

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 **1776 E. Washington Street**
4 **Urbana, IL 61801**

5 **DATE: March 12, 2020**

6 **PLACE: Lyle Shields Meeting Room**
7 **1776 East Washington Street**
8 **Urbana, IL 61802**

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

10 **MEMBERS PRESENT:** Tom Anderson, Ryan Elwell, Jim Randol, Lee Roberts, Larry Wood

11 **MEMBERS ABSENT:** Marilyn Lee

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

13 **OTHERS PRESENT:** Juan Cruz, Maria G. Garcia Cruz, Aaron Esry, Eric Thorsland

14 **1. Call to Order**

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

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

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

18 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.

19 **3. Correspondence**

20 Mr. Hall distributed correspondence received on March 8, 2020, from Ted Hartke regarding the need for an 800' separation from solar farm inverters. He said that the email discusses the noise output of solar inverters and Mr. Hartke wanted to make sure that the Board received this information.

21 **4. Approval of Minutes – None**

22 Mr. Elwell entertained a motion to re-arrange the agenda and hear Case 969-S-19, Juan Cruz, d.b.a. A Plus Yard Services, Inc. prior to Cases 972-AT-20 and 973-AT-20.

23 **Mr. Wood moved, seconded by Mr. Randol, to hear Case 969-S-19, Juan Cruz, d.b.a. A Plus Yard Services, Inc. prior to Cases 972-AT-20 and 973-AT-20. The motion carried by voice vote.**

24 **5. Continued Public Hearing**

25 **Case 972-AT-20 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance as follows: A. Add definitions for the following types of adult-use cannabis businesses: Dispensing Organization; Infuser Organization; Processing Organization; Transporting Organization; Craft Grower; and Cultivation Center. B. Add requirements to**

1 authorize adult-use cannabis businesses only within 1.5 miles of a home rule municipality with
 2 more than 20,000 population as follows: 1. Authorize adult-use cannabis Dispensing Organization
 3 by right in the B-4 Zoning District subject to specified conditions. 2. Authorize adult-use cannabis
 4 Infuser Organization by right in the I-2 Zoning District subject to specified conditions. 3.
 5 Authorize adult-use cannabis Processing Organization by right in the I-2 Zoning District subject
 6 to specified conditions. 4. Authorize adult-use cannabis Transporting Organization by right in the
 7 B-3 and B-4 Zoning Districts subject to specified conditions or as a Special Use Permit in the AG-2
 8 Zoning District subject to conditions or a home occupation in any zoning district subject to
 9 specified conditions. 5. Authorize adult-use cannabis Cultivation Center by right in any Zoning
 10 District subject to specified conditions or by County Board approved Special Use Permit in any
 11 Zoning District subject to conditions if located 300 feet or less from an existing residence or
 12 residentially zoned lot. 6. Authorize adult-use cannabis Craft Grower by right in any Zoning
 13 District subject to specified conditions or by County Board approved Special Use Permit in any
 14 Zoning District subject to conditions if located 300 feet or less from an existing residence or
 15 residentially zoned lot.

16
 17 **Case 973-AT-20** Petitioner: **Zoning Administrator A. Add definitions for the following types of**
 18 **adult-use cannabis businesses: Dispensing Organization; Infuser Organization; Processing**
 19 **Organization; Transporting Organization; Craft Grower; and Cultivation Center. B. Add**
 20 **requirements to authorize adult-use cannabis businesses only within 1.5 miles of a home rule**
 21 **municipality with more than 20,000 population as follows: 1. Authorize adult-use cannabis**
 22 **Dispensing Organization by right in the B-4 Zoning District subject to specified conditions. 2.**
 23 **Authorize adult-use cannabis Infuser Organization by right in the I-2 Zoning District subject to**
 24 **specified conditions. 3. Authorize adult-use cannabis Processing Organization by right in the I-2**
 25 **Zoning District subject to specified conditions. C. Add requirements to authorize the following**
 26 **adult-use cannabis businesses except within 1.5 miles of non-home rule municipalities and except**
 27 **within 1.5 miles of a home rule municipality with a population of 20,000 or less and except within**
 28 **1.5 miles of a residential zoning district located more than 1.5 miles from a home rule municipality**
 29 **with more than 20,000 population, a follows: 1. Authorize adult-use cannabis Transporting**
 30 **Organization by right in the B-3 and B-4 Zoning Districts or as a County Board approved Special**
 31 **Use Permit in the AG-2 Zoning District subject to conditions or as a home occupation in any**
 32 **zoning district subject to specified conditions. 2. Authorize adult-use cannabis Cultivation Center**
 33 **by right in any Zoning District subject to specified conditions or by County Board approved**
 34 **Special Use Permit in any Zoning District subject to conditions if located 200 feet or less from an**
 35 **existing residence or residentially zoned lot.**

36
 37 Mr. Elwell called Cases 972-AT-20 and 973-AT-20 concurrently.

38
 39 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
 40 the witness register for that public hearing. He reminded the audience that when they sign the witness
 41 register, they are signing an oath.

42
 43 Mr. John Hall, Zoning Administrator, stated that the mailing included Supplemental Memorandum #1
 44 dated March 4, 2020. He said that the memorandum included updated maps which are more accurate than
 45 the maps that were handed out previously. He said that some municipalities do not have annexation
 46 agreements boundaries, for example, between Champaign and Bondville and between Champaign and
 47 Mahomet, and those boundaries have been added to the maps. He said that staff also included updated
 48 Findings of Fact that have new evidence added, mostly in regards to Land Use Goal #3, which is

1 Prosperity. He said that Land Use Goal #3 was really the only place where staff could differentiate the
2 two cases, although Board members may have other suggestions for the findings. He said that basically
3 it talks about how in Case 973-AT-20, since this use is now allowable under State law, these uses can be
4 pursued more broadly throughout the rural area, tending to more fully achieve a goal of prosperity. He
5 said that in the attached amendments there are some necessary corrections that needed to be made in Case
6 973-AT-20; however, staff didn't catch them all. He said that under Note 27, Cultivation Center, and
7 Note 28, Craft Grower, staff had originally intended to not include the following language, "within one
8 and one-half mile extra territorial jurisdiction of a home rule municipality of 20,000 or more population,"
9 because that whole point of that text amendment is to allow those things throughout rural area. He said
10 that the Board will note that staff has stricken this language in red. He said that staff missed a necessary
11 correction on Note 24, Transporting Organization, and that same language, "within one and one-half mile
12 extra territorial jurisdiction of a home rule municipality of 20,000 or more population," follows the text
13 by-right in the B-3 and B-4 zoning districts; or as a special use permit in the AG-2 zoning district; or as a
14 home occupation in any zoning district, and that language should be deleted in each of those instances
15 because the idea is to allow Transporting Organization throughout the rural area.
16

17 Mr. Hall stated that staff distributed a handout titled, "Cannabis related land use amendments in area
18 counties" because Mr. Wood asked staff if they knew what other counties were allowing. He said that
19 Piatt County has not yet decided what amendment to make to their Zoning Ordinance related to cannabis
20 land uses; however, they have decided to approve a Special Use Permit for a craft grower. He said that
21 Macon County has prohibited all cannabis related land uses and declared such establishments a public
22 nuisance. He said that Sangamon County has allowed the same six cannabis related land uses as
23 Champaign County, although they call it a Conditional Use Permit, which he believes means that it is by-
24 right subject to conditions. He said that Sangamon County is the most similar to what Champaign County
25 is proposing. He said that McLean County is taking an approach that he does not recommend, in that they
26 are requiring that everything have a Special Use Permit. He said that he does not understand the approach
27 that McLean County is taking, and obviously they will not see a lot of these uses, and they will not see
28 any of these uses without requiring a public hearing. He said that the State law is specific that you can't
29 be too much more restrictive than what State law allows for these uses; otherwise, you would be accused
30 of being too restrictive. He said that State law does not draw a line between too restrictive and what is
31 acceptable; therefore, he does not know where that line is and his recommendation is to follow State law
32 as much as possible, although we have received some guidance from the County Board to follow similar
33 standards in the relevant municipality. He said that he has never seen the need to make these a Special
34 Use Permit, but apparently McLean County has, and no other county borders Champaign County except
35 for Ford County and there is no mention on their website indicating that they are preparing a cannabis
36 amendment. He said Vermilion, Edgar and Douglas Counties do not have zoning, so this is an update of
37 all nearby counties, except for Ford.
38

39 Mr. Hall stated that Logan County allows five of the six uses that Champaign County proposes, and they
40 allow them throughout their entire county area, although he does not understand that approach for some
41 of the more business uses. He said that we compare counties with Champaign County and every county
42 has a unique setting and a history of land use; therefore, you must understand that history to understand
43 what they are doing at any point and time, although these cannabis uses are unlike any other use that has
44 come along before them. He said that it is fair to say that Champaign County is more similar to Sangamon
45 County with our approach and unlike most text amendments, in this text amendment we do have some
46 guidance from the County Board already and hopefully it makes this Board's job easier for these two
47 cases.
48

1 Mr. Elwell asked the Board if they had any questions for staff.

2
3 Mr. Wood asked if a Transporting Organization is allowed to transport anywhere within the state or cities.

4
5 Mr. Hall stated yes, but he is sure that there is a restriction at the state line.

6
7 Mr. Randol asked if a permit is issued for a craft grower, could they deliver their product outside of
8 Champaign County.

9
10 Mr. Wood stated that would be up to the transporter.

11
12 Mr. Hall stated that they would have to have a transporter license, but he believes that Cultivation Centers
13 can have a transporter license.

14
15 Mr. Randol asked if they could deliver the product anywhere or does this just apply Champaign County.

16
17 Mr. Hall stated that it applies to the State of Illinois and not just Champaign County.

18
19 Mr. Wood stated that Logan County is going to allow everything but dispensing; therefore, they are going
20 to export everything that they grow because they can't sell it there.

21
22 Mr. Hall stated that he does not know if there are municipalities that allow cannabis uses in Logan County,
23 but there could be.

24
25 Mr. Wood asked if there was a particular reason why Case 973-AT-20 does not allow Dispensing,
26 Processing or Infuser Organizations to be out in the county and restricts them to be within the one-and-
27 one-half-miles ETJ around Champaign and Urbana.

28
29 Mr. Hall stated that, as a practical matter, there are not that many locations which are zoned for general
30 business or industry beyond the Champaign and Urbana ETJ, or that are within one-and-one-half-miles of
31 any other municipality. He said that his understanding from the County Board meeting was that there
32 wasn't a lot of support for allowing the uses to be outside of the one-and-one-half-miles ETJ of Champaign
33 and Urbana, even if there were existing zoning that would allow it.

34
35 Mr. Wood asked why.

36
37 Mr. Hall stated that the General Business District is generally only allowed in areas where there is a sewer,
38 which generally means that it is close to a municipality, although there are exceptions to that. He said that
39 Gordyville is 40 acres zoned as General Business with no sewer and there are other very small isolated
40 properties in the unincorporated areas, but they are generally for different uses such as seed research
41 facilities. He said that industrial zoning that is not related to a municipality is generally for an existing
42 grain elevator, so there didn't seem to be that much interest in allowing those things to be outside of
43 Champaign and Urbana.

44
45 Mr. Wood asked if within the one-and-one-half-miles ETJ, there were a Cultivation Center, Craft Grower,
46 or something like that, they could also be a Processing, Infuser, or Dispensing Organization, but those out
47 in the county could not.

48 Mr. Hall stated no, and read Note 27, Condition (5) from Section 5.2 Table of Authorized Principal Uses

1 as follows: “A CULTIVATION CENTER may also be a CANNABIS TRANSPORTER for CANNABIS
2 grown and or processed at the CULTIVATION CENTER.” He read Condition (6) as follows: “A
3 CULTIVATION CENTER may also be a CANNABIS PROCESSING ORGANIZATION and/or a
4 CANNABIS INFUSER ORGANIZATION for CANNABIS that is grown at the CULTIVATION
5 CENTER.” He said that this is not limited to only within the one-and-one-half-miles of a home rule
6 municipality, and that was one of the typos that was corrected from the previous version in tonight’s
7 handout.

8
9 Mr. Wood asked if a Cultivation Center could be a Cannabis Processor or an Infuser, but not out in the
10 county.

11
12 Mr. Hall stated that it can be out in the county in Case 973-AT-20.

13
14 Mr. Wood asked if the only thing that cannot be done in the county is Dispensing Organization.

15
16 Mr. Hall stated that a Dispensary, standalone Infuser, or standalone Processing Organization cannot
17 operate in the county.

18
19 Mr. Wood asked Mr. Hall to indicate the difference.

20
21 Mr. Hall stated that the underlying logic to this amendment is to allow cannabis uses in districts where
22 similar uses are allowed, and we do not allow standalone industrial uses in the rural parts of the county;
23 they have to be in industrial zoning districts. He said that Infuser and Processing Organizations have to be
24 in industrial districts, but if you are a Cultivation Center and State law allows you to infuse and process,
25 then this amendment would allow you to do that as well. He said that there is a condition indicating that
26 cannabis must be grown onsite, which is how we typically approach uses in the rural area, if you grow
27 something onsite, then you can also process it, but you can’t start processing things that are grown offsite
28 unless you are in a business or industrial zoning district. He said that the amendment is meant to be like
29 the rest of our Zoning Ordinance.

30
31 Mr. Wood stated that it is his opinion that Case 972-AT-20, which doesn’t allow anything outside of the
32 one-and-one-half-miles ETJ of Champaign and Urbana, is too restrictive, and he would not bother to
33 recommend it.

34
35 Mr. Anderson asked Mr. Hall if Case 972-AT-20 being too restrictive is the problem that other regulating
36 Boards have contemplated.

37
38 Mr. Hall stated that some members of the County Board felt that Case 972-AT-20 was too restrictive, and
39 why not allow people to do what State law allows. He said he cannot stress enough that the division of
40 the County Board is very close, and no one knows yet what the County Board might actually adopt. He
41 said that this Board could send both cases to the County Board without a recommendation, if that is how
42 the ZBA decides to vote.

43
44 Mr. Anderson stated that Case 973-AT-20 is so complicated and not being really familiar with all of the
45 laws, regulations and zoning restrictions makes it difficult, in his mind, to come to a vote.

46
47 Mr. Hall stated that if that is the case, then perhaps staff has not explained Case 973-AT-20 adequately.
48 He said that the only difference between Case 972-AT-20 and 973-AT-20 is that Case 973-AT-20 allows

1 Cultivation Centers, Craft Growers, and Transport Organizations anywhere in the rural area, except within
2 one-and-one-half-miles of any municipality and one-and-one-half-miles of Rantoul. He said that
3 Dispensing, Infuser and Processing Organizations are only allowed within one-and-one-half-miles of
4 Champaign and Urbana; in both cases, there is no difference.

5
6 Mr. Wood asked if there were any local communities that have passed anything relating to any of these
7 uses.

8
9 Mr. Hall stated that Mahomet and Rantoul have passed ordinances prohibiting cannabis uses, and he has
10 been told that Rantoul may reconsider it in the future, and at such point when they do, the County may
11 have to revise its ordinance.

12
13 Mr. Wood asked if a local community decides that they want to allow a cannabis use in their municipality,
14 would there be a provision in our ordinance that would allow the county to extend into their one-and-one-
15 half mile ETJ.

16
17 Mr. Hall stated that whenever that actually happens, then he could obtain direction from ELUC. He said
18 that currently we are trying to get some rules in place because the deadline with the State for applying for
19 a craft grower application was March 12th, and staff had two applicants submit the paperwork and only
20 one of those applicants actually followed up on it. He said that we would really like to get something in
21 place, and if we have to come back and fine-tune the amendment to specific municipalities, then he knows
22 he will need to talk to the State's Attorney because it becomes much more complicated.

23
24 Mr. Wood stated that the reason why he is asking is because there are a lot of farm operations within and
25 around that one-and-one-half mile ETJ, and those folks are going to get cut out of having the possibility
26 to do anything. He said that he does not know if omitting those folks from participating would lead into
27 any litigation.

28
29 Mr. Hall stated that he does not see why it would lead into any litigation.

30
31 Mr. Wood stated that nobody knows how much interest there is in the county.

32
33 Mr. Hall stated that the only two Craft Grower applications that were submitted were both within one-
34 and-one-half miles of municipalities that do not allow those uses. He said that we did what we had to do
35 at the time, and we will see what happens at the State.

36
37 Mr. Anderson asked if the Board is to vote on these cases separately.

38
39 Mr. Hall stated yes, the Board should vote on each case as they see fit, and if both cases appear to be
40 acceptable, then any member should vote in the affirmative for both, but if Case 972-AT-20 appears to be
41 too restrictive then vote against it, but either way they both will proceed to the County Board. He said that
42 even if the Board voted with no recommendation on both cases, he is pretty certain that one of them will
43 be adopted by the County Board, but he cannot say which because he does not know. He said that any
44 ZBA member should vote with their conscience.

45
46 Mr. Elwell asked the Board how they would like to proceed.

47
48 Mr. Hall noted that if the Board is not ready for a vote tonight, then that is fine, but it would be good if

1 the Board could take action tonight so it could be before ELUC in April. He requested that the Board vote
2 on both cases, although the Board could vote on Case 973-AT-20 first.

3
4 **Mr. Wood moved, seconded by Mr. Randol, to move to the Final Determination for Case 973-AT-
5 20 prior to Case 972-AT-20. The motion carried by voice vote.**

6
7 Mr. Elwell noted that a new item #6. should be added to the Documents of Record for Cases 972-AT-20
8 and 973-AT-20 as follows: Handout dated 3-12-20 titled, "Cannabis related land use amendments in area
9 counties" distributed at the March 12, 2020, meeting.

10
11 Mr. Elwell entertained a motion to adopt the Finding of Fact, Summary Finding of Fact and, Documents
12 of Record, as amended.

13
14 **Mr. Wood moved, seconded by Mr. Randol, to adopt the Finding of Fact, Summary Finding of Fact,
15 and Documents of Record, as amended. The motion carried by voice vote.**

16
17 Mr. Elwell entertained a motion to move to the Final Determination for Case 973-AT-20.

18
19 **Mr. Wood moved, seconded by Mr. Randol, to move to the Final Determination for Case 973-AT-
20 20. The motion carried by voice vote.**

21
22 **Final Determination for Case 973-AT-20:**

23
24 **Mr. Wood moved, seconded by Mr. Randol, that pursuant to the authority granted by Section 9.2
25 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
26 recommends that the Zoning Ordinance Amendment requested in Case 973-AT-20 should BE
27 ENACTED by the County Board in the form attached hereto.**

28
29 Mr. Elwell requested a roll call vote.

30
31 The roll was called as follows:

Anderson – yes	Lee – absent	Randol – yes
Roberts – yes	Wood – yes	Elwell- no

32
33
34
35 Mr. Elwell asked the Board how they would like to proceed with Case 972-AT-20.

36
37 **Mr. Wood moved, seconded by Mr. Randol, adopt the Finding of Fact, Summary Finding of Fact,
38 and Documents of Record, as amended. The motion carried by voice vote.**

39
40 Mr. Elwell entertained a motion to move to the Final Determination for Case 972-AT-20.

41
42 **Mr. Wood moved, seconded by Mr. Randol, to move to the Final Determination for Case 972-AT-
43 20. The motion carried by voice vote.**

44
45 **Final Determination for Case 972-AT-20:**

46
47 **Mr. Wood moved, seconded by Mr. Randol, that pursuant to the authority granted by Section 9.2
48 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**

1 **recommends that the Zoning Ordinance Amendment requested in Case 972-AT-20 should NOT BE**
2 **ENACTED by the County Board in the form attached hereto.**

3
4 Mr. Elwell requested a roll call vote.

5
6 The roll was called as follows:

7	Anderson – yes	Lee – absent	Randol – yes
8	Roberts – yes	Wood – yes	Elwell – no

9
10 Mr. Anderson asked how the County Board would accept these recommendations.

11
12 Mr. Hall stated that the County Board will accept the recommendations as they did with the previous cases
13 that amended the solar farm requirements. He said that some will vote to override the ZBA’s
14 recommendation for Case 972-AT-20, and some will vote to override the ZBA’s recommendation for
15 Case 973-AT-20, and it will be interesting to see how it will all shake out, but he will let the Board know.
16

17 **6. New Public Hearings**

18
19 **Case 969-S-19** Petitioner: **Juan Cruz, d.b.a. A Plus Yard Services, Inc. Request to authorize a**
20 **Contractor’s Facility with Outdoor Storage and Outdoor Operations, in addition to an existing**
21 **single-family dwelling, as a Special Use in the AG-2 Agriculture Zoning District. Location: An 0.84**
22 **–acre tract in the Southeast Quarter of the Southwest Quarter of Section 29, Township 20 North,**
23 **Range 9 East of the Third Principal Meridian in Somer Township with an address of 510 Centennial**
24 **Farm Road, Champaign.**

25
26 Mr. Elwell informed the audience that Case 969-S-19 is an Administrative Case and as such, the County
27 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
28 for a show of hands for those who would like to cross-examine, and each person will be called upon. He
29 requested that anyone called to cross-examine go to the cross-examination microphone to ask any
30 questions. He said that those who desire to cross-examine are not required to sign the witness register but
31 are requested to clearly state their name before asking any questions. He noted that no new testimony is
32 to be given during the cross-examination. He said that attorneys who have complied with Article 7.6 of
33 the ZBA By-Laws are exempt from cross-examination.
34

35 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
36 the witness register for that public hearing. He reminded the audience that when they sign the witness
37 register, they are signing an oath. He asked the audience if anyone desired to sign the witness register and
38 there was no one.
39

40 Mr. Elwell asked Mr. Cruz if desired to make a statement regarding his request.

41
42 Mr. Juan Cruz, who resides at 510 Centennial Farm Lane, Champaign, stated that he purchased his
43 property six years ago. He said that 10 years ago, he started his own small landscaping business and prior
44 to that he worked with a well known developer in Champaign, Fox Development. He said that he was the
45 personal assistant for Mr. Fox regarding outdoor maintenance. He said he has resided in the Champaign
46 area for over 20 years and he has been trying to develop his small business at the subject property. He said
47 that currently they provide services to several customers, homeowners, small businesses, and still continue
48 to work with companies such as Adams Outdoor Advertising, City of Champaign, Fox Development and

1 the University of Illinois. He said that they are trying to grow and provide an economic service for their
2 customers. He said that the subject property was ideal for his business location because it was very close
3 to town and there were few neighbors.

4
5 Mr. Cruz stated that he utilizes the Landscape Recycling Center for recycling materials that he obtains
6 from a job site, as well as obtaining mulch, gravel and compost for contracted jobs. He said that he also
7 purchases materials from Country Arbors Nursery. He noted that he does not plan to store bulk materials
8 at the subject property and only plans to leave his property, pick up the materials, and travel to the job
9 site. He said that he provides landscaping services for the communities of Savoy, Urbana, Champaign
10 and a few customers in Mahomet and St. Joseph. He said that he does not plan for the business to outgrow
11 the subject property, and there is enough room so that he can better organize his equipment.

12
13 Mr. Elwell asked the Board and staff if there were any questions for Mr. Cruz.

14
15 Mr. Wood asked Mr. Cruz to indicate the number of employees that report to the subject property.

16
17 Mr. Cruz stated that during the daytime until December 15th, his employees normally report to the subject
18 property at 8:00 a.m. to clock in, and then again at 5:00 or 6:00 p.m. to clock out. He said that the
19 employees report to the subject property and then travel to the job site. He said that currently he has four
20 full-time employees, and during the summer he hires a few part-time employees. He said that during snow
21 removal season they go directly to the job site and do not report to the subject property.

22
23 Mr. Randol asked Mr. Cruz to indicate what type of restroom facilities he provides for his employees.

24
25 Mr. Cruz stated that normally, the employees can use the restroom which is upstairs and next to his office
26 or the restroom which is located in his basement. He said that last year he installed a small restroom in
27 the small building next to the house and his employees can use that facility as well.

28
29 Mr. Anderson asked Mr. Cruz if he anticipates receiving complaints from his neighbors regarding
30 screening.

31
32 Mr. Cruz stated that last year he planted approximately 35 miscanthus plants, which will grow between
33 five and seven feet in height. He said that he is planning to continue to screen the west and north sides of
34 the property. He said that he planted three evergreens and two boxwood trees to screen the property to
35 the north and noted that he plans to continue planting other species to help with screening. He said that
36 he has received many compliments from his neighbors regarding how nice his property looks compared
37 to before his purchase. He said that he is planning to continue beautifying his property by planting fruit
38 trees and a small garden.

39
40 Mr. Wood stated that there is no special condition noted regarding screening.

41
42 Mr. Hall stated that screening is only required if staff receives a complaint.

43
44 Mr. Elwell asked the Board and staff if there were any additional questions for Mr. Cruz, and there were
45 none.

46
47 Mr. Elwell asked the Board how they would like to proceed.

48

1 Mr. Wood moved to proceed to the Finding of Fact.

2
3 Mr. Elwell noted that there are special conditions for the Board to review with the petitioner.

4
5 **Mr. Wood revised his motion to proceed to the special conditions, Mr. Randol seconded the motion.**
6 **The motion carried by voice vote.**

7
8 Mr. Elwell read special condition A. as follows:

9
10 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
11 **969-S-19 by the Zoning Board of Appeals.**

12
13 The special condition stated above is required to ensure the following:
14 **The establishment of the proposed use shall be properly documented as**
15 **Required by the Zoning Ordinance.**

16
17 Mr. Elwell asked Mr. Cruz if he agreed with special condition A.

18
19 Mr. Cruz stated that he agreed with special condition A.

20
21 Mr. Elwell read special condition B. as follows:

22
23 **B. The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning**
24 **Compliance Certificate until the petitioner has demonstrated that any new or**
25 **proposed exterior lighting on the subject property will comply with the lighting**
26 **requirements of Section 6.1.2.**

27
28 The special condition stated above is required to ensure the following:
29 **That the proposed uses are in compliance with the Zoning Ordinance.**

30
31 Mr. Elwell asked Mr. Cruz if he agreed with special condition B.

32
33 Mr. Cruz stated that he agreed with special condition B.

34
35 Mr. Elwell read special condition C. as follows:

36
37 **C. The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning**
38 **Compliance Certificate for the proposed Contractor’s Facility with Outdoor**
39 **Storage and Operations until the petitioner has demonstrated that the proposed**
40 **Special Use complies with the Illinois Accessibility Code.**

41
42 The special condition stated above is necessary to ensure the following:
43 **That the proposed Special Use meets applicable state requirements for**
44 **accessibility.**

45
46 Ms. Burgstrom stated that special condition C. should be revised because Mr. Cruz is not proposing to
47 construct a new building. She said that Mr. Cruz did previously receive a permit to construct a carport,
48 which is more like a temporary structure, and the Illinois Accessibility Code does not apply to that. She

1 asked if the Board could revise the special condition to indicate the following: Should Mr. Cruz add a
2 new building to the subject property for the business, the Illinois Accessibility Code would apply. She
3 said since there is no new building proposed at this time, Mr. Cruz is not required to provide accessible
4 parking or renovations.

5
6 Mr. Hall stated that special condition C. is important, although could be revised as follows:

7
8 **C. The Zoning Administrator shall not issue a Zoning Use Permit for any new business**
9 **building for the proposed Contractor’s Facility with Outdoor Storage and**
10 **Operations until the petitioner has demonstrated that the proposed Special Use**
11 **complies with the Illinois Accessibility Code.**

12
13 The special condition stated above is necessary to ensure the following:
14 **That the proposed Special Use meets applicable state requirements for**
15 **accessibility.**

16
17 Mr. Elwell asked Mr. Cruz if he agreed with special condition C.

18
19 Mr. Cruz stated that he agreed with special condition C.

20
21 Mr. Elwell read special condition D. as follows:

22
23 **D. Should the Department of Planning and Zoning receive a complaint about insufficient**
24 **screening, the petitioners must plant sufficient vegetative screening on the subject**
25 **property to screen the Special Use Permit outdoor storage area from the residential**
26 **lot located west of the subject property. Per standard Department practice, sufficient**
27 **vegetative screen must be four to six feet high at the time of planting, and if**
28 **recommended spacing of a single row of the selected species will not provide 50%**
29 **screen in two years, then the screen must be planted in staggered rows.**

30
31 The above special condition is required to ensure the following:
32 **To promote public health, safety, and general welfare that is a purpose of the**
33 **Zoning Ordinance.**

34
35 Mr. Elwell asked Mr. Cruz if he agreed with special condition D.

36
37 Mr. Cruz stated that he agreed with special condition D.

38
39 Mr. Elwell read special condition E. as follows:

40
41 **E. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
42 **the petitioner has constructed one loading berth meeting the requirements of**
43 **Paragraph 7.4.2 on the subject property.**

44
45 The special condition stated above is required to ensure the following:
46 **That off-street parking is in compliance with the Zoning Ordinance.**

47 Mr. Elwell asked Mr. Cruz if he agreed with special condition E.

1 Mr. Cruz stated that he agreed with special condition E.

2

3 Mr. Elwell entertained a motion to approve the special conditions.

4

5 **Mr. Randol moved, seconded by Mr. Wood, to approve the special conditions. The motion carried**
6 **by voice vote.**

7

8 Mr. Elwell entertained motion to move to the Findings of Fact.

9

10 **Mr. Randol moved, seconded by Mr. Wood, to move to the Findings of Fact. The motion carried**
11 **by voice vote.**

12

13 **FINDINGS OF FACT FOR CASE 969-S-19:**

14 **From the documents of record and the testimony and exhibits received at the public hearing for**
15 **zoning case 969-S-19 held on March 12, 2020, the Zoning Board of Appeals of Champaign County**
16 **finds that:**

17

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

19

20 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this
21 location because the area is zoned AG-2 Agriculture and since this is a rural home occupation, that needs
22 to be permitted.

23

24 Ms. Burgstrom noted that this is not a rural home occupation.

25

26 Mr. Hall stated that as soon as staff contacted Mr. Cruz about the need for the special use permit, he has
27 been moving towards gaining approval.

28

29 Mr. Randol stated that his finding could be eliminated.

30

31 Mr. Wood stated that the location provides immediate access for services to the surrounding
32 communities.

33

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

38 **a. The street has ADEQUATE traffic capacity and the entrance location has**
39 **ADEQUATE visibility.**

40

41 Mr. Wood stated that the street has ADEQUATE traffic capacity and the entrance location has
42 ADEQUATE visibility.

43

44 **b. Emergency services availability is ADEQUATE.**

45

46 Mr. Randol stated that emergency services availability is ADQUATE.

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

48

1 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses.

2

3 **d. Surface and subsurface drainage will be ADEQUATE.**

4

5 Mr. Randol stated that surface and subsurface drainage will be ADEQUATE.

6

7 **e. Public safety will be ADEQUATE.**

8

9 Mr. Randol stated that public safety will be ADEQUATE.

10

11 **f. The provisions for parking will be ADEQUATE.**

12

13 Mr. Wood stated that the provision for parking will be ADEQUATE.

14

15 **g. The property IS WELL SUITED OVERALL for the proposed improvements.**

16

17 Mr. Wood stated that the property IS WELL SUITED OVERALL for the proposed improvements.

18

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

21

22 Mr. Randol stated that existing public services ARE available to support the proposed SPECIAL USE
23 without undue public expense.

24

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

28

29 Mr. Randol stated that existing public infrastructure together with the proposed development IS
30 adequate to support the proposed development effectively and safely without undue public expense.

31

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

36

37 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
38 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**
39 **DISTRICT in which it is located.**

40

41 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
42 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
43 which it is located.

44

45

46

1 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
2 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is**
3 **located because:**

4 **a. The Special Use will be designed to CONFORM to all relevant County ordinances**
5 **and codes.**
6

7 Mr. Randol stated that the Special Use will be designed to CONFORM to all relevant County ordinances
8 and codes.
9

10 **b. The Special Use WILL be compatible with adjacent uses.**
11

12 Mr. Randol stated that the Special Use WILL be compatible with adjacent uses.
13

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

15 Mr. Randol stated that public safety will be ADEQUATE.

16 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
17 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it located.
18

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

21 **a. The Special Use is authorized in the District.**

22 **b. The requested Special Use Permit IS necessary for the public convenience at this**
23 **location.**
24

25 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this
26 location.

27 **c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
28 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**
29 **WILL NOT be injurious to the district in which it shall be located or otherwise**
30 **detrimental to the public health, safety, and welfare.**
31

32 Mr. Randol stated that the required Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
33 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
34 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
35 and welfare.
36

37 **d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
38 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in**
39 **which it is located.**
40

41 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
42 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is location.
43

44 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
45 IMPOSED HEREIN, IS in harmony with the purpose and intent of the Ordinance.
46

1 5. The requested Special Use IS NOT an existing nonconforming use.

2
3 6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE
4 COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE
5 PARTICULAR PURPOSES DESCRIBED BELOW:
6

7 A. A Change of Use Permit shall be applied for within 30 days of the approval of Case
8 969-S-19 by the Zoning Board of Appeals.
9

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

11 The establishment of the proposed use shall be properly documented as
12 required by the Zoning Ordinance.
13

14 B. The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning
15 Compliance Certificate until the petitioner has demonstrated that any new or
16 proposed exterior lighting on the subject property will comply with the lighting
17 requirements of Section 6.1.2.

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

19 That the proposed uses are in compliance with the Zoning Ordinance.
20

21 C. The Zoning Administrator shall not issue a Zoning Use Permit for any new business
22 building for the proposed Contractor’s Facility with Outdoor Storage and
23 Operations until the petitioner has demonstrated that the proposed Special Use
24 complies with the Illinois Accessibility Code.
25

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

27 That the proposed Special Use meets applicable state requirements for
28 accessibility.
29

30 D. Should the Department of Planning and Zoning receive a complaint about insufficient
31 screening, the petitioners must plant sufficient vegetative screening on the subject
32 property to screen the Special Use Permit outdoor storage area from the residential
33 lot located west of the subject property. Per standard Department practice, sufficient
34 vegetative screen must be four to six feet high at the time of planting, and if
35 recommended spacing of a single row of the selected species will not provide 50%
36 screen in two years, then the screen must be planted in staggered rows.
37

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

39 To promote public health, safety, and general welfare that is a purpose of the
40 Zoning Ordinance.
41

42 E. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until
43 the petitioner has constructed one loading berth meeting the requirements of
44 Paragraph 7.4.2 on the subject property.
45

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

47 That off-street parking is in compliance with the Zoning Ordinance.

1 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Finding
2 of Fact, as amended.

3
4 **Mr. Wood moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of
5 Record, and Findings of Fact, as amended. The motion carried by voice vote.**

6
7 Mr. Elwell entertained a motion to move to the Final Determination for Case 969-S-19.

8
9 **Mr. Wood moved, seconded by Mr. Randol, to move to the Final Determination for Case 969-S-19.
10 The motion carried by voice vote.**

11
12 Mr. Elwell informed Mr. Cruz that currently the Board has one member absent; therefore, it is at the
13 petitioner’s discretion to either continue Case 969-S-19 until a full Board is present or request that the
14 present Board move to the Final Determination. He informed the petitioner that four affirmative votes are
15 required for approval.

16
17 Mr. Cruz requested that the present Board move to the Final Determination for Case 969-S-19.

18
19 **FINAL DETERMINATION FOR CASE 969-S-19:**

20
21 **Mr. Randol moved, seconded by Mr. Wood, that the Champaign County Zoning Board of Appeals
22 finds that, based upon the application, testimony, and other evidence received in this case, the
23 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority
24 granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

25
26 **The Special Use requested in Case 969-S-19 is hereby GRANTED WITH SPECIAL
27 CONDITIONS to the applicant, Juan Cruz, d.b.a. A Plus Yard Services, Inc., to authorize the
28 following as a Special Use on land in the AG-2 Agriculture Zoning District:**

29
30 **Authorize a Contractor’s Facility with Outdoor Storage and Outdoor Operations, in
31 addition to an existing single-family dwelling.**

32
33 ***SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:***

- 34
35 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 969-
36 S-19 by the Zoning Board of Appeals.**
37
38 **B. The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning
39 Compliance Certificate until the petitioner has demonstrated that any new or proposed
40 exterior lighting on the subject property will comply with the lighting requirements of
41 Section 6.1.2.**
42
43 **C. The Zoning Administrator shall not issue a Zoning Use Permit for any new business
44 building for the proposed Contractor’s Facility with Outdoor Storage and Operations
45 until the petitioner has demonstrated that the proposed Special Use complies with the
46 Illinois Accessibility Code.**
47
48 **D. Should the Department of Planning and Zoning receive a complaint about insufficient
screening, the petitioners must plant sufficient vegetative screening on the subject**

property to screen the Special Use Permit outdoor storage area from the residential lot located west of the subject property. Per standard Department practice, sufficient vegetative screen must be four to six feet high at the time of planting, and if recommended spacing of a single row of the selected species will not provide 50% screen in two years, then the screen must be planted in staggered rows.

E. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has constructed one loading berth meeting the requirements of Paragraph 7.4.2 on the subject property.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Anderson – yes	Lee – absent	Randol- yes
Roberts – yes	Wood – yes	Elwell – yes

Mr. Hall informed Mr. Cruz that he had received an approval for Case 969-S-19.

Mr. Elwell stated that the Board would now return to Continued Cases 972-AT-20 and 973-AT-20.

7. Staff Report -None

Mr. Anderson asked Mr. Elwell if he would like to indicate why he voted against both Case 972-AT-20 and 973-AT-20.

Mr. Elwell stated that at 6:00 a.m. while he is running his marathon training, there is a house on the corner of Philo Road and McHenry Street that smells like skunk weed, and he is against cannabis in the first place. He said that he does not believe that it is good for the future of Illinois to allow cannabis and he is against it and would rather see it be as restrictive as we can be while following State law.

8. Other Business
A. Review of Docket

Mr. Hall distributed an updated docket dated March 12, 2020, to the Board for review.

Mr. Hall asked the Board to indicate any known absences to future meetings, and there were none. Mr. Hall stated that the Board should not feel obligated to attend a ZBA meeting when they are feeling ill, and requested that they stay home and merely contact staff regarding their absence.

Mr. Anderson asked if the Coronavirus deliberation affects this Board.

Mr. Hall stated not yet.

Mr. Anderson stated that depending upon the subject of a case, it is possible for the audience to exceed the current recommendation of 50.

Mr. Hall stated that the limit on crowd size varies upon the jurisdiction and the Lyle Shields Meeting Room has a maximum occupancy of 125, so that is within any size limit that he has heard. He said that

1 the State of Illinois has not adopted any size limit yet that he is aware of, so he does not believe that we
2 are in any particular risk at this point, because the size of our meeting room is limited itself. He said that
3 the County Board has not passed any rules limiting meeting attendance yet, and hopefully that will not be
4 necessary, but who knows, as the next two weeks will be interesting.

5
6 Mr. Anderson asked who could guide Mr. Hall into making some other decision concerning the ZBA
7 and its meetings.

8
9 Mr. Hall stated that he would see if the County Board adopts any rules. He said that, at a staff level, there
10 have been meetings about ways of operating to minimize risk to staff and the public, but there has been
11 no discussion regarding limits on meetings or meeting size. He said that even in a County Board meeting,
12 the occupancy for the Lyle Shields Meeting Room is 125, which is not considered large, so he does not
13 believe that we will see any limits like that established.

14
15 Mr. Anderson asked, if one of the Board members were to become ill due to the virus, would it change
16 the complexion of the decision.

17
18 Mr. Hall stated that hopefully if a Board member has a fever and is coughing, they will not attend a
19 meeting, and if the member visits the doctor and they start doing a tracing of contacts, if there had been a
20 recent ZBA meeting then they might contact us, but he would leave that up to medical professionals. He
21 repeated that if a member has a fever and is coughing, please do not come to a ZBA meeting.

22
23 Mr. Anderson stated that Mr. Hall's scenario is the easy case, but what if you or someone at the meeting
24 has the virus and does not show signs of it yet while attending the meeting, thus exposing everyone in the
25 room.

26
27 Mr. Hall stated that he would trust our public health department to follow up on things like that.

28
29 Mr. Anderson stated that tests are not available yet.

30
31 Mr. Hall stated that limited testing is being performed.

32
33 Ms. Burgstrom stated that Eric Thorsland just told her that the County Executive sent out a press release
34 just after this meeting started indicating that nothing has changed yet, but discussions will be occurring
35 on this topic in the near future with the County Board.

36
37 Mr. Hall stated that staff will pass along any information to the ZBA as it is received.

38
39 Ms. Burgstrom pointed out that since Cases 972-AT-20 and 973-AT-20 have been recommended, the
40 March 26th meeting only has one variance case docketed with no opportunity to add another case. She
41 said that there is a possibility, if the Board prefers, to cancel the March 26th meeting.

42
43 Mr. Randol stated that if a Board member is uncomfortable in attending or participating in the meeting,
44 then they should certainly contact staff and stay home.

45
46 Mr. Hall stated that the Board could move the variance case to a later meeting. He said that some could
47 say that paying the ZBA per diems for a fifteen minute meeting isn't the best use of County resources. He
48 recommended that the Board cancel the March 26th meeting.

1
2 Mr. Elwell entertained a motion to cancel the March 26th meeting.
3
4 **Mr. Roberts moved, seconded by Mr. Randol, to cancel the March 26th meeting. The motion carried**
5 **by voice vote.**
6
7 **9. Audience participation with respect to matters other than cases pending before the Board**
8
9 None
10
11 **10. Adjournment**
12
13 Mr. Elwell entertained a motion to adjourn the meeting.
14
15 **Mr. Roberts moved, seconded by Mr. Randol, to adjourn the meeting. The motion carried by voice**
16 **vote.**
17
18 The meeting adjourned at 7:45 p.m.
19
20
21 Respectfully submitted
22
23
24
25
26 Secretary of Zoning Board of Appeals
27
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