

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: January 25, 2018

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

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Catherine Capel, Frank DiNovo, Ryan Elwell, Debra Griest, Jim Randol

MEMBERS ABSENT : Marilyn Lee, Brad Passalacqua,

STAFF PRESENT : Susan Burgstrom, Lori Busboom, John Hall

OTHERS PRESENT : Michael Kobel, Dave Kirby, Ingrid Hampton, Scott Miller, Tom Johnson

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with two members absent.

Ms. Capel stated that as a courtesy to Mr. Elwell, the Board's newest member, she requested each Board member to introduce themselves.

Ms. Capel reminded the Board that each time they intend to speak they must press the microphone button until it turns green, otherwise the audio system or the tape will not pick up their comments.

Ms. Capel 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 (June 29, 2017; July 13, 2017; August 31, 2017; and October 26, 2017)

Ms. Burgstrom stated that on January 24th Mr. DiNovo emailed his edits to the four sets of minutes. She read the changes as follows: June 29, 2017: page 8, line 20 insert "area" after "service"; page 17, line 18 change "approaching" to "accommodating"; page 28, line 40, check tape for the statement "that's our public

1 service.”, Ms. Burgstrom said that staff did check the audio and what was written in the minutes is what was
2 said at the meeting, but since the sentence did not make sense, staff recommends deleting it. She continued
3 reading Mr. DiNovo’s suggested edits as follows:; and page 32, line 11 change “station” to “shelter” or
4 “stop”; July 13, 2017: page 4, line 20 insert “showing” after “contour line”; page 9, line 29 change “was not
5 a state” to “was an out of state”; page 22, line 15, check tape for the statement “Peoples Light & Coke”, Ms.
6 Burgstrom stated that the correct text is Peoples Gas Light & Coke ; August 31, 2017: page 6, line 21,
7 change “that” to “they”; page 6, line 32, change “out of county parking” to “parking that is not under county
8 jurisdiction:; page 17, line 32, change “in” to “is”; page 23, line 27, insert “not” after “would and remove the
9 word “be”; and page 31, line 6, change “dry” to “dried” and delete “not”. No corrections were required for
10 the October 26, 2017, minutes. She informed the Board that the changes have been completed as requested.
11

12 Ms. Capel entertained a motion to approve the June 29, 2017; July 13, 2017; August 31, 2017; and October
13 26, 2017, minutes, as amended.
14

15 Mr. DiNovo stated that he would like the correction for page 32, line 11, on the June 29th minutes to be
16 “stop”.
17

18 **Mr. DiNovo moved, seconded by Ms. Griest, to approve the June 29, 2017; July 13, 2017; August 31,**
19 **2017; and October 26, 2017, minutes, as amended.**
20

21 **The motion carried.**
22

23 Ms. Capel entertained a motion to re-arrange the agenda and hear Cases 866-S-17 and 893-V-17 prior to
24 Cases 685-AT-11 and 873-AT-17.
25

26 **Mr. DiNovo moved, seconded by Ms. Griest to re-arrange the agenda and hear Cases 866-S-17 and**
27 **893-V-17 prior to Cases 685-AT-11 and 873-AT-17. The motion carried by voice vote.**
28
29

30 **5. Continued Public Hearing** 31

32 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
33 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
34 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
35 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
36 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
37 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
38 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
39 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
40 **driveway separation between driveways in the same development; (4) require minimum driveway**
41 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**

1 (5) require for any proposed residential lot not served by a public water supply system and that is
2 located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other
3 than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract
4 the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)
5 require for any proposed RRO in a high probability area as defined in the Illinois State Historic
6 Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy
7 of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the
8 Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of
9 the agency response.

10
11 Ms. Capel asked the petitioner if he would like to make a statement regarding the case.

12
13 Mr. John Hall, Zoning Administrator, stated that there is nothing new on this case, and the reason he has
14 not withdrawn it is so that it would not be forgotten. He said that he is at the point where he is willing to
15 withdraw it because he can guarantee the Board that nothing will be done on this in the next 6 months.
16 He said that if this case were to ever move forward, it should restart back at ELUC, and he is prepared to
17 withdraw this case.

18
19 Mr. DiNovo suggested that there will be a County Executive who will have veto powers in November,
20 and his guess of the likelihood of this text amendment passing after the November election and not being
21 vetoed is probably small. He said the window for pursuing this matter may close at the beginning of
22 November.

23
24 Mr. Hall stated that there is only so much that can be done in a day, and he is not requesting a
25 continuance for this case.

26
27 **Case 873-AT-17 Petitioner: Champaign County Zoning Administrator Request to amend the**
28 **Champaign County Zoning Ordinance as follows: Part A: Amend Sections 7.1.1 and 7.1.2 to require**
29 **a Special Use Permit for any Neighborhood Home Occupation or Rural Home Occupation that**
30 **exceeds and/or does not meet the other requirements of Section 7.1.1 or Section 7.1.2 provided that the**
31 **Home Occupation is not a prohibited Home Occupation under paragraph 7.1.1.I or 7.1.2.J. and**
32 **specify that the residential use shall remain the principal use on the property, and the dwelling on the**
33 **subject property shall remain the principal building. Part B: Amend Section 7.1.1 to authorize**
34 **“minor auto repair” as a Neighborhood Home Occupation subject to a Special Use Permit when**
35 **located more than 1.5 miles from a municipality that prohibits “minor auto repair” as a home**
36 **occupation and subject to several standard conditions including but not limited to a condition that the**
37 **minor auto repair shall be conducted inside a building and a condition that the total building area**
38 **occupied by the minor auto repair shall not exceed 1,500 square feet or more than 150% of the**
39 **dwelling unit area, whichever is greater.**

40
41 Ms. Capel asked the petitioner if he would like to make a statement regarding the case.

1
2 Mr. Hall stated that the newest information in this case is the Supplemental Memorandum #1 dated
3 January 8, 2018. He said that the memo reviews that Mr. DiNovo requested that the minutes of the text
4 amendment that added the Neighborhood Home Occupations be reviewed for relevant evidence.
5 He said that evidence has been summarized under Policy 6.1.4, which is on page 3 of the memo. He
6 said the topic had a lot of discussion back in 1992, and it was a very conservative approach just to
7 outlaw it and not deal with the problems. He said that subsequent to that, the City of Urbana decided that
8 they would be willing to allow this as a Special Use, which caused Mr. Hall to reconsider. He said that
9 blanket outlawing something is a very blunt and simple way to go about it, and it saves a lot of time, but
10 interferes with a lot of what people want to do. He said that he is of the view that if there is a way that
11 satisfies everyone, then that is a better approach. He said that this proposed approach for requiring a
12 Special Use Permit for a Neighborhood Home Occupation takes a lot of time for both staff and the
13 Board, but he thinks we are likely to get a better record of compliance. He said that people will be able
14 to do this now, but it is still going to have to be enforced. He said that now, at least the level of
15 enforcement can hopefully result in someone being able to do more near what they want to do. He said
16 that one of the changes made, at the very beginning of the amendment, talks about areas that are within
17 the ETJ and that are not in an area indicated as residential in a future land use plan. He said we have
18 tried to maximize the area where this could occur while not creating any problems for municipalities
19 who, while they won't go so far as to say they prohibit minor auto repair as a home occupation, the fact
20 is that is their policy; they will not allow it, they just won't write that into their ordinance. He said that
21 this is trying to make everyone happy and he thinks it is better than the version the Board previously
22 saw, but it still recognizes that the County tries to cooperate within that ETJ area. He noted that there
23 was one correction needed on page 4 of the memo, paragraph 3, on the 3rd line, there is a citation to 7.1.1
24 M.7., which should be 7.1.1 M.(3)h. He said that h. refers to the paragraph about how far vehicles should
25 be from the property line, and that is the one part of this amendment that should still be subject to a
26 variance. He said if someone wants to try for a variance to park vehicles closer to the lot line than what
27 paragraph h. states, then that should be a variance and not part of the Special Use Permit. He said that
28 the Urbana City Council voted down a resolution of protest, so the City is not protesting this proposed
29 amendment. He said he is not aware of any other municipality that has even looked at it to that depth.

30

31 Mr. DiNovo asked for the status of minor home repair as a Rural Home Occupation.

32

33 Mr. Hall stated that minor auto repair is not a prohibited use in a Rural Home Occupation.

34

35 Mr. DiNovo stated that this is not really changing any of the rules that apply in rural zoning districts.

36

37 Mr. Hall stated that the only thing is that you cannot do a Rural Home Occupation within 500 feet of a
38 residential district. Now, if you want to do minor auto repair as a Rural Home Occupation, but are within
39 500 feet of a residential district, you could do it as a Neighborhood Home Occupation with these
40 conditions.

41

1 Mr. DiNovo stated that you could also do it in a platted subdivision.

2

3 Mr. Hall stated yes, in a subdivision that has a street that is completely in the subdivision.

4

5 Mr. Randol asked Mr. DiNovo to repeat what he just said.

6

7 Mr. DiNovo stated that Rural Home Occupations are prohibited on lots that front on streets located
8 wholly within platted subdivisions, so if you have someone in a rural subdivision, the interior lots that
9 only gain access to the township road by a subdivision street, you can't do a Rural Home Occupation. He
10 said you could do a Rural Home Occupation on lots in that subdivision that fronted on the township
11 road. He said that the idea is you would not have Rural Home Occupation traffic on an interior
12 residential subdivision street. He said with this amendment, you could do minor auto repair in a
13 subdivision as a Neighborhood Home Occupation. Mr. DiNovo stated to Mr. Hall that most of the
14 discussion has been about Part B of the amendment; we have hardly talked at all about Part A. He said
15 that it seems to him that Part A is potentially more significant in that it affects a much wider array of
16 home occupations by creating the potential for this Board to waive restrictions in the Ordinance. He
17 referred particularly to whether the use must be indoors; what kinds of hazardous materials are used on
18 site; what kind of dust and noise are created onsite; what kind of outdoor storage for Neighborhood
19 Home Occupations; and for Rural Home Occupations, any exterior changes; vehicle equipment and
20 screening; outdoor storage and screening; odors and dust; and volatile and hazardous materials. He said
21 it is a pretty substantial expansion of the potential character of home occupations, and it seems to be
22 more significant than Part B.

23

24 Mr. Hall stated yes, but right now, people come in to seek variances for those things. He said that this is
25 replacing a variance process with a Special Use Permit process.

26

27 Mr. DiNovo asked if these things are variable. He said that he looked at them as things that were
28 describing the character of the use, and a variance of these would be a use variance.

29

30 Mr. Hall stated that is because the Ordinance is written such that the only permitted variance is from
31 Section 5.2. He said Mr. DiNovo understands that Section 7 has a lot about use, and Section 9 does not
32 say anything about prohibiting a variance from something in Section 7. He said that trying to write
33 Section 9 such that you capture these other things about use would be very difficult. He said he thinks it
34 is better if we just say that you cannot get a variance from Sections 7.1 and 7.2, but you can seek a
35 Special Use Permit. He said that other than that, he thinks you would just have to add to the Section 9
36 list of prohibited variances for home occupations that are related to use.

37

38 Mr. DiNovo stated that it slipped his mind that the Section 9 prohibitions were specific to Section 5.2.
39 He said that the effect of this amendment would be to change the criteria; instead of applying variance
40 criteria to a case, you are applying Special Use Permit criteria.

41

1 Mr. Hall stated that Mr. DiNovo makes a good point; the alternative is to simply not allow that
2 flexibility and amend Section 9 accordingly.

3
4 Mr. DiNovo stated that every day, he walks out his back door and sees his neighbor's huge building; he
5 has no problems with his neighbor, but his neighbor is not going to live there forever. He said that he
6 worries, very much, about what could happen with that building, which is built a minimum distance
7 away from his property. He said he does not know what successor use to that indoor recreation complex
8 there is other than some substantial commercial operation. He said that the more options there are
9 available, the more he feels like he is at risk. He said this makes him uncomfortable, but as Mr. Hall
10 pointed out, the effect of this proposal is really very small. He said there are a lot of cases where if you
11 apply the criteria for variances the way they were written, you would have to say no, and we say yes
12 anyway. He said the practical effect of shifting from the variance criteria to the Special Use criteria is
13 probably negligible, and he would prefer to see a text amendment that provided more protection to
14 homeowners. He said he feels like people who have a substantial part of their net worth in their
15 residence and just want to pursue the quiet enjoyment of a residential property are given short shrift
16 compared to people who want to pursue business opportunities, where our interests are given second
17 place. He said that the second purpose listed in the Zoning Ordinance is the conservation of property
18 values, as opposed to providing people with opportunities to make cash income. He said those are
19 different and potentially conflicting things, and right now he does not think we have the balance right.
20 He says he thinks the County has leaned way over for entrepreneurs and put homeowners at risk, and we
21 need to find a way to balance this better, but that is not the amendment that was put in front of us.

22
23 Mr. Hall stated that he has been concerned for a long time that Rural Home Occupations allow things
24 that are generally a problem for neighbors. He said the one time he tried to change that, he barely
25 escaped with his job. He said he thinks that attitude is well established, and even though he still has
26 concerns about what happens in Rural Home Occupations, he doesn't know what to recommend being
27 done. He said that he would continue to think about this, because establishing a limit on the size of an
28 accessory building in the rural districts is such a foreign concept, because agricultural buildings have
29 gotten so huge that they dwarf anything a non-farmer is going to do, even a wealthy non-farmer. He said
30 that is the problem in rural districts; everything is compared to agriculture and there is no limit there.

31
32 Mr. DiNovo stated the problem is that we sort of conceptualized Rural Home Occupations being on a
33 farmstead in the middle of a farm, and an awful lot of them are cheek by jowl next to residences in
34 residential neighborhoods. He said it kind of suggests to him the need for another rural zoning district –
35 a rural residential zoning district that people could petition for and would give them the 500-foot
36 protection if the County saw fit to rezone their properties. He said that would at least give rural
37 landowners a way to do something. He said as far as we know right now, the only place that Part B
38 affects is any residential district within 1.5 miles of Urbana.

39
40 Mr. Hall stated, yes, that is the only area indicated for residential use that it would affect.

41

- 1 Mr. DiNovo stated that he is assuming that the preponderance of residential zoning districts are
2 designated for residential use in municipal comprehensive plans.
3
- 4 Mr. Hall stated, again, this would allow a Neighborhood Home Occupation in the other ETJs where
5 people could not do a minor auto repair as a Rural Home Occupation.
6
- 7 Mr. DiNovo stated yes, but only if the municipal plan had designated a County residential zoning district
8 for non-residential use.
9
- 10 Mr. Hall stated that his point is there are areas outside the Urbana ETJ that are not indicated as a
11 residential land use in the future, but individuals can be within 500 feet of the existing residential district
12 and so right now the only thing they could do is a Neighborhood Home Occupation that does not allow
13 minor auto repair. He said this would allow them to do it in those locations as a Special Use Permit.
14
- 15 Mr. DiNovo stated that he was speaking in terms of the residential districts specifically, as opposed to
16 the types of things that are going on in the rural districts. He said the only residential districts that are
17 affected are the ones in Urbana's 1.5-mile ETJ.
18
- 19 Mr. Hall stated that is correct. He said as a Zoning Administrator, he would hope that those other
20 municipalities go the route of Urbana someday and decide that maybe it is not too much to let people do
21 this under these conditions.
22
- 23 Mr. DiNovo stated that he is trying to think about the impact of something like this in the Scottswood
24 Subdivision.
25
- 26 Ms. Griest asked where we go from here.
27
- 28 Mr. Hall stated that if the Board's concerns are addressed, then it is time for a Final Determination. He
29 said that later in the meeting, we would talk about a much more difficult text amendment that will get to
30 the Board soon. He said he would like to get this one out of the way, but if the Board is not ready, that's
31 fine; we can continue it.
32
- 33 Mr. DiNovo asked if he could suggest a minor tweak to the language of paragraph M, subparagraph 3.g.
34 He suggested changing "no vehicle shall leak" to "no vehicle shall be permitted to leak."
35
- 36 Mr. Hall suggested, "no vehicle shall be allowed to leak."
37
- 38 Ms. Capel stated that you would still have to cite the vehicle as it is written.
39
- 40 Mr. DiNovo stated that the term allowed would apply to the owner, not the vehicle.
41

1 Mr. Hall stated that he could imagine some of those who might apply to do this saying, “that’s not a
2 leak, I intended for that to happen.”

3
4 Mr. DiNovo suggested to replace the word leak with discharge.

5
6 Mr. Hall restated, “no vehicle shall be allowed to discharge.” He referred to the second line in that
7 paragraph where it states, “and any leak or spill,” and suggested changing it to “and any leak, spill, or
8 hazardous discharge that does occur.” Mr. Hall stated that he had cause to go back and review the
9 definition of minor auto repair, and said that he perhaps talked himself into thinking that it was a clear
10 definition of minor auto repair. Mr. Hall said that by the definition, you could not do body work; you
11 could replace parts; you could service the motor, but the problem with replacing parts is how to
12 distinguish that from major auto repair. He said that replacing parts means that you could pull the
13 motor, dig inside it, and replace the parts.

14
15 Mr. DiNovo stated that he has always understood minor automobile repair providing even worse.

16
17 Mr. Hall stated that when he thinks of the term minor auto repair, taking the motor out and replacing
18 parts is pretty much as major as you can get.

19
20 Mr. DiNovo asked if the Dodge Charger required you to pull out the engine to change spark plugs.

21
22 Ms. Capel, Mr. Randol, and Mr. Hall concurred.

23
24 Mr. Hall stated that this gets back to the insight he gained in the last week; you could haul vehicles to a
25 minor auto repair Neighborhood Home Occupation, unload it in the street, and then somehow move on
26 to the Neighborhood Home Occupation, and neighbors already complain about that. He said that he
27 does not know if the Board feels like that is something that is the reality, so either we are going to do
28 that or not, or maybe there needs to be some other consideration.

29
30 Mr. DiNovo stated that one way to think about the complete prohibition of auto repair was that you are
31 not actually going to stop people from repairing cars; but if they know it is illegal, they are going to be
32 careful about it. He said that a lot of the problems that would accrue would be avoided because they
33 want to be sure they don’t tick off their neighbors and have the neighbor complain. He said he is not sure
34 if this improves enforceability of the situation, or makes more trouble. He said he is not sure that the
35 conditions specified in a Special Use Permit enhance our ability to protect the neighbors.

36
37 Mr. Randol stated that he thinks in this day and age, and with the economy we have, where it takes
38 somebody 2 and 3 jobs to make a living, trying to restrict them from making a living at home whenever
39 they have time to do it, is not something the Board should be trying to do. He said the Board should
40 make it so that they must keep their property neat, clean, and presentable, but he does not think the
41 Board should try to prevent people from earning their living if working on automobiles is their trade –

1 it's what they know, and he thinks that is becoming a little un-American.

2
3 Mr. Hall stated that obviously, he thinks that way, or he would never have proposed this amendment. He
4 said he does believe that if you are doing a Neighborhood Home Occupation, towing vehicles to your
5 home that do not run, and doing that in the street, he believes that is beyond what you should be doing in
6 a Neighborhood Home Occupation because he knows that people are going to complain. He said he is
7 not quite certain how to write the rule, but he thinks if you cannot bring it onto the property, then it does
8 not belong being worked on in a Neighborhood Home Occupation.

9
10 Mr. Randol stated that we were talking about repairs and if they remove the engine. He said that if you
11 already have a good engine to replace the bad one, they have to have some way of getting it there.

12
13 Mr. Hall stated that if your lot is not big enough that a tow truck can bring it up to the home and leave,
14 he does not think the tow truck should be coming there then. He said this is a problem with businesses
15 too; businesses get a delivery while the delivery van just stands in the street. He said he does not know
16 why so much of that goes on and maybe this is just a thorn in his side, but he has received complaints
17 recently of an unauthorized Neighborhood Home Occupation that gets vehicles dumped in the street and
18 they are pushed onto the property, and he has already contacted that person. He said there is nothing in
19 the text amendment that would prevent that.

20
21 Mr. Randol stated that he feels that if the vehicle is not left there unattended, that they could not leave it
22 there for 24 hours or even 8 hours waiting. He said if it is going to be brought to the property, then it
23 should be able to be brought in off the street as soon as possible.

24
25 Mr. DiNovo asked if the City of Urbana allows minor home repair in any residential district.

26
27 Mr. Hall stated yes, as far as he knows.

28
29 Ms. Griest asked if the control factor isn't the homeowner's association and the covenants that go with
30 the parcel, because that gives the homeowners the legal protection to pursue litigation against the
31 offender if it is not allowed in that district. She said if you buy the parcel, you know that it is not
32 prohibited; therefore, it may be allowed. She said that in her personal deed for her property, there is a
33 prohibition against parking vehicles of a particular size and she thinks it also includes inoperable
34 vehicles; it is part of her deed attachment. She said she realizes that is a civil enforcement and not a
35 zoning issue, but she is thinking about the boundary between that self-responsibility of those
36 homeowners to purchase a property that prohibits those actions or going to an area where it is allowed,
37 complaining about it, and trying to eliminate it.

38
39 Mr. DiNovo stated that there are places that don't have covenants, and there are others that have
40 covenants with questionable enforceability. He said if you let the provisions of the homeowner's
41 association lapse, it is not always clear if you can come back 20 years later and enforce those covenants.

1

2 Ms. Griest stated that her covenants are not part of an HOA; they are part of a deed restriction, which is
3 separate from the HOA.

4

5 Mr. Hall asked how a deed restriction is enforced – who has the right to do anything.

6

7 Ms. Griest stated that it has to be civil action; you take them to court and you sue them. She said that it
8 does not usually happen, and people do not always stop. She said she does not feel that it is our
9 responsibility to get that restrictive. She said that she understands the Scottswood problem and issues
10 there, and she is sure there are others throughout the country, but she thinks this is a reasonable
11 compromise and that Mr. Hall has done an excellent job.

12

13 Mr. DiNovo stated that he thinks this is what zoning is for – to give people a reliable expectation as to
14 what is going to happen in the neighborhood. He said this is one of the ways in which you encourage
15 investment in real estate; by giving people a reliable expectation of how the neighborhood will be
16 developed and used. He said if you have means, you can buy into a development that has an active HOA
17 and a set of codes, covenants, and restrictions and protect yourself, but a lot of people, and in fact those
18 that are the most vulnerable and have the least net worth, the people whose largest portion of their net
19 worth is in their house, are going to be in the neighborhoods where this is going to happen and they are
20 going to be least likely to be protected by a HOA and deed restrictions. He said this change
21 disproportionately affects the people who are least able to protect themselves. He said he thinks that
22 Champaign County should be very careful about the balance between opportunities for entrepreneurship
23 and the importance of protecting peoples' investment in their homes. He said that coming in tonight, he
24 was clear that he was going to be adamantly against this, and now he is on the fence, but he thinks he is
25 leaning towards opposition. He said he thinks the County needs to be more cautious about this. He said
26 that it bothers him because the worst mistake he made as a Zoning Administrator was in the Carroll
27 Addition, and he feels really bad about what happened to the neighbor in that case. He said that
28 accommodating one resident led to the significant impairment in the fortunes of another.

29

30 Mr. Hall stated that he looks at this as, we completely prohibit this now, freeing it up so it can be done is
31 a good thing; let's just make sure we don't create problems.

32

33 Ms. Griest stated that she thinks that mitigation of creating problems comes with the requirements for it
34 to be an indoor activity and prohibiting it to be done outdoors. She said she thinks you will always have
35 some transition; you will also always have the people who are not doing it as a business who are going to
36 be problematic and this amendment does not address them at all.

37

38 Mr. DiNovo stated that a few years ago, the City of Champaign had so much trouble enforcing their
39 home occupation requirements in this regard that they were going to prohibit all automobile repair, even
40 of a vehicle, in order to simplify the requirements, which did not work. He said that is a dilemma
41 because if you are a hobbyist, and especially in these lower income neighborhoods, they need to do their

1 own work.

2
3 Ms. Griest stated that the people who are in a lower income neighborhood or a very tight neighborhood,
4 and don't have a garage but need to repair their own vehicle, they are going to have to do that outside,
5 even changing the spark plugs or changing a tire or brakes or oil. She said that this amendment,
6 however, requires that if they are doing it as a business, they must do it inside, so in her opinion, it scales
7 that risk to get it to a more minimum load. She said that as the Board has dealt with this over time, she
8 goes back to the case they had many years ago out on Airport Road, where there was a minor auto repair
9 that they issued as a Special Use, and driving by and seeing that several times a year, the actions the
10 Board took seemed to have nicely shielded the neighborhood from any appearance of that activity. She
11 said that they had to go back and require some additional screening, but she thinks through the Special
12 Use process, in that case, did a wonderful job of protecting the surrounding properties. She said she does
13 not think it has had any type of a negative impact on the surrounding properties.

14
15 Mr. Hall asked if that case wasn't a Rural Home Occupation that was within 500 feet of a residential
16 district, or is he perhaps confusing that.

17
18 Ms. Griest stated that it is possible. She said that it was close to a land lease manufactured home park
19 and she thinks it was all AG-2, except for the manufactured home park.

20
21 Mr. Hall stated that he remembers a case where they wanted to be closer, and in order to be closer, they
22 had to do more screening.

23
24 Ms. Griest stated that all their outside use, storage, or activity had to be screened. She said that she
25 thinks that was a case where they were doing the work outside, and the Board, by having some tools, got
26 them to effectively be able to produce their income yet do so in a cost-effective way to screen it without
27 impacting the neighborhood.

28
29 Mr. Hall stated, so that he makes himself clear, even if this issue of unloading cars in the street does not
30 change and they can still do that, as a Zoning Administrator, the benefits of adopting this amendment far
31 outweigh any additional problems that it might create. He said he tends to believe that people who do not
32 care about their neighbors are not ever going to care about their neighbors; it is better to allow more
33 freedom for those who at least try to do a good job.

34
35 Mr. DiNovo stated that he thinks the proposal has one advantage, and he has just talked himself into
36 voting for this. He said that right now, we are making a distinction based on whether money changes
37 hands; you can work on a car, but you cannot take money for working on a car. He said that really
38 creates an enforcement problem; how do you prove whether money has changed hands. He said that
39 every time you try to make a distinction like that in the Zoning Ordinance, it is problematic. He said that
40 this amendment allows us to focus on the physical characteristics of the operation. He said the
41 enforcement action would be based on if there is stuff outside, are you operating within the limits; it is

1 no longer about whether money is changing hands. He said it used to be every time you went out there to
2 enforce on a backyard mechanic, it was always “it’s my sister-in-law’s car; I’m working on it as a favor.”
3 He said you could never prove your case, and this amendment makes the cases provable. He said he
4 thinks it enhances the enforceability of the restrictions.

5
6 Mr. Hall stated that the way he was raised, or at least the way he remembers being raised in zoning
7 administration, is it’s what the activity looks like, what it sounds like. He said maybe you are not asking
8 for money, but you are fixing vehicles that do not belong to the people who live on the property, and that
9 is the same as running a business.

10
11 Mr. DiNovo stated that it might be helpful if Mr. Hall could clarify that because courts, seeing the word
12 occupation, are going to assume that implies some sort of transactional reality – that money is changing
13 hands. He asked if we want to make it clear that this applies to the repair of any vehicle not registered at
14 the premises, but that puts us in the position of saying no, you can’t fix your sister’s car. He said you’re
15 not likely to get a complaint unless you are consistently fixing your sister’s car.

16
17 Mr. Hall added, and your brother’s car, and your aunt’s car, and your uncle’s car; it is the same thing as
18 running a business. He said that this is an issue that he has thought about in regard to almost everything
19 somebody does on their property; we have standards for outdoor storage. He said he thinks the idea that
20 Mr. DiNovo just had is something that might be suitable for another amendment and we shouldn’t try to
21 doctor it up now, especially after Urbana has already made a decision on it. He said he would rather go
22 with the way this is and maybe come back in the future.

23
24 Mr. DiNovo stated that he could imagine provisions for accessory uses to residences completely separate
25 from the home occupation provisions.

26
27 Mr. Hall stated that he is very interested in that, but he does not know how to get to it in terms of
28 actually doing it, but he likes the sound of that. He said he will continue to operate the way he has; if it
29 looks like a duck and sounds like a duck, the fact that it may be a goose doesn’t really matter.

30
31 Mr. DiNovo stated that he just wants to make sure that we can convince a judge that it is a duck.

32
33 Ms. Capel stated that the Board will move to the Summary Finding of Fact.

34
35 **Summary Finding of Fact:**

36
37 From the documents of record and the testimony and exhibits received at the public hearing conducted
38 on June 15, 2017 and January 25, 2018, the Zoning Board of Appeals of Champaign County finds that:

- 39
40 **1. The proposed Zoning Ordinance text amendment IS NECESSARY TO ACHIEVE the**
41 **Land Resource Management Plan because:**

- 1 **A. The proposed Zoning Ordinance text amendment will HELP ACHIEVE LRMP**
- 2 **Goal 6.**
- 3
- 4 **B. The proposed Zoning Ordinance text amendment will NOT IMPEDE the**
- 5 **achievement of LRMP Goals 1, 2, 3, 4, 7, 8, and 9.**
- 6
- 7 **C. The proposed Zoning Ordinance text amendment is NOT RELEVANT to LRMP**
- 8 **Goals 5 and 10.**
- 9
- 10 **2. The proposed text amendment WILL improve the Zoning Ordinance because it will:**
- 11 **A. HELP ACHIEVE the purpose of the Zoning Ordinance (see Item 16).**
- 12
- 13 **B. IMPROVE the text of the Zoning Ordinance (see Item 17).**
- 14

15 Mr. DiNovo proposed a new Item 17.D., something to the effect that by focusing on the characteristics
16 of the physical use will make the provision more enforceable.

17
18 Mr. Hall suggested a new 17.D. or modifying 17.C., and asked if 17.C. came close enough already.

19
20 Mr. DiNovo stated that this seems to speak more to the ability to consider specific conditions, and
21 specifically what is involved with citing someone if they were in violation. He said this would make it
22 easier to enforce provisions for minor auto repair as a home occupation by focusing on the physical
23 characteristics.

24
25 Ms. Capel stated that she like that, and that it is very succinct.

26
27 Mr. Hall asked Mr. DiNovo to repeat the statement.

28
29 Mr. DiNovo stated, it will make it easier to effectively enforce provisions with respect to minor
30 automobile repair as a home occupation by focusing on the physical characteristics.

31
32 Mr. Hall stated that would be added as 17.D.

33
34 Ms. Capel verified that the Documents of Record are current.

35
36 Mr. Hall stated that the Documents of Record are current.

37
38 **Ms. Griest moved, seconded by Mr. DiNovo, to approve the Summary of Evidence, Documents of**
39 **Record, and Finding of Fact as amended. The motion carried by voice vote.**

40
41 **Ms. Griest moved, seconded by Mr. Randol, to move to Final Determination. The motion carried**

1 by voice vote.

2
3 **Final Determination for Case 873-AT-17:**

4
5 Ms. Griest moved, seconded by Mr. Randol, that pursuant to the authority by Section 9.2 of the
6 Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
7 determines that:

8
9 **The Zoning Ordinance Amendment requested in Case 873-AT-17 should BE ENACTED**
10 **by the County Board as amended.**

11
12 The vote was called as follows:

13			
14	Griest – yes	Randol – yes	Elwell – yes
15	DiNovo – yes	Capel – yes	Passalacqua – absent
16	Lee – absent		

17
18 Mr. Hall thanked the Board.

19
20
21 **6. New Public Hearings**

22
23 **Case 886-S-17 Petitioner: Dave Kirby, and the Champaign County Fair Association, with a Board of**
24 **Directors as follows: Bill Alagna, President; Kent Weeks, 1st Vice-President; Edgar Busboom, 2nd Vice**
25 **President; John Bell, Director; Pam Barham, Secretary; HD Brown, Treasurer; Dave Price, Director;**
26 **Bob Williams, Director; Chris Wallace, Director, Jared Little, Director; Debbie Weeks, Director; and**
27 **Marty Polling, Director. Request to authorize the expansion of Special Use Permit 836-S-16 for the**
28 **Champaign County Fairgrounds and Parking Lot in the CR Conservation Recreation Zoning District**
29 **to allow the construction and use of a BMX track as an accessory use on the Fairgrounds, subject to**
30 **the following waiver of standard conditions required by Section 6.1.3 of the Zoning Ordinance:**
31 **Authorize a waiver for side and rear yards of 20 feet in lieu of the minimum required 50 feet for the**
32 **Fairgrounds Special Use. Location: A 53.79-acre tract in the Northwest Quarter of Section 8,**
33 **Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township and**
34 **commonly known as the Champaign County Fairgrounds with an address of 1302 North Coler**
35 **Avenue, Urbana.**

36
37 Ms. Capel informed the audience that Case 886-S-17 is an Administrative Case and as such, the County
38 allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she will
39 ask for a show of hands for those who would like to cross-examine and each person will be called upon.
40 She requested that anyone called to cross-examine go to the cross-examination microphone to ask any
41 questions. She said that those who desire to cross-examine are not required to sign the witness register

1 but are requested to clearly state their name before asking any questions. She noted that no new
2 testimony is to be given during the cross-examination. She said that attorneys who have complied with
3 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.
4

5 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign
6 the witness register for that public hearing. She reminded the audience that when they sign the witness
7 register they are signing an oath. She asked the audience if anyone desired to sign the witness register
8 and there was no one.
9

10 Ms. Capel asked the petitioner if he or his representative would like to make a statement regarding this
11 case.
12

13 Mr. David Kirby, who resides at 305 South East Street, Mansfield, stated that he is trying to get a BMX
14 track built at the Champaign County Fairgrounds. He said it is something he feels would be a huge asset
15 to the community, plus it's an opportunity that is not really located in the area that at one time thrived
16 greatly in the Champaign area. He added that it is an opportunity to give kids something else to do that's
17 also a huge family sport.
18

19 Mr. Mike Kobel, who resides at 1408 East Florida, Urbana, is the former president of the Champaign
20 County Fair Board. He stated that he was president of the Fair Board when they started this project, and
21 the Fair Board thought it would be appropriate for him to continue being involved with the process, and
22 he is more than happy to do so. He said that the County Fairgrounds wholeheartedly supports the project
23 and they think it will bring a nice, family oriented recreation activity to the community.
24

25 Ms. Capel asked Mr. Hall if he had information to share with the Board.
26

27 Mr. John Hall, Zoning Administrator, stated that Supplemental Memorandum #2, with attachments,
28 dated January 25, 2018, was distributed to the Board for review. He said that one attachment is an email
29 from Urbana Park District employee Derek Liebert, which talks about a meeting with Mr. Kirby, Mr.
30 Kobel, Mr. Jonathon Manuel from the Champaign County Soil and Water Conservation District, and Mr.
31 Liebert. Mr. Hall said that Jonathon Manuel offered to assist with the drainage plan for the manhole
32 inside the proposed BMX track and the open manhole to the south. He said that Bruce Stickers has
33 confirmed that Pheasants Forever can help with the buffer planting. He said that Mr. Liebert attached an
34 aerial photo with the proposed BMX track overlaid, and it indicates an approximately 100 feet by 50 feet
35 area east of the proposed BMX track where the Pheasants Forever planting of tallgrass species is
36 proposed. Mr. Hall said the second attachment is a letter that was received via email from Catherine
37 Connor, a resident at 1012 N Busey Street in Urbana. He said that Ms. Connor reviewed the fact that she
38 first knew of the stock car racing at the Fairgrounds in 1963, when her family moved to the house at
39 1012 N Busey, but noted that since then, stock car races are no longer that frequent. She said that
40 neighbors have become accustomed to the events at the Fair as they are going on. Ms. Connor said that
41 she was out of town and could not attend the meeting tonight; therefore, she raised questions in her

1 email about the BMX track. Mr. Hall said he believes this is the first communication we have from Ms.
2 Connor. He said that Ms. Connor closed the letter by asking the Board to take seriously her concerns
3 about noise and traffic, and that the Board provide the same concern for her neighborhood as they might
4 provide for a more prestigious neighborhood. He asked Ms. Burgstrom if staff had heard any other
5 comments from neighbors.

6
7 Ms. Burgstrom stated that on January 11, 2018, she took a call from Mr. Bill Morfey, who is a nearby
8 resident, and he had no objections to the track.

9
10 Ms. Capel asked the audience if anyone would like to sign the witness register to present testimony
11 regarding Case 886-S-17, and there was no one.

12
13 Ms. Capel asked the Board and staff if there were any questions for the petitioner.

14
15 Mr. DiNovo asked Mr. Kirby if the relationship between the Champaign County Fair Association
16 (CCFA) and the petitioner is a landlord-tenant relationship.

17
18 Mr. Kirby answered yes.

19
20 Mr. DiNovo asked if the petitioner would hold the Champaign County Fair Association harmless for any
21 liability.

22
23 Mr. Kirby stated that Illini BMX has a sanctioning body they have to report to, which is USA BMX. He
24 said that part of the sanctioning is they have insurance through USA BMX, so it is not going to be the
25 CCFA that is insuring this or covering it. He said that USA BMX provides insurance while Illini BMX
26 is holding events, and there is a secondary insurance for when they are not holding events, such as if
27 someone were to break in to the track area.

28
29 Ms. Capel asked if there were any additional questions for the petitioner.

30
31 Mr. Elwell asked the petitioner typically how loud is it going to be, referring to Ms. Connor's letter
32 regarding noise, and during what times events would be held.

33
34 Mr. Kirby stated that they are planning on having one evening event [weekly] during the summer, when
35 daylight permits, and they would typically be done at 7:30 to 8:00 p.m. at the latest. He said the other
36 event would be on Saturday mornings, typically done by 1:30 to 2:00 p.m. He said that there would be
37 noise from the people out there, but in terms of broadcasting, they would only use a single speaker
38 microphone. For volume, they just want to be able to announce the race so that people at the far end of
39 the track can hear them; beyond that, they do not want to interrupt other things going on.

40
41 Mr. Elwell stated that his impression is that a stock car race would be pretty noise intrusive.

1

2 Mr. Kirby stated that he grew up in Farmer City, which is a huge stock car community. He said he lives
3 in Mansfield and he can hear stock cars [from Farmer City] in Mansfield. He said that there is a BMX
4 track in Farmer City and they have been there on days when they were running races while there were
5 soccer games right next door, and the races did not interfere with the soccer games.

6

7 Mr. Kobel stated that, based on Ms. Connor's property location, by comparison to a tractor pull or the
8 demolition derby, he does not believe that Ms. Connor would know a BMX race is going on.

9

10 Mr. Kirby clarified that these are all bicycles; there are no motors. He said that, as long as he can help it,
11 there would never be anything motorized on the track.

12

13 Ms. Griest asked Mr. Kirby to indicate how many spectators there might be at a typical event, referring
14 to its impact on traffic.

15

16 Mr. Kirby responded that on an average evening or Saturday event, they might have 30 to 40 vehicles,
17 which would all be parked down near the track, so they would not be out on the nearby roads or
18 necessarily in the parking lots that are there now. He said there might be a slight impact right before and
19 after the races, but it is very brief. If they have a larger race, like a state race, they could have 75 to 100
20 cars, but that is a very limited period of time of when they go in and when they go out. He said he does
21 not feel that there would be an impact on traffic.

22

23 Ms. Griest stated that she assumed that people going to the track would not be going there on their bikes,
24 but rather would be bringing their bikes in their vehicles with supervision, and then participating in the
25 event, but not adding bicycle traffic to the surrounding streets.

26

27 Mr. Kirby stated that there could be some added bicycle traffic. He said that there might be some older
28 kids that want to go race, but their parents are not able to bring them. He said that the older kids may
29 take a bus to the nearest stop and ride in, or if they are local kids, they could ride their bikes over. He
30 said that he does not see that being a significant impact given the number of years he has been racing,
31 even in Farmer City, where it's a local track on the edge of town. He said they might have 1 or 2 kids
32 who might ride their bikes. He said it's a very family oriented event; parents race, kids race. He said it is
33 not like basketball or football where you bring your kid out and watch them. He said you do have parents
34 who watch, but typically there is a parent who is also racing.

35

36 Mr. Hall stated that in his opening comments, Mr. Kirby said that BMX racing was something that used
37 to be much bigger in the Champaign-Urbana area, but it is no longer available; he asked if that was
38 correct.

39

40 Mr. Kirby responded yes, back into the late 1980's, there was a BMX track that would be off what now
41 is Olympian Drive. He said that there is currently a pond where the track was located and at that time, it

1 was one of the premier tracks in the state.

2

3 Mr. Hall asked if they had events there.

4

5 Mr. Kirby responded yes. He said that the previous track is where he started racing. He said the track
6 was sanctioned by the National Bicycle League (NBL), but now, there is just one sanctioning body,
7 which is USA BMX.

8

9 Mr. Hall stated that Mr. Kirby once told him how long he had been working to find a location for the
10 track. He said the Board might like to hear more about that because it shows that while the current site
11 might not be the perfect location, Mr. Kirby has been looking for a long time.

12

13 Mr. Kirby stated that he had several meetings with the Champaign Park District, and he had one location
14 that he thought would be excellent for a track, but it did not work out because the District had other
15 plans. He said the District was looking at the old landfill site as a place that the track could potentially
16 go, but they were looking at 5-6 years before that would be available. He said that even when that was
17 discussed, there were a lot of limitations because it was an old landfill site. In addition, he said that the
18 site was not ideal because of kids potentially riding their bikes out to the site, and the last thing they
19 wanted was a kid riding down Route 150. He said that he would much rather they take the MTD, get off
20 at Carle, and ride a couple of blocks to the Fairgrounds. He started the process of finding a place in
21 Champaign-Urbana a little over 3 years ago and it worked out that the Fair Board saw a large article that
22 Mr. Kirby had run in the newspaper, and they started talking. He said that the Fairgrounds is one of the
23 best, if not the best locations to be able to put a track because in the center of the area, there are a lot of
24 bus routes that keep kids from riding in if their parents do not race. He said it has been a lengthy process.

25

26 Mr. Hall asked if Mr. Kirby had asked the Urbana Park District if they were interested in having any
27 locations like this.

28

29 Mr. Kirby said that he did not, only because very recently, he decided that it just was not going to work
30 with the Champaign Park District, and he was looking at new and different locations, when the Fair
31 Board contacted him. He said that is what started this process that we are here at today. He said he
32 would have been more than happy to work with the Urbana Park District, but it just happened that this
33 opportunity fell into his lap and it has worked very well. He said it has been a good working
34 relationship.

35

36 Mr. Kobel stated that they had reached out to Corky Pemberton, Director of Recreation at the Urbana
37 Park District, and they are looking down the road in the future to having some classes or clinics through
38 the Urbana Park District. He said that you could go to the classroom side of things to learn how to prep
39 your bike, and then come across into the Fairgrounds and practice what you learned.

40

41 Ms. Capel asked the Board if there were any questions for Mr. Kirby or Mr. Kobel.

1
2 Ms. Griest asked Mr. Kobel if an agreement with the Urbana Park District required an additional gate on
3 that east side of the Fairgrounds, and if so, will that be needed on the site plan so that if they choose to
4 do that, they would not have to revisit the ZBA.

5
6 Mr. Hall stated that he did not think a new gate or entrance would be an issue, particularly if it is done
7 jointly with the park district.

8
9 Mr. Kobel stated that was one of the details that they had speculated was perhaps using their pavilion
10 across the way to hold these clinics.

11
12 Ms. Griest stated that they might hold part of the classes or clinics at the Anita Purves Nature Center,
13 which is where the park district holds a lot of its educational segments. She said that there are indoor
14 facilities and restrooms and it is a quick little bike ride around the pool and down the hill.

15
16 Ms. Capel asked the audience if anyone would like to cross-examine Mr. Kirby or Mr. Kobel.

17
18 Mr. Tom Johnson, who resides at 502 Deer Run, Mahomet, stated that he is an employee of Carle, which
19 leases parking on the fairgrounds from the CCFA. He asked the petitioners to indicate which days they
20 are thinking about running the events, because Monday through Friday, the hospital fills up the
21 Fairground's parking lot, which is approximately 1100 spaces.

22
23 Mr. Kobel stated that with respect to parking, they anticipate having all the vehicles, spectators, and
24 participants down at the track, so it would not involve any of the parking spaces that Carle leases.

25
26 Ms. Capel asked the audience if anyone would like to sign the witness register to present testimony, and
27 there was no one. Ms. Capel closed the witness register.

28
29 Mr. Hall addressed Mr. Kirby, stating that in the memo, Mr. Manuel has offered to assist with a plan
30 related to the manholes, but he has not had a chance to get that done yet. Mr. Hall asked Mr. Kirby if he
31 had an idea of when Mr. Manuel might be able to get that to Mr. Kirby.

32
33 Mr. Kirby stated that when they met with Mr. Manuel out onsite last week, he indicated to them that the
34 federal standard is a 36 feet distance between a drain and something like this track, which is what Mr.
35 Manuel uses in corn fields. Mr. Kirby said that after discussions with Mr. Manuel, the petitioners
36 adjusted that distance to 50 feet, and Mr. Manuel told Mr. Kirby that his recommendation is exactly
37 what the petitioners are already doing. He said that Mr. Manuel indicated that the grasses already on site
38 were best for the project. Mr. Kirby said that Mr. Manuel suggested putting a silt screen into the drain,
39 which the petitioners had agreed to do anyway. Mr. Kirby said that based on Mr. Manuel's
40 recommendations to them, the petitioners are already above and beyond the federal standard, and he
41 would not suggest anything different. Mr. Kirby said that now that Mr. Manuel can get back into his

1 office after the federal shutdown, he would anticipate that Mr. Manuel could have something maybe
2 Monday or Tuesday. Mr. Kirby said that he has the federal standards sheets that Mr. Manuel gave him,
3 with the 36 feet standard and a 15-minute flow time. Mr. Kirby said that as far as the drain in the middle,
4 Mr. Manuel saw no reason why they could not just cap that drain, so they are only dealing with the one
5 drain.

6
7 Mr. Hall stated said he has had difficulty determining how much grading would be necessary to create
8 the nine feet tall berms on the corners of the track. He said he had concerns about how disturbing the
9 earth could lead to erosion and sedimentation. He said that it looks like some of that grading is in fact
10 going to be close to what looks like a drain on the site plan. He asked Mr. Kirby if the area with an X
11 through it is a drain in the vicinity of the southeast curve of the track.

12
13 Mr. Kirby stated that the X location was where they thought the drain was after they went back out and
14 looked at drain locations. He said that the drain is located up where a grass screen is depicted on the site
15 plan.

16
17 Mr. Hall asked if the track would be elevated at all next to the adjacent grade.

18
19 Mr. Kirby said it would not be elevated more than an inch or two; the track would just be elevated
20 enough to get the dirt laid in and packed.

21
22 Mr. Hall asked for confirmation about what Mr. Manuel would recommend – a minimum of 36 feet of a
23 good stand of grass between that drain and the track.

24
25 Mr. Kirby responded yes, and they intend to make it 50 feet, not just 36 feet.

26
27 Mr. Hall stated that all sounds good, but he has been rather obsessive about getting an accurate site plan
28 from the start that shows all of these details. He said that what he wants is one thing, but what the Board
29 needs is something else. He said that maybe the Board would be comfortable with the current site plan.
30 He asked Mr. Kirby if he recalled how far the drain is from the existing fence.

31
32 Mr. Kirby stated that the drain is right along the fence.

33
34 Mr. Hall stated that if the track is 50 feet from fence, then it will be 50 feet from the drain.

35
36 Mr. Kirby stated that if the track is 50 feet from the fence, then it will be 49 feet from the drain.

37
38 Ms. Capel stated that Mr. Kirby had talked about cars being down by the track, and asked if that is
39 existing parking, or would he be putting in parking.

40
41 Mr. Kobel stated that at this time, there is an asphalt roadway that goes to the track site. He said they

1 would initially park on the grass and inclement weather would not be an issue, because if you cannot
2 park on the grass, you will not have racing.

3
4 Mr. Hall asked if they would race in inclement or at least muddy weather.

5
6 Mr. Kirby responded no. He said that you do not race when it is muddy, because it destroys the track and
7 makes a lot more work to try and fix it. He said if you cannot walk across it, you cannot ride across it.

8
9 Mr. Hall asked if the petitioners plan on having a starting gate.

10
11 Mr. Kirby replied yes, and said that the controls for it are removed and set up before and after every race,
12 so it is not something that just anyone can go out and mess with.

13
14 Mr. Hall stated that the start would be elevated 9 feet above the base ground level.

15
16 Mr. Kirby said yes, it would be approximately 9 feet, which is very typical. He said that it is not a giant
17 slope that the riders are coming down; rather, it is a gradual slope.

18
19 Mr. Hall said that in pictures he could find of BMX tracks he noticed that some of them do not have a lot
20 of earth on the outside of the corners and they actually use some kind of retaining wall such as precast
21 blocks. He said that with blocks, there is not as much disturbed earth, and asked Mr. Kirby if he
22 expected their berms to be all graded earth.

23
24 Mr. Kirby stated that for now, the berms would be all dirt and clay. He said that a lot of the tracks
25 throughout the country use asphalt turns, but he personally likes to stay away from that. He said that it
26 decreases the amount of work in terms of upkeep, but it also could potentially cause more injury to the
27 riders, so he would prefer to keep everything all dirt and clay.

28
29 Mr. Hall asked if Mr. Kirby if he has a plan for how he could establish a good stand of grass on all the
30 dirt that is not actually where the racing is going to happen. He said it seems a lot of people are
31 challenged by getting grass established on bare earth without having a lot of erosion and sedimentation,
32 which is the primary concern of the park district.

33
34 Mr. Kirby stated that it is and will be a challenge, which is part of the reason he told Mr. Liebert that he
35 wants to work with him to make sure they are doing things that makes sure nothing will happen to
36 Crystal Lake, and that we would also make it look nice. He said he has done some landscaping in the
37 past, nothing professional, but he does know how to plant grass, get it to grow well, fertilize it.

38
39 Mr. Hall commented that it takes a lot of water.

40
41 Mr. Kirby agreed, and said that he needs that grass to grow to maintain the track just as much as the park

- 1 needs it to maintain the lake. He said that if there is a huge rainstorm, and we get some erosion down off
2 the jumps, that dirt is what will be put right back up and repacked.
3
- 4 Mr. Hall asked Mr. Kirby if he would expect to use a lot of mulch while he is trying to establish the
5 grass.
6
- 7 Mr. Kirby stated not necessarily; he would work with Mr. Liebert on using something like hay, which
8 would hold it better and that would be a little easier to take care of.
9
- 10 Mr. Randol asked Mr. Hall if a silt fence would be necessary to keep any dirt from running to Crystal
11 Lake.
12
- 13 Mr. Hall stated it depends; technically, there needs to be a silt fence around all disturbed areas and this is
14 in our MS4 area where we get monitored by the EPA, so we would require silt fencing just because we
15 do not want to get in trouble with the EPA. He said it is not just installing silt fencing, but if you get a
16 big rain and stuff washes up against the silt fence, that stuff will have to be removed so that it is brought
17 back to its original condition.
18
- 19 Mr. Randol asked if a special condition would be needed.
20
- 21 Mr. Hall responded that it would be a condition on the Zoning Use Permit.
22
- 23 Mr. Kobel stated that they understand the park district's concerns, and they want to be good neighbors,
24 so they intend to monitor that sort of runoff very closely.
25
- 26 Mr. Elwell asked who would be doing the repair work if the silt fence needs to be replaced.
27
- 28 Mr. Kirby stated that he would, along with an assistant director, and he has a third person lined up who
29 would help with track maintenance, so if one could not be there, another person would be able to go out.
30
- 31 Ms. Capel asked if the Board would like to move on to discussing the Summary of Evidence.
32
- 33 Mr. Hall stated that Mr. Kirby once told him that there is a contractor who builds BMX tracks all around
34 the country.
35
- 36 Mr. Kirby stated yes, on any initial track build, USA BMX uses their contracted builders who will come
37 in and have the track done in 3 to 4 days. He said that the contractors do this year-round, and they just
38 finished an indoor track in Louisville, Kentucky for a race he is going to this weekend.
39
- 40 Mr. Hall asked if they would lay it out and build it from bare grass to completed track in 3 to 4 days.
41

1 Mr. Kirby replied yes.

2
3 Mr. Hall asked if the contractors were so skilled that they do not need plans to build the track.

4
5 Mr. Kirby stated that the contractors would look off the plans he has and basically build it just like that.
6 He said there would be conversations which might result in slight modifications; for example, a jump
7 might need to be relocated. He said as far as the heights and curves, they will follow his plan.

8
9 Ms. Capel asked if there were any additions to the Documents of Record.

10
11 Ms. Burgstrom stated that new item 12 will be Supplemental Memorandum #1 with attachments, and
12 new item 13 will be Supplemental Memorandum #2 with attachments.

13
14 Ms. Capel stated that the Board will now review the special conditions of approval with the petitioners.

15
16 Ms. Burgstrom stated that the most recent version of special conditions could be found in Supplemental
17 Memorandum #1 starting on the second page.

18
19 Ms. Capel stated that she would read each special condition and before the Board can proceed the
20 petitioners will need to indicate their agreement.

21
22 Ms. Capel read special condition A. as follows:

- 23
24 **A. BMX track events shall be scheduled such that adequate parking is available on the**
25 **Fairgrounds site.**

26
27 The special condition stated above is required to ensure the following:

28 **That the Fairgrounds provides sufficient parking capacity for all uses.**

29 Ms. Capel asked Mr. Kirby if he agreed with special condition A.

30
31 Mr. Kirby stated that he agreed with special condition A.

32
33 Ms. Capel read special condition B. as follows:

- 34
35 **B. No overnight camping shall be allowed on the Fairgrounds related to BMX track**
36 **events.**

37
38 The special condition stated above is required to ensure the following:

39 **That the Fairgrounds are secure after BMX track events.**

40
41 Ms. Capel asked Mr. Kirby if he agreed with special condition B.

1
2 Mr. Kirby stated that he agreed with special condition B.

3
4 Ms. Capel read special condition C. as follows:

- 5
6 **C. Use of the BMX track must be supervised at all times. Adequate security shall be**
7 **provided, including enclosing the BMX track in a minimum 6 feet tall security fence**
8 **with locked gates.**

9
10 The special condition stated above is required to ensure the following:

11 **That the use prioritizes public health, safety and general welfare.**

12
13 Ms. Capel asked Mr. Kirby if he agreed with special condition C.

14
15 Mr. Kirby stated that he agreed with special condition C.

16
17 Ms. Capel read special condition D. as follows:

- 18
19 **D. Use of the BMX track shall be limited to daytime hours and no artificial lighting**
20 **shall be used.**

21
22 The special condition stated above is required to ensure the following:

23 **That lighting specifications for the Special Use are reflected on the approved**
24 **Site Plan and are in accordance with Section 6.1.2 of the Zoning Ordinance.**

25
26 Ms. Capel asked Mr. Kirby if he agreed with special condition D.

27
28 Mr. Kirby stated that he agreed with special condition D.

29
30 Ms. Capel read special condition E. as follows:

- 31
32 **E. The Zoning Administrator may require that the petitioner control fugitive dust if a**
33 **complaint is received stemming from activities related to the BMX track site.**

34
35 The special condition stated above is to ensure the following:

36 **That the Special Use takes the public health, safety and general welfare into**
37 **consideration.**

38
39 Ms. Capel asked Mr. Kirby if he agreed with special condition E.

40
41 Mr. Kirby stated that he agreed with special condition E.

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Ms. Capel read special condition F. as follows:

F. Sound amplification shall be minimized and used only as absolutely necessary during use of the BMX track.

The special condition stated above is required to ensure the following:
That nearby park users are not disrupted by excessive noise.

Ms. Capel asked Mr. Kirby if he agreed with special condition F.

Mr. Kirby stated that he agreed with special condition F.

Ms. Capel read special condition G. as follows:

G. Storm water runoff from the BMX track shall not pose any significant risk to water quality in Crystal Lake and engineering documentation shall be provided and monitoring shall be undertaken to verify the quality of storm water runoff entering the storm drain system.

The special condition stated above is required to ensure the following:
That the development conforms to all relevant ordinances.

Ms. Capel asked Mr. Kirby if he agreed with special condition G.

Mr. Kirby stated that he agreed with special condition G.

Ms. Capel read special condition H. as follows:

H. A buffer of native vegetation shall be provided between the BMX track and Crystal Lake Park. The plantings for the vegetative buffer shall be as approved in the Special Use Permit and a man-made screen shall be maintained as necessary to provide screening while the native vegetative buffer is getting established. The man-made screen shall be as approved in the Special Use Permit.

The special condition stated above is required to ensure the following:
That Fairgrounds uses continue to be compatible with Crystal Lake Park.

Ms. Capel asked Mr. Kirby if he agreed with special condition H.

1 Mr. Kirby stated that he agreed with special condition H.

2

3 Ms. Capel read special condition I. as follows:

4

5 **I. No motorized vehicles shall be allowed to use the BMX track, and a sign stating this**
6 **shall be posted on the security fence surrounding the track.**

7

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

9

That noise from BMX track use is minimized.

10

11 Ms. Capel asked Mr. Kirby if he agreed with special condition I.

12

13 Mr. Kirby stated that he agreed with special condition I.

14

15 Ms. Capel entertained a motion to approve the special conditions.

16

17 **Ms. Griest, seconded by Mr. Randol, moved to approve the special conditions. The motion carried**
18 **by voice vote.**

19

20 Ms. Capel asked the Board if they were ready to move to the Findings of Fact.

21

22 Mr. Hall asked if the Board was inclined to take final action tonight. He said that we have important
23 information still to be received from Jonathon Manuel, and he knows that every time staff contacts the
24 Urbana Park District, they want to be sure that they are comfortable with the plan.

25

26 Ms. Capel stated that they have not signed off yet.

27

28 Mr. Hall stated that he was expecting more discussion about special condition G that talks about
29 engineering documentation and monitoring. He said that we don't even have a site plan drawn to scale,
30 and we are expecting the petitioner to provide that kind of data once it is running. He said the petitioner
31 is willing to provide it, but the condition states, engineering documentation will be provided and
32 monitoring shall be undertaken. He said that monitoring could be as simple as anyone who is interested
33 in sedimentation could go out and monitor it. He said that he is unsure of what the group who put that
34 condition together was thinking using the term engineering documentation. He said the condition came
35 from a meeting that Ms. Burgstrom attended with City of Urbana engineering staff and Urbana Park
36 District engineering staff, and these engineers were talking about getting documentation of the water
37 quality impacts, but he does not know what that means. He said that staff provided the condition because
38 that is what the group said they wanted, but he does not think it has been fleshed out enough.

39

40 Ms. Capel asked Ms. Burgstrom if the group was clear about the standard they expect.

41

1 Ms. Burgstrom stated that the group did not provide any more specific information than saying
2 engineering documentation. She said that she is not sure if they just expect monitoring, or if they want a
3 scaled site plan which they can use to look at the technical specifications of what is occurring with
4 drainage.

5
6 Ms. Griest asked Ms. Burgstrom if she expected to receive more information from the group, or did they
7 just leave things up in the air, or that they don't anticipate doing any more.

8
9 Ms. Burgstrom stated that at this point, she believes that Urbana Park District is comfortable with the
10 plan that has been made, and they look forward to continuing in making this project evolve. She said that
11 she did not get the impression that they were not ready to move forward.

12
13 Mr. Kobel stated that for what it is worth, in the meeting they had, Mr. Liebert was satisfied with where
14 we were on these items, and that we were good to go. He said he is a little surprised that Urbana Park
15 District is not here this evening, but he can share with the Board, for what it is worth, that he believes
16 they are satisfied.

17
18 Ms. Burgstrom stated that Mr. Liebert at Urbana Park District seemed to be more in a liaison mode in
19 that he was making suggestions as to how the petitioners might be able to bring the track to fruition. She
20 said that Mr. Liebert suggested that they talk with Bruce Stickers at Pheasants Forever and Jonathon
21 Manuel, and he facilitated getting those communications going. She said it wasn't so much about what
22 he was requiring, but that he was just trying to help them get the project done.

23
24 Ms. Griest asked Mr. Hall if that alleviated any of his concerns.

25
26 Mr. Hall stated that it does not alleviate his concern about engineering documentation and he is
27 wondering if we should just strike that phrase because engineering documentation means that there is an
28 engineer doing something.

29
30 Ms. Griest stated that you would have sealed documents that would have their stamp on it, and it would
31 cost the petitioners a lot of money. She said it might be overkill for the agreement they have reached.

32
33 Mr. Randol asked if the Board would not be protected by the fourth finding of fact, that the approval of
34 the permit is subject to all special conditions being met.

35
36 Mr. Hall stated that he does not know how to meet that special condition unless the petitioner plans to
37 hire an engineer to at least provide a 1 page of something to document. He said again, we do not have a
38 site plan like we would have on most cases.

39
40 Ms. Griest asked Mr. Hall if it would be adequate if the Board takes his recommendation striking the
41 phrase engineering documentation from the special condition. She asked if it could read, "Storm water

1 runoff from the BMX track shall not pose any significant risk to water quality in Crystal Lake and
2 monitoring shall be undertaken to verify the quality of storm water runoff entering the storm drain
3 system.”
4

5 Mr. Hall said that he appreciates that, and asked Ms. Griest what she means by monitoring.
6

7 Ms. Griest stated that she does not know what they are proposing for monitoring; the Board has not
8 heard anything on that and she did not anticipate that the Board would hear more on that. She said it
9 would probably be like everything else in zoning – it is compliant based.
10

11 Mr. Kirby stated that when talking with Mr. Manuel, one of his recommendations was a removable silt
12 screen that drops into the drain, it is basically what they use on construction sites to cover the same
13 thing. He said there is an easy way to monitor what is getting into that screen; if the screen is empty,
14 there is nothing going in. He said if there were some dirt in the screen, the petitioners would have the
15 ability to monitor what is getting into the drain.
16

17 Mr. DiNovo stated that at a minimum, any condition like that should specify who is responsible for
18 monitoring, and in his opinion, something about what happens to the results of the monitoring.
19

20 Mr. Kirby stated that the petitioners would be the ones pulling up the screen and checking it, because
21 they would have to clean it.
22

23 Mr. Hall stated that he is glad to hear that, and he imagines that would address the concern of the park
24 district if they know that you are using a high-quality filter. He said that it needs to be part of the special
25 condition, and ideally the petitioners would submit a cut sheet on filter specifications. He said that he
26 recommends that this case be continued, we get the information from Mr. Manuel, and we remove
27 anything that is superfluous – engineering documentation – he does not think we need that. He said that
28 we definitely need to know what the petitioners are talking about with monitoring, and the quality of the
29 filter they are planning to use. He said he would like to have something from Bruce Stickers stating that
30 he plans to do the screen planting. He said that he thinks this condition is probably overboard.
31

32 **Mr. DiNovo moved to continue this case to receive the additional information that the Zoning**
33 **Administrator has requested.**
34

35 Ms. Capel asked if Mr. Hall would like a better site plan.
36

37 Mr. Hall stated that he would leave that up to the Board, because we could continue to try to put
38 dimensions on what Mr. Kirby has provided, sort of the minimums and maximums. He said that if the
39 USA BMX contractor knows that he is not supposed to be closer than X feet on the east and south ends
40 of the perimeter of the Fairgrounds, and he must stay within that area, maybe that is adequate.
41

- 1 Mr. Kirby stated that when the time comes and they get the track built, it will be marked off; the
2 contractor will have to stay inside of this, and they can't go beyond it.
3
- 4 Mr. Hall stated that what he wants to be real clear on is that line. He asked if that line is at the toe of the
5 berm on the outside corner, or does the berm go beyond that line.
6
- 7 Mr. Kirby stated that everything related to the track would be 50 feet from the fence; from the back side
8 of the turns would be 50 feet to the fence.
9
- 10 Mr. Hall asked if there is no earth being disturbed within 50 feet of the fence, and that catch basin on the
11 interior of the track is sealed, that should address all the concerns. Mr. Hall stated that if the Urbana
12 engineers discuss how that gets done.
13
- 14 Mr. Kirby responded that he has not spoken with the engineers. He said that he did not even know that
15 there had been a meeting with the engineers and the park district until it was brought up this evening.
16
- 17 Mr. Hall stated that we need to know what the engineers want done in order to seal that catch basin.
18
- 19 Mr. Kirby stated, from the conversations he had with Mr. Liebert, all they wanted was a manhole cover
20 over the top.
21
- 22 Mr. Hall stated that his concern is that any catch basin top, unless it is especially sealed around the edge,
23 will let some stuff seep in. He said that instead of just a manhole cover, perhaps the Board wants to see a
24 high-quality filter inside there in case it leaks. He said that is something he thinks we need to investigate
25 a little more.
26
- 27 Mr. Kirby stated that the cover suggested by Mr. Liebert was a straight manhole cover, but he is more
28 than happy to discuss that with Mr. Liebert again.
29
- 30 Mr. Hall asked Mr. Kirby if he thought Mr. Manuel would have this information to him next week.
31
- 32 Mr. Kirby stated that Mr. Manuel lives two houses down from him, and he would knock on his door
33 tomorrow.
34
- 35 Ms. Griest asked Mr. Kirby when he hoped to start construction.
36
- 37 Mr. Kirby stated that once it is approved, he has to contact the USA BMX builder. He said that since we
38 are in central Illinois, the builder would probably want to wait until June, just because it will hopefully
39 be a little more dried out by then. Mr. Kirby said that he hopes to get started earlier, but the conditions
40 have to be right.
41

1 Ms. Griest suggested that a continuance would probably not delay construction.

2
3 Mr. Kirby stated that he did not think it would be a significant delay; it will be a matter of getting
4 confirmation to the builder early so they can get on the builder's schedule. He said the sooner they can
5 get it up and going, the sooner they can get the word out and start getting more kids involved.

6
7 Mr. Hall asked Mr. Kirby if he is planning to have the track completely fenced from day one.

8
9 Mr. Kirby stated that he has been talking with some different people about getting some fencing, so
10 basically once they get the track done, they can fence it.

11
12 Mr. Hall stated that he thought at one point there was some concern about how to afford the fence right
13 away.

14
15 Mr. Kirby stated that there are other things they have decided not to do, such as sealing the track, so they
16 could afford things like getting it fenced right away.

17
18 Mr. Elwell asked Mr. Kirby when he would be able to get the documentation about the filter.

19
20 Mr. Kirby stated that as soon as he can get with Mr. Manuel and get the documentation from him, he'll
21 have it. He said he thought they would have it for tonight, but unfortunately Mr. Manuel was locked out
22 of his office for a couple of days and was unable to get in to get it for them.

23
24 Mr. Hall stated that there would be time to put this on the February 15th agenda.

25
26 Ms. Griest and Ms. Capel stated that they would be absent on February 15th.

27
28 Mr. Hall said it could be continued to March 15th or March 1st.

29
30 Ms. Griest stated that either of those would work for her.

31
32 **Mr. DiNovo stated that he would like to amend his motion to specify a continuance to March 1st.**

33
34 Ms. Griest stated that as a point of order, she noted that the March 1st meeting is noted as a Special
35 Meeting; since we don't have the calendar approved for that meeting, can we continue to that meeting,
36 or do we need Mr. DiNovo to amend his motion to approve a Special Meeting on that date.

37
38 Mr. Hall stated that would be ideal.

39
40 **Mr. DiNovo moved, seconded by Ms. Griest to continue Case 886-S-17 to a Special Meeting held**
41 **on March 1st so that the Board can receive the additional information requested by the Zoning**

1 **Administrator. The motion carried by voice vote.**

2
3 Mr. Kirby asked if there was anything else besides the information from Mr. Manuel that the petitioners
4 would need for that meeting.

5
6 Mr. Hall told Mr. Kirby that staff would work with them to get the Site Plan a little more firmed up. He
7 said that as long as we understand where that line is and where the land disturbance is going to happen,
8 then he thinks that would be it.

9
10 Mr. Kirby thanked the Board and staff.

11
12 **Case 893-V-17 Petitioner: Scott Miller and Ingrid Hampton, d.b.a. 5D Properties, LLC, and d.b.a.**
13 **Fifth Dimension Collision Repair. Request to authorize the following Variance in the I-1, Light**
14 **Industry Zoning District: Part A: Authorize an addition to an existing, legally nonconforming**
15 **commercial building with a front yard of 21 feet in lieu of 30 feet, per Section 4.3.2 of the Zoning**
16 **Ordinance; and Part B: Authorize an existing principal structure with a side yard of 1 foot in lieu of**
17 **the minimum required 10 feet in the I-1 Light Industry Zoning District, per Section 5.3 of the Zoning**
18 **Ordinance. Location: A 1.01-acre tract that is Lot 5 in the A.K.& L. Subdivision, commonly known as**
19 **Fifth Dimension Collision Repair, 2702 N. Mattis Avenue, Champaign.**

20
21 Ms. Capel informed the audience that Case 893-V-17 is an Administrative Case and as such, the County
22 allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she will
23 ask for a show of hands for those who would like to cross-examine and each person will be called upon.
24 She requested that anyone called to cross-examine go to the cross-examination microphone to ask any
25 questions. She said that those who desire to cross-examine are not required to sign the witness register
26 but are requested to clearly state their name before asking any questions. She noted that no new
27 testimony is to be given during the cross-examination. She said that attorneys who have complied with
28 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

29
30 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign
31 the witness register for that public hearing. She reminded the audience that when they sign the witness
32 register they are signing an oath. She asked the audience if anyone desired to sign the witness register
33 and there was no one.

34
35 Ms. Capel asked the petitioners if they would like to make a statement regarding their request.

36
37 Ms. Ingrid Hampton, 2702 N. Mattis, Champaign, stated that they just want to make their front entry
38 larger. She said that right now there is a little step up where you go from the entry into the building,
39 which has a difference of a few inches. She said they have done everything they can possibly do to keep
40 people from tripping. She said that they have purchased an automatic door, and to install the door, the
41 entryway must be at least 12 feet wide. She said they want to install the door where the existing door is,

1 on the south side of the entryway. She said that the proposed entryway would still fit within the existing
2 rock area. She said they want the automatic door for people with wheelchairs and people are always
3 carrying things from their rental cars, so they want it to be more user-friendly.
4

5 Mr. Scott Miller, 2702 N. Mattis, Champaign, stated that the step area has people tripping over it daily;
6 it was designed that way when the building was first constructed. He said they have labeled the step, put
7 signs on the door, painted the step yellow, put their wet floor sign right next to the step to call attention
8 to it, and people still fall. He said that obstacle is what got them started in wanting to raise the entryway
9 to be level with the building entrance. They decided that if they were going to raise the entryway, they
10 also wanted to install an automatic door. They purchased the door not knowing there was any
11 requirements because they were staying within the rock area, but then found out there was an issue when
12 they came in to apply for the permit.
13

14 Ms. Capel asked if there were any questions from the Board.
15

16 Ms. Griest asked if they are eliminating the step and improving the overall handicapped accessibility for
17 the business.
18

19 Ms. Hampton said that when clients come through their door, it would be all level; there will be no step.
20

21 Mr. Hall stated that something he had not thought of before tonight, and that he is glad to see they have
22 put thought into, is if the floor of the vestibule is going to be raised so that it is the same level as the rest
23 of the building. He asked the petitioners if the ramp that gets to the door will have to be modified.
24

25 Ms. Hampton said yes, that whole area will get a new concrete slope, and will go right into the drive.
26

27 Mr. Hall asked if they planned to do that concrete work themselves.
28

29 Mr. Miller stated no, they have a construction company to do that.
30

31 Mr. Hall asked if their contractor would be working off any drawings.
32

33 Mr. Miller said that they do have drawings, but did not bring them tonight.
34

35 Mr. Hall said that it would be good to see those, and included as part of the permit to make sure
36 everything is going to work. He said it sounds like they have really thought this out.
37

38 Mr. Miller said that the construction company came to get the permits, and found out about the issue. He
39 said he would have thought the contractor would have brought the drawings with him when he came to
40 get the permits. He said they could tell the contractor to bring the drawings with him when he comes to
41 get the permit. He said again that they had no idea there was going to be any restriction on the front. He

1 said that they thought they were clear up to the curb; they were not trying to go that far, but it was a big
2 shock to them when they found out they just couldn't go to work.

3
4 Ms. Capel asked if there were any additional questions from the Board, and there were none. She asked
5 the audience if anyone would like to cross-examine Ms. Hampton or Mr. Miller, and there was no one.

6
7 Ms. Capel noted that there were no special conditions to discuss, and the Documents of Record were
8 caught up. She asked the Board if they were ready to move to the findings of fact.

9
10 Ms. Griest asked Mr. Hall if the final drawings would be needed prior to the Board moving to final
11 action.

12
13 Mr. Hall stated that he is comfortable with moving forward to final action because it is clear that the
14 petitioners have thought this out well. He asked the petitioners if they understand that the entryway will
15 have to meet the Illinois Accessibility Code.

16
17 Ms. Hampton and Mr. Miller responded yes.

18
19 **FINDINGS OF FACT FOR CASE 893-V-17:**

20
21 From the documents of record and the testimony and exhibits received at the public hearing for zoning
22 case 893-V-17 held on January 25, 2018, the Zoning Board of Appeals of Champaign County finds that:

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

27
28 Mr. DiNovo stated that Special conditions and circumstances DO exist which are peculiar to the land or
29 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
30 the same district because this is an existing building at an established location, so any alternatives to the
31 proposal would incur unjustifiable additional expense.

- 32
33 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
34 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
35 **structure or construction.**

36
37 Mr. DiNovo stated that practical difficulties or hardships created by carrying out the strict letter of the
38 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
39 structure or construction because comparable airlock entries are common in commercial buildings.

- 40
41 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**

1 **from actions of the applicant.**

2
3 Mr. Randol stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
4 result from actions of the applicant because the building was constructed prior to zoning.

5
6 **4. The requested variance IS in harmony with the general purpose and intent of the**
7 **Ordinance.**

8
9 Ms. Griest stated that he requested variance IS in harmony with the general purpose and intent of the
10 Ordinance because it improves safety and accessibility.

11
12 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
13 **detrimental to the public health, safety, or welfare.**

14
15 Mr. Randol stated that he requested variance WILL NOT be injurious to the neighborhood or otherwise
16 detrimental to the public health, safety, or welfare because the information already presented explains
17 itself enough.

18
19 Ms. Capel said that it improves safety and accessibility.

20
21 Mr. DiNovo stated that it is a small variance.

22
23 **6. The requested variance IS the minimum variation that will make possible the reasonable**
24 **use of the land/structure.**

25
26 Ms. Capel stated that the requested variance IS the minimum variation that will make possible the
27 reasonable use of the land/structure.

28
29 **7. No Special Conditions are hereby imposed.**

30
31 Ms. Capel asked if there was a motion to adopt the Summary of Evidence, Documents of Record, and
32 Findings of Fact for Case 893-V-17, as amended.

33
34 **Ms. Griest moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of**
35 **Record, and Findings of Fact for Case 893-V-17, as amended. The motion carried by voice vote.**

36
37 Ms. Capel stated that currently the Board has two members absent; therefore, it is at the petitioner's
38 discretion to either continue Case 893-V-17 until a full Board is present or request that the present Board
39 move to the Final Determination. She informed the petitioner that four affirmative votes are required for
40 approval.

41

1 Mr. Miller requested that the present Board move to the Final Determination for Case 893-V-17.

2
3 **FINAL DETERMINATION FOR CASE 893-V-17:**

4
5 **Ms. Griest moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals**
6 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
7 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**
8 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**
9 **Champaign County determines that:**

10
11 **The Variance requested in Case 893-V-17 is hereby GRANTED to the petitioners, Scott Miller and**
12 **Ingrid Hampton, d.b.a. Fifth Dimension Collision Repair, Inc., and d.b.a. 5D Properties, LLC, to**
13 **authorize the following variance in the I-1 Light Industry Zoning District:**

14
15 **Part A: Authorize an addition to an existing, legally non-conforming commercial building**
16 **with a front yard of 25 feet in lieu of 30 feet, per Section 4.3.2 of the Zoning Ordinance;**
17 **and**

18
19 **Part B: Authorize an existing principal structure with a side yard of 1 foot in lieu of the**
20 **minimum required 10 feet in the I-1 Light Industry Zoning District, per Section 5.3 of the**
21 **Zoning Ordinance.**

22
23 Ms. Capel requested a roll call vote.

24
25 The roll was called as follows:

26
27 **DiNovo – yes Griest – yes Randol – yes**
28 **Elwell – yes Lee – absent Passalacqua – absent**
29 **Capel – yes**

30
31 Mr. Hall informed the petitioners that they have received an approval for Case 893-V-17 and Ms.
32 Burgstrom would be contacting them regarding any final paperwork. He noted that once the petitioners
33 can get staff a copy of the plans, everything else should be ready to move forward.

34
35 Mr. Miller thanks the Board and staff and indicated that he would submit the plans to staff tomorrow.

36
37 Mr. DiNovo requested a five-minute recess.

38
39 **The Board recessed at 8:00 p.m.**

40 **The Board resumed at 8:08 p.m.**

1 Ms. Capel stated that the Board will now hear Case 685-AT-11.
2
3

4 **7. Staff Report**
5

6 Mr. Hall apologized for not sending a memorandum regarding the appointment of a new chair,
7 Catherine Capel, and the seating of a new ZBA member, Ryan Elwell.
8
9

10 **8. Other Business**

11 **A. Review of Docket**
12

13 Mr. DiNovo mentioned the difficult text amendment that Mr. Hall had noted earlier.
14

15 Mr. Hall referred to the docket, under the June 14, 2018 ZBA meeting. He said we have a Special Use
16 Permit application for a solar farm, and today we received a second Special Use Permit application for
17 a solar farm. He said we do not have requirements for solar farms. He referred to the March 1, 2018,
18 ZBA meeting, noting that he proposes to open a public hearing on a new text amendment to add
19 requirements for solar farms. He said he proposed this in general at the January ELUC meeting,
20 continued it to February so ELUC members could see the proposed amendment, which he hopes to
21 send out tomorrow to everybody who wants to do a solar farm in Champaign County. He said that this
22 amendment should be nowhere near the undertaking that was required for wind farms. He said that
23 solar farms in general do not have as much impact; they take up much more land than wind farms
24 because it is very concentrated. He said it takes much more land to produce the same amount of
25 electricity as a wind farm. He said there are no serious impacts to neighbors. He said he hopes that this
26 Board can begin to review this proposed amendment and pass it in three consecutive meetings in
27 March; if the Board cannot pass it, that's okay, we can continue it. He said we have this window of
28 time where we can schedule 3 meetings in March, and we have numerous solar farm applicants who
29 can provide good testimony about what they think should be done.
30

31 Ms. Griest asked if we are going to deal with soil types, taking land out of production, LESA scores,
32 and things like that, because it can take a lot of ground out of production.
33

34 Mr. Hall stated that Ms. Griest was correct, and if the County Board wants solar farms to happen, they
35 cannot be worried about putting limits on best prime farmland; they are going to have to make that
36 decision.
37

38 Ms. Griest asked do we not need to discuss those things in the context of looking at this amendment.
39 She said she hopes that we would do that.
40

41 Mr. Hall stated yes. He said that hopefully the Board will get good guidance from ELUC, because

1 ELUC is going to see what is proposed, and if ELUC lets a public hearing proceed on a proposed text
2 amendment that explicitly relieves the maximum lot size on best prime farmland, then they had better
3 be prepared to accept it when it comes back to them that way.

4
5 Ms. Griest concurred, saying that it takes a lot of ground of production for a lot of years, because she
6 has seen the contractual language of what they want to do.

7
8 Mr. Hall stated that it takes land out of production, but it keeps it under vegetative cover. He said that
9 the way it has been described to him, there is almost no concrete used in a solar farm. He said that we
10 are still worried about decommissioning, but we do not have a giant pad of concrete under everything.

11
12 Ms. Griest stated that she has been approached as a land owner.

13
14 Mr. DiNovo asked if we could see plans for what a typical installation looks like as part of the text
15 amendment, if there is any information readily available. He said he thinks it will be helpful in
16 evaluating the text amendment if we have an example.

17
18 Mr. Hall asked Mr. DiNovo if he has gone by the University of Illinois solar farm.

19
20 Mr. DiNovo stated yes, but he is interested in what is underneath there, what is supporting it, what is in
21 the ground, how much disturbance to the soil there is; if there were something that describes that, it
22 would be good to know.

23
24 Mr. Hall stated that he has never visited a solar farm, but he will get the Board any information he can
25 find. He said he thinks there are good developers out there who can provide anything you want to make
26 you comfortable with the proposal.

27
28 Ms. Capel asked if there are other solar farms around besides at U of I.

29
30 Ms. Griest stated that there is a new solar array at the Riggs Brewery on IL 130, and she thinks they
31 would be willing to give a tour if someone goes by there. She said that while it is not 20 acres, you can
32 imagine what it would look like at 20 acres.

33
34 Mr. Elwell asked how big the U of I solar farm is.

35
36 Mr. Hall stated it is 12 acres. He said that it is on U of I land, and will be owned by U of I, so it is
37 exempt from County zoning. He said he does not think they are very concerned about screening and
38 things like that.

39
40 Mr. DiNovo stated that given this is a text amendment and not an administrative case, we are okay to
41 talk about it. He said that bringing up the U of I farm raises a problem that he has with it, which is that

1 the solar farm is taking up a prime development site, and is putting it to a use that could be built in a lot
2 of places. He said that the effect of that is to displace the development that might have gone there out
3 farther. He said that as we think about it, if it is close to town instead of out in the country, it might
4 create its own problems.

5
6 Mr. Hall stated that he thinks most solar farms will be close to towns, because that is where the
7 substations are to which they need to connect.

8
9 Mr. DiNovo stated that he thinks they should not be located on tracts that front arterial streets; they
10 should not waste arterial street frontage or be located in areas that have sewer and water available.

11
12 **B. Review of 2018 Calendar**

13
14 **C. Special ZBA Meeting on March 1, 2018**

15
16 Ms. Capel asked if there were any comments on the proposed 2018 meeting calendar.

17
18 Ms. Griest and Ms. Capel stated they would not be at the February 15, 2018 meeting.

19
20 Mr. Hall stated that the Board had not had an opportunity to approve the calendar because our meetings
21 kept being interrupted at the end of 2017, so the Board still needs to approve the calendar.

22
23 Mr. Hall reminded the Board to note the March 1, 2018, special meeting.

24
25 **Ms. Griest moved, seconded by Mr. Elwell, to approve the 2018 ZBA meeting calendar as**
26 **amended with the March 1, 2018, special meeting. The motion carried by voice vote.**

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

29
30 None

31
32 **10. Adjournment**

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34 The meeting adjourned at 9:25 p.m.

35
36
37 Respectfully submitted

1 Secretary of Zoning Board of Appeals
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ZBA

AS APPROVED MARCH 1, 2018

1/25/18

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