

AS APPROVED SEPTEMBER 13, 2006

MINUTES OF REGULAR MEETING

Champaign County Environment & Land Use Committee Champaign County Brookens Administrative Center Urbana, IL 61802	DATE: August 14, 2006 TIME: 7:00 p.m. PLACE: Lyle Shields Meeting Room Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802
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MEMBERS PRESENT: Jan Anderson, Chris Doenitz, Tony Fabri, Nancy Greenwalt (VC), Ralph Langenheim (C), Steve Moser, Jon Schroeder

MEMBERS ABSENT: Brendan McGinty

STAFF PRESENT: John Hall, Leroy Holliday, J.R. Knight

OTHERS PRESENT: Wesley Meyers, Sherry Schildt, Sara Holt, Tom Berns, Bill Pusey, Lee Sentman, Pat Cook, Janet Fitch, Hal Barnhart, Steve Willard, Neil Malone, Roberta Schnitkey

1. Call to Order, Roll Call

The meeting was called to order at 7:01 p.m.

2. Approval of Agenda

Mr. Fabri moved, seconded by Mr. Doenitz to approve the agenda as submitted. The motion carried by voice vote.

3. Minutes of Previous Meeting (June 12, 2006)

Mr. Langenheim stated that Ms. Susan McGrath, Champaign County Assistant State's Attorney was present at the June 12, 2006, meeting and requested that she be added as Staff Present.

Ms. Anderson moved, seconded by Mr. Fabri to approve the June 12, 2006, minutes as amended. The motion carried by voice vote.

4. Public Participation

None

5. Correspondence

None

6. County Board Chair’s Report

Ms. Wysocki reminded the Committee that at 7:00 p.m. on August 21, 2006, the Farm Bureau will be hosting an informational meeting regarding the aquifer. She said that the meeting will be held at the Farm Bureau auditorium.

7. Enterprise Zone Incentive Revision

Ms. Greenwalt moved, seconded by Mr. Moser to recommend approval of the Enterprise Zone Incentive Revision. The motion carried unanimously by voice vote.

8. Request for refund for Zoning Use Permit #96-06-01 and #96-06-02, Uncle Sam Enterprises of Illinois.

Ms. Greenwalt moved, seconded by Ms. Anderson to deny the request for refund for Zoning Use Permit #96-06-01 and #96-06-02, Uncle Sam Enterprises of Illinois. The motion carried by voice vote.

9. Zoning Case 538-AM-06 Petitioner: Roy Humphrey and Pat Cook, d.b.a. Cook Construction. Request to amend the Zoning Map to change the zoning designation from the AG-2, Agriculture District to the R-1, Single Family Residential Zoning District. Location: The west 3.3 acres in the Northeast Quarter of Fractional Section 1 of Mahomet Township that is commonly known as 3.3 acres of farmland on the west side of Crooked Creek Subdivision and fronting on CR 2400N on the south and Limb Drive on the north.

Mr. Wesley Meyers, Engineer for Vegrzyn, Sarver Engineering and Surveying that they are representing the developer for the subdivision. He said that this has been a work in progress at both the County level and the Village of Mahomet. He said that at the County level the Zoning Board of Appeals has recommended approval and a recommendation of approval have been received from the Village of Mahomet’s Planning Commission. He said that on July 25, 2006, final plat approval was received from the Village of Mahomet contingent upon the County’s approval. He said that the case memorandum identifies all of the other sign-offs that have been achieved including IDNR, IEPA and the Sangamon Valley Public Water District.

Mr. Moser moved, seconded Mr. Doenitz to recommend approval of Case 538-AM-06. The motion carried unanimously by voice vote.

10. Subdivision Case 190-06: Pusey Second Subdivision. Combined Area General Plan, Preliminary and Final Plat Approval for a two-lot subdivision of an existing 5.1 acre lot located in the CR, Conservation-Recreation Zoning District in Section 12 of Urbana Township.

Mr. Tom Berns of Berns, Clancy and Associates stated that on behalf of Mr. Bill Pusey they are presenting a

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replat of Pusey First Subdivision to create a two-lot subdivision in Urbana Township. He said that the subdivision is relatively straight forward and the Planning and Zoning staff has done a great job in presenting the material and background necessary for the Committee's review. He requested that the Committee recommend approval of Case 190-06.

Mr. Moser moved, seconded by Mr. Hunt to recommend approval of Case 190-06: Pusey Second Subdivision.

Mr. Fabri asked why the County prohibits development on Silty Clay Loam soils.

Mr. Hall stated that Silty Clay Loam soils are bottom land soils and are the worst soils in the county for septic systems. He said that bottom land soils typically flood and are bad for septic systems.

Mr. Schroeder asked what type of septic system would be utilized on the lots.

Mr. Hall stated that there are no restrictions on the type of septic system utilized on the proposed lots. He said that the engineer has certified the soils for being adequate but fill will be placed on the lots and the soil layer will change. He said that the County Health Department determined that as long as the soils sit for a year there will not be a problem in placing a septic system in after the fill is placed but it remains to be seen.

The motion carried unanimously by voice vote.

11. Zoning Administrator's Report on proposed amendment to the Zoning Ordinance to add "Private Indoor Recreational Development" as an authorized use in the CR, Conservation-Recreation Zoning District.

Mr. Hall distributed to the Committee a memorandum dated August 14, 2006, regarding amending the Zoning Ordinance to add "Private Indoor Recreational Development" as an authorized use in the CR District. He said that his recommendation is that adding this use to only the CR district would be inconsistent with the intent of the CR district and would not be consistent with the uses that are currently authorized. He said that if the Committee believes that this issue is important enough it could be added as a use in both the CR and AG-1 districts under the general concern for providing for alternative ways to reuse rural structures. He said that reusing a rural structure for a public assembly type use where life safety may be illogical. He said that a use such as this could bring high volumes of traffic into the rural area which would be incompatible with agriculture and it is likely that any kind of use which would be proposed out there would generate a lot of controversy unless it would be in the more remote areas where it wouldn't be consistent with most County Land Use Policies. He said that the Committee could request that the amendment be forwarded to the Zoning Board of Appeals for a public hearing. He said that if the amendment was moved forward it must be clear that the Committee is in favor of the conditions which were outlined in the memorandum. He reminded the Committee that these uses are already authorized in the AG-2 district with no conditions. He said that the Committee could also consider a text amendment changing the requirements in the AG-2 district. He recommended that the Ordinance remain as it is to date.

Ms. Greenwalt questioned the condition B1, regarding authorizing the use only in buildings that existed in their current location prior to January 1, 1998.

Mr. Hall stated that one of the concerns in the CR district is to protect the natural area and if a new building was authorized to be constructed it would probably contradict the County's Land Use Goals and Policies. He said that it would be saying that not only is the County going to allow existing buildings to be used for a proposed use but new buildings will be allowed to be constructed. He said that it would be consistent to allow new buildings to be authorized if no loss of woodlands or natural areas would occur but for many reasons it seems to be a great amount of work and a lot of public controversy.

Mr. Fabri asked which zoning districts allowed "Private Indoor Recreational Development".

Mr. Hall stated that the AG-2 and B-4 districts allow such a use. He said that if this text amendment passed the only condition that would be required to be waived for the proposed use by Mr. Willard would be the condition regarding the use being located at least 500 feet from existing residences. He said that Mr. Willard's location complies with all of the other proposed conditions.

Mr. Moser stated that he is opposed to changing the CR district. He asked if there was any AG-2 which was not located within the one and one-half mile jurisdiction of a municipality.

Mr. Hall stated that there are bits and pieces of the AG-2 district which is located outside of the one and one-half mile jurisdiction boundaries.

Mr. Moser moved, seconded by Mr. Schroeder to uphold the Zoning Administrator's recommendation that "Private Indoor Recreational Development" not be added as an authorized use in the CR district. The motion carried unanimously by voice vote.

12. Zoning Case 497-AM-05: Helen Willard and Steven and Shirley Willard. Request to amend the Zoning Map to change the zoning designation from CR, Conservation-Recreation to AG-2, Agriculture. Location: A 29 acre tract in the Northwest ¼ of the Southeast ¼ of Section 36 of Newcomb Township and located east of CR 550E and north of CR 2425N at the corner of CR 550E and CR 2425N and commonly known as the home and property at 556 CR 2425N, Dewey.

Mr. Langenheim ruled that no public participation will be accepted regarding this case.

Mr. Moser moved, seconded by Mr. Doenitz to recommend denial of Zoning Case 497-AM-05.

Mr. Fabri offered a substitute motion to recommend approval of Case 497-AM-05, seconded by Ms. Greenwalt.

Mr. Moser stated that he considers the requested map amendment as spot zoning. He said that he does

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applaud Mr. Willard's efforts but it is much like a cocklebur in a bean field and is considered a weed out of place. He said that he would hate to set precedence like this for anything which may come up in the future.

Mr. Fabri stated that at the last ELUC meeting the Committee discussed the activities that are taking place at the location and we were informed that it is a place where teens can meet and stay out of trouble. He said that the Committee requested that Mr. Hall investigate the possibility of changing the Zoning Ordinance to accommodate the proposed use but the Committee just upheld the Zoning Administrator's recommendation for no text amendment. He said that he is not in favor of changing the zoning for this case but if it is the only way to allow this particular use at this location he would be willing to do so.

Mr. Moser stated that he has received several telephone calls regarding the activities which take place at Mr. Willard's property. He said that the people who live close to the location have the right to live in their homes without unwanted noise every weekend. He said that the Committee can do whatever they want but it is a bad precedence to set for any future uses that may come before this Committee.

Ms. Anderson stated that she has not been contacted by anyone but she has visited the site. She asked if many of the complaints that were received were from the owners and clients of the nearby horse stable.

Mr. Hall stated that complaints have been received from other neighbors and not just from the horse farm. He said that a lot of the negative comments which were made at the Zoning Board of Appeals meetings were not relayed to the Committee because those comments were related to the Special Use Case and not the Map Amendment. He said that in the future when a special use case is related to a map amendment case the person testifying must be asked if their comments relate to both cases so that the comments that relate to the map amendment can be included in the map amendment findings.

Ms. Greenwalt asked if the Committee could review the ZBA minutes for the special use case.

Mr. Hall stated that the minutes are available for review and could be distributed to the Committee.

Mr. Fabri and Ms. Greenwalt withdrew their motion to recommend approval of Case 497-AM-05.

Mr. Moser moved to defer Item #12 until the Committee has an opportunity to review the Zoning Board of Appeals minutes for Case 498-S-05. The motion was seconded by Ms. Greenwalt.

Mr. Hall stated that he is concerned with the Committee deferring this item to review minutes which are not part of the finding which summarizes the ZBA's action on a related Special Use case may constitute some type of legal concern. He said that if the basis of the Committee's decision is going to be the ZBA's determination and the minutes, which are not part of this case, then those minutes must be made part of the finding for the map amendment so that they are a legal part of the Committee's decision.

Ms. Greenwalt requested that Mr. Hall discuss the legal concerns with the Assistant State's Attorney.

Mr. Langenheim stated that in the absence of proper legal advice it is appropriate to defer this case until the

Committee has reviewed the ZBA minutes for Case 498-S-05.

Mr. Fabri asked what the ZBA's recommendation was to ELUC.

Mr. Hall stated that the ZBA's determination was a recommendation for denial.

The motion carried unanimously by voice vote.

- 13. Zoning Case 558-AT-06: Zoning Administrator. Request: 1. Amend paragraph 4.2.1C to allow "mortuary or funeral home" in the AG-2 District as a second principal use on a lot on which there is a cemetery when the lot is under common management; 2. Amend Section 5.2 to change "mortuary" to be "mortuary or funeral home"; 3. Amend Section 5.2 to add "mortuary or funeral home" as a Special Use Permit in the AG-2 District with a footnote specifying that a mortuary or funeral home is only allowed in the AG-2 District as a second principal use on the same lot as a cemetery and the lot must be under common management; 4. Add standard conditions for "mortuary or funeral home" as a Special Use Permit in the AG-2 District.**

Mr. Moser moved, seconded by Mr. Fabri to recommend approval for Case 558-AT-06.

Ms. Anderson asked if this amendment is being proposed due to the request by Mittendorf-Calvert Funeral Home. She said that she is concerned about parking.

Mr. Hall stated that there are a lot of site plan concerns related to the Mittendorf-Calvert Funeral Home's request. He said that he spoke to Glenn Stanko, Attorney for the owners, about his concerns and Mr. Stanko indicated that when a final determination is made for Case 558-AT-06, they will hire an engineer to proceed with a complete site plan. He said that testimony was presented indicating that their request is a common trend in the industry and it certainly seems like a reasonable request. He said that currently the County does not have a zoning district where you can have both a mortuary and a cemetery.

Mr. Langenheim asked if the Committee recommends approval of Case 558-AT-06, would the proposal come before ELUC.

Mr. Hall stated no. He said that the request will be a special use permit through the ZBA.

The motion carried by voice vote.

14. Comprehensive Zoning Review Update

Mr. Hall stated that the ZBA completed final action on Case 522-AT-05 on August 10, 2006. He distributed copies of the *Champaign County Zoning Ordinance Public Review Draft 3* as revised May 19, 2006, to the Committee for review. He noted that minor changes have been made to address concerns of the State's Attorney. He informed the Committee that they will be receiving additional information on CZR in

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preparation for the September meeting.

Mr. Moser asked if it will be presented as one package or will it be split up into sections for approval.

Ms. Wysocki asked the Committee if they would find any value in having a study session to review the revised Zoning Ordinance prior to ELUC's September meeting.

Mr. Langenheim asked Ms. Wysocki when the study session could be held.

Ms. Wysocki stated that sometime between the September 12th ELUC meeting and the September 21st County Board meeting.

Mr. Langenheim stated that he would prefer to have the study session prior to the September 12th meeting. He said that Mr. Moser's suggestion of breaking down the Ordinance into sections rather than forwarding it to the County Board in one packet could be better considered after a study session is held.

Ms. Wysocki stated that she, Mr. Langenheim and Mr. Hall could discuss dates for the study session and notify everyone when the dates are confirmed.

15. Monthly Report for June and July, 2006

None

16. Other Business

Mr. Hall introduced J.R. Knight as the Planning and Zoning Department's Associate Planner. He said that Mr. Knight was hired as a full-time Associate Planner on August 7, 2006.

17. Determination of items to be placed on the County Board Consent Agenda

The consensus of the Committee was to place Items # 7, #9 and #10 on the County Board Consent Agenda.

18. Adjournment

Mr. Doenitz moved, seconded by Mr. Fabri to adjourn the meeting. The motion carried by voice vote.

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

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DRAFT SUBJECT TO APPROVAL DRAFT

Secretary to the Environment and Land Use Committee

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