

AS APPROVED JUNE 28, 2012

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61802

DATE: May 17, 2012

PLACE: Lyle Shield's Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 7:00 p.m.

MEMBERS PRESENT: Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad Passalacqua

MEMBERS ABSENT : Roger Miller

STAFF PRESENT : Connie Berry, Andrew Kass, John Hall

OTHERS PRESENT : Timothy Woodard, Daniel Williams, Earl Williams, Jerry Young, Cyndy Woodard, Tony Heckenmueller, Jake Myers

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with one Board member absent and one vacant seat.

3. Correspondence

None

4. Approval of Minutes (April 12, 2012)

Mr. Thorsland stated that the April 12, 2012, minutes were not included in the packet for approval as indicated on the agenda.

Mr. Thorsland entertained a motion to re-arrange the agenda and hear Case 707-S-12, Daniel Williams and landowner Fran Williams prior to Case 685-AT-11, Zoning Administrator.

Mr. Palmgren moved, seconded by Mr. Passalacqua to re-arrange the agenda and hear Case 707-S-12, Daniel Williams and landowner Fran Williams prior to Case 685-AT-11, Zoning Administrator. The motion carried by voice vote.

5. Continued Public Hearing

1
2 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
3 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
4 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
5 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
6 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
7 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
8 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
9 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
10 **driveway separation between driveways in the same development; (4) require minimum driveway**
11 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
12 **(5) require for any proposed residential lot not served by a public water supply system and that is**
13 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
14 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**
15 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**
16 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**
17 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**
18 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**
19 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**
20 **the agency response.**

21
22 Mr. Hall distributed a new Supplemental Memorandum dated May 17, 2012, to the Board for review. He
23 said that the memorandum has the last full version of the amendment dated July, 2011, and this was the last
24 version that the Board reviewed. He said that everything in the amendment is new and that is why it is all
25 underlined and Attachment B includes the revisions that he has been working on but what is really new is
26 double underlined.

27
28 Mr. Hall said that under #1 of Attachment B., regarding the Special Flood Hazard Area, he is proposing a
29 condition indicating that any changes made to the ground elevation of the lot in order to remove the lot from
30 the Special Flood Hazard Area must be specifically approved. He said that this is not actually being more
31 restrictive than the Subdivision Ordinance because if the fill is approved then it is okay and if it is not
32 approved then it is not okay. He said that #2, #3, and #4 of Attachment B, regarding when a street is
33 required and when it is not required and when a special driveway requirement applies, have been completely
34 rewritten and he has had these revisions reviewed by Susan Monte, County Planner for the Regional
35 Planning Commission, and the Department of Planning and Zoning staff and it was determined that the
36 revisions were easier to read and understand. He said that the drawing on the last page of the memorandum
37 indicates a worst case analysis of a two acre best prime farmland RRO lot with the 600 foot separation to the
38 nearest driveway to the right and eventually there will be another driveway to the left. He said that what this
39 drawing indicates is that when there is a clustering of driveways is combines with people's natural tendency

1 to place a house in the center of a lot there will be driveways that are much longer than they are currently and
2 any driveway, if it is not constructed properly, will be inaccessible to a fire truck. He said that one of the
3 revisions is that no matter how far back the house is on the lot a curve has to be accessible by a fire truck and
4 currently in the Ordinance that means a 50 foot minimum centerline radius which means that this will be
5 reviewed during an RRO case. He said that the driveway does not have to be constructed until the house is
6 constructed but where the house is proposed the driveway will have to be accessible for a fire truck. He said
7 that there is also the issue about what distance triggers the 20 foot wide driveway. He said that the diagram
8 indicates a 134 foot driveway and the house only meets the minimum 25 foot front yard but if the driveway
9 is allowed to be 160 feet the driveway will have to be wider because of its length. He said that there is no
10 hard and fast number that should really trigger the wider driveway and the Committee of the Whole accepted
11 140 feet and his explanation to the Committee was that 140 feet is three times the length of a fire truck and if
12 the driveway gets much longer than that then the fire truck should be able to turn around and drive out rather
13 than back out. He said that he has been doing a lot of research regarding driveway standards and he has
14 found other instances of where when the driveway is more than 150 feet long it must be made extra-wide. He
15 said that the Board may feel better at setting that distance at 200 feet but that would be the longest before it
16 is required to be 20 feet wide with a turn around. He said that lots like this are not going to be very common
17 but they will meet all of the County's requirements.

18
19 Mr. Hall stated that the diagram attached to the new Supplemental Memorandum is a layout of a previous
20 RRO that was ultimately withdrawn therefore no final determination was made by the ZBA. He said that if
21 Lot 13 and Lot 8 accessed the new street then Lots 7 and 1 could have the gained driveways off of the public
22 road and Lots 14 and 15 could also have a gained driveway off of the public road and meet these standards
23 and no lot in the RRO would necessarily require a wider driveway.

24
25 Mr. Hall stated that the Schematic Plan of Widholm Subdivision indicates an a typical section of land that is
26 660 feet wide and is so narrow that by the time the wider driveway is placed on the lots that are remote there
27 is not 600 feet of clearance between the inner set of driveways therefore waivers would be required. He said
28 that the 600 foot separation could be reduced to 500 feet and it would not result in more lots but fewer
29 requests for waivers. He said that if there is an RRO and it requires a waiver then approval would be much
30 more difficult to receive therefore 600 feet may not be reasonable. He said that ultimately the decision is up
31 to the Board and he will provide more evidence at the next hearing for this case for the Board to base their
32 decision upon.

33
34 Mr. Hall stated that attached to the Supplemental Memorandum is the Final Plat of Oak Grove Subdivision
35 which was the very first RRO that was approved and it was approved with six lots but the final subdivision
36 only included five lots. He said that the first RRO that was approved had six lots that would front CR 600E
37 with no concern about spacing but he does not believe that an approval would occur for such an RRO today.
38 He said that he has modified the final plat to show that the subdivision could comply with the 600 foot
39 separation if the driveways for Lots 3 and 4 were clustered and the driveways for Lots 1 and 2 were clustered

1 in the same way. He said that this is an unusual situation but this subdivision could meet the standards. He
2 said that the Board may recall that during the review of Case 685-AT-11 the Board reviewed all of the
3 RRO's that have been approved to date and whether or not they would meet these standards and a new copy
4 of that review will be included in the next mailing packet as well as a new table which reviews each of the
5 standards comparing those to what the Subdivision Ordinance requires and what a plain by-right lot would
6 require. He noted that the standards are only standards that apply to the RRO lots and in general it is a
7 higher standard and more restrictive and he wants to make sure that the Board does not make it any more
8 stricter than it has to be because if someone is required to request a waiver for an RRO then that is pretty
9 much a guarantee that there will be a protest. He noted that there are no changes to #5, #6 and the #7
10 regarding the Endangered Species Program has been changed to match the wording that was included in
11 Case 701-AT-11.

12
13 Mr. Hall stated that he is not ready for final action tonight because he wants to present the Board with better
14 evidence therefore the case needs to be continued.

15
16 Mr. Thorsland that the questions for the Board are the following: 1. The new #2, included on Page B1 of
17 Attachment B, includes a minimum driveway separation of at least 550-600 feet; and 2. the trigger for the
18 larger driveway is suggested at 140 to 160 feet but the petitioner indicated that it would be up to 200 feet
19 before the larger driveway was triggered.

20
21 Mr. Hall stated that the Committee of the Whole authorized 140 feet but he believes that 160 feet would be
22 okay and would provide a little more freedom. He said that additional information will be submitted to the
23 Board for review.

24
25 Ms. Capel asked if staff consulted with the fire protection districts.

26
27 Mr. Hall stated that at the Committee of the Whole meeting County Board member John Jay accepted the
28 reasoning for the 140 foot driveway and Mr. Jay is who staff generally goes to for such information.

29
30 Ms. Capel asked staff if they discussed 140 feet versus 200 feet with Mr. Jay.

31
32 Mr. Hall stated that he will discuss this issue with Mr. Jay.

33
34 Mr. Thorsland stated that Mr. Jay is no longer the Cornbelt Fire Protection District Chief so perhaps an
35 additional fire chief should be included in the discussion.

36
37 Mr. Palmgren stated that unless the house is located a far distance from the road and hoses cannot be run
38 from the street then a 140 feet driveway is not necessary. He said that if a fire truck, which is full of water,
39 travels on a paved driveway the driveway will be left in bad shape.

1
2 Mr. Thorsland stated that if the house is burning the shape of the driveway after the fire truck travels upon it
3 is irrelevant. He said that Chief Jay's concern came from a fire which was on a very narrow driveway with a
4 deep ditch on both sides and the house was located on the rear of a long skinny lot with a lot of trees. He
5 said that the driver of the fire truck failed to negotiate the turn in to the driveway therefore causing a lengthy
6 delay in responding to the fire. He said that there was input during the Summerfield Subdivision regarding
7 the turn-in lane requiring that the radius, as it touches the township road, was large enough for emergency
8 services to make that turn.

9
10 Mr. Palmgren stated that during an emergency situation a lot of valuable time is wasted if an emergency
11 vehicle has to pull in and back out of a lot.

12
13 Mr. Thorsland stated that the revision gangs the driveways effectively bringing the driveways to the corners
14 of the adjacent lots. He said that most rural properties have substantial ditches therefore the emergency
15 services providers are not going to be bringing in hoses or equipment from the road.

16
17 Mr. Hall stated that this requirement is only when the lot fronts an existing road but when a new street is
18 being built this will not be required and the drives will go back to the straight shots.

19
20 Mr. Thorsland stated that this situation is rare and the revision will deal with a fairly unique amount of lots.

21
22 Mr. Hall stated that for other RRO's the Board has required a 30 foot width at the street with a minimum
23 radius.

24
25 Mr. Thorsland stated that a lot of the municipalities which have the same jurisdiction are also concerned
26 with the street width and the minimum radius.

27
28 Mr. Hall stated that the required street width and minimum radius mattered enough that the Board included it
29 in RRO approvals but it was not included here because we were only trying to deal with the most obvious
30 and simple problems which was too many driveways and their extended length. He said that we have never
31 tried to make this address all of the necessary parts of making a driveway accessible to a fire truck.

32
33 Mr. Thorsland stated that perhaps language should be included to address Mr. Palmgren's concern regarding
34 the driveway entrance.

35
36 Mr. Palmgren stated that perhaps the thickness of the driveway should be a requirement.

37
38 Mr. Hall stated that for the wider driveway there is a minimum six inch thickness but that would not apply to
39 this illustration. He said that the illustration would let the homeowner put in one inch of white rock provided

1 that it is at a 50 foot minimum centerline radius and during the spring and winter in this area a fire truck will
2 not get very far on such a driveway. He said that even if the driveway was six inches thick the driveway
3 would probably only be ten feet wide and if the driver of the truck is not right on that driveway the truck is
4 going to be stuck in the mud. He said that the ZBA may wonder why the driveways are not required to be so
5 big and so wide but staff was not asked to recommend that and his experience is that if the County Board did
6 not ask for it then it is not a good idea to recommend it.

7
8 Mr. Thorsland stated that this text amendment has already been discussed before the County Board.

9
10 Mr. Hall stated that if the ZBA believes that there are things missing in the text amendment that they would
11 like to see then the ZBA may add those items.

12
13 Mr. Thorsland stated that when the driveway is very long there is a required thickness. He said that it
14 appears that the Board is not as concerned about shorter driveways.

15
16 Mr. Palmgren stated that the shorter driveways are not as much of a concern because the fire fighters are
17 more concerned about getting their job done and not where they are going to put the truck. He said that
18 when a lane is very long then there is cause for concern.

19
20 Mr. Thorsland asked Mr. Hall if there should be any mention in the RRO regarding the entrance off of the
21 road.

22
23 Mr. Hall stated that this concern was not mentioned at the County Board but every time that he spoke to
24 County Board Member John Jay the concern about the driveway entrance was pointed out. He said that
25 perhaps the Board should mention the driveway entrance and indicate that whatever point you have to go to
26 the 20 foot width, six-inches thick, then it must also be 30 feet wide with an approved radius at the street.

27
28 Mr. Thorsland stated that Mr. Palmgren is correct in that when the driveway is less than 20 feet in length
29 the emergency services personnel will do whatever they have to do from the road to the take care of the
30 situation.

31
32 Mr. Thorsland stated that the Board should review Attachment C. for comments and input at the next
33 meeting.

34
35 Mr. Courson asked Mr. Hall to indicate the logic behind the 600 foot feet separation.

36
37 Mr. Hall stated that if a driveway was allowed at every 600 feet it would equate to one lot per 40 acres. He
38 said but what is being proposed is to have driveways ganged at every 600 feet which equates to one lot per
39 20 acres. He said that in terms of how many curb cuts or interruptions to the road network equates to one lot

1 per 40 acres which is relevant because the LRMP calls for by-right being one lot per 40 acres therefore this
2 achieves that but allows a much greater density which would presumably be by the RRO. He said that it
3 minimizes disturbances but allows twice as many lots to be created and that reasoning should be included in
4 the Summary of Evidence for the County Board’s review. He said that the ZBA can back off of the 600 feet
5 and go as low as 550 feet and still meet the same standard of how the driveways interfering with the
6 movement of farm equipment would not result any more lots but provide a lot more flexibility for individual
7 landowners if and when they need to do an RRO.

8
9 Mr. Courson asked if the frequency of traffic on the different classes of road was taken in to consideration.

10
11 Mr. Hall stated no because it is very difficult to analyze.

12
13 Mr. Courson stated that a driveway on the Dewey-Fisher Road versus a driveway on the Ford Harris Road
14 could be analyzed.

15
16 Mr. Hall stated that one new thing that has been added is item 3.d. which reads as follows: The above
17 driveway requirement notwithstanding, all driveway locations shall also be approved by the relevant
18 highway jurisdiction. He said that the County Engineer has to approve any proposed driveway on the
19 Dewey-Fisher Road and the Highway Commissioner has the call on the Ford Harris Road. He said that
20 when people see that such things are mentioned in the Ordinance the County is accused of trying to take over
21 the jurisdiction of the Highway Commissioner and that is not the case. He said that the County is reinforcing
22 the Highway Commissioner’s authority by recognizing that the Highway Commissioner has to approve it.

23
24 Mr. Courson stated that there are several figures in the Ordinance which have no explanation as to their
25 origin.

26
27 Mr. Thorsland asked Mr. Hall if Case 685-AT-11 could be continued to the July 12th meeting.

28
29 Mr. Hall stated yes.

30
31 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the July 12th meeting.

32
33 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 685-AT-11 to the July 12th meeting.**
34 **The motion carried by voice vote.**

35
36 **6. New Public Hearings**

37
38 **Case 707-S-12 Petitioner: Daniel Williams and landowner Fran Williams Request to authorize the**
39 **use of an existing Paintball Facility as an “Outdoor Commercial Recreation Enterprise” as a Special**

1 **Use on 5.2 acres that is part of a 35 acre tract in the CR Conservation-Recreation Zoning District.**
2 **Location: A 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of**
3 **Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.**
4

5 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
6 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
7 of hands for those who would like to cross examine and each person will be called upon. He requested that
8 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
9 those who desire to cross examine are not required to sign the witness register but are requested to clearly
10 state their name before asking any questions. He noted that no new testimony is to be given during the cross
11 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
12 from cross examination.
13

14 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
15 sign the witness register for that public hearing. He reminded the audience that when they sign the
16 witness register they are signing an oath.
17

18 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
19

20 Mr. Daniel Williams stated that he is the owner of Firemark Paintball, which has been in operation for 10
21 year and unfortunately during that time he was not aware of the requirement for a permit. He said that he has
22 applied for the required permit so that he can continue Firemark Paintball which touches all ages. He said
23 that paintball is a wonderful and exciting sport but some people tend to not like it due to the gun aspect but
24 as long as everyone is following the safety rules it is probably much safer than basketball. He said that the
25 University of Illinois Golf team coach brought the team to the facility to play as a temporary distraction from
26 their sport.
27

28 Mr. Williams stated that this year, in affiliation with the YMCA, he is planning a paintball camp for 10 to 14
29 year old kids. He said that he has seen kid's lives change after they play paintball because a young man
30 indicated that he played at the facility last year and loved it so much that he purchased his own equipment
31 and he plans to return again this year. He requested that the Board approve his special use permit request so
32 that he can continue the business.
33

34 Mr. Thorsland asked the Board if there were any questions for Mr. Williams and there were none.
35

36 Mr. Thorsland asked if staff had any questions for Mr. Williams and there were none.
37

38 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Williams and there was no one.
39

1 Mr. Thorsland called John Hall, Zoning Administrator.

2

3 Mr. John Hall distributed a new Supplemental Memorandum dated May 17, 2012, to the Board for review.
4 He said that the Supplemental Memorandum dated May 11, 2012, did not mention that the Mahomet Citizen
5 has a new deadline for legal advertisements and staff followed the old deadline therefore Case 701-S-12 did
6 not receive the full minimum required 15 days notice prior to the public hearing. He said that it is staff's
7 recommendation that even if the Board is prepared for final action tonight that they do not take final action
8 because someone could make a claim regarding inadequate notice.

9

10 Mr. Hall stated that notice was mailed to the Village of Mahomet because the subject property is located
11 within their one and one-half mile jurisdiction but staff does not expect comments. He said that the
12 Supplemental Memorandum dated May 17, 2012, reviews two issues that should be brought before the
13 Board for consideration. He said that the only other use where we are concerned about what happens to the
14 facilities if the business ceases is a wind farm. He said that even though this does not have the level of
15 investment of a wind farm he is concerned about what will happen if Firemark ceased operation because if
16 someone did not know that it was a paintball facility someone might believe that there is a lot of debris
17 which needs to be cleaned out of the woods. He recommended that the Board consider the following special
18 condition to ensure clean-up of the property if the business ceases operations:

19

20 **In the event the paintball business ceases operations, the Petitioner or any owner thereafter**
21 **shall be responsible for clean-up and maintenance of the subject property in a timely manner**
22 **and all costs associated with clean-up and maintenance.**

23 The special condition stated above is required to ensure the following:

24 **That the subject property is properly maintained and does not become a nuisance.**

25

26 Mr. Hall stated that the second issues that staff wanted to bring to the Board's attention is that some of the
27 photographs included pictures of enclosed gaming structures which are very small things and typically
28 involve canvas draped over some framework. He said that as the structures are right now they are pretty
29 benign but in the future and with different management that might want to have bigger and even more
30 challenging enclosed structures the Board should consider if that causes any concerns. He said that staff has
31 proposed the following special condition for the Boards consideration:

32

33 **Enclosed gaming structures intended to be temporarily occupied by players shall not**
34 **be larger than 150 square feet in area.**

35 The special condition stated above is required to ensure the following:

36 **That existing and future structures are small enough in size where life safety considerations**
37 **are not a concern or necessary.**

38

39 Mr. Hall stated that as far as he knows the petitioner is not proposing to use larger structures although there

1 was some intent at one time to use the manufactured home by stripping and opening it up and make it
2 available for gaming. He said that he does not have many concerns regarding the manufactured home if it is
3 stripped out and sort of diffused of any safety issues but homebuilt structures built with whatever materials
4 the owner has handy for people to get inside were a concern of staff. He said that the Preliminary
5 Memorandum that was mailed out did make it clear that as far as the site plan is right now if the Board took
6 action on the site plan it would be difficult to enforce. He said that it appears that the area of the special use
7 permit area is indicated on the site plan and the playing fields are indicated as well as the parking area and
8 most importantly the 800 foot path between the parking area and playing fields. He said that the entire hay
9 field is not included. He said that as far as he knows none of the wooded area south of the fields that were
10 indicated on the site plan area part of the special use permit. He said that three key things are needed on the
11 site plan: 1. include how people get from the parking area to the playing area; and 2. indicate the other areas
12 that are not proposed for the paintball recreation; and 3. variance application for the rear yard. He said that
13 there is a problem in one of the playing fields and given the size of the playing fields the 25 foot rear yard
14 requirement may be problem because it takes a lot out of the playing area and makes that area off limits. Mr.
15 Hall stated that staff has spoken to the petitioner about the rear yard issue and the petitioner is contemplating
16 requesting a variance.

17
18 Mr. Hall stated that the Summary of Evidence makes clear that the parking area, as indicated, does not have
19 enough parking spaces even though it may serve the needs of the business but under the terms of the Zoning
20 Ordinance it is not large enough. He said that if there is a variance for some of the structures in the rear yard
21 then the petitioner may decide to include a variance for the parking as well or just indicate an overflow
22 parking area.

23
24 Mr. Hall stated that the special event that the petitioner just mentioned appears to be a great event but as the
25 Zoning Administrator he is curious how many times the special event will occur. He said that he would
26 recommend that this information be included in the special use permit so that neighbors know that it is
27 consistent with what the Board approved. He said that it sounds like the event may be so large that it may
28 need a larger parking area, additional restroom facilities, etc. He said that his concern as the Zoning
29 Administrator is that if this is approved the Board has included things like this special event or things like it
30 in the special use permit. He said that another way to hold the special event is to apply for a temporary use
31 permit by which only five one-day events in a 90 day period could occur but he would recommend that such
32 events just be included in the special use permit.

33
34 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

35
36 Mr. Thorsland asked Mr. Hall if an "easy-up" is considered a structure.

37
38 Mr. Hall stated that any construction, permanent or temporary, is a structure and any structure which is 150
39 square feet or less does not require a permit but it does need to meet all of the yard requirements of the

1 Zoning Ordinance. He said that he takes a conservative view which is similar to the view of a neighbor who
2 might be opposed therefore anything that looks or smells like a structure is a structure.
3
4 Mr. Thorsland called Daniel Williams back to the witness microphone.
5
6 Mr. Thorsland asked Mr. Williams if he will be submitting a variance request for the parking and the 25 foot
7 rear yard.
8
9 Mr. Williams stated yes. He said that he has downloaded the application although there are a lot of
10 questions on the application which will require assistance from staff. He said that he anticipates submittal of
11 the application by next week.
12
13 Mr. Thorsland asked the Board if there were any questions for Mr. Williams.
14
15 Mr. Courson asked Mr. Williams if the special event is only a one day event.
16
17 Mr. Williams stated that the special event is a one day organized event with a maximum of 30 kids.
18
19 Mr. Courson asked if the kids are bused to the facility.
20
21 Mr. Williams stated yes. He said that the kids are brought to the facility by bus and dropped off. He said
22 that last year the day camp was held once per month for three months and he and the YMCA have
23 anticipated doing a five day event this year. He said that the kids will be taught about the sport of paintball
24 and then allowed to play on the fields.
25
26 Mr. Courson asked if the kids were served food at the special events.
27
28 Mr. Williams stated no, the kids are required to bring their own sack lunch.
29
30 Mr. Passalacqua asked Mr. Williams if any camping is allowed at the facility.
31
32 Mr. Williams stated no because no electricity is available at the facility.
33
34 Mr. Thorsland asked Mr. Williams how often the five day event would occur in conjunction with the
35 YMCA.
36
37 Mr. Williams stated once per year. He said that everything needs to be discussed and evaluated. He said the
38 financial aspect must be reviewed and the experience must be evaluated. He said that because of the
39 attention level he would like to have 12 year old kids but the YMCA would like to include 10 year olds. He

1 said that the entire special event is a trial and error event.

2

3 Ms. Capel asked Mr. Williams if he carried liability insurance for the facility.

4

5 Mr. Williams stated yes.

6

7 Mr. Passalacqua asked Mr. Williams how many cars are typically in the parking lot when the business is in
8 operation.

9

10 Mr. Williams stated that there might be 20 vehicles in total but in the fall there may be more because they
11 tend to have larger groups during that time. He said that in October the hay field is gone and when larger
12 groups, 100 or more people, from the University of Illinois come to play they park in the overflow parking
13 area. He said that out of the ten years of business he has probably only had three such groups but typically
14 groups total 50 to 100 people per day. He said that tomorrow he has 20 people scheduled to play and
15 Saturday he has 15 to 20 people scheduled to play. He said that normally he does not have large massive
16 groups because his field cannot handle it.

17

18 Mr. Palmgren asked Mr. Williams to indicate the total capacity of the facility at any one time.

19

20 Mr. Williams stated that 100 people would be the total capacity because the capacity is based on the amount
21 of guns that he has to rent.

22

23 Mr. Palmgren asked Mr. Williams if reservations are required.

24

25 Mr. Williams stated yes.

26

27 Mr. Thorsland asked Mr. Williams if a speaker system is at the facility.

28

29 Mr. Williams stated no but there is a staging area near the mobile home. He said that if any issues such as
30 requiring more paintballs or something else arise then the players are to inform the registration desk at the
31 staging area but there is always a referee with a group thus controlling the group as a whole.

32

33 Mr. Thorsland asked if the facility will operate after dark.

34

35 Mr. Williams stated that they are exploring that with safety being their top issue. He said that they are
36 looking into solar panel light systems to see if they would be feasible. He said that if a paintball hits the
37 target person and it breaks then that person is out but at times a paintball will hit but not break therefore the
38 person is still in the game and at night it would be difficult to call the shot in the dark.

39

1 Mr. Thorsland informed Mr. Williams that he needs to include all of the things that he wants to do at the
2 facility so that he does not have to come back before the Board at a later date.
3
4 Mr. Williams stated that he understood.
5
6 Mr. Passalacqua asked Mr. Williams if the facility was only open on Friday, Saturday and Sunday.
7
8 Mr. Williams stated generally the facility is busier during Saturday and Sunday although they are open on
9 Monday and Wednesday. He said that the hours of daylight determine the hours of operation to
10 accommodate the players therefore instead of 10 a.m. to 2 p.m. it may be 9 a.m. to 1 p.m.
11
12 Mr. Thorsland asked the Board if there were any questions for Mr. Williams and there were none.
13
14 Mr. Thorsland asked if staff had any questions for Mr. Williams and there were none.
15
16 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Williams and there was no one.
17
18 Mr. Thorsland called Mr. Timothy D. Woodard to testify.
19
20 Mr. Timothy D. Woodard, who resides at 2490 CR 550E, Dewey, submitted photographs of his property,
21 which is located northwest of the subject property for the Board's review. He said that the photographs
22 indicate a close-up view of his property and how the current paintball operation affects his property. He said
23 that he and his wife are requesting a denial of the proposed special use permit for two primary reasons: 1.
24 approval of the special use permit would be injurious to the district in which it will be located due to
25 periodic flooding and trespassing; and 2. approval of the special use would be detrimental to the public
26 welfare because of the lack of safety precautions being taken. He said that should the Board decide to
27 approve the special use permit request he would like to share some background and his history with the
28 petitioner's operation so that the Board can create some meaningful rules and regulations in regard to public
29 welfare.
30
31 Mr. Woodard stated that his property is adjacent to the playing fields and he has a tree stand, for deer
32 hunting, which is located at the southeast corner of his property. He said that adjacent to the tree stand is the
33 property boundary between his property and Carl Breedlove's property and the boundary line of the subject
34 property, which abuts his and Mr. Breedlove's property, is marked with the petitioner's strings and flags and
35 a woven fence. He said that the woven fence may be difficult to see in the photographs because the area is
36 very overgrown. He said that the boundary markers should be similar to what staff would have viewed
37 during their visit to the petitioner's property on May 10, 2012. He said that despite that this boundary is
38 clearly marked by the petitioner and obviously some distance from the supposed playing fields, Mr.
39 Woodard has consistently had issues with trespassers from the petitioner's property. He said that it is

1 apparent to him, whether sanctioned or not, the patrons from the petitioner's operation consistently use his
2 and Carl Breedlove's property during the gaming and he has literally found people walking around the south
3 end of his property and he has found people in his tree stand. He said that last fall while his son and a friend
4 were squirrel hunting near the tree stand, with a real gun, they were shot by patrons of the paintball operation
5 with paintball guns. He said that it appears that the petitioner's field boundaries do not mean much nor do
6 the rules indicating that no climbing of trees or structures is allowed.
7

8 Mr. Woodard stated that he is concerned about the floating of the petitioner's debris down the creek during a
9 flood event. He said that the elevations that were submitted for review indicate that the structures are above
10 the base flood elevation and the petitioner states in the application that although the playing fields are near a
11 creek they are well out of the flood area evidenced by the property owner whose family has owned the land
12 for over 100 years. He said that the petitioner also indicated that the subject property drains to the south and
13 west to the stream which runs through the subject property and that may be true as it relates to the paintball
14 fields drawn on the application materials but it is definitely not true in terms of the property in its entirety.
15 He said that the creek shown on the diagram clearly flows north and west through the petitioner's property to
16 Carl Breedlove's property and then on to his property.
17

18 Mr. Woodard stated that despite the petitioner's testimony that obstacles on the paintball fields are secured
19 to the ground or to trees in an effort to prevent them from being swept away by flood waters it is somewhat
20 untrue because historically the operation has had substantial debris in the flood plain that regularly floats
21 down onto his property over the years. He said that a couple of years ago after a particularly large flood he
22 spent an entire weekend using a tractor, truck and trailer picking up utility company spools, pallets, plastic
23 barrels, etc. and returning two trailer loads to the petitioner's entrance off of County Road 600E.
24

25 Mr. Woodard stated that the most critical concern that he and his wife have relative to the petitioner's
26 application is that the business is in operation during the shotgun deer hunting season which is three days in
27 mid-November and four days in early December. He said that there are no precautions taken by patrons of
28 the paintball operation other than a verbal agreement with Carl Breedlove that he will not allow hunting on
29 his property after 10 a.m. He said that the aforementioned regular trespassing that occurs on the adjacent
30 properties and the presence of hunters throughout the area during hunting season is at best leaving safety to
31 chance and at worse gross negligence. He encouraged the Board to search online for precautions regarding
32 any outdoor activity such as bicycling, photograph, hiking, etc. and the Board will consistently find that the
33 wearing of blaze orange during hunting season while in the woods is highly recommended. He said that
34 many paintball operations actually shut down during hunting operations in order to safe guard their patrons.
35 He said that if the Board imposes no other stipulations he requested that the Board do something to protect
36 the patrons of the petitioner's business during hunting season. He said that due to flooding and trespassing,
37 approval of the petitioner's application would provide continued injury to the neighboring properties and due
38 to the lack of safety precautions approval would also be detrimental to the patrons and by extension the
39 public welfare. He encouraged the Board to either deny the petitioner's application or alternatively impose

1 regulations that would address these issues.
2
3 Mr. Thorsland asked the Board if there were any questions for Mr. Woodard and there were none.
4
5 Mr. Thorsland asked if staff had any questions for Mr. Woodard.
6
7 Mr. Hall asked Mr. Woodard to explain what kind of property line improvement would prevent trespassing.
8
9 Mr. Woodard stated that an ideal scenario would be some kind of extended fence that would have signage on
10 it to delineate the property boundaries so that not only his property is protected but also Carl Breedlove's
11 property. He said that currently he does not share a border with the subject property but Mr. Breedlove does
12 share a border.
13
14 Mr. Hall asked Mr. Woodard to indicate the suggested height of the fence.
15
16 Mr. Woodard stated that perhaps five or six feet would be appropriate.
17
18 Mr. Hall asked Mr. Woodard to indicate the last date that debris floated on to his property from the subject
19 property.
20
21 Mr. Woodard stated that currently there is debris on his property from the subject property. He said that the
22 debris floated down during the past winter.
23
24 Mr. Thorsland asked the Board if there were any questions for Mr. Woodard.
25
26 Mr. Passalacqua asked Mr. Woodard if there is some way to anchor the structures.
27
28 Mr. Woodard stated that the biggest thing would be to get the debris out of the floodplain and based on his
29 experience such has not occurred.
30
31 Mr. Hall asked Mr. Woodard if when he discusses debris he is referring to the wooden spools.
32
33 Mr. Woodard stated yes, he does consider the wooden spools as debris.
34
35 Mr. Hall stated that the site plan indicates that the playing fields are located in the floodplain and the wooden
36 spools are the structures used for the gaming and to remove those from the floodplain would require
37 removing the structures from the playing fields. He said that the alternative would be to securely anchor the
38 wooden spools but he does not know how difficult that would be.
39

1 Mr. Woodard stated that the debris is not just the wooden spools but includes the plastic barrels, wooden
2 pallets and a number of different other items floating down onto his property.

3
4 Mr. Thorsland asked the Board and staff if there were any further questions for Mr. Woodard and there were
5 none.

6
7 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Woodard and there was no one.
8

9 Mr. Thorsland called Mr. Earl Williams to testify.

10
11 Mr. Earl Williams, who resides at 2453 CR 600 E, Dewey, stated that his family has owned the subject
12 property for over 100 years and it is not always flooded but when there is a hard rain part of it does flood.
13 He said that he too has had debris float downstream onto his property and he has had to pick up old
14 televisions, car parts, fence posts, logs, etc. and he just cleans it up and moves on. He said that he has not
15 allowed hunting on his property for well over 30 years but recently he had his wire cut and found a blood
16 trail indicating that someone trespassed. He said that he has had signs on the property indicating “No
17 Trespassing” or “No Hunting” but the signs are regularly removed or shot. He said that he has had several
18 tree stands placed upon his property although he goes out and removes them but nothing appears to stop the
19 trespassing and he has called the authorities several times to see if anything could be done. He said that he
20 had trespassers come onto the property to hunt and he confronted them but when they cocked their guns he
21 decided that after going through Vietnam he was not ready to through another war. He repeated that he does
22 not allow hunting on his property but there are a lot of things that go on in the woods in the area and he
23 cannot control what happens on other property owner’s properties.

24
25 Mr. Williams stated that he has Arabian horses and when they run they tend to flag their tails therefore many
26 times appearing like a deer running and he is concerned that one day he may lose one of his horses due to a
27 hunter. He said that the area where the paintball playing fields are located is generally full of small weeds
28 and trees therefore he could not utilize the area as pasture so it was a perfect place for the fields. He said that
29 in the fall once the last hay cutting is removed the parking lot for the operation is expanded to that area
30 therefore allowing ample area for parking.

31
32 Mr. Thorsland asked the Board if there were any questions for Mr. Williams and there were none.

33
34 Mr. Thorsland asked if staff had any questions for Mr. Williams and there were none.

35
36 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Williams and there was no one.
37

38 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
39 testimony regarding this case and there was no one.

1

2 Mr. Thorsland closed the witness register.

3

4 Mr. Thorsland asked the Board if there were any questions for staff.

5

6 Ms. Capel asked if a fence could be required since the boundary is located in the floodplain. She said that
7 regardless of how the fence was built it could be torn down by debris or the fence could catch the debris
8 therefore making the situation even worse.

9

10 Mr. Hall stated that the Floodplain Regulations require that a fence must have a 6" x 6" opening, at a
11 minimum, when located in the floodplain.

12

13 Mr. Thorsland asked if a better indication could be presented indicating what portion of the subject property
14 is located in the floodplain or is the entire playing area located in the floodplain.

15

16 Mr. Kass stated that the entire playing area is located in the floodplain.

17

18 Mr. Passalacqua stated that he would like to see a copy of the rules that are enforced during the operation.
19 He said that the petitioner indicated that there are referees for each group but it appears that the referees are
20 unable to control the group when they are crossing the line and climbing up tree stands.

21

22 Mr. Thorsland asked Mr. Williams if he could submit a copy of the rules for the Board's review.

23

24 Mr. Williams stated yes.

25

26 Mr. Hall stated that a few years ago there was an organized camp that was approved as a special use and the
27 standard conditions for an organized camp are a 50 foot side and rear yard and a 100 foot setback. He said
28 that as with so many of the other standards in the Ordinance there is no reason given for why 50 feet side and
29 rear yards are imposed on a resort or organized camp but the same yards are not required for an outdoor
30 commercial recreational enterprise. He said that a resort or organized camp and an outdoor commercial
31 recreational enterprise sound like they would have very similar standards but they don't and he wanted to
32 remind the Board that one reason why there may be a greater side and rear yards in an organized camp is to
33 reduce the chance the people will trespass and reduce the incompatibilities on either side of the property
34 lines. He said that it is within the ZBA's power to indicate that the use should not go to within 25 feet of the
35 rear lot line and in regards to trespass the use could be 100 feet away but if the patrons cannot be controlled
36 they will cross the 100 feet and continue going. He said that the only positive way to deal with the trespass
37 is to require some sort of a boundary that literally prevents trespass or at least makes it more difficult than
38 the ropes that are being used currently. He said that he does not know that increasing the rear and side yards
39 would help and it would make it more difficult for the petitioner.

1

2 Mr. Thorsland stated that the Board anticipates a variance request for the 25 feet.

3

4 Mr. Hall stated that the Board may anticipate receiving a variance application but the Board should make it
5 clear whether or not they have any thought regarding the variance.

6

7 Mr. Thorsland stated that testimony has been received from the adjacent neighbor regarding deer hunting
8 season and testimony from the petitioner regarding inverse trespassing. He said that he is aware that during
9 hunting season the hunters, the deer and the people who are opposed to the hunting do have a terrible
10 problem with overlap. He said that Mr. Woodard indicated that he does hunt during the two shot gun
11 seasons, which consists of seven days, therefore a condition may be proposed to cease operation during those
12 seven days although there are other hunting seasons that take place. He said that Mr. Williams may benefit
13 from a better marked boundary in regards to deer hunting season. He said that the debris issue requires more
14 thought from the Board but Mr. Earl Williams testified correctly that if you are upstream you are still
15 downstream from someone else.

16

17 Mr. Hall stated that debris in the floodplain is generally an enforcement issue. He said that in some of the
18 photographs there appear to be extra structures being stored outside of the floodplain, such as the trailer and
19 shed. He said that the Board will have to assume that all of the photographs with all of the barrels, pallets,
20 and wooden spools, are in the floodplain and not all of those items are anchored. He said that he could
21 imagine requiring the play structures to be anchored and he can imagine that the storage areas for structures
22 should not be in the floodplain and if they are it is a violation of the Floodplain Ordinance. He said that
23 perhaps the areas where the floatable structures are being stored is outside of the floodplain but based upon
24 his observation of the testimony those structures are not.

25

26 Ms. Capel asked if the 25 foot rear yard is for the structures or the paintball activity.

27

28 Mr. Hall stated that this is a principal use therefore it requires a special use permit and the principal use is
29 paintball therefore any paintball activity is part of the principal use and has to meet the rear and side yards
30 unless the variance is granted.

31

32 Mr. Thorsland stated that the Board desires a copy of the rules for the operation and a complete variance
33 application.

34

35 Mr. Hall asked the Board to indicate their thoughts regarding the draft condition regarding accessible
36 parking. He said that it is not clear to him why Doug Gamble, Accessibility Specialist for the State of
37 Illinois Capital Development Board, considers this as existing parking but his e-mail is attached to the
38 memorandum. He said that the parking area does not appear to meet the Ordinance requirement and
39 automatically needs to be made larger therefore the Board needs to be clear about whether or not they want

1 the accessible parking to be constructed now or just removed from the condition. He said that a condition
2 should be proposed indicating that the accessible parking needs to be built at a point and time when Doug
3 Gamble's parameters are met. He said that the Board is never going to require that the parking area be paved
4 therefore it would be safe to say that there will never be an accessible parking area constructed. He said that
5 he is sensitive to this issue because he is the person who will be liable if anyone files a lawsuit but he still
6 needs to know the Board's preference.
7

8 Ms. Capel stated that it was discussed that the trail could be paved therefore an accessible parking area could
9 be placed next to the paved trail.
10

11 Mr. Thorsland stated that Mr. Gamble believes that the Board hasn't tripped the trigger yet and when the
12 Board does Mr. Gamble isn't clear what that meant whether it had to be up by the road, require the 800 foot
13 paved trail or is it allowed to be back and there the problem of whether it can be placed in the floodplain.
14

15 Mr. Hall stated that the parking spot would be past the semi-trailer which is outside of the floodplain.
16

17 Mr. Thorsland stated that his issue is that since the Board has not made a recommendation for the case yet,
18 to sort of ask the petitioner to start the process of creating the accessible parking area without knowing
19 whether or not he will be operating or not would be a difficulty. He said that he would like to ask Mr.
20 Gamble for a clarification but he is not sure that one would be obtained in a timely fashion.
21

22 Mr. Hall stated that a paintball facility was permitted in the 90's north of Urbana and in that instance that
23 person asked staff what they needed to do to establish a paintball facility and they were informed that they
24 needed to contact Doug Gamble and that paintball facility had an accessible parking space, accessible route
25 and a limited number of accessible paintball stations from day one.
26

27 Mr. Passalacqua stated that perhaps we are getting ahead of ourselves. He said that he would like to know
28 how many wooden spools are connected to the ground.
29

30 Mr. Thorsland stated that he would like to ask Mr. Gamble if an accessible parking area could be placed
31 beside the semi-trailer and if there are guidelines for an accessible paintball station and are there guidelines
32 as to its placement in relation to the parking area.
33

34 Mr. Thorsland requested a continuance date.
35

36 Ms. Capel asked staff if they had received any information regarding the Jones' cases.
37

38 Mr. Hall stated that the cases have been scheduled for the May 31st meeting but he only anticipates receiving
39 the petitioner's preference as to move forward or withdraw. He said that the petitioner for Case716-AM-12

1 would really like to receive final action so that it can go to the County Board in June but if the Board is not
2 ready for final action on May 31st then fine. He said that as the docket currently stands the May 31st meeting
3 is going to be a full three hour meeting.
4

5 Mr. Thorsland asked if the paintball operation is allowed to continue at this point therefore the Board has
6 some flexibility regarding a continuance date.
7

8 Mr. Hall stated yes. He said that an important foot note should be added to the July 12th docket date
9 indicating that the Associate Planner is on vacation during that time.
10

11 Mr. Thorsland stated that there is a possibility that he too may be absent from the July 12th meeting.
12

13 Mr. Hall stated that Case 707-S-12 could be continued to July 26th.
14

15 Mr. Thorsland stated that he was mistaken and he will be in attendance on July 12th.
16

17 Mr. Hall stated that the Board should anticipate a meeting on July 12th.
18

19 Mr. Thorsland asked Mr. Hall if he could have this case ready by July 12th without Mr. Kass' help.
20

21 Mr. Hall stated that he can either have this case or the text amendments ready for July 12th but it cannot be
22 both.
23

24 Mr. Thorsland entertained a motion to continue Case 707-S-12 to the July 26th meeting.
25

26 **Ms. Capel moved, seconded by Mr. Courson to continue Case 707-S-12 to July 26, 2012. The motion**
27 **carried by voice vote.**
28

29 Mr. Thorsland stated that the Board will take a five minute recess.
30

31 **The Board recessed at 7:55 p.m.**

32 **The Board resumed at 8:02 p.m.**
33

34 Mr. Thorsland stated that the Board will now hear Case 685-AT-11.
35

36 **7. Staff Report** 37

38 Mr. Hall stated that Mr. Kass distributed a Zoning Case Wrap-up Progress Report for the Board's review.
39 He said that prior to the wind farm cases the Board reviewed such a report and staff plans to continue to

1 submit a monthly report to the Board for review. He said that the goal is to have all of the zoning cases
2 wrapped up under the term of each ZBA Chair so that when the ZBA Chair leaves all of the final
3 determinations that require the Chair's signature will be completed. He said that staff has not done a good
4 job meeting this standard in the past and the only way that it is going to be met is to make it something that
5 is reported to the ZBA on a regular basis.

6
7 **8. Other Business**

8 **A. Review of ZBA Docket**
9

10 Mr. Thorsland stated that Mr. Hall previously discussed the status of Cases 687-AM-11 and 688-S-11 and
11 that Case 716-AM-12 anticipates final action therefore an extensive meeting is anticipated on May 31st. He
12 asked Mr. Hall if Case 708-S-12 will be ready for final action on May 31st.

13
14 Mr. Hall stated that Case 708-S-12 could be ready for final action at the May 31st meeting. He said that
15 anything that is worthy of being a Special Use Permit may be worthy of having two meetings for
16 consideration.

17
18 Mr. Thorsland asked Mr. Hall if the traffic impact analysis has been started for Cases 699-AM-11 and 700-
19 S-11.

20
21 Mr. Hall stated that the traffic impact analysis has been completed and distributed and the cost of the traffic
22 impact analysis has been paid.

23
24 **B. April 2012 Monthly Report**
25

26 Mr. Hall distributed the April 2012 Monthly Report to the Board for review. He said that the ZBA has
27 completed twice as many cases this year as they had completed last year at this time.

28
29 Mr. Thorsland noted that the news has been reporting that the website for the Open Meetings Act Training
30 has been experiencing problems and they have not been resolved to date. He said that the members who
31 have completed the training are very lucky and those who have not completed the training still have time to
32 do so.

33
34 Mr. Palmgren stated that the system would lock up every time he answered item #17.

35
36 Mr. Thorsland stated that the same problem has been reported and he assumes that the appropriate people
37 are attempting to fix the system.

38
39 Ms. Capel stated that there does not appear to be any consequence for not completing the training.

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

None

10. Adjournment

Mr. Courson moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 8:40 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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ZBA //

DRAFT SUBJECT TO APPROVAL DRAFT

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