

AS APPROVED JUNE 13, 2019

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street**

**Urbana, IL 61801**

**DATE: March 14, 2019**

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

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

**Urbana, IL 61802**

**MEMBERS PRESENT:** Tom Anderson, Frank DiNovo, Ryan Elwell, Marilyn Lee, Jim Randol

**MEMBERS ABSENT:** Larry Wood

**STAFF PRESENT:** Connie Berry, Susan Burgstrom, John Hall

**OTHERS PRESENT:** Mack Weckel, Helen Weckel, Ray Griest, Debra Griest, Mark Weckel, Dan Cothorn, Gaylord Swisher, Rick Wolken, Robert Lakey

**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 one member absent.

Mr. Elwell 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 (October 25, 2018 and February 14, 2019)**

Ms. Lee stated that she provided Ms. Burgstrom minor corrections to be incorporated into the October 25, 2018, minutes.

Mr. DiNovo stated that he also provided minor corrections by email to be incorporated into the October 25, 2019, minutes.

Mr. Elwell entertained a motion to approve the October 25, 2018, and February 14, 2019, minutes as amended.

**Mr. Randol moved, seconded by Ms. Lee, to approve the October 25, 2018, and February 14, 2019, minutes, as amended. The motion carried by voice vote.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

- 5. Continued Public Hearing - None
- 6. New Public Hearings

**Case 927-AM-19** Petitioner: **Fred and Carolyn Helmuth, d.b.a. FCH Enterprises LLC., via Agent Dan Cothorn** Request to amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Case 928-S-19 Location: A 7.05 acre tract in the East Half of the Northeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3804 N. Cunningham Avenue, Urbana.

**Case 928-S-19** Petitioner: **Fred and Carolyn Helmuth, d.b.a. FCH Enterprises LLC., via Agent Dan Cothorn** Request to authorize multiple principal uses and buildings on the same lot, consisting of the following proposed uses: 37 Self-Storage Warehouse Unites with heat and utilities to individual units, a Business Office, and a Public Recreation Facility as a Special Use on land that is proposed to be rezoned to the B-4 General Business Zoning District from the current AG-2 Agriculture Zoning District in related zoning case 927-AM-19. 19 Location: A 7.05 acre tract in the East Half of the Northeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3804 N. Cunningham Avenue, Urbana.

Mr. Elwell informed the audience that Case 928-S-19 is an Administrative Case and as such, the County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a show of hands for those who would like to cross-examine, and each person will be called upon. He requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions. He said that those who desire to cross-examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. He noted that no new testimony is to be given during cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

Mr. Elwell 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. He asked the audience if anyone desired to sign the witness register and there was no one.

Mr. Elwell asked the petitioner if he would like to make a statement regarding his requests.

Mr. Dan Cothorn, Commercial Real Estate Agent for Fred Helmuth, stated that the subject property was purchased last year by Mr. Fred Helmuth from Mary Rolfe. He said that the condition of the subject property is such that there needs to be a lot of demolition done on the property before any new construction. He said that Mr. Helmuth has an interest in constructing “build to suit” contracts. He said that it is important for the Board to know who they are dealing with during this case. Fred Helmuth is a successful entrepreneur who owns 309 Storage LLC, which is a large, 550 unit mini-warehouse facility, which Architect Gaylord Swisher designed, and Mr. Cothorn is the leasing agent. He said that Mr. Helmuth is currently constructing new buildings in the same area as 309 Storage, LLC, which will house new companies. Mr. Cothorn stated Mr. Helmuth is from the Arcola area and has done a lot for that area. Mr. Helmuth was one of the original

1 owners of CHI Overhead Door Company, which is monstrous factory/warehouse east of Arthur, and the new  
2 owners have taken the company to be one of the fourth largest overhead doors in the world. He said that Mr.  
3 Helmuth owns a trust company that constructs many of the homes and the assisted living facility in the  
4 Arthur/Arcola area, and he purchased a reputable restaurant in the same area that he remodeled and sold back  
5 to the owners. Mr. Helmuth owns a meat locker company and has horse stables in the Indianapolis and  
6 Oklahoma areas, and currently he is in Florida and is involved with the tractor pulling circuit. Mr. Cothorn  
7 stated that he received an inquiry from another real estate agent for a “build to suit” facility on the subject  
8 property, as well as the indoor basketball facility, and at the same time he and Mr. Helmuth have been  
9 contacted by clients indicating that they might be willing to sign ten year contracts for the proposed “build to  
10 suit” units. He said that he and Mr. Helmuth have incorporated what they feel is a need on the north side of  
11 Urbana. He said that Howell Industrial Park in Champaign has a lot of storage condominiums that were  
12 completely filled in six months, and the units generally accommodate people who have outgrown their  
13 residential garages, and their spouse tells them to relocate their stuff from their garage. He said that many of  
14 20’ x 40’ and 20’ x 50’ units house collectible cars, motorhomes, and motorcycles. He introduced Mr.  
15 Gaylord, Architect for the proposed project.

16  
17 Mr. Gaylord Swisher, Architect for the proposed project, stated that he has been working with Ms.  
18 Burgstrom in working out the details for the B-4 Zoning District requirements. He said that they have  
19 inserted parking that would be in the 200 square foot per space area that is suggested under the code, and  
20 they have planned for detention areas, and future building areas. He said that he had been involved in a  
21 similar structure as the proposed indoor basketball arena, as he was the architect for the owner of Soccer  
22 Planet, and that company has proven to be very successful, and he anticipates the same with Mr. Helmuth’s  
23 proposed basketball arena. He said that he could address any of the Board’s land planning questions.

24  
25 Mr. Elwell asked the Board and staff if there were any questions for Mr. Cothorn or Mr. Swisher.

26  
27 Ms. Lee stated that one of the documents indicated future buildings. She asked Mr. Cothorn to indicate the  
28 proposed use for those future buildings.

29  
30 Mr. Cothorn stated that they did incorporate future buildings on the site plan, but the Board should  
31 understand the real estate process. He said that a different realtor indicated that there was an interest in  
32 obtaining a site for a basketball facility; therefore, he approached the people about the subject property, but  
33 the first thing that needs to happen is that they need to get their investors on board, discuss financials with  
34 their bank and obtain approval for finances, obtain an approval letter indicating that Mr. Helmuth would  
35 accept their finances, and gain assurance that they can become part of a basketball circuit to gain enough  
36 activity to succeed. He said that the proposed basketball facility, and all other proposed buildings, will be  
37 for companies that he can attract on a “build to suit” basis, and they cannot advertise that they have a site to  
38 build upon until the property is zoned commercial. He said that he cannot go to someone and indicate that  
39 they must jump through all of the necessary hoops, obtain a signed contract, and agree upon the “build to  
40 suit” construction, and then wait on the property owners to obtain the proper approvals from the County  
41 regarding zoning, because they will lose that client. He said that Mr. Helmuth’s hopes to have two or three  
42 “build to suit” units on the subject property, and he would like to have one up and running before he  
43 constructs any other part of the proposed project.

44  
45 Ms. Lee asked Mr. Hall if the memorandum indicated that it was limited to what was indicated on the initial  
46 plan.

47

1 Mr. Hall stated that the map amendment is straight up, and staff is not proposing any changes, but the nature  
2 of the project is for multiple principal uses, which means that everything occurs per the approved site plan.  
3 He said that the Board members need to understand that if the map amendment is approved and the issues  
4 are finally worked through with the Special Use Permit, the next day it could be developed under one use,  
5 and in that event, the site plan would no longer be relevant, because once they have the B-4 Zoning District  
6 and they are developing under one owner, one use, the site plan would not be relevant. He said that for this  
7 property, the site plan not being relevant is a problem, because there are a lot of drainage issues with the  
8 subject property. He said that he has never seen a property come before the ZBA or the County Board with  
9 the drainage situation like what exists on this property. He said that there are a lot of issues on the site plan  
10 that needs to be worked out, and if they do not go with principal multiple uses and only go with one use then  
11 all of the work on the site plan may be for naught. He said that you cannot make a condition on a special use  
12 apply to a by-right use unless you start loading the map amendment with special conditions, and he does not  
13 recommend it. He said that he has serious concerns regarding the entire proposal, and there is a property  
14 within one-quarter of the subject property which is zoned B-4 and only half of it has been developed because  
15 the drainage issues are so severe, much like they are on the subject property. He said that long ago,  
16 Champaign County stopped zoning land that had serious drainage issues and that is why today we try to  
17 make sure that we resolve all of the drainage issues before the rezoning is granted, and that is a challenge for  
18 this property.

19  
20 Ms. Lee stated that she agrees with the drainage issue concerns, and the pictures of the flooding in the  
21 mailing packet were taken in December which was a time when the area did not have as much rain as they  
22 have had in the last 20 years. She said that currently there are a lot of areas that have standing water,  
23 although she has not had a chance to visit the subject property to see if that is the case. She said that she has  
24 a lot of issues with drainage and the memorandum indicates that there are other entities connected to the  
25 existing 15 inch tile, but one tile can only drain so much when there are volumes of water running through it.

26  
27 Mr. Randol asked Mr. Hall if the map amendment and special use permit are approved, and the special use  
28 permit does not follow the approved site plan, is it required to come back before this Board with another  
29 amendment or is it voided.

30  
31 Mr. Hall stated that once the map amendment is approved the property is zoned B-4, and the property owners  
32 could do what is allowed in the B-4 Zoning District by right with no new approvals.

33  
34 Mr. DiNovo asked if under the current version of the drainage ordinance, is detention required for by-right  
35 development.

36  
37 Mr. Hall stated that if they exceed the limits on impervious area, then yes, and this projects does exceed it.  
38 He said that the ordinance does not allow directing off-site drainage through a detention basin unless it can  
39 be designed appropriately. He said that the proposed detention basin is proposed in the location of the  
40 existing tile and we have no information on how they plan to handle off-site drainage from on-site drainage.

41  
42 Mr. DiNovo stated that the detention requirement would apply even without the special use permit.

43  
44 Mr. Hall stated that it would apply if they did more than one acre of impervious area.

45  
46 Mr. DiNovo asked Mr. Cothorn if there had been any engineering input into the depiction of the detention  
47 basin and were there any calculations regarding the volume.

1  
2 Mr. Gaylord stated no, they have not gotten into the professional analysis at this point, and the proposed  
3 detention is based on experiences that he has had with other properties, but they have not gone to the  
4 expense for engineering at this point.  
5

6 Mr. Cothern stated that he has been taking care of the maintenance of the property for Mr. Helmuth, and he  
7 is out there every time it rains, and he understands what the pictures reflect, but he does not believe that  
8 everyone understands it. He said that the problem is not with the seven acres, because they would only have  
9 to place approximately seven inches of dirt on the property line and slope it to the back 20 or 30 feet and  
10 their drainage issues would be resolved. He said that the drainage problem is with the Illinois Department of  
11 Transportation (IDOT) and the county road along Olympian that was never raised, and the problem is with  
12 drainage that has never been addressed for the last 20 years, and it appears to not have been a big enough  
13 problem until Mr. Helmuth proposed to construct on the subject property. He said that he wants to bring up  
14 the issue with IDOT and how they plan to handle the water in the ditch that is in front of Mr. Helmuth's  
15 property. He asked if all of the landowners are supposed to go to IDOT and request that the drainage issue  
16 be corrected. He said that he could see a natural plan where IDOT could construct retention along the  
17 highway, and IDOT could drag the dirt back onto Mr. Helmuth's property, but it is IDOT that needs to  
18 resolve the problem. He said that he spoke with Mark Weckel, an adjacent property owner who is very  
19 knowledgeable about the drainage issues, and they both agreed that the water is not flowing south because  
20 the ditch is clogged in that area which prevents the water from flowing, and the ditch and culvert which is  
21 front of Mr. Helmuth's property is clogged so water cannot flow under the highway. He said that Mr.  
22 Helmuth's property had soybeans planted last year, and the material that is clogging the ditches and culverts  
23 are cornstalks from the fields to the north near Olympian and flood that area in the subject property and  
24 IDOT is not doing one thing about it. He said that Mr. Helmuth is not going to want to build on the subject  
25 property unless there is a resolution and cooperation from the township, county, and IDOT, because it is  
26 obvious where the problem is. He said that they received a four inch rain, and when he went to the property,  
27 both sides of the driveway were flooded. He said that in 24 to 36 hours, the water had receded, but that is  
28 not fast enough because the water should flow more evenly than it does, and IDOT is going to have to get on  
29 board and help the area landowners with the known drainage issues. He said that when he comes back to the  
30 Board with the final construction plans, he will guarantee that the retention plan will be overkill, and the  
31 amount of runoff on the subject property will be less than it is now because all of the runoff will be captured  
32 from the buildings and parking area in the retention pond that will be larger than it has to be. He said that the  
33 intent is to have a couple of nice ponds and landscaping on the property so that it looks good. He said that  
34 everyone should stay focused on where the water is located, which is on the easement, and the subject  
35 property runs along IDOT's highway easement.  
36

37 Mr. Hall stated that there is a lot of drainage that comes from the east and travels over the subject property  
38 before it could go away, and even if IDOT would do a serious infrastructure upgrade, Mr. Helmuth would  
39 still have to convey all of the stormwater from the east over the subject property and the way that the current  
40 buildings are arrayed on the site plan, he is skeptical whether or not the neighbors would believe that surface  
41 drainage is being blocked. He said that he is not an engineer and he would never pretend to be an engineer,  
42 which is why he would like to see an engineer involved in this case as soon as possible and provide some  
43 kind of engineered substantiation of how big of a swale is required to either redirect the surface drainage  
44 around the proposed gymnasium area, or handle it some other way He said that a 15 feet side yard is not  
45 large enough for a surface drainageway or a tile easement to allow digging up the tile if something goes  
46 wrong, but again, he is not an engineer.  
47

1 Mr. Cothern stated that the appropriate time to do that is when they are ready to construct, but to add on  
2 costs to Mr. Helmuth to keep massaging this project, and then for them to have to move a building when  
3 they obtain a contract for a “build to suit” that is different than the existing building, does not make sense.  
4 He said that the project will be constructed properly, and the drainage will be dealt with properly by possibly  
5 upgrading the 80 year old drainage tile, making it better than it is currently, but to come back with an  
6 engineered drawing is just an exercise in futility because the proposed buildings may need to be relocated  
7 depending on who steps forward first and desires a “build to suit” and it may not be the basketball facility,  
8 but a publishing company that desires a larger building. He said that it is hard to absorb the cost at this  
9 point, and the only thing that they need to know right now is whether or not the County wants several \$1  
10 million dollar buildings on the subject property to add to the tax rolls, and at that point he can pursue people  
11 and get this project accomplished.

12  
13 Mr. DiNovo stated that he took some time today to delineate the contributing watersheds to the subject  
14 property and delineate the direction of the downstream discharge, and distributed his findings to the Board  
15 and staff. He said that the blue and green areas flow across the property, and the yellow areas drain to the  
16 northern corner and then down the drainage ditch. He said that there are approximately 43 acres that drain  
17 across the site and another 272 acres that drain to the ditch, and then the water runs down along the highway  
18 ditch to a swale that goes diagonally southeastward towards the Saline, which is the ultimate outlet.

19  
20 Mr. Gaylord Swisher stated that in the northern 1,180 feet of the site, there is almost a two foot variation in  
21 the elevation, and this is relatively on the flat side. He said that in the area of the proposed swale around the  
22 building, they would need to remove 12 inches of topsoil just to construct the building. He said that they are  
23 not talking about a major project in creating a swale that is equivalent to what we have here, and in essence  
24 making an improvement in this situation, as they will accommodate not only the additional impervious  
25 paving area, but would be picking up some of the water that is randomly crossing the property and dumping  
26 into the drainage area and would be capturing the water in the retention area and scientifically releasing it  
27 with a predetermined amount of discharge. He said that they would improve the situation with the existing  
28 condition, but they cannot resolve all of the drainage issues, and as far as the subject property is concerned, it  
29 would be an improvement to the situation rather than any type of distraction.

30  
31 Ms. Lee stated that the Board is required to ensure that drainage is adequate, and she understands why the  
32 petitioner is concerned about the added expense of hiring an engineer, but with no question, the drainage is  
33 not currently adequate. She said that this Board must have documentation that provides assurance that the  
34 drainage would be adequate, and she agrees with Mr. Hall’s request for the petitioner to involve an engineer.

35  
36 Swisher stated that they cannot solve the existing drainage condition that the subject property is not  
37 contributing to, but they can control the subject property and its contribution to the current situation.

38  
39 Ms. Lee stated that from a legal point of view, when it comes to drainage, even if surface water is draining  
40 across your property, there is the right to surface drainage in drainage laws. She said that this does not mean  
41 that the subject property is contributing to the problem but means that there is a route of surface drainage  
42 across the property currently.

43  
44 Mr. Elwell asked what would happen if IDOT did not complete an infrastructure upgrade.

45  
46 Mr. Swisher stated that they would accommodate the drainage across and on the property with the detention  
47 area, would be releasing a defined amount thus controlling the existing situation by capturing the water and

1 releasing it in a scientific way as opposed to the water just randomly swaling around and creating the  
2 drainage situation.

3 Mr. Randol asked Mr. Cothorn if he had spoken with the County Highway Engineer or IDOT regarding the  
4 drainage issues.

5  
6 Mr. Cothorn stated no, but he welcomes the opportunity and he would like to this to be a joint venture  
7 between the County, the township, Mr. Weckel, and Mr. Helmuth, so that some pressure could be placed on  
8 IDOT to resolve this issue. He said that Mr. Swisher's comments are spot on, and there will be less runoff  
9 when the project is completed because the retention will capture almost all the water from the impervious  
10 area and buildings and the existing runoff, and it will be a better situation overall, and the retention area will  
11 be designed so that the water would continue to flow.

12  
13 Mr. Randol asked Mr. Swisher to indicate the depth of the retention areas.

14  
15 Mr. Swisher stated that the size and depth of the retention areas would be calculated by the engineer.

16  
17 Mr. Randol stated that a comment was made regarding cornstalks blocking the drainage. He said that he has  
18 seen many retention ponds which took water from large acreages and they had to be pretty deep in order to  
19 capture that water before they could start releasing it.

20  
21 Mr. Cothorn stated that Mr. Randol is missing the point, all of the water is coming from the north along the  
22 highway ditch, and none of it is coming across the subject property. He said that the cornstalks came from a  
23 field to the north, across Olympian Road to the ditch and caused flooding in front of the subject property,  
24 thus the water will not pass underneath the highway or south due to the foxtail in the ditch. He said that the  
25 entire ditch needs to be deeper and wider, and there are very few beanstalks in the ditch that came from the  
26 subject property, and all of the debris, which is currently visible, came from the field to the north.

27  
28 Mr. Randol stated that the water will still come there, and with the detention pond, even if IDOT  
29 reconstructs the ditch, there will be the possibility of having the overflow that would come onto the subject  
30 property, unless somehow that too will be eliminated, and if not, could the retention pond handle that extra  
31 water.

32  
33 Mr. Cothorn stated that, as Mr. Swisher indicated, the engineer will factor that in, and it will be larger than  
34 the subject property's requirement for surface drainage. He said that it will be a vast improvement and the  
35 area needs something like this in order to contain some of the water that runs from the east, but it will not  
36 resolve the problem with the flooding along the highway ditch. He said that during certain rain events you  
37 can see the ditch flood all of the way up to the subject property, and most of the water is coming from the  
38 north and a little bit from the southern portion of the seven acres, and there is some that comes across and  
39 washes into the ditch where it crosses under the highway. He said that there is not a lot of water that comes  
40 from the north near the billboard.

41  
42 Mr. Swisher stated that they cannot drain everyone's property, and if there is a problem from the north, then  
43 that may need addressed as well, and if there a lot of influx from the north, then perhaps there are detention  
44 opportunities in that area. He said that they will be able to handle the drainage from the site, but there is no  
45 way that they can handle the 200 acres from the north, and that drainage would have to be handled  
46 differently.

47

1 Ms. Lee stated that it was mentioned that they do not have to drain everyone's property, but there is a right of  
2 drainage law, and what currently exists cannot be interrupted.

3  
4 Mr. Swisher stated that the water comes from the north to the ditch and does not surface drain across the  
5 subject property.

6  
7 Ms. Lee stated that there is an existing drainage tile under the subject property which connects some of the  
8 adjacent fields; therefore, that drainage tile needs to be protected.

9  
10 Mr. Swisher agreed.

11  
12 Mr. Anderson asked Mr. Cothorn if the basketball facility would have a hardwood floor.

13  
14 Mr. Cothorn stated that according to the other real estate agent for the possible client, they would like the  
15 building shell to be constructed along with the plumbing for the bathrooms installed in the concrete floors,  
16 and then they would lay the basketball surface, bleachers and equipment. He said that when the permit is  
17 submitted, the design plans created by Mr. Swisher would be submitted as well for approval.

18  
19 Mr. Anderson asked Mr. Cothorn if the building would be constructed one foot above grade. He asked if the  
20 existing building consists of concrete flooring.

21  
22 Mr. Cothorn stated that the 30' x 50' existing building that will be utilized has a polished concrete floor.

23  
24 Mr. Anderson asked if the existing building meets the requirements regarding Section 9.1.E of the SWMEC  
25 Ordinance requiring that all building elevation are to be one foot above the high water at the basin  
26 emergency overflow, as indicated on page 17, item C (5), of the Summary of Evidence for Case 928-S-19.

27  
28 Mr. Cothorn asked if Mr. Anderson is talking about the existing building.

29  
30 Mr. Anderson stated yes.

31  
32 Mr. Cothorn stated that the existing building is at the highest point on the subject property, and if the 20 feet  
33 by 40 feet units are successful, the existing building would be torn down and more units would be placed in  
34 that location.

35  
36 Mr. Anderson asked Mr. Cothorn to indicate the type of flooring in the proposed units.

37  
38 Mr. Cothorn stated that the units will have a six inch concrete floor with insulation below it, with 14-inch  
39 insulated doors, heat, overhead fans, and a walk-in door.

40  
41 Mr. Anderson asked if each unit would have individual electrical units, or would there be a central unit  
42 somewhere.

43  
44 Mr. Cothorn stated that each unit would have their own electric unit and would be metered separately.

45  
46 Mr. Anderson asked if the one foot requirement would create problems for designing and building the  
47 storage units.

1  
2 Mr. Swisher stated that it is in their own interest to build the floor up so that drainage flows away from the  
3 building rather than into the building.

4  
5 Mr. Anderson stated that the one foot requirement is an important consideration.

6  
7 Mr. Swisher agreed.

8  
9 Mr. Cothorn encouraged the Board to visit the Howell Industrial Park, which is located on Clark Street in  
10 Champaign, because the 20 feet by 40 feet units are identical to the proposed units for this project, and they  
11 have been very successful, and that is the reason why Mr. Helmuth would like to construct some in this  
12 location. He said that it is not an easy task to get clients to store on this side of Champaign-Urbana,  
13 especially on a lot that is one and one-half miles from an interstate, but they believe that they can.

14  
15 Ms. Lee asked Mr. Cothorn to indicate the location of the other property with the similar units.

16  
17 Mr. Cothorn stated that the Howell Industrial Park is located on Clark and Duncan, and the storage facility is  
18 north of Prairie Gardens.

19  
20 Mr. Elwell asked the Board and staff if there were additional questions for Mr. Cothorn or Mr. Swisher.

21  
22 Mr. Hall stated that another concern is that septic system, because the current plan calls for a multi-flow  
23 system, although those systems are no longer allowed, and it all goes back to how many uses will be on the  
24 property and how large of a leach field will be required. He said that the current plan literally does not allow  
25 for a leach field, let alone two, and he would assume that the basketball facility and office building would  
26 have separate leach fields. He said that he appreciates the fact that the tenants are unknown at this point and  
27 there is no way to have a feasible site plan until Mr. Cothorn can identify some area that is large enough for a  
28 septic leach field, and in fact, it would be nice to know that the ability to get a leach field on the property is  
29 feasible. He said that Flanagan is one of the better soils for septic systems, which means that area would not  
30 be disturbed, and 12 inches of soil would not be placed in the area where the leach field would be located.  
31 He said that even with Drummer soils, a leach field could be installed, but the Rolfe Subdivision that was  
32 proposed to Urbana included a letter from Michael Flanagan indicating that it should be feasible, and he  
33 encourages the Board to require more information regarding the septic systems. He said it would be nice to  
34 know where the area would be that is set aside for the septic systems so that it can be connected to the  
35 basketball facility and the office building.

36  
37 Mr. DiNovo stated that he also understands that Mr. Cothorn does not know who the tenants are going to be,  
38 but reasonable assumptions could be made to establish what types of occupancy of the buildings might be  
39 feasible, given the amount of room that is available and provide leach fields. He said that the Board might  
40 be able to accommodate office uses, but not a restaurant.

41  
42 Mr. Cothorn stated that they are not interested in obtaining a tenant for a restaurant.

43  
44 Mr. DiNovo stated that Mr. Hall's point is well taken, and the Board needs to have feasibility established.

45  
46 Mr. Swisher stated that there are some unknowns, but the uses that are proposed are very limited in regard to  
47 the need for plumbing. He said that they do not anticipate a restaurant because it would not be viable in that

1 area, and most of the space is taken up for the basketball facility; therefore, they are mainly dealing with  
2 office use and the potential building area, which is ill-defined. He said that they have shown an area for a  
3 potential system, and if that is the only concern, he could have an engineer determine an estimate and come  
4 up with a system and verify that area is available on the site.  
5

6 Mr. Hall asked if there would be showers installed in the basketball facility or would there only be  
7 restrooms.  
8

9 Mr. Cothorn stated that only restrooms would be provided, because the agent indicated that restrooms are all  
10 that would be required. He said that the people would come in, play their games and leave, but he does not  
11 want to get hung up on the basketball facility because it is all speculation, as the clients may not be able to  
12 get their investors together or be accepted onto the traveling grade and high school basketball circuit. He  
13 said that they will continue to talk to other companies, such as the publishing company, until a final lease is  
14 signed. He stated that a multi-flow system was installed at the Howell Industrial Park facility and asked why  
15 one is not allowed at the subject property.  
16

17 Mr. Hall stated that in 2013, the USEPA ruled that multi-flow systems were not allowed in Illinois unless a  
18 permit was approved by the USEPA proving that it is the only feasible system. He said that he does not  
19 know when the facility located in the Howell Industrial Park was constructed, and the 2013 date is an  
20 approximate date, but it is a recent change and is an actual change. He said that for multi-flow systems,  
21 unless you want to go through the permitting process with the USEPA, and keep the permit updated every  
22 few years, and even then, you have to prove that it is the only feasible alternative. He said that he is skeptical  
23 that they would accept that for the subject property, but Mr. Cothorn may be able to convince the USEPA  
24 that it is, but by and large they are no longer allowed, with the exception of that one possibility.  
25

26 Mr. DiNovo asked if in 2013 that was a federal ruling or when it was incorporated into the private sewage  
27 disposal guidelines.  
28

29 Mr. Hall stated that the USEPA believes that it should have been outlawed a lot earlier, but that is when they  
30 were finally able to rule upon it.  
31

32 Mr. DiNovo asked if it was the Illinois EPA that changed the rules.  
33

34 Mr. Hall stated that the USEPA told the Illinois EPA that they could no longer approve multi-flow systems,  
35 and the Illinois EPA fought the ruling because they felt that multi-flow systems were a necessary thing for the  
36 citizens of Illinois, but the USEPA would no longer allow it.  
37

38 Ms. Lee stated that somewhere in the materials for the cases included the exact date of the change.  
39

40 Mr. Cothorn asked Mr. Hall if this was a federal ruling, meaning that multi-flow systems were not allowed in  
41 any states in the U.S.  
42

43 Mr. Hall stated that Illinois has been a hold-out state to allow multi-flow systems if it is truly the only  
44 feasible alternative. He said that it may be possible, but Mr. Cothorn and Mr. Helmuth would be working  
45 with the USEPA.  
46

47 Mr. Cothorn stated that approximately five years ago, they considered another project in the area and were

1 notified that the largest multi-flow system in the state of Illinois was 40 miles from Champaign-Urbana. He  
2 said that the large system was for the Argenta-Oreana High School which is a very sophisticated system,  
3 with computerized backup systems to service over 550 kids who are eating and using the restroom facilities  
4 at the same time, and it has never failed.

5  
6 Mr. Hall stated that he assumes that the Argenta-Oreana High School keeps their USEPA Permit up-to-date.  
7 He said that he is not stating that the use of multi-flow system is impossible, but for most people it is  
8 infeasible.

9  
10 Mr. Randol asked if the indicated water wells were existing or proposed.

11  
12 Mr. Swisher stated that there is an existing water well on the north portion of the subject property.

13  
14 Mr. DiNovo asked if public water is available near the subject property.

15  
16 Mr. Hall stated that he does not believe that the subject property is connected to an Illinois American Water  
17 line.

18  
19 Mr. DiNovo asked if the Champaign County Public Health Ordinance included a requirement for connection  
20 if the subject property was within a certain proximity of an existing water line. He said that he does  
21 understand that there is a requirement that someone is not permitted to drill a new well if the subject  
22 property is within a certain distance of a water line that can be accessed.

23  
24 Mr. Randol stated that changes from one area to another, but some organizations indicate that if the subject  
25 property is within 100 feet, then the water main must be extended for service, and other organizations  
26 indicate that if it is within 500 feet.

27  
28 Mr. DiNovo stated that there is specific distance indicated in the Champaign County Public Health  
29 Ordinance, but he does not remember what it is at this moment. He said that the number was taken out of  
30 the Illinois Water Well Code.

31  
32 Mr. Elwell asked the Board and staff if there were additional questions for the witnesses.

33  
34 Mr. Anderson stated that the memorandum indicates that no business operations would be allowed to take  
35 place in the self-storage units. He asked what the term "business operations" includes, because he often sees  
36 equipment or crafts advertised for sale at such a facility that were created in one of the units.

37  
38 Mr. Cothorn stated that Mr. Helmuth would have restrictions regarding what could be done inside of the  
39 proposed storage units, and those restrictions would be similar to his Champaign facility. Mr. Cothorn stated  
40 that the proposed units are mainly for a gentleman whose wife kicked him out of the garage, so that same  
41 gentleman would rent one of the 20 feet by 40 feet units to continue his hobby of making furniture. He said  
42 that the lease would allow one vehicle to be parked outside of the individual unit, but no outside storage  
43 would be allowed. He said that a paint contractor could lease one of the units to store his equipment and  
44 supplies and would come to the unit each morning to pick them up. He said that Mr. Helmuth is not  
45 interested in leasing a storage unit to someone who desires to run a business from the unit and hang a sign.

46  
47 Mr. Cothorn stated that they are interested in attracting small businesses for storage needs, or people who

1 require small hobby shops. He said that they have considered naming the facility the following: "Country  
2 Man Caves - women welcome also".

3  
4 Mr. Anderson stated that there will be sales with customers arriving at the facility due to some type of  
5 advertising.

6  
7 Mr. Cothorn stated that any sales would be very seldom. He said that they could not prohibit someone from  
8 coming to one of the storage units to see an antique vehicle that is for sale by one of the tenants. He said that  
9 they do not intend to allow car lots or equipment sales at the facility; it is strictly to be utilized as storage  
10 only.

11  
12 Mr. Elwell asked the Board and staff if there were additional questions for Mr. Cothorn or Mr. Swisher, and  
13 there were none.

14  
15 Mr. Elwell called Ray Griest to testify.

16  
17 Mr. Ray Griest, who resides at 1802 Cindy Lynn, Urbana, stated that he is present tonight to represent the  
18 Saline Drainage District. He said that at the north end of the subject property, there is a Saline Drainage  
19 District tile which cuts through the property's north point. He said that the drainage district tile is indicated  
20 on the maps, but the exact location is not confirmed, and it needs to be determined. He said that the Saline  
21 District would like to be assured that there would be no construction at the location of the district tile and  
22 that no trees would be planted within 100 feet of the district tile.

23  
24 Mr. Elwell asked the Board and staff if there were any questions for Mr. Griest.

25  
26 Ms. Lee asked Mr. Griest to indicate the width of their easement.

27  
28 Mr. Griest stated that the easement width is either 60 feet or 80 feet; he said that he would obtain the width of  
29 the easement and submit the information to staff.

30  
31 Ms. Lee stated that the width of the easement would be helpful.

32  
33 Mr. Elwell asked Mr. Griest if the trees would be allowed outside of the easement.

34  
35 Mr. Griest stated that tree roots are a detriment to a drainage tile, and they would prefer that, if possible, no  
36 trees were near the drainage easement.

37  
38 Mr. Elwell asked the Board and staff if there were any additional questions for Mr. Griest, and there were  
39 none.

40  
41 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Griest, and there was no one.

42  
43 Mr. Elwell called Mark Weckel to testify.

44  
45 Mr. Mark Weckel, who resides at 2007 East Oaks Road, Urbana, stated that he farms the property to the  
46 south of the subject property, and he farmed the subject property for the previous tenants since 1980. He  
47 said that the water issues have been covered, and there is a lot of water than comes from the north, and he

1 agrees with Mr. DiNovo in that the water from the north 200 acres and 45 acres to the east flows across the  
2 subject property. He said that he would like it noted on record that he is concerned about the surface  
3 drainage, although Mr. Cothorn has assured him that all of the clay tile that is indicated on the maps would  
4 be re-routed and taken care of, but those tiles need to be watched very carefully and he will be working with  
5 Mr. Cothorn. Mr. Weckel agreed with Mr. Griest regarding the fact that trees and tiles do not get along, and  
6 he will work Mr. Cothorn on that issue as well. Mr. Weckel stated that lights and soybeans do not get along,  
7 because in order for the soybeans to ripen properly they need the same cycle of darkness and daylight. He  
8 said that there is a light located at the book store located south of the subject property that is approximately  
9 100 feet from his field, and there is a small area where the soybeans never ripen due to the light.

10  
11 Mr. Elwell asked the Board and staff if there were any questions for Mr. Weckel, and there were none.

12  
13 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Weckel, and there was no one.

14  
15 Mr. Elwell called Rick Wolken to testify.

16  
17 Mr. Rick Wolken, who resides at 2294 CR 1600E, Urbana, stated that he is present tonight as the Somer  
18 Township Highway Commissioner, and stated that it appears that the petitioners realize that there is a  
19 drainage problem for the subject property, and he would be happy to discuss their concerns at any time. He  
20 said that the tile is two miles from the outlet, and someone could install as much tile as they desire, but it  
21 will not assist with the drainage because the main tile is already overloaded, and that is the problem. He said  
22 that IDOT claims that they will clean the ditch, they have told him the same thing for three or four years, and  
23 it isn't that he doesn't believe that they won't, they just haven't yet. He said that the natural flow of the  
24 water is to the subject property, and the property owner is going to have to take it, and to indicate that it is  
25 other landowner's water, that is true, but the water is going to flow as it does as it is the natural flow. He said  
26 that the natural flow can be tweaked a little bit, but it cannot be totally changed.

27  
28 Mr. Elwell asked the Board and staff if there were any questions for Mr. Wolken.

29  
30 Ms. Lee stated that she appreciated Mr. Wolken's testimony.

31  
32 Mr. Hall asked Mr. Wolken that based on his familiarity of the subject property and its drainage situation,  
33 does he feel that the Board is being reasonable in requiring better information regarding the buildings and  
34 how they would be constructed so that they would not become flooded or obstruct the surface flow for  
35 neighboring properties.

36  
37 Mr. Wolken stated that he is not for or against the proposed use, but the buildings would have to be  
38 constructed pretty high, and if IDOT would maintain the ditch, then that would also make a difference. He  
39 said that the retention ponds can only be constructed so deep because if the water is below the tile it will  
40 never leave. He said that whatever depth the tile is, that is where the pond would empty to, so it would have  
41 to be bigger around rather than deeper, but he is not a pond specialist.

42  
43 Mr. DiNovo stated that he has always assumed someone could not divert surface drainage into drain tiles.

44  
45 Mr. Wolken stated that there is a catch basin on the corner that connects to the district tile, but the worst  
46 thing about that is that it is two miles from the outlet, which is generally full all of the time. He said that he  
47 wishes that the area had better drainage but wishing has not really worked and with the township's budget,

1 draining the area is not feasible.

2

3 Mr. Elwell asked Mr. Wolken to elaborate about the two mile distance to the outlet.

4

5 Mr. Wolken stated that the drainage goes under Airport Road to Landis Farm Subdivision, then goes behind  
6 the Carroll Fire Protection District, underneath the interstate and then through another subdivision. He said  
7 that he does not know where the outlet is exactly, but he has worked on the ditches near Landis Farm and  
8 ServePro, across the road from the subject property.

9

10 Mr. Elwell asked Mr. Wolken if there is a blockage which makes the surface water slow down.

11

12 Mr. Wolken stated that the surface water does slow down, and levels out, because they have had three-  
13 quarters of the 24-inch tile be blocked with tree roots, thus the tile blows up everywhere. He said that there  
14 is nothing worse than a drainage tile running through a subdivision, because people do not realize that the  
15 tile exists, and they plant trees on their property. He said that the water levels out to the south, and even  
16 though this has nothing to do with the subject property, there is a sewage tile that runs through the tile which  
17 restricts the flow of the water even further at the interstate, and the City of Urbana is not doing anything  
18 about their sewage line. He said that the sewage line used to go under the drainage tile, but it is now filled in  
19 with dirt and it has to push up over 24-inches to get out, and that is part of the problem.

20

21 Ms. Lee asked Mr. Wolken to explain why the drainage exists in the subject property's area and how the  
22 water backs up.

23

24 Mr. Wolken stated that the water pushes out Carroll Fire Protection District because there are vents in the  
25 tile to relieve some of the tile pressure due to the city sewer running through it. He said that over the years,  
26 the tile has gotten dirt in it from breakages which slows down the flow, but the water starts from the Lo  
27 parcel.

28

29 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Wolken, and there was no one.

30

31 Mr. Elwell called Robert Lakey to testify.

32

33 Mr. Robert Lakey, who resides at 4014 Clubhouse Drive, Champaign, stated that he has farmed in the  
34 subject property's area all of his life, and he was born and raised in the same area, so he is very aware of the  
35 drainage problems that occur in this area. He said that he is very concerned about the property being built up  
36 on the east side and south sides of the subject property, because he is not sure how it will affect the drainage  
37 of his farm ground to the east. He said that he is familiar with the architect who designed the Soccer Planet  
38 building, and it is a first class building and he is confident that the same type of building will be constructed  
39 on the subject property, and it will be very complimentary to the area. He said that there is a main line tile  
40 and it does not matter how many new tiles are placed, if the main tile is overloaded at the ditch it will not  
41 drain until the ditch gets below it. He said that a retention pond is the only way that he can see the property  
42 functioning without flooding, but the water coming from the ditch is not the problem with the Helmuth  
43 property, it is IDOT who will not clean out the ditch and remove cornstalks from the outlets so that they do  
44 not remain plugged. He said that the proposed retention pond will not drain properly as well if the ditch is  
45 not maintained, and that needs to be watched very closely because no tile is going to work properly until the  
46 main line is cleaned out.

47

1 Mr. Elwell asked Mr. Lakey if he would feel more comfortable with the site plan if an Illinois Licensed  
2 Engineer provided input indicating details regarding the retention pond, the tile, and the remainder of the  
3 site.

4  
5 Mr. Lakey stated yes, he would be more comfortable, although he does not want to impose a great amount of  
6 cost to the petitioners for their project. He said that he would like to make sure that the water is controlled  
7 and will not back up onto his farm ground to the east, but from what he has seen the architect previously  
8 build at other locations, he is convinced that they would do the job right. He said that everyone should feel  
9 comfortable, the Weckel and Lakey families, because they do have water that flows down towards the  
10 subject property, and if the owner builds up the subject property eight or nine inches, the water will back up,  
11 unless it funnels into a retention pond that the engineers guarantee would accommodate that much water.

12  
13 Mr. Elwell stated that he is concerned that the proposed project would negatively affect the adjoining  
14 landowners; therefore, he believes that the petitioner needs to take the extra step in obtaining an engineer to  
15 ensure proper drainage.

16  
17 Mr. Lakey agreed.

18  
19 Ms. Lee asked Mr. Lakey to indicate the amount of acreage that he farms east of the subject property.

20  
21 Mr. Lakey indicated that he farms 40 acres east of the subject property.

22  
23 Mr. Elwell asked the Board and staff if there were any additional questions for Mr. Lakey, and there were  
24 none.

25  
26 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Lakey, and there was no one.

27  
28 Mr. Elwell asked the audience if anyone desired to sign the witness register and present testimony regarding  
29 Cases 927-AM-19 and 928-S-19.

30  
31 Mr. Elwell called Mack Weckel to testify.

32  
33 Mr. Mack Weckel, who resides at 101 W. Windsor, Champaign, stated that his father acquired land near the  
34 subject property in 1936, and he has known the property ever since. He said that he has been at the subject  
35 property when the water ran into the basement's north windows and ran out of the south windows, and at  
36 that same time period, Route 45 was only a two lane highway and was not a divided highway. He said that  
37 surface water ran to the west and under to the other side of US 45, and the property on the west side of  
38 Route 45 acted as a retention basin, and when it was filled it acted like a dam and the water kept backing up  
39 more and more. He said that he has 20 acres that is located on the south side, and the water comes through  
40 Mr. Lakey's property, catty-cornered through Mr. Weckel's property, and under Route 45 into the district tile.  
41 He said that there is another tile to the north of where the old house sat on the subject property, although it is  
42 not indicated on the site plan. He said that at one time, a cable was plowed along Route 45 and many of the  
43 existing drainage tiles were broken, and Mr. Lakey stopped them, and they came back and repaired all of the  
44 tiles. He said that the surface water corners Mr. Lakey's field and comes through his property to Route 45,  
45 parallels the five inch tile along the swale, and the water keeps getting built up to the point that there is  
46 nowhere for it to go and continues to back up. He said that he has been a drainage commissioner since 1976,  
47 so he has grown up with this drainage tile, and one of the things that he agreed with Tom Berns about was

1 that the surface water should not be placed in a surface drainage tile because it creates pressure that blows  
2 out a tile downstream. He said that Mr. Berns once told him that every catch basin located on every road in  
3 the county should have concrete over them so that surface water could not enter into subsurface tiles,  
4 because they are not made for that.

5  
6 Mr. Elwell asked the Board and staff if there were any questions for Mr. Weckel, and there were none.

7  
8 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Weckel, and there was no one.

9  
10 Mr. Elwell asked the audience if anyone desired to sign the witness register and present testimony regarding  
11 Cases 927-AM-19 and 928-S-19, and there was no one.

12  
13 Mr. Elwell closed the witness register.

14  
15 Mr. DiNovo requested a short recess.

16  
17 **The Board recessed at 7:51 p.m.**

18 **The Board resumed at 7:56 p.m.**

19  
20 Mr. Elwell asked the Board how they would like to proceed.

21  
22 Mr. DiNovo stated that the total area of the detention basin indicated on the site plan is approximately  
23 18,000 square feet, and the topographic map indicates that if the detention basin is going to run to the road  
24 ditch, the discharge can't be any lower than 723 feet, because the contour line delineates the ditch at 724 feet  
25 and there are no smaller contours inside of it; therefore, the bottom of the ditch cannot be any lower than 722  
26 feet. He said that if we assume 723 feet, and we generously assume that if the site is filled to achieve an  
27 elevation of 726 feet around these basins, there would three feet of storage, a total of 54,000 cubic feet, a  
28 little bit more than an acre foot, that would accommodate a six acre site with less than one-half inch of  
29 runoff. He said that he does not see how less than one-half acre of detention area is going to accommodate  
30 the storage volume that is required by the drainage code, and it isn't even close. He said that the Board  
31 cannot find that the site is well suited or meets the requirement of the special use without being convinced by  
32 some engineering, and the burden is entirely on the petitioner to make the case and it is not this Board's job  
33 to prove that it is not a suitable site but is the petitioner's job to prove that it is. He said that when someone  
34 purchases a problematic site, they take on the financial burden of showing that it can be developed without  
35 creating problems, and at this point, he has no clue how the surface drainage from the east is going to come  
36 across to drain into the ditch. He said that he is not persuaded and cannot adopt findings for the map  
37 amendment indicating that this site meets the LRMP and that the site is well suited for the proposed use  
38 without evidence proving it.

39  
40 Mr. Elwell asked Mr. DiNovo to indicate what evidence he would require.

41  
42 Mr. DiNovo stated that the Board needs the drainage calculations sufficient to estimate the size of the  
43 detention basin; rough designs of the detention basin proving that it is large enough to accommodate the  
44 volume of water with the practical outlets that are available; a surface drainage plan for the site that indicates  
45 how the water would be routed to the detention basins; and how the water that comes from offsite is going to  
46 be conveyed across the site to the ditch. He said that the latter parts are necessary in order to size the  
47 detention basins anyway, because you need to figure where the water is coming from and how it will get to

1 the detention basin.

2

3 Mr. Randol agreed with Mr. DiNovo regarding the need for additional information about what will happen  
4 with the surface drainage.

5

6 Mr. Hall stated that he is glad to hear the Board say that, but being that it is mid-March, getting an engineer  
7 on board and completing an analysis would require a no less than a 100-day continuance.

8

9 Mr. Randol stated that he did not care if it took 200 days, because the Board cannot vote on the cases  
10 without the engineering information. He said that personally he cannot vote on it, because he does not want  
11 to flood anyone out.

12

13 Mr. DiNovo stated that the drainage problems with the site are not a secret, and any sophisticated real estate  
14 developer should have known what might be involved and could have come before the Board better  
15 prepared.

16

17 Mr. Elwell stated that he would like more information regarding the leach field locations.

18

19 Ms. Lee stated that she would like information regarding the proposed fill and how it will affect surface  
20 water flow from the adjacent landowner's parcels.

21

22 Mr. DiNovo stated that the Board needs to know if there is another drainage district tile located on the  
23 property, as Mr. Mack Weckel testified, and where the drainage easement falls. He said that he would like to  
24 be sure whether a water well is feasible, or if the property would be required to connect to public water. He  
25 asked if a new connection to public water would require an annexation agreement with Urbana.

26

27 Mr. Mark Weckel requested the opportunity to provide additional evidence regarding the drainage tiles.

28

29 Mr. Elwell called Mark Weckel to the witness microphone.

30

31 Mr. Mark Weckel stated that he gave Dan Cothorn a copy of his map indicating the location of the three  
32 tiles, as best to his knowledge, and when the cable company hit the tile on the north side, they know where it  
33 is located between the property and Route 45.

34

35 Ms. Lee asked Mr. Weckel if there were two or three tiles on the subject property.

36

37 Mr. Weckel stated that there are two tiles on the property, and the district tile is north of the subject property.

38

39 Mr. Elwell requested a copy of the map for the Board.

40

41 Mr. Weckel stated that he would provide a copy to staff.

42

43 Mr. Elwell asked the Board and staff if there were any questions for Mr. Mark Weckel, and there were none.

44

45 Mr. Elwell asked the audience if anyone desired to cross-examine Mr. Mark Weckel, and there was no one.

46

47 Mr. Weckel stated that there is a conflict regarding the location of the Sub-C drainage tile from Olympian.

1 He said that his dad, Mack Weckel, states that it is 133 feet, and Mark Weckel states that it 33 feet, so now  
2 they are not sure which is correct.

3  
4 Mr. Elwell asked the Board how they would like to proceed.

5  
6 Ms. Lee stated that there is no doubt that additional information is required regarding the drainage, well and  
7 septic availability, and the fill.

8  
9 Mr. DiNovo asked if a continuance to April 11<sup>th</sup> would provide sufficient time to obtain the required  
10 information.

11  
12 Mr. Hall stated no. He said that a continuance to June 13<sup>th</sup> would provide the full 100-day continuance.

13  
14 **Ms. Lee moved, seconded by Mr. DiNovo, to continue Cases 927-AM-19 and 928-S-19 to the June 13,**  
15 **2019, meeting. The motion carried.**

16  
17 Mr. Cothorn stated that the Board has been at this for almost two hours and the only topic that the Board has  
18 shown concern is with drainage. He said that not one Board member has asked about the amount of tax  
19 dollars that will be assessed for this project. He said that there will be 72,000 square feet of buildings that  
20 will be assessed, and if appraised at \$62 per square foot, we are talking about \$4 million dollars in buildings,  
21 and that is where the focus needs to be.

22  
23 Mr. Elwell stated that the Zoning Board of Appeals is for the actual property itself and not the tax base. He  
24 said that even though he agreed with Mr. Cothorn regarding the economic development that will come from  
25 this development, the Board is here to make sure that the parcel meets the criteria for his request.

26  
27 Mr. Cothorn stated that his father would fit right in with the group. He said that his father farmed in Piatt  
28 County for 51 years and he was a man of common sense, and he would probably say to the Board, first  
29 things first. Mr. Cothorn stated that if he does not want to go back to Mr. Helmuth to inform him that they  
30 have to spend more money on this project before they have their first build to suit commitment, this is all  
31 speculation. He said that he will be happy to bring the Board the proper engineering plans for detention,  
32 building plans, septic plans, etc., once they know what they are going to build, but they should not be  
33 required to spend more money without knowing if the Board is going to allow the use. He said that they  
34 could submit a modified plan, and not have the need for all of the buildings, but to just add time and money  
35 to this is not the answer. He said that when he gives Mr. Helmuth the news from tonight's meeting, the  
36 Board will be able to hear him scream from Florida, because currently this is all speculation; first things first.

37  
38 Mr. Elwell stated that the problem that this Board has is that everything is pure speculation. He said that he  
39 100% believes Mr. Cothorn when he states that the detention basin will be larger than it needs to be, and he  
40 understands where Mr. Cothorn and Mr. Helmuth are coming from, but it is very important for this Board  
41 makes sure that Mr. Lakey and Mr. Weckel are being protected and that is the role of this Board. He said  
42 that he agrees with Mr. DiNovo's statement that the drainage problems with the site are not a secret, and any  
43 sophisticated real estate developer should have known what might be involved and could have come before  
44 the Board better prepared. Mr. Elwell stated that he is a realtor as well, and if a home is located in the  
45 mapped floodplain, then he knows that his buyers would need to buy flood insurance, so due diligence in  
46 purchasing the property is required, because the water issues were not a secret. He said that he cannot speak  
47 for the rest of the Board, but he believes that his views are echoed.

1  
2 Mr. Cothorn stated that he can hear the echo, but he will also tell the Board that if Mr. Helmuth does not  
3 build the project on the subject property, he will take it to Indianapolis, which is just one more person and  
4 project that is being run out of the State of Illinois. He said that Mr. Helmuth was surprised that he needed  
5 to submit a set of plans for tonight's meeting, because he is only requesting a yes or no, and whether  
6 Champaign County desires development in the proposed area of the subject property, and if the answer is  
7 yes, then they will come back before the Board with the final plans, and that seems to be a more sensible  
8 approach. He said that he understands the Board's requests and Mr. Helmuth with either do it or they will let  
9 staff know that they won't.

10  
11 Mr. Elwell asked Mr. Hall to elaborate more about the case requesting rezoning from AG-2 to B-4, and the  
12 concerns regarding subsequent site plans.

13  
14 Mr. Hall stated that if someone came to this Board requesting a rezoning to B-4 without providing enough  
15 information so that the Board could determine the findings that the Board is required to make regarding  
16 whether or not the subject property is a well-suited site, then there is no way they would obtain that B-4  
17 zoning. He said that the County does not rezone best prime farmland without a sewer for speculative  
18 purposes, and if that is the petitioner's intent, then the project needs to occur somewhere other than  
19 Champaign County. He said that if the petitioner agrees to produce the information, then they might get B-4  
20 zoning, but it will not be speculative and there will be a cost. He said that the County Board decided a long  
21 time ago that there would be no speculative rezoning on best prime farmland, especially if there is not sewer,  
22 and the petitioner will have to document that they can meet all of the requirements, and it is just that simple.

23  
24 Ms. Lee stated that the Board is required to abide by the Champaign County Zoning Ordinance and what the  
25 County Board has ruled upon, and the members of this Board are not providing personal views but are  
26 following the rules and regulations that are required and apply to any request.

27  
28 Mr. Elwell stated that he is a huge proponent of bringing more tax base for Champaign County, but  
29 personally, he is not convinced at this point that the case, as presented, would make it easy for him to vote in  
30 the positive for the proposed rezoning and special use, and currently he would vote no. He noted that he  
31 would like to revisit this case in June, if the petitioners decide to continue with their requests.

32  
33 Mr. DiNovo stated that the LRMP requires the Board to coordinate land resource management planning with  
34 other government agencies. He asked if there was a chance that staff could obtain any comments from the  
35 City of Urbana regarding their comprehensive plan.

36  
37 Mr. Hall stated that he would not expect any comments from the City of Urbana until the case is forwarded  
38 to the County Board. He said that staff has coordinated with the City of Urbana previously, but they do not  
39 take things to their plan commission on a light basis, and they want to know that this Board has taken action  
40 and made a recommendation. He said that he hopes that the Board understands that the subject property  
41 spent a lot of time going through the subdivision process with the City of Urbana and then gave up on it, so  
42 the City of Urbana is very familiar with the property and he does not expect to get any comments prior to the  
43 case moving to the County Board.

44  
45 **7. Staff Report - None**

46  
47 **8. Other Business**

**A. Review of Docket**

1  
2  
3 Mr. DiNovo stated that working through the findings with respect to the LRMP, because there are a lot of  
4 things that he would like to be clearer about, it would help him a lot if during a light meeting night, as a  
5 Board, they could go through the LRMP policies and make sure that the entire Board understands them in  
6 the same way. He said that he is a little confused about the Contiguous Urban Growth Area (CUGA), and  
7 what rural versus urban means. He said that if the Board could spend some time to go through the LRMP, it  
8 would be very helpful to the Board, so that when the Board walks out of the room they all go out the door  
9 with the same understanding on what those terms mean.

10  
11 Mr. Hall stated that the Board could schedule a Special LRMP Study Session, but the Board needs to let staff  
12 know when they would like to do that. He said that staff does not schedule meetings with light schedules.

13  
14 Ms. Burgstrom stated that the LRMP has over 200 policies, and it would be impossible for the Board to go  
15 through all of the policies during one meeting. She requested that the Board indicate to staff which policies  
16 they would like to review during the study session.

17  
18 Ms. Lee asked staff if they had any knowledge about a seventh Board member.

19  
20 Mr. Hall stated that he is confident that there will be a seventh Board member, but it will not be at the next  
21 meeting.

22  
23 Mr. DiNovo asked if the seventh member would be on the Board before one of the incumbents retires.

24  
25 Ms. Lee stated that the only reason why she asked about the seventh member is because if the Board has a  
26 LRMP Study Session, it would be nice if all seven members were present, rather than just the current six  
27 members.

28  
29 Mr. Elwell entertained a motion for when the LRMP Study Session would occur.

30  
31 Mr. DiNovo stated that the docket appears to be pretty open, so April 11<sup>th</sup> or May 16<sup>th</sup> would be possible  
32 dates, and he will pay for pizza.

33  
34 Mr. Hall asked the Board if they would like to hold the LRMP Study Session on April 11<sup>th</sup>.

35  
36 Ms. Lee stated no.

37  
38 Mr. Hall asked if there was a better date for the LRMP Study Session.

39  
40 Ms. Lee stated that she would prefer a May meeting date.

41  
42 Mr. Hall asked the Board if they would like to hold the LRMP Study Session during the May 16<sup>th</sup> or May  
43 30<sup>th</sup> meetings.

44  
45 Mr. DiNovo noted that he would not be attending the May 16<sup>th</sup> meeting.

46  
47 **Ms. Lee moved, seconded by Mr. DiNovo, to schedule a Special LRMP Study Session at the May 30<sup>th</sup>**

1 meeting. The motion carried by voice vote.

2  
3 Mr. DiNovo stated that the Board should indicate to staff which key concepts they would like to discuss  
4 during the study session.

5  
6 Mr. Elwell asked the Board if there were absences that should be announced for future meetings.

7  
8 Mr. DiNovo stated that he is listed as being absent from the May 16<sup>th</sup> meeting, but he is not sure why. He  
9 noted that he would confirm his attendance to the May 16<sup>th</sup> meeting with staff.

10  
11 **9. Audience participation with respect to matters other than cases pending before the Board**

12  
13 None

14  
15 **10. Adjournment**

16  
17 Mr. Elwell entertained a motion to adjourn the meeting.

18  
19 **Mr. Randol moved, seconded by Ms. Lee, to adjourn the meeting. The motion carried by voice vote.**

20  
21 The meeting adjourned at 8:26 p.m.

22  
23  
24 Respectfully submitted

25  
26  
27  
28  
29 Secretary of Zoning Board of Appeals

30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

**DRAFT SUBJECT TO APPROVAL DRAFT**

ZBA //

1  
2  
3  
4  
5  
6  
7