

*AS APPROVED OCTOBER 16, 2006*

**MINUTES OF REGULAR MEETING**

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<b>Champaign County Environment &amp; Land Use Committee</b>	<b>DATE:</b>	<b>September 13, 2006</b>
<b>Champaign County Brookens Administrative Center</b>	<b>TIME:</b>	<b>7:00 p.m.</b>
<b>Urbana, IL 61802</b>	<b>PLACE:</b>	<b>Lyle Shields Meeting Room Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802</b>

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

**OTHER COUNTY  
BOARD MEMBERS  
PRESENT:**

Barbara Wysocki (Champaign County Board Chair)

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Connie Berry, John Hall, Frank DiNovo (RPC Economic Development Director), Susan McGrath (Assistant State's Attorney), Susan Monte (County Planner), Brent Rose (RPC Economic Development Specialist)

**OTHERS PRESENT:** Larry Wood, Herb Schildt, Rod Harris, Chris Hausman, Teri Legner, Phillip Geil, Jim Harper, Carl Webber, Lee Sentman, Steve Willard, Neil Malone, Aleta Holt, Eric Thorsland, Hal Barnhart, Scott Bidner, Jim Rector

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**1. Call to Order, Roll Call**

The meeting was called to order at 7:04 p.m.

**2. Approval of Agenda and Addendum**

**Mr. Moser moved, seconded by Mr. Fabri to approve the Agenda and Addendum as submitted. The motion carried by voice vote.**

**A1. Revisions of Land Use Regulatory Policies**

Mr. Hall stated that time did not allow for preparation of information regarding the Revisions to the Land Use Regulatory Policies.

**3. Minutes of Previous Meeting (August 14, 2006)**

Ms. Anderson noted that Patricia Busboom's name should be removed as an ELUC Member Present at the August 14, 2006, meeting.

**Mr. Doenitz moved, seconded by Mr. Moser to approve the August 14, 2006, minutes as amended. The motion carried by voice vote.**

**4. Public Participation**

Mr. Langenheim informed the audience that the public hearings for Agenda Item #11 have been completed and a County Board Study Session, which allowed public participation, regarding Agenda Item #11 was held on September 12<sup>th</sup>, therefore no further comments will be heard at this meeting.

Mr. Larry Wood, General Manager for The Andersons addressed Agenda item #8. He said that he was available to answer any questions that the Committee may have regarding Agenda item #8.

Mr. Rod Harris, Representative of The Andersons Corporate Office in Toledo, Ohio informed the Committee that he was in charge of the Albion, Michigan, facility where The Andersons built their first ethanol plant. He said that he was part of the process in laying the ground work for the Albion plant and was present during the construction. He said that the Albion plant has been in operation for one month. He said that he would be glad to address any concerns or questions as they may relate to a potential ethanol plant in Champaign County.

Ms. Teri Legner, Assistant to the City Manager for the City of Champaign stated that she urges the Committee's support for both of the proposed Enterprise Zone boundary amendments. She said that that the City of Champaign Council approved both Enterprise Zone boundary amendments at their September 05, 2006, meeting. She said that she is available to answer any questions that the Committee may have regarding these two agenda items.

Mr. Carl Webber, Attorney for The Andersons stated that the last time that he appeared before the Committee The Andersons discussed the possibility of locating the proposed ethanol plant in the County but now they are under the assumption that they are going to proceed with an annexation agreement with the City of Champaign. He said that the Enterprise Zone is a joint City of Champaign and County Enterprise Zone and in order to get the City of Champaign's approval they have a requirement that either an annexation agreement or pre-annexation agreement is entered in to. He said that in order to obtain the Enterprise Zone benefits The Andersons must annex in to the City of Champaign. He said that the school districts and many other governmental bodies, including the County, will reap the benefits of the Enterprise Zone. He said that the Committee members have probably read the article in the *News Gazette* which questioned the path that The Andersons may take to have an annexation agreement although they are working on this path and hopefully all will be worked out. He said that an Enterprise Zone can proceed through a published location even without the approval of the landowner of the property. He said that as it happens the City of

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Champaign has been in contact with the Atkins Group and that doesn't seem to be a problem anyway but it is a different approach and under the annexation The Andersons need a specific agreement but under the Enterprise Zone they do not. He said that he is available to answer any questions that the Committee may have.

**5. Correspondence**

- A. Mahomet Aquifer Consortium Meeting No. 48, July 18, 2006, minutes**
- B. Mahomet Aquifer Consortium Meeting No. 49, September 05, 2006, agenda**

**Mr. Moser moved, seconded by Ms. Anderson to accept and place Correspondence A and B on file. The motion carried by voice vote.**

**6 County Board Chair's Report**

None

**7. Enterprise Zone boundary amendment – Clearview Development**

**Mr. Moser moved, seconded by Mr. Doenitz to approved Items #7 and #8 as submitted.**

Mr. Langenheim stated that Item #7 and #8 should be voted upon separately.

Ms. Anderson stated that the memorandum regarding Item #7 indicates that staff has no recommendation.

Mr. Hall stated that the memorandum is correct.

Ms. Anderson stated that she is concerned with one of the disadvantages of Alternative 1 for Item #7, which reads as follows: 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.

Mr. Hall stated that Brent Rose, the author of the memorandum, is present at tonight's meeting and he may be able to share some information which may help alleviate her concerns.

Mr. DiNovo stated that the memorandum was prepared by the Regional Planning Commission (RPC) staff.

Mr. McGinty stated that the motion was for both items and if they are to be voted upon separately the original motion should be amended.

**Mr. Fabri offered a friendly motion to recommend approval of Agenda Item #7, Enterprise Zone boundary amendment – Clearview Development separately from Agenda Item #8, Mr. McGinty seconded the motion. The motion carried with one opposing vote from Mr. Schroeder.**

**8. Enterprise Zone boundary amendment – Anderson’s Ethanol Plant**

**Mr. Doenitz moved, seconded by Mr. McGinty to recommend approval of Agenda Item #8, Enterprise Zone boundary amendment – Andersons’ Ethanol Plant. The motion carried unanimously by voice vote.**

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

Mr. Schroeder stated that this is a case of spot zoning. He said that he can not look at this issue as to what particular use is requested because he does not have a problem with the use but he does have a problem with changing the zoning. He said that he would have preferred that something was done in the CR District to allow this use but obviously it would open up a can of worms to allow just this particular use. He said that in his mind the AG-2 District is transition density zoning and it is a bad idea to spot zone this location when no other AG-2 exists in the area.

Ms. Greenwalt stated that during her first meetings at ELUC she can remember hearing that a rezoning or special use which was being requested should be approved because the petitioners are very good people or because they have really good reasons for their request. She said that these comments didn’t make sense to her because the approval should not be based on personalities or how good someone is therefore she does commend and respects the Willards for their work but she cannot support the rezoning request. She said that she does hope that they find a different location for their venue so that they can continue their work.

Mr. Moser asked if there was a formal protest filed with the County Clerk.

Mr. Hall stated yes. He said that a formal protest was filed therefore Case 497-AM-05 will require a super-majority vote at the County Board for approval.

Mr. Fabri stated that it is truly unfortunate that the County cannot find a way to get through some of the hurdles that are blocking a very good asset to the teenagers in the Mahomet area. He said that the Committee requested that staff investigate the possibility of revising the CR District to allow this type of use but the Committee chose not to take this route therefore the Willard’s only option was to request a rezoning. He said that he agrees that spot zoning is not a good idea but it is frustrating that the Committee could not find a way to allow this use at its current location.

Ms. Anderson stated that she has attended many of the big.small.all meetings which have been held and at most of the meetings the teenagers indicate that more recreation and activities need to be provided for the

County's teens.

Ms. Wysocki stated that she empathizes with both sides of the case. She asked that if the "the shed" is such a good thing and is a positive influence in the lives of the County's teenagers in an area where recreation and entertainment is not readily available why can't the group find a location in downtown Mahomet. She asked if there was something magical about being in the rural area with this venue.

Ms. Anderson stated that the minutes indicate that Mr. Willard has put a lot of his own money into the venue and is not recuperating much of his money back. She said that the minutes also indicate that the owners have looked into holding their venue at other locations but it requires revenue which is not available.

Mr. Hall stated that the petitioner testified at the public hearings that in his opinion this rural location is better because it was removed from the interferences with older and younger adults which is a problem when he has an event in an urban area. He said that the owners have looked for other locations but it tough to beat a location where you already have a building and you don't have pay to hold your venue there.

**The motion carried unanimously by voice vote.**

**10. Recreation and Entertainment License: Last Call for Alcohol, Inc, 105 Main St, Penfield, IL. September 14, 2006 through December 31, 2006.**

**Mr. Moser moved, seconded by Mr. Hunt to approve the Recreation and Entertainment License for Last Call for Alcohol, Inc, 105 Main St, Penfield, IL.**

Ms. Wysocki noted that Last Call for Alcohol, Inc, is located in the building formerly known as the R & L Roadhouse. She said that all licenses are being requested by the new owner.

**The motion carried by voice vote.**

**11. Zoning Case 522-AT-05: Zoning Administrator  
TEXT AMENDMENTS PROPOSED AS PART OF PHASE ONE OF THE CHAMPAIGN  
COUNTY COMPREHENSIVE ZONING REVIEW (CZR) PARTS A-M.**

**Mr. Moser moved, seconded by Mr. McGinty to defer Zoning Case 522-AT-05 to the November 2006 ELUC meeting.**

Mr. Moser stated that several members of the Republican caucus have contacted him about the possibility of forwarding this to the County Board on September 21<sup>st</sup> and seeing it die. He said that there are portions of the Draft Ordinance which the Republicans, Democrats and the public do not agree with although there are portions which all parties do agree with. He said that if nothing else there are some areas in the existing Ordinance which need to be corrected such as the Rural Residential Overlay (RRO). He said that he appreciates Mr. Fabri's comments given at the County Board Study Session on September 12, 2006, regarding the environment. He said that the County has spent a ton of money on hearings, staff time and ten

years of discussing and cussing the Ordinance therefore it has come to the point that if staff can present some ideas that everyone can agree upon then they should be given the opportunity to do so. He said that the County Board is never going to make all of the landowners in Champaign County happy. He said that during the County Board Study Session the effect of the large rural subdivisions on the township government was never discussed. He said that there were issues with some of the existing rural subdivisions that were never addressed and complaints continuously keep coming in about drainage and flooding. He said that when you discuss these subdivisions with the city planners they indicate that they do not want subdivisions which are located outside of their one-and-one-half mile jurisdiction, with existing problems annexed in to the city. He said that the owners of the previously proposed RRO north of St. Joseph spent a lot of money in engineering and planning and it is behooving to inform those people of the possibilities of gaining approval prior to expending their dollars to gain that approval. He said that normally a frontage protest is filed on an RRO and there are several RROs which have never seen the light of day at the County Board. He said that there was only one map amendment protest which was overridden and that was a political issue. He said that it is fine with most people if someone wants to put in a big subdivision in the rural areas of the County until those people become adjoining landowners then it is not fine. He said that currently there are problems with a subdivision next to Homer Lake and there are rumors of dry wells and that the septic systems are polluting Homer Lake. He said that he has a broker's license and he has sold some houses and a lot of farmland. He said that he has been at many meetings when someone from the Sandwell Subdivision or Arrow Place Subdivision comes to the Committee with a problem that the County could not do anything about.

Mr. McGinty stated that he echoes many of Mr. Moser's comments and also appreciated Mr. Fabri's environmental comments. He said that he is also concerned about putting the good work of the staff in action because if a super-majority is required from the County Board it will be very difficult to achieve an approval. He said that it is very difficult for the County to have a mutually acceptable zoning ordinance without a comprehensive plan for the County. He said that the County and others have paid a lot of money toward a vision statement for big.small.all which isn't even done yet. He said that hopefully big.small.all will provide a vision from which a comprehensive plan can be developed and a good zoning ordinance should fall in line. He said that it appears that the County is doing all of this in a backwards manner when perhaps the County should be putting its efforts toward a plan that hopefully the work from big.small.all has begun.

Ms. Anderson stated that with the elections coming up she is concerned with the motion to defer this item to November.

Mr. Moser stated that he spoke to Ms. Busey about getting this item to the Board in November and she informed him that the current County Board must consider this item for final approval. He said that Ms. Busey indicated that the County will be far enough along in the budget process that the County Board will have time to deal with this item.

Ms. Wysocki stated that she also spoke to Ms. Busey and it appears that in November all of the budget issues will fall in to place and there will not be any last minute negotiations. She said that the County Board will know well in advance what the budget is going to look like therefore the County Board will be in the

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position to deal with the Zoning Ordinance. She noted that the current County Board will be able to vote upon this item at the November County Board meeting.

Ms. Anderson stated that she is still concerned with the November deferral date.

**The motion carried with one opposing vote from Mr. Langenheim.**

**12. Monthly Report for August, 2006**

Mr. Hall indicated that time did not allow for preparation of the August monthly report therefore the June, July and August monthly reports will be included in the October, 2006, ELUC packet for the Committee's review.

**13. Other Business**

None

**14. Determination of Items to be placed on the County Board Consent Agenda**

**The consensus of the Committee was to place Items #8 and #9 on the County Board Consent Agenda.**

**15. Adjournment**

**Mr. Moser moved, seconded by Mr. Fabri to adjourn the September 13, 2006, ELUC meeting. The motion carried by voice vote.**

The meeting adjourned at 7:39 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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