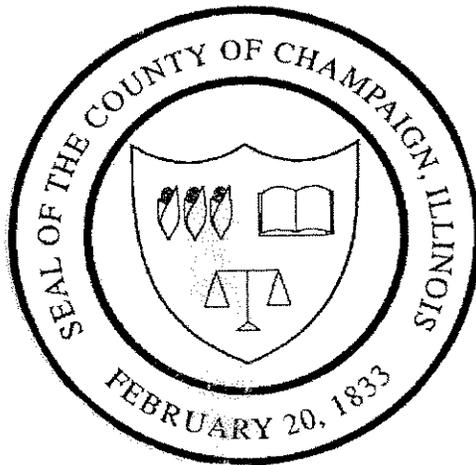


*Environment  
& Land Use  
Committee Agenda*

*September 13, 2006*



*7:00 p.m.*

*Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 East Washington, Urbana, Il 61802  
(217) 384-3708*

# ***AGENDA***

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## ***Champaign County Environment & Land Use Committee***

### ***Members:***

*Jan Anderson, Chris Doenitz, Tony Fabri, Nancy  
Greenwalt (VC) Kevin Hunt, Ralph Langenheim (C),  
Brendan McGinty, Steve Moser, Jon Schroeder*

***Date:*** September 13, 2006

***Time:*** 7:00 p.m.

***Place:*** Lyle Shields Meeting Room  
(Meeting Room 1)  
Brookens Administrative Center  
1776 E. Washington St.  
Urbana, Illinois

***Phone:*** (217) 384-3708

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## **AGENDA**

***Old Business shown in Italics***

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1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (August 14, 2006) 1 thru 8
4. Public Participation
5. Correspondence
  - A. Mahomet Aquifer Consortium Meeting No. 48, July 18, 2006, minutes 9 thru 10
  - B. Mahomet Aquifer Consortium Meeting No. 49, September 05, 2006, agenda 11
6. County Board Chair's Report
7. Enterprise Zone boundary amendment – Clearview Development 12 thru 18
8. Enterprise Zone boundary amendment – Anderson's Ethanol Plant 19 thru 25
9. (*DEFERRED FROM August 14, 2006*)
  - Zoning Case 497-AM-05: Helen Willard and Steven and Shirley Willard* 26 thru 82
    - Request: 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.*

**Environment and Land Use Committee Agenda**  
**September 13, 2006**  
**Page 2**

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|---|--------------------|
| <b>10. Recreation and Entertainment License: Last Call for Alcohol, Inc., 105 Main St, Penfield, IL. September 15, 2006 through December 31, 2006.</b>                                | <b>83 thru 91</b>  |
| <b>11. Zoning Case 522-AT-05: Zoning Administrator<br/>TEXT AMENDMENTS PROPOSED AS PART OF PHASE ONE OF THE<br/>CHAMPAIGN COUNTY COMPREHENSIVE ZONING REVIEW (CZR)<br/>PARTS A-M.</b> | <b>92 thru 107</b> |
| <b>12. Monthly Report for August, 2006<br/>(To be distributed at meeting)</b>   |                    |
| <b>13. Other Business</b>   |                    |
| <b>14. Determination of Items to be placed on the County Board Consent Agenda</b>   |                    |
| <b>15. Adjournment</b>  |                    |

## MINUTES OF REGULAR MEETING

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<b>Champaign County Environment &amp; Land Use Committee Champaign County Brookens Administrative Center Urbana, IL 61802</b>	<b>DATE:</b> August 14, 2006 <b>TIME:</b> 7:00 p.m. <b>PLACE:</b> Lyle Shields Meeting Room Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802
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**MEMBERS PRESENT:** Jan Anderson, Patricia Busboom, 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

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### 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 replat of Pusey First Subdivision to create a two-lot subdivision in Urbana Township. He said that the

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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.**

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

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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 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 12<sup>th</sup> ELUC meeting and the September 21<sup>st</sup> County Board meeting.

Mr. Langenheim stated that he would prefer to have the study session prior to the September 12<sup>th</sup> 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.

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Respectfully submitted,

Secretary to the Environment and Land Use Committee

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**Mahomet Aquifer Consortium**  
**Member Meeting No. 48**  
**July 18, 2006**  
**Minutes**

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1. A meeting of the members of the Mahomet Aquifer Consortium (MAC) was held on July 18, 2006 at the offices of Illinois State Water Survey (ISWS) in Champaign, IL. Acting Chairman Nancy Erickson called the meeting to order at 10:05 a.m. Twelve members and four non-members were in attendance. (See attached attendance sheet for those present).
2. Approval of Agenda – Motion to approve the agenda was made by Ralph Langenheim and seconded by Tom Berne. The motion carried.
3. Roll Call was accomplished by signing the MAC mailing list and is attached to the official minutes for the record. Twelve members and four non-members for a total of sixteen (16) people were in attendance.
4. Minutes of the May 10, 2006 meeting (Meeting No. 47) were not available.
5. Treasurer's Report by Dorland W. Smith, Secretary-Treasurer for the period ending June 30, 2006 (green sheet) was distributed showing a balance in the amount of \$623.23. (The report is attached to these minutes). Motion to approve the Treasurer's report was made by Paul DuMontelle and seconded by Susan Adams. Motion carried.
6. Committee Reports
  - a) Funding – Federal Funding may not be available for the Fiscal Year 2007.
  - b) Education and Public Relations – No news on the last RFP for educational funding.
  - c) Data & Scientific Assessment – Nothing new at the present
7. Presentation - Al Wehrmann gave a presentation on the Governor's Executive Order 2006-1. Then Dorland W. Smith gave a presentation on the Texas Regional Water Supply Plan. We are using some of the ideas from Texas to create a Regional Committee for the East Central Region of Illinois (Mahomet aquifer area). IDNR has asked the Mahomet Aquifer Consortium (MAC) to submit a Scope of Work for a grant to create a Regional Supply Planning Committee. The MAC is planning on designing the committee to represent twelve interest groups and have a geographical balance in the fifteen county area.
8. There was no old business to come before the meeting.

9. There was no new business
10. The next meeting will be held on Tuesday, September 5, 2006 at 10:00 a.m. at Illinois State Water Survey, 2204 Griffith Dr., Champaign, IL.
11. Ed Mehnert moved the meeting adjourn and Barry Suits seconded the motion. Meeting adjourned at 11:45 a.m.

Respectfully submitted,

Dorland W. Smith  
Secretary-Treasurer

**Mahomet Aquifer Consortium**  
**Meeting No. 49**  
**September 5, 2006, 10:00 a.m.**

Illinois State Water Survey, Champaign, IL

**AGENDA**

1. Call to Order – Mel Pleines
2. Approval of Agenda
3. Roll Call – (Initial Attendance Sheet or sign in)
4. Minutes of – July 18, 2006 meeting (Meeting No.48)
5. Treasurer’s Report – Dorland W. Smith, Sec-Treas
6. Committee Reports
  - a) Funding – Mel Pleines
  - b) Education & Public Relations – Ed Mehnert, Chairman
  - c) Data & Scientific Assessment – George Roadcap, Chairman
7. Presentation – Progress of Scope of Work for the Regional Water Supply Planning Committee
8. Old Business
9. New Business
10. Next Meeting Date – Meeting No. 50 - Nov ??, 2006
11. Adjourn -

Agenda 06-09-05

TO: Environment & Land Use Committee

FROM: Brent Rose

DATE: September 13, 2005

RE: Joint Champaign County-City of Champaign Enterprise Zone:  
Boundary Amendment

REQUESTED ACTION: Recommend Amendment to Enterprise Zone Ordinance (No.255 )  
to expand boundaries of the Enterprise Zone to accommodate the  
proposed Clearview Development.

**A. Introduction:** The purpose of this proposal is to amend the boundaries of the joint City of Champaign/Champaign County Enterprise Zone by adding 236.37 acres of property generally located West of Mattis Avenue, North of I -57 and South of West Olympian Drive extended. The subject property is part of the proposed Clearview development.

**B. Recommended Action:** Staff has no recommendation

**C. Prior Council Action:**

- The County Board passed Ordinance No. 255, entitled “An Ordinance Establishing an Enterprise Zone.”
- From time to time since then, the Champaign County Board and the Champaign City Council have expanded the boundaries for specific developments.

**D. Summary:**

- The City of Champaign and Champaign County jointly operate the Enterprise Zone, so all amendments must be processed and approved by both the City and the County.
- All amendments must be certified by the State of Illinois Department of Commerce and Economic Opportunity before they take affect but only after the City and the County have taken action.
- The State has 90 days from the time of submittal to consider each application for amendment.
- The territory that is proposed to be added to the Enterprise Zone, pursuant to the approval of this amendment, is located immediately adjacent to the current Zone boundaries.

- Currently, the total area of the Zone is 8.471 square miles. Approval of this amendment would increase the size of the Zone to 8.84 square miles. If the Enterprise Zone amendment for the Andersons ethanol plant, which is also on this evening's agenda, is approved as proposed, the total size of the Zone will be 9.091 square miles. The Enterprise Zone Act limits the total size of this Zone to 12 square miles.
- The proposed development of the subject property is consistent with the Champaign County Economic Development Policy.

**E. Background:**

**1. Request to Amend the Enterprise Zone Boundary.** The Atkins Group proposes to develop more than 500 acres north of Interstate 57 and West of Mattis Avenue. The development will be a mix of residential and commercial uses. The Atkins Group has requested an amendment to the boundaries of the Enterprise Zone to include 236.37 of these 500 acres. It is anticipated that this portion of the property will develop as an employment center with a professional office, hotel/conference center and other eligible commercial uses that would benefit from Enterprise Zone incentives.

**2. Enterprise Zone Benefits.** The State of Illinois created the Enterprise Zone program in 1982 to encourage economic growth and neighborhood revitalization at the local level. The City of Champaign and Champaign County approved their Enterprise Zone Ordinances in 1985 and received State certification of their Zone in 1986. The Zone boundaries and local program incentives have been amended over the years to adapt to changing local needs.

The joint City of Champaign/Champaign County Enterprise Zone offers certain local property tax abatements and state and local sales tax abatements to qualifying projects. Projects eligible for incentives are all residential, commercial and industrial rehabilitation projects; hotel and conference center projects which include a minimum of 15,000 square feet of usable conference center space and a minimum of 100 hotel rooms; industrial projects which create or retain at least 20 full time or full-time equivalent jobs; and professional services commercial projects, such as offices from which accounting, legal, architectural, engineering or medical services are rendered.

Generally, qualifying industrial projects may receive an abatement of up to 10 years on City, County and Park District real estate taxes. Eligible commercial projects may receive a 5 year abatement of real estate taxes. All qualifying projects are eligible to receive a waiver of state and local sales taxes on building materials that are permanently affixed to the real estate as long as those materials are purchased within the State. Projects located within the boundaries of an Enterprise Zone may also qualify for certain State programs such as tax credits and employee training funds.

**3. Procedure for Amendment.** State law requires that a public hearing be advertised

and conducted whenever an amendment is proposed that would alter the boundaries, incentives or benefits of the Enterprise Zone. Both the City and the County must consider and approve the proposed amendment. This process takes a minimum of 3 weeks to complete. The City and County, then, forward the transcript of the public hearing, together with the application for amendment, to the State Department of Commerce and Economic Opportunity. Upon receipt of the City/County application, the State has 90 days to consider the application. It is because of this extended lead time for consideration and approvals that staff prepared this amendment in advance of the County Board's consideration of the Clearview annexation agreement. In the event agreement is not reached, the application may be retracted from the State.

**4. Proposed Project.** The first project in this mixed-use development is the new Christie Clinic project. It will be located upon 25 of the 236.37 acres that are proposed to be added to the Enterprise Zone. The developers and Christie representatives estimate the value of the project at \$27,000,000. Based upon this project cost estimate, the present value of the local Enterprise Zone property tax incentive is \$1,866,000 based on a 5 year real estate tax abatement and \$837,000 in sales tax abatements on building materials purchased within the State. The developer has requested that the additional acreage be included at this time in order to avoid future delays in adding territory to the Enterprise Zone, which could be up to 110 days per project. The developer represents that Enterprise Zone benefits are critical to development and will be needed to provide for further economic growth of the area.

**F. Alternatives:**

1. Approve the amendment of the Enterprise Zone boundaries as depicted in Attachment "A."
2. Do not approve the EZ boundary amendment.

**G. Discussion of Alternatives:**

**Alternative 1** would allow the City and the County to proceed in a timely fashion to process the request to amend the Enterprise Zone boundary for the Clearview development.

**a. Advantages**

- Provides economic incentives for a significant development that is consistent with the County's Economic Development Policy
- Allows the City, the County and the State to consider and process the request in a timely fashion

**b. Disadvantages**

- Once approved, the City, County and Park District will forego an increase in property tax receipts for eligible projects for a period of 5 to 10 years, depending upon the type of development.
- Approval of this extension for the Christie Clinic facility sets an unfortunate precedent for the use of local tax incentives to facilitate relocation of existing businesses in the county; an unproductive drain on county tax revenues.

**Alternative 2** will not approve the amendment at this time. Staff seeks further County Board direction if this alternative is selected.

**a. Advantages**

- If development proceeds in the absence of Enterprise Zone tax abatements, the City, County and Park District will realize the increase in property tax receipts within 12-18 months of completion of the projects.
- City and County receive sales taxes on building materials purchased locally

**b. Disadvantages**

- May delay the approval process at the City and State levels
- May cause the developer to delay construction or forego the project at this time
- Does not encourage economic growth of the community

**H. Community Input:** A public hearing was scheduled for September 5, 2006 at the City of Champaign to provide the public an opportunity to comment on the proposed amendment.

**I. Budget Impact:** Approval of this amendment will add 236.37 acres of territory to the Enterprise Zone. The Christie Clinic project is estimated to be a \$27,000,000 project. Based upon this project cost estimate, the present value of the local Enterprise Zone property tax incentive is \$1,866,000 based on a 5 year real estate tax abatement and \$837,000 in sales tax abatements on building materials purchased within the State.

The area is expected to develop with other professional office uses, retail businesses and hotel/conference center facilities. Eligible projects will also receive 5 to 10 years of City, County and Park District real estate tax abatements and state and local sales tax abatements. In this case, these entities forego a potential increase in tax receipts for the short term. In the long term, the City, and other taxing bodies, will benefit from higher tax revenues than may have been realized without the incentives. It is possible that, without the extension of the Enterprise Zone boundaries to this area, the developer may delay the project, and none of the local taxing bodies would realize the increase in property tax receipts.

**Staffing Impact:** The increased workload caused by this project is negligible.

## Attachment "A"

### LEGAL DESCRIPTION OF PROPERTY TO BE ADDED TO THE ENTERPRISE ZONE

A tract of land being a part of the South One-Half of Section 27 and that part of Section 34 lying North of Interstate 74 and West of Interstate 57, all in Township 20 North, Range 8 East of the Third Principal Meridian, more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of Section 34, Township 20 North, Range 8 East of the Third Principal Meridian, proceed North 89° 50' 02" West 30.00 feet along the North line of the Northeast Quarter of said Section 34 to the Westerly Right-of-Way line of Mattis Avenue, said point being the True Point of Beginning; continue thence along the Westerly Right-of-Way line of Mattis Avenue on the following described courses: North 89° 50' 02" West 20.00 feet; South 00° 03' 24" East 157.19 feet; South 02° 14' 05" West 1250.64 feet; South 00° 03' 24" East 191.11 feet to the Westerly Right-of-Way of Interstate 57; thence along the Westerly Right-of-Way of Interstate 57 on the following described courses: South 41° 49' 34" West 750.93 feet; South 44° 57' 48" West 694.76 feet; South 45° 05' 53" West 305.75 feet; South 69° 17' 05" West 336.19 feet; North 78° 21' 35" West 298.71 feet; South 84° 43' 16" West 460.20 feet; North 60° 56' 40" West 211.90 feet to the Northerly Right-of-Way line of Interstate 74; thence along the Northerly Right-of-Way of Interstate 74 on the following described courses: North 60° 56' 40" West 211.90 feet; North 44° 18' 48" West 900.44 feet; North 41° 24' 55" West 600.40 feet; North 41° 27' 39" West 1200.00 feet; North 39° 32' 24" West 300.17 feet; North 41° 26' 57" West 936.13 feet to the North line of the Northwest Quarter of said Section 34; thence South 88° 44' 58" East 1233.98 feet along the North line of said Northwest Quarter to the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 34; thence South 71° 38' 16" East 326.68 feet; thence 682.63 feet along a circular curve to the left, concave to the East, having a radius of 693.00 feet, a chord bearing of South 09° 51' 26" East and a chord length of 655.37 feet; thence South 40° 60' 12" East 676.02 feet; thence 1134.38 feet along a circular curve to the left concave to the North, having a radius of 1373.00 feet, a chord bearing of South 63° 40' 20" East and a chord length of 1102.39 feet; thence North 08° 21' 12" West 483.72 feet; thence North 21° 19' 59" West 398.63 feet; thence North 21° 07' 28" East 398.27 feet; thence North 16° 13' 50" East 401.36 feet; thence North 09° 37' 06" West 401.91 feet; thence North 26° 55' 21" West 402.02 feet; thence North 54° 18' 33" West 417.59 feet; thence 328.21 feet along a circular curve to the right, concave to the Southeast, having a radius of 967.00 feet, a chord bearing of North 24° 31' 02" East, and a chord length of 326.64 feet; thence North 34° 14' 27" East 491.35 feet; thence South 55° 32' 18" East 118.17 feet; thence South 55° 34' 45" East 1813.50 feet; thence South 56° 40' 49" East 168.00 feet; thence 277.88 feet along a circular curve to the left, concave to the Northeast, having a radius of 525.00 feet, a chord bearing of South 71° 50' 36" East, and a chord length of 274.65 feet; thence South 58° 57' 28" East 161.47 feet; thence South 89° 48' 52" East 69.69 feet to the West Right-of-Way line of Mattis Avenue; thence South 00° 11' 14" West, 24.07 feet along said Right-of-Way line to the North line of an Illinois American Water Company tract; thence North 89° 50' 02" West 100.00 feet along said North line to the Northwest corner of said tract; thence South 00° 11' 14" West 100.00 feet

along the West line of said tract to the Southwest corner of said tract; thence South 89° 50' 02" East 100.00 feet along the South line of said tract to the West Right-of-Way line of Mattis Avenue; thence South 00° 11' 14" West 94.00 feet along said West line to the True Point of Beginning, encompassing 236.37 acres in Champaign County, Illinois.

Prepared by:           HDC Engineering, L.L.C.  
                              201 W. Springfield Ave.  
                              Champaign, IL 61820

Date:                     August 16, 2006

HDC Project No.:       05282

TO: Environment & Land Use Committee

FROM: Brent Rose

DATE: September 13, 2005

RE: Joint Champaign County-City of Champaign Enterprise Zone:  
Boundary Amendment

REQUESTED ACTION: Recommend Amendment to Enterprise Zone Ordinance (No.255 )  
to expand boundaries of the Enterprise Zone to accommodate the  
proposed ethanol plant to be built by the Anderson's.

**A. Introduction:** The purpose of this proposal is to amend the boundaries of the joint City of Champaign/Champaign County Enterprise Zone by adding 160.79 acres of property generally located West of Staley Road, North of the Norfolk-Southern railroad tracks and South of the Andersons Grain elevator operation. The subject property is 112.33 acres and the site where the Andersons propose to build a new 110 MGY ethanol plant, along with an additional 48.46 acres that is necessary to provide contiguity to the Enterprise Zone and for annexation of the property.

**Recommended Action:** Staff recommends that the County Board approve this amendment.

**B. Prior Council Action:**

- The County Board passed Ordinance No. 255, entitled "An Ordinance Establishing an Enterprise Zone."
- From time to time since then, the Champaign County Board and the Champaign City Council have expanded the boundaries for specific developments.

**C. Summary:**

- The City of Champaign and Champaign County jointly operate the Enterprise Zone, so all amendments must be processed and approved by both the City and County.
- All amendments must be certified by the State of Illinois Department of Commerce and Economic Opportunity before they take affect but only after the City and the County have taken action.

- The State has 90 days from the time of submittal to consider the application for amendment.
- The territory that is proposed to be added to the Enterprise Zone, pursuant to the approval of this amendment, is located immediately adjacent to the current Zone boundaries.
- Currently, the total area of the Zone is 8.471 square miles. Approval of this amendment would increase the size of the Zone to 8.722 square miles. If the Clearview Enterprise Zone boundary amendment that is also on this evening's agenda, is approved as proposed, the total size of the Zone increases to 9.091. The Enterprise Zone Act limits the total size of this Zone to 12 square miles.
- The proposed development of the subject property is consistent with the goals of the Champaign County Economic Development Policy.

**D. Background:**

**1. Request to Amend the Enterprise Zone Boundary.** Staff received a request from the Andersons Marathon Ethanol, LLC, Camp Farm Management, and the Atkins Group to amend the boundaries of the Enterprise Zone to include this 160.79 acres. The territories will be subject to the terms of multiple annexation agreements currently under negotiation.

**2. Enterprise Zone Benefits.** The State of Illinois created the Enterprise Zone program in 1982 to encourage economic growth and neighborhood revitalization at the local level. The City of Champaign and Champaign County approved their Enterprise Zone Ordinances in 1985 and received State certification of their Zone in 1986. The Zone boundaries and local program incentives have been amended over the years to adapt to changing local needs.

The joint City of Champaign/Champaign County Enterprise Zone offers certain local property tax abatements and state and local sales tax abatements to qualifying projects. Projects eligible for incentives are all residential, commercial and industrial rehabilitation projects; hotel and conference center projects which include a minimum of 15,000 square feet of usable conference center space and a minimum of 100 hotel rooms; industrial projects which create or retain at least 20 full time or full-time equivalent jobs; and professional services commercial projects, such as offices from which accounting, legal, architectural, engineering or medical services are rendered.

Generally, qualifying industrial projects may receive an abatement of up to 10 years on City, County and Park District real estate taxes. Eligible commercial projects may receive a 5 year abatement of real estate taxes. All qualifying projects are eligible to receive a waiver of state and local sales taxes on building materials that are permanently affixed to the real estate as long as those materials are purchased within the State. Projects located within the boundaries of an Enterprise Zone may also qualify for certain State programs such as tax credits, natural gas utility tax abatements and employee training funds.

**3. Procedure for Amendment.** State law requires that a public hearing be advertised and conducted whenever an amendment is proposed that would alter the boundaries, incentives or benefits of the Enterprise Zone. Both the City and the County must consider and approve the proposed amendment. This process takes a minimum of 3 weeks to complete. The City and County, then, forward the transcript of the public hearing, together with the application for amendment, to the State Department of Commerce and Economic Opportunity. Upon receipt of the City/County application, the State has 90 days to consider the application.

**4. Proposed Project.** The Andersons Marathon Ethanol, LLC proposes to construct a 110 MGY ethanol plant on 112.33 acres immediately South of the current grain elevator operation. The property is not contiguous to the Champaign city limits or the Enterprise Zone boundaries, so additional property has been included in this amendment to provide for that contiguity. At this time, there are no plans to develop the “intervening” properties. All of these properties will be subject to the terms of annexation agreements currently being negotiated. The Andersons estimate the construction value of the project at \$140,000,000. Based upon this project cost estimate and ethanol industry assessments, the present value of the local Enterprise Zone property tax incentive is \$2.9 million with the 10 year industrial project abatement and \$4 million in sales tax abatements. It is important to note that the majority of the value of construction of this plant is in the purchase of the equipment and machinery rather than the buildings and permanent improvements. This is why the standard assessment value estimate of 33% of the construction value does not apply in this case.

**5. Overall Project Schedule.** City of Champaign staff and representatives of the Andersons are negotiating an annexation agreement for development of the ethanol plant project. Champaign City Council discussion of the project and the annexation agreement is scheduled for Study Session on September 26, 2006 and Council action on October 17, 2006.

**E. Alternatives:**

1. Approve the amendment of the boundaries of the Enterprise Zone as depicted in Attachment “A.”
2. Do not approve the amendment.

**F. Discussion of Alternatives:**

**Alternative 1** would allow the City and the County to proceed in a timely fashion to process the request to amend the Enterprise Zone boundary for the Andersons ethanol plant development.

**a. Advantages**

- Allows the City, the County and the State to consider and process the request in a timely fashion so that, if approved, the project may benefit from the Enterprise Zone sales tax abatements prior to construction
- Is consistent with the Champaign County Economic Development policy goal of business retention and expansion
- Is consistent with the Champaign County Economic Development Policy goals of promoting agri-business in Champaign County
- The EZ extension will also leverage significant state tax incentives

**b. Disadvantages**

- Once approved, the City, County and Park District will forego an increase in property tax receipts for this project and future eligible projects for a period of 5 to 10 years, depending upon the type of development.

**Alternative 2** will not approve the amendment. Staff seeks further County Board direction if this alternative is selected.

**a. Advantages**

- City and County receive sales taxes on building materials purchased locally if the project proceeds.

**b. Disadvantages**

- May delay the approval process for the City and the State
- May cause the developer to delay or forego the project at this time
- If development occurs outside of the Enterprise Zone and without annexation, the County will not benefit from the increased property assessment as the property is not likely to annex in the future.
- Does not encourage targeted economic growth of the County

**G. Community Input:** A public hearing is scheduled for September 5, 2006 at the Champaign City Council chambers to provide the public an opportunity to comment on the proposed amendment.

**H. Budget Impact:** Approval of this amendment will provide for 160.79 acres of territory to be added to the Enterprise Zone. The Andersons' ethanol plant project is the only project anticipated within this territory at this time. If approved, this \$140,000,000 project will benefit from Enterprise Zone tax abatements and other State programs including the natural gas utility tax abatement. It is estimated that the Andersons will benefit from a real estate tax abatement of approximately \$2.9 million over 10 years and \$4 million in sales tax abatements. In this case, the Champaign Park District, the County and the City forego an increase in property tax receipts for a period of 10 years. In the long term, these taxing bodies will benefit from increased tax revenues. Other local taxing bodies, including Unit 4 and the City of Champaign Township, will begin to

benefit from the increased assessment within 12-18 months of project completion. It is possible, that without the extension of the Enterprise Zone boundaries to this area, that the developer may forego or delay the project. In this event, none of the local taxing bodies will realize the increase in property tax receipts.

**Staffing Impact:** The increased workload caused by this project is negligible.

**Attachment "A"**

**LEGAL DESCRIPTION OF PROPERTY TO BE ADDED TO THE  
ENTERPRISE ZONE**

Parcel 1:

The South 300 feet of that portion of Section 33 lying North of the Northerly right-of-way line of the Cleveland, Cincinnati, Chicago, and St. Louis Railroad, formerly the P. & E. Railroad (part of the New York Central System) and West of the East Half (E $\frac{1}{2}$ ) of said Section 33, and the East 300 feet of that portion of the West Half (W $\frac{1}{2}$ ) of said Section 33 lying North of the Northerly-right-of-way line of the Cleveland, Cincinnati, Chicago, and St. Louis Railroad, formerly the P. & E. Railroad (part of the New York Central System), and South of a line 300 feet North of the South Half (S $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 33, Township 20 North, Range 8 East of the Third Principal Meridian in Champaign County, Illinois.

PIN: Portion of 12-14-33-100-007

Acreage: 35.0

Parcel 2:

The South 300 feet and the East 300 feet of the North Half of the Southwest Quarter of the Northeast Quarter of Section 33, and the East 300 feet of that part of the Northwest Quarter of the Northeast quarter of Section 33, lying South of Bloomington Road (U.S. Route 150), all in Township 20 North, Range 8 East of the Third Principal Meridian, in Champaign County, Illinois.

PIN: Portion of 12-14-33-200-008

Acreage: 13.40

Parcel 3:

All of that part of the Northeast Quarter of Section Thirty-two (32) lying north of the Railroad, also sometimes described as all that part of the Northeast Quarter of Section Thirty-two (32) lying north of the P & E Railroad (part of the New York Central System), all in Township Twenty (20) North, Range Eight (8) East of the Third Principal Meridian in Champaign County, Illinois.

PIN: 12-14-32-200-001

Acreage: 112.33

3 Foot Strip of Land

A tract of land being a part of the Northeast quarter of Section 33, Township 20 North, Range 8 East of the 3<sup>rd</sup> Principal Meridian, further described as follows:

A 3 foot wide strip of land lying Northwesterly of and adjacent to Lot 201 of Atkins West Subdivision No. 2, recorded as Document No. 2000R01361 in the office of the Recorder of Deeds for Champaign County, Illinois, said strip of land also lying South and adjacent to the Southwesterly Right-of-Way line of Duncan Road (T.R. 900E), and said strip of land also lying North of and adjacent to the North Right-of-Way line of Bloomington Road (U.S. Route150), said strip containing 0.06 acres, more or less, situated in Champaign County, Illinois.

PIN: Portion of 12-14-33-200-012

Champaign  
County  
Department of



Brookens  
Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
FAX (217) 328-2426

To: **Environment and Land Use Committee**  
From: **John Hall, Director**  
Date: **September 7, 2006**  
RE: **Case 497-AM-05**

**Zoning Case 497-AM-05**

Request: **Amend the Zoning Map to change the zoning district designation from from CR Conservation Recreation to AG-2 Agriculture**

Petitioners: **Helen Willard and Steven and Shirley Willard**

Location: **A 29 acre parcel in the Northwest 1/4 of the Southeast 1/4 of Section 36 of Newcomb Township and located east of CR550E and north of CR2425N at the corner of CR550E and CR 2425N and commonly known as the home and property at 556 CR2425N, Dewey.**

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***STATUS***

This case was deferred from the August 14, 2006, meeting. Minutes from the ZBA meetings on this case are attached.

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**ATTACHMENTS**

- A Minutes of July 14, 2005, ZBA Meeting for Cases 487-AM-05 and 498-S-05
- B Minutes of October 13, 2005, ZBA Meeting for Cases 487-AM-05 and 498-S-05
- C Minutes of December 15, 2005, ZBA Meeting for Cases 487-AM-05 and 498-S-05
- D Minutes of May 11, 2006, ZBA Meeting for Cases 487-AM-05 and 498-S-05

Zoning District subject to the following special conditions:

- 1. The Petitioner shall install full cutoff visors on the wall mounted lights as soon as funding is available to install full cutoff parking lot lighting;
- 2. Fire station volunteers shall limit routine vehicle and equipment maintenance conducted out of doors to the hours of 7:30 a.m. to dusk;
- 3. The petitioner shall use ground asphalt product on aggregate parking lot and driveway surfaces as a top coat for additional dust reduction.

The roll was called:

Bluhm-yes	Goldenstein-yes	Irle-yes
Miller-yes	Schroeder-yes	Steeves-yes
Griest-yes		

Mr. Goldenstein moved, seconded by Mr. Bluhm to hear Case 500-V-05: Stephen and Kitty Strong prior to Case 497-AM-05 and Case 498-S-05. The motion carried by voice vote.

6. New Public Hearings

Case 497-AM-05: Helen Willard and Steven and Shirley Willard. Request to amend the Zoning Ap to change the zoning district designation from CR-Conservation Recreation to AG-2, Agriculture. Location: A 29 acre tract in the Northwest 1/4 of the Southeast 1/4 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.

Case 498-S-05: Helen Willard; and Steven and Shirley Willard; and rock the shed, inc. a non-profit corporation with Directors and Officers Steven Willard, Micah Boyce, Sherry Newton, Brian Maroon and Peter Reudi. Request to authorize the establishment and use of a Private Indoor Recreational Development as a Special Use in the AG-2, Agriculture Zoning District pursuant to the final determination in related Case 497-AM-05. Location: a five acre tract in the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 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 shed and the home at 552 CR 2425N, Dewey.

Ms. Griest called Case 497-AM-05 and Case 498-S-05, concurrently.

Ms. Griest informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of hands for those who would like to cross examine and each person will be called upon. She requested that anyone called to cross examine go to the cross examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross examination. She informed the audience that if they submitted letters to the Planning and Zoning office regarding this case that their testimony in those letters has been entered in as evidence therefore there

1 is no need repeat that testimony.  
2

3 Mr. Hall distributed a Supplemental Memorandum for Case 498-S-05, dated July 14, 2005, for the Board's  
4 review. He said that the memorandum includes three additional letters of support and Mr. Willard  
5 distributed a map indicating the parking areas for the site. He said that the parking is based on the  
6 occupancy load of the assemble space. He said that the occupancy load is based on the State of Illinois  
7 Handicap Accessibility Requirements and that number is divided by 5 to determine the number of parking  
8 space that are required. He said that this is a Special Use Permit and if the Board thinks that the number  
9 of parking required by the Ordinance may not be sufficient then more parking can be required. He said that  
10 once the parking requirements are established the traffic load on the road will be determined.  
11

12 Mr. Steve Willard, who resides at 552 CR 2425N, Dewey, IL stated that he started the venue in November  
13 of 2003. He said that he turned an empty 30' x 40' machine shed into a place for kids to come practice, play  
14 and hear music. He said that on December 03, 2004, the venue was shut down due to a newspaper article  
15 and he perfectly understands the action. He said that he realizes that the property is not zoned for the venue  
16 and is requesting the map amendment and the special use permit. He said that this is a community and there  
17 is a way of life associated with the shed. He said that his main concern has always been safety for the kids  
18 and everyone involved. He said that \$1000 in rock was originally placed on the property and an additional  
19 \$2500 in rock was placed this winter due to the soft ground. He said that there is no parking allowed along  
20 the township road. He said that they have become a non-profit organization with a Board in place. He said  
21 that alcohol and drugs have been very devastating to his family therefore in the mission statement it is stated  
22 that no alcohol or drugs are allowed in the visitors possession or person. He said that if he does find that  
23 someone has been drinking or appears to be on drugs then they are confronted and are told that this is not  
24 acceptable. He said that they are very accepting and they invite everyone and anyone to attend. He said that  
25 they do not profess anything but respect and friendship. He said that this fall a youth pastor, affiliated with  
26 the Windsor Road Christian Church, would like to come out to the site and hold a home church. He said  
27 that he has had some situations come up regarding complaints from a neighbor regarding noise therefore  
28 he sealed the doors although there are still two doors which swing out. He said that the neighbor was  
29 satisfied. He submitted a booklet with photographs of the activities at the site.  
30

31 Ms. Griest asked the Board if they had any questions for Mr. Willard and there were none.  
32

33 Mr. Hall informed Mr. Willard that they will need to discuss the home church aspect.  
34

35 Mr. Willard stated that he had hope that the youth pastor would be able to attend tonight's meeting but was  
36 unable to due to the birth of a child on Tuesday.  
37

38 Ms. Griest asked staff if they had any further questions for Mr. Willard and there were none.  
39

40 Ms. Griest asked the audience if they had any questions for Mr. Willard.  
41

42 Ms. Martha Kersey, who resides at 107 Ridge Road, Mahomet, IL asked Mr. Willard what other safety  
43 measures were taken other than gravel.  
44

45 Mr. Willard responded that the swing doors have been installed. He said that there are no fancy lights which  
46 can overheat the electrical system and he does talk to the kids about safety when they leave.

1 Ms. Kersey asked Mr. Willard if he checks the vehicles for drugs or alcohol.

2  
3 Mr. Willard responded that he does walk out to the cars as time permits. He said that they are very busy  
4 within the shed so that the venue is always supervised. He said that he does get face to face with the kids  
5 to make sure that he does not smell alcohol or drugs on their body and if he does he takes them outside and  
6 informs them that this is not acceptable.

7  
8 Ms. Kersey asked Mr. Willard if it is true that there have been times when the visitors show up drunk.

9  
10 Mr. Willard stated that he is not aware if they were drunk but he is aware of an instance when a kid showed  
11 up who had been smoking pot. He said that he did have someone show up at the entrance who was  
12 intoxicated enough that he couldn't walk in the gravel without falling down. He said that this person was  
13 asked to leave and offered a ride although he refused the offer.

14  
15 Ms. Kersey asked Mr. Willard if he called the police regarding this individual.

16  
17 Mr. Willard stated that when this incident occurred it was the first time that he felt that people did not  
18 realize the venue and restrictions in coming to the site. He said that he was very busy and a couple of the  
19 other kids tried to take care of the issue. He said that he has informed the kids that if this situation happens  
20 again that he will be the one to confront the individual and he will take care of the problem.

21  
22 Ms. Kersey asked Mr. Willard if it fair to say that the venue is drawing kids from several counties and  
23 perhaps different states.

24  
25 Mr. Willard stated that the main draw is from the Champaign County but probably from other close  
26 counties.

27  
28 Ms. Kersey asked Mr. Willard what the maximum attendance has been at any given venue and asked what  
29 was the capacity of the shed.

30  
31 Mr. Willard stated that an average event would consist of 40 to 50 kids. He said that at times they have had  
32 a lot more kids at an event but he has also had a lot less. He said that he has spoken with fire chief in  
33 Mahomet and he declined to give a suggested capacity amount.

34  
35 Ms. Kersey asked Mr. Willard if he was aware of the newspaper article which was submitted to this Board  
36 for review. She said that the article describes packed crowds, standing room only, shoulder to shoulder and  
37 deafening sounds. She asked Mr. Willard if 40 to 50 people would qualify for this description.

38  
39 Mr. Willard stated that he is aware of the newspaper article. He said that on an average 40 to 50 kids attend  
40 a typical event but he will admit that there have been times when as many as 120 kids have been in  
41 attendance for a large show.

42  
43 Ms. Kersey asked Mr. Willard if it is true that no matter who showed up or how many they would not be  
44 turned away.

45  
46 Mr. Willard stated that this is correct. He said that they could always stand outside to listen to the band.

1 He said that a certain band could draw several people. He said that there is a band that is scheduled for this  
2 fall and a different location is being considered because they are aware that the shed will not handle the  
3 amount of people who may show up. He said that the location is at the McKinley Foundation located on  
the corner of Fifth Street and John Street in Champaign. He said that if the shed is shut down then the entire  
venue and be moved to this location.

6  
7 Ms. Kersey asked Mr. Willard if he felt that he has control over who shows up at the venue.

8  
9 Mr. Willard stated that he will not have a lot of control who shows up on the campus site. He said that this  
10 is a respect issue and if someone does not respect another then they are asked to leave.

11  
12 Ms. Griest asked if anyone else desired to cross-examine Mr. Willard and there were none.

13  
14 Mr. David Thies, who resides at 807 S. McKinley, Champaign, IL stated that he is a practicing attorney in  
15 the Champaign-Urbana area and served a term on the County Board in the late 80's. He said that during his  
16 term he remembers cases such as this when everyone is trying to do the right thing and figure out a way to  
17 accommodate the different viewpoints. He said that he has had the opportunity to work with several of the  
18 parent's who have created, "rock the shed, inc." He said that this has been a dream of the Willards although  
19 it has become clear that the venue does not meet the requirements of the zoning district that they are located  
20 within therefore they are before this Board tonight. He said that he has been at the site and it is very  
21 consistent with what Mr. Willard has testified. He said that there have been one or two occurrences which  
22 have required asking someone to leave but during his viewing of Mr. Willard he does take care of the  
23 problem. He said that Mr. Willard offers kids of all ages a place where they can gather together and  
24 fellowship together and experience what happens at the shed in a safe environment. He said that when the  
25 kids go on campus to experience the same type of venue there is not near the type of control that is available  
at the Willard's site. He said that the request for AG-2, Zoning District is appropriate for this site. He said  
27 that Item #19 refers to the second natural resources goal of the Land Use Goals and Policies. He said that  
28 the kind of recreation that is occurring on the site is not exactly type of recreation that is included in this  
29 goal but if the Board understands that the Champaign County community includes the young people of  
30 Champaign County which enjoy this type of activity. He said based on his observation use of this kind of  
31 facility in this location with an AG-2 zoning maybe perfect. He said that the site is a little bit out of town  
32 the cost structure which is involved is perfect due to the generosity of the Willards and any noise issue will  
33 be enforced by the Champaign County Nuisance Ordinance unlike the constant noise of a farmer's combine.  
34 He asked that the Board to give this activity the same benefit of the doubt that they would consider with any  
35 other activity that is allowed under the AG-2 zoning. He said that someone during the creation of this  
36 zoning district and allowing 67 different uses allowable by obtaining a Special Use Permit considered the  
37 possibility that this type of activity might be good. He said that if it were any other type of activity such  
38 as roller skating, ballroom dancing there would be no controversy but since there are kids involved there  
39 is concern. He said that this is a positive venue and must be required to comply with all of the laws but  
40 should not be shut down.

41  
42 Ms. Griest asked Mr. Thies if had information regarding the hours of operation.

43  
44 Mr. Thies stated that Mr. Willard would have the specific hours of operation.

45  
46 Mr. Willard stated that the venue for the Friday and Saturday night shows begins at 7:00 p.m. and is over

1 by 10:00 p.m. He said that a very infrequent weeknight show would begin at 6:00 p.m. and would be over  
2 by 9:00 p.m.

3 Ms. Griest asked Mr. Willard how many shows occur a year.

6 Mr. Willard stated that approximately 70 shows are scheduled per year.

8 Ms. Kersey asked Mr. Thies to clarify that he is an attorney but he has also been to the shed as a parent.

9  
10 Mr. Thies stated that he is the attorney which helped the "rock the shed, inc." Board become an entity. He  
11 said that they created a non-profit entity and are in the process of gaining a tax-exempt status. He said that  
12 he is also a parent of a seventeen year old who regularly attends the venues at The Shed.

13  
14 Ms. Kersey stated that Mr. Thies indicated that the shed is subject to certain laws but yet they are not subject  
15 to the EPA noise levels between the hours of 7:00 p.m. and 10:00 p.m., she asked him to explain his  
16 statement.

17  
18 Mr. Thies stated that the no matter what time it was the site is subject to the laws but after 10:00 p.m. there  
19 would be a stricter restriction per the County Nuisance Ordinance. He said that the intent of the Willards  
20 is to have these events last until midnight.

21  
22 Ms. Kersey stated that Mr. Willard indicated that the hours of operation were 7:00 p.m. to 10:00 p.m. on  
23 the weekends and possibly 6:00 p.m. to 9:00 p.m. during the week nights which would indicate more than  
24 70 shows.

25  
26 Mr. Thies stated that the shows do not occur every night and not every weekend. He said that 70 shows per  
27 year would average out to about 1.2 shows per week.

28  
29 Ms. Kersey stated that if the events are extremely successful then it is possible that there could be a show  
30 every night.

31  
32 Mr. Thies stated that he does not believe that Mr. Willard is limited to the number of shows which can take  
33 place but it is unknown what type of limits the Zoning Board will place on the use.

34  
35 Ms. Kersey asked Mr. Thies if he is aware of the dancing and stage diving and the mosh pit which takes  
36 place during the shows.

37  
38 Mr. Thies stated that he has personally visited the site and there is a big difference between the stage diving  
39 and the mosh pit. He said that when you talk about a venue like this and it is said that there is standing room  
40 only it doesn't necessary mean that it is crowded but this is the way that kids listen to music these days. He  
41 said that kids do not sit while listening to the venue which plays the music which this generation listens to.  
42 He said that there are no seats and it is standing room only even if there were only ten people in attendance.  
43 He said that stage diving is when one of the performers dives off into the crowd and the crowd catches,  
44 hopefully, the performer. He said that this is a dangerous practice and if it is done they get into big trouble.

45  
46 Ms. Kersey asked Mr. Thies if he was aware of the subdivision across from the subject property.

1 Mr. Thies stated that the subdivision argues for the appropriateness of the requested AG-2 zoning in that  
2 the location is not in the middle of a true agricultural area but indicates the transitional nature of Mahomet  
3 and Champaign moving out into the rural area.

4 Ms. Cathe Capel, who resides at 505 E. South Mahomet Road, Mahomet, IL asked Mr. Thies if he lived in  
5 a rural home how would he like to have this activity in your backyard.  
6

7  
8 Mr. Thies stated that this is not an appropriate question. He said that if he purchased a rural home for his  
9 residence he would consider the possibility of all of the uses which could be placed in the areas around me  
10 or I would purchase all of the ground around my property. He said that if I were not comfortable with doing  
11 this then I would move in town to a subdivision where it is very restrictive and I could count on the fact that  
12 certain restrictions were in effect. He said that when a person lives and operate in a rural area you do so  
13 because you want to be a little more independent on the use of your land therefore by definition you are  
14 accepting the possibility that your neighbors will want to do the same thing. He said that he respects Ms.  
15 Capel's feelings but if a person wants to have exclusive restrictive use of land surrounding your property  
16 then you must purchase that property but this is not a possibility then you accept the possibility that the  
17 greater community will allow different kinds of uses which may not be what you are willing to accept. He  
18 said that this process will require that if this type of use is requested that it abides by the laws.  
19

20 Mr. Hall stated that testimony has been received that 70 performances per year is anticipated and if staff  
21 receives comments that there are 100 performances occurring per year then there will be an enforcement  
22 issue. He said that when the presentation is that there will only be 70 performances then that is all that is  
23 suppose to happen and cannot exceed the 70 performances. He said that currently there is nothing in writing  
24 that indicates that any performances will take place other than on Friday and Saturday. He said that this has  
25 to be described on paper so that everyone is aware of the hours of operation and an enforcement case is not  
26 created by exceeding those hours. He said that there is not enough information to make a final determination  
27 at tonight's meeting but this type of information must be documented.  
28

29 Mr. Steeves asked if there was difference between a band coming from Chicago to perform or a bunch of  
30 kids playing their instruments.  
31

32 Mr. Hall stated that the kids playing their instruments for those in attendance is much like anyone practicing  
33 within their home which is allowable at any time except they are subject to the Nuisance Ordinance. He  
34 said that if there is an audience, who are non-residents of the subject property, during these practice sessions  
35 then it would be treated as a performance.  
36

37 Ms. Griest asked if there were any audience members who desired to cross-examine Mr. Thies and there  
38 were none.  
39

40 Ms. Sherry Newton, who resides at 1306 Kimela Dr, Mahomet, IL stated that she is a licensed clinical social  
41 worker and is the President of fairly large human service organization and a "rock the shed, inc." board  
42 member. She said that she is a parent of two teenagers who frequent the shed and as many other parents  
43 she wants to feel comfortable with where her kids are going on Friday and Saturday nights. She said that  
44 she and her kids agree that "the shed" is a great place to go. She said that at first she would drive her kids  
45 to the site and wait around and she never felt that any of the kids desired her to leave. She said that there  
46 are other parents at the shed and she has even taken her eight year old daughter with her and is very

1 comfortable with her being there. She said that at times her kids will even ask she and her husband to attend  
2 the performance because there is a cool band playing. She said that she cannot believe that anything  
3 horrible and evil is going on at the shed because if it was her kids wouldn't be inviting their parents to go  
4 with them. She said that at a business owner she does understand that there are rules and regulations which  
5 must be followed. She said that when she realized that the facility may be shut down due to zoning her heart  
6 was broken because as a social worker she has worked with many types of populations and we live in a  
7 society where we talk about tolerance and acceptance and decreasing prejudice but when most people see  
8 kids with pink hair, wearing black t-shirts and listening to rock and roll that they would be judged  
9 incorrectly. She said that she was helping with the gate and admissions and it was absolutely remarkable  
10 that someone was viewing the band members they would gasp due to their tattoos and hair but in the middle  
11 of their performance the band stopped and spoke to the kids about their faith and spirituality and the  
12 importance that it holds in their life. He said that the Willards have taken a lot of time and effort to make  
13 sure that this is a safe facility for the kids to come to and gather in fellowship and the parents can come to  
14 and are welcomed.

15  
16 Ms. Griest asked if the Board had questions for Ms. Newton.

17  
18 Mr. Irle asked what attribute make this a safe atmosphere for the kids.

19  
20 Ms. Newton stated that it is variety of things. She said that it is a monitoring of the Willards and the attitude  
21 of the kids. She said that many of the kids have a "straight edge" attitude in that they have chosen not to  
22 do drugs, smoke or have sex before marriage and have strong spirituality and faith in God. She said that  
23 these kids have chosen this life style and it isn't something that they are being made to do by their parents  
24 or they would have probably rebelled. He said that there was an incident when Steve Willard had to  
25 confront some of the kids and she asked her kids how they felt when this took place. She said that her kids  
26 told her that it was okay and couldn't understand why someone would risk their life or jeopardize the facility  
27 by coming there in such a condition. She said that there is always a combination of kids, parents and  
28 grandparents at the events.

29  
30 Mr. Irle asked Ms. Newton if there were always other parents there to monitor the activities.

31  
32 Ms. Newton stated that the parents are there with there kids and it is true that they don't always like the  
33 music that is being played. She said that her kids play in one of the bands and sometimes she doesn't like  
34 the music but most of the time it is pretty darn good and she enjoys being there with them.

35  
36 Ms. Griest asked if the Board had any further questions for Ms. Newton and there were none.

37  
38 Ms. Griest asked if staff had any questions for Ms. Newton and there were none.

39  
40 Ms. Griest asked if the audience had any questions for Ms. Newton and there were none.

41  
42 Mr. Peter Ruedi, who resides at 1308 Kimela Dr, Mahomet, IL stated that as a parent he feels that this is  
43 a great opportunity for the kids and it is very unique. He said that two years ago his son wanted to learn  
44 how to play the drums and he must admit that the first six months was very painful but his son a very good  
45 drummer. He said that he is an only parent, due to the death of his wife, and he was very hesitant at first  
46 when this started and is very conservative. He said that he met with the Willards and began attending the

1 events with his son. He said that many of these kids come to his house and he is able to see that these kids  
2 have a bond that most adults do not have. He said that he trusts his son and he trusts these kids. He said  
3 that he is the "roadie" for his son in that he carries all of his equipment from place to place but there is a  
4 time when he leaves so that his son can be a teenager and enjoy his time with his friends. He said that this  
5 is a unique situation and he understands all sides but again this is a great opportunity where we can do  
6 something that is unique for these kids and he hopes that other communities have the opportunity to do  
7 something similar for their kids. He said that he is also a board member of the "rock the shed, inc." and he  
8 is a stickler for safety. He said that these kids are great musicians will only be greater because of this  
9 facility.

10  
11 Ms. Griest asked the Board if they had any questions for Mr. Ruedi and there were none.

12  
13 Ms. Griest asked if staff had any questions for Mr. Ruedi and there were none.

14  
15 Ms. Griest asked the audience if they had any questions for Mr. Ruedi and there were none.

16  
17 Mr. Alex Crump, who resides at 570 CR 2425N, Dewey, IL stated that he the business manager at the agri-  
18 business which is at the said address. He said that he agrees that this is providing a great venue for the kids  
19 but he has to disagree with the community and respect. He said that important part of community and  
20 respect is respect for one's neighbors and building community with those neighbors. He said that he is 25  
21 years old and began going to small venues when he 17 years old and partially because of the lack of security  
22 done on campus. He said that every Friday and Saturday night he is forced to listen to this loud music and  
23 he lives approximately 1/8th of mile away on the other side of the rather large steel machine shed. He said  
24 that he does not attend heavy metal show anymore but he has been in mosh pits and even as a young man  
25 he did not walk very well for several weeks afterwards. He said that he has lived at his address since  
26 October, 2004 and has heard several complaints from several clients at their business and many of them are  
27 working people who own their horses for recreation and it is important to them that when they are not at  
28 work that they have a facility to go to in the evening and unwind and relax. He said that hearing heavy  
29 metal music in the evening prevents these people from doing so. He said that on one occasion he has called  
30 the deputies and they assured him that no one was drinking or doing drugs although that was not his  
31 concern. He said that he has known the Willards since the purchase of their property in 1989 and they have  
32 a great relationship but his primary concern is with the noise level. He said that the can sit in his house with  
33 his radio on and can hear the metallic sound that is coming from the Willard's property. He said that an  
34 additional concern is the elevated traffic levels. He said that during the night's of the shows there is an  
35 extreme amount of vehicles that go past his property and since this is a public road he cannot control this.  
36 He said that he is only 25 years old and is not far removed from this scene but he is removed from this scene  
37 and knows that if he had to look back he would have done things differently. He said that he does not  
38 support the request.

39  
40 Ms. Griest asked the Board if they had any questions for Mr. Crump.

41  
42 Mr. Irle asked Mr. Crump how many cars would qualify as extreme and what type of agri-business does he  
43 operate at his residence.

44  
45 Mr. Crump stated that he would estimate between 20 to 50 cars. He said that he runs a boarding stable and  
46 most of his clients live in Champaign and Mahomet. He said that his clients come to the boarding stable to

1 unwind and ride their horses.  
2  
3 Ms. Griest asked if there were any further questions from the Board for Mr. Crump and there were none.  
4  
5 Ms. Griest asked if staff had any questions for Mr. Crump and there were none.  
6  
7 Ms. Griest asked if the audience had any questions for Mr. Crump.  
8  
9 Mr. Steve Willard asked Mr. Crump if had ever come to him personally with a complaint.  
10  
11 Mr. Crump stated that he has not.  
12  
13 Mr. Willard stated to Mr. Crump that one night it was mentioned that trash was being burnt at his site and  
14 asked how the issue was rectified.  
15  
16 Mr. Crump stated that to the best of his knowledge you obtained trash service and ceased with the trash  
17 burning which was greatly appreciated.  
18  
19 Mr. Willard asked Mr. Crump if he had ever come to him to report noise complaints.  
20  
21 Mr. Crump stated that he has not.  
22  
23 Mr. Willard asked Mr. Crump if he has ever visited his property to ask his clients about the noise levels.  
24  
25 Mr. Crump stated that you have visited my property and on both occasions he was not on the premises  
26 therefore he cannot say what his clients indicated.  
27  
28 Ms. Griest asked if anyone else had questions for Mr. Crump.  
29  
30 Ms. Kersey asked Mr. Crump what was the result of his call to the Sheriff's office regarding the noise.  
31  
32 Mr. Crump stated that two deputies came out and he directed them to the Willard residence. He said that  
33 approximately ½ hour later they returned indicating that no one was getting hurt and to the best of their  
34 knowledge no one was drinking and no drugs were being done. He said that they assured him that the noise  
35 would cease at 10:00 p.m. and that they did not wish to complete a complaint form. He said that the  
36 deputies appeared to be in support of the shed and they said that the shows were announced at both of their  
37 personal congregations and they knew numerous people who were in attendance who were also members  
38 of their churches.  
39  
40 Ms. Kersey asked Mr. Crump if he felt that his interests and rights were represented by the local law  
41 enforcement..  
42  
43 Mr. Crump stated that he did not feel that his interests and rights were not represented. He said that the  
44 feeling that he got was that he shouldn't be wasting their time and to not call again with something of this  
45 nature. He wanted to clarify that his mother owns the property for which he resides and is employed.  
46

1 Ms. Griest asked Mr. Hall to read the section of the Nuisance Ordinance which would be pertinent to this  
2 case.

3  
4 Mr. Hall stated when a Nuisance Ordinance has been adopted it is not good to rely on that ordinance  
5 because Section 3.2.D states: Noise, vibration, glare, heat, odors or fumes, dust or electromagnetic fields  
6 in excess of that lawfully permitted and customarily associated with uses permitted in the Zoning District.  
7 He said that as Mr. Thies pointed out there are over 67 different uses that you can do in the AG-2, district  
8 by Special Use Permit and all having much different characteristics of noise, vibration, glare, heat, odors,  
9 fumes, dust or electromagnetic fields. He said that Section 3.2.F. if a little more restrictive because it states:  
10 Noise discernable by a person of average sensibility within any dwelling or lodging unit between the hours  
11 of 10:00 p.m. and 7:00 a.m. when the noise is of an intensity, tone, characteristic, frequency of occurrence  
12 or duration as not to be customarily associated with uses permitted in the zoning district in which such  
13 dwelling or lodging unit is located including, but not limited to, noise generated by the following activities:  
14 1. construction; 2. operation of powered tools or equipment; 3. operation of motor vehicles or related  
15 equipment on private property; 4. operation of any bell, siren, whistle, horn or similar device except for  
16 noncommercial use of unamplified bells or chimes; 5. operation of any sound amplification system; or 6.  
17 keeping any domestic animal. He said what is customarily associated with uses in this district when there  
18 are over 67 different uses which can occur by Special Use Permit. He said that our Nuisance Ordinance  
19 with our Zoning Ordinance drives our State's Attorney stark raving mad and his advice to this Board in  
20 other cases is to not approve something that you think is going to be a nuisance. He said that just like in  
21 other previous cases that have had sound amplification there have been set hours as to when this can occur  
22 and construct it so that there will be no question what was approved. He said that in this case it is best for  
23 this Board to develop the standards that this Board thinks is reasonable for this location. He said that the  
24 kind of structure that this activity is occurring in is the worst kind of structure because it is a of very light  
25 weight construction and it really doesn't do a lot of sound dampening. He said that to dampen to kind of  
26 noise frequencies that are occurring here you need mass by either a masonry wall or lead blanket or any  
27 other kind of construction used to control noise. He said that as important as the life safety considerations  
28 of having this small space with people shoulder to shoulder the neighbors are probably more concerned  
29 about how the noise is going to be controlled.  
30

31 Mr. Tom Willard, who resides at 2454 CR 550 E, Dewey, IL stated that he lives on the next property north  
32 of the subject property. He said that he doesn't have any structures or trees between his property and the  
33 subject property and does hear the music outside his home but not inside. He said that he did tell his  
34 brother, Steve Willard, that the noise is a lot better with the doors shut rather than open. He said that he  
35 isn't a big heavy metal, loud music but the music does not bother him. He said that he has lived on his  
36 property for approximately 40 years and wasn't even aware of designation for the zoning of his property.  
37 He said that there is a great need for this type of venue for the youth and hopes that some sort of  
38 understanding can be made so that it can continue.  
39

40 Ms. Griest asked the Board if they had any questions for Mr. Tom Willard.

41  
42 Mr. Irle asked Mr. Willard how he would characterize the traffic during the events.

43  
44 Mr. Willard stated that there isn't a large amount of extra traffic along his road because most of it would  
45 go past Mr. Crump and Ms. Capel's properties.  
46

- 1 Ms. Griest asked if there were any further questions from the Board for Mr. Willard and there were none.  
2  
3 Ms. Griest asked staff if there were any questions for Mr. Willard and there none.  
4  
5 Ms. Griest asked the audience if there were any questions for Mr. Willard and there were none.  
6  
7 Mr. Micah Boyce, who resides at 1072 Pomona Dr, Champaign, IL stated that he is also a board member  
8 for the facility. He said that he is also a member of a band which plays there about once a month. He said  
9 that his band has been at several different locations and the shed is by far the safest and the attitude of the  
10 audience is the best.  
11  
12 Ms. Griest asked if there were any questions from the Board for Mr. Boyce.  
13  
14 Ms. Griest asked Mr. Boyce what attributes the safe atmosphere.  
15  
16 Mr. Boyce stated that the whole security issue with the Willards. He said that there are always parents and  
17 grandparents present at the shows. He said that everyone knows each other and all ages are present without  
18 alcohol present.  
19  
20 Ms. Griest asked Mr. Boyce if he had ever had any problems related to traffic or accessibility.  
21  
22 Mr. Boyce stated that he has not had any problems with traffic or accessibility.  
23  
24 Mr. Irle asked Mr. Boyce if since he is on the board if he assists in the monitoring.  
25  
26 Mr. Boyce stated that he is out at the site a lot even when his band is not playing. He said that he helps take  
27 money at the door and has never witnessed a fight nor anyone becoming hurt in the mosh pit. He said that  
28 everyone has fun and gets along very well with no negativity. He said that if someone does fall down in  
29 the mosh pit the others help them back up.  
30  
31 Mr. Steeves asked Mr. Boyce if there is an established Code of Conduct.  
32  
33 Mr. Boyce stated that Mr. Steve Willard starts off all of the shows and requests that everyone treat each  
34 other with respect.  
35  
36 Ms. Griest asked if they Board had any questions for Mr. Boyce and there were none.  
37  
38 Ms. Griest asked staff if they had any questions for Mr. Boyce and there were none.  
39  
40 Ms. Griest asked the audience if there were any questions for Mr. Boyce.  
41  
42 Mr. Steve Willard asked Mr. Boyce if he gets after him if he believes that he is being lazy or is doing stuff  
43 that he messes up on.  
44  
45 Mr. Boyce stated yes. He said that Mr. Willard does make sure that things stick to a safe environment and  
46 that everyone treats each other with respect.

1 Ms. Kersey asked Mr. Boyce what he meant by stuff that he messes up on.

2  
3 Mr. Boyce stated that if his band is playing and they go beyond their time limit he lets him know that they did not get with it so that the show ends at 10:00 p.m.

6 Ms. Kersey asked Mr. Boyce what he meant when he said that if someone falls down in the mosh pit.

7  
8 Mr. Boyce stated that it is basically the same thing as if someone fell down doing the tango. He said that everyone loses their footing and falls from time to time. He encouraged Ms. Kersey to attend one of the shows so that she can personally see the venue and the mosh pit.

11  
12 Ms. Paulette Willard, who resides at 2454 CR 550E, Dewey, IL stated that she is Tom Willard's wife. She said that when Steve, Shirley and Helen Willard stated that they were going to do this adventure she was afraid for them because of the kids and where it may lead. She said that currently she is a huge advocate of "rock the shed, inc." She said that she and her husband have always been involved in sports and are not involved in music but she does enjoy to sit on her porch to listen to the music of the fellowship and laughter of the kids. She said that the kids are having a good time and enjoying themselves. She said that many of the kids cannot get to the facility on their own and their parents have to bring them out and many of the parents stay.

20  
21 Ms. Griest asked the Board if there were any questions for Ms. Paulette Willard and there were none.

22  
23 Ms. Griest asked if staff had any questions for Ms. Paulette Willard and there were none.

24  
25 Ms. Griest asked Mr. Steve Willard if he had any questions for Ms. Paulette Willard and there were none.

26  
27 Ms. Griest asked the audience if they had any questions for Ms. Paulette Willard and there were none.

28  
29 **Mr. Goldenstein moved, seconded by Mr. Miller to continue the July 14, 2005, meeting to 10:15 p.m.**  
30 **The motion carried by voice vote.**

31  
32 Mr. Jake Lee, who resides at 3001 Sandhill Lane, Mahomet, IL stated that he has been going to The Shed since it originally opened. He said that it is a community which has been built by the Willards and the kids. He said that there is not just heavy metal music being played at the shows. He said that there is acoustic, pop and rock music on the venue.

36  
37 Ms. Griest asked the Board if they had any questions for Mr. Lee and there were none.

38  
39 Ms. Griest asked if staff had any questions for Mr. Lee and there were none.

40  
41 Ms. Griest asked Mr. Steve Willard if he had any questions for Mr. Lee.

42  
43 Mr. Steve Willard asked Mr. Lee if the mosh pit is monitored.

44  
45 Mr. Lee stated that Mr. Steve Willard walks by the mosh pit and if he feels that it is getting to rowdy he puts a stop to it.  
46

1 Mr. Steeves asked Mr. Lee if there have been any serious injuries due to the mosh pit.

2  
3 Mr. Lee stated that he is not aware of any serious injuries due to the mosh pit.

4  
5 Ms. Griest asked the audience if they had any questions for Mr. Lee.

6  
7 Ms. Paulette Willard asked Mr. Lee what he would be doing on a Friday or Saturday night if he was not  
8 attending the shows.

9  
10 Mr. Lee stated that he would probably be cruising in his car with his friends or hanging out at their house.

11  
12 Ms. Paulette Willard asked Mr. Lee if he felt secure and happy at The Shed.

13  
14 Mr. Lee stated that he did feel secure and happy at The Shed.

15  
16 Ms. Kersey asked Mr. Lee if no one monitored the mosh pit would it have the potential to get out of control.

17  
18 Mr. Lee stated that it could have the potential to get out of control but the kids have a lot of respect of each  
19 other and they don't want to see each other get hurt.

20  
21 Ms. Griest informed Ms. Kersey that the mosh pit is not a zoning issue and requested that she not continue  
22 asking questions about the mosh pit. She said that the approval will be on the use of the property not on the  
23 mosh pit.

24  
25 Ms. Sarah Keeney, who resides at 565 CR 2425N, Dewey, IL stated that she strongly believes that positivity  
26 produces positivity and that is what the Willards have shown the kids. She said that she lives across the  
27 street from subject property and has had no issue with the noise nor the traffic. She said that the young  
28 adults are very respectful of the property and are very respectful of their limits and the adjacent neighbors.  
29 She said that she feels that the Willards are doing a wonderful job with these kids and what they are doing  
30 has traveled by word of mouth. She said that her children and their friends speak very highly of the Willards  
31 and the safe environment that they are given at The Shed with the prohibition of drugs and alcohol.

32  
33 Ms. Griest asked the Board if they had any questions for Ms. Keeney and there were none.

34  
35 Ms. Griest asked if staff had any questions for Ms. Keeney and there were none.

36  
37 Ms. Griest asked Mr. Steve Willard if he had any questions for Ms. Keeney.

38  
39 Mr. Steve Willard asked Ms. Keeney how often her kids attended the shows.

40  
41 Ms. Keeney stated that they have attended a few times and are not regulars.

42  
43 Ms. Griest asked the audience if they had any questions for Ms. Keeney and there were none.

44  
45 Ms. Lauren Johnson, who resides at 4410 Trostshire, Champaign, IL stated that she has been attending the  
46 shows at The Shed for approximately one and one half years. She said that it is an amazing community and

1 the respect runs very deep because The Shed is about relationships with one another. She said that she is  
2 a senior is high school and this is the only place in the Champaign-Urbana area that is open to all ages that  
3 drug and alcohol free.

4 Ms. Griest asked the Board if there were any questions from the Board for Ms. Johnson and there were none.

5 Ms. Griest asked if staff had any questions for Ms. Johnson and there were none.

6 Ms. Griest asked Mr. Steve Willard if he had any questions for Ms. Johnson and he did not.

7 Mr. Will Newton, who resides at 1306 Kimela Dr, Mahomet asked Ms. Johnson if they were friends before  
8 they met at The Shed.

9 Ms. Johnson stated that they were not.

10 Mr. Newton asked Ms. Johnson if it were not for The Shed would they have met or have the ability to see  
11 each other and hang out.

12 Ms. Johnson stated that she does not believe that they probably would not have met therefore lost the ability  
13 to see each other.

14 Mr. Steve Buck, who resides at 409 E Main, Sidney, IL stated that he works for the University of Illinois  
15 and manages the Nettie Hart Research Area. He said that the Nettie Hart Research Area is a 40 acre wooded  
16 area which is directly west of the Willard property. He said that when he first came aware of the facility  
17 he was quite concerned about the impact that it would have on the research area particularly the noise level  
18 and trash which may appear along the roadside. He said that he was concerned about the kids trespassing  
19 across into the woods but to date he has not had any of these problems. He said that about three weeks ago  
20 he went out to the research area, approximately 50 meters back into the woods, and listened to the music.  
21 He said that noise level was about the same a conversational noise but he does understand that if he lived  
22 there it would probably be annoying. He said that his concern is how The Shed affects the ecology of the  
23 research area but at this point he does not feel that there is an impact. He asked how the allowed frequency  
24 level or decibel level would be determined if the noise became a problem.

25 Ms. Griest asked if the Board had any questions for Mr. Buck.

26 Mr. Irlle asked Mr. Buck if the noise issue is during the day or night.

27 Mr. Buck stated that it is generally evening. He said that his interest is anything from birds to insects to  
28 mammals. He said that during the evening there is a lot of communications between the birds and insects  
29 interface and he wants to make sure that the noise does not interfere with this natural process. He said that  
30 at this point he does not feel that any problem is occurring.

31 Ms. Griest asked if there were any further questions from the Board for Mr. Buck and there were none.

32 Ms. Griest asked if staff had any questions for Mr. Buck.

1 Mr. Hall asked Mr. Buck if he had any concerns regarding the parking and the research area.

2  
3 Mr. Buck stated that he is not concerned with the parking since they enlarged the area for the parking. He said that it is mainly the noise level and the frequencies that his is concerned about.

4  
5  
6 Ms. Griest asked if Mr. Steve Willard had any questions for Mr. Buck and he had none.

7  
8 Mr. Jake Willard, who resides at 552 CR 2425N, Dewey, IL asked Mr. Buck if trash has been a problem since the opening of The Shed.

9  
10  
11  
12 Mr. Buck stated that trash was one of his original concerns but he has not had a problem with trash since the opening of The Shed.

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14  
15 Mr. Dustin Hoke stated that the shed first opened in November of 2003 and asked Mr. Buck if he felt that any changes that may have occurred in the habitat of the research area would have already occurred.

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17  
18 Mr. Buck stated that he has not noticed any changes to date.

19  
20 Mr. Alex Crump asked Mr. Buck if any increase in the number of shows or any future expansion would have a negative impact on the research area.

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22  
23 Mr. Buck stated that the two things that he was mainly concerned about was the lighting and the noise. He said that from the literature that he has read nesting birds are impacted by noise due to the frequency and volume of the noise. He said that since the shows last for three hours it is the type thing that would probably exacerbate a problem for wildlife. He said that any wildlife that is affected by the noise will either move deeper into the woods or move from the area.

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29 Mr. Crump asked if an expansion is proposed and lighting would shine into the woods if those lights would affect the research area.

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31  
32 Mr. Buck stated that anything which is going to draw insects into the woods, such as lighting, would be a concern but he cannot state what the impact on the research area would be at this time.

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34  
35 **Mr. Irle moved, seconded by Mr. Steeves to continue the meeting to 10:20 p.m. The motion carried by voice vote.**

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37  
38 Mr. Matt Best asked Mr. Buck what type of traffic increase would effect the research area and the data which is gathered. He also asked what type of lighting would impact the research area.

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40  
41 Mr. Buck stated that it would depend on the type of lighting. He said that many insects use lighting to navigate and mate. He said that an outside parking lot light would not effect the research area. He said that the frequency of the cars for a show would not impact the research area he said that usually it is the continuity of the cars which has the affect.

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45  
46 Mr. Best asked if any increase in development result in changing the ecological value of the research area.

1 Mr. Buck stated that any type of changes would effect the ecological value but The Shed does not seem to  
2 be affecting the research area.

3  
4 Mr. Best asked Mr. Buck if development or an increase in the frequency of shows would impact the research  
5 area.

6  
7  
8 Mr. Buck stated that he cannot answer this question because the scope of research that takes place in the  
9 research area could be impacted by both.

10  
11 **Mr. Irle moved, seconded by Mr. Bluhm to continue the meeting to 10:30 p.m. The motion carried**  
12 **by voice vote.**

13  
14 Ms. Sarah Hamm stated that she lives in Tolono and every weekend her mother drives her to the show at  
15 The Shed. She said that she feels safe at The Shed and if it weren't for the Shed she would not have had  
16 the opportunity to meet the people that she calls her friends. She said that The Shed is very important to  
17 her and a lot of other people and requested that it be allowed to continue.

18  
19 Ms. Griest asked the Board if the had any questions for Ms. Hamm and there were none.

20  
21 Ms. Griest asked if staff had any questions for Ms. Hamm and there were none.

22  
23 Ms. Griest asked Mr. Willard if he had any questions for Ms. Hamm.

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25 Mr. Willard asked Ms. Hamm if she felt safe from boys being to forward with her.

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27 Ms. Hamm stated that she does feel safe from boys being to forward.

28  
29 Mr. Willard asked Ms. Hamm what she though would happen if this situation occurred.

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31 Ms. Hamm stated that she believes that her friends would stand up for her and stop the situation.

32  
33 Mr. Willard asked if this situation has happened at The Shed.

34  
35 Ms. Hamm stated no.

36  
37 Ms. Griest asked the audience if they had any questions for Ms. Hamm and there were none.

38  
39 **Mr. Irle moved, seconded to continue Case 497-AM-05: Helen Willard and Steven and Shirley**  
40 **Willard; and Case 498-S-05: Helen Willard; Steven and Shirley Willard; and rock the shed, inc a non-**  
41 **profit corporation with Directors and Officers Steven Willard, Micah Boyce, Sherry Newton, Brian**  
42 **Maroon and Peter Ruedi to the October 13, 2005, meeting. The motion carried by voice vote.**

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44  
45 **Case 500-V-05: Stephen and Kitty Strong. Request to authorize the construction and use of a**  
46 **detached garage with a height of 18'-6" instead of the maximum allowed height of 15'-0" on a lot that**

5. Continued Public Hearing

**Case 497-AM-05 Petitioner: Helen Willard and Steven and Shirley Willard. Request to amend the Zoning Map to change the zoning district designation from CR-Conservation Recreation to AG-2, Agriculture. Location: A 29 acre tract in the Northwest 1/4 of the Southeast 1/4 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.**

**Case 498-S-05 Petitioner: Helen Willard; Steven and Shirley Willard and rock the shed, inc. a non-profit corporation with Directors and Officers Steven Willard, Micah Boyce, Sherry Newton, Brian Maroon and Peter Ruedi. Request to authorize the establishment and use of a Private Indoor Recreational Development as a Special Use in the AG-2, Agriculture Zoning District pursuant to the final determination in related Case 497-AM-05. Location: A five acre tract in the Southwest 1/4 of the Northwest 1/4 of the Southeast 1/4 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 shed and the home at 552 CR 2425N, Dewey.**

Ms. Griest called Case 497-AM-05 and Case 498-S-05 concurrently.

Ms. Griest informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of hands for those who would like to cross examine and each person will be called upon. She requested that anyone called to cross examine go to the cross examination microphone to ask any questions. She said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross examination.

Mr. Hall stated that after direction from the Assistant State's Attorney's Office he indicated that he must recuse himself from the case due to newly submitted evidence. He said that Mr. Roseman will be handling the case from here on out. He said that on August 21, 2005, there was an Open House at The Shed and the photographs which were included in the packet were taken during that event. He said that Mr. Roseman will visit the site again. He said that a new Supplemental Memorandum dated October 13, 2005, was distributed for the Board's review. The memorandum included new correspondence (both in support and in opposition) and a copy of the letter from Mr. and Mrs. Fox dated October 10, 2005 was distributed to the Board.

Mr. Roseman stated that the Supplemental Memorandum dated October 10, 2005, outlined the letters which were received and documents the minutes from the July 14, 2005, meeting. He said that the applicant has indicated that he would like to add church services as an additional amendment to this case therefore the Board may not desire to take action on these cases at tonight's hearing.

Ms. Griest asked if the additional amendment would require re-advertisement.

Mr. Roseman stated that the additional amendment would require re-advertisement therefore no new

testimony should be received on this issue. He said that the State Fire Marshal's requirements regarding capacity were reviewed and they indicated that The Shed's capacity should be approximately 161 persons. He said that The Shed will be required to install a publically accessible restroom. He said that Mr. Hall informed him that Mr. Willard has hired an architect to prepare drawings and to assist him in The Shed meeting all of the Illinois Accessibility Codes.

Ms. Griest asked the Board if they had any questions for Mr. Roseman. She informed the audience that the Board will not be accepting testimony on the additional proposed use because it has not been advertised. She noted that if an attempt is made to present testimony regarding the proposed use the testimony will be interrupted and a request will be made that the testimony be presented at a future meeting after the advertisement has been made.

Mr. Roseman stated that the church services will be included as a Part B. to the Special Use Permit.

Mr. Steeves asked Mr. Roseman if the Part B. is authorized in CR or does it have to be located in AG-2.

Mr. Roseman stated that the proposed use is authorized in the CR and the AG-2 as a Special Use.

Mr. Steve Willard, who resides at 552 CR 2425N, Dewey, IL, stated his views regarding The Shed have not changed. He said that he loves the kids and only wants the best for them even if the best is not what is totally acceptable by other standards. He said that The Shed is a way of life for the kids and is not just a place for them to hang out. He said that an Open House invitation was sent to most of the people of the neighborhood and several invitations were delivered to Ms. Capel's home for distribution. He said that he wanted people to have the opportunity to come to The Shed so that they could see what went on and to present comments or receive answers to their questions. He said that he has never received a complaint from the people who are now presenting opposition and he wished that he would have had the opportunity to speak to these folks on a personal basis rather than through a meeting or reading their comments in a newspaper. He said that the article indicated that he did not care about the kid's safety and this is absolutely untrue.

Ms. Griest interrupted Mr. Willard and requested that he focus on the issues which relate to zoning.

Mr. Willard stated that he is aware that there are a lot of things which must be done regarding zoning. He said that he is aware that he must comply to the Health Department and the Fire Marshal's requirements. He said that he has prepared and mailed the appropriate paperwork to the Internal Revenue Service so that The Shed can become "tax-exempt." He said that once they receive this designation he can call on the public requesting funds to support the organization. He said that he installed doors and has also installed lights in the building and at the exits which will come on in case power is loss. He said that he is trying his best to meet all of the requirements but money is an issue and he is unable to do it all at once. He said that safety is a priority and traffic has been a concern but the current traffic on the road is a safety issue and has not seen a dead deer along his road in a long time. He said that this may not be the ideal place for The Shed but where would an ideal place be. He said that there is a show scheduled in November at the McKinley

Foundation on the University of Illinois campus because it is a bigger show and this location is necessary due to the amount of kids that will be present. He said that it is a concern that all of these kids will be on campus with a bunch of college kids on a Saturday night and it too may not be the ideal place to hold the venue. He said that people have recommended that he hold the venues somewhere else but he is not aware where this somewhere else would be. He said that he contacted a venue in Mahomet and they indicated that they could seat 300 people and the charge would be \$250, with one or two weeks notice. He said that he informed the venue that he might need the facility two or three times per year for a concert but when he informed them what the concert would be and the age group which would attend the conversation ended and it was suggested that he contact the Village of Mahomet Board. He said that he does not want to have bigger shows at The Shed because he doesn't want it to be too crowded and he does not want to raise the price at the door to compete with the Assembly Hall therefore he does not know where else to go. He said that he would like the property to be changed to AG-2, Agriculture and have a Special Use Permit approved. He said that he understands that if he expands The Shed then he must come before this Board for approval.

Ms. Griest asked the Board if they had any questions for Mr. Willard and there were none.

Ms. Griest asked if Staff had any questions for Mr. Willard.

Mr. Roseman asked Mr. Willard if he designated parents to assist in supervision.

Mr. Willard stated that he does not designate parents to assist in supervision. He said that he, his wife and his mom attend every show although there are some parents which choose to stay but they are not responsible for the supervision. He said that there is no set rule on the number of kids versus the number of parents who must attend. He said that he could begin this if it is mandated but he does not see any reason for this to be done at this time.

Ms. Griest asked the audience if they had any questions for Mr. Willard.

Ms. Martha Kersey, who resides at 107 Ridge Road, Mahomet, IL, asked Mr. Willard if smoking was allowed within 50 feet of the building or 50 feet within the five acre area.

Mr. Willard stated that he does not allow smoking inside the building, if you are under 18 years of age or within 50 feet of the building.

Ms. Kersey asked Mr. Willard if it was true that there are people who do smoke on the premises.

Mr. Willard stated that there are people who smoke on the premises but there are probably people outside of this building who are smoking at this minute.

Ms. Kersey asked Mr. Willard if it was true that some of the kids could go behind the shed to smoke.

Mr. Willard stated that he does try to monitor the area. He said that they have a large place and if someone wants to smoke then they have to follow the rules.

Mr. Joe Lierman, Attorney for Cathe Capel, asked Mr. Willard if he controls the volume of the music for the venue.

Mr. Willard stated that he does control the volume of the music.

Mr. Lierman asked Mr. Willard if he varies the volume from time to time.

Mr. Willard stated that each type of band has a different sound which requires a different volume level. He said that he always keeps the volume at an appropriate level for the music which is being played. He said that he can turn all of the sound down but he tries to keep the kids in comfort zone which is appropriate for the type of music which is being played at the venue. He said that he wants the kids to have a place to go and this is the only place that he can afford and he is trying to go through the right channels to accomplish his goal. He said that he has held 28 shows since the last ZBA meeting which makes 56 shows this year but he is still asking for a maximum of 70 shows per year. He said that the events are from 7 p.m. to 10:00 p.m. He noted that he is not trying to make the neighborhood miserable but make the kids lives valuable without alcohol and drugs.

Mr. Lierman stated that there have been some newspaper articles printed describing the music as deafening and he asked Mr. Willard if he would agree or disagree.

Mr. Willard stated that he would agree with the characterization that the music is deafening but the lady who wrote one of the articles was 58 years old and sent from the Religious Section of the newspaper therefore the content of the venue took her off guard. He said that he closed the big doors off due to complaints regarding sound and noted that he has met every need that has been brought to his attention.

Ms. Griest asked the audience if anyone else had any questions for Mr. Willard and there were none.

Mr. Roseman asked Mr. Willard if any of the bands use pyrotechnics or fireworks during their performances and are any proposed in the future.

Mr. Willard stated that none of the bands use pyrotechnics or fireworks during their performances. He said that fireworks are illegal and dangerous and he does not allow them.

Ms. Griest asked Mr. Willard if he said that in the last three months 14 shows have been held.

Mr. Willard stated that in three months he had 14 shows. He said that it was discussed that he would hold approximately 70 shows per year.

Ms. Griest reminded the audience that if they have already given testimony regarding this case there is not need to repeat that testimony at tonight's hearing because it is included in the record.

Ms. Sherry Newton, who resides at 1306 Kimela Dr, Mahomet, IL, stated that she is on the Board for Rock the Shed. She said that she is very concerned about the articles which have been published in the papers that people will get the wrong impression of the events which take place. She said that in regard to noise the Board strives very hard to make the atmosphere comfortable for the attendees and the neighbors. She said that she is available if the Board or the audience has questions.

Ms. Griest asked the Board if they had any questions for Ms. Newton and there were none.

Ms. Griest asked if staff had any questions for Ms. Newton and there were none.

Ms. Griest asked if anyone in the audience had any questions for Ms. Newton.

Mr. Lierman asked Ms. Newton if as a Board member if she is familiar with the website in relation to information for future show dates.

Ms. Newton stated that there is website and Mr. Jake Willard tries to keep it current.

Mr. Steve Willard stated that a band member from Ohio set up the website for them and purchased the name rocktheshed.com. He said that the dues for the website came due and the password was not available to renew the name. He said that they had to wait for the name to go into a bidding mode where they can re-bid to regain their name for their website. He said that he wants the website to be back up and running with information regarding all of the events.

Mr. Willard asked Ms. Newton if the noise is very loud in the shed and almost deafening.

Ms. Newton stated that yes the noise at times is very loud and deafening.

Mr. Willard asked Ms. Newton if when the doors are shut and one is outside is the noise deafening.

Ms. Newton stated no. She said that you can hear the music when you are about 15 feet from the building but it isn't deafening.

Ms. Griest asked if anyone in the audience had any questions for Ms. Newton and there were none.

Ms. Kate McGinley, who resides at 2517 CR 600E, Dewey, IL stated that she lives approximately one mile from the Shed on CR 600E. She said that she met with Mr. Willard and believes that his intentions are very good and the idea of The Shed is good however even with the woods separating her property from the Willards she can hear the music coming from The Shed during shows. She said that approximately five years ago she and her husband moved to their residence from Washington D.C. She said that she and her husband are both biologists and when they found this area they were very pleased due to the protection area. She said that she is a licensed wildlife rehabilitator and it is true that there are no dead deer on the road but there are a lot of other dead animals on the road. She said that she and her husband feels that it is great that this area is zoned CR, Conservation-Recreation because of the woods and wildlife in the area and she is very concerned that it would even be considered to turn a barn into a rock venue. She said that if the rezoning is granted

what would prevent someone else from doing something similar. She said that this request is not compatible to the nature in the area because it is a quiet natural area and the reason that they purchased their home in this area is because of these things. She said that they are counting on this Board to protect them with this case.

Ms. Griest asked the Board if they had any questions for Ms. McGinley.

Mr. Bluhm asked Ms. McGinley if she lives north of Long Leap Farm.

Ms. McGinley stated that she does live north of Long Leap Farm and boards two horses there.

Ms. Griest asked if the Board had other questions for Ms. McGinley and there were none.

Ms. Griest asked if staff had any questions for Ms. McGinley and there were none.

Ms. Griest asked if the Petitioner had any questions for Ms. McGinley.

Mr. Willard asked Ms. McGinley if she had witnessed any change since The Shed has started.

Ms. McGinley stated that Willards are opening the door for change. She said that the point is not The Shed itself but this is not the nature of this area to have a rock venue. She said that this is basically a residential area where just up the road someone is building a beautiful home and she wonders if those owners have any idea of what they are moving in to. She said that they will be within 1/4 of a mile from The Shed and will probably not be able to sit on their deck on a summer night unless they like rock and roll music and this is not fair. She said that she applauds what the Willards are trying to do but it needs to be done somewhere else. She said that there are more appropriate places for this type of venue. She said that there has been an increase in traffic when the events take place at The Shed and the area has lost its peacefulness. She said that if this venue was held in town they would be closer to emergency services if they were required.

Mr. Willard asked Ms. McGinley if she did not board horses at Long Leap Farm would this be an issue.

Ms. McGinley stated that her boarding horses at Long Leap Farm has nothing to do with her opinion.

Ms. Griest asked if anyone in the audience had any questions for Ms. McGinley and there were none.

Mr. Stephen Henigman, who resides at 2302 Shurts Ct, Urbana, IL, stated that he is a student at the University of Illinois and is present to give support for The Shed. He said that The Shed is a one of a kind place where kids can get together in a drug free atmosphere and it is sad that there was not a place like this available when he was in high school. He said that a place like this is not available in town or really anywhere else. He said that he plays in one of the bands which performs at The Shed and it is great to see the kids there enjoying each others company. He said that he has played at many other places where all ages are not accepted but this is not the case at The Shed. He said that Mr. Willard does try to keep everyone safe

and Mr. Willard does control the noise and even hands out free earplugs.

Ms. Griest asked the Board if they had any questions for Mr. Henigman and there were none.

Ms. Griest asked if staff had any questions for Mr. Henigman and there were none.

Ms. Griest asked the Petitioner if he had any questions for Mr. Henigman and there were none.

Ms. Griest asked if anyone in the audience had any questions for Mr. Henigman and there were none.

Mr. Pat Elifritz, who resides at 804 Pheasant Lane, Savoy, IL, stated that he plays guitar in one of the local bands which performs at The Shed. He said that he has played at The Shed since October, 2003, and it has become a very big part of his life. He said that the request is for three hours once or twice a week and Mr. Willard is very strict about the shows ending at 7:00 p.m. He said that the people that come to The Shed is almost like a family rather than a bunch of kids and it is a safe atmosphere. He said that he has played at other locations where he does not feel safe during the performance due to intoxicated people but that is not the case at The Shed. He said that the music is loud but Mr. Willard expects the kids to respect the neighbors and The Shed is so important to the kids that they do not want to do anything to ruin what they have.

Ms. Griest asked the Board if they had any questions for Mr. Elifritz and there were none.

Ms. Griest asked if staff had any questions for Mr. Elifritz and there were none.

Ms. Griest asked the Petitioner if he had any questions for Mr. Elifritz and there were none.

Ms. Griest asked if anyone in the audience had any questions for Mr. Elifritz and there were none.

Mr. Dustin Hoke, who resides at 1136 Eastview, Paxton, IL, stated that at least once a month he attends the performances at The Shed and has done so since the first show. He said that he is a friend of the Willard family and they have helped his band out a lot. He said that at the last meeting in July, 2005, Steve Buck from the University of Illinois who manages the Nettie Hart Research Area indicated that over the past few years there have been no significant changes in the area due to The Shed. He said that Mr. Willard walks around with a box of earplugs during the show in case anyone in attendance wants them. He said that on the stage the music is much louder than in the crowd therefore the people who play in the bands are dealing with the noise issue more than the crowd and the neighbors. He said that if someone requests that the music be turned down then he will turn it down. He said that Mr. Willard is the type of guy that if someone has an issue then he would like them to bring that issue to him first so that he can deal with the issue. He said that over the past two years Mr. Willard has poured his life in The Shed and it is nice to see that someone cares this much about the kids.

Ms. Griest asked the Board if they had any questions for Mr. Hoke and there were none.

Ms. Griest asked if staff had any questions for Mr. Hoke and there were none.

Ms. Griest asked the Petitioner if he had any questions for Mr. Hoke.

Mr. Willard asked Mr. Hoke if he has ever asked for the music to be turned down and he would do so.

Mr. Hoke stated that the music would be turned down when requested.

Mr. Willard asked Mr. Hoke if he has every asked him to turn down the music.

Mr. Hoke stated that Mr. Willard has asked him to turn down the music.

Mr. Willard asked Mr. Hoke what would happen if the music was not turned down.

Mr. Hoke stated that Mr. Willard would come up and turn the music down for him if it wasn't done when requested.

Ms. Hillary Boyter, who resided at 1009 N. Springfield Av, Champaign, IL, stated that she is a student at Central High School and attends the venue at The Shed but not on a regular basis. She said that The Shed has an atmosphere where kids can go and feel safe unlike places on campus where there is an age limit or most of the people are intoxicated. She said that the Willards do try hard to keep it safe and they promote a family atmosphere.

Ms. Griest asked the Board if they had any questions for Ms. Boyter and there were none.

Ms. Griest asked if staff had any questions for Ms. Boyter and there were none.

Ms. Griest asked the Petitioner if he had any questions for Ms. Boyter and there were none.

Ms. Griest asked if anyone in the audience had any questions for Ms. Boyter and there were none.

Mr. Joe Lierman, Attorney for Ms. Cathe Capel, stated that he went to school with Tom Willard and has known Tom and Steve for many years and has a great deal of respect for what they are trying to do. He said that the problem is that there are competing concerns and interests involved which may be irreconcilable. He said that the a request for a map amendment or special use permit does necessitate that the ZBA and County Board look hard at the adverse effects to the surrounding property owners and is especially true in the case of the special use permit. He said that there is a zoning district which is CR, Conservation Recreation with a request to rezone it to AG-2, Agriculture so that a special use permit can be requested and hopefully issued to allow the property which is fully contrary to agriculture use. He said that the use of the land for a rock venue is not advantageous to the agricultural uses and according the Preliminary Draft the AG-2, zoning district is intended to preserve the agriculture nature of the area. He said that the current use is agriculture in a CR district which is allowed and is the highest and best use that is allowed in the CR district is currently meeting any needs of a true agricultural use so the requested change to an agricultural use to allow for the request of a SUP for a rock venue appears to be a strange situation which will not go with the

spirit of the agricultural district. He said that the request would amount to “spot zoning” because currently the property is zoning CR, Conservation-Recreation and all of the ground surrounding it is also CR, Conservation-Recreation and clearly there was a reason for this designation and to change that it is necessary for the Board to determine that there is a good reason to do so. He said that the real reason is to do something that is contrary to agricultural use and is probably adverse to the much more historically typical use in agriculture such as a horse stable, such as his client owns, does seem to be more consistent with the zoning district. He said that the proposed use of The Shed would create two principal buildings and two principal uses on one lot which appears to be a violation of the Zoning Ordinance. He said that the property owners do have a right to rely upon the current zoning of a piece of property and the protection that the zoning gives them. He said that when people buy into a neighborhood, as Ms. Capel did 16 years ago and came to the County before building her stable and requested and received a Special Use Permit and is now operating that special use within the CR district, does have the right to expect the Zoning Ordinance to protect them from uses which are not allowed in the CR district. He said that it seems that when there is use that is in violation of the Zoning Ordinance the solution is not to grant a change of zoning district and a Special Use Permit because it does not solve the problem. He said that he is not sure what a good solution would be for everyone but for the reasons that he previously stated he requests that the Zoning Board recommends denial.

Ms. Griest asked the Board if they had any questions for Mr. Lierman and there were none.

Ms. Griest asked if staff had any questions for Mr. Lierman and there were none.

Ms. Griest asked the Petitioner if he had any questions for Mr. Lierman and there were none.

Ms. Griest asked if anyone had any questions for Mr. Lierman.

Ms. Paulette Willard asked Mr. Lierman what the current zoning designation was for the subject property.

Mr. Lierman stated that the current zoning is CR, Conservation-Recreation.

Ms. Willard asked if they petitioned not to change the zoning and provided conservation and recreation for our young people would they still be within the rights to have The Shed or park open.

Mr. Roseman stated that private Indoor Recreational Development is not allowed in the CR, zoning district.

Ms. Willard asked if a park was allowed in the CR, zoning district.

Ms. Griest that in the classification of a park amplified music would not be allowed “by-right”.

Mr. Roseman stated that Outdoor Commercial Recreational Enterprise is allowed only by a Special Use Permit in the CR, Conservation Zoning District.

Ms. Willard asked what would happen if The Shed was turned into a private home by which they invited

guests on weekends for parties. She asked Mr. Roseman if she had a private pool could she invite people over for a party every weekend and provide live music.

Mr. Roseman stated that he could do this but one home is already located on the subject property and The Shed is not located on a separate lot.

Mr. Lierman stated that no matter how it is done noise and safety are issues which must be addressed. He said that his client's main concern is the noise and its affect on her business.

Mr. Dustin Hoke stated that there are other uses allowed in the AG-2, zoning district which do not appear to be compatible with agriculture therefore why is there a problem with the requested use.

Mr. Lierman stated that the Zoning Ordinance indicates that the intent of the agricultural district is to be primarily agriculture therefore it would not make sense to rezone a property that is in CR, which does allow agricultural uses, to an AG-2 zoning district for the purpose of requesting Special Use Permit that would then allow an Indoor Recreational Facility such as The Shed has been characterized as being. He said that in some respects in how The Shed affects the boarding stable it could almost be considered an Outdoor Recreational Facility. He said that the horses do not know the difference between an Indoor Recreational Facility and an Outdoor Recreational Facility when the music is blaring and they responsively react when a rider is on them or a handler has them and this is a main portion of the problem. He said that the peaceful enjoyment of life in the area's setting is important but to Ms. Capel it really is the horses more than anything and her continued enjoyment of her property without this requested use.

Mr. Hoke asked Mr. Lierman if there have been any occurrences of the horses rearing up or accidents taking place due to the music from The Shed.

Mr. Lierman stated that this is a question for Ms. Capel. He said that he is aware of reports which indicate that the horses react to the music and it is a problem.

Mr. Tom Willard asked Mr. Lierman if he had been to the property during a performance at The Shed.

Mr. Lierman stated that he has not been at the subject property during a performance.

Mr. Willard stated that the property where The Shed is located has never been farmed.

Mr. Lierman stated that this is part of his point in that the request is for an agricultural district so that they can do something which is absolutely contrary to an agricultural use. He said that it is his understanding that a portion of the 29 acres is indeed farmed but the five acres which is involved in the Special Use Permit is not farmed.

Mr. Steve Henigman asked if amplified music was allowed in the current zoning district.

Ms. Griest noted that this was not a question for Mr. Lierman but for staff.

Mr. Roseman stated that noise is allowed but the Public Nuisance Ordinance does have certain restrictions on public noises. He said that amplified music is allowed under certain conditions but staff did receive complaints regarding the noise which was being created at The Shed.

Mr. Phil Parker asked Mr. Lierman if the noise was the big issue and how it affects the horses.

Mr. Lierman stated that the noise is a big issue and how it affects the horses is even a bigger issue.

Mr. Parker asked Mr. Lierman if the boarding stable had an indoor or outdoor arena.

Mr. Lierman stated that there is an indoor arena and an outdoor pasture and riding area.

Mr. Parker asked Mr. Lierman if the noise effected the horses while they were in the inside arena or only when they were located in the outdoor pasture and riding area.

Mr. Lierman stated that when the noise occurs the horses are affected but Ms. Capel would be able to answer this question.

Mr. Jake Willard, who resides at 552 CR 2425N, Dewey, IL, stated that he does all of the booking of the bands and promoting of the events. He said that The Shed is a much safer atmosphere in comparison to other venues which he has attended. He said that he attempts to welcome everyone who attends so that if someone is a newcomer they do not feel awkward. He said that he has attended almost every show and in comparison to other venues the noise is no more deafening than any other show that he has attended and perhaps even less deafening. He said that this is a good place for kids.

Ms. Griest asked the Board if they had any questions for Mr. Jake Willard and there were none.

Ms. Griest asked if staff had any questions for Mr. Willard and there were none.

Ms. Griest asked if the Petitioner had any questions for Mr. Willard.

Mr. Steve Willard asked Mr. Jake Willard if illegal things happen at The Shed.

Mr. Jake Willard stated that no illegal things happen at The Shed because the kids know they have to be clean if they plan on attending.

Ms. Martha Kersey asked Mr. Jake Willard how many new kids would generally attend the performances.

Mr. Willard stated that the amount of new kids which attend varies with each performance.

Ms. Kersey asked Mr. Willard if it would be fair to say that depending upon the band the attendance would also vary.

Mr. Willard stated that certain bands do draw a certain amount of people.

Ms. Kersey asked Mr. Willard if it was fair to say that he pulls bands in from all over the Midwest to perform at The Shed.

Mr. Willard stated that he does pull bands from all over the midwest to perform at The Shed.

Ms. Kersey asked Mr. Willard if it was fair to say that many of the audience members are from other states.

Mr. Willard stated that she was correct.

Mr. Steeves asked Mr. Willard what the average attendance would be for a performance.

Mr. Willard stated that normally between 20 to 40 people attend each performance unless it is a special performance.

Mr. Pat Elifritz asked Mr. Willard if he and his father would be willing to meet with Ms. Capel to discuss the noise issue so that some type of an agreement could be made.

Mr. Willard stated that he is sure that he and his father could meet with Ms. Capel to discuss the issues.

Ms. Kate McGinley asked Mr. Willard how many people normally attend the special performances.

Mr. Willard stated that between 80 to 100 people could be in attendance for a special performance.

Ms. Griest asked the audience if anyone else had any questions for Mr. Jake Willard and there were none.

Ms. Cathe Capel, who resides at 505 E South Mahomet Rd, Mahomet, IL, read a prepared statement to the Board and submitted the statement as a Document of Record.

Ms. Griest asked the Board if they had any questions for Ms. Capel.

Mr. Bluhm asked Ms. Capel how far her boarding stable was from The Shed.

Ms. Capel stated that she would estimate that her boarding stable is about two football fields to the east of The Shed.

Ms. Griest asked if staff had any questions for Ms. Capel and there were none.

Ms. Griest asked if the Petitioner had any questions for Ms. Capel.

Mr. Steve Willard asked Ms. Capel if her property was currently on the market and what price is she asking

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for the property.

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Ms. Capel stated that this is private information.

Mr. Willard asked Ms. Capel if she would be as concerned if he had requested a dirt race track.

Ms. Griest informed Mr. Willard that a dirt race track was not part of the evidence nor testimony presented by Ms. Capel.

Mr. Willard asked Ms. Capel if she had influenced her clients to oppose The Shed.

Ms. Capel stated that she did not testify to such.

Ms. Griest informed Mr. Willard that Ms. Capel's clients would have the opportunity to speak for themselves.

Mr. Willard stated that he did have permission from staff to have the Tuesday night show. He noted that he is aware that any expansion to The Shed would require his return to this Board for approval as well as any other entities which would be involved.

Ms. Griest stated that changing a map classification is a broader decision than just the Willard's individual use. She said that any expansion would require Mr. Willard's compliance with all of the applicable laws, rules and regulations. She said that the Board, ELUC and the County Board have the right to consider all of the available uses that the requested classification would allow.

Mr. Willard stated that he wanted everyone to know that he does understand that he must follow the appropriate steps to expand the facility.

Mr. Dustin Hoke asked Ms. Capel if there have been any decibel readings from The Shed to the stables.

Ms. Capel stated that she has not had any decibel readings completed. She said that she relies on the responses of the horses.

Mr. Hoke asked Ms. Capel how the horses respond.

Ms. Capel stated that the horses bolt, shy and run.

Mr. Hoke asked Ms. Capel if there had been any injuries which have resulted from the music.

Ms. Capel stated that one of clients was able to stay on her horse but did require several visits to her chiropractor.

Mr. Hoke asked Ms. Capel how many clients are normally present at the stable during a performance at The

Shed.

Ms. Capel stated that honestly there are a few as possible.

Mr. Hoke asked if this was fewer than before the origination of The Shed.

Ms. Capel stated that she did not monitor the visits of her clients during that time because it wasn't an issue.

Mr. Hoke asked Ms. Capel when this became an issue.

Ms. Capel stated that it became a regular issue during the Summer of 2004.

Ms. Hoke asked Ms. Capel if there was any voiced opposition to Mr. Willard prior to the Summer of 2004.

Ms. Capel stated no.

Mr. Phil Parker stated that he was unable to hear Ms. Capel's response to the decibel readings.

Ms. Capel stated that she has not had decibel readings completed and relies on the response of the horses.

Mr. Parker asked Ms. Capel if she was in tune to the horses responses.

Ms. Capel stated no but she is aware of the horse's normal behavior.

Mr. Parker asked Ms. Capel if she thought that it would be appropriate to have decibel readings completed to see if the music is really the source of the horse's odd behavior.

Ms. Capel stated that she has never been able to ask a horse what they thought about a given decibel. She said that all she can do is respond to her horse's response to what is going on in their environment.

Mr. Parker asked Ms. Capel if she had an indoor and outdoor arena.

Ms. Capel stated that she has an indoor and outdoor arena plus three 2 acre pastures and a jump field.

Mr. Parker asked Ms. Capel if she knew the cause of the horse's ulcers which developed after The Shed's origination.

Ms. Capel stated that the horse developed ulcers over the last 18 months and the cause is unknown.

Mr. Parker asked Ms. Capel if the real issue is a cultural and appearance problem and asked if she was willing to help find a place for this venue so that kids can attend a safe, drug and alcohol free atmosphere.

Ms. Capel stated that she chose the causes that she puts forth and has a limited amount of time, energy and

money. She said that she is on the Library Board and that is her primary focus for volunteer work at this time. She said that last summer she did check with the Independent Media Center because they have been trying to run an all age venue. She said that there is a partnering opportunity with “big.small.all” and perhaps they could contact Barbara Wysocki, County Board Chairman or Frank DiNovo, Regional Planning Commission.

Mr. Parker asked Ms. Capel if her indoor arena had music.

Ms. Capel stated that it is available.

Mr. Neil Wright asked Ms. Capel if she has heard the warming up period of the bands or abrupt noise as she called it.

Ms. Capel stated that she has heard the abrupt noise and has had a horse jump on top of her when the music starts.

**Mr. Irle moved, seconded by Mr. Steeves to grant a five minute recess. The motion carried.**

**The Board recessed at 9:08 p.m.**

**The Board resumed at 9:13 p.m.**

Ms. Griest informed the audience that she is going to entertain a motion for a continuance of this case at 9:30 p.m. She asked the audience to be expeditious with their testimony and cross examinations because there are six more people who are listed on the witness register. She noted that the case will be continued to a later date therefore there will be an opportunity to present evidence at a future hearing or submit testimony in writing.

Mr. Matt Best asked Ms. Capel if the sounds from construction in the area would disturb the horses.

Ms. Capel stated that she did not talk about development in the area.

Mr. Best asked Ms. Capel what IEPA regulations The Shed is violating.

Ms. Capel stated that these would be the IEPA regulations in regard to noise. She said that she read the law and made a common sense determination.

Ms. Griest noted to the audience that everyone’s testimony is taken in its entirety and the ZBA does not focus on any individual items or pick out specific points within an individual testimony. She said that if the ZBA has a concern about a judgement point the ZBA will investigate it further.

Mr. Best asked Ms. Capel if the change in behavior of the horses is consistent with each time there is a performance at The Shed or occasionally when there is a performance.

Ms. Capel stated that the horses react anytime there is a sudden loud noise. She said that when she can clearly hear the music from The Shed in her barn the horses are apparently agitated. She said that this has been going on for a long time and her first reaction was to let it go because it was The Willards and they were her neighbors. She said that all she can do is that when the noise is loud in the barn the horses react. Mr. Pat Elifritz asked Ms. Capel if the Independent Media Center was now open for performances because it was his understanding that they were closed to performances.

Ms. Capel stated that she was told that they were working towards being open for performances. She said that they need support and The Shed needs support so perhaps it is a partnering opportunity for both venues.

Mr. Lee Sentman, who resides at 2514 CR 600E, Dewey, IL stated that he lives one and one-half miles from The Shed. He said that when he is inside his home he can hear the noise from The Shed. He said that all of the area is zoned AG-1 or CR and there have been attempts in the past to rezone but those requests were denied because the County does not want "spot zoning." He said that those of us who have homes in the area are counting on the County to keep the area maintained under its current zoning. He said that he opposes the request.

Ms. Griest asked the Board if they had any questions for Mr. Sentman and there were none.

Ms. Griest asked if staff had any questions for Mr. Sentman and there were none.

Ms. Griest asked the Petitioner if he had any questions for Mr. Sentman and there were none.

Ms. Griest asked the audience if anyone had any questions for Mr. Sentman and there were none.

Ms. Janet Fitch, who resides at 1711 Bonnie Blair, Champaign, IL stated that she has been a boarder at Long Leap Farm for approximately 12 years. She said that her emotional feel as a boarder is that if they are paying their Ms. Capel they are part of the community of the barn and have a right to enjoy the property. She said that all of the people who board at the stable are not a bunch a rich people and make sacrifices, including the work involved, in order to support their animals and their hobby. She said that she has no objection to the venue for the young people to pursue their interests but it does infringe upon the area residents. She said that she has not personally been injured by a horse due to the music but she has had to jump sideways or maneuver around her horse during a performance. She said that when the horses are observed it is not a matter of the decibels but the sharp, loud, sudden noise which is cumulative to the nervous system of the animal. She said that as the animal becomes agitated and uncomfortable it becomes increasingly dangerous to the handler. She urged the Board to not allow the "spot zoning" for the proposed use.

Ms. Griest asked the Board if they had any questions for Ms. Fitch and there were none.

Ms. Griest asked if staff had any questions for Ms. Fitch and there were none.

Ms. Griest asked the Petitioner if he had any questions for Ms. Fitch and there were none.

Ms. Griest asked the audience if they had any questions for Ms. Fitch.

Ms. Paulette Willard asked Ms. Fitch if she was aware that hunting season is about to begin.

Ms. Fitch stated that she was aware that hunting season is about to begin and this is an issue that they deal with every year.

Mr. Dustin Hoke asked Ms. Fitch if she has been at the stable during a performance.

Ms. Fitch stated that she has been at the stable approximately five or six times during a performance.

Mr. Hoke asked Ms. Fitch how many times her horse jolted or reacted to the music.

Ms. Fitch stated that once the show starts there is a nervous level which would be apparent in the horse.

Mr. Hoke asked Ms. Fitch if the reaction of the horse would be the same if a book or board were dropped. Ms. Fitch stated no.

Ms. Lorraine Best asked Ms. Fitch how often she is at the stable.

Ms. Fitch stated that she is at the stable about 4 to 5 times per week.

Ms. Capel asked Ms. Fitch if she avoids the stable on nights when the performances are to occur.

Ms. Fitch stated yes.

Ms. Griest stated that it is now 9:30 p.m. and as promised she intends to close the witness register. She said that there are three witnesses remaining on the witness register and asked those witnesses to submit their comments in writing or attend the next meeting.

Ms. Paulette Willard asked Ms. Griest if this case continues to go on what is the cut off date for objections.

Ms. Griest stated that as long as the public hearing is open the ZBA is required by law to accept testimony for support and opposition as well as anyone who wishes to cross examine any witnesses. She said that the longer the case drags out the longer it will take to come to a final determination.

Ms. Willard asked Ms. Griest if as long as this case is open The Shed can continue as usual.

Ms. Griest stated that at this point and time she is correct but there is no guarantee that this case will last forever.

**Mr. Irle moved, seconded by Mr. Bluhm to continue Cases 497-AM-05 and 498-S-05 to the December**

**15, 2005, ZBA meeting. The motion carried by voice vote.**

Ms. Griest informed the audience that if they had signed the witness register and was not called upon at tonight's hearing if they attend the hearing on December 15, 2005, they will be the first to testify.

**Case 517-AT-05 Petitioner: Zoning Administrator Request to amend the Ordinance to allow lots in platted subdivisions between 1/1/91 and 2/18/97 to have access by means of an easement (if included as part of original plat.) (Related to Cases 508-V-05 & 509-V-05).**

Mr. Roseman stated that there is no information for the Board to review at this time therefore he is requesting that the case be continued to a later date.

**Mr. Bluhm moved, seconded by Mr. Goldenstein to continue Case 517-AT-05, to the November 22, 2005, ZBA meeting. The motion carried by voice vote.**

## **6. Staff Report**

Mr. Roseman stated that the Zoning Ordinance (CZR) was an item on the October 11, 2005, Environment and Land Use Committee but the item was deferred. He said that a Special Study Session is scheduled for November 02, 2005, to discuss the changes. He said that hopefully the results of the Study Session will allow the item to be placed on the November 14, 2005, ELUC agenda so that the public hearings will be able to begin in January, 2006.

Mr. Hall stated that the tentative dates for the CZR public hearings are: Wednesday, January 4, 2006; Tuesday, January 17, 2006; and Thursday, February 2, 2006. He said that following the February 2, 2006, public hearing the expectation is that it will be forwarded to ELUC for its February, 2006 meeting and then on to the County Board.

Mr. Irle asked why the item was deferred.

Mr. Hall stated that the deferral also took staff by surprise.

Mr. Steeves asked if the January meetings would be public meetings.

Mr. Hall stated yes. He said that the Zoning Ordinance has a provision that a petitioner can request a final decision and once the request is made the ZBA must yield that decision within two meetings but the petitioner must be prepared to accept the result of the request.

Ms. Griest requested a motion regarding the December 29, 2005, ZBA meeting.

1 part of original plat). (Related to Cases 508-V-05 and 509-V-05).

2  
3 Mr. Hall stated that he had hoped to have this case for ready for final action at tonight’s meeting but it is not.  
4 He said that he would like to see this case continued to the February 16, 2006, meeting. He said that there  
5 will be another text amendment at that meeting but this case should be an easy to dispense with at that time.  
6

7 **Mr. Schroeder moved, seconded by Mr. Goldenstein to continue Case 417-AT-05 to the February 16,**  
8 **2006, meeting. The motion carried by voice vote.**  
9

10  
11 **Case 497-AM-05 Petitioner: Helen Willard and Steven and Shirley Willard. Request to amend the**  
12 **Zoning Map to change the zoning district designation from CR-Conservation Recreation to AG-2,**  
13 **Agriculture. Location: A 29 acre tract in the Northwest ¼ of the Southeast ¼ of Section 36 of**  
14 **Newcomb Township and located east of CR 550E and north of CR 2425N at the corner of CR 550E**  
15 **and CR 2425N and commonly known as the home and property at 556 CR 2425N, Dewey.**  
16

17 **6. New Public Hearings**  
18

19 **Case 498-S-05 Petitioner: Helen Willard; Steven and Shirley Willard; and rock the shed, inc a non-**  
20 **profit corporation with Directors and Officers Steven Willard, Micah Boyce, Sherry Newton, Brian**  
21 **Maroon and Peter Ruedi. Request to authorize the establishment and use of the following Special Use**  
22 **in the AG-2, Agriculture Zoning District: Part A: A Private Indoor Recreational Development; and**  
23 **Part B: A Church. Location: A 29 acre tract in the Northwest ¼ of the Southeast ¼ of Section 36 of**  
24 **Newcomb Township and located east of CR 550E and north of CR 2425N at the corner of CR 550E**  
25 **and CR 2425N and commonly known as the home and property at 552 CR 2425N, Dewey.**  
26

27 Ms. Griest called Case 497-AM-05 and Case 498-S-05 concurrently.  
28

29 Ms. Griest informed the audience that this is an Administrative Case and as such the County allows anyone  
30 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of  
31 hands for those who would like to cross examine and each person will be called upon. She requested that  
32 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that  
33 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
34 state their name before asking any questions. She noted that no new testimony is to be given during the  
35 cross examination.  
36

37 Mr. Hall distributed a Supplemental Memorandum dated December 15, 2005, for the Board’s review. He  
38 said that when he prepared the December 9, 2005, Supplemental Memorandum he somehow overlooked the  
39 letter of opposition from Larry and Deborah Fox, adjacent property owners, which was received on  
40 December 5, 2005. He said that a second frontage protest has been received. He said that this frontage  
41 protest does not add an even higher level of approval it is only an additional frontage protest. He explained  
42 that Part B., of the Special Use Permit indicates a church. He said that the Willards have not proposed what  
43 most people would consider as a church and have only proposed small group religious gatherings in the shed

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1 building on Sunday evenings. He said that the thing about a Special Use Permit is that the Petitioner  
2 explains their proposal and the closest thing that the County has in the Table of Uses is a church. He said  
3 that there has been a lot of testimony received at the previous meetings and several letters of opposition and  
4 in support and a lot of minutes and all of this information needs to be added to the Summary of Evidence for  
5 the Special Use Permit and for the Map Amendment. He said that currently there is no one on staff who can  
6 prepare the Summary of Evidence although in November he alerted the Regional Planning Commission  
7 regarding this situation and they did not have anyone that they could assign to the case either therefore  
8 unfortunately no additional work has been completed on this case. He noted that there may changes in staff  
9 within the next few months but there are no changes at this time.

10  
11 Mr. Steeves asked Mr. Hall if Case 498-S-05 is contingent upon approval of Case 497-AM-05.

12  
13 Mr. Hall stated that regarding Case 498-S-05, Part A. is only possible in the AG-2 district therefore it is  
14 contingent upon the approval of Case 497-AM-05 but Part B. is not. He said that churches are allowed as a  
15 Special Use Permit in either the CR, Conservation zoning district or AG-2, Agriculture zoning district.

16  
17 Mr. Steeves stated that it is possible then that the Board could approve Case 498-S-05, Part B. He asked if  
18 Part A. and Part B. could be split.

19  
20 Mr. Hall stated that the division of Part A. and Part B. would be the Petitioner's decision. He said that if this  
21 Board would be inclined to recommend approval of one part over the other the Petitioner would be given the  
22 opportunity to decide if they will accept one part without the other or if they want all or none.

23  
24 Mr. Steeves stated that the Board's primary focus should be on Case 497-AM-05 first and then consider  
25 Case 498-S-05.

26  
27 Mr. Hall stated that the Board could make a determination for Case 497-AM-05 and forward that decision to  
28 the County Board for approval and wait on Case 498-S-05 until the County Board renders their decision. He  
29 said that if the Special Use is warranted it could be approved by this Board contingent on the County Board's  
30 decision.

31  
32 Mr. Bluhm stated that Case 498-S-05 as it is requested is a Special Use in the AG-2 zoning district and if  
33 Case 497-AM-05 was denied by the County Board, Case 498-S-05 would require re-advertisement for a  
34 church in the in the CR zoning district.

35  
36 Mr. Hall stated that he would need to check with the State's Attorney's office regarding that situation. He  
37 said that a Special Use Permit for a church in the AG-2, zoning district is a greater request than a Special  
38 Use Permit in the existing zoning.

39  
40 Ms. Martha Kersey, who resides at 107 Ridge Rd, Mahomet stated that she is a 31 year resident of  
41 Champaign County. She said that she is a practicing attorney, past Vice President of the Champaign County  
42 Bar Association and past President of the East Central Illinois Women's Attorney's Association. She said  
43 that her background is in family law and most of her career has been in insurance law. She said that her

1 father is a retired Professor of Social Work from the University of Illinois and he spent his entire career  
2 concerned with the public welfare. She said that the reason that she believes her father's career is relevant is  
3 because her life has been affected by that as well. She said that by growing up with her father's beliefs she is  
4 very aware of public policies and public servitude and the social issues that surround venues such as the one  
5 proposed tonight. She said that her brother is a teacher in the Chicago public school system and she spends  
6 an equal amount of time talking with him about problems with teenagers, their social problems, their  
7 activities, etc. She said that previously she submitted a statement to the Board and does not intend to cover  
8 that information tonight because she has been assured that her statement has been entered as evidence. She  
9 said that in her previous statement she discussed impacts that The Shed will have on her personally because  
10 she is a boarder at Long Leap Stables and has been a boarder since it was opened to the public about 14 years  
11 ago. She said that in her previous testimony she mentioned an incident on September 30<sup>th</sup> which involved  
12 loud music from The Shed and another incident occurring on October 15<sup>th</sup>. She said that the September 30<sup>th</sup>  
13 incident occurred after the Village of Mahomet ruled to not oppose the request map amendment. She  
14 referred to the letter from Ms. Tess Morrison regarding the lack of County resources to provide police and  
15 fire protection in this area, and the negative impact on the Mahomet Village Board because they would have  
16 to try to fill in for this area in case there was an incident. She said that the October 15<sup>th</sup> incident occurred  
17 after this Board met and the music was very loud and during this venue she decided to observe the horses in  
18 the barn. She said that even though the doors to the barn were closed she could still hear the music and feel  
19 the vibrations and in fact one of the smaller horses rejected his feed and hay and was transfixed facing the  
20 corner of his stall which is an unusual behavior for this horse. She said that since she has voiced her  
21 concerns regarding The Shed at previous hearings she received an e-mail from a neighbor indicating the  
22 blogs which referred to her. She said that it was an intimidating situation and people were concerned with  
23 her safety. She said that she was invited to come to The Shed to witness the mosh pit and the venue but after  
24 reading the blogs she has decided that this would not be a wise thing to do. She said that The Shed is located  
25 in a somewhat rural area, the response time for Police is perhaps 45 minutes and she does not feel that it is a  
26 safe place for her to visit. She said that she canvassed the neighborhood and spoke to the neighbors in the  
27 area regarding their feelings about The Shed because if they were all okay with the venue then perhaps she  
28 should find a different location for her horse. She said that during her conversations with the neighbors she  
29 found that most people had a fear of retaliation if they spoke in opposition. She said that she is sure that the  
30 Board is aware that it is easy for someone to speak in favor of a venue but it is not easy for everyone to speak  
31 in opposition of something. She said that there are many inconsistencies in Mr. Willard's statement but  
32 regardless of whether it is an all-age venue, the core focus of Mr. Willard's request is to get the zoning  
33 changed is so that he can get the variance so that he can have a commercial concert venue where its main  
34 audience are kids in a rural area on roads that which were initially designed to service farms and not  
35 commercial venues. She said that it is important to know the statistics on teen driving. She said that 16 to  
36 19 year old drivers are 4 times more likely to have an accident than an adult and the risk is highest at the age  
37 of 16. She said that: the crash rate per mile is almost 3 times as high as for 18 to 19-year olds; 95% of all  
38 teenagers speed; the majority of accidents happen after 10:00 p.m.; the accident rate for boys who drive at  
39 night is 5 times higher than girls; 61% of teen accidents which resulted in death in 2002 occurred in cars  
40 where there was another teen driving. She said as a matter of public policy this Board is potentially making  
41 it possible for teenagers from all over, to be concentrated into a rural area which has been described as  
42 somewhat perilous. She said that the roads have no lighting, no lanes, no speed limit signs, and no  
43 intersections with stop signs or are clearly marked for this type of event. She said that the road may meet the

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1 requirements to service farms but are substandard when you are bringing in young people who are  
2 completely unfamiliar with the area. She said that she does not believe that the County has adequate  
3 protection nor extra money to hire additional officers to monitor this area nor does she believe that there is  
4 adequate fire protection for this area if a commercial concert venue is approved. She said that the area is 15  
5 miles from Carle Hospital and the roads prove difficult for emergency vehicles to navigate because they  
6 involve 90 degree turns, hills that create blind vision, and a blind, unmarked "T" intersection. She said that  
7 if a venue such as the one requested is needed then it should be located in a more urban area because the  
8 infrastructure is there to accommodate it. She said that the structure is a 30' x 40' tool shed that was  
9 designed to handle farm machinery not to be a commercial venue to house a bunch of teenagers. She said  
10 that all of the electrical requirements that are needed for such a venue are also a concern when the building is  
11 full of unsuspecting teenagers. She said that Mr. Willard has testified that there have been as many as 120+  
12 kids in attendance to a show and the girls are allowed to use the bathroom in the home. She said that she is  
13 concerned with the type of septic system that the property has to support the number of people in attendance  
14 to the venues not mentioning the environmental impact. She asked the Board if they approved the request  
15 with conditions regarding lighting, hours of operation, controlled supervision, etc, how the County would  
16 enforce the conditions. She said that Bloomington had a venue like this and there were five kids stabbed  
17 before the police were able to arrive. She said that there are potential problems with this type of venue and  
18 requested that the Board find a way to truly have control and manage the venue or find a different alternative  
19 through different resources. She recently the news has reported that there are more rural accidents occurring  
20 and this area has enough pressure on it already with subdivisions and a commercial concert venue will only  
21 add to that pressure. She requested that the Board deny Mr. Willard's petitions.

22

23 Ms. Griest asked the Board if they had any questions for Ms. Kersey.

24

25 Mr. Steeves asked Ms. Kersey if she was aware of the accident rate in the area since the opening of The  
26 Shed.

27

28 Ms. Kersey stated that she is not aware of any reported accidents but one of the problems with accidents is  
29 that teenagers do not want to tell their parents when they have an accident. She said that there is always  
30 evidence of small accidents which have happened in the field across from The Shed.

31

32 Ms. Griest asked if staff had any questions for Ms. Kersey and there were none.

33

34 Ms. Griest asked Mr. Willard if he had any questions for Ms. Kersey.

35

36 Mr. Willard asked Ms. Kersey if she had been inside The Shed.

37

38 Ms. Kersey stated that she has been near and around The Shed but never inside. She said that she has  
39 wanted to go into The Shed but she does fear for her personal safety. She said that due to the content in the  
40 blogs she did not feel comfortable approaching the property during a venue.

41

42 Mr. Willard asked Ms. Kersey why she did not visit The Shed during the open house. He asked Ms. Kersey  
43 if emergency services would be available if someone would become injured at the stable because the stable

1 is only 200 feet from The Shed.

2  
3 Ms. Kersey stated that the stable is not concentrating 100+ minors in a tool shed.

4  
5 Mr. Willard stated that there have been four shows since the last public hearing. He asked Ms. Kersey why  
6 she feels intimidated by the venue. He asked Ms. Kersey if any of kids had done anything to make her feel  
7 this way.

8  
9 Ms. Kersey informed Mr. Willard of the blogs which referred to her. She indicated that not only was she  
10 concerned with her personal safety but her neighbors were also concerned.

11  
12 Mr. Willard asked Ms. Kersey if the driveway to The Shed was dark. He asked her if she would feel  
13 intimidated in driving up the dark driveway.

14  
15 Ms. Kersey stated that the driveway to The Shed is dark. She said that she would feel intimidated driving up  
16 the dark driveway and then finding a crowd of people standing outside smoking.

17  
18 Mr. Willard asked Ms. Kersey if smoking was illegal. He said that he has a rule that the kids must be 18  
19 years of age or more to smoke and they must smoke 50 feet from The Shed.

20  
21 Ms. Kersey stated that Mr. Willard's testimony has changed because he originally stated that this was a key  
22 venue for 13 to 18 year olds and they were allowed to smoke.

23  
24 Mr. Willard stated that he has always stated that it is an all-age music venue although the majority of the  
25 people that attend are 13 to 18 years of age.

26  
27 Ms. Kersey stated that if Mr. Willard is stating that he is enforcing the smoking rule then that is fine.

28  
29 Mr. Willard asked Ms. Kersey why she is concerned with the supervision at The Shed and the lack thereof.  
30 He said that there is always one adult at each performance and many times three.

31  
32 Ms. Kersey informed Mr. Willard that he testified that he did not require supervision and did not require a  
33 certain number of adults to be in attendance.

34  
35 Ms. Griest asked the audience if anyone had any questions for Ms. Kersey and there were none.

36  
37 Ms. Jennifer Campbell, who resides at 2811 Woodhaven Dr, Champaign stated that she has been riding out  
38 at Long Leap Farm for the past 13 years. She said that she is 100% behind a safe place for teenagers to go  
39 but when she was a teenager her place was the farm because she does not like large groups of people. She  
40 said that The Shed may be helping teenagers who like large crowds and loud music and that is fine but it is  
41 located next to a place which is better equipped for youths which require calmer environments. She said that  
42 she has not been at any of the shows at The Shed so she cannot comment on what happens during  
43 performances. She said that Long Leap Farm has been a place which saved her relationship with her mother

1 and kept her on a sound path. She said that the farm taught her respect and responsibility and personally  
2 having two places which are so opposite from each other will affect one or the other in a negative way.

3  
4 Ms. Griest asked the Board if they had any questions for Ms. Campbell and there were none.

5  
6 Ms. Griest asked if staff had any questions for Ms. Campbell and there were none.

7  
8 Ms. Griest asked Mr. Willard if he had any questions for Ms. Campbell.

9  
10 Mr. Willard asked Ms. Campbell if she felt intimidated by testifying at tonight's hearing in that someone  
11 may retaliate against her.

12  
13 Ms. Griest stated that Ms. Campbell did not present testimony to that fact.

14  
15 Ms. Chris Campbell, who resides at 2811 Woodhaven Dr, Champaign stated that she is Jennifer's mother.  
16 She stated that they live in Champaign and they go to Long Leap Farm for the tranquility and quiet  
17 atmosphere. She said that the farm did save their relationship and she does respect the need for the kids to  
18 have a place to gather but it is location, location, location and this is not the location. She said that the area  
19 has a purpose of tranquility, quiet, and being with nature and not the place for loud music and this type of  
20 venue. She said that there are plenty of places in Champaign, Urbana, or Mahomet which would be perfect  
21 for this type of venue.

22  
23 Ms. Griest asked the Board if they had any questions for Ms. Campbell and there were none.

24  
25 Ms. Griest asked if staff had any questions for Ms. Campbell and there were none.

26  
27 Ms. Griest asked Mr. Willard if he had any questions for Ms. Campbell and there were none.

28  
29 Ms. Griest asked the audience if they had any questions for Ms. Campbell and there were none.

30  
31 Ms. Rose Goodman, who resides at 1904 Golf Dr, Mahomet stated she has lived at her current residence for  
32 almost 30 years. She said that she is a wife, mother and a retired teacher after 31 years of teaching, a mentor,  
33 an animal lover but mostly a horse lover. She said that she has been riding at Long Leap Farm since 1992.  
34 She said that she is a leisure rider who goes to the stable to relax and enjoy the natural setting and not be  
35 bothered by cell phones, telephones and loud music. She said that in order to have her horse stabled at Long  
36 Leap Farm she works there almost daily. She said that the farm is also a social atmosphere because they  
37 must all work together to maintain the stable and horses. She said that she has been at the stable during all  
38 hours of the night because her horse will often colic. She said that she has never been worried about her  
39 safety because it is a quiet, rural area and to see this change will be very difficult. She said that it will affect  
40 her personally and it will affect Long Leap Farm. She said that Long Leap Farm will probably lose clients  
41 due to the venue and their concerns with personal safety. She said that she will not feel safe when a venue  
42 which invites people who are not from the area is so close to the stable. She said that she is concerned with  
43 the smoking issue and the dry conditions which exist in the summer months. She said the horses are sensitive

1 and some of the people at the stable own very expensive thoroughbreds. She said that the majority of the  
2 people who stable their horses at Long Leap Farm are over the age of 30 and they go to the farm for a reason  
3 and that reason is to enjoy the atmosphere. She said that she understands that the teenagers must have a  
4 place to go but when that place is next to horses the horses react to the situation. She said that she turned her  
5 horse out to the pasture which is next to the Willard's property and when he heard the music he came back to  
6 the gate and wanted back in the barn. She said that there are places for teenagers to be but it is not in this  
7 rural area. She said that she has attended dances and such with teenagers and most of them are very well  
8 behaved but you always have those who cause problems and it is tough to remedy that situation if you do not  
9 have a lot of supervision.

10  
11 Ms. Griest asked the Board if they had any questions for Ms. Goodman and there were none.

12  
13 Ms. Griest asked if staff had any questions for Ms. Goodman and there were none.

14  
15 Ms. Griest asked Mr. Willard if he had any questions for Ms. Goodman and there were none.

16  
17 Ms. Griest asked the audience if they had any questions for Ms. Goodman and there were none.

18  
19 Mr. Eric Thorsland, who resides at 480 E CR 2500N, Mahomet stated that he lives more than one mile from  
20 The Shed. He said that he has no problem hearing the music during the performance but he does not ride his  
21 horse during a performance. He said that he is concerned with the traffic which will be generated by the  
22 venue. He said that one night last winter when Mr. Willard was having a show he lost one of his signs. He  
23 said that if someone does not know the area and are not familiar with the road it can be perilous. He said  
24 that the road in front of his residence is shaded all winter and there may be ice on the road when it is gone  
25 everywhere else. He said that he can tell when there are shows because there is more garbage in the ditch.  
26 He said that he does not feel intimidated by testifying. He said that he believes that what Mr. Willard is  
27 doing is a great idea because he was in a band when he was younger. He said that the intent is good but not  
28 in this location. He said that he would like to help the Willards to find a different place to locate their venue  
29 and suggested the vacant Menards building for an example.

30  
31 Ms. Griest asked the Board if they had any questions for Mr. Thorsland and there were none.

32  
33 Ms. Griest asked if staff had any questions for Mr. Thorsland and there were none.

34  
35 Ms. Griest asked Mr. Willard if he had any questions for Mr. Thorsland and there were none.

36  
37 Ms. Griest asked the audience if they had any questions for Mr. Thorsland and there were none.

38  
39 Ms. Roberta Schnitkey, who resides at 3409 W. Hensley, Champaign stated that she and her husband are  
40 involved in a contract to purchase Long Leap Farm. She said that she opposes the proposed map amendment  
41 and the requested Special Use Permit. She said that she and her husband plan to continue to operate the farm  
42 as a stable and will making the existing residence their home along with their two daughters. She said that it  
43 has always been her dream to run a stable from the time as a child growing up with horses and then going to

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1 college majoring in Animal Science. She said that although they are currently residents of rural Champaign  
2 they have strong ties to Mahomet. She said that her children are involved in 4-H in Mahomet, she is  
3 Brownie leader for a Mahomet troop, and they are very active in the Lutheran Church of Mahomet. She said  
4 that she has three reasons why she opposes the petitions. She said that changing the zoning designation from  
5 CR, Conservation to AG-2, Agriculture could potentially allow for changes to the neighborhood which are  
6 inconsistent with the neighborhood. She said that there will be potentially an increase of teenagers which  
7 will be driving past Long Leap Farm which will be their home on the weekend. She said that driving in the  
8 country is a lot more hazardous than driving in the city because of the construction of the roads and the  
9 wildlife which lives in the area. She said that she opposes the requests because of the noise issue. She said  
10 that she does not have first hand experience with the music to date but she has been informed by neighbors  
11 that the music is very loud. She said that she supports the boarders of the stable and their testimony that loud  
12 noises are very disturbing to the horses and could eventually lead to health concerns and the loss of existing  
13 clients. She said that most of the boarders at the stable come in the evening hours and on the weekends and  
14 would be in conflict with the loud noise coming from The Shed. She said that her family enjoys being out in  
15 nature, watching the sunset and listening to the birds and they would certainly prefer hearing the birds and  
16 tree frogs rather than to hear someone else's music. She said that her family is excited about moving to the  
17 neighborhood and the property because the area is beautiful and contains many of the qualities that she and  
18 her husband grew up with and desire to share with their daughters. She requested that the Board deny the  
19 Petitioner's request for the map amendment and Special Use Permit.

20

21 Ms. Griest asked the Board if they had any questions for Ms. Schnitkey and there were none.

22

23 Ms. Griest asked if staff had any questions for Ms. Schnitkey and there were none.

24

25 Ms. Griest asked Mr. Willard if he had any questions for Ms. Schnitkey.

26

27 Mr. Willard asked Ms. Schnitkey if The Shed did not exist would there be any other noise which would  
28 disturb their peacefulness.

29

30 Ms. Schnitkey stated that she understands that there other noises but not constant noises.

31

32 Mr. Willard invited Ms. Schnitkey to The Shed.

33

34 Ms. Griest asked the audience if anyone had any questions for Ms. Schnitkey and there were none.

35

36 Mr. Steve Willard, who resides at 552 CR 2425N, Dewey stated that he did not bring anyone with him to the  
37 hearing. He said that his mother is 81 years old and cannot stand the stress. He said that he asked the kids  
38 not to attend tonight because they do not understand procedures and they get people mad at them. He said  
39 that he hopes that everyone understands that he has not brought up anything negative about anyone else  
40 although he could have. He said that The Shed is all that he could afford to do when he did it. He said that  
41 he did not know that he was going to have to go through all of this and cause so much trouble for everyone  
42 else. He said that he was notified by one person about the noise and shut the big doors to The Shed during  
43 the performance and solved the problem. He said that he received a complaint about the burning garbage

1 and ceased burning it. He said that he has tried to address every issue as it is brought to his attention. He  
2 said that he has attended other venues and does not like dealing with the drunks which attend and will not  
3 deal with them on his property either. He said that he has a church which is working with them for the venue.  
4 He said that he hopes that some of the kids that he is trying to reach will be able to get past the fact that the  
5 Saturday night venue will be held in a church. He apologized for any trash that might be caused by the  
6 attendees of the venue and will gladly clean up the ditches if it is. He said that he has heard a lot people  
7 testify that they love animals and horses and he loves them too but he loves the kids more and will not give  
8 up on them. He said that he is working with the Internal Revenue Service in obtaining a tax-exempt status.  
9 He said that every two or three months he has to stop the performances because he doesn't know what will  
10 happen at the public hearing. He said that if a continuance is granted then he has to explain to the kids that  
11 the shows will start up again until the next public hearing. He said that he does not want to lose any of the  
12 kids to the street. He said that the music is loud and it is rock and roll and all he is asking is one night a week  
13 from 6:30 p.m. to 10:00 p.m. He said that he understands that there are a lot of people complaining about  
14 the venue but he did not start the venue to cause anyone any grief. He said that there have been no accidents  
15 at The Shed. He said that the Sheriff's deputies have been at the property a few times and have not found  
16 any alcohol or drugs and no formal reports have been filed. He said that the property is a long way from the  
17 hospital and perhaps if it were closer his father would not have passed away from a heart attack but it is not  
18 known if whether his property was 5 miles or 15 miles from the hospital if it would have made any  
19 difference. He said that he understands that there are a lot of negative things out there and the venue is  
20 smaller than what he desires. He said that the church request is no more than a Sunday night youth group of  
21 young adults that come from all over to gather. He said that normally it is 10 to 12 in attendance but the kids  
22 tell their friends and it will grow. He said that he does not have a police officer present at every event or a  
23 lot of adults. He said that a church in Urbana used to hold a music venue with other churches in the area but  
24 failed. He said that the reason that it failed is because the venue involved approximately 30 adults  
25 continuously supervising the kids during the performances. He said that he respects the kids therefore they  
26 respect him. He said that The Shed is a building and The Shed will never die because the kids are The Shed.  
27 He said that he is not aware of the reason why people feel that they will be retaliated on if they come to  
28 Saturday night's performance. He said that any anonymous blogs are not worth reading and he has received  
29 a few when he doesn't invite certain bands to perform at The Shed. He said that the night of the last meeting  
30 he had the rear window of his vehicle smashed out although he isn't going to worry about it and is going to  
31 keep The Shed alive whether it out there on his property or not. He said that he understands that it is the  
32 Board's decision whether they want to hurt some people's feelings on Saturday night or whether they want to  
33 have 30 to 50 kids, not many more because the bigger shows are planned to be in different locations, at this  
34 location. He said that he hopes that the Board puts the kids before the horses. He said that he has 29 acres  
35 and has been there since 1966 and there have been kids race up down the road all our lives. He said that  
36 someone cannot buy a 10-acre lot anywhere and demand that it be tranquil. He said that in this tranquil  
37 place people drive up and down the roads and ATV's run around in the woods and in the fields. He said that  
38 he is trying to have a stop sign and speed limit signs posted on the road because he is worried about the road  
39 like any other parent. He said that he is aware that the roads are dark and that they have crowns on them and  
40 if anything happens to any of the kids he is going to feel as bad as anyone but he would rather have his kids  
41 drive to The Shed sober and straight in the dark with their headlights on than anywhere else drunk and high.  
42 He thanked the Board for their time and rested his case.  
43

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1 Mr. Hall stated that when Mr. Willard stops giving testimony the case will rest. He explained that no matter  
2 what recommendation the Board makes Case 497-AM-05 continues through the process unless Mr. Willard  
3 withdraws it. He said that the Board has not been shutting down The Shed after each meeting. He said that  
4 staff has been directed to hold further enforcement until this decision goes before the County Board and  
5 unfortunately the way that the Department is staffed that may be a while.

6  
7 Mr. Willard stated that he is working with the IRS and hopefully that will open up some doors for resources.  
8 He said that they have had four shows within the last two months which is way down from normal. He said  
9 that his son's enthusiasm is much like the other kids which is pretty dampened. He said that he does not  
10 want to withdraw his petition because he told the kids that he would do everything that he could to keep The  
11 Shed going and that is what he is going to do. He said that he tries to be as courteous as he can but the kids  
12 mean more to him than horses and tranquility and he is sorry if that seems blunt.

13  
14 Ms. Griest asked Mr. Willard since his first and foremost interest is the kids would this mean that he would  
15 find another location for the venue.

16  
17 Mr. Willard stated that the Curtis Road Church of God asked him if they could help and he said yes. He said  
18 that they have a gymnasium which has an 8' x 14' stage which he expanded with his own funds and held one  
19 show. He said that another show is scheduled for this Saturday night. He said that he and his family has  
20 spent approximately \$20 thousand dollars on The Shed with no regrets. He said that a lot of the expense was  
21 for sound equipment but this is equipment which can be utilized at different locations. He said that he hopes  
22 that everyone understands that they do not make money on this venue they only charge at the door to pay for  
23 the bands and hopefully with the help of other resources the fee at the door can be lowered or even  
24 eliminated. He said that he cannot afford to rent or purchase another location at this point.

25  
26 Ms. Griest asked Mr. Willard to clarify how many times per week the small gatherings would meet. She  
27 said that the minutes from the last hearing indicated once or twice a week yet he testified tonight that they  
28 would only meet once per week.

29  
30 Mr. Willard stated that the small gatherings would meet every Sunday of the month except for the first  
31 Sunday. On the first Sunday, a joint youth group meeting occurs off-site at the main church. He said that  
32 they are associated with the Windsor Road Church of God who stopped having Sunday morning services for  
33 their youth because they were not working so now they have small group gatherings at different locations.  
34 He said that the youth group setting will only meet once a week from 6:00 p.m. to 8:00 p.m. in addition to  
35 the music venue.

36  
37 Ms. Griest asked Mr. Willard if he was maintaining the blog.

38  
39 Mr. Willard stated no. He said that the website "rocktheshed.org" is up and running and does not contain  
40 any links other than to the bands.

41  
42 Ms. Griest asked how The Shed was heated.

- 1 Mr. Willard stated that he has a wall mounted ventless propane heater. He said that the glamour of coming  
2 to The Shed is not to have a nice cool place in the summer months or to have a nice warm place in the winter  
3 and the use of an outhouse. The glamour is the reactions of the kids the music and each other.  
4
- 5 Ms. Griest asked the Board if they had any questions for Mr. Willard and there were none.  
6
- 7 Ms. Griest asked if staff had any questions for Mr. Willard and there were none.  
8
- 9 Ms. Griest asked the audience if they had any questions for Mr. Willard.  
10
- 11 Ms. Kate McGinley, who resides at 2517 CR 600E, Mahomet stated that she understands that Mr. Willard is  
12 very concerned about the kids and has indicated that if they didn't have The Shed they would be out on the  
13 street. She asked Mr. Willard to explain who these kids are that would be out on the street.  
14
- 15 Mr. Willard stated that a lot of the kids are what many people would consider weird. He said that most of  
16 the kids are kids that are not as active in sports, have some music inclination and just don't fit in. He said  
17 that he doesn't know what they would be doing if they didn't have The Shed but if anyone has been in  
18 Mahomet on a Saturday night you can see a bunch of kids just hanging around because they don't have  
19 anywhere to go to gather.  
20
- 21 Ms. McGinley asked Mr. Willard if the kids that come to The Shed are just kids from Mahomet.  
22
- 23 Mr. Willard stated that the kids are from all over.  
24
- 25 Ms. McGinley stated that the kids are not her neighbors but from all over and at times Mr. Willard probably  
26 isn't sure where they are from.  
27
- 28 Mr. Willard stated that he has a bunch of kids that come out to The Shed which are clean, have fun and are  
29 straight. He said that he does not ask them where they are from and the only time that he will ask them their  
30 age is when they are smoking cigarettes.  
31
- 32 Ms. McGinley stated that the only reason that she is asking these questions is because during Mr. Willard's  
33 testimony, it sounded as if The Shed did not exist these kids would be alcoholic and doing drugs.  
34
- 35 Mr. Willard stated that Ms. McGinley should review the letters from the kids because they are from  
36 Mahomet, Arcola, Sidney, Rantoul, Fisher, etc.  
37
- 38 Ms. McGinley stated that this is exactly her point in that these are kids from different communities that are  
39 driving on her dark road at night and are not familiar with the area.  
40
- 41 Mr. Willard stated that these are the same kids that may be driving on the dark interstate highway any other  
42 time.  
43

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1 Ms. Griest stated that the testimony in the record indicates that the kids come from a variety of locations and  
2 the Board has not received any testimony nor would it be relevant to zoning if these kids were destitute.

3  
4 Ms. McGinley asked Mr. Willard what his plan is if a car load of kids came to The Shed which had been  
5 drinking or appear to be high.

6  
7 Mr. Willard stated that he would request that the kids give him their keys so that he can drive them home and  
8 if they do not he will call the County Sheriff. He said that in two years he has had one band member that had  
9 marijuana on his breath and was allowed to play with his band for their set but then was asked to leave and  
10 told that if he came back again with it on his breath he would not be welcome. He said that he returned  
11 within one and one-half months later and had accepted Christ into his life. He said that he believes that if  
12 the kids are disciplined with love they will pay attention to you.

13  
14 Ms. Griest closed the witness register.

15  
16 **Mr. Steeves moved, seconded by Mr. Goldenstein to waive the 100-day rule for continuation of Cases**  
17 **497-AM-05 and 498-S-05. The motion carried voice vote.**

18  
19 **Mr. Steeves moved, seconded by Mr. Bluhm to continue Cases 497-AM-05 and 498-S-05 to the April**  
20 **27, 2006, meeting. The motion carried by voice vote.**

21  
22 **Mr. Schroeder moved, seconded by Mr. Steeves to recess the public hearing for a ten minute break.**  
23 **The motion carried by voice vote.**

24  
25 **The Board recessed at 8:12 p.m.**

26 **The Board resumed at 8:26 p.m.**

27  
28  
29 **7. Staff Report**

30 **A. 2006 Calendar**

31  
32 **Mr. Miller moved, seconded by Mr. Steeves to approve the 2006 calendar as submitted. The motion**  
33 **carried by voice vote.**

34  
35 Mr. Hall introduced Leroy Holliday as the Department's Zoning Secretary. He said that with the  
36 reorganization the Department has a lot more administrative duties that in the past were provided by the  
37 Regional Planning Commission but now it is a stand alone department and we have to do all of that  
38 ourselves. He said that Mr. Holliday is familiar with these administrative duties and it nice to have that  
39 experience. He said that Mr. Holliday will be transcribing the minutes for the Environment and Land Use  
40 Committee and eventually the minutes for the ZBA.

41  
42 Mr. Schroeder asked if the County Board has realized that the ZBA docket is slipping behind because of the  
43 amount of staffing available to the Department. He said that he has personally gone to individuals indicating

5. Continued Public Hearing

Case 497-AM-05 Petitioner: Helen Willard and Steven Willard 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.

Case 498-S-05 Petitioner: Helen Willard and Steven Willard and Shirley Willard; and rock the shed, inc. a non-profit corporation with Directors and Officers Steven Willard, Micah Boyce, Sherry Newton, Brian Maroon and Peter Ruedi. Request to authorize the establishment and use of the following as Special Use in the AG-2, Agriculture Zoning District: Part A. A Private Indoor Recreational Development. 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.

Ms. Griest called Case 497-AM-05 and Case 498-S-05 concurrently.

Ms. Monte stated that the Supplemental Memorandum dated April 21, 2006, indicates that the Board may choose to make a final determination regarding Case 497-AM-05, and then forward Case 497-AM-05 onto the County Board apart from the related Special Use request (Case 498-S-05). She distributed the following documents for the Board’s review: 1) Village of Mahomet Resolution of No Protest; 2) Letter of opposition dated May 8, 2006, from Lee Sentman; 3) color graphic depicting the location of the subject property; 4) Revised Draft Finding of Fact for Case 497-AM-05, dated May 11, 2006. She reviewed the changes and additions to the Revised Finding of Fact dated May 11, 2006.

Ms. Griest asked the Board if they had any questions for Ms. Monte regarding Case 497-AM-05 and there were none.

Ms. Monte stated that on April 13, 2006, the Petitioners chose to withdraw Part B, Church, of the Special Use request. She said that the Petitioner needs to provide some additional information in order to process this request. She said that exact information is required regarding the parking area because it needs to be determined whether or not a stormwater drainage plan will be required. She said that the Petitioner may want to choose to consider reducing the impervious surface area to avoid the costs of a stormwater drainage plan assessment and the costs associated with that or increase the area of the Special Use requested lot. She said that the Board must consider which parking standard it wants to impose on the Petitioner. She said that the Zoning Ordinance’s parking standards are inadequate and the closest parking standard in the ordinance calls for 1 parking space for 5 seats of public assembly. She said that translated to maximum occupancy of 122 in The Shed divided by 5 is not a realistic parking standard to apply to this request. She said that she and the Petitioner have observed that most people arrive to the subject property in groups of 2 to 5 per car. She said that she would propose considering a standard of one parking space for every two occupants of the building but it is up to the Board for that consideration. She said that testimony needs to be added to the Finding of Fact with regard to the mosh pit and life safety concerns. She said that a list of conditions must

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1 be considered by the ZBA and perhaps there will be a chance to review those conditions at tonight's public  
2 hearing. She said that it is possible to move the rezoning request to the June 12, 2006, Environment and  
3 Land Use Committee Meeting and then possibly to the June 22, 2006, County Board meeting. She said if the  
4 rezoning was denied the Petitioner would be clear that this is the end of the road for the Special Use request.

5  
6 Mr. Steeves asked Ms. Monte what the other AG-2 properties were on the color graphic.

7  
8 Ms. Monte stated that in 1978, 25 acres was rezoned from CR, Conservation-Recreation to AG-2,  
9 Agriculture for a residential subdivision. She said that there have been seven requests for rezoning from CR  
10 to AG-2 since the Zoning Ordinance was adopted. She said that there have been a few rezonings from AG-1  
11 to AG-2 requested in the 1980's.

12  
13 Mr. Hall stated that the Preliminary Memo referenced Case 459-AM-04, a six lot RRO which had been  
14 remanded at that time and asked Ms. Monte if this was updated in the new Finding of Fact.

15  
16 Ms. Monte stated that the Finding of Fact was updated with the information for Case 459-AM-04.

17  
18 Ms. Griest asked the Board if they wanted to deal with Case 497-AM-05 only.

19  
20 **The consensus of the Board was to process Case 497-AM-05, only at the May 11, 2006, public hearing.**

21  
22 Ms. Griest stated that the Board will only deal with Case 497-AM-05, therefore there will be no cross-  
23 examination.

24  
25 Mr. Steve Willard, who resides at 552 CR 2425N, Dewey declined to speak at this time.

26  
27 Ms. Robert Schnitkey, who resides at 570 CR 2425N, Dewey stated that she purchased the property known  
28 as Long Leap Farm. She said that she is currently filing the correct paperwork to protest the requested map  
29 amendment.

30  
31 Ms. Griest asked Ms. Monte that since Ms. Schnitkey is the new owner of the parcel if she files her protest  
32 appropriately it would require a super-majority vote from the County Board.

33  
34 Ms. Monte stated that Ms. Schnitkey's property comprises 20% of the frontage and her protest would require  
35 a ¾ vote from the County Board. She requested that Ms. Schnitkey submit her protest in a timely manner.

36  
37 Ms. Griest asked the Board if they had any questions for Ms. Schnitkey and there were none.

38  
39 Ms. Griest asked if staff had any questions for Ms. Schnitkey and there were none.

40  
41 Ms. Griest asked the audience if anyone wished to sign the witness register to present testimony regarding  
42 this case and there were none. She closed the witness register.

43

1 Ms. Griest stated that an Item #18.C should be added indicating the following: Ms. Roberta Schmitkey  
2 testified at the May 11, 2006, public hearing that she is in the process of filing a frontage protest.

3  
4 Ms. Griest read Item # 23.B, Natural Resource Goal #1.

5  
6 Mr. Irle stated that Item #23.B.4 is NOT ACHIEVED.

7  
8 **The consensus of the Board was that overall, Natural Resource Goal #1 is NOT ACHIEVED by the**  
9 **proposed map amendment.**

10  
11 Ms. Griest read Item #23.D, Natural Resource Goal #2.

12  
13 Mr. Irle stated that Item #23.D.3 is NOT ACHIEVED.

14  
15 **The consensus of the Board was that overall, Natural Resource Goal #3 is NOT ACHIEVED by the**  
16 **proposed map amendment.**

17  
18 Ms. Griest read Item #23.E, Natural Resource Goal #4.

19  
20 Mr. Steeves stated that Item #23.E.2 is NOT ACHIEVED. He said that the AG-2, zoning district allows too  
21 many uses which would change the character of the agricultural district.

22  
23 Ms. Monte stated that the AG-2 district is an agricultural district with the expressed intent of preserving the  
24 agricultural nature of the County. She said that when a rezoning request is being considered the Board is  
25 considering the whole body of uses in the AG-2 district which are permitted and not just one specific use.  
26 She said that one of the purposes of the AG-2 district is to preserve agricultural nature.

27  
28 **The consensus of the Board was that overall, Natural Resource Goal #4 is NOT ACHIEVED by the**  
29 **proposed map amendment.**

30  
31 Ms. Griest read Item #24.D, Land Use Goals and Policy 5.7. She said that testimony indicates that the  
32 subject property is directly adjacent to a nature preserve and there is a fairly substantial area on the parcel  
33 that was wooded and of a natural character.

34  
35 Ms. Monte stated that the adjacent Nellie Hart Memorial Woods is designated as an Illinois Natural Area and  
36 there are no criteria in the Zoning Ordinance which identifies a natural area. She said that the subject  
37 property is 29 acres and the majority of the parcel is in farm production.

38  
39 Mr. Hall stated that Mr. Steve Buck, Caretaker of the Nellie Hart Memorial Woods testified at the July 14,  
40 2005, public hearing.

41  
42 Mr. Hall stated that the subject property is surrounded by the CR zoning district and there are large  
43 residential lots across the river.

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Mr. Irle asked if making the change is going to improve the preservation of the natural reserve. He said that he visited the subject property and it is pretty cleared off.

Mr. Irle stated that Item #24.D.2 DOES NOT CONFORM.

**The consensus of the Board was that overall, the proposed map amendment DOES NOT CONFORM to LUGP 5.7.**

Ms. Griest read Item #25.A, Land Use Regulatory Policy 1.7.1.

Mr. Bluhm stated that Item #25.A.3 DOES NOT CONFORM. He said that the subject property is located directly across from a designated area therefore there could be too many uses allowed which would interfere with natural wildlife habitat.

**The consensus of the Board was that overall, the proposed map amendment DOES NOT CONFORM to LURP 1.7.1.**

Ms. Griest read Item #25.B, Land Use Regulatory Policy 1.7.2.

Mr. Irle stated that Item #25.B.6 CONFORMS.

**The consensus of the Board was that overall, the proposed map amendment CONFORMS to LURP 1.7.2.**

Ms. Griest read Item #26.B Land Use Goal #1.

Mr. Irle stated that Item #26.B.4 is ACHIEVED.

Ms. Griest asked if by “stated that it achieves” is it allowing additional “by-right” uses that would take the subject property out of an agricultural use.

**The consensus of the Board was that Agricultural Land Use Goal #1 is ACHIEVED by the proposed map amendment.**

Ms. Griest read Item #27.C, Land Use Goal Policy 7.3 and 7.3A. She asked Ms. Monte if since the Board is not considering the suggested use as part of the map amendment shouldn't the reference to the suggested commercial use be taken out of Item #27.C.1(b).

Ms. Monte stated that Item #27.C.1(b) should read as follows: A water well is present on the site and serving the dwelling. She said that the second sentence should be removed.

Mr. Steeves stated that there is not evidence that there is adequate water to support an AG-2, designation.

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Ms. Griest stated that any construction or commercial use on the subject property must conform to the County Health Department regulations.

**The consensus of the Board was that in regards to water availability, the proposed map amendment CONFORMS to LUGP 7.3 and 7.3A.**

Mr. Bluhm stated that Item #27.C.2(f) CONFORMS.

**The consensus of the Board was that in regards to sewer availability, the proposed map amendment CONFORMS to LUGP 7.3 and LUGP 7.3A.**

Ms. Griest read Item #27.D.

Ms. Griest stated that Item #27.D. should be revised as follows: In regards to overall adequacy of utilities and fire protection and police protection based on the available information, the proposed map amendment CONFORMS/DOES NOT CONFORM to the LUGP Policies 1.2, 7.3 and 7.3A.

Mr. Irle stated that Item #27.D CONFORMS.

Mr. Bluhm stated that he disagrees that Item #27.D conforms. He said that if suddenly there is a different use on the subject property that is greater than what is allowed in the CR district it may be bigger than what the fire protection district can handle.

Mr. Irle stated that the fire protection district signed off on the proposed use.

Mr. Bluhm stated exactly. He said that the fire protection district signed off on the use which is proposed in Case 498-S-5, not considering all of the other uses that will be allowed in the AG-2 district.

Ms. Griest stated that perhaps PARTIALLY CONFORMS would be more appropriate.

**The consensus of the Board was that in regards to overall adequacy of utilities and fire protection and police protection based on the available information, the proposed map amendment PARTIALLY CONFORMS to LUGP Policies 1.2, 7.3 and 7.3A.**

Ms. Griest read Item #28.A.

Mr. Bluhm stated that Item #28.A.5 DOES NOT CONFORM. He said that if a golf course was located on the subject property there could be chemical problems as well as the conflict with the equine facility. He said that a golf course would be a non-agricultural use and would not require a Special Use Permit.

Mr. Hall stated that LURP 1.4.1. relates to uses and the Board is dealing with a map amendment therefore there is an inherent contradiction there but his concern is that if the Board does not address this policy then

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ZBA

1 the Board is open to criticism because the policy was not addressed. He said that he has a problem with  
2 rezoning to AG-2 does not conform to the policy that calls for agricultural uses.

3  
4 Ms. Griest stated that Mr. Bluhm is struggling with the variety of uses allowed in AG-2 as opposed to AG-1  
5 because AG-1 is more purely agricultural where AG-2 allows a greater leniency in that agricultural  
6 interpretation.

7  
8 **Mr. Bluhm moved, seconded by Mr. Steeves to continue the May 11, 2006, public hearing to 10:30**  
9 **p.m. The motion carried by voice vote.**

10  
11 Mr. Hall stated that he understands Mr. Bluhm's concern and it is a classic concern. He said that this is  
12 exactly why the Board has to go through these findings individually.

13  
14 **The consensus of the Board was that the proposed map amendment DOES NOT CONFORM to**  
15 **LURP 1.4.1.**

16  
17 Ms. Griest read Item #28.B, Land Use Regulatory Policy 1.4.2.

18  
19 Mr. Irle stated that no testimony has been received regarding drainage and only some testimony regarding  
20 road usage.

21  
22 Ms. Griest stated that the Board must remember that they are not to base their decision on one specific use  
23 but all allowed uses in the AG-2, district.

24  
25 Mr. Bluhm stated that Item #28.B.4. PARTIALLY CONFORMS.

26  
27 **The consensus of the Board was that the proposed map amendment PARTIALLY CONFORMS to**  
28 **LURP 1.4.2.**

29  
30 Ms. Griest read Item #28.C, Land Use Regulatory Policy 1.5.1.

31  
32 Mr. Irle stated that Item #28.C.4 CONFORMS.

33  
34 **The consensus of the Board was that based on the available information, the proposed map**  
35 **amendment CONFORMS to LURP 1.5.1.**

36  
37 Ms. Griest read Item #28.D, Land Use Regulatory Policy 1.5.3.

38  
39 Ms. Monte stated that Item #28.D.5 should be revised to read as follows: Based on the experience to date,  
40 the existing infrastructure seems to BE ADEQUATE/NOT BE ADEQUATE for the array of uses allowed in  
41 AG-2.

42  
43 Mr. Irle stated that Item #28.D.5 seem to NOT BE ADEQUATE.

1  
2 **The consensus of the Board was that based on the experience to date, the existing infrastructure seems**  
3 **NOT ADEQUATE for the array of uses allowed in AG-2.**  
4  
5 Mr. Irle stated that Item # 28.D.6 DOES NOT CONFORM.  
6  
7 **The consensus of the Board was the based on the available information, the proposed map**  
8 **amendment DOES NOT CONFORM to LURP 1.5.3.**  
9  
10 Ms. Griest read Item #28.E, Land Use Regulatory Policy 1.5.4.  
11  
12 Mr. Bluhm stated that Item #28.E.4 PARTIALLY CONFORMS.  
13  
14 **The consensus of the Board was that based on the available information, the proposed map**  
15 **amendment PARTIALLY CONFORMS to LURP 1.5.4.**  
16  
17 Ms. Griest read Item #28.F, Land Use Regulatory Policy 1.6.1.  
18  
19 Mr. Bluhm stated that Item #28.F.4 PARTIALLY CONFORMS. He said that a portion of the AG-2 uses do  
20 conform but there are a few uses which do not.  
21  
22 **The consensus of the Board was that based on the available information, the proposed map**  
23 **amendment PARTIALLY CONFORMS to LURP 1.6.1.**  
24  
25 Ms. Griest read Item #28.G, Land Use Regulatory Policy 1.6.2.  
26  
27 Mr. Bluhm asked if an LE rating was determined.  
28  
29 Ms. Monte stated that the LE rating is unknown.  
30  
31 Mr. Bluhm stated that if the subject property is not best prime farmland then the policy doesn't relate.  
32  
33 Mr. Hall stated that if it is not best prime farmland then the policy does not apply but because they are not  
34 taking any farmland out of production and so there is no natural resource report.  
35  
36 Ms. Griest asked if the Board could indicate that there is not enough available information to make a  
37 determination on this point.  
38  
39 **The consensus of the Board was that there is not enough information to evaluate LURP 1.6.2. as it**  
40 **applies to this request.**  
41  
42 Ms. Griest read Item #29.A, General Policy #1.  
43

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1 Mr. Steeves stated that Item #29.A.3 DOES NOT CONFORM. He said that the road would require  
2 considerable upgrades with the allowed uses in the AG-2, district.

3  
4 **The consensus of the Board was that overall, based on the available information, the proposed map  
5 amendment DOES NOT CONFORM to General Policy #1.**

6  
7 Ms. Griest read Item #30.C, General Goal #3.

8  
9 Mr. Irle stated that Item #30.C.1 is PARTIALLY ACHIEVED.

10  
11 **The consensus of the Board was that the proposed map amendment relates to this goal and is  
12 PARTIALLY ACHIEVED in regards to public services.**

13  
14 Mr. Bluhm stated that Item #30.C.2; and #30.C.3 is PARTIALLY ACHIEVED.

15  
16 **The consensus of the Board was the proposed map amendment relates to this goal and is  
17 PARTIALLY ACHIEVED in regards to site characteristics and the proposed map amendment relates  
18 to this goal based on available information is PARTIALLY ACHIEVED in regards to utilities.**

19  
20 Mr. Bluhm stated that Item #30.C.4 is ACHIEVED.

21  
22 **The consensus of the Board is that the proposed map amendment relates to this goal and overall,  
23 based on available information, General Goal #3 is PARTIALLY ACHIEVED by the proposed map  
24 amendment.**

25  
26 Ms. Griest read Item #30.D, General Goal #4.

27  
28 Mr. Irle stated that Item #30.D.1, is NOT ACHIEVED.

29  
30 **The consensus of the Board was that overall, General Goal #4 is NOT ACHIEVED by the proposed  
31 map amendment.**

32  
33 Ms. Griest read Item #31.A, Land Use Regulatory Policy 1.1.

34  
35 Mr. Bluhm stated that Item #31.A.3 is UNSUITED OVERALL. He said that there would be disturbance to  
36 the natural areas in proximity to the location of the subject property and the infrastructure is not adequate.

37  
38 **The consensus of the Board was that considering that a site specific review would be required for a  
39 Special Use authorized in the AG-2 district that could be proposed on the subject property with the  
40 option of the ZBA imposing Special Conditions as may be necessary, and considering the array of  
41 land use types allowed in the AG-2 district "by-right" the subject property appears to be UNSUITED  
42 OVERALL for a land use other than commercial agriculture.**

1 Mr. Bluhm stated that Item #31.A. 4 is NOT ADEQUATE.

2  
3 **The consensus of the Board was that based on the review of the infrastructure and public services**  
4 **available to the subject property as described in Items 23.C and 24.E.3 above, the infrastructure and**  
5 **public services available to the subject property would appear to be NOT ADEQUATE for the land**  
6 **uses authorized in the AG-2 district ‘by-right’.**

7  
8 Mr. Irle stated that Item #31.A.5 is SIGNIFICANT AND NOT MINIMIZED.

9  
10 **The consensus of the Board was that considering that a site-specific review would be required for a**  
11 **Special Use authorized in the AG-2 district that is proposed on the subject property with the option of**  
12 **the ZBA imposing Special conditions as may be necessary, and considering the limited array of land**  
13 **use types allowed in the AG-2 district ‘by-right’, the potential for conflicts with agriculture is**  
14 **SIGNIFICANT AND NOT MINIMIZED.**

15  
16 Mr. Bluhm stated that Item #31.A.6 DOES NOT CONFORM.

17  
18 **The consensus of the Board was that based on the available information, the proposed map**  
19 **amendment DOES NOT CONFORM to LURP 1.1.**

20  
21 Ms. Griest asked if there were any other changes or additions to the Finding of Fact or Documents of Record  
22 and there were none.

23  
24 **Mr. Irle moved, seconded by Mr. Steeves to adopt the Summary of Evidence, Documents of Record**  
25 **and Finding of Fact as amended. The motion carried by voice vote.**

26  
27 **Mr. Irle moved, seconded by Mr. Schroeder to close the public hearing for Case 497-AM-05. The**  
28 **motion carried by voice vote.**

29  
30 **Final Determination for Case 497-AM-05:**

31  
32 **Mr. Steeves moved, seconded by Mr. Miller that pursuant to the authority granted by Section 9.2 of**  
33 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**  
34 **determines that the Map Amendment requested in Case 497-AM-05 should NOT BE ENACTED by**  
35 **the County Board as requested.**

36  
37 The roll was called:

38  
39 **Bluhm-yes                      Goldenstein-yes                      Irle-yes**  
40 **Miller-yes                      Schroeder-yes                      Steeves-yes**  
41 **Griest-yes**

42  
43 Mr. Monte stated that the recommendation for denial will be forwarded to the Environment and Land Use

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1 Committee meeting on June 12, 2006 and will then be forwarded to the June 22, 2006, County Board  
2 meeting.

3  
4 **Mr. Bluhm moved, seconded by Mr. Goldenstein to continue Case 498-S-05 to the July 27, 2006,**  
5 **regularly scheduled ZBA meeting. The motion carried by voice vote.**  
6

7 **Case 536-V-06: Petitioner: Scott Adair Request to authorize the division of a lot that is 4.863 acres in**  
8 **area instead of the required minimum area of more than 5 acres in order for a lot to be divided, in the**  
9 **AG-2, Agriculture Zoning District. Location: Lot 2 of Continuin' Winds Subdivision which is**  
10 **commonly known as the house at 4011 East Airport Rd, Urbana.**  
11

12 Mr. Hall stated that this case was continued from the March 16, 2006, meeting. He said that this case had  
13 originally been continued to a later date but the Petitioner sent the Board a letter requesting that the case be  
14 moved up to an earlier date and the Board rescheduled this case for today's date. He distributed a copy of  
15 the Petitioner's letter dated April 1, 2006, for the Board's review. He said that the Supplemental  
16 Memorandum dated April 21, 2006, includes the requirements of the State of Illinois Livestock Management  
17 Facilities Act (510ILCS77) because of the livestock facility which is adjacent to the subject property. He  
18 said that a draft condition to widen the driveway is also proposed in the Supplemental Memorandum.  
19

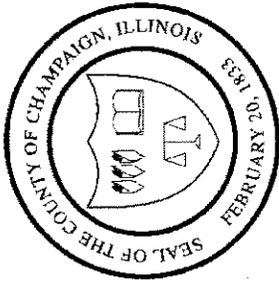
20 Ms. Griest informed the audience that this is an Administrative Case and as such the County allows anyone  
21 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of  
22 hands for those who would like to cross examine and each person will be called upon. She requested that  
23 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that  
24 those who desire to cross examine are not required to sign the witness register but are requested to clearly  
25 state their name before asking questions. She noted that no new testimony is to be given during the cross  
26 examination.  
27

28 Mr. Hall stated that the Champaign County Senior Assistant State's Attorney has requested that staff clarify  
29 that the person asking the question is not to give new testimony but the person answering can give new  
30 testimony.  
31

32 Mr. Scott Adair, who resides at 4003 Aberdeen, Champaign stated that Steve Thuney Carroll Fire Protection  
33 District Chief has indicated that he has no problem with the existing road. He distributed and submitted as  
34 evidence a photograph of the existing road and the subject property. He said that the existing 15 foot road  
35 has a two foot cinder base with white rock on top of that. He said that the there was a question at the last  
36 meeting regarding the access easement for Mr. Ehler and a copy of the Agreement for the Sale of Farmland  
37 between himself and Mr. and Mrs. Ehler has been included in the Supplemental Memorandum dated April  
38 21, 2006. He noted that Chief Thuney asked if a second lot was approved and a house was to be constructed  
39 would he widen the road and he informed Chief Thuney that he would.  
40

41 Mr. Bluhm stated that the photograph must be old because Mr. Ehler's property is not shown.  
42

43 Mr. Adair stated that Mr. Ehler's property is not shown in the photo.



STATE OF ILLINOIS  
COUNTY OF CHAMPAIGN

ENTERTAINMENT, RECREATION,  
LODGING OF TRANSIENTS, AND RACEWAYS LICENSE      No. 2006-ENT-13  
\$100.00

**LAST CALL FOR ALCOHOL INC**

License is hereby granted to Sheri Kaufman 108 Walnut, Penfield, Illinois to provide Recreation/Entertainment at 105 N. Main, Penfield Illinois in Champaign County from September 14, 2006 through December 31, 2006. This License expires 12:01am the 1<sup>st</sup> day of January 2007.

Witness my Hand and Seal this 14<sup>th</sup> day of September, A.D. 2006.

\_\_\_\_\_  
MARK SHELDEN  
County Clerk  
Champaign County

\_\_\_\_\_  
Chairman, Champaign County License Commission



STATE OF ILLINOIS  
Champaign County  
Application for:  
Recreation & Entertainment License

**FILED**

SEP 5 2006

*Mark Shelden*  
CHAMPAIGN COUNTY CLERK

Applications for License under County Ordinance No. 55 Regulating Recreational & Other Businesses within the County (for use by businesses covered by this Ordinance other than Massage Parlors and similar enterprises)

For Office Use Only

License No. 2006-ENT-13  
Date(s) of Event(s) Yearly 9-15-06-12-3  
Business Name: Last Call For Alcohol  
License Fee: \$ 100.00  
Filing Fee: \$ 4.00  
TOTAL FEE: \$ 104.00  
Checker's Signature: M.S.

Filing Fees:	Per Year (or fraction thereof):	\$ 100.00
	Per Single-day Event:	\$ 10.00
	Clerk's Filing Fee:	\$ 4.00

Checks Must Be Made Payable To: Mark Shelden, Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the issuance of a license to engage a business controlled under County Ordinance No. 55 and makes the following statements under oath:

- A.
1. Name of Business: Last Call for Alcohol, Inc.
  2. Location of Business for which application is made: \_\_\_\_\_
  3. Business address of Business for which application is made: 105 N. Main St. P.O. Box 143
  4. Zoning Classification of Property: Commercial
  5. Date the Business covered by Ordinance No. 55 began at this location: \_\_\_\_\_
  6. Nature of Business normally conducted at this location: TAVERN
  7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): Bands, D.J., Karaoke & outside events.
  8. Term for which License is sought (specifically beginning & ending dates): Sept. 5 - Dec. 31, 2006
- (NOTE: All annual licenses expire on December 31st of each year)
9. Do you own the building or property for which this license is sought? NO
  10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: HBT-217  
Jon Buerkett, Tom Feidler 8-22-2021
  11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7.

**INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE  
AND WILL BE RETURNED TO APPLICANT**

B. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location:

Name: Sheri Lyn Kaufman Date of Birth: \_\_\_\_\_  
Place of Birth: Paxton, Illinois Social Security No.: \_\_\_\_\_  
Residence Address: 108 Walnut Penfield IL. 61862  
Citizenship: US If naturalized, **place and date** of naturalization: \_\_\_\_\_

If, during the license period, a new manager or agent is hired to conduct this business, the applicant **MUST** furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): \_\_\_\_\_  
Sheri Lyn Kaufman  
Date of Birth: 1 Place of Birth: Paxton IL  
Social Security Number: \_\_\_\_\_ Citizenship: US  
If naturalized, state **place and date** of naturalization: \_\_\_\_\_
2. Residential Addresses for the past three (3) years: \_\_\_\_\_  
108 Walnut Penfield IL. 61862
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: administrative Assistant

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

D. Answer **only** if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered:  
Last Call for Alcohol, Inc.
2. Date of Incorporation: 8/21/06 State wherein incorporated: IL

3. If foreign Corporation, give name and address of resident agent in Illinois:

\_\_\_\_\_  
\_\_\_\_\_

Give first date qualified to do business in Illinois: County License pending

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

105 N. Main St.  
Penfield IL 61862

5. Objects of Corporation, as set forth in charter: \_\_\_\_\_

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: Sheri Lynn Kaufman Title: President  
Date elected or appointed: 8-22-06 Social Security No.: ---  
Date of Birth: \_\_\_\_\_ Place of Birth: Paxton, IL  
Citizenship: US  
If naturalized, **place** and **date** of naturalization: \_\_\_\_\_

Residential Addresses for past three (3) years: \_\_\_\_\_

108 Walnut Penfield IL 61862  
\_\_\_\_\_  
\_\_\_\_\_

Business, occupation, or employment for four (4) years preceding date of application for this license: Administrative assistant

\_\_\_\_\_  
\_\_\_\_\_

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

**AFFIDAVIT**

(Complete when applicant is an **Individual or Partnership**)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.

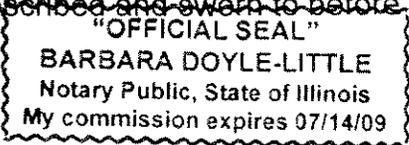
Shevi Kaufman  
Signature of Owner or of one of two members of Partnership

\_\_\_\_\_  
Signature of Owner or of one of two members of Partnership

Shevi Kaufman  
Signature of Manager or Agent

Subscribed and sworn to before me this

5<sup>th</sup> day of September, 2006



Barbara Doyle-Little  
Notary Public

**AFFIDAVIT**

(Complete when applicant is a **Corporation**)

We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

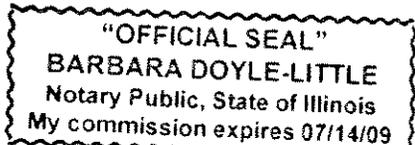
Shevi Kaufman  
Signature of President

\_\_\_\_\_  
Signature of Secretary

Shevi Kaufman  
Signature of Manager or Agent

Subscribed and sworn to before me this

5<sup>th</sup> day of September, 2006



Barbara Doyle-Little  
Notary Public

This COMPLETED application along with the appropriate amount of cash, or certified check made payable to MARK SHELDEN, CHAMPAIGN County Clerk's Office, 1776 E. Washington St., U

CLERK, must be turned in to the Champaign County Clerk's Office, 1776 E. Washington St., Champaign, Illinois 61802. A \$4.00 Filing Fee should be included.



STATE OF ILLINOIS,  
Champaign County  
Recreation & Entertainment License  
Check List and Approval Sheet

FOR ELUC USE ONLY

County Clerk's Office

1. Proper Application Date Received: 9-5-06  
 2. Fee Amount Received: \$ 104.00

Sheriff's Department

1. Police Record Approval: X Date: 9-7-06  
 2. Credit Check Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_  
Remarks: \_\_\_\_\_ Signature: Det Jim Doger

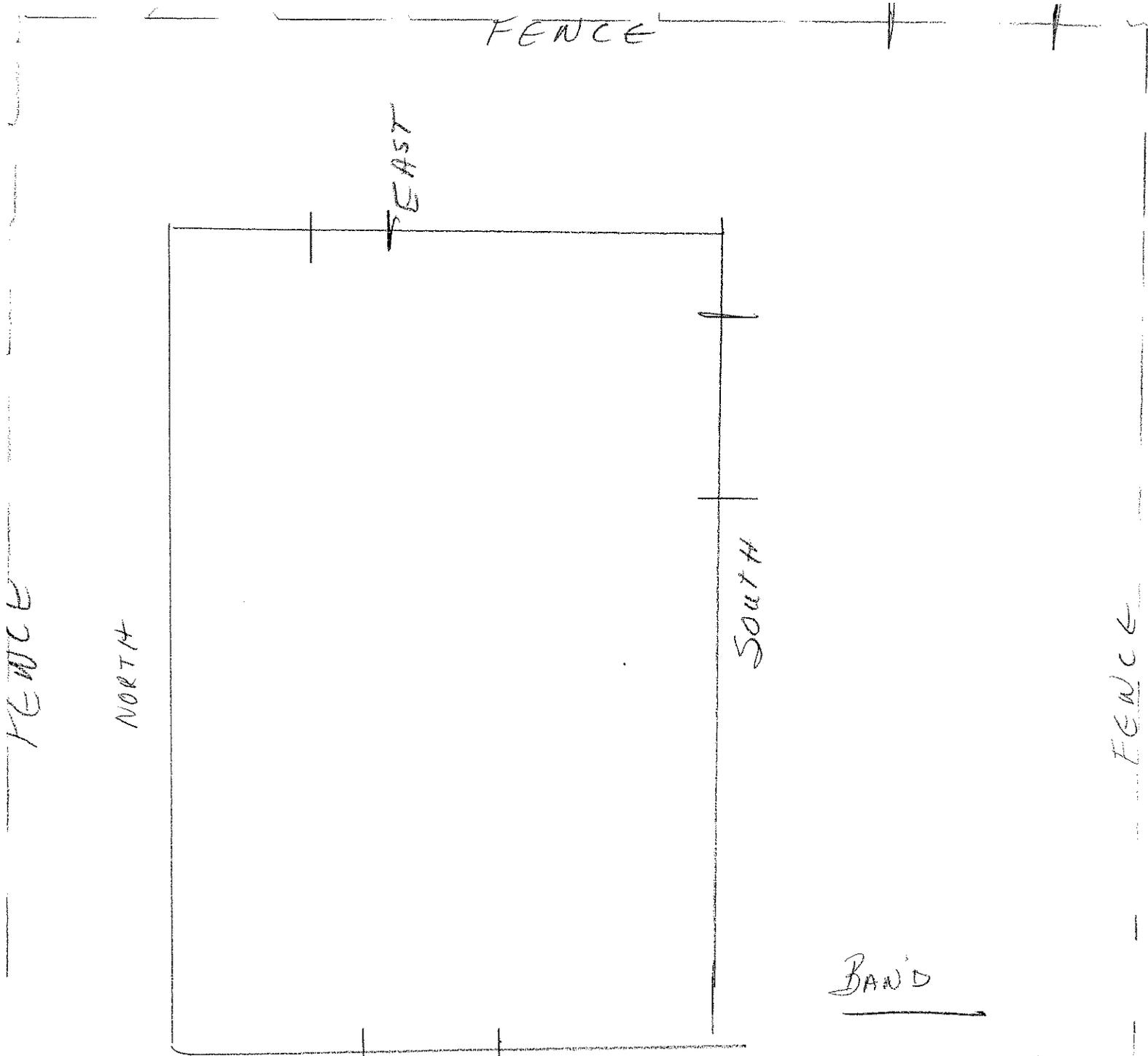
Planning & Zoning Department

1. Proper Zoning Approval: ✓ Date: 9/7/06  
 2. Restrictions or Violations Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_  
Remarks: \_\_\_\_\_ Signature: [Signature]

Environment & Land Use Committee

1. Application Complete Approval: \_\_\_\_\_ Date: \_\_\_\_\_  
 2. Requirements Met Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature: \_\_\_\_\_

Remarks and/or Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

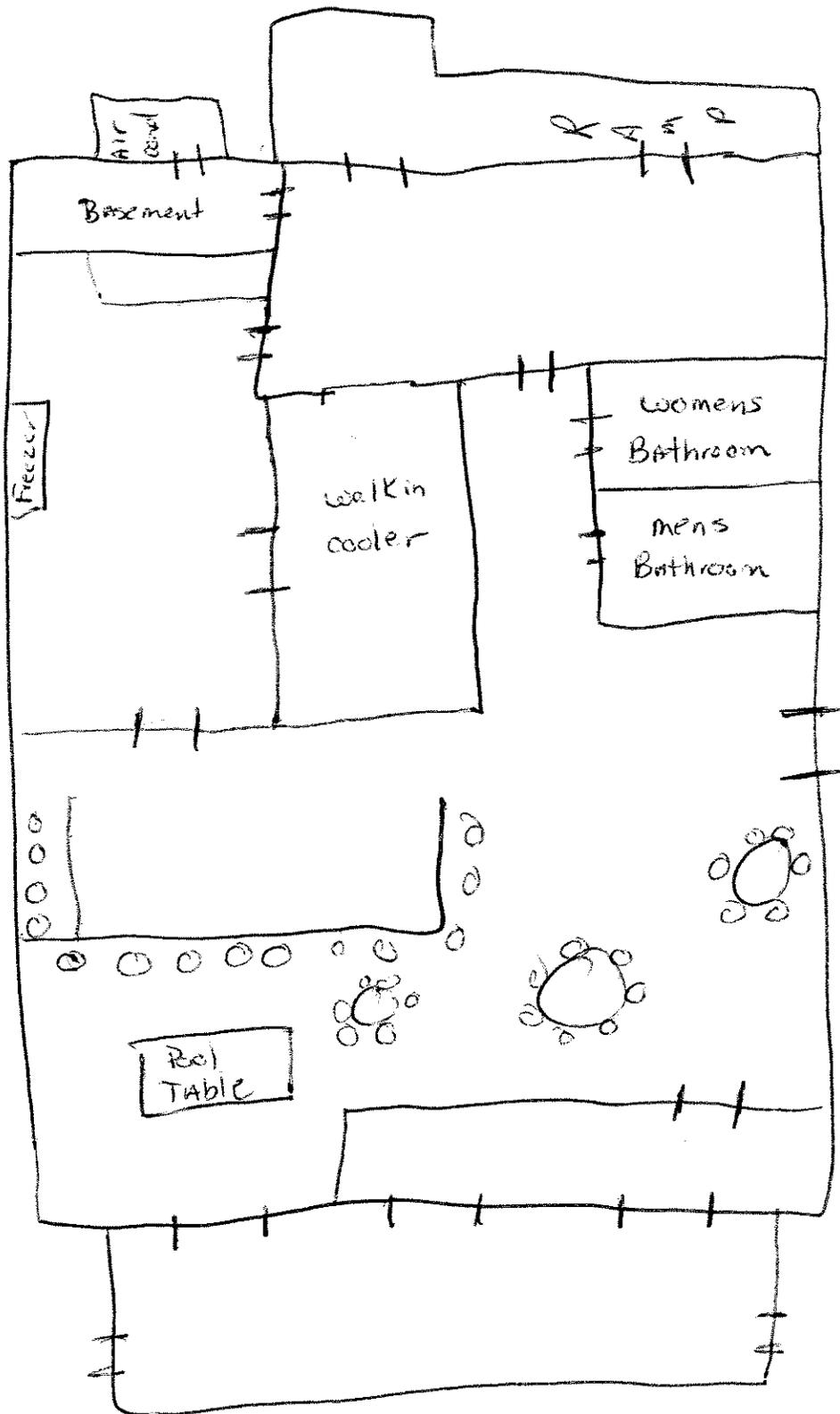


all outside AREA is fenced in during outside events

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Last call

OFFICE OF  
COUNTY CLERK  
CHAMPAIGN COUNTY  
ILLINOIS

RECEIVED OF Last Call / Sheri Kaufman 9-5 2006  
One hundred & four 04/100 DOLLARS  
FOR Yearly Entertainment License Sept 06 - Dec 06  
\$ 104.00 n.m. Steved

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Brookens  
Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
FAX (217) 328-2426

To: **Environment and Land Use Committee**

From: **John Hall, Director, Zoning Administrator**  
**Susan Monte, County Planner**

Date: **September 7, 2006**

RE: **Case 522- AT-05 Comprehensive Zoning Review**

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**Zoning Case 522-AT-05**

Request: **Text amendments that are Phase One of the Comprehensive Zoning Review**

Petitioner: **Zoning Administrator**

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**STATUS**

The Zoning Board of Appeals made a final determination in Case 522-AT-05 on August 10, 2006. Copies of Public Review Draft 3 dated May 19, 2006, were previously distributed. Note that the ZBA did not recommend adoption of all parts of Revised Public Review Draft 3.

A County Board Study Session has been scheduled to consider this amendment on September 12, 2006. This memo briefly reviews the ZBA recommendation and alternative County Board actions as background information for the full Board Study Session.

Standard protocol is for text amendments to sit at ELUC while municipal comments are awaited. At this time there are eight formal township and municipal protests and a supermajority (3/4 approval) of the County Board will be required for approval of any part of Case 522-AT-05.

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**BACKGROUND**

The ZBA recommendation is reviewed in Attachments A through F. The ZBA based their recommendation on both the degree of conformance with the official County Board Land Use Regulatory Policies and the degree of achievement of Ordinance Objectives that were approved by ELUC on March 10, 1999. The ZBA did not recommend adoption of all Parts of Case 522-AT-05 and in order to minimize the extent of the public hearing the ZBA did not take time to recommend corrections to the Parts that it recommended for denial.

Thus, the County Board is presented with a ZBA recommendation that does not conform to the County Board's officially adopted Land Use Regulatory Policies (LURPs). The Zoning Ordinance must be consistent with the Land Use Regulatory Policies and both the Policies and the Ordinance are subject to change. This memorandum reviews only the most obvious alternatives to achieve that end. The last page of the memo briefly summarizes the alternatives.

**ALTERNATIVES FOR COUNTY BOARD ACTION**

Only adoption of all parts of Case 522-AT-05 will comprehensively address the Land Use Regulatory Policies. All other alternatives will require some modification of the Land Use Regulatory Policies so that the adopted Ordinance is consistent with the Policies.

**Alternative A: Adopt Case 522-AT-05 With Modified Part I (Stream Protection Buffer)**

The full text amendment (all parts) fully conforms with all of the County Board's officially adopted Land Use Regulatory Policies (LURPs). However, the public hearing and additional staff review has identified a significant problem with the Stream Protection Buffer and the problem remains in the Revised Public Review Draft 3 dated May 19, 2006.

Part I establishes a stream protection buffer along most major streams and within that buffer requires a tree removal permit and limits management of vegetation. Public testimony was greatly against this and the ZBA found that these regulations are *too restrictive*. Staff believes that the vegetation regulations will be impossible to enforce if adopted. The Stream Protection Buffer could be reduced to be merely a setback for buildings and other construction and would still partially achieve LURP 1.7.1. The changes required are the following:

- **Changes to Part I.** Any adoption of Part I in any of the following alternatives should include the following changes:
  - (1) delete paragraph 21.20.200 B. Removal of Mature Trees;
  - (2) delete paragraph 21.20.300 B. Removal of Mature Trees;
  - (3) delete paragraph 21.20.300 C. Replacement of Surface Vegetation;
  - (4) delete subsection 29.20.200 Tree removal permit application;
  - (5) delete the tree removal permit fee in subsection 29.20.300.

**Alternative B: Adopt Enhanced ZBA Recommendation With Modified Parts G, I, and K (natural area protections)**

The ZBA did not recommend adoption of the entire Revised Public Review Draft 3 dated May 19, 2006. See the discussion below under Alternative C. In order to minimize the extent of the public hearing the ZBA did not take time to try to recommend corrections to the problems it identified with Public Review Draft 3 related to Parts G, I, and K. Some of the ZBA concerns could be reduced in extent if Parts G, I, and K were changed so that these parts only related to large rural subdivisions that require the Rural Planned Development (currently the Rural Residential Overlay) map amendment. The changes necessary to ensure that the proposed amendment is consistent with the Land Use Regulatory Policies are the following:

- **Changes to Parts G, I and K.** In this alternative these parts should be revised to include the basic change to the Part I Stream Protection Buffer (see discussion above) and to make these Parts apply only to Rural Planned Developments. At this time the changes necessary appear to be as simple as the following:
  - (1) Move Sections 21.20 and 21.30 to Chapter 37 Rural Planned Development and renumber the sections in Chapter 37 accordingly.
  - (2) Delete paragraph 21.20.200 B. Removal of Mature Trees;
  - (3) Delete paragraph 21.20.300 B. Removal of Mature Trees;

- (4) Delete paragraph 21.20.300 C. Replacement of Surface Vegetation;
  - (5) Delete subsection 29.20.200 Tree removal permit application;
  - (6) Delete the tree removal permit fee in subsection 29.20.300.
- **Changes to LURPs.** Adoption of the Enhanced ZBA Recommendation would leave LURP 1.7.1 and parts of LURP 1.7.2 with no specific means of implementation and would require that both LURP 1.7.1 and 1.7.2 be reduced in scope in regards to “by right” development and Special Use Permits. Alternative versions of LURP 1.7.1 and 1.7.2 will be available at the Study Session.

**Alternative C: Adopt ZBA Recommendation (Parts A, B, C, D, E, F, H, J, L, M)**

The ZBA did not recommend adoption of the entire Revised Public Review Draft 3 dated May 19, 2006. The ZBA recommended denial of Parts G, I and K which are the only Parts of Case 522-AT-05 that specifically address Land Use Regulatory Policies (LURP) 1.7.1 and 1.7.2. Further, in order to minimize the extent of the public hearing the ZBA did not take time to try to find corrections to the problems it identified with Public Review Draft 3. Adoption of the ZBA recommendation would leave LURP 1.7.1 and 1.7.2 with no specific means of implementation and would require that both LURP 1.7.1 and 1.7.2 be reduced in scope.

LURP 1.7.1 addresses development authorized by right. The limits on creation of rural lots “by right” that are included in Part D (one per 40 acres with a maximum of four) will greatly reduce the number of lots that can be created compared to the current Ordinance and fewer lots will mean less disturbance. Thus, so long as Part D is adopted LURP 1.7.1 will be indirectly addressed.

LURP 1.7.2 addresses development requiring discretionary review which are larger rural subdivisions (currently the Rural Residential Overlay and proposed to be Rural Planned Developments) and individual Special Use Permits. Disturbance to natural areas caused by larger rural subdivisions or individual Special Use Permits is addressed by all three parts recommended for denial.

The changes necessary to ensure that the proposed amendment is consistent with the Land Use Regulatory Policies are the following:

- **Changes to LURPs.** Adoption of the ZBA Recommendation would leave LURP 1.7.1 and LURP 1.7.2 with no specific means of implementation and would require that both LURP 1.7.1 and 1.7.2 be greatly reduced in scope for all types of rural development. Alternative versions of LURP 1.7.1 and 1.7.2 will be available at the Study Session.

**Alternative D: Adopt ZBA Recommendation but Change Part J (to allow Rural Planned Development on Best Prime Farmland)**

In regards to rural subdivisions, the ZBA recommendation could have an unintended consequence of steering rural subdivisions into the CR District because it includes the prohibition of Rural Planned Developments on Best Prime Farmland included in Part J (subsection 37.30.200) while at the same time it does not require impact assessment for subdivisions in the CR District (Part K). Subsection 37.30.200 prohibits Rural Planned Developments on Best Prime Farmland. Deleting it may reduce the effect of steering rural subdivision into the CR District. The changes necessary to ensure that the proposed amendment is consistent with the Land Use Regulatory Policies are the following:

- **Changes to Part J.** Delete subsection 37.30.200
- **Changes to LURPs.** Adoption of this reduced version of the ZBA Recommendation would leave not just LURP 1.7.1 and LURP 1.7.2 with no specific means of implementation but also the various Policies that prohibit Rural Planned Development on Best Prime Farmland. Those Policies are LURPs 1.1.3, 1.2, and 1.3.5. Alternative versions of all relevant LURPs should be available at the Study Session.

**Alternative E: Adopt Only the Minimum Parts Necessary For A Coherent Ordinance (Parts A, B, C, E, M, J, and L)**

The minimum Parts of Case 522-AT-05 that are necessary to have a coherent Ordinance are parts A, B, C, E, M, J, and L. The Ordinance that would result would be more user friendly but the most important improvement would be that current serious weaknesses in the Rural Residential Overlay Zoning District would be corrected in the new rural Planned Development zoning District. Note that Part J contains subsection 37.30.200 that prohibits Rural Planned Developments on Best Prime Farmland. The Board could include the same change as in Alternative D to allow Rural Planned Development on Best Prime Farmland. The changes necessary to ensure that the proposed amendment is consistent with the Land Use Regulatory Policies are the following:

- **Changes to LURPs.** Adoption of this reduced version of the ZBA Recommendation would leave most Land Use Regulatory Policies with no specific means of implementation. This would essentially require a new set of Land Use Regulatory Policies. A full list of the changes necessary and alternative versions will be available at the Study Session.

**ATTACHMENTS**

- 1 ZBA Recommendation Overview
- 2 Ordinance Objectives
- 3 Excerpt from ZBA Finding of Fact for Part D
- 4 Excerpt from ZBA Finding of Fact for Part I
- 5 Excerpt from ZBA Finding of Fact for Part G
- 6 Excerpt from ZBA Finding of Fact for Part K

**Case 522-AT-05 Comprehensive Zoning Review**  
**Zoning Administrator**  
 SEPTEMBER 7, 2006

**Case 522-AT-05 Alternatives**

Alternative	Parts	Changes to Amendment	Changes to LURPs
A. Case 522-AT-05 With Modified Part I	All Parts	<ul style="list-style-type: none"> <li>•Modify Part I to remove vegetation management regulations</li> </ul>	NONE REQUIRED
B. Enhanced ZBA Recommendation	All Parts	<ul style="list-style-type: none"> <li>•Modify Part I to remove vegetation management regulations</li> <li>•Modify Parts G, I, and K to make relevant only to Rural Planned Developments</li> </ul>	<ul style="list-style-type: none"> <li>•LURP 1.7.1 and 1.7.2 should be reduced in scope for "by right" and Special Use Permits</li> </ul>
C. ZBA Recommendation	A, B, C, D, E, F, H, J, L, M	NONE REQUIRED	<ul style="list-style-type: none"> <li>•LURP 1.7.1 and 1.7.2 should be greatly reduced in scope for all types of rural development</li> </ul>
D. ZBA Recommendation With Modified Part J	A, B, C, D, E, F, H, J, L, M	<ul style="list-style-type: none"> <li>•Modify Part J to allow Rural Planned Developments on Best Prime Farmland</li> </ul>	<ul style="list-style-type: none"> <li>•LURP 1.7.1 and 1.7.2 should be greatly reduced in scope for all types of rural development</li> <li>•LURPs 1.1.3, 1.2, and 1.3.5. revised to allow Rural Planned Developments on Best Prime Farmland</li> </ul>
E. Minimum Ordinance	A, B, C, E, M, J, and L	NONE REQUIRED	CHANGES NOT YET BEEN IDENTIFIED- MAY REQUIRE A COMPLETE REVISION OF LAND USE REGULATORY POLICIES (LURPs)

**ZBA RECOMMENDATION: Case 522-AT-05 Parts A – M Comprehensive Zoning Review – Phase One (Rural Districts)**

The public hearings at the Zoning Board of Appeals (ZBA) began with Public Review Draft 3 dated November 14, 2005. In order to minimize the extent of the public hearing, the ZBA did not take time to try to fix all problems it identified with Public Review Draft 3. However, the State’s Attorney’s ongoing review recommended some necessary changes before referral to the County Board and so the ZBA made some minor changes and the public hearing ended with a revised Public Review Draft 3 dated May 19, 2006.

Case 522-AT-05 was divided into 13 parts in the original legal advertisement. For each part (or groups of parts, in some instances) the ZBA determined the degree of conformance with the relevant Land Use Regulatory Policies and the degree of achievement of Ordinance Objectives. The ZBA recommendation is as follows:

■ **The ZBA recommended approval for 10 of 13 parts.** These parts were found to be in conformance with all relevant Land Use Regulatory Policies and achieved all Ordinance Objectives. Note that in Part D the ZBA was split on whether the Ordinance Objectives were fully achieved or only partially achieved. See the attached excerpt of ZBA Finding of Fact for Part D.

■ **The ZBA recommended denial for Parts G, I, and K.** The ZBA found that these parts were also in conformance with the relevant Land Use Regulatory Policies but failed to achieve the Ordinance Objectives. See attached excerpts of the ZBA Findings of Fact for Parts G, I, and K. These three parts of Case 522-AT-05 address Land Use Regulatory Policies 1.7.1 and 1.7.2. Revised Public Review Draft 3 dated May 19, 2006, retains Parts G, I, and K and so **the ZBA did not recommend adoption of Revised Public Review Draft 3 dated May 19, 2006.**

Proposed Amendments to the Text of the *Champaign County Zoning Ordinance* (as indicated in *Public Review Draft 3* revised 5/19/2006)

- CONTINUED ON NEXT PAGE -

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**ZBA RECOMMENDATION: Case 522-AT-05 Parts A – M Comprehensive Zoning Review – Phase One (Rural Districts)**

Proposed Amendments to the Text of the *Champaign County Zoning Ordinance* (as indicated in *Public Review Draft 3* revised 5/19/2006)

<i>ZBA</i> <i>RECOMMENDATION</i>	PART	GENERAL DESCRIPTION	RELEVANT LAND USE REGULATORY POLICIES
<i>APPROVE</i> unanimous vote	A	Revise nature & intent of the rural districts.....	1.1.1, 1.1.2, 1.6.1 & 1.6.3
	B	Modify Table of Authorized Uses.....	1.1.2, 1.1.4, 1.6.1, 1.6.2 & 1.6.3
	C	Revise certain Special Use standard conditions.....	1.1.4
	M	Change format & add new techniques & clarifying language.....	n/a
<i>APPROVE</i> unanimous vote *	D	Generally limit # of residences in AG, AG-2 & CR Districts to 1 per 40 acres.....	1.1.2, 1.2, 1.3.1, 1.3.2 & 1.3.3
<i>APPROVE</i> unanimous vote	E	Increase required lot area for unplatted lot to 2 acres in AG, AG-2 & CR Districts.....	1.1.3, 1.1.4 & 1.3.1
	H	Make miscellaneous changes to standards for lots, site development & construction.....	1.1.3, 1.1.4, 1.3.1 & 1.9
<i>APPROVE</i> unanimous vote	F	Require 75' drainageway setback & 25' drain tile setback for new use or structure.....	1.1.2 & 1.4.2
<i>DENY</i> unanimous vote	G	Restrict new use or structure within 250' buffer around public parks & preserves.....	1.1.3, 1.1.4 & 1.7.1
<i>DENY</i> unanimous vote	I	Require 150' stream protection buffer in CR District.....	1.7.1
<i>APPROVE</i> unanimous vote	J	Replace existing Rural Residential Overlay w/ Rural Planned Development District	1.2, 1.1.4, 1.3.5, 1.5.1, 1.5.3 & 1.5.4
	L	Make miscellaneous changes regarding zoning procedures.....	1.1.4, 1.3.5, 1.5.1, 1.5.3 & 1.5.4
<i>DENY</i> unanimous vote	K	Establish performance standards & require Natural Area Impact Assessment for Special Uses or Rural Planned Development Districts in CR.....	1.1.3, 1.1.4 & 1.7.2

\* some ZBA members, although voting affirmatively, expressed concerns re: Part D

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**ORDINANCE OBJECTIVES**

*As Approved by the Environment & Land Use Committee, March 10, 1999*

1. The ordinance must be consistent with the public's values. It must make sense to the average person (even if they don't agree with it).
2. The ordinance must be easy for the average person to understand.
3. The ordinance must be easy for the staff to administer and enforce.
4. The standards in the ordinance must be logically related to the ills they are intended to prevent. The burden of compliance should be proportional to the damage prevented.
5. The standards in the ordinance must be based on the best scientific information available given the County's limited resources and time constraints. Where empirical data is lacking the uncertainty of a standard should be explicitly recognized.
6. The ordinance must be economically sound. Where feasible, the costs and benefits of specific standards should be evaluated in an approximate, qualitative way. Costs and benefits should also be considered cumulatively and over the long term.
7. The cost of compliance should be minimized to the extent possible. The cost to administer the ordinance should be minimized.
8. The ordinance must be constitutionally sound particularly with respect to: a) Fifth Amendment limitations on the "taking" of private property; b) substantive due process; c) procedural due process; d) First Amendment issues; and e) equal protection issues.
9. The ordinance must conform to applicable laws including the County enabling statute and other state and federal laws that directly limit County authority e.g. *Illinois Religious Freedom Restoration Act, Illinois Administrative Procedures Act, Federal Communications Act, Federal Fair Housing Act Amendments*, etc.
10. The ordinance should be consistent with existing state and federal regulations. It should: a) not impose redundant regulations where other local, state or federal regulations adequately address an issue; b) not impose regulations where County authority is pre-empted; c) coordinate other regulations in a logical and efficient manner, e.g. by using consistent terminology or categories, by checking compliance with other regulations at appropriate times, etc.
11. The ordinance should not intrude on the operation of the free market any more than is needed to achieve its purposes. The ordinance should leave landowners with the maximum freedom of action possible.
12. The ordinance should protect all citizens equally while recognizing variations in the values and priorities of different groups. The ordinance should not impose disproportionate burdens on certain groups such as small business or low income households.
13. The ordinance should be flexible and adaptable to deal with unforeseen changes in life style, business practices, patterns of development and technologies.
14. Amendments to the ordinance should be completed as quickly as possible.
15. Priority should be given to amendments that achieve the greatest benefits in the shortest amount of time.

**PART D: 1 PER 40**

**ZBA RECOMMENDATION: APPROVE**

General Description: Generally limit # of residences in AG, AG-2 & CR Districts to 1 per 40 acres

ZBA FINDINGS REGARDING PART D CONFORMANCE WITH *LAND USE REGULATORY POLICIES* (LURP):

CONFORMS to LURP 1.1.2 (unanimous vote - no ZBA concerns noted)

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses will not be accommodated except under very restricted conditions or in areas of less productive soils.

CONFORMS to LURP 1.2 (unanimous vote - no ZBA concerns noted)

The best prime farmland will be preserved for agricultural use. Other land uses on best prime farmland will not be authorized except on a strictly restricted basis. On best prime farmland, residential land use is limited to an as-of-right allowance and the amount of farmland conversion is restricted. On best prime farmland, non-residential land uses will not be allowed unless the land is used in the most efficient way consistent with other County policies.

CONFORMS to LURP 1.3.1 (4 to 2 vote)

All landowners are guaranteed an as-of-right allowance to establish a non-agricultural use, subject only to public health, safety and site development regulations.

CONFORMS to LURP 1.3.2 (5 to 1 vote)

The as-of-right allowance is intended to ensure a legitimate economic use of all property. Champaign County finds that continued agriculture use alone constitutes a reasonable economic use of the best prime farmland and fairness to landowners does not require accommodating non-farm development on such land.

CONFORMS to LURP 1.3.4 (unanimous vote)

Landowners' as-of-right allowance is generally proportionate to tract size, with one single-family residence allowed per 40 acres. The right to construct a single-family residence on vacant lawfully created tracts of land less than 40 acres is also part of the as-of-right allowance.

ZBA FINDINGS REGARDING PART D ACHIEVEMENT OF *ORDINANCE OBJECTIVES*, OVERALL: TIE VOTE : 3 ACHIEVES and 3 PARTIALLY ACHIEVES

**ZBA concerns regarding Part D achievement of Ordinance Objectives, overall:**

- 1) The costs to administer Part D is less than the cost of administering the existing Ordinance; however, the cost of compliance could be greater if considering the costs that could be incurred as a result of one heir using the only available development right when a tract is split between heirs.

(CONTINUED)

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**ZBA concerns regarding Part D achievement of Ordinance Objectives, overall:** (CONTINUED)

- 2) Equal protection issues may exist with Part D, due to the following continuing problems that could also occur under the existing Ordinance: one or more heirs being left without 'as of right' development rights when a tract is divided among heirs, and the possibility that a party may purchase a parcel or tract, and not be aware that 'as of right' development rights may not exist on that tract.
- 3) The costs to administer Part D is less than the cost of administering the existing Ordinance; however, the cost of compliance could be greater if considering the costs that could be incurred as a result of one heir using the only available development right when a tract is split between heirs.
- 4) Equal protection issues may exist with Part D, due to the following continuing problems that could also occur under the existing Ordinance: one or more heirs being left without 'as of right' development rights when a tract is divided among heirs, and the possibility that a party may purchase a parcel or tract, and not be aware that 'as of right' development rights may not exist on that tract.
- 5) The Part D concept is solid but only falls short in that it does not provide a mechanism for the average purchaser of those subsequently divided tracts to find that information in the form of their abstract or title search, nor does it change the zoning classification or create a new classification that puts it into a non-buildable, easily identified district.
- 6) Part D is protective and intrudes on the free market. (An ordinance, by its very nature, limits a landowner's maximum freedom.)
- 7) Part D is more rigid than flexible or adaptable, and may be too restrictive of family farming operations. For example, there may be not enough flexibility in the Ordinance to allow for an additional house on a tract for a second child involved in farming operations who needs a place to live.
- 8) Part D, overall, partially achieves Ordinance Objectives, for reasons stated above, e.g., equal protection of heirs with regard to development rights, land purchaser awareness of 'as of right' development capability remains, and some inherent long range issues which could be resolved by the creation of a subset of the Ag category that made it an exclusive Ag category so that it would be very clear that a tract is not buildable.

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**PART G: PUBLIC RESOURCE AREA BUFFER**

**ZBA RECOMMENDATION: DENY**

General Description: Restrict new use or structure within 250' buffer around public parks & preserves

ZBA FINDINGS REGARDING PART G CONFORMANCE WITH *LAND USE REGULATORY POLICIES* (LURP):

**CONFORMS** to LURP 1.1.3 (unanimous vote - no ZBA concerns noted)

Residential development beyond that allowed as-of-right will be prohibited on land consisting of best prime farmland but may be allowed elsewhere if: a) conversion of farmland is minimized; b) potential for conflicts with agriculture is minimized; c) disturbance of natural areas, rivers, or waterways is minimized; d) sites are suitable for the proposed use; and e) infrastructure and public services are adequate for the proposed use.

**CONFORMS** to LURP 1.1.4 (unanimous vote - no ZBA concerns noted)

Non-residential land uses will not be allowed on rural land except when: a) conversion of farmland is minimized; b) potential for conflicts with agriculture is minimized; c) disturbance of natural areas, rivers, or waterways is minimized; d) sites are suitable for the proposed use; and e) infrastructure and public services are adequate for the proposed use.

**PARTIALLY CONFORMS** to LURP 1.7.1 (unanimous vote)

Development authorized By-Right or as a Conditional Use will be allowed in or near known natural areas, sites of historic or archaeological significance, County Forest preserves, or other parks and preserves only if they are located so as to minimize disturbance of such areas.

**ZBA concerns regarding Part G conformance with LURP 1.7.1:**

- 1) LURP 1.7.1 allows that development authorized By Right or as a Conditional Use will be allowed in or near known natural areas, sites of historic or archeological significance, County Forest Preserve, or other parks and preserves only if they are located so as to minimize disturbance of such areas and Part G provisions do not allow buildings within 250 of such areas, therefore a contradiction could be perceived.
- 2) The 250 feet width of the Public Resource Area Buffer is an arbitrary limit selected by staff based on a review of a publication containing recommendations regarding minimum buffer widths entitled *Conservation Thresholds for Land Use Planners*. Construction of a new road is allowed in a Public Resource Area Buffer only if it is necessary to create lots authorized as a Conditional Use or to otherwise make economic use of a property; and the road is located so as to affect the smallest possible area of a Public Resource Area Buffer.
- 3) If a street is situated between a lot and a Public Resource Area, then a building could be construction on that portion of the lot separated from a Public Resource Area by the street.
- 4) The size of the various Public Resource Areas, ranges from 14 acres to as large as 1,500 acres, and a 250 foot width Public Resource Area Buffer is required within the property limits of each Public Resource Area.
- 5) Part G provisions may address a problem that may not be significant enough to justify additional regulation. Based on the evidence received it is not apparent that there is such a substantial impact on wildlife or vegetation inside the Public Resource Areas that has been so dramatically effected that a 250 foot buffer should be created. Encroachment experienced by the Champaign County Forest Preserve is also experienced by farmers with trespassing by adjacent landowners. Part G provisions may be too restrictive.
- 6) Part G addresses the potential need for buffering in natural areas, but not in the quantity proposed.

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ZBA FINDINGS REGARDING PART G ACHIEVEMENT OF *ORDINANCE OBJECTIVES*, OVERALL: **DOES NOT ACHIEVE** (unanimous vote)

**ZBA concerns regarding Part G achievement of Ordinance Objectives:**

- 1) Part G provisions are not consistent with the public's values, based on the public's testimony at these public hearings.
- 2) It is difficult to identify what is being protected and the need for protection. Testimony received has not indicated a need for the amount of regulation proposed.
- 3) Staff proposed the Public Resource Area Buffer based on the best information available, and the 250 foot width of the proposed buffer is not a set standard. The 250 foot buffer would protect as much of the natural areas as possible, without being over zealous.
- 4) Part G provisions do not appear to be economically sound.
- 5) The County will not receive taxes from construction not occurring within the proposed Public Resource Area Buffer. There could be negative impacts to the County due to diminishing real estate values. The Public Resource Area Buffer could possibly reduce the buildable area of a property and that would not be economically sound.
- 6) Though the Part G provisions are legal and enforceable, ZBA members are uncertain that it is right to adopt these provisions.
- 7) Part G provisions are intrusive and impact the free market or freedom that landowners are allowed under the current Zoning Ordinance.
- 8) Part G provisions impact a very small portion of citizens of the County, those who own land adjacent to a Public Resource Area, and Part G is unfair to those landowners, imposing a disproportionate burden on them. Part G provisions are disproportionate because if there is a street situated within the 250 foot width Public Resource Area Buffer, that portion of the buffer opposite the street is exempt from Buffer requirements.
- 9) Part G provisions include a 250 foot width buffer width which is arbitrary and not flexible or adaptable. Some flexibility does exist because the Part G provisions include exemptions to allow for pre-existing conditions, such as current residences and buildings on properties adjacent to a Public Resource Area.
- 10) Overall, the Part G provisions do not achieve the *Ordinance Objectives*, based on individual ZBA members' weighted assessment of each *Ordinance Objective*. Instead, a 250 foot buffer should be located within a Public Resource Area, and that portion of a 250-foot width buffer on the opposite side of a street should not be exempted.

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**PART I: STREAM PROTECTION BUFFER**

**ZBA RECOMMENDATION: DENY**

General Description: Require 150' stream protection buffer in CR District

ZBA FINDINGS REGARDING PART K CONFORMANCE WITH *LAND USE REGULATORY POLICIES* (LURP):

**PARTIALLY CONFORMS** to LURP 1.7.1 (unanimous vote)

Development authorized By-Right or as a Conditional Use will be allowed in or near known natural areas, sites of historic or archaeological significance, County Forest preserves, or other parks and preserves only if they are located so as to minimize disturbance of such areas.

**ZBA concerns regarding Part I conformance with LURP 1.7.1:**

- 1) Does not include streams and rivers that are in the CR District and have significant portions of their streamside areas in woodlands but that are also located in organized drainage districts (item 9. F.).
- 2) Does not include adequate requirements required to implement LURP 1.7.1 fully measuring the proposed buffer width of 150 feet from the centerline of a non-intermittent river, stream, or tributary is difficult in the field (see item 10. F.) *See Note 1 regarding a possible revision.* The proposed buffer width of only 150 feet proposed in paragraph 21.20.100 B. i. will have no effect on reducing disturbance of woodlands outside of the buffer and those areas may be as significant in terms of their natural quality as the areas within the 150 feet wide buffer (see item 10.G.).
- 3) Paragraph 21.20.300 E. of the *Public Review Draft 3* does not include adequate limits or requirements to ensure that any particular proposed stabilization or repair activities will preserve the function of the drainageway or prevent erosion nor does it require that any stabilization or repair be under the authority of an Illinois Professional Engineer (see item 16.).
- 4) Paragraph 21.20.300 F. of the *Public Review Draft 3* does not include any limits or requirements to establish that the proposed CONSTRUCTION, including the restoration or CONSTRUCTION of wetlands, will restore the natural functions or wildlife habitat of the protected stream or tributary nor does it require that any CONSTRUCTION be under the authority of an Illinois Professional Engineer (item 17.)

ZBA FINDINGS REGARDING PART I ACHIEVEMENT OF *ORDINANCE OBJECTIVES*, OVERALL: **PARTIALLY ACHIEVES** (5 to 1)

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**ZBA concerns regarding Part I achievement of Ordinance Objectives, overall:** (CONTINUED)

**ACHIEVES Ordinance Objective 10** because it appears to be consistent with existing state and federal regulations.

**PARTIALLY ACHIEVES Ordinance Objectives 5, 9, 12, and 13 as follows:**

- (1) The standards in the proposed Part I amendment are based on the best scientific information available given the County's limited resources and time constraints but the standards proposed are arbitrary and conflict with the USDA's filter strip program and it is hard for the public to understand (Ord. Obj. 5).
- (2) The proposed Part I amendment appears to generally conform to applicable laws including the County enabling statute and other state and federal laws that directly limit County authority but parts of the amendment may eventually be determined to be improper (Ord. Obj. 9).
- (3) The proposed Part I amendment appears to generally protect all citizens equally but does impose costs that may be burdensome on some and may emphasize environmentally based values (Ord. Obj. 12).
- (4) Regarding Ordinance Objective 13, the proposed Part I amendment is generally flexible except in regards to the requirements for management of vegetation.

**DOES NOT ACHIEVE Ordinance Objectives 1, 2, 3, 4, 6, 7, and 11 as reviewed below:**

- (1) The proposed Part I amendment is not cons with the public's values (Ord. Obj. 1).
- (2) The proposed Part I amendment is not easy for the average person to understand (Ord. Obj. 2).
- (3) Regarding Ord. Obj. 3, the proposed Part I amendment will not be easy for staff to administer and enforce for the following reasons:
  - The tree removal permit proposed in subsection 21.20.200 (see item 12) and the general limit on removal of trees proposed in subparagraph 21.20.300 B. 2. i (see item 13) of *Public Review Draft 3* will be very difficult for staff to administer and enforce and no evidence has been provided that indicates that tree removal is a serious problem in Champaign County at this time and so the burden of compliance to the public for tree removal permits is likely to be disproportional to the damage prevented.
  - The limit on removal of SURFACE VEGETATION as proposed in paragraph 21.20.300 C. (see item 14) of *Public Review Draft 3* will be essentially impossible for staff to administer and enforce.
- (4) Regarding Ordinance Objective 4, the standards in the proposed Part I amendment are not logically related to the ills they are intended to prevent and the burden of compliance is not proportional to the damage prevented for the following reasons:
  - Most wooded areas must be managed and not just left alone and it is not logical to only allow three trees to be cut without a permit when a wooded area should be properly managed.
  - The Board has not seen a substantial demonstration of the damage that is proposed to be prevented and there is not a lot of damage occurring presently and the proposed standards are excessive and unbalanced.
  - Approximately 75% of the County's streams are enrolled in the USDA's filter strip program and this will reduce sedimentation load in streams.
- (5) The proposed Part I amendment is not economically sound because of the costs to the County of protecting woodlands and the burden placed on landowners (Ord. Obj. 6).
- (6) The total costs for both compliance on the part of landowners and the cost to the County to administer the proposed Part I amendment are too great (Ord. Obj. 7).
- (7) Regarding Ordinance Objective 11, the proposed Part I amendment intrudes on the operation of the free market more than is needed to achieve its purpose and impends too greatly on the freedom of landowners to cut trees, replace vegetation, and conduct property maintenance.

**Ordinance Objectives 14 and 15 do not appear to be relevant to this amendment.**

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**PART K: PERFORMANCE STANDARDS & NATURAL AREA IMPACT ASSESSMENT**

**ZBA RECOMMENDATION: DENY**

General Description: Establish performance standards and require Natural Area Impact Assessment for Special Uses or Rural Planned Development Districts in CR

ZBA FINDINGS REGARDING PART K CONFORMANCE WITH *LAND USE REGULATORY POLICIES* (LURP):

CONFORMS to LURP 1.13 (unanimous vote - no ZBA concerns noted)

Residential development beyond that allowed as-of-right will be prohibited on land consisting of best prime farmland, but may be allowed elsewhere if: a) conversion of farmland is minimized; b) potential for conflicts with agriculture is minimized; c) disturbance of natural areas, rivers, or waterways is minimized; d) sites are suitable for the proposed use; and e) infrastructure and public services are adequate for the proposed use.

CONFORMS to LURP 1.1.4 (unanimous vote - no ZBA concerns noted)

Non-residential land uses will not be allowed on rural land except when: a) conversion of farmland is minimized; b) potential for conflicts with agriculture is minimized; c) disturbance of natural areas, rivers, or waterways is minimized; d) sites are suitable for the proposed use; and e) infrastructure and public services are adequate for the proposed use.

CONFORMS to LURP 1.7.2 (5 to 1)

Development that requires discretionary review will be allowed only if there has been reasonable effort to determine if especially sensitive and valuable features are present, and all reasonable effort has been made to minimize disturbance of natural areas, [and to] protection of endangered species and protection of historical and archaeological sites.

**ZBA concerns regarding Part K conformance with LURP 1.7.2:**

The Part K Subsection 21.60.200 provision requires that the Zoning Administrator will refer to the Year 2005 Champaign County GIS Consortium digital ortho photography to determine whether a Natural Area Impact Assessment will be required. ZBA members discussed whether using the year 2005 set reference point in time is or is not a sufficiently reasonable effort to determine the status of a parcel of land, because the status of that parcel of land may be modified over the course of time, even over a few years. If a parcel of land does not warrant protection today (based on the Year 2005 Champaign County GIS Consortium digital ortho photography), then whether that parcel of land will change in the future is unknown. And that it is preferable to have a standard that is based on a known condition.

ZBA FINDINGS REGARDING PART D ACHIEVEMENT OF *ORDINANCE OBJECTIVES*, OVERALL: **PARTIALLY ACHIEVES** (unanimous vote)

**ZBA concerns regarding Part K achievement of Ordinance Objectives, overall:**

- 2) Staff has to estimate the percentage of areas affected, and staff are not natural area scientists, even if staff were natural area scientists today, there is no guarantee that staff would be natural area scientists in the future.

(CONTINUED)

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**ZBA concerns regarding Part K achievement of Ordinance Objectives, overall:** (CONTINUED)

- 3) The burden of compliance may not be proportional to the damage prevented in the event that a Natural Area Impact Assessment would be required for a 'low impact' special use, and the costs for such a report could be significant. ZBA members acknowledged the possibility that a petitioner could be charged doubly for staff to hire a natural area scientist to refute testimony provided.
- 4) The standard to be used by the Zoning Administrator (i.e., the Year 2005 Champaign County GIS Consortium digital data) represents a subjective standard, and the Zoning Administrator in the future may have a different view regarding when a Natural Area Impact Assessment would be required.
- 5) Part K may partially achieve Ordinance Objective #5 because the Zoning Administrator can call for the best scientific information which would be provided by the Natural Area Impact Assessment.
- 6) Part K does not meet Ordinance Objective #6 because with a 'low impact' event, some of these requests will be blown totally out of proportion, with no control. What might be considered economically sound today, may not be considered economically sound in the years ahead.
- 7) No limit is proposed in Part K to limit the cost of compliance in terms of the Natural Area Impact Assessment requirement.
- 8) The Zoning Administrator has flexibility to make a determination regarding whether a Natural Area Impact Assessment is required for a particular parcel so that 'equal protection' issues may be at stake. The Part K ordinance language may be weak in that regard. Different Zoning Administrators [over time] may not consistently interpret the need for a Natural Area Impact Assessment, so procedural due process issues may exist.
- 9) An ordinance, by its very nature, limits a landowner's maximum freedom. The Ordinance is protective and intrudes on the free market.
- 10) The application of Part K is discretionary on the Zoning Administrator's part and may not be applied equally all of the time.
- 11) The use of a standard that represents a fixed point in time to determine whether a Natural Area Impact Assessment is required is not considered flexible or adaptable standard. It would be difficult to have a requirement that achieves flexibility or adaptability



## ***ADDENDUM TO AGENDA***

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### ***Champaign County Environment & Land Use Committee***

#### ***Members:***

*Jan Anderson, Chris Doenitz, Tony Fabri, Nancy  
Greenwalt (VC), Kevin Hunt, Ralph Langenheim (C),  
Brendan McGinty, Steve Moser, Jon Schroeder*

***Date:*** *September 13, 2006*

***Time:*** *7:00 p.m.*

***Place:*** *Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington St.  
Urbana, Illinois*

***Phone:*** *(217) 384-3708*

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### **AGENDA**

***Old Business shown in Italics***

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- A1. Revisions to Land Use Regulatory Policies**  
(information to be distributed at meeting)