

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

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

DATE: May 27, 2021

PLACE:

ZOOM MEETING

Shields-Carter Room

1776 East Washington Street

Urbana, IL 61802

TIME: 6:30 p.m.

MEMBERS PRESENT: *Using Zoom in Putman Room:* Ryan Elwell, Jim Randol
Remotely via Zoom: Tom Anderson, Marilyn Lee, Lee Roberts

MEMBERS ABSENT: Larry Wood

STAFF PRESENT: *Using Zoom in Putman Room:* Lori Busboom, Stephanie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT: *Remotely via Zoom:* Adam Kimball, Jodi Kimball, Scott Burge

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.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must identify themselves on Zoom.

3. Correspondence - None

4. Approval of Minutes – March 25, 2021 and April 29, 2021

Mr. Elwell asked if there was any discussion on the minutes and entertained a motion to approve the minutes of March 25, 2021.

Mr. Randol moved, seconded by Ms. Lee, to approve the minutes of March 25, 2021.

The vote was called as follows:

Anderson – yes

Elwell - yes

Randol – yes

Roberts – yes

Wood - Absent

Lee - yes

The motion carried.

Mr. Elwell asked if there was any discussion on the minutes and entertained a motion to approve the minutes of April 29, 2021.

Ms. Lee moved, seconded by Mr. Roberts, to approve the minutes of April 29, 2021.

1 The vote was called as follows:

2	Anderson – yes	Elwell - yes	Randol – yes
3	Roberts – yes	Wood - Absent	Lee - yes

4
5 **The motion carried.**

6
7 **5. Continued Public Hearings**

8
9 **Cases 995-S-20 & 996-V-20**

10 **Petitioners: Adam & Jodi Kimball**

11 **Requests: Case 995-S-20: Authorize multiple principal structures on the same lot consisting of self-**
12 **storage warehouses previously authorized in Cases 977-S-20 and 979-V-20 and a sign**
13 **structure with four off-premises freestanding advertising signs as a Special Use in the B-**
14 **3 Highway Business Zoning District, subject to approval of the variances requested in**
15 **related Case 996- V-20.**

16 **Case 996-V-20: Authorize the following variances for the Special Use Permit requested in**
17 **related Zoning 995-S-20 for proposed off-premises signs in the B-3 Highway Business**
18 **Zoning District, per Section 7.3.5 of the Zoning Ordinance:**

19 **Part A: A variance for four off-premises freestanding advertising signs on one sign**
20 **structure on one frontage that total 589 square feet in sign face area in lieu of the maximum**
21 **allowed one off-premises sign per frontage that totals 300 square feet in sign face area.**

22 **Part B: A variance for four off-premises freestanding advertising signs on one sign**
23 **structure with a maximum height of 35.5 feet in lieu of the maximum allowed 30 feet.**

24 **Part C: A variance for four off-premises freestanding advertising signs on one sign**
25 **structure with a setback of 72.5 feet from the street centerline of IL Route 47 and a front**
26 **yard of 31.5 feet, in lieu of the minimum required setback of 85 feet and front yard of 35**
27 **feet along a State highway.**

28 **Location: A 3.36-acre tract in the South Half of the Northeast Quarter of Section 9, Township 19**
29 **North, Range 7 East of the Third Principal Meridian in Scott Township, and commonly**
30 **known as the tract just east of the residence with an address of 285 CR 1675N, Seymour.**

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

35
36 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
37 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
38 show of hands or a verbal indication from those who would like to cross-examine, and each person will
39 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name
40 before asking any questions. He noted that no new testimony is to be given during the cross-examination.
41 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
42 examination. He asked if the petitioner would like to outline the nature of their request prior to introducing
43 evidence.

44
45 Mr. Adam Kimball, 1103 Farm Lake Dr, Mahomet, stated that the Board had talked a couple times about
46 the proposed sign in the last meeting they had. He said that there were concerns brought up, so they have
47 revised the proposal to address those concerns. He said they have reduced the square footage of the sign
48 basically in half from 1,152 square feet to 589 square feet. He said they have raised the lower end of the
49 sign to a minimum height from 13.5 feet to make sure a fire truck could get underneath it. He stated that

1 they had requested the variance for an additional on-premises sign. He said that they had discussed a lot
2 of the other things already, but those are the new revisions to the proposal.

3
4 Mr. Elwell asked if there were any questions from the Board.

5
6 Mr. Randol asked Mr. Kimball why he could not build the sign to meet the Ordinances that we currently
7 have without having to change specs. He said he is talking about size, height, and all of it.

8
9 Mr. Kimball said that the reasons are the functionality of it, with the space that it's in, and its intended
10 use.

11
12 Mr. Randol asked if they had considered putting the sign on 1675 North as opposed to IL Route 47; it
13 would still be visible.

14
15 Mr. Kimball asked Mr. Randol if he meant the faces of the sign, so that you would view it when you're
16 heading west.

17
18 Mr. Randol said if you were heading west you could read it, if you were heading north or south you could
19 still read it. He said that he is just curious why he has not considered putting it over on 1675 North away
20 from IL Route 47.

21
22 Mr. Kimball asked Mr. Randol if he meant why have the proposal of the sign along IL Route 47 versus
23 1675 North. He said the attractive and successful part of this formula is the amount of traffic on IL Route
24 47. He stated that is where it was proposed to be located so the traffic along IL Route 47 could view it.

25
26 Mr. Randol said he just felt if it was on 1675 North that it would still be visible, and it would be further
27 away from IL Route 47. He said that it is such a busy area and that is his concern, he knows busy is what
28 they want.

29
30 Mr. Kimball said that one of the biggest driving factors of this would be the amount of traffic there along
31 IL Route 47.

32
33 Mr. Elwell asked Mr. Kimball if he could review with him exactly where along the north and south part
34 of the east side of his development the sign will be located. He asked if it would be closer to 1675 North,
35 in the middle, or closer to Interstate 72.

36
37 Mr. Kimball said the proposed sign is to be located on the northernmost point of the property, to a point
38 where they are even pushing the limits on the setbacks. He said the reason why that Variance is there on
39 the setbacks is because of the cantilever part of the sign. He stated the proposed building itself meets the
40 required setbacks and that the post of the sign is right next to the building, which is within the setbacks,
41 but when the sign cantilevers out, that is why there is a need for the setbacks. He stated to answer Mr.
42 Elwell's question, yes, it would be toward the north end of the property.

43
44 Mr. Elwell asked Mr. Randol if that changed any thoughts that he might have. He said he knows that
45 having this sign close to the Interstate 72 there could be issues with visibility.

46
47 Mr. Randol said that he felt the sign could serve the same purpose if it was on 1675 North as opposed to
48 being on IL Route 47 and be further away from the Highway. He said it would still be lit up and it would
49 still have the same size, but it wouldn't be close to the highway.

1 Mr. Kimball said that it's located on 1675 North from a north and south perspective.
2

3 Mr. Randol stated yes, but it's still at IL Route 47, it's at that intersection of 1675 North and IL Route 47.
4 He said it would serve the same purpose if the sign was further west on 1675 North and be away from that
5 intersection where it is so busy. He said he could still have the sign lit and have all his advertising space.
6

7 Ms. Burgstrom asked Mr. Randol what he thought about the neighbor who lives down the way. She said
8 there is one neighbor to the west of the subject property, and asked how getting closer to them would work
9 with the billboard structure.
10

11 Mr. Randol said that would have to be something that would have to be addressed.
12

13 Mr. Randol asked Mr. Kimball if the neighbor to the west worked for him.
14

15 Mr. Kimball asked if he meant Mr. Burdette.
16

17 Mr. Randol said yes, the resident to the west of him. He asked if he worked for him.
18

19 Mr. Kimball stated that he does not.
20

21 Mr. Elwell said he wanted to thank Mr. Kimball for the diagram of the sign on page three of three in
22 Attachment A of Supplemental Memorandum #2. He asked Ms. Burgstrom, looking at the diagram of the
23 sign, if IL Route 47 would be to the right of the diagram.
24

25 Ms. Burgstrom said yes that is correct, the post would be closest to the building and the cantilever part
26 would be out towards IL Route 47.
27

28 Mr. Elwell asked Ms. Burgstrom if it would make any difference if the sign was cantilevered towards the
29 building instead of IL Route 47. He asked if the sign were cantilevered towards the building, would that
30 increase the visibility of the IL Route 47 intersection, but also maintain Mr. Kimball's proposal.
31

32 Ms. Burgstrom said that is something Mr. Kimball could address. She said she is not sure if the height of
33 the building is too tall with the 13.5-foot vertical clearance.
34

35 Mr. Kimball said to Mr. Elwell that Ms. Burgstrom is right, he has looked at that, he would have to increase
36 the height of the sign incredibly to get the sign over the vertical clearance. He said another option is
37 moving the post 9.5 feet out closer to the property line.
38

39 Ms. Burgstrom asked which property line.
40

41 Mr. Kimball replied the east, you would have to flip flop the flag, but then you wouldn't be able to get a
42 fire truck through there, because now you are reducing the line of visibility.
43

44 Ms. Burgstrom said following Mr. Elwell's line of thought, if he were to move the post a few feet north
45 of the northeast corner of that building, could he put the flag towards the west, so that it would basically
46 be on the north side of building rather than on top of the building, so there wouldn't be any issues with
47 the firetrucks since there should be enough room there.
48

49 Mr. Kimball stated the building would be in the view of the sign. He said the sign wouldn't physically hit

1 the building, because it would be on the north face of it. He said you wouldn't be able to see the sign
2 because the building would be in front of it.
3
4 Mr. Elwell asked Mr. Kimball if you wouldn't be able to see the south side; as he is traveling north, he
5 wouldn't be able to see a portion of the south facing sign.
6
7 Mr. Kimball said correct.
8
9 Ms. Burgstrom asked how tall his proposed building will be.
10
11 Mr. Kimball said he thought they had it not to exceed the peak at 35 feet.
12
13 Ms. Burgstrom stated that is what Zoning Ordinance says for the maximum height. She asked Mr. Kimball
14 in terms of his building plans if he had a height already established.
15
16 Mr. Kimball said that was just the maximum height, that nothing has been finalized yet with the proposed
17 building height.
18
19 Mr. Randol said to Mr. Kimball that he doesn't have the height of his proposed building yet, and the
20 Ordinance has a height restriction. He asked if he is going to come back to the Board and ask for another
21 Variance because of the building height. He said he knows that this doesn't have anything to do with the
22 sign directly, but still it is part of the sign issue.
23
24 Mr. Kimball said that it will be within the height limits.
25
26 Ms. Lee asked if they had a discussion in one of the previous minutes about the height of the building.
27
28 Ms. Burgstrom said yes, they did, but she didn't recall the actual height.
29
30 Mr. Kimball replied the building will be within the required height limits. He said he doesn't have them
31 right in front of him, but he believes it is 35 feet.
32
33 Mr. Randol referred to page one of three in Attachment A in Supplemental Memorandum #2. where Mr.
34 Hall asked Mr. Kimball if he had been in contact with Ameren. He asked Mr. Kimball if he had a response
35 from Ameren yet.
36
37 Mr. Kimball responded yes, he had spoken with Steve Crawford that works for Ameren in the Seymour
38 area. He said he had taken a look at it and he approves of the draft proposal.
39
40 Mr. Randol asked Mr. Hall and Ms. Burgstrom if they had the approval from Ameren.
41
42 Mr. Hall said they had nothing in writing yet.
43
44 Mr. Kimball said to Mr. Hall that he followed up after their conversation and he has it in writing now and
45 can submit that to him.
46
47 Mr. Anderson asked Mr. Kimball what the total height of the proposed sign will be.
48
49 Mr. Kimball said that the total height will be 35.5 feet and 13.5 feet to the bottom of the lowest sign face.

1 He said there are two 9.5-foot signs stacked on top of each other with some spacing in between.

2
3 Mr. Anderson responded that is way up in the air. He asked Mr. Randol if he had time to check on the
4 clearance for fire engines and is 13.5 feet tall enough, he can imagine that some units are that or more.

5
6 Mr. Randol said it would clear their engine, but he couldn't swear to it that if they had to bring in a ladder
7 or aerial truck that they could get under it. He said the doors on the Fire Department station are 14-foot
8 doors, and they have about a foot to spare with their engine.

9
10 Mr. Elwell asked if there were any other questions from the Board.

11
12 Ms. Lee said that Mr. Kimball's total sign face area of 589 square feet is 196 percent of the maximum
13 allowed versus the 300 square feet allowed by the Zoning Ordinance right now. She said that she thinks
14 that 96 percent increase is a huge Variance. She said in the minutes approved tonight on page 11, Mr.
15 Wood said "it is the wrong reason to bend the rules just to create an additional revenue stream; that is not
16 the intent of the Zoning Ordinance. He said if you want to make money off of it, do it someplace where it
17 can be allowed, in his opinion." She said that she agrees with that.

18
19 Mr. Elwell asked if there were any further questions from the Board or P & Z Staff.

20
21 Ms. Lee asked Mr. Randol if he has the same opinion about the safety issue from the Fire Department's
22 point of view, with there being accidents there, as he did in their prior meetings.

23
24 Mr. Randol said that he does. He said he doesn't see that it's going to change anything there.

25
26 Mr. Elwell asked if the reduction in this size of this sign has changed any minds, or are they hung up on
27 sign or no sign.

28
29 Mr. Randol replied that for him it's no sign; he still sees a problem with something this large even though
30 it's been reduced in size. He said they're setting a precedence for anywhere else in the County, whether it
31 is residential, non-residential, or agriculture. He said we look at light pollution, and all of this to him is
32 against what they are trying to do with their Ordinances. He said he understands that there is always room
33 for Variances and changes, but to him it seems like they are getting inundated with requests to the extreme
34 of what their Ordinances are.

35
36 Mr. Elwell asked to pose two questions for Mr. Randol; the first one is if it makes any difference to his
37 thinking that it is in the Business Highway Zoning District compared to AG-1, AG-2, or Residential.

38
39 Mr. Randol said that no, it doesn't matter to him, to him in this setting it is commercial, he agrees. He said
40 that he feels like it's too much.

41
42 Ms. Lee responded that she agrees with Mr. Randol, she thinks that the 96 percent increase in the Variance
43 of the maximum allowed of 300 square feet is just plain too much. She said that no sign in this situation
44 is better than going forward.

45
46 Mr. Elwell asked his follow-up question of Mr. Randol and Ms. Lee. He said they have gone back to the
47 300 square feet worth of sign; yes, this is 196 percent of what the Zoning Ordinance allows, but is the
48 Zoning Ordinance adequate for this Business Zoning District; is the Ordinance too strict.

49 Mr. Randol said it is and he thinks there is a reason for it. He said when it was established, they did not

1 want these types of issues to be dealt with. He said there was another case they had where there was a sign
2 on Route 150 out where Southland use to be. He said the sign out there, that is down at ground level, has
3 four different businesses advertised on it. He said it's not 30 feet in the air and when you drive by it, you
4 can read everything that is on that sign and he doesn't think that sign face area is over four feet by eight
5 feet.

6
7 Mr. Elwell asked Ms. Lee if she had a comment and asked the Board and Staff if they had any other
8 questions. He said he didn't see any. He stated he would like to open up to any cross-examination from
9 the public. He asked the audience members to please indicate if they would like to cross-examine by
10 raising their hand via Zoom. He said he didn't see anyone, and thanked Mr. Kimball. He asked if there
11 was any other person that would like to testify in this case. Seeing no one, he asked the Board how they
12 would like to proceed.

13
14 Mr. Randol said that they should make a motion to proceed with a yes and no vote to continue with this
15 sign.

16
17 Ms. Lee asked if that was a motion.

18
19 **Mr. Randol stated he would make that a motion.**

20
21 **Ms. Lee stated she would second the motion.**

22
23 Mr. Elwell requested a roll call vote.

24
25 The vote was called as follows:

26	Randol - yes	Roberts - no	Wood - absent
27	Anderson -	Elwell -	Lee -

28
29 Ms. Burgstrom said during the roll call vote that this is a motion to have a yes or no vote, this is not a vote
30 on voting for or against the sign.

31
32 Mr. Elwell responded correct.

33
34 Mr. Randol said that his motion was to not have the sign and that is what he intended with his motion.

35
36 Ms. Burgstrom said that is not exactly what came through, so that is why she asked.

37
38 Mr. Elwell asked Mr. Randol to restate his motion.

39
40 Mr. Randol said that his intent was to make a motion that they do not approve this sign.

41
42 Mr. Hall replied that the petitioner deserves an up or down vote; to do an up or down vote, they have to
43 have Findings of Fact and then they go to a Final Determination. He said they may recall the last time the
44 Board met on this case, the petitioner waived his right for an up or down vote; he believes the petitioner
45 was trying to be cooperative. He said if the Board is ready to make a decision on this case, they have to
46 go through the process; they have to make Findings and then a Final Determination to be legal.

47
48 Mr. Elwell said that there was already a motion on the floor.

49

1 Ms. Burgstrom said that if Mr. Randol wanted to retract his motion or amend it so that they are moving to
2 a Finding of Fact, then they can head that direction if they would like.

3
4 **Mr. Randol moved, seconded by Ms. Lee, to accept the Preliminary Summary of Evidence and**
5 **Documents of Record and move forward to the Findings of Fact.**

6
7 Mr. Elwell requested a roll call vote.

8
9 The vote was called as follows:

10	Lee - yes	Randol - yes	Roberts - yes
11	Anderson - yes	Elwell - yes	Wood - absent

12
13 **The motion passed.**

14
15 Mr. Elwell stated he would be reading off page 23 of 29 in Attachment B of the Supplemental
16 Memorandum #2. Mr. Elwell read as follows:

17
18 **SUMMARY DRAFT FINDINGS OF FACT FOR CASE 995-S-20**

19 **From the documents of record and the testimony and exhibits received at the public hearing for**
20 **zoning case 995-S-20 held on January 28, 2021, March 25, 2021, and May 27, 2021, the Zoning**
21 **Board of Appeals of Champaign County finds that:**

- 22
- 23 **1. The requested Special Use Permit IS NOT necessary for the public convenience at**
- 24 **this location because:**

25
26 Ms. Lee stated that it IS NOT necessary for the public convenience, because it is just a money maker and
27 the amount of the Variance at 96 percent is excessive.

28
29 Ms. Burgstrom said that the Finding of Fact for Case 995-S-20 is regarding allowing two principal
30 structures, one being the self-storage warehouses and the second being the billboard structure. She stated
31 that Case 996-V-20 is regarding different Variances parts for the size of the sign.

32
33 Ms. Lee replied that her comment regarding the off-premise sign would still be true, as it IS NOT
34 necessary and is just a moneymaker.

35
36 Mr. Kimball asked Mr. Elwell if there was any time that he could speak to these things or is that not
37 appropriate.

38
39 Mr. Elwell said to go ahead.

40
41 Mr. Kimball said that he disagrees with that statement “it’s just a money maker,” he thinks that local
42 businesses see great value in advertisement and that is not just his opinion. He said the fact that businesses
43 spend big budgets on marketing, shows that there is a value there and a lot of small businesses are starting
44 up in the area, specifically in Mahomet, that could use this. He said as he stated all along that it is good
45 for the community; at some point the master planning zoned those four quadrants appropriately to develop
46 that area. He said this will help the start of that development for that master plan and he thinks it’s good
47 for the community. He said that regarding the comment about “it’s just a money maker,” it’s like a 15-
48 year payback, so it’s really not a money maker.

49

1 Mr. Elwell asked Mr. Hall if they have ever had a negative remark involving “money maker” as the sole
2 purpose of it being declined.
3

4 Mr. Hall said that throughout the history of this Board, there are not that many things that have been
5 declined and even though there haven’t been many declined, he really can’t answer the question.
6

7 Mr. Elwell responded he doesn’t feel comfortable saying that they’re going to say no because the owner
8 is going to make money on the sign.
9

10 Mr. Hall said that making money is completely compatible with the Zoning Ordinance. He said the trade
11 off this Board deals with on almost every case is the added benefit versus the cost to the community, the
12 neighbors, and so forth.
13

14 Ms. Lee said that this is a 96 percent Variance.
15

16 Mr. Elwell replied the variance is not for this Finding of Fact. He said this is just for the two structures.
17

18 Ms. Burgstrom said that is correct, it is just for the two structures. She said for a Special Use Permit, she
19 asked Mr. Hall to remind her, can they have positive findings, even one positive finding, that is neutral
20 even, that would go against a denial on a vote.
21

22 Mr. Hall said all Findings for all Zoning cases have to be affirmative. He said there are six Findings for
23 this Special Use case, and for the special use to be approved, there have to be six positive Findings. He
24 said the same goes for the Variance.
25

26 Ms. Burgstrom responded that even one negative Finding is going to be something where in theory it
27 could serve as a denial. She said that in her opinion “moneymaker” is more of an opinion than a fact, and
28 they are looking at Findings of Fact. She stated that she feels that some more consideration needs to be
29 given to the first question if possible.
30

31 Mr. Kimball asked Mr. Elwell if realtors feel it’s necessary to advertise.
32

33 Ms. Burgstrom told Mr. Kimball that a direct question to a Zoning Board member, even if their experience
34 is in real estate, is not appropriate at this time. She said it’s something they need to have the Board discuss
35 now that they’re in the Findings; they’ve taken testimony already.
36

37 Mr. Kimball replied fair enough, thank you.
38

39 Mr. Randol said they could say the request for a Special Use Permit is necessary. He said no matter what
40 the case is, it’s going to be outside of what the Ordinances are. He stated number one of the Findings of
41 Fact that “The Special Use Permit IS necessary for the public convenience at this location because: a.) all
42 four quadrants of the Interstate 72 and IL Route 47 interchange were zoned for B-3 Highway Business.”
43 He asked if it is correct that this has nothing to do with whether they are agreeing or disagreeing with the
44 sign itself.
45

46 Mr. Elwell said that is how he saw it.
47

48 Ms. Burgstrom replied they can have affirmative Findings for having a billboard with the self-storage
49 warehouses independent from the discussion of the size of the billboard.

1 Mr. Randol stated the “Special Use Permit IS necessary,” they wouldn’t be sitting there if the request
2 wasn’t necessary to have a change in the Special Use Permit. He asked if he is understanding this correctly.
3

4 Mr. Hall said that he didn’t agree with what Mr. Randol just said, you have to make a Finding that “IT IS
5 or IS NOT necessary,” and he can imagine that a Board member might think that they have all this self-
6 storage warehouse approved, so why on earth do they need an off-premises sign in addition.
7

8 Mr. Randol said that the sign is not part of the warehouses; the off-premises sign has nothing to do with
9 the warehouses.
10

11 Mr. Hall responded that he knows, but it is the second use on the property. He said he could imagine some
12 Board members might think that a second use is unnecessary in light of all the square footage of self-
13 storage warehouse, but he can also see the other view. He said the Board has to make a Finding and he
14 believes that if they look at all of the cases, sometimes the Board is in a position of having market studies
15 that show a proven public need for a Special Use Permit. He said he doesn’t know if they could have such
16 a market study for an off-premises sign, and so many times the Board will take the word of the petitioner.
17 He said that’s what this finding gets at, IT IS or IS IT NOT necessary for public convenience; he doesn’t
18 know if that helps.
19

20 Mr. Elwell asked if this has always been B-3 Highway Business.
21

22 Mr. Hall said yes, since 1973 it’s been B-3.
23

24 Mr. Elwell asked if it’s B-3 only because it’s close to the interstate.
25

26 Mr. Hall said that’s his assumption.
27

28 Mr. Elwell replied that there is probably a reason that it was B-3 and not AG-2, even though in the past
29 it’s been farmed. He said business-wise, he thinks it’s important for a business to be able to advertise,
30 that’s the reason why they have the 300 square feet. He said he doesn’t necessarily think that it’s improper
31 for this particular parcel to have two different Variances attached to it with the storage and the sign. He
32 said he doesn’t know if he agrees 100 percent with that type of statement; he also is not able to agree with
33 that they’re just saying no because the intent of this is to make money. He stated he really feels they need
34 to change that or have a little more in-depth conversation about it and not just glaze over it because they’re
35 making money on it.
36

37 Mr. Randol said that his objection is not the fact that they have a request for a sign. He said his objection
38 is the outlandish size of the sign and the location of it in a busy area. He said he isn’t objecting to the sign
39 being there, he is objecting to the size of it and the location relating to the size.
40

41 Mr. Elwell said that is not what they’re talking about in this particular Findings of Fact for Case 995-S-
42 20. He said he would like to refocus their attention on Case 995-S-20 compared to Case 996-V-20, which
43 is specifically looking at the sign.
44

45 Mr. Elwell asked Ms. Lee if she had any other input on item one on the Findings of Fact.
46

47 Ms. Lee responded she really objects to having the two activities on the one property; she doesn’t think
48 it’s necessary.
49

1 Mr. Elwell asked Ms. Lee if she had any other supporting ideas for that, because he really feels like they
2 do need to have a “because” for item number one.

3
4 Mr. Kimball said he could make a suggestion that he thinks it is necessary for the public convenience at
5 this location because it’s good for local small businesses.

6
7 Mr. Randol said that he could point out that the closest local business would be approximately five miles
8 away and only in one direction.

9
10 Mr. Elwell replied that in all honesty, that’s the reason why they would want to have a sign, is to direct
11 people to that area. He said he personally thinks they are getting Case 995-S-20 and 996-V-20 mixed
12 together, and he doesn’t know if that’s the best way to look at the Findings of Fact for what they are
13 working on right now.

14
15 Ms. Burgstrom asked the Board if they would like to consider going through the Findings of the Variance
16 case first and come back to the Special Use Permit for the two uses. She asked if that would somehow
17 benefit the thought process going on, because she does still hear some conflict, so that maybe things will
18 get clarified.

19
20 Mr. Elwell asked Ms. Burgstrom that if there is negative Findings of Fact for the sign Case 996-V-20, do
21 they need to have Case 995-S-20.

22
23 Ms. Burgstrom said that the Special Use case possibility is still valid to have a sign there even if the
24 Variance is denied for the size. She said that’s where it would give him opportunity to reconsider things
25 and if he wanted to approach the Board again with a different sign proposal, the Special Use would already
26 be allowed, if that’s the direction that the Board wants to take tonight.

27
28 Mr. Randol said that is what he was trying to point out a little while ago; he is not opposed to a sign being
29 there, he thinks there is nothing wrong with that. He said his objection is the size of the sign and the
30 location of it.

31
32 Mr. Elwell responded that this is for Case 995-S-20.

33
34 Mr. Randol said right.

35
36 Mr. Elwell asked Mr. Randol if Case 996-V-20 is what he is objecting to, not Case 995-S-20.

37
38 Mr. Randol replied yes, so what if they do Case 996-V-20 and then go back and do Case 995-S-20. He
39 said he wishes someone else would have some comments other than Ms. Lee and him.

40
41 Mr. Elwell said it’s clear that Ms. Lee is totally against this. He said there hasn’t been anything said other
42 than that they are against it; he would appreciate it if there was some supporting evidence. He said he sees
43 on number one: all four quadrants of Interstate 72 and IL Route 47 interchange were zoned as B-3
44 Highway Business with the adoption of the Zoning Ordinance on October 10, 1973. He said there was a
45 reason that was done, it wasn’t AG-1, AG-2, Residential, or anything like that. He said that “Business” to
46 him sounds like enterprising or investment, which you wouldn’t do unless you were planning on recouping
47 your capital or having a return on investment. He stated he’s not 100 percent convinced on what Ms. Lee’s
48 comment was.

49

1 Ms. Burgstrom said that they might recall in a previous meeting that Mr. Kimball did point out that he had
2 a couple of potential customers for the billboard at this location. She said that in terms of the public
3 convenience, that is a demonstrated potential clientele. She said she doesn't know if he has come further
4 along with that; she is assuming that he hasn't signed any contracts with anyone since it's not been
5 approved one way or the other. She said that is a piece of testimony that can be put as a Finding.
6

7 Mr. Hall said he would like to go back to a statement when Mr. Randol and Mr. Elwell were discussing
8 which finding is perhaps the one that's most problematic. He said he thinks that Mr. Randol's concerns
9 about location are in fact relevant to this Special Use, because the Special Use shows a sign at a specific
10 location with this flag type structure. He asked if he understands correctly that his concern is that a flag
11 type sign ends up being in an area where he had concerns about visibility.
12

13 Mr. Randol replied correct.
14

15 Mr. Hall said that Mr. Randol's concerns apply to both cases in which they are trying to weigh two
16 different Findings and keep the Findings relevant to the issues. He said he thinks that his concerns apply
17 to both cases, not simply the Variance.
18

19 Mr. Elwell responded to Mr. Hall that if they moved to the Findings of Fact for Case 996-V-20, if that is
20 denied, then there is no point in Case 995-S-20.
21

22 Mr. Hall said if Case 996-V-20 is denied and Case 995-S-20 is approved, what would be approved would
23 be a reduced size of sign. He said the total sign area on both sides could be no more than 300 square feet,
24 so it's a very much reduced sign. He said the site plan they have is for a sign like this at this location, and
25 if that Special Use is approved, but the Variance is denied, then the sign becomes much reduced and
26 maybe it wouldn't even be built like that, but that would be the net effect of approving the Special Use
27 and denying the Variance.
28

29 Mr. Elwell asked if it was correct that they would be approving that flagpole, but with only 300 square
30 feet on both sides, so 150 square feet on one side and 150 square feet on the other side.
31

32 Mr. Hall said that raises the question that, well does it have to be four signs, could it be just two signs with
33 150 square feet on each side, that's an interesting question, he doesn't know. He said it's less than what
34 was requested, so maybe that would be permissible, he doesn't know if the petitioner would have to do
35 four signs, maybe they could do two in that case. He said the point he is trying to make is if they don't
36 deny the Special Use, there's an absolute right to build a sign like this, but in a reduced size. He said going
37 back to Mr. Randol's concerns about a sign in that location being something he is concerned about, he
38 thinks that both findings have some challenges there to have positive results.
39

40 Mr. Randol replied that in the last discussion they had about this, he remembers, and it's in the Minutes.
41 He said that if this sign was 150 or 200 yards on the other side of 1675 North, he would have no problem
42 with it whatsoever, it's just at that location that he has a problem with it.
43

44 Mr. Elwell asked Mr. Randol if presumably that would be AG-2, correct.
45

46 Mr. Randol said probably, he asked Mr. Hall how far north the current Zoning for this intersection goes.
47

48 Mr. Hall said to 1675 North, he thinks.
49

1 Mr. Elwell said that was his understanding.

2

3 Ms. Burgstrom responded that was correct, anything north of 1675 North is off the property and outside
4 the Business Zoning District.

5

6 Mr. Randol said on the north side of 1675 North was strictly Agriculture.

7

8 Mr. Elwell asked if they would agree that a sign like that would be better suited in the B-3 Zoning District
9 instead of AG-2.

10

11 Mr. Randol said that they can't say that, because he is talking about the location of the sign.

12

13 Ms. Burgstrom said in some previous cases, they have gone one by one through the Findings and actually
14 had an up or down straw poll, to try to get at where the Board is with each Finding. She said she still hears
15 that Ms. Lee seems to be against things and others seem like they might be okay with the Special Use for
16 two principle structures. She said it seems like the conversation isn't going anywhere right now, and she
17 was trying to get a way to make the Findings decision easier.

18

19 Mr. Elwell asked Mr. Hall if they can amend the Findings of Fact, or would this have to go back to his
20 actual case. He asked if they could first work on having two different primary structures on this parcel
21 without the specific setback of this particular sign, that in his opinion is not going to go anywhere. He said
22 if they approved Case 995-S-20, just saying that yes, there could be two principal structures on this
23 property, if that was a possibility at all.

24

25 Mr. Hall replied the problem with the Special Use that's in front of them is that the site plan requires a
26 Variance for setback, so if they approve the Special Use and not the Variance, they are not actually
27 approving the site plan that's in front of them; they would in effect be approving a site plan with the sign
28 moved further back from IL Route 47. He said that they would be approving a second use, but it would
29 have to conform with all the Ordinance requirements.

30

31 Mr. Elwell asked that if it wouldn't benefit any future case if Case 995-S-20 was amended and approved.

32

33 Ms. Burgstrom said that it could benefit any potential owner or even Mr. Kimball to have the ability to
34 have a billboard sign as a second principal structure. She said as she is hearing it, they would be denying
35 the Variance, but that still would allow anyone to put a sign up within the specifications of the Zoning
36 Ordinance at that property.

37

38 Ms. Lee asked if all 3.36 acres were zoned in the B-3 Highway Business category.

39

40 Mr. Elwell said he believes that's the case.

41

42 Ms. Burgstrom said yes, it is. She said they have to keep in mind that any other location on the property,
43 other than the corner that Mr. Kimball is suggesting, is problematic; if you put it along the south side, it's
44 becoming an Interstate sign, if you put it over on the west side, it's next to the neighbors. She said Mr.
45 Kimball in theory has chosen a decent location for a compromise of trying to find the most suitable
46 location on the property. She said an Interstate sign to her understanding would be more of a safety
47 conflict, so that northeast corner that he's suggesting is most suitable.

48

49 Mr. Elwell asked the Board if they should move to the Findings of Fact for 996-V-20 or should they take

1 an up or down vote on each of the items in 995-S-20, like Ms. Burgstrom had mentioned.
2
3 Mr. Elwell asked Mr. Hall if they do move to 996-V-20 and that is not supported, where does that leave
4 them with 995-S-20.
5
6 Mr. Hall said that they still have to make Findings in case 995-S-20.
7
8 Mr. Randol replied they still have to settle 995-S-20, regardless.
9
10 Mr. Hall said that if he is catching the drift of their question, some Board members might look at 995-S-
11 20 as to say, it asks for four signs at this location and that's what has been asked and they can't vote for
12 that, but they can vote for an off-premises sign on this property, but not with four sign faces that have
13 been requested. He said that would be a very hard read of the Finding; he thinks it's valid, but he also
14 thinks they could say they're going to approve an off-premises sign that has to be in full compliance with
15 the Ordinance.
16
17 Mr. Randol said he could live with that.
18
19 Mr. Elwell said that it would have to be at this specific site with these specific setbacks.
20
21 Mr. Hall responded no, that's just it, they can't approve a Special Use like what is shown in the site plan,
22 because it's reliant on Variances, which don't seem feasible.
23
24 Ms. Burgstrom said that Mr. Kimball would have to revise his site plan for the Special Use to demonstrate
25 that it's not going to need the Variance he's requested in order to have an approved site plan for the Special
26 Use Permit.
27
28 Mr. Hall said that is right, but the Board could approve a Special Use tonight, not approve the Variance,
29 and then Mr. Kimball would have to come up later with a proposal that would comply with the Ordinance.
30
31 Ms. Burgstrom replied correct, that they have done that before, where someone had to make an adjustment
32 after the approval contingent upon them bringing in a site plan that is in compliance. She said that is one
33 way to do it.
34
35 Mr. Elwell asked what the mechanics are of continuing with the Findings of Fact for 995-S-20. He said
36 he's hung up with how 995-S-20 refers to "these setbacks," that would have to be redacted or changed.
37
38 Mr. Hall said that he knows that the description of 995-S-20 refers to Case 996-V-20, but if 996-V-20 is
39 not approved, that reference is useless. He said in a perfect world, it would be better to approve 995-S-20
40 with a site plan that's in pure conformance with the Ordinance. He said they don't have that, and frankly
41 he thinks that could be used as justification for denial of 995-S-20, but he doesn't see that the Board
42 necessarily has to deny 995-S-20 just for that reason. He said he would offer this: if they are going to
43 approve 995-S-20, the more they can tailor the Findings to make it clear that they are not opposed to a
44 second principal use being a sign, it just needs to be a sign with no Variances, for example.
45
46 Mr. Randol said there needs to be no Variances and no safety issues.
47
48 Mr. Hall said presumably a sign that complies with the Ordinance wouldn't have a safety issue.
49

- 1 Mr. Elwell responded that if 995-S-20 is approved, they are approving one sign.
2
- 3 Mr. Hall said he believes that they could end up with a sign such as this, but it would be much smaller.
4 He said it can't be at that location because it needs a Variance to be at that location; it's going to be a little
5 further west.
6
- 7 Mr. Elwell asked Mr. Hall if B-3 was already allowed to have one sign of 300 square feet.
8
- 9 Mr. Hall said that's a Special Use on this property because he already has the self-storage warehouse
10 proposed.
11
- 12 Mr. Elwell responded okay.
13
- 14 Mr. Randol said it's going to have a sign.
15
- 16 Ms. Burgstrom said there would be an on-premises sign on 1675 North for self-advertising. She said to
17 keep in mind that the wording of case 995-S-20 talks about four off-premises freestanding advertising
18 signs, so they would still need to have the four faces aspect of 995-S-20 if they're going to approve this
19 Special Use Permit, because they only allow one sign. She said that is why they broke the Variance down
20 into pieces, because they can approve 996-V-20, for example, to allow a Special Use that has four sign
21 faces on one billboard structure, and they can deny other parts of the Variance about the size, location,
22 and setbacks. She said without a Variance for four sign faces, case 995-S-20 would only allow one signed
23 face with a maximum of 300 square feet.
24
- 25 Ms. Lee asked Ms. Burgstrom that in the request she stated for case 995-S-20, for four off-premises
26 freestanding advertising signs, with what she was just saying, with it being just one sign, that's in conflict
27 with the language on the request.
28
- 29 Ms. Burgstrom replied it is a lesser amount, so changing that wording of that Special Use, so that it's clear
30 that it's one freestanding sign, with one face, would be a way to approve the Special Use without needing
31 a Variance. She said if they're going to have the four sign faces that Mr. Kimball is talking about, then
32 they have to approve the Variance for four sign faces.
33
- 34 Mr. Elwell asked Ms. Burgstrom to walk them through on her recommendation on going point by point
35 with the up and down vote.
36
- 37 Ms. Burgstrom said that people can feel free to put the evidence of Findings of Fact that they want to list
38 under each one and then the Board can up or down vote for each Finding; it's tedious but it would be a
39 way to illuminate where the support is for each of these Findings.
40
- 41 Mr. Elwell asked how the Board would like to proceed.
42
- 43 Ms. Lee said she thinks that the most appropriate would be to go to case 996-V-20, that Ms. Burgstrom
44 mentioned quite a while ago, first.
45
- 46 Mr. Elwell asked Ms. Lee if her recommendation would be to move to the Findings of Fact for case 996-
47 V-20.
48
- 49 Ms. Lee responded yes.

1 because what's before them is not a Special Use Permit that complies with the Ordinance. He stated that
2 it is the Special Use Permit that Mr. Kimball proposed, it relies on having Variances, and he knows this
3 goes against what he said earlier in the meeting, but he thinks he was wrong earlier. He said that he thinks
4 both of these cases can only be voted upon as they were proposed, and if the Variance fails, the Special
5 Use Permit has to fail. He said that even though the Board might be inclined to approve a Special Use
6 Permit for a second principal use, they do not have that in front of them.

7
8 Mr. Elwell entertained a motion to proceed to the Findings of Fact for 996-V-20.

9
10 **Mr. Randol moved, seconded by Ms. Lee, to proceed with the Findings of Fact for 996-V-20.**

11
12 Mr. Kimball said that in the last meeting they had, the Board requested that he revise and resubmit in
13 cooperation with the Board and Staff. He asked if that needs to happen again.

14
15 Mr. Elwell responded it was his humble opinion that 996-V-20 is not going to be approved. He said he is
16 under the opinion that Mr. Kimball should be able to do what he wants to do with his property, but he also
17 thinks it needs to be in conformance to the Zoning Ordinance. He said it's also his opinion that he would
18 approve case 995-S-20 if it was just stated that they're able to have two primary structures on that parcel.
19 He said right now, that is not what is in front of them, and he thinks that they are divided enough as a
20 Board that they are not going to be able to come to an agreement on 996-V-20 or 995-S-20. He said that
21 is the reason he has asked to move to 996-V-20; what he would recommend, if he was the Petitioner, is to
22 ask for a continuance of this case and he would look at revising what he was asking for.

23
24 Mr. Elwell asked Mr. Hall and Ms. Burgstrom to please weigh in on if it is a no on either of these two
25 cases, when would Mr. Kimball be able to resubmit.

26
27 Mr. Hall said theoretically, a change as the Board has sort of suggested would be a major change, and he
28 would be able to immediately reapply with that different condition.

29
30 Mr. Elwell asked Mr. Hall if there would not be a penalty of a no vote tonight, if he wanted to come back
31 and ask for two principal structures and then figure out what that looks like going forward with any
32 potential construction on the signs, Variances, and things like that.

33
34 Mr. Hall said that is right.

35
36 Mr. Randol asked Mr. Hall what if Mr. Kimball just withdrew both of these requests tonight; it's pretty
37 obvious that they are not going to pass. He said if he withdrew this request and then resubmitted, that
38 would end all of the discussion about going through all of this, and if he would resubmit meeting what the
39 Ordinance requirements are.

40
41 Mr. Hall replied that Mr. Kimball could resubmit, but here's the thing; technically a withdrawal would
42 require him to pay new fees. He said if the Board wanted to continue the case expecting a significantly
43 revised case to come back, he would not have to readvertise. He said that would save him some money; it
44 would not save any time but would save some money. He said with a withdrawal, they are going to start
45 over with a completely new case readvertised; with a continuance, they'll probably not readvertise,
46 although the sign would presumably be less than what he asked for previously.

47
48 Mr. Randol asked if he understood Mr. Hall correctly, that either way it's going to have to be readvertised.
49 Mr. Hall said it's not clear to him that it needs to be readvertised if the request is scaled back. He said the

1 Special Use is what it is, it's a second principal use; if the Variance is reduced or goes away, it could just
2 come back to the Board without readvertising, because again, it's less of a request than what was originally
3 advertised.

4
5 Mr. Randol said it's still the same case, where if he totally withdrew, it would be a totally new case.

6
7 Mr. Hall replied yes, at that point it would. He asked if the Board had a preference, would it prefer new
8 cases to come back, or simply give Mr. Kimball another chance to revise this case more in line with what
9 the Ordinance anticipates.

10
11 Mr. Randol asked Mr. Kimball if he is hearing what the Board members are saying tonight so he comes
12 back with something he can feel confident that they're going to agree with.

13
14 Mr. Kimball said he is hearing Mr. Randol and Ms. Lee loud and clear but he is not quite sure what Mr.
15 Anderson and Mr. Roberts think; they haven't really heard from them. He said what he's hearing from
16 Mr. Randol and Ms. Lee is that case 995-S-20 would have to be within 300 square feet, two faces, one
17 face depending on how you look at it, one on each side, with no Variances. He said it would be voting on
18 a second principal structure, but the size would have to be within the Ordinance.

19
20 Mr. Elwell asked Ms. Lee if she would be supportive of this parcel having two primary structures.

21
22 Ms. Lee said it would depend, but she is also concerned about the safety issue, where Mr. Randol was
23 talking about its location, that is also part of case 995-S-20.

24
25 Mr. Elwell stated that for him personally, he doesn't think it's fair to keep stringing the Petitioner along.
26 He said it almost feels like the bars have been moving; he does agree that 996-V-20 is not going to be
27 supported today, but he also doesn't want to make a decision that incurs more fees for the Petitioner than
28 absolutely necessary. He said he would be in support of the Petitioner coming back with a revised 995-S-
29 20 that is more in line with the Zoning Ordinance; he thinks the Board should okay the two primary
30 structures on this parcel.

31
32 Mr. Anderson responded that he concurs with that plan.

33
34 Mr. Elwell asked Mr. Roberts if he would be in support of hearing a revised 995-S-20 case.

35
36 Mr. Roberts said that he could go along with that.

37
38 Mr. Randol said that it has to be within the Ordinance and not a safety issue. He said he thinks Mr. Kimball
39 has heard enough discussion to know what they are talking about, that he can devise a sign that is not
40 going to be what is considered a safety issue.

41
42 Mr. Elwell replied that he's concerned with labeling it as a safety issue. He asked Mr. Randol if he was
43 saying that the Zoning Ordinance is sanctioning unsafe signs.

44
45 Mr. Randol said not at all, you can have a sign and need to make a change, because of particular locations,
46 where it would be safe and at another location, it wouldn't be safe. He said that's why they have the ability
47 to make changes; he feels that Mr. Kimball has heard enough discussion to know what they're looking
48 for.

49

1 Mr. Elwell responded he would rebut that, if they were able to say, come back with a sign that is within
2 the Ordinance, that's a bar that has already been set and there's no vagueness with "safety." He said he
3 agrees that they do need to make sure that their county and roadways are safe, but in all honesty, he
4 believes that they're setting that arbitrarily. He said that he doesn't know if there's a safety rating of one
5 to ten, the same way as the previous comment about it being a "money maker," that is not measurable. He
6 said he feels that setting the expectation of sign size and setback are measurable; they need to be cognizant
7 of safety, but he doesn't think a sign that meets the Zoning Ordinance and meets safety is measurable
8 unless they can describe what level or measurement of safety they would be okay with.

9
10 Mr. Randol said he followed what Mr. Elwell was saying.

11
12 Mr. Elwell asked is it his understanding that the Board would be supportive of continuing this case.

13
14 Mr. Roberts replied yes.

15
16 Mr. Elwell said to Mr. Kimball that there's been quite a bit of discussion tonight. He asked him if he
17 would like them to continue with 996-V-20 and 995-S-20 or would he like them to revisit this case after
18 they look at their calendar and look at the dates.

19
20 Mr. Kimball asked Mr. Elwell if it was continuance they did last time.

21
22 Mr. Elwell said to his knowledge, yes.

23
24 Mr. Kimball said that they just do the same thing and he will work with the Staff to revise.

25
26 Mr. Hall said to Mr. Kimball that a continuance has to be to a date certain. He said given the scope of
27 changes that might be necessary, in his view July 15, 2021, would be the earliest that they should try to
28 come back. He asked if that would be enough time to think through these significant changes that Mr.
29 Kimball has to make.

30
31 Mr. Elwell entertained a motion to continue this case to the July 15, 2021 docket.

32
33 Mr. Randol replied that they have two cases on the July 15, 2021, already.

34
35 Mr. Hall stated that they do have two cases on July 15, 2021. He said the Bylaws suggest the Board should
36 be doing three to four cases every meeting, and looking at those cases, they seem a little more cut and
37 dried, so he thinks there would be time on July 15, 2021.

38
39 **Mr. Roberts moved, seconded by Mr. Randol, to continue to July 15, 2021.**

40
41 Mr. Elwell asked Mr. Hall if the motion is to continue case 995-S-20 or both cases.

42
43 Mr. Hall said that he suggests that the Board continue both cases with an understanding that the more it
44 can be in line with the Ordinance, the more likely it will have success.

45
46 **Mr. Roberts stated he would amend his motion to include both.**

47
48 Mr. Elwell requested a roll call vote.

49

1 The vote was called as follows:

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

4
5 **The motion carried.**

6
7 Mr. Elwell thanked Mr. Kimball and told him that Staff would be reaching out to him between now and
8 July 15, 2021.

9
10 Mr. Kimball said thank you and have a good night.

11
12 **Case 008-AT-21**

13 Petitioner: **Zoning Administrator**

14 Request: **Amend the Champaign County Zoning Ordinance as follows:**

15 **Amend Section 5.2 by adding “Agronomic Research and Training Facility” as a Special**
16 **Use Permit in the AG-1 Agriculture and AG-2 Agriculture Zoning Districts as detailed in**
17 **the full legal description in attachment A of the memorandum.**

18 Location: **Unincorporated Champaign County**

19
20 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
21 the witness register for that public hearing. He reminded the audience that when they sign the witness
22 register, they are signing an oath.

23
24 Mr. Elwell asked the petitioner if he would like to make a statement regarding his request prior to
25 introducing evidence.

26
27 Mr. Hall, Zoning Administrator, explained that this case was continued from May 13, 2021. He said that
28 they have had a facility proposed here in the county that the Zoning Ordinance will not accommodate
29 without a text amendment. He said that we don’t amend the Ordinance for a specific thing, we amend it
30 for a general thing, with the general thing being an Agronomic Research and Training Facility. He stated
31 since the last hearing, Mr. Anderson had contacted him with questions about how much of this land is
32 going to be lost to development rather than staying as agriculture. He said they had to look at the one
33 proposal that they had seen, and they calculated that about four percent of the 280-acre site would be used
34 for non-agriculture kinds of things. He said that would mostly be the facility for training, the visitor
35 training facility they call it, but that means 96 percent of the 280 acres would stay in agriculture. He said
36 that’s the new evidence tonight; they’re not proposing to add that to the Finding, they just wanted to
37 provide that for the Board’s consideration. He said he hopes the Board finds this is ready to recommend
38 to ELUC, but if there are other things they want staff to work on, they can do that.

39
40 Mr. Elwell thanked Mr. Hall and asked the Board if they had any other questions.

41
42 Ms. Lee said she had a comment regarding the 3-acre maximum lot size by-right for a residential lot. She
43 said the use primarily here is a huge building area, then they have another part where they’re doing
44 something else not related to the research area. She said if they consider that zoning is to protect the
45 agriculture land, residential is going to be a completely different use, having less traffic and less things
46 interfering with regular farming. She said this is going to be a completely different structure than just a
47 residential house.

48
49 Mr. Randol replied to Ms. Lee that he was kind of confused, he is not sure where she was going with this.

1 He asked if she is opposing it, or is she just making a comment on the land use.

2
3 Ms. Lee stated that in Supplemental Memorandum #1, it talks about having the by-right residential
4 development, it can be a maximum lot size of 3 acres. She said she is referring to that a house is going to
5 have much less activity in terms of traffic and other areas versus this huge building where they can have
6 all these visitors and office space for doing other things. She said technically, the Ordinance is trying to
7 preserve farmland, and often on these cases if they have one non-agricultural land use, then on another
8 case a petitioner could say the research facility got this and it's close by and it's not actually agriculture.
9 She said the Board is doing the creep where they're going to take more farmland out of production.

10
11 Mr. Randol said he agrees with Ms. Lee that they would be taking some out of production; he thinks the
12 upside to that is they're increasing the benefits that agriculture can get from the research that will be done.

13
14 Mr. Elwell responded that he sees this as the opportunity cost of the roughly four percent of a potential
15 site of 300 acres would be right around 12-15 acres, for instance the opportunity cost of taking that 15
16 acres or that 10 acres out of production. He said with the knowledge of fertilizing and stuff like that, it
17 could possibly even exponentially increase the return on the county's current farmland. He said he
18 honestly does see this as it's not physically growing soybeans or corn, but he thinks this is as much of an
19 agriculture type use or the study of agriculture. He said maybe that's what they should do is have a facility
20 that is used to study agriculture and have that be okay, maybe that's the reason why they're there right
21 now. He stated that this is as much of a business in agriculture as what farming is, in his opinion.

22
23 Mr. Hall said that he wanted to caution Board members about focusing on the use of best prime farmland;
24 again, Land Resource Management Plan Goal 4 is not to protect our best prime farmland, Goal 4 is to
25 protect agriculture and encourage agriculture. He said that's exactly what, in his view, an agronomic
26 research and training facility would do, albeit at a loss of some best prime farmland. He said that if they
27 want to do research on agriculture to the betterment of Champaign County, they're going to do research
28 on best prime farmland, so that's where their facility has to be. He said it's a necessary evil if you will,
29 but again, they are not concerned only about best prime farmland, they're concerned about agriculture. He
30 stated he believes that's why ELUC sent this to the Board for a recommendation; they see this as an overall
31 good thing, although it will use up some land as they see now, no more than the 3 residential lots would
32 use up, he thinks that is a useful thing. He said it is true that when they have the events where they have
33 the visitor training center being used, there will be more traffic on the roads, and when this Special Use
34 Permit comes to the Board, they can discuss the ways to mitigate that. He said that they don't even know
35 how often that is going to happen at this point; he assumes that's not going to happen a great many times
36 throughout the year. He said even if it does, this use is to help agriculture and it is completely consistent
37 with the Land Resource Management Plan.

38
39 Mr. Randol asked Mr. Hall if they had given any indication as to whether this is for grain crops, fruit trees
40 or all of it.

41
42 Mr. Hall said it's his understanding they will be focusing on corn and soybeans.

43
44 Mr. Randol asked Mr. Hall if they have given any indication as to whether the yields from the crops at the
45 end of the production year could go to food banks, which would be more of a benefit for the County.

46
47 Mr. Elwell replied that's kind of going outside of the Text Amendment.

48
49 Mr. Hall responded that they don't have information at that level of detail at this point.

1 Mr. Elwell said that for him personally, he thinks the Board shouldn't be the limiting factor on any
2 potential agronomic research and training facility being able to come in front of the Board. He said that
3 he is totally confident that they're going to be able to make sure that the roadway isn't parked on, that the
4 commissioners give their blessing, that he is 100 percent confident that that's going to happen. He said if
5 this isn't passed, then a petitioner would not be able to approach the Board, and he thinks they're literally
6 getting into the weeds with some of the comments that they've shared. He stated that personally, he feels
7 that they need to approve this and they can get into the weeds when they have something in front of them
8 that says, it's fruit trees, it's soybeans, or they're planning to donate the grain to local farmer or food
9 banks. He said they need to be able to have this approved before they have someone in front of them to
10 allow them to ask questions and get answers from.

11
12 Mr. Randol said he was just curious if there had been any discussion like that.

13
14 Mr. Elwell asked if there were any other questions from the Board.

15
16 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Summary Finding of Fact for Case**
17 **008-AT-21.**

18
19 **The motion carried.**

20
21 Mr. Elwell requested a roll call vote.

22
23 The vote was called as follows:

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

26
27 Mr. Elwell stated that he would be reading the Finding of Fact from Attachment D, page eight of eleven
28 in the Preliminary Memorandum for Case 008-AT-21. Mr. Elwell read as follows:

29
30 **SUMMARY FINDING OF FACT FOR CASE 008-AT-21**

31 From the documents of record and the testimony and exhibits received at the public hearing conducted on
32 May 13, 2021 and May 27, 2021, the Zoning Board of Appeals of Champaign County finds that:

- 33
- 34 1. The proposed Zoning Ordinance text amendment **IS NECESSARY TO ACHIEVE** the Land
- 35 Resource Management Plan because:
- 36 A. The proposed Zoning Ordinance text amendment will **HELP ACHIEVE** LRMP Goal 3.
- 37
- 38 B. The proposed Zoning Ordinance text amendment **WILL NOT IMPEDE** the achievement
- 39 of LRMP Goals 1, 2, 4, 5, 6, 7, 8, and 9.
- 40
- 41 C. The proposed Zoning Ordinance text amendment is **NOT RELEVANT** to LRMP Goal 10.
- 42
- 43 2. The proposed text amendment **WILL** improve the Zoning Ordinance because it will:
- 44 A. **HELP ACHIEVE** the purpose of the Zoning Ordinance (see Item 16).
- 45
- 46 B. **IMPROVE** the text of the Zoning Ordinance (see Item 17).
- 47

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

1 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
2 **Record, and Finding of Fact, as amended.**

3
4 Mr. Elwell requested a roll call vote.

5
6 The vote was called as follows:

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

9
10 **The motion carried.**

11
12 Mr. Elwell entertained a motion to move to the Final Determination for Case 008-AT-21.

13
14 **Mr. Roberts moved, seconded by Mr. Randol, to move to the Final Determination for Case 008-AT-**
15 **21.**

16
17 Mr. Elwell requested a roll call vote.

18
19 The vote was called as follows:

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

22
23 **The motion carried.**

24
25 Mr. Elwell stated that he would be reading the Final Determination from Attachment D, page ten of eleven
26 in the Preliminary Memorandum for Case 008-AT-21. Mr. Elwell read as follows:

27
28 **FINAL DETERMINATION OF CASE 008-AT-21**

29 Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning
30 Board of Appeals of Champaign County recommends that:

31
32 The Zoning Ordinance Amendment requested in Case 008-AT-21 should **{BE ENACTED / NOT**
33 **BE ENACTED}** by the County Board in the form attached hereto.

34
35 **Mr. Randol moved, seconded by Mr. Roberts, that the Zoning Ordinance Amendment requested in**
36 **Case 008-AT-21 should BE ENACTED by the County Board in the form attached hereto.**

37
38 Mr. Elwell requested a roll call vote.

39
40 The vote was called as follows:

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

43
44 **The motion carried.**

45
46 **6. New Public Hearings - None**

47
48 **7. Staff Report - None**

49

