

1
2
3
4 **MINUTES OF REGULAR MEETING**

6 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

7 **1776 E. Washington Street**
8 **Urbana, IL 61801**

10 **DATE: July 31, 2014**

PLACE: Lyle Shield’s Meeting Room
1776 East Washington Street

11
12 **TIME: 7:00 p.m.**

Urbana, IL 61802

14 **MEMBERS PRESENT:** Catherine Capel, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol,
15 Eric Thorsland

17 **MEMBERS ABSENT :** Roger Miller

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

21 **OTHERS PRESENT :** Herb Schildt, Randy Hopkins, Sue Hopkins

24 **1. Call to Order**

26 The meeting was called to order at 7:00 p.m.

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

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

32 **3. Correspondence**

34 None

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

40 **4. Approval of Minutes (June 26, 2014)**

42 Mr. Thorsland entertained a motion to approve the June 26, 2014, minutes.

44 **Mr. Passalacqua moved, seconded by Mr. Randol to approve the June 26, 2014, minutes.**

46 Mr. Thorsland stated that Ms. Lee noted to staff that the sentence beginning on Line 32 on Page 20
47 should be revised as follows: She said that if there is a southwest wind, which would be prevailing, she
48 would believe that the neighbors to the northwest would smell odors from the subject property at their

31-14

1 residence which is fairly close by.

2
3 Mr. Thorsland stated that Ms. Lee also noted a minor correction on Line 11 on Page 5 that the word
4 “small” should be changed to “smell”.

5
6 Mr. Thorsland asked the Board if there were any additional corrections to the minutes and there were none.
7

8 **The motion carried by voice vote.**
9

10
11 **5. Continued Public Hearing**

12
13 **Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
14 **Ordinance by amending the Champaign County Storm Water Management Policy by changing the**
15 **name to the Storm Water Management and Erosion Control Ordinance and amending the reference**
16 **in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control**
17 **Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise**
18 **existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to**
19 **have authority to prevent pollution of any stream or body of water. (Part A of the legal**
20 **advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be**
21 **new Section 2 and add purpose statements related to preventing soil erosion and preventing water**
22 **pollution and fulfilling the applicable requirements of the National Pollutant Discharge System**
23 **(NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section**
24 **3 titled Definitions to include definitions related to fulfilling the applicable requirements of the**
25 **National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of**
26 **the legal advertisement); and IV. Revised existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,**
27 **12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance**
28 **activities including a including a requirement for a Land Disturbance Erosion Control Permit**
29 **including Minor and Major classes of Permits that are required within the Champaign County MS4**
30 **Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan**
31 **of development must comply with the Illinois Environmental Protection Agency’s ILR 10 Permit**
32 **requirements; add fees and time limits for each class of Permit; add requirements for administration**
33 **and enforcement Permits; and add new Appendices with new standards and requirements for both**
34 **Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V.**
35 **Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation**
36 **onto adjacent properties and add minimum erosion and water quality requirements that are required**
37 **for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add**
38 **a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII.**
39 **Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18.**

31-14

1 (Parts G, I, J, P, Q, R, S and W of the legal advertisement).
2

3 **Case 773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm**
4 **Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by**
5 **adding the following: A. Add a requirement for a Grading and Demolition Permit for any grading or**
6 **demolition that disturbs on acre or more of land or for any grading or demolition that is part of a**
7 **larger common plan of development in which one acre or more of land disturbance will occur, and**
8 **that is not related to any proposed construction; and B. Add fees for Grading and Demolition Permits;**
9 **and C. Add required information to be provided in the application for a Grading and Demolition**
10 **Permit; and D. Add a requirement that any grading or demolition pursuant to a Grading or**
11 **Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General**
12 **Storm Water Permit for Construction; and E. Add a requirement that any demolition pursuant to a**
13 **Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations**
14 **enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos; and F.**
15 **Add prohibitions against changing the flow of water and blocking the flow of water; and G. Add other**
16 **requirements related to Grading and Demolition Permits.**
17

18 Mr. Thorsland called Cases 769-AT-13 and 773-AT-14 concurrently.
19

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

25 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the requests.
26

27 Mr. Hall stated that no new memorandums are available for the Board's review tonight. He said that shortly
28 after the last public hearing Mr. Andrew Levy has left employment with the Regional Planning Commission
29 but before Mr. Levy left he provided Mr. Hall with the revisions to the Technical Appendices, a draft
30 handout and the other changes that were previously discussed. Mr. Hall stated that it has been such a busy
31 summer since the last public hearing regarding these cases that he has not had a chance to work on either of
32 these cases. He requested that the Board continue Cases 769-AT-13 and 773-AT-14 to the September 11,
33 2014, public meeting. He said that there is a very good chance that the Board could take final action on
34 these cases at the September 11th meeting.
35

36 Mr. Thorsland entertained a motion to continue Cases 769-AT-13 and 773-AT-14 to the September 11,
37 2014, meeting.
38

39 Ms. Griest moved, seconded by Ms. Capel to continue Cases 769-AT-13 and 773-AT-14 to the

31-14

1 September 11, 2014, meeting. The motion carried by voice vote.

2

3 Case 771-AM-13 Petitioner: **Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc. Request to amend**
4 **the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning**
5 **District to the B-4 General Business Zoning District in order to authorize the proposed Special Use in**
6 **related zoning Case 772-S-13. Location: A five acre tract of land in the North Half of the Northwest**
7 **Quarter of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the**
8 **plant nursery and self-storage warehouse located at 31 East Hensley Road, Champaign.**

9

10 Case 772-S-13 Petitioner: **Randy and Sue Hopkins, d.b.a. Atlantic Services, Inc. Request: Authorize**
11 **the following as a Special Use in the B-4 General Business Zoning District: Part A. Authorize multiple**
12 **principal buildings on the same lot consisting of the following: (1) Self-Storage Warehouses providing**
13 **heat and utilities to individual units, as a special use that was previously authorized in Case 101-S-97;**
14 **and (2) a Landscaping and Maintenance Contractor’s Facility with outdoor storage as proposed in**
15 **Part B. Part B. Authorize the construction and use of a Landscaping and Maintenance Contractor**
16 **Facility. Location: An 11.8 acre tract of land in the North Half of the Northwest Quarter of the**
17 **Northeast Quarter of Section 24 of Hensley Township and commonly known as the plant nursery and**
18 **self-storage warehouse located at 31 East Hensley Road, Champaign, and an adjacent tract of**
19 **farmland.**

20

21 Mr. Thorsland informed the audience that Case 772-S-13 is an Administrative Case and as such the County
22 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
23 show of hands for those who would like to cross examine and each person will be called upon. He requested
24 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
25 that those who desire to cross examine are not required to sign the witness register but are requested to
26 clearly state their name before asking any questions. He noted that no new testimony is to be given during
27 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
28 exempt from cross examination.

29

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

33

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

35

36 Mr. Randy Hopkins, who resides at 1014 W. South Street, Mansfield, stated that he and his wife are the
37 owners of Atlantic Services, Inc. He said that on April 17th he and his wife started a petition to rezone the
38 property from B-3 to B-4 and at the public hearing the Board had some questions which required answers.
39 He said that he and his wife have addressed all of the Board’s questions to the best of their ability for

31-14

1 tonight's public hearing.

2
3 Mr. Thorsland called John Hall to testify.

4
5 Mr. John Hall, Zoning Administrator, stated that there is no new information regarding the case other than
6 the memorandum that was included in the mailing. He said that a special condition is proposed for Case
7 771-AM-13 recognizing the Right to Farm Resolution 3425 and as with any special condition in order for it
8 to apply the petitioner must agree to that special condition.

9
10 Mr. Thorsland stated that the July 24, 2014, Supplemental Memorandum indicated that the Petitioners have
11 added 6.8 acres of land to the petition therefore through no fault of the petitioners the legal advertisement
12 was published on Wednesday, July 30, 2014, which would not allow a final determination at tonight's
13 meeting. He said that the Board could work through all of the findings tonight so that the cases could be
14 continued to a future date where the Board could take final action within a short period of time.

15
16 Ms. Griest asked Mr. Hall if the proposed special condition for Case 771-AM-13 refers to farming the
17 additional 6.8 acres.

18
19 Mr. Hall stated that the special condition mainly refers to the adjacent farmland across the street and to the
20 east of the subject property which is zoned B-3 because it literally pertains to farming regardless of the
21 zoning district but it would not apply to farming on the petitioner's land.

22
23 Ms. Griest stated that when the petitioner added the 6.8 acres of land the petition had to be re-advertised.
24 She asked Mr. Hall if the 6.8 acres is the land to the east side. She said that she believed that the special
25 condition was giving the petitioner the right, under the new zoning classification, to farm the 6.8 acres.

26
27 Mr. Hall stated that the petitioner can always farm the 6.8 acres but the special condition is mainly so that
28 the Board can make a definitive recommendation on the one LRMP Policy which discusses the right to farm.
29 He said that this is a condition that does not do a whole lot but nonetheless if we do not include it, it could
30 always be challenged under that one policy.

31
32 Mr. Passalacqua asked Mr. Hall if he is worried that the petitioner's activity may hinder farming across the
33 street.

34
35 Mr. Hall stated no, his only worry is being able to absolutely knock out that policy by having this special
36 condition.

37
38 Ms. Griest stated that this is really a technical condition rather than something that is going to be restrictive
39 on the petitioner.

31-14

1
2 Mr. Hall stated yes. He said that regardless the Right to Farm Resolution applies.
3
4 Mr. Passalacqua asked Mr. Hopkins if he understood the reason for the proposed special condition.
5
6 Mr. Hopkins stated no.
7
8 Mr. Passalacqua explained that the proposed special condition does not restrict the right to farm on the
9 subject property. He said that the proposed special condition is a technicality because part of the Board's
10 goals is to ensure that no one has their right to farm their ground taken away. He said that the proposed
11 special condition will have no effect on this petition whatsoever.
12
13 Ms. Capel stated that the special condition acknowledges the Policy that the County has regarding a farmer's
14 right to farm their land and the special condition makes the petitioner aware of that right.
15
16 Mr. Hopkins thanked the Board for their clarification of the special condition.
17
18 Mr. Randol informed Mr. Hopkins that if he chooses to farm the 6.8 acres then he can.
19
20 Mr. Hopkins stated that the 6.8 acres is being farmed currently.
21
22 Ms. Lee stated that the minutes of the previous public hearing for this case indicates that she questioned the
23 depth of the detention basin. She said that Mr. Hopkins indicated at the last public hearing that he would
24 have his engineer address and indicate the depth of the detention basin on the revised drawing she does not
25 see the depth of the detention basin indicated on the revised drawing.
26
27 Mr. Hopkins stated that he thought that they depth was indicated on the revised drawing.
28
29 Mr. Hall stated that the Board has no information regarding the detention basin other than its location. He
30 said that without doubt there is plenty of room on the subject property to build a detention basin and the
31 outlet is not to the drainage ditch but to the road ditch along the interstate. He said that he could imagine
32 that this is a situation where Mr. Hopkins will be meeting the IDOT standards for detention. He said that the
33 IDOT standards apply across the state therefore they are not especially troublesome but Mr. Hopkins will
34 need to make sure that he receives IDOT approval for the outlet.
35
36 Ms. Griest stated that she assumed that the detention basin will be at a depth of 20 feet because there were
37 four rings indicated on the drawing and each ring is generally delineated as five feet on a contour map.
38
39 Mr. Hall stated that such is possible but he has no data to prove it.

31-14

1
2 Ms. Griest stated that it appears that the existing driveway is outside of the boundary of the subject property.
3
4 Mr. Thorsland stated that this may be a depiction of the driveway for the tire company.
5
6 Ms. Griest asked Mr. Hopkins to clarify the location of the driveway.
7
8 Mr. Hopkins stated that the depiction of the driveway is for the tire company. He said that the existing
9 concrete paving, as indicated on the drawing, is the existing driveway for the subject property.
10
11 Mr. Thorsland asked Mr. Hopkins if the gate has been taken down.
12
13 Mr. Hopkins stated that the gate still exists but it is left open.
14
15 Ms. Griest asked Mr. Hall if the property not being gated is why some of the previous conditions from Case
16 576-S-07 are not necessary for this case.
17
18 Mr. Hall stated that the proposed changes were based on the Board's recent handling of security issues at
19 self-storage warehouses. He said that the Board tends to not want certain things but it is true that the
20 Sebens' case involves limited access but it is a much larger set of storage units with a different kind of
21 access than what exists at this location.
22
23 Mr. Passalacqua asked Mr. Hopkins if the drive on the east side of the property will remain.
24
25 Mr. Hopkins stated he does not believe so.
26
27 Mr. Passalacqua stated that if the drive will remain then it should be reflected on the drawing. He asked Mr.
28 Hall if there is a problem with the subject property having two drives.
29
30 Mr. Hall stated no.
31
32 Mr. Passalacqua recommended that the second drive be indicated on the site plan.
33
34 Mr. Hopkins stated that the driveway consists of millings and road pack.
35
36 Mr. Passalacqua stated that if the driveway is used then it should be included on the plan.
37
38 Ms. Griest asked Mr. Hopkins if the driveway is the access to the farmland.
39

31-14

1 Mr. Hopkins stated that the tenant farmer does use the drive to access the farm ground.

2

3 Ms. Lee asked Mr. Hopkins if he has contacted Hensley Township.

4

5 Mr. Hopkins stated no.

6

7 Mr. Hall stated that part of the re-advertisement includes sending out another round of notices to Hensley
8 Township. He said that this will be the second notice to Hensley Township although he does not expect to
9 hear anything from them but we want to make sure that we comply.

10

11 Mr. Passalacqua stated that Hensley Township is generally pretty diligent about showing up if they have any
12 concerns.

13

14 Mr. Passalacqua asked Mr. Hall if the proposed building will require any additional ADA spots.

15

16 Mr. Hall stated no.

17

18 Mr. Thorsland stated that the depth of the detention pond should be indicated on the final plan as well as the
19 addition of the existing driveway on the east side of the property.

20

21 Mr. Passalacqua stated that if Mr. Hopkins has to comply with IDOT standards then the same information is
22 going to be required by them as well. He asked Mr. Hopkins if the engineering has been completed
23 regarding the capacity of the detention pond.

24

25 Mr. Hopkins stated that he will contact MSA regarding these items and will bring in a copy of the plan as
26 soon as it is complete.

27

28 Ms. Griest stated that if the driveway is indicated on the plan and Mr. Hopkins chooses to remove the
29 driveway then that is okay but if the driveway is not included on the approved plan and he chooses to leave
30 the driveway then Mr. Hopkins has a problem. Ms. Griest stated that it is the Board's recommendation that
31 the driveway be included on the plan, since it already exists, and if Mr. Hopkins chooses to remove it he can
32 at his leisure rather than being under some sort of a time constraint or he can leave the driveway in its current
33 location.

34

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

36

37 Mr. Hall stated that the only use that the petitioner is proposing on the 6.8 acres is to relocate the top soil
38 stockpile and normally the site plan would reflect that relocation. He said that he has not made an issue of
39 the top soil to date because it is just top soil but as Ms. Griest indicated it is generally better to show any

31-14

1 future plans for the subject property so that there are no questions later. He said that the site plan would be
2 more complete with an indication of the relocation of the top soil but he is not requiring it for his purposes.

3
4 Mr. Passalacqua asked Mr. Hopkins if he is going to move the dirt processor and use that location for the
5 new building.

6
7 Mr. Hopkins stated yes.

8
9 Mr. Passalacqua stated that if the dirt processor is going to be placed by the relocated top soil then it should
10 be indicated on the revised plan. He said that it is better to have it on the plan so that the petitioner does not
11 have to come back before the Board at a later date.

12
13 Mr. Hall asked Mr. Hopkins if when he processes the top soil for a job site would it be hauled from the 6.8
14 acre site or would the vehicle go back through the other property.

15
16 Mr. Hopkins stated that the vehicle would go back through the other property.

17
18 Mr. Hall stated that the gate for the perimeter fence and the drive should be indicated on the site plan. He
19 said that a petitioner could work forever detailing a complete site plan but these are issues which should
20 really be included.

21
22 Mr. Passalacqua asked if Champaign County had any regulations for the top soil pile.

23
24 Mr. Hall stated that Champaign County has no regulations and regarding ILR10 there is not one acre of
25 disturbed earth on the subject property therefore the property is complete within compliance. He said that
26 during construction when the land is disturbed for the new contractor building, parking and detention basin
27 the ILR10 will apply and he is sure the MSA will send in the application and fees. He said that he does not
28 know if Champaign County will have any erosion control regulations adopted before construction or not.

29
30 Mr. Randol asked if the plan will indicate whether or not the detention basin will have standing water in it or
31 if it will only be utilized as an overflow for the subject property when it rains.

32
33 Mr. Hopkins stated that MSA did not indicate such but MSA did indicate that the detention basin will be
34 built to code.

35
36 Ms. Lee stated that Page 6 of the minutes for the previous public hearing regarding this case indicates
37 concerns that Mr. Hall had regarding drainage of the subject property. She asked Mr. Hall if all of his
38 concerns have been addressed.

39

31-14

1 Mr. Hall stated that the only information that has been received is what is indicated on the submitted plan.

2
3 Ms. Lee stated that all of Mr. Hall's concerns are unanswered at this point.

4
5 Mr. Hall stated that all of his concerns are unanswered but it is clear that there is enough land, which is why
6 the aerial photograph was included to show the Board that the property only abuts the interstate road ditch,
7 and he is absolutely confident that a detention basin can be constructed which meets the Stormwater
8 Management Policy on this property. He said that if Ms. Lee would like to see more information, then as a
9 Board member it is her right to require it from the petitioner.

10
11 Mr. Thorsland stated that the water overflow is indicated in lower corner of the property and if you look at
12 the aerial that lower corner is at the drainage ditch next to the exit ramp. He said that the petitioner will have
13 to comply with IDOT standards for drainage. He noted that there is a special condition relating to the
14 Stormwater Management Policy in Case 772-S-13.

15
16 Mr. Hall stated that when the Board reviews the findings the one thing that he has been concerned about
17 from the beginning when we knew that the 6.8 acres was going to be added was that he has no idea how it
18 will go over at the County Board because the rezoning is almost 12 acres from B-3 to B-4 at a location where
19 there is no sanitary sewer when in fact B-4 is not needed to do the uses that are proposed. He said that it
20 could be that the County Board may look at this as it is already zoned business and is located at an interstate
21 interchange, which is not unlike the Monticello Road interstate interchange area that is zoned B-4, therefore
22 what is the problem. He said that this very 6.8 acres had been proposed for rezoning, shortly after Mr.
23 Courson's Special Use Permit, and it did not get approved for rezoning to B-4. Mr. Hall stated that there
24 was no proposed use for the 6.8 acres at that time and it was at a time when Hensley Township was
25 protesting. He said that he wanted to mention this background to the Board because the only rezoning that
26 the Board has seen recently was for a very defined use at a very defined property and on that 6.8 acres that is
27 not what we have.

28
29 Mr. Thorsland stated that the Board needs to go through all of the LRMP points and a decision is required
30 for almost all of those points by the Board. He said that the Board can read through all of the points or just
31 review the Summary Finding of Fact. He said that there is a history attached to this property therefore the
32 Board needs to make sure that everything is consistent in the findings.

33
34 Ms. Lee asked if Mr. Hopkins owns the property currently.

35
36 Mr. Hopkins stated that he owns the property currently.

37
38 Mr. Thorsland stated that the Board will begin its review of the LRMP Goals and Policies on Page 13, Item
39 #10.

31-14

1
2 Mr. Thorsland read LRMP Goal 1 as follows: “Champaign County will attain a system of land resource
3 management planning built on broad public involvement that supports effective decision making by the
4 County.” Goal 1 has 4 objectives and 4 policies. He said that staff recommends that the proposed rezoning
5 will **NOT IMPEDE** the achievement of Goal 1.

6
7 The Board agreed with staff’s recommendation of **NOT IMPEDE** for Goal 1.

8
9 Mr. Thorsland read LRMP Goal 2 as follows: “Champaign County will collaboratively formulate land
10 resource and development policy with other units of government in areas of overlapping land use planning
11 jurisdiction.” Goal 2 has two objectives and three policies. He said that staff recommends that the proposed
12 rezoning will **NOT IMPEDE** the achievement of Goal 2.

13
14 The Board agreed with staff’s recommendation of **NOT IMPEDE** for Goal 2.

15
16 Mr. Thorsland read LRMP Goal 3 as follows: “Champaign County will encourage economic growth and
17 development to ensure prosperity for its residents and the region.” Goal 3 has three objectives and no
18 policies. The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** the achievement of Goal 3 based on
19 the following: A. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3
20 Objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively
21 and continue business operation in Champaign County; and B. Based on the above and because it will either
22 not impede or is not relevant to the other Objectives and Policies under this goal the proposed map
23 amendment **WILL/WILL NOT HELP ACHIEVE** Goal 3 Prosperity.

24
25 Mr. Passalacqua stated that based on the above and because it will either not impede or is not relevant to the
26 other Objectives and Policies under this goal the proposed map amendment **WILL HELP ACHIEVE** Goal
27 3 Prosperity.

28
29 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** the achievement of Goal 3.

30
31 Mr. Thorsland read LRMP Goal 4 as follows: “Champaign County will protect the long term viability of
32 agriculture in Champaign County and its land resource base.” Goal 4 has 9 objectives and 22 policies. The
33 proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Goal 4. Mr. Thorsland stated that the Board will
34 review the objectives and policies and then return to LRMP Goal 4 for a final determination of **WILL/WILL**
35 **NOT HELP ACHIEVE**.

36
37 Mr. Thorsland read Objective 4.1 as follows: “Champaign County will strive to minimize the fragmentation
38 of the County’s agricultural land base and conserve farmland, generally applying more stringent
39 development standards on best prime farmland.” The proposed rezoning **WILL/WILL NOT HELP**

31-14

1 ACHIEVE Objective 4.1.

2
3 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** Objective 4.1

4
5 Mr. Thorsland stated that Policy 4.1.6 states “Provided that the use, design, site and location are consistent
6 with County policies regarding: i. Suitability of the site for the proposed use; and ii. Adequacy of
7 infrastructure and public services for the proposed use; and iii. Minimizing conflict with agriculture; and iv.
8 Minimizing the conversion of farmland; and v. Minimizing the disturbance of natural areas; then a) On best
9 prime farmland, the County may authorize discretionary residential development subject to a limit on total
10 acres converted which is generally proportionate to tract size and is based on the January 1, 1998,
11 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right
12 development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-
13 way), but not to exceed 12 acres in total; or b) On best prime farmland, the County may authorize non-
14 residential discretionary development; or c) The County may authorize discretionary review development on
15 tracts consisting of other than best prime farmland.” The proposed rezoning **WILL/WILL NOT HELP**
16 **ACHIEVE** Policy 4.1.6.

17
18 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.1.6.

19
20 Mr. Thorsland read Objective 4.2 as follows: “Champaign County will require that each discretionary review
21 development will not interfere with agricultural operations.” The proposed rezoning **WILL/WILL NOT**
22 **HELP ACHIEVE** Objective 4.2 because of the following: Policy 4.2.1 states, “The County may authorize a
23 proposed business or other non-residential discretionary review development in a rural area if the proposed
24 development supports agriculture or involves a product or service that is better provided in a rural area than
25 in an urban area.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.2.1 because based
26 on the evidence, the proposed Special Use in related Case 772-S-13 **DOES/DOES NOT** support agriculture
27 and **WILL/WILL NOT** interfere with agricultural operations and is a service which is appropriate for the
28 rural area and therefore **IS /IS NOT** a service better provided in rural area than in an urban area.

29
30 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.1 because based on
31 the evidence, the proposed Special Use in related Case 772-S-13 **DOES** support agriculture and **WILL**
32 **NOT** interfere with agricultural operations and is a service which is appropriate for the rural area and
33 therefore **IS** a service better provided in rural area than in an urban area.

34
35 Mr. Hall asked the Board if they are comfortable indicating that the proposed use will support agriculture.

36
37 Mr. Thorsland stated that the use is better suited in a rural area.

38
39 Mr. Passalacqua stated that the Board could determine that the proposed rezoning **WILL HELP ACHIEVE**

31-14

1 Policy 4.2.1 because based on the evidence, the proposed Special Use in related Case 772-S-13 **WILL NOT**
2 **IMPEDE** agriculture and **WILL NOT** interfere with agricultural operations and is a service which is
3 appropriate for the rural area and therefore **IS** a service better provided in rural area than in an urban area.
4

5 Mr. Thorsland stated that Policy 4.2.2 states, The County may authorize discretionary review development in
6 a rural area if the proposed development: a. is at type that does not negatively affect agricultural activities; or
7 b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
8 c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural
9 drainage systems, rural roads, or other agriculture-related infrastructure.” The proposed rezoning
10 **WILL/WILL NOT HELP ACHIEVE** Policy 4.2.2 because based on the evidence, the proposed Special Use
11 in related Case 772-S-13 **DOES/DOES NOT** negatively affect agricultural activities, **IS/IS NOT** located and
12 designed to minimize exposure to negative effects of agricultural activities, and **WILL/WILL NOT** interfere
13 with agricultural activities.
14

15 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.2 because based on the
16 evidence, the proposed Special Use in related Case 772-S-13 **DOES NOT** negatively affect agricultural
17 activities, **IS** located and designed to minimize exposure to negative effects of agricultural activities, and
18 **WILL NOT** interfere with agricultural activities.
19

20 Mr. Thorsland stated that Objective 4.3 states, “Champaign County will require that each discretionary
21 review development is located on a suitable site.” He said that Policy 4.3.2 states, “On best prime farmland,
22 the County may authorize a discretionary review development provided the site with proposed improvements
23 is well-suited for the proposed land use. The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy
24 4.3.2 for the following reasons: a. There was no Section 22 Natural Resource Report for the subject property
25 during the public hearing for Case 576-S-07 because the property already had business zoning and there is
26 none at this time. The subject property is best prime farmland consisting of Drummer silty clay loam
27 (relative LE of 100 in Champaign County LESA System) and Elburn silt loam (relative LE of 100 in the
28 Champaign County LESA System); and b. The subject property is already zoned B-3 Highway Business; and
29 c. As determined for Policy 4.2.2, the proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.2.2
30 because based on the evidence, the proposed Special Use in related Case 772-S-12 **DOES/DOES NOT**
31 negatively affect agricultural activities, **IS/IS NOT** located and designed to minimize exposure to negative
32 effects of agricultural activities, and **WILL/WILL NOT** interfere with agricultural activities; and d. The
33 proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.3; and 3. The proposed rezoning
34 **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.4.
35

36 Mr. Passalacqua stated that as determined for Policy 4.2.2, the proposed rezoning **WILL HELP ACHIEVE**
37 Policy 4.2.2 because based on the evidence, the proposed Special Use in related Case 772-S-12 **DOES NOT**
38 negatively affect agricultural activities, of **IS** located and designed to minimize exposure to negative effects
39 of agricultural activities, and **WILL NOT** interfere with agricultural activities.

31-14

1

2 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.2.

3

4 Mr. Thorsland stated that Policy 4.3.3 states, “The County may authorize a discretionary review
5 development provided that existing public services are adequate to support the proposed development
6 effectively and safely without undue expense.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE**
7 Policy 4.3.3.

8

9 Mr. Passalacqua stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.3.

10

11 Ms. Griest asked if Items d. and e. under Policy 4.3.2 and Policy 4.3.5. are duplications or are they necessary.

12

13 Mr. Hall stated yes and they are necessary to make it clearer.

14

15 Mr. Thorsland stated that Policy 4.3.4 states, “The County may authorize a discretionary review
16 development provided that existing public infrastructure, together with proposed improvements, is adequate
17 to support the proposed development effectively and safely without undue public expense.”

18

19 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.4.

20

21 Ms. Griest stated that proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.3. and Policy 4.3.4.

22

23 Mr. Passalacqua asked if the negative comments included in Item G. under Policy 4.3.4 are only for a matter
24 of record.

25

26 Mr. Hall stated yes.

27

28 Mr. Thorsland stated that Policy 4.3.5 states, “On best prime farmland, the County will authorize a business
29 or other non-residential use only if: a. it also serves surrounding agricultural uses or an important public
30 need; and cannot be located in an urban area or on a less productive site; or b. the use is otherwise
31 appropriate in a rural area and the site is very well suited to it.” Mr. Thorsland stated that the proposed
32 rezoning **WILL HELP ACHIEVE** Policy 4.3.5. He said that the Board is required to make a determination
33 for Items c, d, e, and f. under Policy 4.3.5. He said that regarding Item c. he would recommend the
34 following: The proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.1 because based on the evidence,
35 the proposed Special Use in related Case 772-S-13 **DOES NOT IMPEDE** agriculture and **WILL NOT**
36 interfere with agricultural operations and is a service which is appropriate for the rural area and therefore **IS**
37 a service better provided in a rural area than in an urban area.

38

39 Ms. Lee stated that Item b. indicates that the subject property is already zoned B-3 Highway Business. She

31-14

1 asked Mr. Hall to indicate the zoning for the 6.8 acres.

2
3 Mr. Hall indicated that the 6.8 acres is also zoned B-3.

4
5 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.2.2, the proposed
6 rezoning **WILL HELP ACHIEVE** Policy 4.2.2 because based on the evidence, the proposed Special Use in
7 related Case 772-S-13 **DOES NOT** negatively affect agricultural activities, **IS** located and designed to
8 minimize exposure to negative effects of agricultural activities, and **WILL NOT** interfere with agricultural
9 activities.

10
11 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 4.3.3 and Policy 4.3.

12
13 Ms. Griest stated that the proposed amendment **WILL NOT IMPEDE** the achievement of Objectives 4.6,
14 4.7 and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.8, 4.2.3, 4.2.4, 4.6.1, 4.6.2, 4.6.3, and 4.9.1.
15 Objectives 4.4, 4.5, and 4.8 and Policies 4.1.7, 4.1.9, and 4.3.1 are **NOT RELEVANT** to the proposed
16 amendment.

17
18 Mr. Thorsland stated that overall the proposed rezoning **WILL HELP ACHIEVE** Goal 4.

19
20 Mr. Hall reminded the Board that an overall determination was still needed for Objectives 4.2 and 4.3.

21
22 Mr. Thorsland stated that overall the proposed rezoning **WILL HELP ACHIEVE** Objective 4.3.

23
24 Ms. Capel stated that overall the proposed rezoning **WILL HELP ACHIEVE** Objective 4.2.

25
26 Mr. Thorsland read LRMP Goal 5 as follows: "Champaign County will encourage urban development that
27 is compact and contiguous to existing cities, villages, and existing unincorporated settlements. He said that
28 Goal 5 has 3 objectives and 15 policies. The proposed amendment **WILL/WILL NOT HELP ACHIEVE**
29 Goal 5 for the following reasons: Objective 4.1 states, "Champaign County will strive to ensure that the
30 preponderance of population growth and economic development is accommodated by new urban
31 development in or adjacent to existing population centers." The proposed rezoning **WILL/WILL NOT**
32 **HELP ACHIEVE** Objective 5.1 because of the following: Policy 5.1.3 states, "The County will consider
33 municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by
34 an available public sanitary sewer service plan as contiguous urban growth area which should develop in
35 conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land
36 Use Map." The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 5.1.3.

37
38 Mr. Passalacqua stated the proposed rezoning **WILL NOT IMPEDE** Policy 5.1.3.

31-14

1 Mr. Thorsland stated that Policy 5.1.4. states, “The County may approve discretionary development outside
2 contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if: a. the
3 development is consistent with the municipal comprehensive plan and relevant municipal requirements; and
4 b. the site is determined to be well-suited overall for the development if on best prime farmland or the site is
5 suited overall, otherwise; and c. the development is generally consistent with all relevant LRMP objective
6 and polices.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 5.1.4.
7

8 Mr. Passalacqua stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.4.
9

10 Mr. Thorsland stated that Policy 5.1.5 states, “The County will encourage urban development to explicitly
11 recognize and provide for the right of agricultural activities to continue on adjacent land.” He said that staff
12 recommends that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.5 because a special condition
13 has been proposed to require any use established on the subject property to explicitly recognize and provide
14 for the right of agricultural activities on adjacent land.
15

16 The Board agreed with staff’s recommendation for Policy 5.1.5.
17

18 Mr. Thorsland stated that Policy 5.1.6 states, “To reduce the occurrence of agricultural land use and non-
19 agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require
20 discretionary development to create a sufficient buffer between existing agricultural operations and the
21 proposed urban development.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 5.1.6.
22

23 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.6.
24

25 Mr. Passalacqua disagreed with Mr. Thorsland’s recommendation and recommended that the proposed
26 rezoning **WILL NOT IMPEDE** Policy 5.1.6.
27

28 Mr. Hall stated that if the Board believes that buffers are not necessary because of the existing road then he
29 would recommend **WILL HELP ACHIEVE**.
30

31 The Board agreed that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.6.
32

33 Mr. Thorsland stated that overall the proposed rezoning **WILL HELP ACHIEVE** Objective 5.1.
34

35 Mr. Hall stated that the decision for Policy 5.1.4 was **WILL HELP ACHIEVE** although Policy 5.1.4
36 discusses areas within municipal extra-territorial jurisdictions and the subject property is not within the City
37 of Champaign’s ETJ therefore to be more consistent he recommended that the proposed rezoning **WILL**
38 **NOT IMPEDE** Policy 5.1.4.
39

31-14

1 Mr. Passalacqua stated the Policy 5.1.4 does not apply.

2

3 Mr. Hall stated that indicating that Policy 5.1.4 does not apply is a possibility but there were previous
4 policies which talked about being in the ETJ and the decision was **WILL NOT IMPEDE** therefore he would
5 like the Board to be consistent with its determinations.

6

7 Ms. Capel asked if Objective 5.1 should also indicate **WILL NOT IMPEDE**.

8

9 Mr. Hall stated that the Board could go either way in determining whether the proposed rezoning **WILL**
10 **NOT IMPEDE** or **WILL HELP ACHIEVE** Objective 5.1 because there are two determinations of **WILL**
11 **HELP ACHIEVE** and until the Board has something that obviously makes the **IMPEDE** more critical he
12 would go with **WILL HELP ACHIEVE**.

13

14 The Board agreed that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.4.

15

16 Mr. Thorsland stated that Objective 5.3 states, "Champaign County will oppose proposed new urban
17 development unless adequate utilities, infrastructure, and public services are provided." The proposed
18 rezoning **WILL/WILL NOT HELP ACHIEVE** Objective 5.3 because of the following: Policy 5.3.1 states,
19 "The County will: a. require that proposed new urban development in unincorporated areas is sufficiently
20 served by available public services and without undue public expense; and b. encourage, when possible,
21 other jurisdictions to require that proposed new urban development is sufficiently served by available public
22 services and without undue public expense."

23

24 Mr. Thorsland stated that Hensley Township has been notified and no comments have been received. He
25 said that the Board has been informed that the drainage will need to comply with IDOT standards.

26

27 Mr. Passalacqua stated that we know that any repair expenses regarding water and septic are on the
28 petitioner.

29

30 Mr. Passalacqua recommended that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.3.1.

31

32 Mr. Thorsland stated that Policy 5.3.2 states, "The County will: a. require that proposed new urban
33 development, with proposed improvements, will be adequately served by public infrastructure, and that
34 related needed improvements to public infrastructure are made without undue public expense; and b.
35 encourage, when possible, other jurisdictions to require that proposed new urban development, with
36 proposed improvements, will be adequately served by public infrastructure, and that related needed
37 improvements to public infrastructure are made without undue public expense." The proposed rezoning
38 **WILL/WILL NOT HELP ACHIEVE** Policy 5.3.2.

39

31-14

1 Mr. Randol stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 5.3.2.

2
3 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Objective 5.3.

4
5 Mr. Thorsland stated that overall the proposed amendment **WILL HELP ACHIEVE** Goal 5.

6
7 Mr. Thorsland stated that staff recommends that the proposed amendment **WILL NOT IMPEDE** the
8 achievement of Objective 5.2 and Policies 4.1.1, 5.1.2, 5.1.7, 5.1.8, 5.1.9, 5.2.1, 5.2.2, 5.2.3, and 5.3.3.

9
10 The Board agreed with staff recommendation that the proposed amendment **WILL NOT IMPEDE** the
11 achievement of Objective 5.2 and Policies 4.1.1, 5.1.2, 5.1.7, 5.1.8, 5.1.9, 5.2.1, 5.2.2, 5.2.3, and 5.3.3.

12
13 Mr. Thorsland read LRMP Goal 6 as follows: Champaign County will ensure protection of the public health
14 and public safety in land resource management decisions. Goal 6 has 4 objectives and 7 policies. The
15 proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Goal 6 for the following reasons: Objective 6.1
16 states, "Champaign County will seek to ensure that development in unincorporated areas of the County does
17 not endanger public health or safety." The proposed rezoning **WILL/WILL NOT HELP ACHIEVE**
18 Objective 6.1 because of the following: (1) Policy 6.1.3 states, "The County will seek to prevent nuisances
19 created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of
20 the night sky throughout as much of the County as possible." The proposed rezoning **WILL/WILL NOT**
21 **ACHIEVE** Policy 6.1.3 because of the following: a. any new exterior lighting will comply with the standard
22 condition in Section 6.1.2 regarding exterior lighting and will be full-cutoff light fixtures.

23
24 Ms. Griest stated that the proposed rezoning **WILL HELP ACHIEVE** Objective 6.1 and Policy 6.1.3.

25
26 Mr. Thorsland stated that staff recommends that the proposed amendment **WILL NOT IMPEDE** the
27 achievement of Policies 6.1.1, 6.1.2, and 6.1.4. Objectives 6.2, 6.3, and 6.4 and Policies 6.2.1, 6.2.2, and
28 6.2.3 are **NOT RELEVANT** to the proposed amendment.

29
30 The Board agreed with staff's recommendation that the proposed amendment **WILL NOT IMPEDE** the
31 achievement of Policies 6.1.1, 6.1.2, and 6.1.4. Objectives 6.2, 6.3, and 6.4 and Policies 6.2.1, 6.2.2, and
32 6.2.3 are **NOT RELEVANT** to the proposed amendment.

33
34 Mr. Thorsland stated that overall the proposed rezoning **WILL HELP ACHIEVE** Goal 6.

35
36 Mr. Thorsland read LRMP Goal 7 as follows: Champaign County will coordinate land use decisions in the
37 unincorporated area with the existing and planned transportation infrastructure and services. He said that
38 Goal 7 has 2 objective and 7 policies. The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Goal 7
39 for the following reasons: Objective 7.1 states, "Champaign County will consider traffic impact in all land

31-14

1 use decisions and coordinate efforts with other agencies when warranted.” The proposed rezoning
2 **WILL/WILL NOT HELP ACHIEVE** Objective 7.1 because of the following: (1) Policy 7.1.1 states, “The
3 County will include traffic analyses in discretionary review development proposal with significant traffic
4 generation.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 7.1.1.
5

6 Mr. Randol stated that the proposed rezoning **WILL HELP ACHIEVE** Policy 7.1.1.
7

8 Mr. Thorsland stated that the proposed rezoning **WILL HELP ACHIEVE** Objective 7.1.
9

10 Mr. Thorsland stated that staff recommended that the proposed amendment **WILL NOT IMPEDE** the
11 achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.
12

13 The Board agreed with staff’s recommendation that the proposed amendment **WILL NOT IMPEDE** the
14 achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.
15

16 Mr. Thorsland stated that overall the proposed rezoning **WILL HELP ACHIEVE** Goal 7.
17

18 Mr. Thorsland read LRMP Goal 8 as follows: Champaign County will strive to conserve and enhance the
19 County’s landscape and natural resources and ensure their sustainable use. He said that Goal 8 has 9
20 objectives and 36 policies. He said that staff has recommended that the proposed rezoning **WILL NOT**
21 **IMPEDE** the achievement of Goal 8.
22

23 The Board agreed with staff’s recommendation that the proposed rezoning **WILL NOT IMPEDE** the
24 achievement of Goal 8.
25

26 Mr. Thorsland read LRMP Goal 9 as follows: Champaign County will encourage energy conservation
27 efficiency, and the use of renewable energy sources. He said that Goal 9 has 5 objectives and 5 policies. He
28 said that staff recommended that the proposed rezoning **WILL NOT IMPEDE** the achievement of Goal 9.
29

30 The Board agreed with staff’s recommendation that the proposed rezoning **WILL NOT IMPEDE** the
31 achievement of Goal 9.
32

33 Mr. Thorsland read LRMP Goal 10 as follows: Champaign County will promote the development and
34 preservation of cultural amenities that contribute to a high quality of life for its citizens. He said that Goal 10
35 has 1 objective and 1 policy. He said that staff recommended that the proposed rezoning **WILL NOT**
36 **IMPEDE** the achievement of Goal 10.
37

38 The Board agreed with staff’s recommendation that the proposed rezoning **WILL NOT IMPEDE** the
39 achievement of Goal 10.

31-14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

Mr. Thorsland stated that the Board will move forward to the *LaSalle* Factors. He read Item 10.E as follows:
LaSalle Factor: The suitability of the subject property for the zoned purposes. (1) The subject property is suitable for the current zoned purposes; and (2) Based on the discussion of suitability under Items 13.C and 14.B above, the subject property IS/IS NOT SUITABLE for the proposed zoned purpose which is self-storage warehouses and a contractor facility with outdoor storage.

Mr. Passalacqua stated that Based on the discussion of suitability under Items 13.C and 14.B above, the subject property **IS SUITABLE** for the proposed zoned purpose which is self-storage warehouses and a contractor facility with outdoor storage.

Mr. Thorsland stated that regarding the purpose of the Zoning Ordinance the proposed amendment **WILL/WILL NOT HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance.

Mr. Thorsland stated that the proposed amendment **WILL HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance.

Mr. Thorsland stated that there are no new Documents of Record. He noted that the Summary Finding of Fact should indicate the following dates: April 17, 2014, July 31, 2014 and a future date for final determination.

Mr. Thorsland stated that the Board will stop at this point with the review for Case 771-AM-13 and begin its review of Case 772-AM-13.

Mr. Thorsland stated that the Board will review the special conditions at this time for Case 772-S-13.

Mr. Thorsland read the proposed special conditions as follows:

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

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

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

Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition A.

31-14

1 Mr. Hopkins agreed with Special Condition A.

2
3 **B. Heat and utilities provided to the individual self-storage units should be limited so that**
4 **improper use cannot be made of those services. The following conditions will ensure**
5 **that heat and utilities are provided as necessary but not to the extent that the services**
6 **can be used for improper or illegal activities:**

7 **a. Heating in the individual storage units shall not be controllable by the**
8 **individual storage unit renters and shall be controlled by the management as**
9 **described in the Hensley Storage Security Notes submitted by the petitioner.**

10 **b. No plumbing shall be provided within the individual self-storage units nor**
11 **within the immediate vicinity of the self-storage units as described in the**
12 **Hensley Storage Security Notes submitted by the petitioner.**

13 **c. Electrical power within the individual self-storage units shall be limited to one**
14 **15 amp outlet as described in the Hensley Storage Security Notes submitted by**
15 **the petitioner.**

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

17 **Heat and utilities are provided as necessary but not to the extent that the services can**
18 **be used for improper or illegal activities.**

19
20 Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition B.

21
22 Mr. Hopkins agreed with Special Condition B.

23
24
25 **C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
26 **authorizing occupancy of the proposed contractor’s facility until the Zoning**
27 **Administrator has received a certification of inspection from an Illinois Licensed**
28 **Architect or other qualified inspector certifying that the new building complies with the**
29 **following codes:**

30 **(A) The 2006 or later edition of the International Building Code.**

31 **(B) The 2008 or later edition of the National Electrical Code NFPA 70.**

32 **(C) The Illinois Plumbing Code.**

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

34 **New buildings shall be in conformance with Public Act 96-704.**

35
36 Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition C.

37
38 Mr. Hopkins agreed with Special Condition C.

31-14

1 **D. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner**
2 **has demonstrated that any new or proposed exterior lighting on the subject property**
3 **will comply with the lighting requirements of Section 6.1.2.**

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

5 **That any proposed exterior lighting is in compliance with the Zoning Ordinance.**

6
7 Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition D.

8
9 Mr. Hopkins agreed with Special Condition D.

10
11 **E. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
12 **proposed contractor’s facility until the petitioner has demonstrated that the proposed**
13 **Special Use complies with the Illinois Accessibility Code.**

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

15 **That the proposed Special Use meets applicable state requirements for accessibility.**

16
17 Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition E.

18
19 Mr. Hopkins agreed with Special Condition E.

20
21 **F. The only two principal uses authorized by Case 772-S-13 are a Contractor’s Facility**
22 **with outdoor storage and/or outdoor operations and self-storage warehouses providing**
23 **heat and utilities to individual units.**

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

25 **That the petitioner and future landowners understand the requirements of the Zoning**
26 **Ordinance.**

27
28 Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition F.

29
30 Mr. Hopkins agreed with Special Condition F.

31
32 **G. The County Health Department recommends that the area for the subsurface septic**
33 **system be identified, marked off and protected from compaction prior to construction.**
34 **The following condition will ensure that the recommendations of the County Health**
35 **Department are a requirement for a Zoning Use Permit:**

36 **(1) The Zoning Administrator shall not accept a Zoning Use Permit Application for**
37 **the proposed contractor facility building unless there is a copy of an approved**
38 **septic system permit by the Champaign County Health Department.**

39 **(2) The area proposed for the septic system shall be identified, marked off, and**

31-14

protected from compaction prior to any construction on the subject property and the site plan shall include notes to that effect.

(3) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the approval of the as-built septic system by the Champaign County Health Department.

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

The septic system meets the requirements of the Champaign County Health Ordinance.

Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition G.

Mr. Hopkins agreed with Special Condition G.

H. If access to the subject property is restricted there should be no vehicles or trailers required to sit or stand on CR 2100N while access is provided (ie, a gate is unlocked and opened).

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

Restricting access by customers should not create a traffic safety problem on CR 2100N.

Mr. Thorsland asked Mr. Hopkins if he agreed with Special Condition G.

Mr. Hopkins agreed with Special Condition G.

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

Ms. Griest moved, seconded by Mr. Passalacqua to approve the special conditions as read. The motion carried by voice vote.

Ms. Capel noted that Items 4 and 7.H. of the Documents of Record should be corrected to indicate Roger D. Windhorn.

Findings of Fact for Case 772-S-13:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 772-S-13 held on April 17, 2014 and July 31, 2014, the Zoning Board of Appeals of Champaign County finds that:

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

31-14

1 Mr. Passalacqua stated that the requested Special Use Permit **IS** necessary for the public convenience at this
2 location because this is an expansion of an existing facility as opposed to creation of a new facility.

3
4 Ms. Griest stated that this is an expansion and utilization of an existing facility since the property is under
5 different ownership.

6
7 **2. The requested Special Use Permit, subject to the special conditions imposed herein, is**
8 **so designed, located and proposed to be operated so that it WILL NOT be injurious to**
9 **the district in which it shall be located or otherwise detrimental to the public health,**
10 **safety, and welfare because:**

11 **a. The street has ADEQUATE traffic capacity and the entrance location has**
12 **ADEQUATE visibility.**

13
14 Mr. Randol stated that the street has **ADEQUATE** traffic capacity and the entrance location has
15 **ADEQUATE** visibility.

16
17 **b. Emergency Services availability is ADEQUATE.**

18
19 Mr. Passalacqua stated that emergency services availability is **ADEQUATE**.

20
21 **c. The Special Use WILL be compatible with adjacent uses.**

22
23 Ms. Capel stated that the Special Use **WILL** be compatible with adjacent uses.

24
25 **d. Surface and subsurface drainage will be ADQUATE.**

26
27 Mr. Randol stated that surface and subsurface drainage will be **ADEQUATE**.

28
29 **e. Public safety will be ADEQUATE.**

30
31 Mr. Passalacqua stated that public safety will be **ADEQUATE**.

32
33 **f. The provisions for parking will be ADEQUATE.**

34
35 Ms. Griest stated that the provisions for parking will be **ADEQUATE**.

36
37 **g. The property is BEST PRIME FARMLAND and the property with the**
38 **proposed improvements IS WELL SUITED OVERALL.**

31-14

1 Ms. Griest stated that the property is BEST PRIME FARMLAND and the property with the proposed
2 improvements **IS WELL SUITED OVERALL.**

3
4 **h. The existing public services ARE available to support the proposed special use**
5 **effectively and safely without undue public expense.**

6
7 Ms. Capel stated that existing public services **ARE** available to support the proposed special use effectively
8 and safely without undue public expense.

9
10 **i. The only existing public infrastructure together with proposed improvements**
11 **ARE adequate to support the proposed development effectively and safely**
12 **without undue public expense.**

13
14 Mr. Passalacqua stated that the only existing public infrastructure together with proposed improvements
15 **ARE** adequate to support the proposed development effectively and safely without undue public expense.

16
17 **3a. The requested Special Use Permit, subject to the special conditions imposed herein,**
18 **DOES conform to the applicable regulations and standards of the DISTRICT in which**
19 **it is located.**

20
21 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein,
22 **DOES** conform to the applicable regulations and standards of the DISTRICT in which it is located.

23
24 **3b. The requested Special Use Permit, subject to the special conditions imposed herein,**
25 **DOES preserve the essential character of the DISTRICT in which it is located because:**
26 **a. The Special Use will be designed to CONFORM to all relevant County**
27 **ordinances and codes.**

28
29 Ms. Capel stated that the Special Use will be designed to **CONFORM** to all relevant County ordinances and
30 codes.

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

32
33 Mr. Randol stated that the Special Use **WILL** be compatible with adjacent uses.

34
35 **c. Public safety will be ADEQUATE.**

36
37 Ms. Capel stated that public safety will be ADEQUATE.

38
39 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein,

31-14

1 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

- 2
- 3 **4. The requested Special Use Permit, subject to the special conditions imposed herein, IS**
- 4 **in harmony with the general purpose and intent of the Ordinance because:**
- 5 **a. The Special Use is authorized in the District.**
- 6 **b. The requested Special Use Permit IS necessary for the public convenience at this**
- 7 **location.**
- 8

9 Ms. Capel stated that the requested Special Use Permit **IS** necessary for the public convenience at this
10 location.

- 11
- 12 **c. The requested Special Use Permit, subject to the special conditions imposed**
- 13 **herein, is so designed, located, and proposed to be operated so that it WILL**
- 14 **NOT be injurious to the district in which it shall be located or otherwise**
- 15 **detrimental to the public health, safety and welfare.**
- 16

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

- 20
- 21 **d. The requested Special Use Permit, subject to the special conditions imposed**
- 22 **herein, DOES preserve the essential character of the DISTRICT in which it is**
- 23 **located.**
- 24

25 Mr. Randol stated that the requested Special Use Permit, subject to the special conditions imposed herein,
26 **DOES** preserve the essential character of the DISTRICT in which it is located.

- 27
- 28 **5. The requested Special Use IS NOT an existing nonconforming use.**
- 29

30 Ms. Griest stated that the requested Special Use IS NOT an existing nonconforming use.

- 31
- 32 **6. The special conditions imposed herein are required to ensure compliance with the**
- 33 **criteria for Special Use Permits and for the particular purposes described below:**
- 34

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

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

31-14

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

3
4 **B. Heat and utilities provided to the individual self-storage units should be limited so that**
5 **improper use cannot be made of those services. The following conditions will ensure**
6 **that heat and utilities are provided as necessary but not to the extent that the services**
7 **can be used for improper or illegal activities:**

8 a. **Heating in the individual storage units shall not be controllable by the**
9 **individual storage unit renters and shall be controlled by the management as**
10 **described in the Hensley Storage Security Notes submitted by the petitioner.**

11 b. **No plumbing shall be provided within the individual self-storage units nor**
12 **within the immediate vicinity of the self-storage units as described in the**
13 **Hensley Storage Security Notes submitted by the petitioner.**

14 c. **Electrical power within the individual self-storage units shall be limited to one**
15 **15 amp outlet as described in the Hensley Storage Security Notes submitted by**
16 **the petitioner.**

17 The above special conditions are required to ensure the following:
18 **Heat and utilities are provided as necessary but not to the extent that the services can**
19 **be used for improper or illegal activities.**
20

21 **C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
22 **authorizing occupancy of the proposed contractor’s facility until the Zoning**
23 **Administrator has received a certification of inspection from an Illinois Licensed**
24 **Architect or other qualified inspector certifying that the new building complies with the**
25 **following codes:**

- 26 (A) **The 2006 or later edition of the International Building Code.**
- 27 (B) **The 2008 or later edition of the National Electrical Code NFPA 70.**
- 28 (C) **The Illinois Plumbing Code.**

29 The special conditions stated above are required to ensure the following:
30 **New buildings shall be in conformance with Public Act 96-704.**
31

32 **D. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner**
33 **has demonstrated that any new or proposed exterior lighting on the subject property**
34 **will comply with the lighting requirements of Section 6.1.2.**

35 The special conditions stated above are required to ensure the following:
36 **That any proposed exterior lighting is in compliance with the Zoning Ordinance.**
37

38 **E. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**
39 **proposed contractor’s facility until the petitioner has demonstrated that the proposed**

31-14

Special Use complies with the Illinois Accessibility Code.

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

That the proposed Special Use meets applicable state requirements for accessibility.

F. The only two principal uses authorized by Case 772-S-13 are a Contractor’s Facility with outdoor storage and/or outdoor operations and self-storage warehouses providing heat and utilities to individual units.

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

That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

G. The County Health Department recommends that the area for the subsurface septic system be identified, marked off and protected from compaction prior to construction. The following condition will ensure that the recommendations of the County Health Department are a requirement for a Zoning Use Permit:

(1) The Zoning Administrator shall not accept a Zoning Use Permit Application for the proposed contractor facility building unless there is a copy of an approved septic system permit by the Champaign County Health Department.

(2) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property and the site plan shall include notes to that effect.

(3) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the approval of the as-built septic system by the Champaign County Health Department.

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

The septic system meets the requirements of the Champaign County Health Ordinance.

H. If access to the subject property is restricted there should be no vehicles or trailers required to sit or stand on CR 2100N while access is provided (ie, a gate is unlocked and opened).

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

Restricting access by customers should not create a traffic safety problem on CR 2100N.

Mr. Hall stated that there are two items of evidence which require a determination from the Board. He said that the findings for Case 771-AM-13 are actually entered as evidence for Case 772-S-13. He said that item 7.D is located on Page 13 and item 7.N is located on Page 18.

Mr. Thorsland read item 7.D as follows: The evidence in related Case 771-AM-13 established that the

31-14

1 proposed Special Use IS/IS NOT a service better provided in a rural area than an urban area.

2
3 Mr. Passalacqua stated that the evidence in related Case 771-AM-13 established that the proposed Special
4 Use **IS** a service better provided in a rural area than an urban area.

5
6 Mr. Thorsland read item 7.N as follows: The Special Use **WILL/WILL NOT** be compatible with adjacent
7 uses because the evidence in related Case 771-AM-13 established that the proposed Special Use
8 **WILL/WILL NOT** interfere with agricultural operations and the subject site **IS/IS NOT** suitable for the
9 proposed Special Use.

10
11 Ms. Griest stated that the Special Use **WILL** be compatible with adjacent uses because the evidence in
12 related Case 771-AM-13 established that the proposed Special Use **WILL NOT** interfere with agricultural
13 operations and the subject site **IS** suitable for the proposed Special Use.

14
15 Mr. Thorsland entertained a motion to adopt the Summary of Record, Documents of Record and Findings of
16 Fact as amended.

17
18 **Ms. Capel moved, seconded by Mr. Passalacqua to adopt the Summary of Record, Documents of**
19 **Record and Findings of Fact as amended. The motion carried by voice vote with one opposing vote.**

20
21 Mr. Thorsland entertained a motion to continue Cases 771-AM-13 and 772-S-13 to the August 14, 2014,
22 meeting.

23
24 **Ms. Griest moved, seconded by Ms. Capel to continue Cases 771-AM-13 and 772-S-13 to the August**
25 **14, 2014, meeting.**

26
27 Mr. Hall asked the Board if they would like to see the revised Summary of Evidence and Findings of Fact at
28 the August 14th meeting.

29
30 The Board indicated that they would like to see the revised Summary of Evidence and Findings of Fact at the
31 August 14th meeting.

32
33 Ms. Griest noted that the Board will need to approve the Documents of Record for both cases again at the
34 August 14th meeting due to the anticipated submittal of an updated site plan.

35
36 **6. New Public Hearings**

37
38 None

31-14

1 **7. Staff Report**

2

3 None

4

5 **8. Other Business**

6

7 Mr. Hall stated that at this time the Board could be finished with all zoning cases by September 11th but
8 through diligent enforcement actions we know there are some new cases that are going to be submitted. He
9 said that it was said that it was finally determined that the U of I Solar Farm is not relevant to County zoning
10 therefore that case has been removed from the docket.

11

12 Mr. Hall stated that the memorandums for the August 28th meeting will be prepared by the Department of
13 Planning and Zoning's summer interns.

14

15 Mr. Passalacqua asked Mr. Hall if an inspection has been completed for the property located on Hensley
16 Road.

17

18 Mr. Hall stated no. He said that Ms. Hitt has been out of the office for vacation and when she returns she
19 plans to complete the inspection. He said that a Change of Use Application has been received and
20 authorized and staff needs to inspect the use.

21

22 Mr. Thorsland asked the Board if anyone anticipates being absent at the August 14th meeting.

23

24 Ms. Capel stated that she will not be attending the August 14th meeting.

25

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

27

28 None

29

30 **10. Adjournment.**

31

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

33

34 **Ms. Griest moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**
35 **vote.**

36

37

38

39

ZBA

AS APPROVED SEPTEMBER 11, 2014

7-

31-14

1 Respectfully submitted
2
3
4
5
6 Secretary of Zoning Board of Appeals
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40