stated that this is the special use criteria but the finding is however the Board chooses it to be. He
2 said that the Board has always assumed that if someone comes to the Board to request something then there
3 apparently is a need. He said that another way to look at this is if the petitioner’s request is enough of a need
4 and all he can say is that the Board should be clear as to how they are interpreting this and applying it but it
5 is really up to the Board. He said that on the Special Use Permit the Board still has the first criteria of
6 necessary for public convenience.

7
8 Mr. Thorsland stated that this could be worded differently and states the following: There is a need and a
9 demand for the use as expressed by the petitioner and public safety crew or based upon the need of the
10 petitioner there is a demand for the use.

11
12 Ms. Capel stated that the Board should make it clear whether or not we are considering public safety.

13
14 Mr. Hall reminded the Board that Sheriff Walsh made it very clear in his letter of support that he was not
15 addressing all of the other zoning issues and was leaving that up to the Board. He did not say that this is a
16 good thing regardless of the impacts. He said that the Board has not included as a special condition that the
17 petitioner provides public safety assistance in the special use.

18
19 Mr. Thorsland asked the Board if they agreed that there is a need and demand for the use.

20
21 The Board agreed.

22
23 Mr. Thorsland stated that the consensus of the Board was that the sixth bullet should indicate the following:
24 The proposed use DOES NOT CONFORM to the Champaign County Land Resource Management Plan.

25
26 Mr. Thorsland entertained a motion that a “yes” vote is an indication that the proposed use DOES NOT
27 CONFORM to the Champaign County Land Resource Management Plan.

28
29 **Ms. Capel moved, seconded Mr. Passalacqua that the proposed use DOES NOT CONFORM to the**
30 **Champaign County Land Resource Management Plan.**

31
32 Mr. Thorsland requested a roll call vote.

33			
34	Miller-yes	Palmgren-no	Passalacqua-yes
35	Capel-yes	Courson-yes	Thorsland-yes
36			

37 Mr. Thorsland stated that by “yes” votes to “no” votes he concludes that the proposed Zoning Ordinance
38 map amendment IS NOT consistent with the *LaSalle* and *Sinclair* factors. He said that if there is a

4/25/13

1 disagreement the Board could take a roll call vote as well.

2
3 The Board agreed that the proposed Zoning Ordinance map amendment IS NOT consistent with the *LaSalle*
4 and *Sinclair* factors and that no roll call vote was necessary.

5
6 Mr. Thorsland read Finding #3.

7
8 **3. The proposed Zoning Ordinance map amendment will HELP ACHIEVE/PREVENT**
9 **ACHIEVEMENT OF the purpose of the Zoning Ordinance because:**

10 **•The proposed map amendment, on the basis of the proposed Special Use Permit is**
11 **either fully consistent with or will not impede the achievement of 10 of the 18 Purpose**
12 **statements.**

13 **•The proposed map amendment, on the basis of the proposed Special Use Permit,**
14 **DOES secure adequate light, pure air, and safety from fire and other dangers**
15 **(Purpose 2.0 (a) see Item 23.A.).**

16 **•The proposed map amendment, on the basis of the proposed Special Use Permit,**
17 **DOES/DOES NOT conserve the value of land, buildings and structures**
18 **throughout the County (Purpose 2.0 (b) see Item 23.B.).**

19 **•The proposed map amendment, on the basis of the proposed Special Use Permit,**
20 **DOES NOT promote the public health, safety, comfort, morals, and general**
21 **welfare (Purpose 2.0 (e) see Item 23.E.).**

22 **•The proposed map amendment, on the basis of the proposed Special Use Permit,**
23 **DOES NOT protect natural features such as forested areas and**
24 **watercourses (Purpose 2.0 (o) see Item 23.O.).**

25 **•The proposed map amendment, on the basis of the Special Use Permit DOES NOT**
26 **do the following:**

27 **•it adequately restricts the location of trades and industries and the location of**
28 **buildings, structures, and land designed for specified land uses; and**

29 **•it is consistent with the existing division of the County into Districts and**
30 **different classes according to the use of land, buildings and structures, intensity of**
31 **the use of lot area, and other classification as may be deemed best suited to carry out**
32 **the purpose of the ordinance; and**

33 **•it is consistent with the regulations and standards to which buildings, structures or**
34 **uses therein shall conform; and**

4/25/13

1 •it is consistent in its prohibition uses, buildings, or structures incompatible with the
2 character of such District. (Purposes 2.0 Ii) (j) (k) and (l); see Items 23.I., J., K. and
3 L.).

4 Mr. Thorsland stated that regarding the second bulleted item he is not sure how a map amendment has much
5 to do about adequate light, pure air, and safety from fire and other dangers. He asked Mr. Hall if the Board
6 is to consider the Special Use Permit request to drive the finding for this item.

7
8 Mr. Hall stated that if the Board looks back at the evidence it is on the basis of the proposed Special Use
9 Permit therefore that would be the intent. He recommended that the phrase, “on the basis of the proposed
10 Special Use Permit,” be added prior to every decision point.

11
12 Mr. Thorsland read the second bulleted item as follows: The proposed map amendment, on the basis of the
13 proposed Special Use Permit, DOES/DOESNOT secure adequate light, pure air, and safety from fire and
14 other dangers (Purpose 2.0(a) see Item 23.A). He said that he would assume that this is based on the special
15 conditions that the Board intends to tack on to the special use permit. He said that the underlying theme of
16 these questions is that the Board needs to consider not only the Special Use Permit but the fact that it
17 includes many special conditions as well and most special conditions have something to do with light, air
18 and public safety.

19
20 Ms. Capel stated that the proposed map amendment, on the basis of the proposed Special Use Permit, DOES
21 secure adequate light, pure air, and safety from fire and other dangers.

22
23 Mr. Thorsland asked the Board if they agreed with Ms. Capel’s recommendation and the Board agreed.

24
25 Mr. Thorsland read the third bulleted item as follows: The proposed map amendment, on the basis of the
26 proposed Special Use Permit, DOES/DOES NOT conserve the value of land, buildings and structures
27 throughout the County (Purpose 2.0 (b) see Item 23.B).

28
29 Mr. Palmgren stated that he does not understand how this one use affects the entire County.

30
31 Mr. Hall stated that this is our own Zoning Ordinance and it states that one purpose is to conserve the value
32 of land, buildings and structures throughout the County. He said that he does not believe that they really
33 meant that every decision has to conserve all of the value of all of the land in the whole County because on
34 the face of it that is ridiculous. He said that he believes that it really means that when the Zoning Ordinance
35 is applied we will make sure that it does “this” in every instance.

36
37 Mr. Thorsland stated that meaning in this part of the County are we conserving the value of land, buildings
38 and structures.

4/25/13

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Mr. Palmgren stated that we are referring to the area in question.

Mr. Thorsland stated yes and the surrounding area. He said that the proposed map amendment, on the basis of the Special Use Permit, DOES/DOES NOT conserve the value of land, buildings and structures throughout the County, meaning adjacent and that particular piece. He asked Mr. Hall if he was correct.

Mr. Hall stated yes.

Mr. Passalacqua stated that appraisals have been submitted indicating that it DOES and that it DOES NOT.

Mr. Thorsland requested a motion.

Mr. Passalacqua moved, seconded by Mr. Miller that the proposed map amendment, on the basis of the Special Use Permit, DOES conserve the value of land, buildings and structures throughout the County.

Mr. Thorsland stated that a “yes” vote is an indication that the proposed map amendment, on the basis of the Special Use Permit, DOES conserve the value of land, buildings and structures throughout the County.

Mr. Thorsland requested a roll call vote.

Capel-no	Courson-no	Miller-yes
Palmgren-yes	Passalacqua-yes	Thorsland-no

Mr. Thorsland indicated that the Board has indicated a tie vote.

Mr. Hall stated that the Board will have the same decision point in the Special Use Permit case.

Mr. Thorsland read the fourth bulleted item as follows: The proposed map amendment, on the basis of the proposed Special Use Permit, DOES/DOES NOT promote the public health, safety, comfort, morals, and general welfare (Purpose 2.0 (e) see Item 23.E).

Mr. Thorsland stated that for the purpose of voting he will indicate that the proposed map amendment, on the basis of the proposed Special Use Permit, DOES NOT promote the public health, safety, comfort, morals, and general welfare.

Mr. Passalacqua agreed with Mr. Thorsland.

4/25/13

1 Mr. Thorsland entertained a motion that a “yes” vote is an indication that the proposed map amendment, on
2 the basis of the proposed Special Use Permit, DOES NOT promote the public health, safety, comfort, morals
3 and general welfare.

4
5 **Ms. Capel moved, seconded by Mr. Courson that the proposed map amendment, on the basis of the**
6 **proposed Special Use Permit, DOES NOT promote the public health, safety, comfort, morals and**
7 **general welfare.**

8
9 Mr. Thorsland requested a roll call vote.

10			
11	Miller-yes	Palmgren-yes	Passalacqua-yes
12	Capel-yes	Courson-yes	Thorsland-yes

13
14 Mr. Thorsland read the fifth bulleted item as follows: The proposed map amendment, on the basis of the
15 proposed Special Use Permit, DOES/DOES NOT protect natural features such as forested areas and
16 watercourses (Purpose 2.0 (o) see Item 23.O).

17
18 Mr. Thorsland stated that the proposed map amendment, on the basis of the proposed Special Use Permit,
19 DOES NOT protect natural features such as forested areas and watercourses.

20
21 Mr. Palmgren disagreed with Mr. Thorsland’s recommendation. He said that the petitioner has done a lot of
22 work to preserve and protect the natural features.

23
24 Mr. Miller stated that testimony and evidence has been received indicating the petitioner’s work to protect
25 the forested area.

26
27 Mr. Thorsland entertained a motion that a “yes” vote is an indication that the proposed map amendment, on
28 the basis of the proposed Special Use Permit, DOES NOT protect the natural features such as forested areas
29 and watercourses.

30
31 **Ms. Capel moved, seconded by Mr. Passalacqua that the proposed map amendment, on the basis of**
32 **the proposed Special Use Permit, DOES NOT protect the natural features such as forested areas and**
33 **watercourses.**

34
35 Mr. Thorsland requested a roll call vote.

36			
37	Miller-no	Palmgren-no	Passalacqua-yes
38	Capel-yes	Courson-yes	Thorsland-yes

4/25/13

1
 2 Mr. Thorsland read the sixth bulleted item as follows: The proposed map amendment, on the basis of the
 3 proposed Special Use Permit, DOES/DOES NOT do the following: •it adequately restricts the location of
 4 trades and industries and the location of buildings, structures, and land designed for specified land uses; and
 5 •it is consistent with the existing division of the County into Districts and different classes according to the
 6 use of land, buildings and structures, intensity of the use of lot area, and other classification as may be
 7 deemed best suited to carry out the purpose of the ordinance; and •it is consistent with the regulations and
 8 standards to which buildings, structures or uses therein shall conform; and •it is consistent in its prohibition
 9 uses, buildings, or structures incompatible with the character of such District. (Purposes 2.0 (i) (j) (k) and (l);
 10 see Items 23.I., J., K. and L.).

11
 12 Mr. Thorsland stated that his recommendation for this finding is DOES NOT.

13
 14 Mr. Thorsland entertained a motion that a “yes” vote is a recommendation of DOES NOT for this finding.

15
 16 **Mr. Courson moved, seconded by Ms. Capel that the proposed map amendment, on the basis of the**
 17 **proposed Special Use Permit, DOES NOT do the following: •it adequately restricts the location of**
 18 **trades and industries and the location of buildings, structures, and land designed for specified land**
 19 **uses; and •it is consistent with the existing division of the County into Districts and different classes**
 20 **according to the use of land, buildings and structures, intensity of the use of lot area, and other**
 21 **classification as may be deemed best suited to carry out the purpose of the ordinance; and •it is**
 22 **consistent with the regulations and standards to which buildings, structures or uses therein shall**
 23 **conform; and •it is consistent in its prohibition uses, buildings, or structures incompatible with the**
 24 **character of such District. (Purposes 2.0 (i) (j) (k) and (l); see Items 23.I., J., K. and L.).**

25
 26 Mr. Thorsland requested a roll call vote.

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

30
 31 Mr. Thorsland stated that the Board has received many, many documents and pieces of evidence therefore he
 32 is leaving it up to staff to accurately update the Documents of Record.

33
 34 Mr. Thorsland stated that the Board must decide whether or not they are going to move to a Final
 35 Determination on Case 687-AM-11 without going through all of the Special Use Permit, which is driving the
 36 map amendment. He said that the Board must keep in mind that if the petitioners so chooses they can take a
 37 denial to the County Board without a decision on the Special Use Permit. Mr. Thorsland asked the Board if
 38 they desired to work through all of the evidence on the Special Use Permit or continue with Case 687-AM-

4/25/13

1 11 and move to a Final Determination.

2
3 Mr. Passalacqua asked what the petitioner needs to take this to the County Board regardless of the vote. He
4 asked if the Board needs to complete both cases to accommodate the petitioner.

5
6 Mr. Thorsland stated that he believes that the answer would be that the petitioner should have a complete
7 package when he presents his case to the County Board. Mr. Thorsland deferred the correct answer to Mr.
8 Hall.

9
10 Mr. Hall stated that he would expect the County Board to say that they will defer the case until the ZBA
11 takes action on the Special Use Permit.

12
13 Mr. Passalacqua stated that either way the Board is going to have to complete both cases.

14
15 Mr. Hall stated that the County Board would appreciate it because sending a map amendment without a
16 decision on the special use is a convenient way to put off voting on the map amendment therefore the ZBA
17 didn't achieve anything.

18
19 Mr. Thorsland asked Mr. Hall if the ZBA or the petitioner decides whether or not the map amendment would
20 go to the County Board.

21
22 Mr. Hall stated that only the petitioner decides whether or not the map amendment would go to the County
23 Board.

24
25 Mr. Thorsland stated that if the ZBA makes a decision on the map amendment tonight it is up to the
26 petitioner to decide whether or not they want the map amendment to go to the County Board alone or include
27 the special use decision. He said that he will assume that the ZBA is not going to make a final decision on
28 the Special Use Permit tonight. He asked the Board if they desired to complete the Final Determination for
29 the map amendment case tonight and continue Case 688-S-11 at the special meeting on May 1st.

30
31 Mr. Passalacqua stated if he was in the petitioner's shoes, regardless of the recommendation, he would want
32 a final decision on the map amendment so that he can decide what he wants to do regarding the County
33 Board.

34
35 Mr. Thorsland proposed that the Board complete the Final Determination tonight and continue the Special
36 Use Permit case on May 1st.

37
38 Mr. Thorsland entertained a motion to approve the Findings of Fact and Documents of Record.

4/25/13

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Mr. Palmgren moved, seconded by Mr. Courson to approve the Findings of Fact and Documents of Record as amended. The motion carried by voice vote.

Mr. Thorsland entertained a motion to move to a Final Determination for Case 687-AM-11.

Ms. Capel moved, seconded by Mr. Courson to move to a Final Determination for Case 687-AM-11. The motion carried by voice vote.

Mr. Thorsland informed the petitioner that a full Board is present at this time with one vacant seat therefore it is at his discretion whether to move to a final determination with the present Board or continue the case until the vacant seat is filled.

Mr. Singleton requested that the present Board proceed to the Final Determination.

Mr. Hall noted that on a Final Determination a tie is a denial even if the motion is to approve and there is no reconsideration.

Mr. Singleton stated that he understands Mr. Hall’s concern and requested that the Board proceed.

Final Determination for Case 687-AM-11:

Ms. Capel moved, seconded by Mr. Courson that pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Zoning Ordinance Amendment requested in Case 687-AM-11 should NOT BE ENACTED by the County Board in the form attached hereto.

Mr. Thorsland requested a roll call vote.

Miller-yes	Palmgren-no	Passalacqua-yes
Capel-yes	Courson-yes	Thorsland-yes

Mr. Hall informed the petitioners that they have received a recommendation for denial for Case 687-AM-11 therefore the case will be placed on the May 9, 2013, Environment and Land Use Committee meeting agenda. He said that he assumes that the petitioner wants the case forwarded to ELUC.

Mr. Singleton asked Mr. Hall if the Board will complete Case 688-S-11 prior to forwarding it to ELUC.

4/25/13

1 Mr. Thorsland stated that the ZBA will not complete Case 688-S-11 tonight. He said that Case 688-S-11 has
2 been continued to the May 1st Special Meeting. He said that the petitioner can choose to only send Case
3 687-AM-11 to ELUC or wait until a Final Determination is completed on Case 688-S-11 and submit both
4 cases to ELUC.

5
6 Mr. Hall stated that the only case that will be forwarded to ELUC is Case 687-AM-11 and it is up to the
7 petitioner to decide whether or not he desires to proceed immediately or wait to receive the outcome of the
8 special use. He noted that the petitioner does not need to make this decision tonight.

9
10 Mr. Thorsland reminded the petitioner that the Board will review Case 688-S-11 at the May 1st Special
11 Meeting which will begin at 7:00 p.m. in this meeting room.

12
13 **6. New Public Hearings**

14
15 **Case 741-AM-13 Petitioner: Marcus Harris and landowner Tharco Incorporated Request: Amend**
16 **the Zoning Map to change the zoning designation from the I-1 Light Industry Zoning District to the**
17 **B-4 General Business Zoning District for the purpose of establishing a firearm sales store and indoor**
18 **shooting range as a “Sporting Goods Sales and Service” store. Location: Lot 3 of Triumph Industrial**
19 **Park Subdivision in the Southeast Quarter of Section 33 of Somer Township and commonly known as**
20 **the buildings at 1414 Triumph Drive, Urbana.**

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

25
26 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

27
28 Mr. Marcus Harris, who resides at 1780 CR 1650N, Urbana, stated that he is requesting that 1414 Triumph
29 Drive, Urbana be rezoned from I-1 to B-4. He said that B-4 zoning is better suited for the proposed indoor
30 gun range and gun shop as opposed to I-1. He said that most of the surrounding area is zoned B-4 and he has
31 received letters of support from the local businesses and no local business was in opposition to the proposed
32 rezoning or the use.

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

35
36 Mr. Thorsland asked if staff had any questions for Mr. Harris.

37
38 Mr. John Hall, Zoning Administrator, stated that he had no questions but noted that conveyance of the

4/25/13

1 property has occurred.

2
3 Mr. Harris stated that Mr. Hall was correct and he submitted a copy of the deed to staff. He said that there
4 was time lapse with setting up a separate limited liability corporation, Big Top Properties LLC Series, for the
5 property to be purchased under. He said that he offered to personally purchase the property but they wanted
6 it under Big Top Properties LLC because of liability.

7
8 Mr. Hall stated that Mr. Thorsland read the agenda at the beginning of the hearing but Mr. Kass stated that
9 he has been able to make the changes regarding ownership.

10
11 Mr. Harris stated that from now on he is the only petitioner.

12
13 Mr. Hall distributed a new Supplemental Memorandum dated April 25, 2013, to the Board for review. He
14 said that the new memorandum mentions the fact that the conveyance has been completed. He said that staff
15 received a new floor plan of the building that is proposed to house the gun shop and the indoor shooting
16 range and that floor plan is attached. He said that also attached to the new memorandum are letters/e-mails
17 of support and a list of uses comparing I-1 to B-4. He said that there were no goals or policies where there
18 were no recommendations.

19
20 Mr. Hall stated that the Supplemental Memorandum dated April 25, 2013, includes a proposed special
21 condition of approval. He said that the special condition is regarding the smaller building so that there is no
22 uncertainty in the future. He read the proposed special condition as follows:

23 **C. The smaller building on the subject property shall only be used as an accessory use to**
24 **the uses and activities in the larger building unless a Special Use Permit is authorized**
25 **for two principal buildings.**

26 The special condition above is to ensure the following:

27 **The use of the smaller building shall be in compliance with the Zoning Ordinance.**

28
29 Mr. Hall stated that the petitioner has not had a chance to review the proposed special condition until tonight
30 but it really is only documenting what the Zoning Ordinance requires.

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

33
34 Mr. Thorsland called Tim Murray to testify.

35
36 Mr. Marcus Harris stated that Mr. Murray is a fire fighter for the Champaign Fire Department and during the
37 break he was called for service and had to leave the meeting.

4/25/13

1 Mr. Thorsland asked Mr. Harris if he would prefer that the Board continue working on this case tonight or
2 continue the case until such time that Mr. Murray can be present to testify.

3
4 Mr. Harris requested that the Board continue working on the case tonight. He said that he owns the building
5 and Mr. Murray is the head of the Morgan Group. He said that D & R Firearms is one of the FFLs and will
6 be the primary resident of the gun shop and Tim Murray is the instructor and will run the educational
7 components. He said that the Board has received letters of support for D & R Firearms and letters of support
8 for Mr. Murray and Mr. Harris and he understands that it may be a little bit confusing and he apologized for
9 that confusion.

10
11 Mr. Thorsland asked the Board if there were any questions for Mr. Harris and there were none.

12
13 Mr. Thorsland asked if staff had any questions for Mr. Harris and there were none.

14
15 Mr. Thorsland asked the Board if there were any questions or concerns regarding the proposed special
16 condition and there were none.

17
18 Mr. Thorsland read the proposed special conditions as follows:

19 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
20 **741-AM-13 by the County Board.**

21 The above condition is required to ensure the following:
22 **The establishment of the proposed use shall be properly documented as required by the**
23 **Zoning Ordinance.**

24
25 Mr. Thorsland asked Mr. Harris if he agreed to Special Condition A.

26
27 Mr. Harris stated that he agreed to Special Condition A.

28
29 **B. No Zoning Use Permit for expansion of building area or parking area and no Change of**
30 **Use Permit authorizing a different use with a greater wastewater load shall be**
31 **approved without documentation that the Champaign County Health Department has**
32 **determined that the existing or proposed septic system will be adequate for that**
33 **proposed use.**

34 The above special condition is required to ensure:
35 **That the existing septic system is adequate and to prevent wastewater runoff onto**
36 **neighboring properties.**

37
38 Mr. Thorsland asked Mr. Harris if he agreed to Special Condition B.

4/25/13

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Mr. Harris stated that he agreed to Special Condition B.

C. The smaller building on the subject property shall only be used as an accessory use to the uses and activities in the larger building unless a Special Use Permit is authorized for two principal buildings.

The special condition above is to ensure the following:

The use of the smaller building shall be in compliance with the Zoning Ordinance.

Mr. Thorsland asked Mr. Harris if he agreed to Special Condition C.

Mr. Harris stated that he agreed to Special Condition C.

Mr. Thorsland entertained a motion to approve the proposed special conditions as read.

Mr. Courson moved, seconded by Mr. Palmgren to approve the proposed special conditions as read. The motion carried by voice vote.

Mr. Thorsland stated that the Board will review the Summary Finding of Fact for Case 741-AM-13. He said that staff has indicated recommendations and there are no decision points for the Board. He said that if the Board has any disagreements with staff’s recommendations then they should voice those disagreements at this time.

Summary Finding of Fact for Case 741-AM-13:

From the documents of record and the testimony and exhibits received at the public hearing conducted on April 25, 2013, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed amendment will HELP ACHIEVE the Land Resource Management Plan because of the following (objectives and policies are briefly summarized):

A. The proposed map amendment will HELP ACHIEVE the following LRMP goals:

Goal 5 Urban Land Use because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will HELP ACHIEVE the following:

•Objective 5.1 ensure that the population growth and economic development is accommodated by new urban development in or adjacent to existing

4/25/13

- 1 population centers because it will **HELP ACHIEVE** the following:
- 2 •Policy 5.1.3 consider municipal ETJ areas that are served or that are planned
- 3 to be served by sanitary sewer as contiguous urban growth areas (Item
- 4 15.A.1)).
- 5 •Objective 5.2 encourage any urban development to demonstrate good
- 6 stewardship of natural resources because it will **HELPACHIEVE** the
- 7 following:
- 8 •Policy 5.2.1 encourage the reuse and redevelopment of older and vacant
- 9 properties within urban land (Item 15.B.(1)).
- 10 •Policy 5.2.2 ensure that urban development on best prime farmland is
- 11 efficiently designed to avoid unnecessary conversion and encourage other
- 12 jurisdictions to do the same (Item 15.B.(2)).
- 13 •Objective 5.3 requiring the County to oppose new urban development unless
- 14 adequate utilities infrastructure, and public services are provided because it
- 15 will **HELP ACHIEVE** the following:
- 16 •Policy 5.3.1 require new urban development in unincorporated areas to be
- 17 sufficiently served by available public services without undue public expense
- 18 and encouraging other jurisdictions to do the same (Item 15.C.(1)).
- 19 •Policy 5.3.2 require new urban development to be adequately served by
- 20 public infrastructure without undue public expense and encouraging other
- 21 jurisdictions to do the same (Item 15.C.(2)).
- 22
- 23 **Goal 6 Public Health and Public Safety** because while it will either not impede
- 24 or is not relevant to the other Objectives and Policies under this goal, it will
- 25 **HELP ACHIEVE** the following:
- 26 •Objective 6.1 ensure that development does not endanger public health or
- 27 safety because it will **HELP ACHIEVE** the following:
- 28 •Policy 6.1.2 ensure that wastewater disposal and treatment will not endanger
- 29 public health, create nuisance conditions for adjacent uses, or negatively
- 30 impact surface or groundwater quality (Item 16.C.(1)).
- 31
- 32 **B. The proposed amendment will PARTIALLY ACHIEVE** the following LRMP
- 33 **goal(s):**
- 34 •Goal 3 Prosperity
- 35 **C. The proposed amendment will NOT IMPEDE** the following LRMP goal(s):

4/25/13

- 1 •Goal 1 Planning and Public Involvement
- 2 •Goal 2 Governmental Coordination
- 3 •Goal 4 Agriculture
- 4 •Goal 7 Transportation
- 5 D. The proposed amendment is NOT RELEVANT to the following LRMP goal(s):
- 6 •Goal 9 Energy Conservation
- 7 •Goal 10 Cultural Amenities
- 8
- 9 2. The proposed Zoning map amendment IS consistent with the *LaSalle* and *Sinclair*
- 10 factors because:
- 11 •The subject property is suitable for the proposed use and will allow a vacant property
- 12 to be put into productive use. There is adequate building area for the proposed use
- 13 and there is adequate area for the required parking.
- 14 •The proposed map amendment is in general conformance with the City of Urbana’s
- 15 Comprehensive Plan as reported by Robert Myers in an e-mail dated April 9, 2013.
- 16
- 17 3. The proposed Zoning Ordinance map amendment will HELP ACHIEVE the purpose
- 18 of the Zoning Ordinance because it is consistent with all of the purposes of the Zoning
- 19 Ordinance.
- 20
- 21 4. Regarding the error in the present Ordinance that is to be corrected by the proposed
- 22 change:
- 23 •Everything around it is a retail use site, and to some extent not an industrial use.
- 24

25 Mr. Thorsland asked the Board if the disagreed with any of staff’s recommendations or if there was any
26 information that the Board would like to add to the Summary Finding of Fact and there were none.

27
28 Mr. Thorsland stated that a new Item #15 should be added to the Documents of Record indicating the
29 following: 15. Supplemental Memorandum dated April 25, 2013, with attachments: A. List of Authorized
30 Uses in the I-1 and B-4 Zoning Districts; and B. Email of Support from Bernie Houser dated April 20, 2013;
31 and C. Letter of Support from Dan Bailey received April 22, 2013; and D. Email of Support from Dan
32 Sensenbrenner dated April 24, 2013; and E. Email of Support from Kirk Bales dated April 24, 2013; and F.

4/25/13

1 Letter of Support from Jan King received April 25, 2013; and G. Email dated April 25, 2013, from Matt
2 Deering and Warranty Deed; and H. Building Floor Plan received April 19, 2013 (included separately).

3
4 Mr. Thorsland entertained a motion to approve the Finding of Fact, Documents of Record and Summary
5 Finding of Fact as amended.

6
7 **Mr. Courson moved, seconded by Mr. Palmgren to approve the Finding of Fact, Documents of Record
8 and Summary Finding of Fact as amended. The motion carried by voice vote.**

9
10 Mr. Thorsland entertained a motion to move to a Final Determination. He informed the petitioner that a full
11 Board is present at this time with one vacant seat therefore it is at his discretion whether to move to a final
12 determination with the present Board or continue the case until the vacant seat is filled.

13
14 Mr. Harris requested that the present Board move to a Final Determination tonight.

15
16 **Mr. Courson moved, seconded by Mr. Passalacqua to move to a Final Determination for Case 741-
17 AM-13. The motion carried by voice vote.**

18
19 **Final Determination for Case 741-AM-13:**

20
21 **Ms. Capel moved, seconded by Mr. Palmgren that pursuant to the authority granted by Section 9.2 of
22 the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
23 determines that the Zoning Ordinance Map Amendment requested in Case 741-AM-13 should BE
24 ENACTED by the County Board in the form attached hereto.**

25
26 Mr. Thorsland requested a roll call vote.

27
28 **Courson-yes Miller-yes Palmgren-yes**
29 **Passalacqua-yes Capel-yes Thorsland-yes**

30
31 Mr. Hall informed the petitioner that he has received a recommendation of approval from the ZBA therefore
32 the case will be forwarded to the May 9, 2013, Committee of the Whole, Environment and Land Use
33 Committee Meeting.

34
35 Mr. Thorsland stated that the Board will return to Case 687-AM-11 and continue through the Summary
36 Finding of Fact beginning with Finding #2 of the Summary Finding of Fact.

37
38 **7. Staff Report**

4/25/13

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None

8. Other Business

A. Review of Docket

B. Review of March 2013 Monthly Report

Mr. Hall stated that during his work on the March 2013 Monthly Report he noted that the ZBA has 20 pending cases on the docket. He said that a couple of years ago the Board didn't have 20 cases for the entire year. He said that the Board did a great job in April and currently there are only 14 pending cases. He said that if the Board feels like they are doing a lot of work this year they would be correct.

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

None

10. Adjournment

Mr. Thorsland entertained a motion to adjourn the meeting.

Mr. Courson moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 9:58 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

ZBA

AS APPROVED JUNE 13, 2013

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DRAFT SUBJECT TO APPROVAL DRAFT

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