

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61802**

**DATE: April 28, 2022 PLACE: Shields-Carter Meeting Room
1776 East Washington Street
Urbana, IL 61802**

MEMBERS PRESENT: Ryan Elwell, Lee Roberts, Jim Randol, Tom Anderson, Nolan Herbert,
Thaddeus Bates

MEMBERS ABSENT: Larry Wood

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry

OTHERS PRESENT: Donald White, Lorrie Pearson, Cynthia Pacey, Timothy Chavez,
Bridgette Moen

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence - None

4. Minutes- March 31, 2022 Minutes.

Mr. Elwell asked if there was any discussion on the March 31, 2022 minutes.

Mr. Randol moved, seconded by Mr. Roberts, to approve the March 31, 2022 minutes. The motion carried by voice vote.

5. Continued Public Hearings - None

6. New Public Hearings

Cases 051-S-22 and 051-V-22

Petitioners: Champaign County Forest Preserve District, via agent Bridgette Moen, CCFPC District Planner

Request: Authorize those portions of the Kickapoo Rail Trail that are proposed in the unincorporated area only, and that shall connect to that portion of the Kickapoo Rail Trail located inside the Village of St. Joseph, as a “public park or recreational facility”

1 authorized by-right in the R-1 Single Family Residence Zoning District and as a Special
2 Use Permit in the AG-1 Agriculture Zoning District and subject to the variance fully
3 described in the legal advertisement, on property that is commonly known as the
4 inactive CSX railroad line located along U.S. Route 150 that is described fully in the
5 legal advertisement (see Attachment A).
6

7 Location: Generally, fourteen different tracts of land totaling 52.7 acres and commonly known as
8 the inactive CSX railroad line between the Village of St. Joseph and the Vermilion
9 County line and that shall connect to those portions of the Kickapoo Rail Trail that are
10 proposed to be located inside the Village of St. Joseph and the Village of Ogden and
11 more specifically described in the legal advertisement.
12

13 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
14 the witness register for that public hearing. He reminded the audience that when they sign the witness
15 register, they are signing an oath.
16

17 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
18 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
19 show of hands from those who would like to cross-examine, and each person will be called upon. He said
20 that those who desire to cross-examine do not have to sign the Witness Register, but will be asked to
21 clearly state their name before asking any questions. He noted that no new testimony is to be given during
22 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws
23 are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their
24 request prior to introducing evidence.
25

26 Bridgette Moen stated she works for the Champaign County Forest Preserve District and their address is
27 P.O. 1040, Mahomet. She said the Kickapoo Rail Trail stretches about 24.5 miles from the City of Urbana
28 to just west of the City of Danville, so tonight they are here requesting a Special Use Permit for the area
29 between the Village of St. Joseph and Village of Ogden. She said just a brief overview of the trail and its
30 development for anyone who might not be familiar, this 24.5 mile recreational trail links both Champaign
31 County, Vermilion County, and Kickapoo State Park. She said it was originally spearheaded under the
32 leadership of Heartland Pathways and the Champaign County Design & Conservation Foundation. She
33 said there are several direct landowners that work together as partners, including the Champaign County
34 Forest Preserve District, Vermilion County Conservation District, Illinois Department of Natural
35 Resources, and the Urbana Park District. She said they also work very closely in a steering committee
36 with agencies including the Illinois Department of Transportation, Champaign County Regional Planning
37 Commission, Danville Sanitary District, and Champaign County Housing Authority. She said they work
38 very closely with the municipalities that are along the line including: Urbana, Champaign, St. Joseph,
39 Ogden, Fithian, Muncie, Oakwood, and Danville. She said in addition to their nonprofit and governmental
40 organizations they work with, there is a lot of community and business support for the Kickapoo Rail Trail
41 including the Friends of the KRT, Champaign County Bikes, Prairie Cycle Club, and several businesses
42 such as Busey Bank and The Andersons. She said understandably so, the cost of constructing 24.5 miles
43 of trail is quite a task for small special districts, so it has been kind of broken up into phases since the land
44 was acquired. She said in Champaign County about 6.7 miles have been constructed and that is from
45 Urbana just west of High Cross Road to downtown St. Joseph. She said in Vermilion County about three
46 miles have been constructed and that stretches from Oakwood to the southern entrance of Kickapoo State
47 Park, and that also includes the new trestle bridge they may have seen in recent press releases.
48

49 Ms. Moen said the Champaign County Forest Preserve District is hoping to complete the remaining 5.1

1 miles of trail in Champaign County in the coming months and years. She said the Champaign County side
2 of the trail is shovel ready with construction documents that have already been completed by their
3 engineer. She said they have secured funds through the Illinois Transportation Enhancement Program
4 administered by the Illinois Department of Transportation to construct one and one-half miles in and near
5 the Village of Ogden. She said approximately half of the trail to be constructed in Ogden will be asphalt
6 surfaced and the remainder will be fresh gravel similar to earlier phases of the trail. She referred to her
7 PowerPoint of the conceptual rendering shown on the projector screen of the improvements looking from
8 the Champaign County and Vermilion County line, or County Road 2800 East. She said the CCFPD is
9 only ready to start construction in and near Ogden this year; they are working with the State on funding
10 the remainder of the trail in Champaign County and Vermilion County to complete the final 3.6 miles in
11 Champaign County and 8.4 miles in Vermilion County in addition to a trailhead in Weaver Park in Urbana.
12 She said the CCFPD is requesting the Special Use Permit for the remainder of the Champaign County trail
13 with the assumption that funding will be secured in the relatively near future, and they don't have to come
14 back to this Zoning Board to request permission a second time. She said like any public project they have
15 always occasionally received calls about the trail, but in general they have not faced any major push back
16 from residents or neighbors since the trail was constructed. She said since the packet was issued for this
17 public hearing and the public notice went out, they have applied for the Illinois National Pollutant
18 Discharge Elimination System Permit or the Illinois NPDES Permit and that is currently under review.
19 She said Champaign County Soil & Water Conservation District has already reviewed the project and
20 determined that a full natural resources information report will not be necessary.

21
22 Ms. Moen said they have received one phone call from an adjacent landowner since the public notice for
23 the public hearing, who had some general questions about the scope of construction and sort of where
24 people will access the trail, but was generally in support of the project. She said the CCFPD sent letters to
25 landowners adjacent to the trail in the one and one-half mile stretch in and near Ogden, and they received
26 one call from a landowner, but only to request access to his farmland from their property. She said they
27 do acknowledge the future phase between St. Joseph and Ogden will include the challenge of the Union
28 Pacific Railroad at-grade crossing east of St. Joseph, because there is inadequate clearance below the
29 existing U.S. Route 150 overpass. She said an at-grade crossing is necessary so that the proposed crossing
30 will adhere to the safety regulations outlined by Union Pacific Railroad and include crossing gates,
31 pavement markings, fencing, concrete crossing panels, and signage. She said the Champaign County
32 Forest Preserve District currently owns this crossing acquired from CSX Transportation. She said the
33 proposed improvements will greatly improve safety conditions in this area. She said in summary, she
34 would like to thank them all for their time this evening in reviewing the CCFPD request and she would
35 also like to thank Ms. Burgstrom for her assistance with their application and walking her through this
36 process, and she welcomes any questions.

37
38 Mr. Elwell asked if there were any questions from the Board.

39
40 Mr. Anderson asked Mr. Hall and Ms. Burgstrom how the variances are looked for on a case like this
41 since this was his first case for the Kickapoo Rail Trail.

42
43 Mr. Hall said the variances are mentioned in the legal advertisement and are essentially boiled down to
44 the fact that this was constructed a long time ago as a railroad bed that needs to be preserved, so that if in
45 the future they ever need to resurrect the railroad bed, that could be done. He said the Champaign County
46 Forest Preserve District is not proposing to change where the railroad bed is and in some cases, that
47 railroad bed is closer to the adjacent street than what their Zoning Ordinance would like to see. He said
48 those are the primary variances, well he thinks that is the only variance and asked Ms. Burgstrom if it was.

49

1 Ms. Burgstrom referred to the map on Attachment C of the Preliminary Memorandum that she had
2 provided in the Board's packet, showing that CCFPD intended to provide parking at the trailheads or on
3 adjacent streets, but not on the actual subject property where the rail trail would be. She said that it was
4 the fact that CCFPD was not putting parking within the subject property that would need a variance request
5 for Part A through Part F. She said there was just one little location over by the Village of Ogden that had
6 a rear yard that was just two feet shy of what the Zoning Ordinance required between the Kickapoo Rail
7 Trail and the property line.

8
9 Mr. Anderson said that answered his question.

10
11 Mr. Randol asked Ms. Burgstrom if she was making reference to the Kickapoo Rail Trail in the Village
12 of Ogden being 12 feet away from the property line of an adjacent house.

13
14 Ms. Burgstrom said that she would have to look back at the plans, but it sounded familiar, and it was really
15 close to a property line.

16
17 Mr. Randol said that was mentioned in their packet handouts and asked if CCFPD had that issue resolved,
18 and was there a problem there.

19
20 Ms. Burgstrom said there was not a problem there.

21
22 Mr. Randol said okay.

23
24 Mr. Anderson asked if there was any water problems.

25
26 Ms. Burgstrom asked him what kind of water problems, and was he talking about flood potential.

27
28 Mr. Anderson said dams or rushing water.

29
30 Mr. Hall said the railroad embankment is as it has always been and there are always drainage problems
31 around railroad embankments, but the proposed construction isn't going to make it any worse and he
32 doubts it is going to make it any better, because changes like that to a railroad embankment are pretty
33 difficult. He said they are not aware of any drainage problems, and it would be a truly unusual
34 circumstance to not have some problems like that along a railroad.

35
36 Mr. Anderson asked whose responsibility it was if the embankment was serving as a dam and water piles
37 up behind it.

38
39 Mr. Hall said that was a good question, he doesn't know if the CCFPD has considered that, but maybe
40 they have.

41
42 Ms. Moen said yes, more specifically in the Village of Ogden is where they're very concerned about
43 drainage, because it is a very flat town and there is not a lot of natural ways for water to move from point
44 A to point B. She said in both the unincorporated area and the incorporated area, they have already allowed
45 the Village of Ogden to build swales on their property, which they are preserving as a part of this
46 construction. She said in this current phase they are planning on installing culverts for the Village of
47 Ogden to help that flow of water across the railroad embankment so they can work on a future drainage
48 improvement in the Village of Ogden and still have a good flow of water. She said between the Village
49 of St. Joseph and Village of Ogden, this is one of the cases where the trail is pretty flat, and they are not

1 doing a lot of earth work compared to some of the more western edges of that terminus near the City of
2 Urbana. She said there is not a lot of earthwork happening; that is always something that they keep an eye
3 on, because they don't want to make water issues worse for anyone downstream from them, but they try
4 not to disturb the railroad embankment as much as they can, especially since that soil is considered special
5 waste that they have to cap.

6
7 Mr. Anderson asked what they do when the crossroad comes up to the railroad embankment and the road
8 has ditches.

9
10 Ms. Moen asked for example, if there was a road crossing for where that would be.

11
12 Mr. Anderson said yes.

13
14 Ms. Moen said they typically try to not disturb the grades as much as they can, because in many cases
15 vehicles still need to get in and out, so they don't want to create any issues. She said if there are existing
16 culverts, they either leave them and make sure they are in good shape and reinforce them as necessary or
17 sometimes they end up replacing the culverts. She said the Illinois Department of Transportation is also
18 working on a pretty substantial drainage project just west of the Village of Ogden, which is going to be
19 starting this summer and part of that project will be occurring on the CCFPD property and IDOT hopes to
20 alleviate some of the drainage problems west of the Village of Ogden.

21
22 Mr. Herbert asked her if the CCFPD was going to try and alleviate any drainage issues that were currently
23 existing, because he knows east of the City of Urbana there are some wet holes around there where the
24 water gets stuck between U.S. Route 150 and the railroad bed.

25
26 Ms. Moen asked him if he meant east of the City of Urbana where the Kickapoo Rail Trail already exists.

27
28 Mr. Herbert said right.

29
30 Ms. Moen said CCFPD doesn't have current plans to do anything with that right now, but if they receive
31 complaints or they have common issues with that, then that is certainly something they always look at and
32 they don't want to cause any problems.

33
34 Mr. Herbert said he thinks it has been a long time problem and asked if there were any issues like that
35 currently where they are talking about.

36
37 Ms. Moen said there are issues just west of the Village of Ogden where just about every big rain they are
38 dealing with standing water and that is why they are working with both Village of Ogden and IDOT to
39 help get that water moving and get it out of people's backyards and the stormwater drainage infrastructure.
40 She said if there is a specific location that he knows of, even if it is outside of this specific public hearing,
41 she would be happy to take that down and have CCFPD look at that for drainage.

42
43 Mr. Herbert said okay, he does know that railroad beds in general have a pretty big problem with drainage.

44
45 Ms. Moen said they didn't exactly install a lot of those railroad beds with culverts back when they ruled
46 the eastern United States.

47
48 Mr. Herbert said yes.

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

2
3 Mr. Randol asked if the funds were either appropriated or are they in the process of working to get grants
4 to take care of this now, so there would be no taxpayer expense at this point.

5
6 Ms. Moen said there is a little bit of both. She said CCFPD has secured funds for the one and one-half
7 mile stretch near the Village of Ogden; that is 80% federal funding that is being passed down through the
8 State and 50% of CCFPD match is coming directly from the State of Illinois. She said the match that the
9 CCFPD is paying on for this over one million dollar project is only ten percent of the whole project and
10 their foundation, that is one of their most successful fundraising programs.

11
12 Mr. Randol said so CCFPD is not going to be coming to the public asking them for an increase.

13
14 Ms. Moen said CCFPD is not going to referendum to cover this. She said the Kickapoo Rail Trail,
15 compared to most of their capital improvements, the CCFPD has contributed fairly limited capital dollars.
16 She said they work very aggressively to find grants and direct State funds. She said between the Village
17 of Ogden and the Village of St. Joseph, they are working with the State on a potential direct funding source
18 for that. She said that CCFPD doesn't have the capital budget to cover a project of this size at the CCFPD.

19
20 Mr. Randol said alright, thank you.

21
22 Mr. Elwell asked if there were any other questions from the Board or staff. Seeing none, he asked if anyone
23 would like to cross-examine this witness. Seeing one person from the audience, he asked for them to
24 proceed to the cross-examination microphone.

25
26 Timothy Chavez said he lives adjacent to the current plans of the Kickapoo Rail Trail at 2501 County
27 Road 1600 North, Ogden; it is the crossroad of County Road 2500 East and U.S. Route 150. He said that
28 one of his biggest concerns that he has seen with the previous construction of the Kickapoo Rail Trail as
29 it sits was that there was a lot of clear cutting of land to build it.

30
31 Mr. Elwell said right now they need to ask Ms. Moen a question and he would have a time to testify later.

32
33 Mr. Chavez said sure, and asked Ms. Moen what the CCFPD plans were for the construction as far as
34 clear cutting the land.

35
36 Ms. Moen said sure, so CCFPD as a forest preserve district very much doesn't like to cut down trees either
37 because it sort of pains them. She said there are spots along the Kickapoo Rial Trail where especially
38 before they took acquisition of the property where they deal with a lot of invasive species and trees that
39 have kind of grown up over the years. She said specifically in this one and one-half mile stretch, the limits
40 of construction are pretty tight because they don't have to do a lot of grading as they had to do in earlier
41 phases of the Kickapoo Rail Trail, so there is tree removal directly on that railroad bed, but there is much
42 less of a wider impact off of the trail. She said farther west there are pockets where they will need to cut
43 down trees on the railroad bed or anywhere they need to do grading. She said they always have their
44 natural resources team go out before they are getting ready to gear up for construction to identify areas
45 where the higher quality trees are that provide better habitat value and that sort of thing. She said the
46 CCFPD has cases in and near the Village of Ogden where homeowners have planted trees over the years
47 that are on the CCFPD property as the railroad has been there for so long they probably didn't even know
48 where the property lines were, and they very rarely ask those homeowners to remove those trees and
49 respect their distance unless it is either becoming a public nuisance or is in the direct line of their

1 construction.

2
3 Mr. Chavez said the only other question he had, which might be a question for the Board, was about the
4 parking exemption and if the Board could help him understand if that means it is being zoned as a
5 recreational area it would not be able to have a parking area. He asked if he had that correct or are they
6 asking to put a parking area at the crossroads in Section 17 specifically, which would directly involve his
7 adjacent property.

8
9 Ms. Burgstrom said the variance for parking is because the Zoning Ordinance requires a certain amount
10 of parking spaces to be on a subject property and not offsite; the variance is to allow them to not have any
11 parking on the subject property, so they would have their own plans for where or if they are putting
12 trailheads or whatever they are going to do along the way.

13
14 Mr. Chavez said that answered his questions, thank you.

15
16 Ms. Moen asked if she was allowed to follow up on the parking just to clarify the CCFPD intent.

17
18 Mr. Elwell said yes.

19
20 Ms. Moen said the CCFPD just finished a parking lot in the Village of St. Joseph that is dedicated only
21 for Kickapoo Rail Trail users, but she is sure other people use it as well. She said that they do not have
22 any immediate plans to put parking along the trail especially in the rural areas, because people typically
23 want to get on the trail from a municipality. She said the CCFPD doesn't have funding right now for a
24 parking lot in the Village of Ogden, but it is something they are keeping an eye on. She said if nuisance
25 parking from trail usage starts to increase, then that is something they would have to investigate for
26 building parking, but it would more likely be in downtown Village of Ogden where people could find the
27 parking if they typed in the address.

28
29 Mr. Elwell said thank you.

30
31 Mr. Herbert asked Ms. Moen if she had seen many people join the trail in rural areas.

32
33 Ms. Moen said it depends, and every once and while they get that, especially near Fulls Siding if he is
34 familiar with that area, which is just east of Urbana, because it just sort of looks like a big accessible
35 parking lot and every once in a while they get calls from Fulls Siding about people parking there. She said
36 every once in a while they get people parking on the crossroads, but they haven't had recurrent nuisance
37 parking. She said they have had that issue a little bit more on the Vermilion County side and that is partially
38 because there are just more destinations along the trail like the trestle bridge and access to the Kickapoo
39 State Park. She said they don't quite have that problem in Champaign County where there is a huge
40 attraction right next to the trail that people are trying to get to.

41
42 Mr. Herbert said that would be a concern for him that on completion of the entire trail the parking may
43 increase in use.

44
45 Ms. Moen said yes, that is an important thing to think about if the CCFPD would suffer from their own
46 success further down the line and have to deal with nuisance parking. She said part of their rationale for
47 building the parking in the Village of St. Joseph was they were getting calls from the Village of St. Joseph
48 about their parking getting a little congested in the downtown area with trail users, so they turned around
49 and looked for funding to help deal with that right away, but in rural areas it just hasn't been problematic

1 at specific areas for them yet.
2
3 Mr. Herbert said it is harder to get someone to move a car when they are three miles away on their bicycle
4 when a farmer is trying to get around with a piece of farm equipment.
5
6 Ms. Moen said for sure and there have been one or two properties kind of west St. Joseph that had
7 justifiable concerns when the trail was going in close to their house, but they keep in regular contact with
8 those homeowners.
9
10 Mr. Herbert said thank you.
11
12 Mr. Elwell asked if anyone else would like to cross-examine this witness. Seeing no one, he asked if
13 anyone would like to testify in Cases 050-S-22 or 051-V-22. Seeing no one, he asked Mr. Hall if there
14 were any special conditions.
15
16 Mr. Hall referred to two special conditions in the Preliminary Memorandum on page three.
17
18 Mr. Randol asked if the special condition deals with the fences that they have listed in the Preliminary
19 Draft and there are no other special conditions.
20
21 Mr. Hall said there is another special condition just requiring compliance with the Storm Water
22 Management and Erosion Control Ordinance.
23
24 Mr. Randol said yes.
25
26 Mr. Elwell asked Ms. Moen to answer in the affirmative if she agrees to the special conditions.
27
28 Ms. Moen asked if he could repeat that.
29
30 Mr. Elwell said he would be reading from page three of three in the Preliminary Memorandum, and it is
31 going to be the special conditions for both cases and if she is in agreement to just say so.
32
33 Ms. Moen said okay.
34
35 Mr. Elwell said that he would be reading the Special Conditions for Cases 050-S-22 and 051-V-22 from
36 page 3 of 3 in the Preliminary Memorandum, as follows:
37
38 **SPECIAL CONDITIONS FOR CASES 050-S-22 AND 051-V-22**
39
40 **Proposed condition for Special Use Case 050-S-22:**
41 **A. The Petitioners must comply with the Champaign County Storm Water Management**
42 **and Erosion Control Ordinance.**
43
44 **The special condition stated above is necessary to ensure the following:**
45 **That the proposed use provides for adequate drainage of the development site**
46 **before, during, and after construction.**
47
48 Ms. Moen said she was in agreement.
49

1 **Proposed condition for Variance Case 051-V-22:**

- 2 **A. All fences constructed on the subject properties will comply with the visibility**
- 3 **requirements established in Section 4.3.3 F. of the Zoning Ordinance.**

4

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

6 **That the proposed use complies with the Zoning Ordinance.**

7

8 Ms. Moen said she is in agreement with that and their fencing design is exactly the same from the earlier

9 Kickapoo Rail Trail phase, which followed the Special Use Permit.

10

11 Mr. Elwell said thank you and asked how the Board would like to proceed.

12

13 **Mr. Randol moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of**

14 **Record, and move to the Findings of Fact for Cases 050-S-22 and 051-V-22. The motion carried by**

15 **voice vote.**

16

17 Mr. Elwell said that he would be reading the Findings of Fact for Cases 050-S-22 and 051-V-22 from

18 Attachment K, page 27 of 34 in the Preliminary Memorandum, as follows:

19

20 **FINDINGS OF FACT FOR CASES 050-S-22 AND 051-V-22**

21 From the documents of record and the testimony and exhibits received at the public hearing for zoning

22 cases **050-S-22 and 051-V-22** held on **April 28, 2022**, the Zoning Board of Appeals of Champaign

23 County finds that:

- 24
- 25 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
 - 26 **location because:**

27

28 Mr. Randol said the requested Special Use Permit IS necessary for the public convenience at this location

29 because: the proposed trail sections will link with the existing trail section constructed and previously

30 approved between the City of Urbana and the Village of St. Joseph. He said once this 24.5 mile Kickapoo

31 Trail is completed it will connect the City of Urbana with Kickapoo State Park near Danville.

- 32
- 33 **2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
 - 34 ***HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}***
 - 35 **be injurious to the district in which it shall be located or otherwise detrimental to the public**
 - 36 **health, safety, and welfare because:**

- 37
- 38 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
- 39 **location has *{ADEQUATE / INADEQUATE}* visibility because:**

40

41 Mr. Randol said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE

42 visibility because: the proposed trail is designed for pedestrian and bicycle safety with IDOT regulations.

- 43
- 44 **b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:**

45

46 Mr. Randol said the emergency services availability is ADEQUATE because: the St. Joseph-Stanton Fire

47 Department is located approximately four tenths of a mile away from the trail and the Ogden-Royal Fire

48 Station is located approximately 500 feet from the trail, and neither of these departments have expressed

49 any objections.

1 **c. The Special Use {WILL / WILL NOT} be compatible with adjacent uses because:**
2

3 Mr. Randol said the Special Use WILL be compatible with adjacent uses because: the proposed trail
4 sections will connect with the existing trail between Urbana and St. Joseph.
5

6 **d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} because:**
7

8 Mr. Randol said the surface and subsurface drainage will be ADEQUATE because: there is a special
9 condition to ensure compliance with the Storm Water Management and Erosion Control Ordinance.
10

11 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**
12

13 Mr. Randol said the public safety will be ADEQUATE because: the proposed trail will be built in
14 accordance with IDOT “Standard Specifications for Road and Bridge Construction” and the “Manual on
15 Uniform Traffic Control Devices for Streets and Highways.” He said the signage and markings will be
16 installed along the trail to control both vehicular and pedestrian traffic at crosswalks.
17

18 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:**
19

20 Mr. Randol said the provisions for parking will be ADEQUATE because: the Champaign County Forest
21 Preserve District has parking areas at the trailheads.
22

23 **g. The property is BEST PRIME FARMLAND and the property with the proposed
24 improvements {IS / IS NOT} WELL SUITED OVERALL because:**
25

26 Mr. Randol said the property is Best Prime Farmland and the property with the proposed improvements
27 IS well suited overall because: the subject property has been a rail line for many years and there is no
28 agricultural production on this rail line, so it is a good fit.
29

30 **h. The existing public services {ARE / ARE NOT} available to support the proposed
31 special use effectively and safely without undue public expense because:**
32

33 Mr. Randol said the existing public services ARE available to support the proposed special use effectively
34 and safely without undue public expense because: there are no additional costs and no objections from
35 any of the affected parties.
36

37 **i. The existing public infrastructure together with proposed improvements {ARE / ARE
38 NOT} adequate to support the proposed development effectively and safely without
39 undue public expense because:**
40

41 Mr. Randol said the existing public infrastructure together with proposed improvements ARE adequate to
42 support the proposed development effectively and safely without undue public expense because: the
43 Champaign County Forest Preserve District is responsible for maintenance of the trails and it was stated
44 earlier that there would be no additional taxpayer expense at this time.
45

46 Mr. Randol said the requested Special Use Permit, subject to the Special Conditions imposed herein, is so
47 designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which
48 it shall be located or otherwise detrimental to the public health, safety, and welfare.
49

1 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
2 **HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the**
3 **DISTRICT in which it is located.**

4
5 Mr. Randol said the requested Special Use Permit, subject to the Special Conditions imposed herein,
6 DOES conform to the applicable regulations and standards of the district in which it is located.
7

8 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
9 **HEREIN} {DOES / DOES NOT} preserve the essential character of the DISTRICT in which**
10 **it is located because:**

11
12 **a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant**
13 **County ordinances and codes.**

14
15 Mr. Randol said the Special Use will be designed to CONFORM to all relevant County ordinances and
16 codes.
17

18 **b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.**

19
20 Mr. Randol said the Special Use WILL be compatible with adjacent uses.
21

22 **c. Public safety will be {ADEQUATE / INADEQUATE}.**

23
24 Mr. Randol said the public safety will be ADEQUATE.
25

26 Mr. Randol said the requested Special Use Permit, subject to the Special Conditions imposed herein,
27 DOES preserve the essential character of the district in which it is located.
28

29 **4. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
30 **HEREIN} {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance**
31 **because:**

32
33 **a. The Special Use is authorized in the District.**

34
35 **b. The requested Special Use Permit {IS/ IS NOT} necessary for the public convenience**
36 **at this location.**

37
38 Mr. Randol said the requested Special Use Permit IS necessary for the public convenience at this location.
39

40 **c. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
41 **IMPOSED HEREIN} is so designed, located, and proposed to be operated so that it**
42 **{WILL / WILL NOT} be injurious to the district in which it shall be located or**
43 **otherwise detrimental to the public health, safety, and welfare.**

44
45 Mr. Randol said the requested Special Use Permit subject to the Special Conditions imposed herein is so
46 designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which
47 it shall be located or otherwise detrimental to the public health, safety, and welfare.
48

- 1 **d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS***
 2 ***IMPOSED HEREIN*** ***{DOES / DOES NOT}*** **preserve the essential character of the**
 3 **DISTRICT in which it is located.**
 4

5 Mr. Randol said the requested Special Use Permit, subject to the Special Conditions imposed herein,
 6 DOES preserve the essential character of the district in which it is located.
 7

8 Mr. Randol said the requested Special Use Permit, subject to the Special Conditions imposed herein, IS
 9 in harmony with the general purpose and intent of the Ordinance.
 10

- 11 **5. The requested Special Use *IS NOT* an existing nonconforming use.**
 12

- 13 **6. Regarding the variance:**

- 14 **a. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the**
 15 **land or structure involved, which are not applicable to other similarly situated land**
 16 **and structures elsewhere in the same district because:**
 17

18 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
 19 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 20 the same district because: moving the proposed trail to meet the setback requirement would result in higher
 21 construction costs and unnecessary land disturbance to drainage ditches, natural habitat, and tile districts
 22 – it would be disastrous. He said regarding the parking, the narrow subject properties do not have sufficient
 23 area for parking space, although parking will be provided at the trailheads.
 24

- 25 **b. Practical difficulties or hardships created by carrying out the strict letter of the**
 26 **regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise**
 27 **permitted use of the land or structure or construction because:**
 28

29 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
 30 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 31 structure or construction because: without the variance for setback and rear yard, the petitioner would
 32 have to either not develop the proposed path or they would have to purchase additional land to meet those
 33 required setbacks, which in turn could go back to negative construction costs and land disturbance. He
 34 said without the variance, the minimum parking requirements near the access points for parking areas
 35 would need to be cut at crossroads, which would increase traffic safety concerns.
 36

- 37 **c. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO***
 38 ***NOT}* result from actions of the applicant because:**
 39

40 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 41 from actions of the applicant because: the petitioners purchased the former CSX rail line, and the railroad
 42 bed has been there for years.
 43

- 44 **d. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}***
 45 **in harmony with the general purpose and intent of the Ordinance because:**
 46

47 Mr. Randol said the requested variance subject to the proposed condition IS in harmony with the general
 48 purpose and intent of the Ordinance because: putting the rail bed to use as a rail trail adds an important
 49 recreational feature for all of Champaign County.

- 1 e. **The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL /*
2 *WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public
3 health, safety, or welfare because:
4**

5 Mr. Randol said the requested variance subject to the proposed condition WILL NOT be injurious to the
6 neighborhood or otherwise detrimental to the public health, safety, or welfare because: the proposed trail
7 will promote outdoor exercise that can be used by everyone. He said relevant jurisdictions have been
8 notified of the proposed project, and no negative comments have been received from anyone.
9

- 10 f. **The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}*
11 the minimum variation that will make possible the reasonable use of the
12 land/structure because:
13**

14 Mr. Randol said the requested variance, subject to the proposed condition, IS the minimum variation that
15 will make possible the reasonable use of the land/structure because: the National Trails System Act (16
16 USC 1247) would make moving the rail bed to meet the regulations for setback and yards unwise and
17 economically impractical because reestablishing rail service could be necessary, so that railroad bed will
18 still be in place.
19

- 20 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE
21 COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE
22 PARTICULAR PURPOSES.
23**

24 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
25 Findings of Fact for Cases 050-S-22 and 051-V-22, as amended.
26

27 **Mr. Roberts moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of
28 Record, and the Findings of Fact for Cases 050-S-22 and 051-V-22. The motion carried by voice
29 vote.
30**

31 Mr. Elwell entertained a motion to move to the Final Determination for Case 050-S-22.
32

33 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Final Determination for Cases 050-S-
34 22. The motion carried by voice vote.
35**

36 Mr. Elwell said that he would be reading the Final Determination for Case 050-S-22 from Attachment K,
37 page 31 of 34 in the Preliminary Memorandum, as follows:
38

39 **FINAL DETERMINATION FOR CASE 050-S-22**

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

44 **The Special Use requested in Case 050-S-22 is hereby GRANTED WITH SPECIAL
45 CONDITIONS to the applicant, Champaign County Forest Preserve District, to authorize the
46 following:
47**

1 Authorize those portions of the Kickapoo Rail Trail that are proposed in the
2 unincorporated area only, and that shall connect to those portions of the Kickapoo Rail
3 Trail that are existing or proposed inside the Village of St. Joseph and the Village of
4 Ogden, as a “public park or recreational facility” authorized by-right in the R-1 Single
5 Family Residence and by Special Use Permit in the AG-1 Agriculture Zoning District,
6 subject to the variance detailed in the Final Determination for Case 051-V-22.
7

8 Mr. Elwell requested a roll call vote.
9

10 The vote was called as follows:

11	Randol- yes	Roberts- yes	Anderson- yes	Herbert- yes
12	Elwell- yes	Wood – absent	Bates- yes	

13
14 **The motion carried.**
15

16 Mr. Elwell congratulated Ms. Moen on Case 050-S-22 being approved. He entertained a motion to move
17 to the Final Determination for Case 051-V-22.
18

19 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Final Determination for Case 051-V-**
20 **22. The motion carried by voice vote.**
21

22 Mr. Elwell said that he would be reading the Final Determination for Case 051-V-22 from Attachment K,
23 page 32 of 34 in the Preliminary Memorandum, as follows:
24

25 **FINAL DETERMINATION FOR CASE 051-V-22**

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

30 **The Variance requested in Case 051-V-22 is hereby GRANTED WITH SPECIAL**
31 **CONDITIONS to the applicant, Champaign County Forest Preserve District, to authorize**
32 **the following:**
33

34 **Authorize those portions of the Kickapoo Rail Trail that are proposed in the**
35 **unincorporated area only, and that shall connect to those portions of the Kickapoo**
36 **Rail Trail that are existing or proposed inside the Village of St. Joseph and the Village**
37 **of Ogden, as a “public park or recreational facility” authorized by-right in the R-1**
38 **Single Family Residence and as a Special Use Permit in the AG-1 Agriculture Zoning**
39 **District and subject to the described variance, on the Subject Property described**
40 **below in Parts and in general:**
41

42 **Subject Property Part A:**

43 **A 2.86 acre tract in the R-1 Single Family Residence District in the North Half**
44 **of the North Half of Section 14 and the South Half of the South Half of Section**
45 **11, Township 19N Range 10E of the Third Principal Meridian in St. Joseph**
46 **Township, commonly known as the inactive CSX railroad line located on the**
47 **south side of U.S. Route 150 and subject to the following variance:**
48

49 **Variance Part A:**

1 **Part A1:** A variance from Section 5.3 of the Zoning Ordinance for a front
 2 setback of 70 feet in lieu of the minimum required 85 feet from the
 3 centerline of a Federal or State Highway in the R-1 Single Family
 4 Residence Zoning District;

5
 6 **Part A2:** A variance from the parking requirements of Section 7.4 of the
 7 Zoning Ordinance.

8
 9 **Subject Property Part B:**

10 A 12.8 acre tract in the AG-1 District in the North Half of the North Half of
 11 Section 13 and the South Half of the South Half of Section 12, Township 19N
 12 Range 10E of the Third Principal Meridian in St. Joseph Township, commonly
 13 known as the inactive CSX railroad line located along U.S. Route 150 and
 14 subject to the following variance:
 15

16 **Variance Part B:**

17 **Part B1:** A variance from Section 5.3 of the Zoning Ordinance for a front
 18 setback of 73 feet in lieu of the minimum required 85 feet from the
 19 centerline of a Federal or State Highway in the AG-1 District;
 20

21 **Part B2:** A variance from the parking requirements of Section 7.4 of the
 22 Zoning Ordinance.
 23

24 **Subject Property Part C:**

25 A 9.1 acre tract in the AG-1 District in the North Half of the North Half of
 26 Section 18 and the South Half of the South Half of Section 7, Township 19N
 27 Range 11E of the Third Principal Meridian in Ogden Township, commonly
 28 known as the inactive CSX railroad line located on the north side of U.S. Route
 29 150 and subject to the following variance:
 30

31 **Variance Part C:** A variance from the parking requirements of Section 7.4 of
 32 the Zoning Ordinance.
 33

34 **Subject Property Part D:**

35 A 10.9 acre tract in the AG-1 District in the North Half of the North Half of
 36 Section 18 and the South Half of the South Half of Section 7, Township 19N
 37 Range 14W of the Second Principal Meridian in Ogden Township, commonly
 38 known as the inactive CSX railroad line located on the north side of U.S. Route
 39 150 and subject to the following variance:
 40

41 **Variance Part D:** A variance from the parking requirements of Section 7.4 of
 42 the Zoning Ordinance.
 43

44 **Subject Property Part E:**

45 A 10.8 acre tract in the AG-1 District in the North Half of the North Half of
 46 Section 17 and the South Half of the South Half of Section 8, Township 19N
 47 Range 14W of the Second Principal Meridian in Ogden Township, commonly
 48 known as the inactive CSX railroad line located on the north side of U.S. Route
 49 150 and subject to the following variance:
 50

Variance Part E:

Part E1: A variance from Section 5.3 of the Zoning Ordinance for a rear yard of 23 feet in lieu of the minimum required 25 feet in the AG-1 Agriculture District; and

Part E2: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property Part F:

A 6.3 acre tract in the AG-1 District in the North Half of the North Half of Section 16 and the South Half of the South Half of Section 9, Township 19N Range 14W of the Second Principal Meridian in Ogden Township, commonly known as the inactive CSX railroad line located on the north side of U.S. Route 150 and subject to the following variance:

Variance Part F: A variance from the parking requirements of Section 7.4 of the Zoning Ordinance.

Subject Property in General:

Fourteen different tracts of land totaling 52.7 acres comprised of the various Parts described above and commonly known as the inactive CSX railroad line between the Village of St. Joseph and the Vermilion County line and that shall connect to those portions of the Kickapoo Rail Trail that are proposed to be located inside the Village of St. Joseph and the Village of Ogden.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Randol- yes	Roberts- yes	Anderson- yes	Herbert- yes
Elwell- yes	Wood – absent	Bates- yes	

The motion carried.

Mr. Elwell congratulated Ms. Moen on receiving four affirmative votes on Cases 050-S-22 and 051-V-22. He said hopefully they will be able to run a marathon from Urbana Walmart to Vermilion County.

Ms. Moen said that is the hope, they could run a half- marathon now if they started from Urbana to St. Joseph and back.

Mr. Elwell said that if they did it again it would be a full marathon; there is going to be an awful lot of people that are going to enjoy that area and he thanked her for what she does.

Ms. Moen thanked the Board for their review.

7. Staff Report

Mr. Hall said there is not actually a staff report, but he wanted to make sure that Board members saw the email staff sent out about the Citizen Planner training. He said if the Board has two and one-half hours that they could take out of their day on Wednesday, May 11, 2022, he thinks it would be a good experience.

1 He said that this has been happening every couple of years, so if for some reason they can't make it this
2 year then they will probably have it back in two years.

3
4 Mr. Randol asked where that will be held at.

5
6 Mr. Hall said that it will be over Zoom.

7
8 Mr. Randol said okay.

9
10 Mr. Hall said he supposes they could make arrangements for Board members to come in and do that
11 remotely from the Brookens Administrative Center if that would help.

12
13 Mr. Elwell said Zoom would work for him.

14
15 Mr. Hall asked if he meant from the Brookens Administrative Center or from where he would be at
16 otherwise.

17
18 Mr. Elwell said that he would be in Collinsville, Illinois on May 11, 2022, and May 12, 2022.

19
20 **8. Other Business**

21
22 Mr. Elwell asked Mr. Hall if he would like to talk a little about the proposed revisions to the ZBA By-
23 laws.

24
25 Mr. Hall said sure, this goes back to the ZBA public hearing on March 17, 2022, which was the first time
26 in the 32 years he has been working with the Zoning Board, that anyone has ever asked to speak on a
27 matter other than cases pending before the Zoning Board. He said all of a sudden it became very clear
28 why the County Board puts public participation at the beginning of their agenda and puts a five minute
29 time limit on it. He said that was a good lesson, so he and Ms. Burgstrom prepared a revision to the ZBA
30 By-laws, which would change the typical meeting agenda to include public participation for matters other
31 than cases pending to earlier in the agenda right after communications and limits audience participation
32 to five minutes per person. He said like any other By-law, that time limit could be waived if the Board
33 feels that there was sufficient justification to waive it. He said this sets the Zoning Board up to finally
34 have a provision for public comments other than cases pending before the Board and he knows they have
35 had this on the agenda a couple of times, but his recommendation would be to not take any action on this
36 until the next meeting, so they are abiding by their own By-laws.

37
38 Mr. Randol said the next meeting would be May 12, 2022.

39
40 Mr. Hall said that is right and they have two relatively simple cases, so hopefully there will be plenty of
41 time to deal with it at that meeting.

42
43 Mr. Randol asked if he would like a motion to move the ZBA By-laws to the ZBA public hearing on May
44 12, 2022.

45
46 Mr. Hall said yes he would – to continue this.

47
48 **Mr. Randol moved, seconded by Mr. Roberts, to continue the ZBA By-laws to the ZBA public**
49 **hearing on May 12, 2022. The motion carried by voice vote.**

1 Mr. Randol asked if staff had a new Board members contact list yet with addresses and phone numbers.
 2
 3 Ms. Berry said that she would get that to the Board members via email and a paper copy to them at the
 4 next public hearing on May 12, 2022.
 5

6 **A. Review of Docket**

7
8 Mr. Elwell asked if there were any absences anticipated, and there were none.
9

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

11
12 None
13

14 **10. Adjournment**

15
16 Mr. Elwell entertained a motion to adjourn the meeting.
17

18 **Mr. Roberts moved, seconded by Mr. Randol, to adjourn the meeting.**

19
20 Mr. Elwell requested a roll call vote.
21

22 The vote was called as follows:

Randol- yes	Roberts- yes	Anderson- yes	Herbert- yes
Elwell- no	Wood – absent	Bates- yes	

25
26 **The motion carried.**

27
28 The meeting adjourned at 7:37 p.m.
29

30 Respectfully submitted,
31
32
33

34 Secretary of Zoning Board of Appeals
35
36
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