

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: March 1, 2007

PLACE: Lyle Shields Meeting Room
(Meeting Room 1)

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Doug Bluhm, Dennis Goldenstein, Debra Griest, Joseph L. Irle, Richard Steeves, Melvin Schroeder, Roger Miller

MEMBERS ABSENT : None

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

OTHERS PRESENT : Tom Berns, Bill Cope, Tom Courson, David Atchley, Tanna Fruhling, Jenny Park, Pius Weibel (County Board Chair)

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearing

Case 555-AM-06 Petitioner: James T. Battle Request: Amend the Zoning Map to change the zoning designation from the B-3, Highway Zoning District to the B-4, General Business Zoning District. Location: A 5.0 acre tract located in the Northeast 1/4 of the Northeast 1/4 of Section 24 of Hensley Township and commonly known as the field north of the I-57 interchange in Section 24 of Hensley Township.

Mr. Steeves stated that he must abstain from Case 555-AM-06.

1
2 Mr. Hall distributed a Supplemental Memorandum dated March 1, 2007, to the Board for review. He said
3 that the memorandum includes a letter from the Hensley Township attorney which indicates that Hensley
4 Township intends to protest the proposed rezoning. He said the letter discusses the following reasons for
5 Hensley Township's protest: weight restrictions on the township road; and the significant increase in
6 oversized traffic that would result from the intended rezoning; and concern about the existing drainage tile.
7 He noted that the letter from the Hensley Township attorney is not a formal letter of protest. He said that a
8 formal letter of protest would have to be received within 30 days of the ZBA's action. He said that upon
9 receipt of Mr. Schurter's letter staff faxed a copy of the letter to Jenny Park, legal representative for Mr.
10 Battle. He said that as a result of the letter from Mr. Schurter, the distributed memorandum summarizes
11 staff's recommendations for new items to the Finding of Fact.

12
13 Ms. Griest asked the Board if they had any questions for Mr. Hall and there were none.
14
15 Ms. Jenny Park, legal representative for Mr. Battle requested that Case 555-AM-06, be continued to the
16 April 26, 2007, ZBA meeting. She said that this request would allow time for the Petitioner to respond to
17 the Supplemental Memorandum dated March 1, 2007 and the letter of objection from the Hensley Township
18 Attorney, which she just received this afternoon.

19
20 Ms. Griest stated that the docket indicates that the April 26, 2007, hearing date is closed.
21
22 Mr. Hall stated that the docket does indicate that there is room for one continued case therefore this case
23 could fill that slot.

24
25 Ms. Griest asked the Board if they had any questions for Ms. Park.
26
27 Mr. Irle asked Ms. Park if she was prepared tonight to address why the petitioner desires to rezone from B-3,
28 Highway Business Zoning to B-4, General Business Zoning.

29
30 Ms. Park stated that the intent is still the same. She said that there is more opportunity for development if
31 the property is rezoned from the B-3 district to the B-4 district.

32
33 Mr. Irle asked Ms. Park if there was any specific use desired at this time.
34
35 Ms. Park stated no.

36
37 Ms. Griest asked the audience if there was anyone else in attendance who desired to present testimony for
38 Case 555-AM-06 at this time and there were none.

39
40 Ms. Griest requested a motion for continuance.

41
42 **Mr. Irle moved, seconded by Mr. Goldenstein to continue Case 555-AM-06, James T. Battle to the**
43 **April 26, 2007, meeting. The motion carried by voice vote.**
44

1
 2 **Case 573-AM-06** Petitioner: **William Cope and Mary Kalantzis** Request: **Amend the Zoning Map to**
 3 **allow for the development of 3 single family residential lots in the CR, Conservation Recreation**
 4 **Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.** Location: **An 18.96**
 5 **acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of**
 6 **Section 32 of Somer Township, and commonly known as the tree farm at 4100 North Lincoln Avenue.**

7
 8 **Case 579-AM-07** Petitioner: **William Cope and Mary Kalantzis** Request: **Amend the Zoning Map to**
 9 **change the zoning district designation from the AG-2, Agriculture Zoning District to the CR,**
 10 **Conservation Recreation Zoning District.** Location: **A 10 acre tract that is approximately the West**
 11 **Half of the East Half of the Northeast Quarter of the Northeast Quarter of Section 32 of Somer**
 12 **township, and commonly known as the western half of the tree farm at 4100 North Lincoln Avenue. It**
 13 **is the western portion of an approximately 19 acre tract that is split zoned; the eastern nine acres are**
 14 **zoned CR.**

15
 16 Ms. Griest called Case 573-AM-06 and Case 579-AM-07 concurrently.

17
 18 Mr. Hall distributed a Supplemental Memorandum dated March 1, 2007, for Case 573-AM-06, to the Board
 19 for review. He said that the new memo has a revised land use map which calls out the livestock management
 20 facility, showing the one-half mile radius, and calling out all of the non-farm residences within one-half mile
 21 of the facility. He said that attached to the new memo is a letter dated February 26, 2007, from CRB Trust
 22 which is an adjacent property owner. He said that the letter indicates that there is access to a portion of CRB
 23 Trust’s tract over the subject property. He said that the access is not a recorded easement and is more
 24 relevant to the subdivision platting stage.

25
 26 Mr. Hall distributed a table titled, “Summary of Evidence in Support of Suitability with Evidence against
 27 Suitability” to the Board for review. He said that the Supplemental Memorandum dated February 23, 2007,
 28 includes the Endangered Species Report from IDNR. He said that the normal procedure for the Board
 29 would be to do the RRO analysis based on a hypothetical alternative to the RRO while the RRO case applies
 30 to the entire property. He said that if the petitioner would choose to revise the RRO case to go along with
 31 what staff is proposing as an analytical assumption they could do that. He said that for purposes of the
 32 analysis it is helpful to identify the RRO alternative which removes Lot 4 from the RRO. He said that
 33 removing Lot 4 makes the RRO look better and Lot 4 could be done without the RRO. He said that there
 34 has been no new evidence on Case 579-AM-07 since the beginning therefore the only information that the
 35 Board has received was the Preliminary Memorandum dated February 9, 2007.

36
 37 Ms. Griest asked Mr. Hall if he anticipates any additional evidence for Case 579-AM-07.

38
 39 Mr. Hall stated no.

40
 41 Ms. Griest asked the Board if they had any additional questions for Mr. Hall and there were none.

42
 43 Mr. Hall noted that at the February 16, 2007, meeting of the City of Urbana Plan Commission a
 44 recommendation of “no protest” was forwarded to the City of Urbana Council. He said that Mr. Knight

1 contacted the Prairie Fruits Farm, the livestock management facility north of the subject property, and
2 informed them of the proposed RRO. He said that at this time no written comments have been received
3 from Prairie Fruits Farm and they are not in attendance for tonight's meeting. He said that the RRO does
4 not affect any changes to the livestock facility's rights under the *Illinois Livestock Facility Management Act*.
5 He said that the by-right lots are enough to trigger the higher requirements and the RRO just adds more
6 homes.

7
8 Mr. Irle asked Mr. Hall if the outlet at the curve will be widened.

9
10 Mr. Hall stated that the curve has not been widened. He said that Mr. Irle may want to ask the engineer if
11 there is any room for adjustment or if any discussions have been conducted with the City of Urbana about
12 this issue.

13
14 Mr. Irle stated that at the very least the area west of the drive should be cleared somewhat to improve
15 visibility.

16
17 Ms. Griest asked the Board if there were any additional questions for Mr. Hall and there were none.

18
19 Mr. Tom Berns, Engineer with Berns, Clancy and Associates distributed a copy of the aerial photo plan of
20 the Cope Subdivision. He said that before the subdivision process with the City of Urbana is finalized there
21 will be a modification to the road eliminating the "elbow" in the road. He said that the road will be
22 constructed diagonally from the northeasterly extension of the road towards Olympian Drive and then will
23 go southwesterly until it blends back in to Lincoln Ave. He said that he cannot make a comment as to
24 whether the City of Urbana will be interested in making a minor modification in the road at this time but
25 they have informed him that they do intend to take the bend out of the road therefore the reason for the
26 Outlot 3. He said that when the schematic plan is submitted to the City of Urbana the road issue will be
27 resolved. He said that the Ecological Compliance Assessment which was included in the Supplemental
28 Memorandum dated February 23, 2007, has been completed and determined a "clear report."

29
30 Mr. Berns stated that the rezoning requests are in compliance with the City of Urbana's Comprehensive Plan
31 for this area. He said that the adjacent landowners have been contacted and no objections have been
32 received to date. He said that the letter regarding the CRB Trust property is in regard to the wooded land
33 and will probably not be developed upon. He said that the letter indicates that there is an unrecorded
34 easement which allows their access to their property and this issue will be resolved as a part of the
35 finalization of the subdivision. He said that the property with the existing home will need to grant an
36 easement to Mr. Bates for access to his property but again this issue will be addressed during finalization of
37 the subdivision. He said that there will be a modification of the access to the adjacent landowner, the McKay
38 property, for an easement of access.

39
40 Mr. Irle asked Mr. Berns if the McKay's have a recorded easement of access.

41
42 Mr. Berns stated that he does not believe that a recorded easement of access exists.

43
44 Mr. Berns stated that the subject property is not considered best prime farmland and the LESA value also

3/01/07

AS APPROVED MAY 17, 2007

ZBA

1 indicates such. He said that he appreciates the process for these determinations and he is complimentary to
2 both the staff and the system of this process of summary of evidence and evaluation of those issues. He said
3 that he has been a planning staff member for the Village of Mahomet for 32 years and this process is an
4 effective communication tool for people to understand the process. He said that the distributed table
5 indicates that the requested RRO is "Ideal" or "Nearly Ideal" or "Much Better" and not one evaluation on
6 the table is designated at "Poor" or "Bad." He requested the Board's support.
7

8 Mr. Steeves asked Mr. Berns if the petitioner intends to build on any certain lot.
9

10 Mr. Berns stated that the petitioner intends to build upon Lot 1. He said that their original intention was to
11 only build their home but after speaking with staff it was determined that they would request the RRO in
12 case they desire to give others an opportunity to live in the area. He said that the area may very easily
13 remain as it is with only the addition of the petitioner's home.
14

15 Ms. Griest asked the Board if there were any additional questions for Mr. Berns and there were none.
16

17 Ms. Griest asked if staff had any questions for Mr. Berns and there were none.
18

19 Ms. Griest asked the audience if there was anyone else in attendance who desired to present testimony for
20 Case 573-AM-06 or Case 579-AM-07, at this time and there were none.
21

22 Ms. Griest closed the witness registers.
23

24 Ms. Griest stated that unless the Board disagrees, she would like the Board to make a final determination on
25 Case 579-AM-07, prior to Case 573-AM-06.
26

27 **Summary of Evidence for Case 579-AM-07:**
28

29 Mr. Hall stated that staff recommended conformance or achievement with all goals and policies. He said
30 that the Board will need to reaffirm this recommendation prior to taking final action. He said that staff has
31 not added all of the Documents of Record for Case 573-AM-06 to the Documents of Record for Case 579-
32 AM-07. He said that he does not feel that it is necessary given that the issues that relate to whether the
33 subject property should be rezoned from AG-2 Agriculture to CR Conservation Recreation could be viewed
34 as being separate from all the issues in the RRO but on the other hand the only reason that it is being
35 proposed to be rezoned is to facilitate the development of the RRO. He said that the Board could make a
36 motion to add all of the Documents of Record for Case 573-AM-06 to the Documents of Record for Case
37 579-AM-07.
38

39 Mr. Bluhm stated that adding these documents would make sense. He asked if it is necessary to add an item
40 regarding the City of Urbana's "no protest."
41

42 Mr. Hall stated that the City of Urbana did also consider Case 579-AM-07 and a recommendation of "no
43 protest" was received. He said that a new sentence should be added to Item #10.B. of the Summary of
44 Evidence for Case 579-AM-07 as follows: At their February 16, 2007, meeting the City of Urbana Plan

1 Commission considered this case and voted to forward a recommendation of “no protest” to the city council.
2 He said that a new Item #3 should be added to the Documents of Record for Case 579-AM-07 indicating the
3 following: All Documents of Record for related Case 573-AM-06.
4

5 **Mr. Bluhm moved, seconded by Mr. Irle, to affirm all staff recommendations for CONFORMS OR**
6 **ACHIEVES in Case 579-AM-07. The motion carried by voice vote.**
7

8
9 **Final Determination for Case 579-AM-07:**

10
11 **Mr. Bluhm moved, seconded by Mr. Goldenstein that pursuant to the authority granted by Section 9.2**
12 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
13 **determines that the Map Amendment requested in Case 579-AM-07 should be enacted by the County**
14 **Board.**
15

16 The roll was called:
17

18	Bluhm-yes	Goldenstein-yes	Irle-yes
19	Miller-yes	Schroeder-yes	Steeves-yes
20	Griest-yes		

21
22 **Summary of Evidence for Case 573-AM-06:**
23

24 Mr. Hall stated that Item #3 of the Summary of Evidence should include the following: At the February 16,
25 2007, meeting the City of Urbana Plan Commission considered this case and voted to forward a
26 recommendation of “no protest” to the city council. He said that a new Item #9.E should state the following:
27 The property at the northeast corner of the subject property (parcel 25-15-32-100-003) gains access from
28 Lincoln Avenue by means of an easement over proposed Lot 5. He said that a new Item 9F. should state the
29 following: A letter received on February 27, 2007, from George Bates indicated that the property on the
30 east border of the subject property (parcel 25-15-32-226-001) gains access to the portion of that property on
31 the west side of the Saline Branch Drainage Ditch over a lane that may partially lie in proposed Lot 5. He
32 noted that the original Item #9.E included in the Revised Draft Finding of Fact dated February 23, 2007, will
33 be become a new Item #9.G and the original Item #9.F should become new Item #9.H.
34

35 Mr. Hall stated that when the RRO alternative was adopted it is staff’s opinion that the rating for flood
36 hazard would be moved up to “More or Less Typical” given that only small parts of three lots in the RRO
37 were in the Special Flood Hazard Area. He said that Item #22.D regarding flood hazard would move up
38 under Item #22.C in regard to “More or Less Typical” eliminating Item 22.D.
39

40 Ms. Griest asked Mr. Hall if Mr. Berns’ testimony should be indicated regarding the City of Urbana’s long
41 range plan. She said that including his testimony would indicate that the Board did review this issue and
42 there is a long range solution.
43

44 Mr. Bluhm stated that Item #11.F. refers to the road.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

Mr. Hall stated that the following text should be added to Item #11.F: the realignment should mitigate any safety concerns at the intersection with Lincoln Avenue.

Mr. Bluhm asked if Mr. Berns’ testimony regarding the access to the adjacent property will be dealt with during the subdivision process with the City of Urbana.

Mr. Hall stated that the following text could be added to the new Item #9.F and Item #9.G : Tom Berns testified at the March 1, 2007, public hearing that access concerns will be addressed in the subdivision platting with the City of Urbana.

Mr. Hall stated that a new Item #8 should be added to the Documents of Record indicating the following: Supplemental Memorandum dated March 1, 2007 with attachment A and B. He said that a new Item #9 should be added to the Documents of Record indicating the following: Summary of Evidence in Support of Suitability with Evidence against Suitability handed out at the March 01, 2007, public hearing. He said that he would amend the Finding of Fact to read “IS SUITED” or “IS NOT SUITED” and “IS USED IN THE MOST EFFICIENT WAY/IS NOT USED IN THE MOST EFFICIENT WAY” is no longer relevant because the subject property is not considered best prime farmland.

Finding of Fact for Case 573-AM-06:

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on February 15, 2007 and March 1, 2007, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site is Suited overall for the development of 3 residences.

Mr. Goldenstein stated that the proposed site is suited overall for the development of 3 residences because every category is rated as “Typical” or Better” with no negative finding.

Mr. Steeves added to Mr. Goldenstein’s statement that Lot 4 could be developed by right therefore it is not considered.

Mr. Bluhm stated that the proposed site is suited overall for the development of 3 residences because no farmland is being taken out of production.

Ms. Griest stated that the proposed site is suited overall for the development of 3 residences because it is in accordance with the City of Urbana’s long range comprehensive plan for development of this area.

Mr. Steeves stated that the proposed site is suited overall for the development of 3 residences because no endangered species have been identified on the subject property.

Mr. Bluhm stated that the only despite that would be applicable would be where the road entering the subdivision intersects with Lincoln Avenue is not ideal at this time but will be mitigated during the finalization of the subdivision process with the City of Urbana.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

2. Development of the Proposed Site under the proposed Rural Residential Overlay development WILL BE COMPATIBLE with surrounding agriculture.

Mr. Bluhm stated that the development of the proposed site under the proposed Rural Residential Overlay development will be compatible with surrounding agriculture because the subject property is surrounded by two sides by agricultural property. He said that the property drains directly to the Saline Branch with very limited upstream watershed and there is no evidence of drainage tile outlets to the Saline Branch from the subject property.

Mr. Goldenstein stated that the development of the proposed site under the proposed Rural Residential Overlay development will be compatible with surrounding agriculture because the ingress and egress is going to be in one location which will feed off of Lincoln Avenue which should mitigate the effect on farming operations.

Mr. Steeves stated that the development of the proposed site under the proposed Rural Residential Overlay development will be compatible with surrounding agriculture because the petitioner plans to maintain the tree farm is close to its present condition.

Mr. Irle stated that the development of the proposed site under the proposed Rural Residential Overlay development will be compatible with surrounding agriculture despite there is a livestock facility within one-half mile from the subject property but the RRO will have no additional impact on expansion of the livestock management facility under the terms of the *Illinois Livestock Facility Management Act*.

Mr. Irle moved, seconded by Mr. Steeves to adopt the Summary of Evidence, Documents of Record and Finding of Fact, as amended, for Case 573-AM-06. The motion carried by voice vote.

Mr. Bluhm moved, seconded by Mr. Goldenstein to close the public hearing for Case 573-AM-06. The motion carried by voice vote.

Final Determination for Case 573-AM-06:

Mr. Goldenstein moved, seconded by Mr. Steeves that pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Map Amendment requested in Case 573-AM-06 should be enacted by the County Board.

The roll was called:

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

3/01/07

AS APPROVED MAY 17, 2007

ZBA

1 Mr. Hall stated that the Board has determined a recommendation for approval and staff will do its best to
2 forward these cases to ELUC at their March 12, 2007, meeting.

3
4 Ms. Griest stated that she failed to entertain a motion to adopt the Documents of Record and Finding of Fact
5 for Case 579-AM-07.

6
7 **Mr. Irle moved, seconded by Mr. Steeves to adopt the Summary of Evidence, Document of Records
8 and Finding of Fact for Case 579-AM-07. The motion carried by voice vote.**

9
10 **Mr. Bluhm moved, seconded by Mr. Goldenstein to close the public hearing for Case 579-AM-07. The
11 motion carried by voice vote.**

12
13
14 **6. New Public Hearings**

15
16 **Case 576-S-07 Petitioner: Tom Courson Request: On a property in the B-3, Highway Business Zoning
17 District authorize the following: Part A: The construction and use of a seven-unit self storage
18 warehouse with heat and utilities to individual units as a Special Use; and Part B: As a second Special
19 Use, the following two principal uses on the same property: 1. the ongoing use of a tree nursery; and
20 2. the self-storage warehouse requested in Part A. Location: An 11.81 acre tract of land in the North
21 Half of the Northeast Quarter of Section 24 of Hensley Township and commonly known as the tree
22 farm at 31 East Hensley Road, Champaign.**

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

31
32 Mr. Steeves stated that he must abstain from Case 576-S-07.

33
34 Mr. Hall distributed a Supplemental Memorandum dated March 1, 2007, to the Board for review. He said
35 that attached to the memo is a letter from Brian Schurter, Hensley Township attorney, indicating that their
36 primary objection is the same as in Case 555-AM-06 regarding the weight restrictions for the road and
37 resulting increase in traffic that would result from the request. He said that the Supplemental Memorandum
38 dated March 1, 2007, outlines the new evidence which needs to be added to Item #9.E. of the Summary of
39 Evidence. He said that when the Board is ready to take final action he would like to add new evidence to
40 Item #3.B of the Summary of Evidence regarding the Hensley Township Planning Commission. He
41 reminded the Board that townships and planning commissions do not have protest rights in special use
42 permit cases but just like municipalities, staff requests comments from them.

43
44 Mr. Bluhm noted that Item #9.E of the Preliminary Draft Summary of Evidence should be corrected to

1 indicate that the subject property fronts the south side of CR 2100N and not the east side of CR 2100N.

2
3 Mr. Hall stated that the new evidence under Item #9.E. a subparagraph (7) has been added to indicate the
4 following: At this time staff has not tried to estimate the increase in traffic that would result from the
5 proposed Special Use, but the increase should be small. He said that the proposed construction is a seven
6 unit self-storage warehouse and it is difficult to estimate in a meaningful way the amount of traffic that
7 would result from such a warehouse but he would believe that it would be a very small increase.

8
9 Mr. Irle stated that Item #9.C indicates that there are no gates indicated on the site plan but Item #9.A
10 indicated that the location will be fenced and gated. He asked Mr. Hall if the Petitioner will be required to
11 revise his site plan prior to approval.

12
13 Mr. Hall stated that whether the Petitioner is required to revise his site plan is up to the Board.

14
15 Mr. Irle asked Mr. Hall if the Petitioner was allowed a temporary permit to build a building.

16
17 Mr. Hall stated that staff documents indicate that a Zoning Use Permit Application was submitted for a
18 warehouse but subsequently staff discovered that this building was for a self-storage warehouse. He said
19 that staff contacted Mr. Courson and he applied for a Special Use Permit. He said that he cannot explain the
20 confusion but the original permit for a ZUPA was only for a warehouse.

21
22 Mr. Irle stated that there are actually two business entities that will be operating at this location.

23
24 Mr. Hall stated yes, if the Special Use Permit is approved. He said that there are two parts to the Special
25 Use Permit, Part A is for the self storage warehouse and Part B, if Part A is approved, is for the two
26 principal uses on one property.

27
28 Ms. Griest stated that there is no reason why someone who owns such a business could not build a
29 warehouse for private use.

30
31 Mr. Hall stated that Ms. Griest is correct.

32
33 Ms. Griest asked Mr. Hall if there were any building plans submitted with the application.

34
35 Mr. Hall stated no. He said that only the building perimeters was submitted with the ZUPA but the
36 application for the Special Use Permit would require the plans.

37
38 Mr. Bluhm asked if those plans were included in the packet.

39
40 Mr. Hall stated no.

41
42 Ms. Griest requested the height of the building.

43
44 Mr. Hall stated that the building is a rigid frame with a cross slope at the high side at 16 feet and at the low

1 side it is 14 feet.
2
3 Ms. Griest asked the Board if they had any additional questions for Mr. Hall and there were none.
4
5 Mr. Tom Courson, who resides at 2102 Belmont Park Lane, Champaign stated that there will be a fence and
6 gate across the driveway opening. He said that the six foot fence will be constructed of aluminum square
7 tubing which will be painted black. He said that the building is a single slope building which is 16 feet in
8 height at the west end and slopes to 14 feet at the rear of the building which will accommodate a 14 foot
9 overhead door. He said that the slope will allow the rain to drain off to the back of the building which will
10 be directed to the retention pond.
11
12 Mr. Irle asked Mr. Courson if he will be operating both businesses from one location.
13
14 Mr. Courson stated yes. He said that he will be growing trees on the back of the property behind the pond.
15
16 Mr. Irle asked Mr. Courson if the large berm would be hauled off the property.
17
18 Mr. Courson stated no. He said that top soil will be utilized on site.
19
20 Mr. Bluhm requested the dimensions of the building.
21
22 Mr. Courson stated that the building is 48 feet deep by 100 feet wide. He said that there will be six units
23 which are 14 feet wide by 48 feet deep and one unit will be 16 feet wide and 48 feet deep.
24
25 Mr. Irle asked Mr. Courson if the units will have lighting and will be heated.
26
27 Mr. Courson stated yes. He said that the units will have lighting and will have hot water in-floor heat.
28
29 Mr. Irle asked if anyone else will be on site.
30
31 Mr. Courson stated no. He said that he will be the only person on the site.
32
33 Mr. Irle stated that during a previous, similar case the question was asked how a “meth lab” would be
34 prohibited from occurring in one of the units since electricity, water and heat is being provided.
35
36 Mr. Courson stated that he does not provide water. He said that minimal electricity would be provided from
37 a 115 volt outlet. He said that renewable energy will be utilized on the site therefore it can’t accommodate
38 much use of electricity.
39
40 Mr. Irle asked Mr. Courson how the gates will be opened.
41
42 Mr. Courson stated that the gates will have a coded keypad with restricted access.
43
44 Mr. Hall noted that on the small scale site plan there is a proposed wind generator to act as the source for the

1 electricity.
2
3 Mr. Courson stated that the original plan indicated solar and propane heat.
4
5 Mr. Bluhm asked Mr. Courson what his target market was for the storage units.
6
7 Mr. Courson stated that his target market is RV and boat storage thus the reason for the heat.
8
9 Mr. Bluhm stated that the Board has had the problem before with electrical outlets in storage units.
10
11 Mr. Hall stated that the previous case was in the AG-2 district where self storage warehouses with heat and
12 utilities are not allowed. He said that self storage warehouses are allowed in the B-3 district as a special use
13 therefore there are no particular requirements other than what the Board would require in feeling
14 comfortable in allowing this use at this location. He said that the reason that this was an issue before was
15 because general utilities were not suppose to be provided and in that particular case the petitioner guaranteed
16 the Board that the utility would only be used for trickle charging and no other purpose. He said that the
17 petitioner provided special lighting which would prevent someone from removing the light bulb to gain
18 access to electricity and the units were not heated. He said that these things are not required because heat
19 and utilities are allowed as part of the special use permit.
20
21 Ms. Griest asked Mr. Courson if he is planning to provide individual utility service to each individual unit.
22
23 Mr. Courson stated that one outlet would be provided for each unit.
24
25 Ms. Griest asked Mr. Courson if each unit would have its own electric meter.
26
27 Mr. Courson stated no.
28
29 Mr. Hall stated that in the previous case it was clear that if all of the units were rented for a particular type of
30 use then, in a zoning sense, the use becomes whatever that use is at that time. He said that if storage of
31 commercial vehicles becomes dominant then the question will arise whether the use is a self storage
32 warehouse or a bus garage. He said that Mr. Courson has made it clear that his intent is to have it available
33 for self storage of boats and RV's. He said that the Board may want to add something to the Finding of Fact
34 making it clear that if the use becomes overwhelming a specific kind of use then the overall use will change.
35 He noted that many of the uses which this could become would be allowed in B-3 anyway.
36
37 Ms. Griest asked if there were two bus companies or five bus companies renting all seven units is it still
38 considered self storage or a bus garage.
39
40
41 Mr. Irlle asked Mr. Courson the size of the gates.
42
43 Mr. Courson stated that there will be two 16' x 32' foot wide swing gates.
44

3/01/07

AS APPROVED MAY 17, 2007

ZBA

- 1 Mr. Miller stated that the size of the gates will restrict the size of vehicle going in to the facility. He said
2 that the 64 foot area between the gate and the building will limit maneuvering.
3
- 4 Mr. Bluhm stated that he has seen a semi truck with trailer maneuver in an area less than 64 feet.
5
- 6 Mr. Hall asked Mr. Courson what the practical limit would be for amperage.
7
- 8 Mr. Courson stated that once anyone tries to go over 15 amps the breaker will trip. He said that the lights
9 will be on a timer switch so that the lights will only stay on for a maximum time of one hour.
10
- 11 Mr. Bluhm asked Mr. Courson if the light will be a sealed type fixture.
12
- 13 Mr. Courson stated that he was going to use a compact fluorescent bulb with a screw in base. He said that
14 there will not be enough light for anyone to work in the unit.
15
- 16 Mr. Hall asked Mr. Courson if the renters in the units will have access at anytime or during business hours.
17
- 18 Mr. Courson stated that the renters will have the access code so that they have 24 hour access. He said that
19 he could restrict the access with a timer.
20
- 21 Mr. Bluhm asked Mr. Courson if exterior lighting will be provided.
22
- 23 Mr. Courson stated that there will be fluorescent lighting on the exterior of the buildings.
24
- 25 Ms. Griest asked Mr. Courson if lighting would be provided on all sides of the building or only on the side
26 with the access doors.
27
- 28 Mr. Courson stated that lighting would only be provided on the sides with the access doors. He said that one
29 light would be provided for every two units. He said that he currently has a light on the building that is used
30 for the tree farm and the light reflects down to the concrete therefore putting out sufficient light.
31
- 32 Mr. Irlé asked Mr. Courson if the hours of operation or number of employees have increased for the tree
33 farm.
34
- 35 Mr. Courson stated no.
36
- 37 Ms. Griest asked the Board if there were any additional questions for Mr. Courson and there were none.
38
- 39 Ms. Griest asked if staff had any additional questions for Mr. Courson and there were none.
40
- 41 Mr. Hall stated that a recent opinion from the State's Attorney was that testimony that is given, especially
42 testimony in special use cases, does not automatically become a requirement of the approval. He said that
43 this testimony is only enforceable if the testimony is made a condition or included in writing. He said that
44 there has been a lot of extra evidence given during this public hearing that any part of that testimony which

1 is especially significant to the Board should be made a condition. He said that in regard to the lighting he
2 would recommend that the Board require a building elevation showing how many lights, a site plan which
3 indicates the gate and perhaps a plan of a typical unit indicating how many lights and outlets would be
4 provided.

5
6 Mr. Goldenstein stated that he agrees.

7
8 Mr. Bluhm stated that the type of heat that is being proposed in this request is acceptable but if a different
9 type of heat is allowed which the renters would have control over would be unacceptable.

10
11 Mr. Courson stated that he will control the heat for the units.

12
13 Mr. Hall stated that it appears that the Board would like to have these issues in writing. He said that this
14 procedure would assist with enforcement at a later date, if necessary.

15
16 Ms. Griest stated that these issues should either be included in the drawings so that the Board could adopt
17 the drawings or as a condition for approval.

18
19 Mr. Hall stated that it would be easier to have these items in the drawings so that the condition could refer to
20 those adopted drawings.

21
22 Mr. Schroeder stated that having these items in writing would also be beneficial for future owners.

23
24 Mr. Goldenstein stated that the hours of operations should also be indicated and perhaps posted on site.

25
26 Mr. Courson stated that he has an RV and many times it may be midnight before he arrives home therefore
27 that is why he was going to have 24-hour access.

28
29 Ms. Griest stated that she does not have a problem with 24-hour access as long as the use is restricted and
30 the facility is gated with a security keypad. She said that she would like the gates and fencing indicated on
31 the plans.

32
33 Mr. Bluhm stated that the previous case indicated a tile running through this parcel. He asked if any tiles
34 were located during construction of the retention pond.

35
36 Mr. Courson stated no. He said that the approximately five feet deep in to the property there is a sand vein
37 which is approximately five foot thick. He said that he has a hard time keeping water in his pond for
38 irrigation purposes.

39
40 Ms. Griest asked the Board if there were any additional questions for Mr. Courson and there were none.

41
42 Ms. Griest asked if staff had any questions for Mr. Courson and there were none.

43
44 Mr. Hall asked the Board if there was a resolution on the access issue. He asked if the Board would like Mr.

3/01/07

AS APPROVED MAY 17, 2007

ZBA

1 Courson to consider limited access or is the Board comfortable with 24 hour access as long as it is gated and
2 has video surveillance.

3
4 Mr. Schroeder stated that 24-hour access is acceptable.

5
6 Mr. Bluhm stated that he does not have a preference since the use is basically for RV's and boats. He said
7 that he will have a problem with the use if it becomes a storage unit for buses.

8
9 Mr. Hall reminded the Board that bus garages are allowed by right in the B-3 district. He said that two uses
10 on one lot does require a special use permit.

11
12 Mr. Bluhm stated that in a previous case there was an issue of not only buses being parked inside the storage
13 units but maintenance was being done on the buses at the location.

14
15 Ms. Griest stated that this is allowed in the B-3 district. She asked the Board if the hours of operation
16 should be restricted and posted.

17
18 The consensus of the Board was that 24-hour restricted access is allowable as described.

19
20 Ms. Griest asked if anyone in attendance desired to cross examine Mr. Courson and there was none.

21
22 Ms. Griest asked the audience if anyone desired to present testimony regarding Case 576-S-07 at this time.

23
24 Mr. Dave Atchley, Engineer with HDC Engineering, stated that if the Board had any technical questions
25 regarding the site plan, drainage or possibly the traffic he would be happy to address those issues.

26
27 Mr. Bluhm asked Mr. Atchley if there is an underground tile under the building to catch the runoff and
28 direct it to the retention pond.

29
30 Mr. Atchley stated yes.

31
32 Ms. Griest asked the Board if there were any additional questions for Mr. Atchley and there were none.

33
34 Mr. Hall stated that the Hensley Township Planning Commission raised the issue of increased traffic and he
35 would be hard pressed to do a traffic estimate on a seven unit self storage unit but if Mr. Atchley had any
36 comments regarding increased traffic it would be helpful. He said that if there are any concerns that the
37 Board may have regarding traffic staff could investigate prior to the next meeting date.

38
39 Mr. Atchley stated that he has not researched traffic but he would guess that one trip per week per unit. He
40 said that the township should be tickled in that there are eleven acres which is currently zoned B-3 where a
41 bus garage is allowed by right but the owner chose to only have a seven unit storage facility.

42
43 Mr. Irle asked Mr. Atchley if he is indicating that the proposed use is a lower impact than what is allowed
44 by-right.

1
2 Mr. Atchley stated that he would assume that this is probably one of the lowest impacts that the B-3 district
3 could have other than a flat tree farm.
4
5 Mr. Bluhm asked Mr. Atchley if a concrete driveway will be constructed to the roadside.
6
7 Mr. Courson stated no. He said that the driveway will be gravel.
8
9 Ms. Griest asked the Board if there were any additional questions for Mr. Atchley and there were none.
10
11 Ms. Griest asked if staff had any questions for Mr. Atchley and there were none.
12
13 Ms. Griest asked the audience if anyone desired to cross examine Mr. Atchley and there were none.
14
15 Ms. Griest asked the audience if anyone desired to present testimony regarding this case and there was none.
16
17 Mr. Irle asked Mr. Hall if marketing information should be required for this case.
18
19 Mr. Hall stated that the Board did request marketing information for a previous case. He said that the
20 previous case had 40 units in comparison to seven units therefore there is a significant difference in the
21 request.
22
23 Mr. Irle stated that the Board would base their determination on the scale of the operation.
24
25 Ms. Griest stated that scale impacts traffic and the area as well.
26
27 Mr. Hall stated that in the B-3 district the self-storage warehouse is only allowed by a special use permit
28 therefore to do any more than seven units will require a new special use permit. He said that currently the
29 Board is guaranteed seven units unless something larger is requested and then at that point the Board could
30 require marketing information.
31
32 Mr. Schroeder stated that each self storage unit will have to be dealt with as a separate issue.
33
34 Ms. Griest asked the Board if marketing information is being requested.
35
36 The consensus of the Board was that no marketing information is required at this time.
37
38 **Mr. Bluhm moved, seconded by Mr. Goldenstein to continue Case 576-S-07, Tom Courson to the May**
39 **17, 2007, meeting. The motion carried by voice vote.**
40
41 **7. Staff Report**
42
43 None
44

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

8. Other Business

Mr. Hall stated that staff has been notified by the Treasurer’s office that the yearly tax sale is being held on October 26, 2007. He said that the Lyle Shields Meeting Room must be available on October 25th for setup therefore making the meeting room unavailable for use. He said that the March 15, 2007, agenda will have this issue as an agenda item for determination of rescheduling the October 25, 2007, meeting to Meeting Room Two or cancelling the meeting.

Ms. Griest introduced Mr. Pius Weibel, County Board Chair to the Board.

9. Audience Participation with respect to matters other than cases pending before the Board

None

10. Adjournment

The meeting was adjourned at 8:17 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

ZBA //

DRAFT SUBJECT TO APPROVAL DRAFT

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21