

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61802

DATE: June 30, 2016

PLACE: John Dimit Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 6:30 p.m.

MEMBERS PRESENT: Catherine Capel, Frank DiNovo, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol, Eric Thorsland

MEMBERS ABSENT : None

STAFF PRESENT : Connie Berry, Susan Chavarria, John Hall

OTHERS PRESENT : Tom Berns, Kay Rhodes, Nick Crompton, Bruce Roth, David Kirby, Mike Kobel, William Morfey, Mary Morfey, Caleb Burton, Steve Koester, Robert Frazier, Nick Walder, Scott Harding Keith Padgett, Mike Billimack

1. Call to Order

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

2. Roll Call and Declaration of Quorum

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

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

3. Correspondence

None

4. Approval of Minutes (March 24, 2016, April 14, 2016, and June 16, 2016)

Mr. Thorsland entertained a motion to approve the March 24, 2016, April 14, 2016 and June 16, 2016, minutes, as submitted.

Ms. Capel moved, seconded by Mr. DiNovo to approve the March 24, 2016, April 14, 2016, and June 16, 2016, minutes as submitted.

1 Mr. Thorsland asked the Board if there were any additions or corrections to the minutes and there were
2 none.

3
4 **The motion carried by voice vote.**

5
6 **5. Continued Public Hearing**

7
8 **Case 792-V-14 (REACTIVATED) Petitioner: Robert Frazier Request to authorize the following**
9 **variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District:**
10 **Part A. Variance for 48 on-site parking spaces in lieu of the minimum required 67 parking spaces as**
11 **required by Section 7.4 of the Zoning Ordinance; and Part B. Variance for a setback of 50 feet and a**
12 **front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum**
13 **required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3**
14 **of the Zoning Ordinance; and Part C. Variance for parking 0 feet from the front property line in lieu**
15 **of the minimum required 10 feet from the front property line as required by Section 7.4.1 of the**
16 **Zoning Ordinance; and Part D. Variance for allowing at least 19 off-street parking spaces on an**
17 **adjacent lot in lieu of requiring all off-street parking spaces to be located on the same lot or tract of**
18 **land as the use served, as required by Section 7.4.1 of the Zoning Ordinance. Location: Lot 4 of the**
19 **Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly**
20 **known as the former LEX building located at 310 Tiffany Court, Champaign.**

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

26
27 Mr. Thorsland informed the audience that Case 792-V-14 is an Administrative Case and as such the County
28 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
29 show of hands for those who would like to cross examine and each person will be called upon. He requested
30 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
31 that those who desire to cross examine are not required to sign the witness register but are requested to
32 clearly state their name before asking any questions. He noted that no new testimony is to be given during
33 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
34 exempt from cross examination.

35
36 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the request.

37
38 Mr. Robert Frazier stated that his address is 310 Tiffany Court, Champaign. He said that he had no
39 additional comments regarding his case at this time.

40
41 Mr. Thorsland asked staff if there was any new information to share with the Board.

1
2 Mr. John Hall, Zoning Administrator, stated that there was no new information for the Board.
3
4 Mr. Thorsland asked the Board if there were any questions for Mr. Frazier.
5
6 Mr. Randol asked Mr. Frazier to indicate the address for his residence.
7
8 Mr. Frazier stated that the address for his residence is 3909 Farmington Drive, Champaign.
9
10 Mr. Thorsland stated that staff mailed a letter dated April 1, 2016, to Mr. Frazier indicating items which
11 required completion prior to this hearing. He reviewed the items with Mr. Frazier.
12
13 Mr. Thorsland item #1: Relocate all buses from the Tiffany Court property unless even more parking is
14 proposed to make up for the area occupied by the buses. He asked Mr. Frazier if the buses have been
15 relocated.
16
17 Mr. Frazier stated that the buses have been removed from the property and they will never return.
18
19 Mr. Thorsland read item #2: Secure comments from Illinois Capital Development Board (CDB) regarding
20 accessibility. He said that there has been some interaction with the CDB regarding the second floor and the
21 need for an elevator. He asked Mr. Frazier if he had any additional information to share with the Board
22 regarding item #2.
23
24 Mr. Frazier stated that the expense of installing an elevator is cost prohibitive therefore he will keep the
25 second floor at 1,000 square feet.
26
27 Mr. Thorsland stated that the complete site plan should indicate a good depiction of the second floor. He
28 read item #3: Verify with Jeff Marino at the City of Champaign and secure an email with his response that
29 the second floor areas are acceptable to the City or whether the changes are necessary. He asked Mr. Frazier
30 if he has an email from Jeff Marino to share with the Board tonight.
31
32 Mr. Frazier stated that he hasn't dealt with that because he is not in the City of Champaign.
33
34 Mr. Thorsland stated that this is one of the items that the Board requested in April.
35
36 Mr. Thorsland asked Mr. Frazier if he has been working with staff regarding the items listed in the letter.
37
38 Mr. Frazier stated yes.
39
40 Mr. Thorsland read item #5: Have your engineer prepare a new parking plan for the north property that
41 provides all of the additional parking that is required. Mr. Thorsland stated that the Board will address this

1 item later during the hearing. He read item #6: Secure comments from the fire protection district regarding
2 access by fire trucks and also check with Jeff Marino with the City of Champaign. He asked Mr. Frazier if
3 comments have been received from the fire protection district.
4

5 Ms. Chavarria stated that on April 5, 2016, she spoke with Chief Adam Shaw, Scott Fire Protection District,
6 and he indicated that there are no concerns as long as they have 12 feet of access width for their trucks.
7

8 Mr. Thorsland read item #7: Submit to Planning & Zoning a copy of the purchase agreement for the north
9 parking area, including all of the items discussed in the March 18, 2016, memorandum, and including any
10 revisions necessary to provide additional parking. He asked Mr. Frazier to indicate the progression of this
11 item.
12

13 Mr. Frazier stated that he submitted a copy of the contract to the Board in November, 2015. He said that it
14 has been platted and approved by the City of Champaign. He said that he hasn't gone any further with the
15 plan until he knows if the space is going to be required by the County.
16

17 Mr. Hall stated that it has not been approved by the City of Champaign.
18

19 Ms. Chavarria clarified that staff did receive a contract for real estate but there are areas that are not
20 completed.
21

22 Mr. Thorsland stated that Mr. Frazier has indicated that he has talked to the City of Champaign and they
23 have indicated that it is fine, but staff indicates that things are only in process.
24

25 Mr. Frazier stated that he has submitted the drawings which he has mapped out and the City of Champaign
26 gave a preliminary approval. He said that he has not finalized anything because he doesn't know if he will
27 need to if he reduces the square footage of the storage area.
28

29 Ms. Chavarria read a cover letter dated June 08, 2016, in the file: "Please find enclosed a signed contract for
30 the portion of the property located at 306 Tiffany Court, Champaign. It is my understanding that we will be
31 closing this matter within 30 days of receipt of the survey obtained by Robert Frazier." She said that there
32 are a few dates which require completion, but it is a signed contract.
33

34 Mr. Frazier stated that the property is no longer rented because he has a signed contract. He said that he will
35 have to do the final paperwork and sign the check when he receives the City of Champaign's approval.
36

37 Mr. Thorsland read item #8: Make any necessary revisions to building plans and site plan, (including
38 parking areas) based on the following: a. Capital Development Board accessibility requirement; and b. Fire
39 Protection District comments; and c. City of Champaign comments; and d. Identify where the arborist
40 vehicles will be parked to ensure that arborist parking is considered in the site plan; and e. Your final
41 decision regarding the steps and ramp on the west side of the building; dumpster relocation; removal of the

1 exterior stair; adding pavement where required; any required expansion of the proposed north parking area
2 and land purchase.

3
4 Mr. Thorsland stated that staff has received comments from the fire protection district and the petitioner is
5 working towards receiving written comments from the City of Champaign.

6
7 Mr. Frazier stated that the arborist's vehicles are gone.

8
9 Mr. Thorsland stated that there are steps located on the west and south sides and a ramp on the north side. He
10 said that all of these structures travel into the building. He said that the plan does not indicate a 12 foot
11 access as required by the fire protection district. He said that along with the existence of the ramp, if
12 vehicles are parked on the north side, no 12 foot access exists for fire protection vehicles. He said that the
13 steps on the southwest corner also interfere with that 12 foot access. He said that testimony was received
14 from an adjacent landowner regarding a proposed fence along the south side.

15
16 Mr. Frazier stated that the tightest spot, which is 15 feet, is at the middle building. He said the first building
17 has an overhang of 15 feet, but without the overhang there is enough room.

18
19 Mr. Thorsland stated that something that has to be considered is that the slope and steps exist and if a fence
20 is installed and vehicles are parked along the north side of the building, an access of 12 feet does not exist
21 for the fire protection district to access either side of the building to get to the back.

22
23 Mr. Frazier stated that the fire protection district would have adequate room on the south side of the building
24 because there is approximately 15 foot of access there.

25
26 Mr. Thorsland stated that the Board wants an accurate measurement.

27
28 Mr. Frazier stated that the architect has provided every measurement that is possible.

29
30 Mr. Thorsland asked Mr. Frazier about the ramp that is located on the northwest portion of the building.

31
32 Mr. Frazier stated that the ramp has always been there and was there on Day 1.

33
34 Mr. Thorsland stated that many people have things that existed on Day 1 but that does not mean that they are
35 allowed.

36
37 Mr. Frazier stated that the ramp is necessary to access the building.

38
39 Mr. Thorsland asked Mr. Frazier how the ramp affects the fire protection district's access. He said that there
40 is a septic tank in the area of the access.

41

1 Mr. Frazier stated that the area with the septic tank will be opened up because of his purchase of the
2 additional land. He said that he may not need the additional parking if he reduces the square footage. He
3 said that he has been waiting on confirmation from Mr. Hall regarding the need to reduce the square footage
4 or additional parking area.

5
6 Mr. Thorsland stated that he would like to verify that a minimum of 12 feet is available for the fire
7 protection district's access. He said that if there are items in the way on the property the Board must know
8 what Mr. Frazier's plan is for dealing with those items.

9
10 Mr. Thorsland read item #9: Submit a comprehensive site plan with all of the relevant property (existing and
11 proposed) on one sheet and indicate and number each parking space. He asked the Board if they believe that
12 they have received a site plan that the Board can work with.

13
14 Mr. Passalacqua stated no.

15
16 Mr. Thorsland stated that during multiple meetings the Board has requested a comprehensive site plan that
17 was complete but such a plan has not been received. He said that the current site plan does not indicate
18 things that may prevent access to the back and the front, especially near the fence. He said that as one Board
19 member he would indicate that the current site plan is better than anything else that the Board has received
20 and Mr. Fell is probably doing everything that he can. Mr. Thorsland stated that it would be helpful if Mr.
21 Fell could attend one of the ZBA meetings so that he can directly hear from the Board as to what is required.
22 Mr. Thorsland stated that the complete site plan needs to have up-to-date, dimensional information, inside
23 and outside of the buildings, for the Board's review. He said that the complete site plan needs to be at a
24 readable scale.

25
26 Ms. Chavarria stated that she has a larger version of the current site plan.

27
28 Mr. Thorsland appreciated Ms. Chavarria's comment and the current site plan is a start but there will be
29 another meeting and a complete site plan in a size that the Board can review would be helpful.

30
31 Mr. Passalacqua asked if the area near the septic tanks, round circles on the site plan, is indicated as having a
32 width of 10'-2". He said that if that is the case it is non-compliant.

33
34 Mr. Thorsland stated that he assumes that the area is that width continues to the back to the property that Mr.
35 Frazier is intending to purchase.

36
37 Mr. Frazier stated that the measurements were indicated to see if they were plausible, but if the Board is
38 indicating that 10'-2" is not compliant then he will have to talk to his neighbor to see if he can buy 1-8"
39 more of his property.

40
41 Ms. Lee corrected Mr. Frazier by indicating that it is 1'-10" that is required not 1'-8".

1
2 Mr. Passalacqua stated that the site plan should have everything that exists and is proposed on the subject
3 property. He said that he visited the property the other day and saw that there was some work going on along
4 the south side of the building.
5
6 Mr. Frazier stated that, as per the Board's request, he was removing the outside steps.
7
8 Ms. Chavarria stated that the steps have been made into an interior staircase.
9
10 Mr. Frazier stated that he moved the steps inside thus providing more access for vehicular traffic and the fire
11 trucks.
12
13 Mr. Thorsland stated that he wants to see the 15 foot access depicted on the complete site plan. He said that
14 the Board does not have a good idea of any of the dimensions therefore the complete site plan should be
15 readable. He said that he would like to see the length of the slope and the location of the steps indicated.
16 He said that more detail is required on the site plan.
17
18 Mr. Frazier stated that he would like all of the required information indicated in an email or letter. He said
19 that they have scaled everything that was requested on the current site plan and there should be no guess
20 work by the Board.
21
22 Mr. Thorsland stated that Mr. Frazier has focused well on the parking lot and that is appreciated.
23
24 Mr. Hall stated that when staff spoke to the fire protection district the response was a 12 foot lane but he
25 does not remember Chief Shaw indicating that he required a 12 foot lane around all sides of the building.
26
27 Ms. Chavarria confirmed Mr. Hall's statement.
28
29 Mr. Hall stated that a fire truck cannot get to the north side of the building because it could not get through
30 going around the south or the west because everything is too tight.
31
32 Mr. DiNovo stated that the turning radius on the northeast corner connecting into the new parking lot is
33 unworkable.
34
35 Mr. Hall stated that it is not clear if the fire protection district would require that, so it is critical to verify
36 their requirement.
37
38 Mr. Thorsland stated that he believes that the Board would like to have a 12 foot access around the entire
39 building so that if something does occur, the fire protection district has no issue. He said that the north side
40 might become less important simply because those parking spots may not be required but then again, an
41 updated site plan could reflect that decision. He said that Mr. Fell indicated in an email that the potential for

1 all customers to be at all the businesses at one time is unlikely and requested that the Board approve 85% of
2 the required parking spaces. He said that the current parking requirement is based on the current information
3 that the Board has received regarding the building. He said it has never been completely clarified as to what
4 businesses are located on the property and their square footage. He said that Mr. Frazier has indicated
5 tonight that the buses have been removed and the arborist is no longer on the property. He asked the Board
6 how they feel about reducing the required parking area based on Mr. Fell's assumption.
7

8 Mr. Frazier stated that the reason why Mr. Fell said that was because if he purchases the additional property
9 and it is approved by the City of Champaign, he can be annexed into the city and will no longer be under the
10 County's jurisdiction. He said that according to the City of Champaign, their rules are that if he has a multi-
11 use facility he can reduce the number of parking spaces by 15%.
12

13 Mr. Thorsland requested feedback from the Board regarding this issue.
14

15 Mr. DiNovo stated that he would like the fire protection district to receive a complete site plan, as requested
16 by the Board numerous times, which would provide guidance so that can actually approve it.
17

18 Mr. Thorsland stated that he does not want the fire protection district involved in what this Board approves,
19 but he would like them to verify adequate access for their services. He said that he would like Mr. Frazier to
20 indicate all of the uses on the property and the amount of square footage allocated for those uses, so that the
21 Board can determine the required number of parking spaces. He said that after the Board has the number of
22 required parking spaces determined, the Board can decide if they too would reduce that number by 15%. He
23 said that the number of accessible spaces has not been resolved either.
24

25 Mr. Chavarria stated that if 75 spaces are required then 3 accessible spaces are required but if more than 75
26 parking spaces are required, and the original number was 82 parking spaces, then 4 accessible spaces are
27 required. She said that currently only 2 accessible parking spaces are indicated on the site plan.
28

29 Ms. Chavarria asked Mr. Frazier to indicate the square footage of the second floor for the west building and
30 the building where he just installed the interior staircase.
31

32 Mr. Frazier stated that the square footage for the second floor for the west building is 700 square feet, as it is
33 not as developed as the middle building.
34

35 Ms. Chavarria asked Mr. Frazier to indicate the square footage for the second floor for the middle building
36 that is used for storage.
37

38 Mr. Frazier stated that the second floor square footage for the middle building is 2,000 square feet.
39

40 Mr. Passalacqua stated that accessibility is required for anything over 1,000 square feet.
41

- 1 Mr. Frazier stated that he will lose 1,200 square feet of usable space.
2
- 3 Ms. Chavarria asked Mr. Frazier if the square footage of each unit on the second floor is the same size.
4
- 5 Mr. Frazier stated that the storage units in the middle building are 5' x 5' and the storage units in the west
6 building are 5' x 10'.
7
- 8 Mr. Thorsland stated that the two sizes are not indicated on the site plan, and that is required.
9
- 10 Mr. Frazier stated that this information is indicated on another drawing that has been submitted to staff.
11
- 12 Ms. Chavarria stated that a detailed floor plan dated March 21st was part of the previous permutation of the
13 site plan and it does show how many units are on the second floor.
14
- 15 Mr. Frazier stated that the 5' x 5' storage units are much like a closet and the 5' x 10' units are much like a
16 walk-in closet.
17
- 18 Mr. Hall stated that an additional special condition maybe necessary to make it absolutely clear that existing
19 second floor space exceeds 1,000 square feet. He asked how the second story will be made unusable. He
20 said that the entire second floor in the middle building will not be usable.
21
- 22 Mr. Frazier stated that just 1,000 square feet of the middle building will not be usable.
23
- 24 Mr. Hall stated that the second floor areas are both within the same building.
25
- 26 Mr. Frazier stated that you cannot access one building from the other.
27
- 28 Mr. Hall stated that the Board will need something in writing from the Capital Development Board (CDB)
29 because the way he reads the CDB's standards the 1,000 square feet applies to each building. He said that
30 the 1,000 square feet applies to the west building and the middle building.
31
- 32 Mr. Frazier asked Mr. Hall if there were three buildings that were not attached the 1,000 square foot
33 requirement would apply to each building. He said that he would like more clarification so that he
34 understands if there is a problem.
35
- 36 Mr. Hall stated that Mr. Frazier will need to be very clear as to how all second floor areas will be
37 permanently deactivated and that could be as far as removing all interior walls.
38
- 39 Mr. Frazier stated that he does not know if he will have to go to that extreme but if he has to, then he will.
40
- 41 Mr. Randol stated that if the area is to be deactivated then there can't be any interior walls.

1
2 Mr. Frazier stated that he would assume that he could use the area for his own personal use.
3
4 Mr. Passalacqua stated that Mr. Frazier will need to indicate how he will use the area for personal use.
5
6 Mr. Frazier stated that he understands the Board's concern regarding how he will keep the public out of his
7 own personal storage area.
8
9 Mr. Hall stated that when Mr. Frazier talks to the CDB about the 1,000 square feet he needs to find out if it
10 needs to be accessible if he is using for his own personal use.
11
12 Mr. Frazier stated that he doesn't see why it would need to be accessible.
13
14 Mr. DiNovo asked Mr. Frazier if he has talked to the CDB personally.
15
16 Mr. Frazier stated no, and he is not sure if Mr. Fell has either.
17
18 Mr. Thorsland asked Mr. Frazier if it would be possible to have Mr. Fell attend the next public hearing
19 regarding this case.
20
21 Mr. Frazier stated that he cannot speak for Mr. Fell.
22
23 Mr. Thorsland asked Mr. Frazier if it is a reasonable expectation that Mr. Fell could attend the next public
24 hearing.
25
26 Mr. Frazier stated that he could ask Mr. Fell if he would attend the next public hearing. He said that Mr. Fell
27 has responded to all staff emails; therefore, if staff would request his attendance he would assume that Mr.
28 Fell would attend.
29
30 Mr. Thorsland read item #10: Prepare a scaled engineering/architecture drawing of the proposed removal
31 and reconstruction of the curb and sidewalk, including adequate detail drawings, that has been coordinated
32 with the rest of the site plan and submit to Planning & Zoning, County Engineer, and Keith Padgett for
33 comments then revise as needed. Mr. Thorsland stated that the Supplemental Memorandum dated June 24,
34 2016, has information regarding the curb and Mr. Padgett is present tonight to submit testimony. He asked
35 Mr. Frazier if he has discussed the curb with Mr. Padgett and Mr. Blue.
36
37 Mr. Frazier stated no. He said that Mr. Padgett has supplied the required plans for the replacement curb and
38 if those plans are approved by the County Engineer, he will proceed with the curb's replacement.
39
40 Ms. Lee asked Mr. Frazier if he has discussed the curb with Mr. Padgett.
41

1 Mr. Frazier stated no.
2
3 Ms. Lee asked Mr. Frazier if his architect had spoken with Mr. Padgett.
4
5 Mr. Frazier stated no.
6
7 Mr. DiNovo stated that he does not know what the attached drawings are, because they are not a design and
8 they are not a plan. He said that he believes that the drawings are standard IDOT details that are published
9 for reference.
10
11 Mr. Thorsland stated that the letter indicates three items which suggest that Mr. Frazier contact Mr. Padgett
12 regarding the replacement curbs and Mr. Frazier has not done so.
13
14 Mr. Thorsland read item #13: No later than June 3, 2016, apply to the City of Champaign for subdivision
15 approval including submission of a completed Plat of Subdivision and provide copies of plan and application
16 to Champaign County. He asked Mr. Frazier to indicate the status of item #13.
17
18 Mr. Frazier stated that if he applied for the Plat of Subdivision with the City of Champaign and the County
19 ZBA indicates that he requires two more additional feet, it puts him in limbo. He said that he does not know
20 if what he proposes to the County ZBA is acceptable or not, and if his proposal is not acceptable then why
21 would he purchase the land. He said that he would like to see something from the County which indicates
22 that his proposal is acceptable and that he should purchase the additional land.
23
24 Mr. DiNovo stated that the ZBA has given Mr. Frazier ample opportunity to pull a rabbit out of his hat and
25 show the ZBA some magical way how he could fit all of the required parking spaces on his property. He
26 said that unless a significant amount of additional land is made available, he does not see anything that
27 resembles access for the fire protection district.
28
29 Mr. Frazier stated that if the ZBA agrees to the 15% reduction in parking and the reduction of 1,000 square
30 feet then there is more than enough square footage versus parking. He said that there are 70 plus parking
31 spots on the property currently and those are not all needed.
32
33 Mr. Thorsland asked Mr. Frazier to indicate how many businesses are on the property currently.
34
35 Ms. Capel asked Mr. Frazier to also indicate how many vacant spaces are available for rent.
36
37 Mr. Frazier stated that there are five businesses located in the front building.
38
39 Ms. Capel asked Mr. Frazier if there is room for any more businesses.
40
41 Mr. Frazier stated no. He said that there are 100 mini-warehouses on the property.

1
2 Mr. Thorsland asked Mr. Frazier if the mini-warehouses are Mr. Frazier's personal business.
3
4 Mr. Frazier stated that the mini-warehouses are available for rent by individuals and businesses.
5
6 Mr. Randol asked Mr. Frazier if the businesses rent the space for storage only and not for operation.
7
8 Mr. Frazier stated that they rent the mini-warehouse units for storage only. He said that there are only five
9 businesses that rent the units for storage and they are located in the first building in what he would call the
10 commercial end of the storage units.
11
12 Mr. Thorsland stated that the Board has had many storage facilities before them and parking is always an
13 issue. He said that the Board had informed Mr. Frazier many times that staff has many examples of the type
14 of site plan that the Board requires for review. He asked Mr. Frazier if he has visited the Department of
15 Planning and Zoning office so that he could review any of the examples. He said that the examples may
16 indicate to Mr. Frazier that he is trying to put too much on his lot.
17
18 Mr. Frazier stated that he did reduce the storage.
19
20 Mr. Thorsland stated that the Board needs to know if the buildings are attached or detached. He informed
21 Mr. Frazier that the Board has no authority to waive any of the CDB's requirements. He said that the Board
22 will be in trouble if it approves a use that does not comply with the CDB's requirements.
23
24 Mr. Frazier stated that he fully understands that the Board wants to approve a plan so that they do not get
25 hooked on down the road.
26
27 Mr. Thorsland stated that the Board has been very patient and has worked very hard to inform Mr. Frazier as
28 to what he needs to do to move forward with this request. He said that it would be helpful for Mr. Fell to
29 attend the next public hearing with a complete site plan that is large enough for the Board to actually review.
30 He said that Mr. Frazier has made progress but he is not done. He said that based on the current information,
31 if Mr. Frazier wants a decision tonight, it is probable that Mr. Frazier will not receive a positive outcome.
32 He said that this case should be further along than it is and the letter specifically indicated what the Board
33 required and even though Mr. Frazier has worked on some things, he hasn't worked on others. He said that
34 each time that there is a break between meetings there are new ideas and something begins to occur on the
35 property, which brings up new questions at the public hearing. He said that when there are new questions,
36 there are new answers, and that is what takes a long time. He said that each one of these meetings costs the
37 County money and Mr. Frazier money, but this process takes time. He informed Mr. Frazier that the Board
38 really needs him to complete the homework. He said that the site plan needs to show dimensions, current
39 and future uses, and access per the fire protection district's requirements. He said that even if there is a
40 hammerhead turn-around it would be better than nothing at this point.
41

1 Ms. Griest stated that the site plan must include the dimensions and layout of the second floors for each
2 building. She said that she does not care if the second floor includes 10 square feet; it must be on the site
3 plan.

4
5 Mr. Thorsland stated that he wants to see the 1,000 square feet that Mr. Frazier plans to use, whether or not
6 the buildings are attached or detached and how Mr. Frazier will make the buildings compliant with the
7 CDB's requirements. He said that he would like to see an email exchange or document from the CDB which
8 clearly states whether the buildings are compliant. He said that the CDB will need to know if the buildings
9 touch or not. He said that he would like to know that the fire protection district's trucks have access to all
10 structures if necessary. He said that it is unknown what the fire protection district would do if vehicles are
11 parked in an area that the fire protection district requires access to for an emergency. He said that it is not
12 fair to Mr. Frazier's clients if they do not have adequate fire protection. Mr. Thorsland stated that the Board
13 knows what a good site plan should look like because they have received and reviewed numerous ones. He
14 suggested that he and Mr. Fell set up an appointment with staff to review approved site plans that indicate all
15 uses, dimensions, parking, etc. He said that the Board would like to be able to discuss the site plan with the
16 person who prepared it. Mr. Thorsland informed Mr. Frazier that the number one thing that he needs to
17 submit to the Board is a complete site plan and the Board has repeatedly requested this at numerous
18 meetings. He said that the issue for parking is still in the air because the Board does not have a grasp on
19 what is going on at the property.

20
21 Mr. DiNovo stated that the ZBA cannot use the 15% reduction on parking because that is an argument in
22 favor of a variance. He said that there is not enough room for parking, because the travel lane is only 18
23 feet wide and with a 9 foot vehicle there is only 9 feet left, which is not adequate for fire protection vehicles.

24
25 Mr. Thorsland stated that Mr. Frazier needs to figure out the parking issue without the parking spaces on the
26 north.

27
28 Mr. Passalacqua stated that it doesn't make sense for people to be driving over the septic system.

29
30 Mr. Thorsland stated that there is no parking over the septic system now.

31
32 Mr. Frazier stated that the area over the septic system is vacant. He said that if parking is not allowed at that
33 location, then no parking will be allowed anyway. He said that all parking will be located on the front or
34 north side. He said that there may only be one or two vehicles per day for the mini-warehouse storage units.
35 He said that the front building will generally only have four or five cars per day because the businesses are
36 small, isolated businesses owned by individuals who do not have retail sales.

37
38 Mr. Thorsland stated that if there are only four or five individuals per day visiting the businesses, there is
39 still a problem because there are only five parking spots available.

40
41 Mr. Frazier stated that there are 30 parking spots on the north side that could easily be used for these visitors

- 1 and they could walk to the building. He said that when he rented the north side there may have only been
2 one or two cars parked there at any one time.
3
- 4 Mr. Thorsland asked Mr. Frazier if there are storage units on the north side.
5
- 6 Mr. Frazier stated that there are individual businesses on the north side.
7
- 8 Mr. Thorsland asked Mr. Frazier if there are individual businesses north of the septic system.
9
- 10 Mr. Frazier stated that this area is for the storage units. He said that you cannot access that area from the
11 north side.
12
- 13 Mr. Randol asked Mr. Frazier how the tenants access the storage units.
14
- 15 Mr. Frazier stated that the storage units are accessed from the south side.
16
- 17 Mr. DiNovo asked staff if the dashed lines on the site plan are an indication of where the right-of-way is
18 located. He said that it appears that there are four or five parking spaces located in the right-of-way.
19
- 20 Mr. Hall stated yes, and the City of Champaign said okay.
21
- 22 Mr. Frazier stated that if the ZBA and the City of Champaign both agree, then he will buy the north property.
23
- 24 Mr. Thorsland stated that the Board is not going to tell Mr. Frazier whether he should or should not purchase
25 the north property.
26
- 27 Mr. Frazier stated that it was his understanding that if he satisfies this Board with the south side and he
28 purchases the north side for parking, he can go into the City of Champaign.
29
- 30 Mr. Thorsland stated that he does not understand why the City of Champaign indicated that it was okay for
31 someone to park in the right-of-way.
32
- 33 Mr. DiNovo asked Mr. Frazier if he had any approval from the City of Champaign in writing.
34
- 35 Ms. Chavarria stated that staff has had several communications with the City of Champaign but she cannot
36 testify that they have approved parking inside of the right-of-way, but they have indicated that they have a
37 general approval, not a final approval, for the north lot.
38
- 39 Mr. Thorsland stated that the City of Champaign has approved the lot or the indicated parking spaces.
40
- 41 Mr. Hall stated that it is his understanding that the City of Champaign has approved both, although he does

1 not have an email in his hand indicating such. He said that he would like to know that since the north area
2 has not changed since the plan on March 8th, when will the Board be able to see a Plat of Subdivision so that
3 they know that Mr. Frazier has hired an engineer to prepare the plat.

4
5 Mr. Frazier stated that he has submitted everything that the Board requested in regards to the drawing.

6
7 Mr. Hall stated that the drawing is not a Plat of Subdivision. He said that a Plat of Subdivision is the
8 drawing that Mr. Frazier will submit to the City of Champaign for their approval.

9
10 Mr. Frazier asked Mr. Hall if the site plan that was submitted was sufficient.

11
12 Mr. Hall stated that he is not discussing a site plan that indicates a parking layout but an actual Plat of
13 Subdivision that provides for the division of the land.

14
15 Mr. Frazier stated that he does not buy property everyday so he does not know the procedure.

16
17 Mr. Hall stated that he hopes that Mr. Frazier has talked to the City of Champaign to find out what their
18 requirements are because at every meeting Mr. Frazier informs the Board that he has talked to them.

19
20 Mr. Thorsland asked Mr. Frazier if he has talked to the City of Champaign about a Plat of Subdivision.

21
22 Mr. Frazier stated that he will get a Plat of Subdivision.

23
24 Mr. Thorsland suggested that Mr. Frazier moves toward getting it.

25
26 Mr. Frazier stated that a Plat of Subdivision does cost more money. He said that he has already spent over
27 \$2,000 to get the Board what has been approved by the City of Champaign. He said that if he spends \$2,000
28 more, the Board could indicate that they have decided that his plan will not work.

29
30 Mr. Thorsland asked Mr. Hall what will happen if the Board denies Mr. Frazier's case tonight.

31
32 Mr. Hall stated that staff has been so gracious as to not sent a Notice of Violation to Mr. Frazier but if the
33 ZBA denies this case tonight, he would imagine that within one month the case will be referred to the State's
34 Attorney with fines up to \$500 per day for each and every day possible.

35
36 Mr. Thorsland informed Mr. Frazier that it is in his best interest to get this done. He said that no questions
37 from this Board have arisen about the additional lot and he suggested that Mr. Frazier contact the City of
38 Champaign about a Plat of Subdivision, because without that additional lot there is no question that this use
39 cannot happen because it is not just 15% but over half of his required parking. He said if Mr. Frazier is
40 serious about doing all of this without a denial then he should do what this Board requests.

41

1 Mr. Frazier asked Mr. Thorsland if he is confirming that, if Mr. Frazier gets a Plat of Subdivision approved
2 by the City of Champaign, he will not be denied by this Board.

3
4 Mr. Thorsland stated that he cannot confirm that, but without the Plat of Subdivision approval from the City
5 of Champaign, approval will be difficult. He said that Mr. Frazier has too many uses operating on the lot
6 and this would not be the first occasion when the Board has required that a building or use be reduced or
7 totally removed from the property.

8
9 Mr. Frazier stated that he will purchase the property.

10
11 Mr. Thorsland stated that he is not telling Mr. Frazier to purchase the property, but he is telling Mr. Frazier
12 that he needs to sit down and decide what he needs to do.

13
14 Mr. DiNovo suggested that Mr. Frazier needs to work backwards and figure how many usable parking
15 spaces currently exist and then determine how much square footage can be used in conjunction with those
16 existing parking spaces.

17
18 Mr. Frazier stated that there are 74 total parking spaces minus the six spaces that the Board does not want,
19 will leave 68 parking spaces.

20
21 Mr. Thorsland stated that Mr. Frazier will be shy one handicapped parking space.

22
23 Ms. Chavarria stated that there are two handicapped parking spaces currently and for up to 75 there needs to
24 be three. She said that four handicapped parking spaces are required if there are more than 75.

25
26 Mr. Frazier stated that if the 15% reduction is applied to the 68 parking spaces there will only be 50 parking
27 spaces required.

28
29 Mr. Randol reminded Mr. Frazier that the option for the 15% reduction is with the City of Champaign and
30 not the County.

31
32 Mr. Frazier stated that from all of his discussions with the City of Champaign, the properties located on
33 Tiffany Court will be annexed into the City of Champaign within one to two years.

34
35 Mr. DiNovo stated that Mr. Frazier could decommission parts of his buildings to accommodate the 66
36 parking spaces. He said that in theory the current square footage is supported by 77 parking spaces.

37
38 Mr. Thorsland stated that he does not mean to sound fastidious, but he would like to say that this Board is
39 tired of playing games with this case. He said that he feels like that at every meeting there is a moderate
40 amount of surprise and wonder as to what is actually happening on the property. He said that generally this
41 Board has been very good in trying to figure out how to work things out and they have not shut anyone

1 down, but the Board is very frustrated with the progress on this case. He said that the end of his term on this
2 Board is November 30, 2017, and he would like to see this case finalized before that date.

3
4 Mr. Thorsland informed Mr. Frazier that the Board would like to see a complete site plan. He said that Mr.
5 Frazier's personal purchase decisions are under his own domain and how he operates his business is up to
6 him. He said that the formula for the required amount of parking spaces is easily answered by staff and
7 examples of a complete site plan can be provided by staff. He said that he would like to receive additional
8 comments from the fire protection district regarding adequate access to the buildings. He said that the CDB
9 is a fixed object that the Board cannot change. He said that he is not sure if the 1,000 square feet is for all
10 three buildings or for each individual building. He said that curbing needs to be depicted on the site plan
11 because it has to be put back.

12
13 Mr. DiNovo stated that the standard specifications show barrier and depressed curbs. He said that it is up to
14 the township as to what type of curb needs to be constructed.

15
16 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Frazier and there
17 were none.

18
19 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Frazier and there was no one.

20
21 Mr. Thorsland called Keith Padgett to testify.

22
23 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that he resides at 1 Lyndhurst
24 Place, Champaign. He said that the Champaign Township shed is located at 3900 Kearns, Champaign.

25
26 Mr. Thorsland asked Mr. Padgett if he has spoken with Mr. Frazier regarding the type of curb that required
27 to be constructed.

28
29 Mr. Padgett stated that he has not heard from Mr. Frazier. He said that he did visit the Champaign County
30 Highway Department to obtain curb specifications. He said that there are different types of curbs, but the
31 curb that was removed was a barrier curb. He said that a barrier curb keeps vehicles and snowplows on the
32 road. He said that the township only requests that Mr. Frazier replaces the curb with the type of curb that
33 was previously there.

34
35 Mr. Thorsland asked Mr. Padgett if the township had a photograph or drawing of what type of curb
36 previously existed at Tiffany Court.

37
38 Mr. Padgett stated no.

39
40 Mr. Thorsland stated that Mr. Padgett should inform staff and Mr. Frazier as to what type of curb is to be
41 reconstructed. He said that from Mr. Padgett's testimony, it appears that a barrier curb is desired.

- 1
2 Mr. Padgett stated that the curb was constructed and removed prior to his tenure. He said that there is an
3 existing curb in the rest of the street and the curb that was removed was similar to what remains.
4
- 5 Mr. Thorsland stated that he would like to have some type of communication, in the form of a document, to
6 Mr. Frazier or staff indicating the type of curb that should be reconstructed.
7
- 8 Mr. DiNovo stated that this is an engineering question because curbs are normally poured as a unit. He said
9 that pouring a 6" x 6" area on top of the concrete will not be sufficient.
10
- 11 Mr. Padgett stated that Mr. DiNovo is correct. He said that the surface will be taken down to its original
12 grade and tie bars will be installed. He said that the curb could be as wide as 12 inches from the backstop to
13 where it meets the road, and the height is probably 6 inches high and 6 inches thick from the downfall of the
14 curb.
15
- 16 Mr. DiNovo asked Mr. Padgett if the township would be will to do the work if they were compensated.
17
- 18 Mr. Padgett stated that the township does not do this type of work and they contract it out through the
19 County Engineering office. He said that the township does not get involved in something that is supposed to
20 last.
21
- 22 Mr. Thorsland asked Mr. Padgett if the township has a contractor that normally does this type of work.
23
- 24 Mr. Padgett stated that the Champaign Township employees do not do this type of work because they mostly
25 plow snow and mow grass. He said that they use contractors through the County. He said that Mr. Frazier
26 could work through a contractor who is experience in this type of work.
27
- 28 Mr. Thorsland asked Mr. Padgett if Champaign Township and County will just choose a contractor to
29 complete the work.
30
- 31 Mr. Padgett stated that a large job will receive bids for completion but a small job can be completed by a
32 contractor that Champaign Township normally uses. He said that he is reluctant in recommending his
33 contractor to Mr. Frazier because as soon as he is not happy with the cost of the job, he could blame Mr.
34 Padgett because he is the person who recommended the contractor.
35
- 36 Mr. Thorsland stated that the issue could be taken out of the hands of Mr. Frazier and Champaign Township
37 through the bidding process.
38
- 39 Mr. Padgett stated that the curb will be inspected by the County Engineers once it is completed.
40
- 41 Mr. DiNovo noted that there is a width limit for the entrance and he is not sure if vehicles will be able to

1 maneuver in and out of the entrance.

2
3 Mr. Hall stated that Mr. Frazier's engineer should prepare of set of drawings of what Mr. Frazier is
4 proposing and have Mr. Padgett review it with the County Engineer. He said that if Mr. Padgett and the
5 County Engineer approve the drawings Mr. Frazier can have the curb replacement constructed per those
6 standards, and if Mr. Frazier is incapable of doing that then he is in violation. He said that he would not
7 want to see the Department of Planning and Zoning or Mr. Padgett burdened with getting approval of the
8 replacement curb because this is Mr. Frazier's responsibility.

9
10 Mr. Thorsland stated that he understands that this is Mr. Frazier's responsibility, but the Board has to make
11 sure that the buttons are pushed so that Mr. Frazier will get this process started.

12
13 Mr. Capel stated that it is not anyone's responsibility, other than Mr. Frazier, to get the buttons pushed in
14 getting this started.

15
16 Mr. Thorsland stated that he is frankly done with this case.

17
18 Mr. Hall stated that the Board could deny this case tonight and staff could begin enforcement action
19 tomorrow.

20
21 Mr. Thorsland stated that he is the one who continued the case when Mr. Frazier did not attend, giving Mr.
22 Frazier the benefit of doubt that there was an unforeseen emergency or something. He asked the Board for
23 additional comments.

24
25 Ms. Lee stated that she a made a comment at the last hearing indicating that she did not want to see the snow
26 fly again with no curb installed. She said that six months from July 1st is January 1st and there will be snow
27 flying again and there still may not be a replacement curb.

28
29 Mr. Thorsland asked Ms. Lee if the Board should give Mr. Frazier a list and send him home and if it is not
30 completed by the time he comes back the Board should vote.

31
32 Ms. Lee stated that the Board has been dealing with an unknown amount of businesses on the property and
33 no forward movement on the curb replacement. She said that it appears that this case is not moving forward
34 because the Board is dealing with the same issues over and over again. She asked Mr. Thorsland if the
35 Board will continue this case to yet another meeting and then still not have everything that is required for a
36 final vote.

37
38 Mr. DiNovo stated that it is the petitioner's responsibility to convince the Board.

39
40 Mr. Thorsland repeated that list of items that Mr. Frazier needs to present to the Board prior to the next
41 meeting. He said that a comprehensive site plan should be submitted. He said that Mr. Frazier can work

1 with staff to find out what a comprehensive site plan really is and what it should include. He said that a Plat
2 of Subdivision for the parking lot which is approved by the City of Champaign. He said that a real depiction
3 of what businesses currently exist on the property, including a list of name and the amount of square footage
4 that they occupy. He said that he would like a copy of dialogue between Mr. Frazier and the CDB regarding
5 the 1,000 square feet and is it per building or all buildings on the subject property. He said that based upon
6 the dialogue between the CDB and Mr. Frazier, a realistic number of parking spaces should be indicated on
7 the complete site plan. He said that a detailed replacement curb plan should be submitted to staff and the
8 Board which has been approved by Champaign Township and the County Engineer.

9
10 Ms. Capel stated that a plan regarding any decommissioning should be submitted to staff and the Board.

11
12 Mr. DiNovo asked if the Board will have an opportunity to vote for a continuance of this case.

13
14 Mr. Thorsland stated that he will make a motion for a continuance of this case during a later time in the
15 hearing. He said that a decision to grant a continuance or not is up to the Board.

16
17 Ms. Chavarria stated that after each ZBA meeting regarding this case, and this is the sixth meeting, staff has
18 made a point to make a very clear list of what is expected. She said that she has seven items that Mr.
19 Thorsland verbally listed, and six of those seven items have been repeatedly been on the previous lists
20 provided to Mr. Frazier.

21
22 Mr. Padgett stated that Stark Construction has completed contract work for the township, but they are too big
23 for a project like this.

24
25 Mr. Thorsland stated that Mr. Frazier can decide who he want to contract for the curb replacement.

26
27 Mr. Padgett stated that it is a busy time of the year for most contractors and it will be difficult to find
28 someone who can squeeze this project into their schedule. He said that the telephone book is full of
29 contractors who complete concrete work and Mr. Frazier can obtain bids from each of them. He said that the
30 township requires the curb, and he believes that the City of Champaign will require it too, so Mr. Frazier
31 should get on this so that the replacement curb can be taken off of the list of things to complete.

32
33 Ms. Lee asked Mr. Padgett if the township will want to oversee and approve who does the work.

34
35 Mr. Padgett stated that Mr. Frazier could receive bids and submit them to the township for review. He said
36 that the township can indicate whether any of the contractors are anyone that the township has used before
37 for concrete work.

38
39 Mr. Chavarria asked Mr. Padgett to indicate what will happen with the curb replacement if the Board denies
40 this case and it becomes an enforcement case with the State's Attorney.

41

1 Mr. Padgett stated that if the township is required to replace the curb and use a contractor approved by the
2 County, the township would have to sue Mr. Frazier for damaging township property.
3

4 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Padgett and there
5 were none.
6

7 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Padgett.
8

9 Mr. Frazier stated that Mr. Padgett indicated that the curb was removed before his tenure. He asked Mr.
10 Padgett when he became the Champaign Township Highway Commissioner.
11

12 Mr. Padgett stated that he became the Champaign Township Highway Commissioner in September of 2008
13 and he does not know when the curb was removed.
14

15 Mr. Frazier asked Mr. Padgett if there were any other curbs on Tiffany Court that were removed.
16

17 Mr. Thorsland informed Mr. Frazier that Mr. Padgett did not present testimony regarding other curbs. He
18 informed Mr. Frazier that he can only ask Mr. Padgett questions about testimony that he has presented.
19

20 Mr. Frazier stated that he only wanted to ask Mr. Padgett if there were any other curbs along Tiffany Court
21 that had been removed.
22

23 Mr. Thorsland stated that he isn't exactly sure when Mr. Frazier removed the curb and only during the last
24 hearing did Mr. Frazier finally indicate that he had someone take out the curb.
25

26 Mr. Frazier stated again, that he only wanted to ask Mr. Padgett if he knew if and when other curbs had been
27 removed.
28

29 Mr. Thorsland stated that he has informed Mr. Frazier that he cannot ask Mr. Padgett that question;
30 therefore, if that is Mr. Frazier's only question for Mr. Padgett, the cross examination is complete.
31

32 Mr. Thorsland called Steve Koester to testify.
33

34 Mr. Steve Koester declined to testify until the pending seventh meeting for this case.
35

36 Mr. Thorsland called Caleb Burton to testify.
37

38 Mr. Caleb Burton declined to testify.
39

40 Mr. Thorsland asked the Board or staff had any additional information to add for this case.
41

1 Ms. Chavarria stated that in her letter to Mr. Frazier she will indicate the need for a complete site plan and
2 she has approximately ten bulleted points that she will include under that item. She said that she will include
3 the need for a Plat of Subdivision, not just the preliminary plat that was received on March 8th.

4
5 Mr. DiNovo stated that the Plat of Subdivision should include any engineering drawings indicating
6 compliance with ADA.

7
8 Ms. Chavarria stated that Mr. Frazier should indicate a detailed depiction of businesses lease space that
9 operates on the property.

10
11 Ms. Griest stated that a specific list indicating the names of the businesses and the amount of square footage
12 that they occupy is required as well.

13
14 Ms. Chavarria stated that the way that staff calculates parking is based on whether the use is industrial or
15 business. She said that knowing the current snapshot of businesses when it has changed three or four times
16 already makes it a moving target each time staff attempts to review the parking requirements. She suggested
17 that staff calculates for the mini-storage and the office space, as that will allow staff to estimate 200 square
18 feet per one parking space independent of what type of business that occupies the west building.

19
20 The Board agreed with staff's plan for calculation.

21
22 Ms. Capel stated that the depiction of the first building's first floor could actually have twice the amount of
23 rentable space.

24
25 Ms. Chavarria stated that the Board requires written CDB documentation indicating what is required for
26 ADA compliance for everything on the property including: second-story accessibility, parking, the
27 difference between 1,000 square feet for all buildings or 1,000 square feet per building and how the
28 connections are made.

29
30 Mr. Thorsland stated that the site plan should include the answers provided by the CDB regarding Mr.
31 Frazier's questions.

32
33 Mr. DiNovo stated that he would like a dated architectural plan and a response from the CDB to the effect
34 that the dated architectural plan complies with the accessibility requirements. He said that if it takes several
35 attempts for compliance then that is too bad.

36
37 Ms. Chavarria stated that a specific and detailed curb plan that has been approved by both Champaign
38 Township and the County Highway Engineer shall be submitted.

39
40 Mr. Hall stated that the plan shall be completed by an Illinois Licensed Engineer.

41

1 Ms. Chavarria stated that documentation from the fire protection district indicating their recommendations
2 for what is needed so that they can provide emergency services. She said that it would be very helpful if the
3 fire protection district could visit the property with the complete site plan in hand.

4
5 Ms. Chavarria stated that Mr. Frazier needs to provide an explanation as to how he will decommission an
6 area in excess of 1,000 square feet on the second floor.

7
8 Mr. Passalacqua stated that it appears to him that Mr. Frazier is not hearing the Board. He said that many of
9 the items that the Board has continuously requested from Mr. Frazier have not been submitted and he is sure
10 that there are a lot of reasons as to why those items have not been submitted. He said that it is his
11 impression that Mr. Frazier is under the assumption that if he places a check mark beside every box on the
12 list that he will have a slam dunk. Mr. Passalacqua stated that the list of required items is only a list of
13 things that are needed so that the Board can begin to make decisions. He said that he does not want Mr.
14 Frazier to have this false sense that if he submits a complete site plan that he will gain approval.

15
16 Mr. Frazier stated that he has tried to do everything that the Board has requested.

17
18 Mr. Passalacqua stated that he has but he isn't done yet. He said that in October, Mr. Frazier was informed
19 that there will be money spent, square footage lost and there will be sacrifices and Mr. Frazier agreed that
20 this will happen.

21
22 Mr. Frazier stated that he has lost \$20,000 in income and he has paid approximately \$2,000 for the drawings
23 of the north lot that was approved by the City of Champaign and he has paid the architect \$3,000 for a
24 drawing of all of the buildings. He said that he has gotten rid of the buses and the arborist. He said that he
25 has done what the Board wants him to do.

26
27 Mr. Passalacqua stated that if Mr. Frazier would attend other case hearings he would find that the Board does
28 not like to deny a case and the Board will work with people to the extent to make it work. He said that he
29 understands that Mr. Frazier has spent money but Mr. Frazier needs to go to the office and review complete
30 and approved site plans. He said that the site plan that was submitted to the Board for review is terrible.

31
32 Mr. Frazier stated that he has spent over \$5,000 on those pieces of paper that were prepared by licensed
33 professionals.

34
35 Mr. Thorsland recommended that Mr. Frazier contact staff and work with them regarding the complete site
36 plan and the list of items that will be sent by letter and he assumes email.

37
38 Ms. Chavarria stated that she always sends the list of required items to the petitioners by letter or email and
39 sometimes both.

40
41 Mr. Frazier stated that he will do his best to achieve the list of items and hopefully this will be the beginning

1 of the end. He said that he would like to say that he is being picked on for the removal of the curb because
2 there are multiple places on Tiffany Court that have had the curb removed and no one has said one word
3 about those areas. He said that across the street from his property there has been at least 30 feet of curb
4 removed.

5
6 Mr. Passalacqua stated that Mr. Frazier’s complaint regarding additional curb removal is outside of this
7 Board’s venue.

8
9 Mr. Frazier stated that there is supposed to be a one-half acre retention pond on Tiffany Court and S&K
10 Fence uses that area for parking.

11
12 Mr. Thorsland stated that since that property is located in the City of Champaign, Mr. Frazier should voice
13 his complaint to them.

14
15 Mr. Thorsland stated that he appreciates the fact that Mr. Frazier witnessed other people removing the curb
16 so he thought it was okay to do it as well. He said that Mr. Frazier is before this Board tonight and the only
17 curb that the Board can address is the one that Mr. Frazier removed.

18
19 Mr. Frazier stated that the only reason why he is before this Board tonight is because his neighbors
20 complained about his operation. He said that he didn’t complain about his neighbors.

21
22 Mr. Thorsland requested a continuance date recommendation from staff.

23
24 Mr. Hall stated that the 100 day limit for continuance is September 15th but the Board could suspend the 100
25 day limit and continue Case 792-V-14 to the September 29th meeting. He said that the September 15th
26 meeting has a full docket but the September 29th meeting has no meetings on the docket.

27
28 Mr. Thorsland entertained a motion to continue suspend the 100 day limit for continuance and continue Case
29 792-V-14 to September 29th.

30
31 **Mr. Randol moved, seconded by Ms. Capel to suspend the 100 day limit for continuance and continue**
32 **Case 792-V-14 to September 29th. The motion carried with one opposing vote.**

33
34 Mr. Thorsland stated that the Board will take a five minute recess.

35
36 **The Board recessed at 8:05 p.m.**
37 **The Board resumed at 8:10 p.m.**

38
39
40 **6. New Public Hearings**

1 **Case 836-S-16** Petitioner: **Champaign County Fair Association and the Champaign County Fair**
 2 **Association Board of Directors: Michael Kobel, President; Kent Weeks, 1st Vice President; Edgar**
 3 **Busboom, 2nd Vice President; John Bell, Secretary; Pam Barham, Treasurer; HD Brown, Director;**
 4 **Dave Price, Director; Bob Williams, Director; Bill Alagna, Director; Jared Little, Director; Debbie**
 5 **Weeks, Director; Larry Buhrmester, Director** Request: **Authorize a Special Use Permit in the CR**
 6 **Conservation Recreation Zoning District for the following: Part A: Authorize the expansion of a**
 7 **Fairgrounds that was previously authorized as a Special Use Permit in Case 962-S-94; and Part B:**
 8 **Authorize the use of an existing Parking Lot as an additional principal use and the use of existing**
 9 **parking related passenger waiting buildings as additional principal structures on a Fairgrounds; and**
 10 **Part C: Authorize the construction and use of a proposed Parking Lot as an additional principal use**
 11 **and a proposed related passenger waiting building as an additional principal structure on a**
 12 **Fairgrounds. Location: A 53.79 acre tract in the Northwest Quarter of Section 8, Township 19 North,**
 13 **Range 9 East of the Third Principal Meridian in Urbana Township and commonly known as the**
 14 **Champaign County Fairgrounds with an address of 1302 North Coler Avenue, Urbana.**

15
 16 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
 17 the witness register for that public hearing. He reminded the audience that when they sign the witness
 18 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
 19 time.

20
 21 Mr. Thorsland informed the audience that Case 836-S-16 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 asked the petitioner if he would like to make a brief statement regarding the request.

31
 32 Mr. Mike Kobel, President, Champaign County Fair Association (CCFA), stated that the reason for the
 33 request is to provide an additional 200 plus parking spaces for the fairgrounds. He said that the location of
 34 the additional parking lot is located in an area that will be utilized for parking during the fair, but will also be
 35 used for additional parking for Carle under the terms of a lease agreement with Carle Hospital. He said that
 36 this is a great use of the land at this location because trees in this location need to be removed due to age. He
 37 said that the CCFA believes that the impact on the area will be minimal and it will afford the CCFA to
 38 complete some underground hydrant work that will improve the fire protection services at the fairgrounds.
 39 He said that currently the fairground has to shuttle in water by the use of a water wagon, and installation of
 40 the fire hydrants will eliminate the conflict between the tractor and water wagon with pedestrians. He said
 41 that it is his understanding that most of the hoops have been jumped and a nice landscaping project is

1 proposed.

2
3 Mr. Thorsland called John Hall to testify.

4
5 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated June 30, 2016,
6 for the Board's review. He said that on June 28, 2016, staff received a Traffic Impact analysis: Parking Lot
7 Expansion Project Champaign County Fairgrounds Site prepared by Berns, Clancy and Associates for Carle
8 Hospital. He said that staff also received an Executive Summary of a 2007 Traffic Impact Analysis for the
9 Carle Campus Master Plan, and a March 10, 2008, Amendment to the Carle Campus Plant 2007 Traffic
10 Impact Analysis prepared by Foth Infrastructure & Environment, LLC. He said that the new memorandum
11 also includes new item #9.D. for the Summary of Evidence and that item is based on the comments provided
12 by Berns, Clancy and Associates Engineer Chris Billing.

13
14 Mr. Hall stated that page 3 of the new memorandum includes three of the most relevant points to the
15 fairgrounds parking per the Analysis completed by Berns, Clancy and Associates (BCA). He said that the
16 current traffic count from IDOT is within the limits of the 2007 Traffic Impact Analysis, but at this time not
17 all of the medical facilities have been constructed. He said that the new parking lot may result in some slight
18 increase in traffic volumes for West Bradley Avenue and North Coler Avenue as traffic volume shifts from
19 other streets due to drivers seeking a more direct route to the proposed parking lot expansion. He said that
20 traffic will likely find parking spaces more quickly thanks to the proposed parking lot expansion, thus
21 shortening the roadway distance traveled through the neighborhood and minimizing negative impacts to
22 residences.

23
24 Mr. Hall stated that in 2008 amended Traffic Impact Analysis there were several changes made to
25 accommodate growth in the area. He said that the Analysis, as documented in the 2008 amendment, is
26 relevant to the fairgrounds in the following ways: The year 2027 Future Level of Service for some
27 intersection lanes was decreased and was likely due to more Carle employees accessing the fairgrounds
28 parking lot and no Level of Service decreased overall for any intersection. He said that the Traffic Impact
29 Analysis was approved by the City of Urbana. He reminded the Board that the recent amendment to the
30 Zoning Ordinance in regards to parking at the fairgrounds does require the Board to consider traffic impacts,
31 and he would hope that the study that Carle had done previously, in addition to the study completed by BCA,
32 will meet the requirement. He said that memorandum includes copies of the two shuttle maps that are
33 operated by Carle from the parking area to the Carle facilities. He said that the shuttle routes were the result
34 of the previous analyses and nothing is going to change. He said that the Summary of Evidence discussed the
35 environmental considerations of the text amendment and an email from Chris Billing, Vice-President for
36 BCA, dated June 10, 2016, is attached to the new memorandum regarding the impact of the proposed
37 parking lot on the environment.

38
39 Mr. Hall stated that included on the last page of the new memorandum is an email from Tim Bartlett,
40 Executive Director for the Urbana Park District, dated June 29, 2016, regarding the proposed BMX course at
41 the fairgrounds. Mr. Hall stated that the BMX course is not mentioned in any of the materials for Case 836-

1 S-16 and he is not certain that the BMX track should be part of the special use permit or whether it should be
2 a separate case for approval. He said that no plans for the BMX track have been submitted for review by
3 staff.

4
5 Mr. Hall stated that the Urbana Park District is very concerned with certain aspects of a BMX course and
6 they would like to see a description as to how the BMX course will be operated. He said that the Urbana
7 Park District could be in support of the proposed BMX course, but there is too much uncertainty at this time.
8 He said that both Carle and the CCFA would like to see the parking lot expansion completed as soon as
9 possible, which may be reason enough to separate the BMX track from this special use permit. He said that
10 the BMX course announcement was certainly a surprise to staff because no one had heard about such a
11 proposal.

12
13 Mr. Hall stated that for the past few years a flea market has been held at the fairgrounds, and as the Zoning
14 Administrator he must know how often this event will occur and whether it requires separate approval. He
15 said that the CCFA informed staff that they have no specific proposal at this time but they would like to
16 know what the rules are so that they can formulate a proposal to comply with the Zoning Ordinance. He said
17 that there are a couple of new things as part of this approval, but first and foremost it is for only the parking
18 lot expansion. He said that the Urbana Park District has indicated that they are in full support of the parking
19 lot expansion and the proposal regarding the stormwater detention is also supported by the Urbana Park
20 District. He said that he is aware that some members of the public have concerns regarding the parking lot
21 expansion and his assumption is that this case will not be finalized tonight but will be continued to a later
22 date.

23
24 Mr. Thorsland stated that generally when the Board receives a late memorandum the Board automatically
25 decides that they need time to digest the new information. He said that the BMX course which is mentioned
26 in the new memorandum should be a separate case from the proposed parking lot expansion. He said that
27 staff should receive a plan as soon as possible for review.

28
29 Mr. Kobel stated that the BMX course and the flea markets were just discussed with Mr. Hall during the last
30 week or so.

31
32 Mr. Thorsland asked Mr. Hall if the BMX course and flea markets should be separate special use cases or
33 should they be considered additional uses to the fairgrounds.

34
35 Mr. Hall stated that the flea markets may only be another aspect of the fairgrounds, depending on how often
36 it occurs. He said that he does not believe that the neighbors expect to see flea markets occurring regularly;
37 therefore, staff needs to know the how often they will occur, size, etc.

38
39 Mr. Thorsland asked Mr. Hall if the flea markets require a special use permit.

40
41 Mr. Kobel stated that Mr. Hall requested information regarding future events at the fairgrounds. He said that

1 CCFA Board wants to make sure that every box is checked with the County before they allow something on
2 the fairgrounds. He said that with respect to the flea markets, John Bell, Secretary for the CCFA, has been
3 working with WIXY Radio to promote them. He said that the CCFA does not have any flea markets planned
4 for 2016, but it is something that they would like to have in 2017. He asked if the flea markets would be
5 included under the same umbrella as the garage sale event held for the Champaign County Humane Society.
6

7 Mr. Kobel stated that the BMX course is early in its infancy. He said that he has had conversations with Tim
8 Bartlett and some of his staff and everything seemed fine in gaining their support for the course, but a
9 meeting was called and a laundry list was presented for completion. He said that he plans to address each
10 item on the laundry list individually, but it is important for the ZBA to know that he is in conversation with
11 the Urbana Park District and he has asked them for more specific concerns so that the CCFA can be
12 proactive in submitting answers. He said that he is receiving a mixed message from the Urbana Park
13 District, because it appears that if the BMX course was constructed in the northeast corner of the fairgrounds
14 rather than the southeast corner of the fairgrounds the Urbana Park District would support it. He is confused
15 why the Urbana Park District wants to tie the BMX course to the parking lot expansion.
16

17 Mr. Thorsland stated that he would like to cease discussion regarding the BMX course and only focus on the
18 parking lot expansion.
19

20 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Kobel and there were none.
21

22 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Kobel and there was no one.
23

24 Mr. Thorsland called Tom Berns to testify.
25

26 Mr. Tom Berns, President, Berns, Clancy and Associates, stated that he had the opportunity to assist both
27 Carle and the Champaign County Fair Association with their proposal. He said that he believes that BCA
28 has submitted a complete site plan for the Board's review and it can be used as a communication tool during
29 this process. He said that the documents were submitted by his staff and he would be happy to address any
30 questions that staff or the Board may have.
31

32 Mr. DiNovo asked Mr. Berns if the basin is a vegetated basin. He said that the only vegetation that he could
33 find in the specifications was Bluegrass, but he is assuming that the vegetated basin consists of turf grass.
34

35 Mr. Berns stated that for the most part he is lead to believe that the turf grass will be generated in
36 coordination with the Urbana Park District. He said that they are particularly concerned with the
37 management of the wastewater that comes from the 100 acres site. He said that there is a sediment trap
38 installed in the detention basin so that sedimentation can be removed; therefore, the Urbana Park District is
39 concerned with past practices as well as future practices. He said that he understands the Park District's
40 concern and there will be coordination with them regarding the wastewater and the detention basin.
41

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

2
3 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Berns and there was no one.

4
5 Mr. Thorsland called Kay Rhodes to testify.

6
7 Ms. Kay Rhodes, who resides at 1105 N. Coler Avenue, Urbana, read a prepared statement to the Board and
8 submitted her written statement as a Document of Record. Ms. Rhodes read her written statement as
9 follows: Ms. Rhodes stated that she has been an Urbana resident for 50 years and she has resided at her
10 current address for 18 years. She said that her residence is located directly across the street from the
11 proposed parking lot and she has had a front row seat to all fairground activities, traffic and shuttle buses.

12
13 Ms. Rhodes stated that she is not opposed to the parking lot but she does have concerns about the entire area
14 and the way things have developed over the past 18 years. She said that her first concern is in regards to
15 traffic control. She said that when any large event takes place at the fairgrounds, it is difficult to get in and
16 out of her driveway. She said that when Carle employees arrive to work every morning, they create a literal
17 river of vehicles coming down Coler Avenue and the same is true in the evening. She said that the speed
18 limit is not followed and this is pretty true for all vehicles on this section of Coler Avenue. She said that
19 most drivers just see a long stretch of road with no controls so they just drive at whatever speed suits them.
20 She said that she has seen several near misses as vehicles attempt to exit the second gate at the fairgrounds
21 because vehicles moving south down Coler are flying up over the hill and vehicles exiting the fairgrounds
22 cannot see them until it is almost too late. She said that for the past few years there has also been an increase
23 in the number of large events held at the fairgrounds and this is fantastic for the fair association, but
24 increased events equals increased traffic which in-turn impacts the residents. She said that for these reasons,
25 she requests that the ZBA members request that P&Z staff examine the traffic control surrounding this area
26 and take steps to ensure the safety and convenience of everyone through the placement additional speed limit
27 signs, stop signs, or even a stop light. She said that whatever the Board feels would increase safety, enforce
28 the speed limit and control the traffic. She said that another option would be to move the entrance to the
29 north end of the property, keeping the traffic out of the neighborhood altogether. She said that the current
30 entrance is being used because it is there but it doesn't mean that it is the best choice.

31
32 Ms. Rhodes stated that her second concern is in regards to the shuttle buses. She said that she and her
33 husband have a long history in dealing with Carle and its shuttle buses going back to 2008. She said that it
34 took a long time, longer than it should have, to get Carle to agree not to run their shuttle buses up and down
35 Coler Avenue and she wants to make sure that it stays this way as part of the terms.

36
37 Ms. Rhodes stated that she is concerned with aesthetics. She said that she would like to see a bit more
38 thought put into the screening plan of the entire parking lot area. She said that the construction of the new
39 parking lot will basically remove what green space is left at the fairgrounds, which also happens to be her
40 family's and neighbor's view. She said that the current plan keeps the six foot chain link fence with rows of
41 barbed wire running across the top and utilizes the basic minimum screening plants, which routinely become

1 infested with bagworms and are then replaced with much smaller versions which take quite some time to fill
2 in. She said that it is not a real attractive view for the residents or visitors to Carle and the fairgrounds. She
3 said that besides being unattractive, the fence is just old and rusty and it is older than the parking lot that it
4 surrounds. She said that either last summer or the summer before, two young men spent several weeks spray
5 painting the fence silver again. She said that she would like to see the fence replaced with something less
6 institutional and more appealing to the eye, as after all, this is the view from the resident's homes.
7

8 Ms. Rhodes stated that she would also like to see actual landscaping that mimics that of the rest of the Carle
9 Campus or at least on a smaller scale. She said that extensive landscaping is all around the Carle buildings
10 but when it comes down to this parking lot, which is used daily by employees and visitors, it is severely
11 lacking and affects their property values. She requested that the Board gives them something to look at
12 besides a barbed wire fence and plants with bagworms. She said that one might argue that this is not Carle's
13 property, but there is a mutually beneficial relationship between Carle and the Fair Association is not going
14 to end anytime soon. She said that she is asking Carle and the Fair Association to make an investment in the
15 neighborhood, which has asked very little of them until now. She said that doing so will certainly go a long
16 way towards creating goodwill with the residents, create a more cohesive look for the entire campus, as well
17 as bring value and beauty to a part of town that does not have the benefit of a TIF district or other means to
18 provide this type of improvement.
19

20 Ms. Rhodes stated that she was going to comment on the BMX course but the Board has decided to keep it
21 separate from the case and she agrees with that decision.
22

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

25 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Rhodes.
26

27 Mr. Kobel asked Ms. Rhodes if her property is located north or south of the Coler Avenue gate.
28

29 Ms. Rhodes stated that her residence is located south of the Coler Avenue gate and she can see the gate from
30 her front window.
31

32 Mr. Randol stated that Ms. Rhodes' residence is two houses south of the main entrance.
33

34 Mr. Thorsland called Scott Harding to testify.
35

36 Mr. Scott Harding, Vice-President for Carle Hospital, stated that he resides at 5316 Troutlake, Champaign
37 and his office is located at 611 West Park, Urbana. He said that he appreciates all of the support that Carle
38 and the Champaign County Fair Association has received during this process. He said that Carle has a long
39 term relationship with the fairgrounds and Carle has done a lot for the neighborhood and he understands that
40 there is a lot more work that is required. He said that Carle is in support of the fairgrounds and the proposed
41 parking gives Carle additional breathing room from the campus, but it is not their intent to take over the

1 fairgrounds. He said that Carle has been able to use the fairgrounds for employee and patron parking and it
2 is not Carle's intent to tear down things for additional parking lots. He said that he works very closely with
3 the lead grounds manager and Carle takes a lot of pride as to how their buildings and landscaping look. He
4 said that he and Mr. Kobel are here together to present their case and they both have discussed the project
5 with the Urbana Park District. He said that he and Mr. Kobel are concerned about making sure that the
6 water goes where it needs to go. He said that Berns, Clancy & Associates and others have made sure that
7 what Carle is proposing will only improve the process for water runoff.

8
9 Mr. Thorsland asked Mr. Harding if the site plan is indicating trees that are being removed or planting.

10
11 Mr. Harding stated that there are some older but healthy trees on the fairgrounds and Carle worked closely
12 with Berns, Clancy & Associates to assure that those trees remain on site. He said that there are trees which
13 require removal due to age and disease but those trees will be replaced with healthy plants. He said that
14 Carle and the CCFA will meet or exceed the number of trees that were removed from the fairgrounds
15 property. He said that it is Carle's intent to be a good neighbor to the area's residents.

16
17 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Harding and there were none.

18
19 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Harding and there was no one.

20
21 Mr. Thorsland called David Kirby to testify.

22
23 Ms. Chavarria stated that Mr. Kirby has left the meeting.

24
25 Ms. Chavarria stated that on June 24th she received a telephone call from Sylvia Dow, who resides at 1201
26 North Coler, Urbana. Ms. Chavarria stated that Ms. Dow indicated almost the same information that Ms.
27 Rhodes provided and added that there is so much traffic generated at the fairgrounds that does not
28 completely stop while exiting the central access point. Ms. Chavarria stated that Ms. Dow indicated that it
29 not unusual for vehicles to travel 50 miles per hour down Coler Avenue.

30
31 Mr. Thorsland stated that there was some discussion regarding traffic controls, but this is not something that
32 the Board can require. He said that to alleviate the traffic concerns Carle and the CCFA could discuss
33 possible traffic controls with the City of Urbana.

34
35 Mr. Passalacqua stated that the residents could call the police if traffic speeds are an issue in the
36 neighborhood.

37
38 Mr. Thorsland stated that there may be some things that could be done to control the traffic concerns on
39 Coler.

40
41 Mr. Harding stated that Carle will have a neighborhood meeting with all of the neighbors so that these types

1 of concerns can be discussed. He said that it is Carle's intent to be a good neighbor, but they can always do
2 better. He said that if there are issues that require Carle's attention, then they will address those issues. He
3 said that Carle consistently works with the City of Urbana regarding the area. He noted again that Carle is
4 truly making an effort to be a good neighbor.

5
6 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
7 regarding this case.

8
9 Mr. Thorsland asked the Board if they desired to proceed with this case tonight or continue it to a later date
10 so that additional information regarding traffic, screening, drainage, etc. is submitted. He said that the
11 Supplemental Memorandum distributed to the Board includes a lot of information that should not be read
12 during the hearing process.

13
14 The Board indicated that they would like to proceed with the case tonight.

15
16 Mr. Thorsland asked Mr. Kobel and Mr. Harding who would be the responsible parties for indicating
17 agreement to any special conditions that the Board may impose.

18
19 Mr. Kobel stated that he will be the responsible party for agreeing to any special conditions imposed on the
20 fairgrounds.

21
22 Mr. Harding stated that screening does exist on the fairgrounds and it is indicated on the landscape plan.

23
24 Mr. Thorsland called Bruce Roth to testify.

25
26 Mr. Bruce Roth, Carle Landscape and Grounds Manager, approached the witness microphone.

27
28 Ms. Lee asked Mr. Roth if he is an employee of Carle or the CCFA.

29
30 Mr. Roth stated that he is an employee of Carle.

31
32 Mr. Thorsland asked Mr. Roth to indicate the landscaping plans for the proposed parking area and how it
33 will alleviate some of the concerns of the neighbors.

34
35 Mr. Roth stated that the perimeter around Coler Avenue will still be a solid arborvitae screen and any part of
36 the screen which needs to be replaced will be done so. He said that they intend to keep the large Oak trees
37 but remove some of the scrub trees and plant trees within the parking lot area as well.

38
39 Mr. Thorsland stated that the arborvitae screen seems to be very solid along the west fence line. He asked
40 Mr. Roth if the CCFA is responsible for the fence maintenance.

41

1 Mr. Roth stated that the CCFA is responsible for the fence maintenance.

2
3 Ms. Capel asked Mr. Roth to indicate the size of the trees that are planted to help filter the glare from
4 headlights.

5
6 Mr. Roth stated that typically a four foot tree is planted.

7
8 Mr. Randol asked Mr. Roth if there is a possibility of moving the entrance to Sunset Drive.

9
10 Mr. Roth deferred Mr. Randol's question to Mr. Kobel.

11
12 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Roth and there were
13 none.

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

16
17 Mr. Thorsland called Mr. Kobel to the witness microphone.

18
19 Mr. Randol asked Mr. Kobel if relocating the entrance away from Coler Avenue to Sunset Drive is a
20 possibility. He said that such relocation would assist in many of the traffic concerns.

21
22 Mr. Kobel stated that at a glance, relocating the entrance away from Coler Avenue would not work very well
23 because the current entrance has two traffic lanes in and another traffic lane exiting the fairgrounds. He said
24 that relocating the entrance would create a lot of congestion in the livestock area during the fair in regards to
25 trucks and trailers and it would also seriously disrupt the flow of the inbound traffic into the fairgrounds to
26 the paved lots and the infield. He said that relocating the entrance is an excellent thought but it would
27 probably cause more trouble than it is worth.

28
29 Mr. Kobel stated that over the years, the fairgrounds has been very blessed with a wonderful concert season
30 and during that season they open up the unimproved area and exit the traffic onto Sunset Drive. He said that
31 when a concert is over, they have their traffic marshals along with the Urbana Police Department directing
32 traffic out the gate, sending them to Coler Avenue. and then out onto Sunset Drive. He said that the traffic
33 that exits the fairground at the Fairview Avenue/Coler Avenue. gate will be sent from Fairview Avenue to
34 Lincoln Avenue and the remaining traffic will travel directly south on Coler Avenue. He said that getting
35 traffic out of the fairgrounds has become a lot easier but he understands Ms. Rhodes' concerns. He said that
36 he will discuss the concerns with the CCFA Board and investigate what improvement options exist for the
37 current gates. He said that relocating the gates is a great idea, but it is an idea that will require a lot of
38 thought.

39
40 Mr. Thorsland stated that the high traffic period is generally during the fair dates and concerts.

41

1 Mr. Kobel stated that the fair is held for nine days, and generally the highest traffic days are during three or
2 four of those days.

3
4 Mr. Thorsland stated that relocating the gates may be a permanent solution to a temporary situation.

5
6 Mr. Kobel stated that he will discuss the concerns with the CCFA Board Directors and the Urbana Police
7 Department to see if they have any suggestions regarding the traffic flow.

8
9 Mr. Passalacqua stated that Ms. Rhodes' concern regarding the traffic was not just during the fair and
10 concert dates, but was for the daily traffic created by the Carle employees and visitors.

11
12 Mr. Thorsland stated that perhaps opening an alternate gate Monday through Friday would helpful. He said
13 that perhaps Carle and the CCFA should work with the neighborhood regarding the day to day traffic and
14 how it affects the neighborhood. He said that he would imagine that Carle would want to be a good tenant
15 and would be willing to work towards a solution regarding the daily traffic concerns.

16
17 Mr. Kobel stated that it would be worthwhile if some of the other CCFA Directors attended the
18 neighborhood meetings. He said that the intent of the CCFA and Carle is to be good neighbors.

19
20 Ms. Griest asked Mr. Kobel if the area that will be improved is used during the fair to park vehicles.

21
22 Mr. Kobel stated that during the fair this area is referred to as the "A" lot. He said that if a major rain event
23 occurs during fair week, they lose that area for parking.

24
25 Mr. Thorsland stated that it does appear that the CCFA and Carle have homework to complete before the
26 next meeting, such as the traffic flow and the stormwater basin concerns.

27
28 Ms. Lee stated that there were also concerns regarding the fence.

29
30 Mr. Thorsland stated that the fence concerns were discussed during previous testimony. He said that the
31 fence that goes around the fairgrounds goes around the entire 50 plus acres. He asked Ms. Lee if she is
32 concerned with the entire fence or just the portion that is along Coler Avenue and the proposed parking area.
33 He asked the Board if the screening masks the existing fence along Coler Avenue.

34
35 Ms. Griest stated that the existing fence may be old but the CCFA has attempted to make it look better. She
36 said that the main purpose of the fence is for security during the fair and the CCFA has made huge
37 improvements in the security of the fairgrounds. She said that if a wooden fence or type of fence that is
38 aesthetically pleasing to an adjacent homeowner is installed, the security of chain link fence will be
39 compromised. She said that breaking out a wooden panel to sneak into the fairgrounds would be pretty easy
40 to do in lieu of a chain link fence. She said that she is not in favor of requiring the CCFA or Carle to change
41 one particular segment of the fence because the screening will assist with the aesthetics.

- 1
2 Mr. DiNovo stated that the CCFA or Carle could plant vining plants along the fence, which will use the
3 fence as a trellis to improve the aesthetics and screening.
4
5 Mr. Thorsland stated that perhaps the fence could be painted silver or a vegetative green which will blend in
6 with the vegetation that is behind it.
7
8 Mr. Passalacqua stated that, other than being a good neighbor, the fence is not part of the parking lot.
9
10 Mr. Thorsland stated that he assumes that the real reason for the fence is during the fairground events and
11 not the daily parking.
12
13 Mr. Thorsland stated that the Board needs to consider a continuance date for this case so that the Board can
14 digest the information in the Supplemental Memorandum and the petitioner can complete the homework
15 required by the Board.
16
17 Ms. Griest proposed that the Board move forward to Final Action tonight so that the parking area can be
18 completed prior to the fair.
19
20 Mr. Kobel stated that they would love to get started as soon as possible but there is no way that this project
21 will be completed prior to the fair.
22
23 Ms. Griest stated that she does not need any additional information to proceed to final action.
24
25 Mr. Thorsland asked the Board if they agreed with Ms. Griest, and the Board agreed.
26
27 Mr. Hall asked the Board if they were satisfied that the stormwater plan will adequately address the standard
28 conditions.
29
30 Mr. DiNovo stated that the design of the stormwater detention basin does nothing for water quality and the
31 statement indicating that it does is inaccurate. He said that during frequent flow conditions it will be short
32 circuited and the water that comes off of the parking lot will run 60 feet across the bottom of the basin and
33 there will be no filtering of water quality whatsoever. He said that Mr. Berns indicated that his firm is
34 working with the Urbana Park District to improve the basin's performance, but he does not believe that the
35 Board should accept a design like this as constituting any kind of non-point source pollution mitigation
36 unless the Board knows that there are other aspects that are not indicated on the plan.
37
38 Mr. Hall stated that it is introducing that the stormwater will flow over grass, which is something that is not
39 happening now.
40
41 Mr. DiNovo stated that under the current conditions, the stormwater currently flows over grass before it goes

1 into a pipe. He said that water will run down the inlet across to the bottom of the basin and right into the
2 outlet, and if the 60 feet of grass that it flows through is turf grass, it will not be filtered.

3
4 Mr. Thorsland requested that Tom Berns approach the witness microphone.

5
6 Mr. Tom Berns stated that the construction of the stormwater facility was designed in 1985 and was in
7 anticipation to be part of the County and City of Urbana's Stormwater Ordinances. He said that the water
8 drains into a basin goes through the temporary small stormwater detention basin, and then it goes to a 54
9 inch diameter tile to the northeasterly end of Crystal Lake to a sedimentation trap. He said that many
10 community facilities in Champaign County did not have sediment trap basins, but this one does for the
11 landowners and the park district and it is absolutely critical to this process. He said that the photograph does
12 not capture the water flow very well, but there is a bridge that is a sediment trap wall and it has small holes
13 in the side of the concrete basin in order to keep the sediment on the upstream side of it. He said that it
14 would have been easier and cheaper for the park district and the fairground to direct it directly into the lake,
15 but they went around it into the sediment trap on the upper end side and there was a special effort to do that.
16 He said currently there is processing occurring to dispose of the sediment and there are two or three
17 different techniques to do that, but the Board must understand that this was not a casual decision but an
18 intentional decision for the folks upstream and downstream. He said that he is proud to say that he is one of
19 the people who designed the sediment trap within the basin. He said that a sediment trap is essential to the
20 stormwater plan.

21
22 Mr. Thorsland asked Mr. Berns if the new stormwater basin is directed to the 54 inch tile and then to the
23 sediment trap.

24
25 Mr. DiNovo suggested that the Finding of Fact be revised to indicate that the environmental benefits are
26 already in place, but they do not improve the function of the proposed detention basin.

27
28 Mr. Thorsland asked Mr. DiNovo if he is suggesting changing the words of the special condition.

29
30 Mr. DiNovo stated no.

31
32 Mr. Thorsland stated that item 9.D(b) reads as follows: An even greater benefit is realized with the alternate
33 basin as it will serve a much larger existing parking lot area. The existing site drainage is not changed on the
34 existing parking lot, but the runoff will drain into a vegetated basin first and be detained before draining
35 again to the same outlet storm sewer. This only produces benefits from a variety of perspectives.

36
37 Mr. DiNovo proposed that he would like to revise the first sentence of item 9.D(b) as follows: Some
38 additional benefit is realized with the alternate basin as it will serve a much larger existing parking lot area.

39
40 Mr. Hall stated that the statements in the Summary of Evidence under item 9.D(b) are from the professional
41 engineer with BCA; therefore, they cannot be revised. He said that the Board can add additional information

1 to item 9.D.(b), but it would be totally inappropriate to change the professional engineer's statements. He
2 said that the Board could change the Summary of Evidence to make it clear that it should have been done
3 that way in the beginning.

4
5 Ms. Griest suggested that a new item (c) could be added under item 9.D.

6
7 Mr. Hall stated that the design engineer's statement cannot be altered or deleted.

8
9 Mr. DiNovo stated that it could be clear that these are statements made by the design engineer which are
10 being accepted as testimony only. He said that adding the new detention basin does nothing for water
11 quality, and he can't endorse a Finding of Fact that contains a statement that the detention basin improves
12 water quality, because it doesn't.

13
14 Mr. Hall stated that what the detention basin has to do, and it does, is the following: provide effective site
15 drainage; meet state and federal water quality standards; protect downstream drainage patterns; provide
16 stream flows that support healthy aquatic ecosystems; minimize impacts on adjacent properties and cause no
17 more minimal disturbance to the stream corridor environment; and preserve existing habitat, enhance
18 degraded habitat and restore habitat.

19
20 Mr. DiNovo stated that the words, "improve water quality," does not show up anywhere other than in the
21 professional engineer's statements.

22
23 Mr. Thorsland entertained a motion to continue the public hearing to 10:00 p.m.

24
25 **Ms. Griest moved, seconded by Ms. Lee to continue the public hearing to 10:00 p.m. The motion**
26 **carried by voice vote.**

27
28 Mr. DiNovo asked Mr. Hall if the Board can just use the parts of the statements that expressly address the
29 hydrologic factors and exclude the comments that have to do with water quality.

30
31 Ms. Lee stated that it does improve water quality because it stays in the basin for a certain period of time.

32
33 Mr. DiNovo stated no. He said that the problem with a basin like this is that during a storm it might settle
34 out, but during the next storm the sedimentation will wash out.

35
36 Mr. Berns stated that the sediment basin does what it is intended to do, which is to collect material in a place
37 which can be dredged out with a mobile crane, etc. He said that the stormwater detention facility will also
38 happen in the same way except that it will not be permanent flow of water but it will build up and collect
39 sediment in the bottom of it and that sedimentation will be taken out by a crane, etc. He said that all of the
40 sedimentation at Crystal Lake Park was removed by dozers and John Frye from Champaign County did it
41 and the concerns with sedimentation have continued. He said that in 15 or 20 years the sedimentation at

1 Crystal Lake Park and the new detention basin will be removed because there is no magical way that the
2 sedimentation disappears. He said that the entire system must be maintained and everyone is more
3 contentious now than they were in 1980. He said that he spent a lot of people's money to do something that
4 he would do the very same way again.

5
6 Mr. Thorsland asked the Board if they were comfortable with the current findings. He said that the minutes
7 will note Mr. DiNovo's disagreement regarding the detention basin.

8
9 Mr. DiNovo stated that there is nowhere to store the sedimentation with the rim elevation at the bottom of
10 the basin.

11
12 Mr. Hall reminded the Board that the statements may or may not be inaccurate but what is important is
13 whether this Board can find that the proposal meets the standard condition. He said that the standard
14 condition does not state that the proposal has to improve water quality.

15
16 Mr. DiNovo agreed.

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

- 19
20 **A. All required certifications for the new stormwater drainage basin shall be submitted**
21 **after construction prior to issuance of the Zoning Compliance Certificate.**
22 The special condition stated above is required to ensure the following:
23 **That the drainage improvements conform to the requirements of the Storm Water**
24 **Management and Erosion Control Ordinance.**
25

26 Mr. Thorsland asked Mr. Kobel if he agreed to Special Condition A.

27
28 Mr. Kobel stated that he agreed to Special Condition A.

- 29
30 **B. Carle Hospital shuttle routes and scheduling shall comply with the Carle shuttle**
31 **schedule and routes received May 31, 2016.**
32 The special condition stated above is required to ensure the following:
33 **Public safety and minimizing traffic congestion and the impact on the neighborhood.**
34

35 Mr. Thorsland asked Mr. Kobel if he agreed to Special Condition B.

36
37 Mr. Kobel stated that he agreed to Special Condition B.

38
39 Mr. Thorsland entertained a motion to approve the Special Conditions as read.

40
41 **Ms. Griest moved, seconded by Mr. Passalacqua, to approve the Special Conditions as read. The**

1 **motion carried by voice vote.**

2
3 Mr. Thorsland stated that the following items should be added to the Documents of Record: 15.
4 Supplemental Memorandum dated June 30, 2016, with attachments; and 16: Written testimony by Kay
5 Rhodes dated June 30, 2016.

6
7 **Findings of Fact for Case 836-S-16:**

8
9 From the documents of record and the testimony and exhibits received at the public hearing for zoning
10 case **836-S-16** held on **June 30, 2016**, the Zoning Board of Appeals of Champaign County finds that:

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

13
14 Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at
15 this location because it is paving an existing parking area that is already being used as a grass parking
16 area during the fair season, adds parking for Carle.

17
18 Mr. Thorsland stated that it gives the opportunity to improve landscaping and aesthetics during
19 construction.

20
21
22 **2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
23 **IMPOSED HEREIN ,is so designed, located, and proposed to be operated so that it WILL**
24 **NOT be injurious to the district in which it shall be located or otherwise detrimental to the**
25 **public health, safety, and welfare because:**

26
27 **a. The street has ADEQUATE traffic capacity and the entrance location has**
28 **ADEQUATE visibility.**

29
30 Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has
31 ADEQUATE visibility.

32
33 Mr. DiNovo stated that the parking lot itself is not increasing additional traffic.

34
35 The Board disagreed with Mr. DiNovo’s statement.

36
37 Mr. DiNovo requested that his statement be stricken from the finding for 2.a.

38
39 **b. Emergency services availability is ADEQUATE .**

40
41 Mr. Thorsland stated that emergency services availability is ADEQUATE.

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

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

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

d. Surface and subsurface drainage will be ADEQUATE.

Ms. Lee stated that surface and subsurface drainage will be ADEQUATE or improved because of the new storm basin.

e. Public safety will be ADEQUATE.

Ms. Capel stated that public safety will be ADEQUATE.

f. The provisions for parking will be ADEQUATE .

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

g. The property IS SUITED OVERALL for the proposed improvements.

Ms. Griest stated that the property IS SUITED OVERALL for the proposed improvements.

h. Existing public services ARE available to support the proposed SPECIAL USE without undue public expense.

Ms. Griest stated that existing public services ARE available to support the proposed SPECIAL USE without undue public expense.

i. Existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense.

Ms. Griest stated that existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense.

Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

1 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
 2 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**
 3 **DISTRICT in which it is located.**
 4

5 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
 6 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
 7 which it is located.
 8

9 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
 10 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it**
 11 **is located because:**

12 **a. The Special Use will be designed to CONFORM to all relevant County ordinances**
 13 **and codes.**

14 Ms. Griest stated that the Special Use will be designed to CONFORM to all relevant County ordinances
 15 and codes.
 16

17 **b. The Special Use WILL be compatible with adjacent uses.**
 18

19 Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.
 20

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

22 Ms. Griest stated that public safety will be ADEQUATE.

23 Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL
 24 CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT is which it
 25 is located.

26 **4. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**
 27 **IMPOSED HEREIN IS in harmony with the general purpose and intent of the Ordinance**
 28 **because:**

29 **a. The Special Use is authorized in the District.**
 30

31 **b. The requested Special Use Permit IS necessary for the public convenience at this**
 32 **location.**
 33

34 Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this
 35 location.
 36

37 **c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
 38 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**

1 **WILL NOT be injurious to the district in which it shall be located or otherwise**
 2 **detrimental to the public health, safety, and welfare.**
 3

4 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
 5 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
 6 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
 7 and welfare.
 8

9 **d. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**
 10 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in**
 11 **which it is located.**

12 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
 13 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

14 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
 15 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

16 **5. The requested Special Use IS an existing nonconforming use.**

17 **6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**
 18 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
 19 **PARTICULAR PURPOSES DESCRIBED BELOW:**
 20

21 **A. All required certifications for the new stormwater drainage basin shall be**
 22 **submitted after construction prior to issuance of the Zoning Compliance**
 23 **Certificate.**
 24

25 The special condition stated above is required to ensure the following:
 26 **That the drainage improvements conform to the requirements of the**
 27 **Storm water Management and Erosion Control Ordinance.**
 28

29 **B. Carle Hospital shuttle routes and scheduling shall comply with the Carle shuttle**
 30 **schedule and routes received May 31, 2016.**
 31

32 The special condition stated above is required to ensure the following:
 33 **Public safety and minimizing traffic congestion and the impact on the**
 34 **neighborhood.**
 35

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

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
41
42

Ms. Griest moved, seconded by Ms. Capel, to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.

Mr. Thorsland entertained a motion to move to the Final Determination for Case 836-S-16.

Ms. Griest moved, seconded by Mr. Randol, to move to the Final Determination for Case 836-S-16. The motion carried by voice vote.

FINAL DETERMINATION FOR CASE 836-S-16:

Ms. Griest moved, seconded by Ms. Lee, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 836-S-16 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant Michael Kobel, President, Champaign County Fair Association, to authorize the following:

Authorize a Special Use Permit in the CR Conservation Recreation Zoning District for the following:

Part A: Authorize the expansion of a Fairgrounds that was previously authorized as a Special Use Permit in Case 962-S-94; and

Part B: Authorize the use of an existing Parking Lot as an additional principal use and the use of existing parking related pick up stations as additional principal structures on a Fairgrounds; and

Part C: Authorize the construction and use of a proposed Parking Lot as an additional principal use and a proposed related passenger waiting building as an additional principal structure on a Fairground.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

A. All required certifications for the new stormwater drainage basin 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 Storm water Management and Erosion Control Ordinance.

ZBA

AS APPROVED AUGUST 11, 2016

6/30/16

1 Respectfully submitted
2
3
4 Secretary of Zoning Board of Appeals