

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **May 31, 2012**
Time: **7:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

*Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.
and enter building through Northeast
door.*

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (April 12, 2012, April 26, 2012)
5. Continued Public Hearings

*Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.*

Case 687-AM-11 Petitioner: **Dr. Phillip Jones and Sarabeth Jones**

Request: **Amend the Zoning Map to change the zoning district designation
from CR Conservation-Recreation to AG-1 Agriculture.**

Location: **An approximately 12.69 acre tract of land that is located in the North
Half of the South Half of the Northeast Quarter of Section 27 of
Crittenden Township and located on the west side of Illinois Route 130
(CR 1600E) and 1,328 feet south of the intersection of Illinois Route 130
and CR 200N and County Highway 16 and commonly known as the
property at 175N CR 1600E, Villa Grove.**

*** Case 688-S-11** Petitioner: **Dr. Phillip Jones and Sarabeth Jones**

Request: **Authorize the construction and use of a “Heliport-Restricted Landing
Area” as a Special Use on land that is proposed to be rezoned to the
AG-1 Agriculture from the current CR Conservation-Recreation Zoning
District in related zoning case 687-AM-11; and with a waiver of Special
Use standard condition required by Section 6.1 that requires a runway
safety area to be located entirely on the lot.**

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Case 688-S-11 cont:

Location: An approximately 12.69 acre tract of land that is located in the North Half of the south Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR 1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.

6. New Public Hearings

*** Case 708-S-12 Petitioner: Dewey Evangelical Mennonite Church and Dennis Birkey**

Request: Authorize the construction and use of a multi-purpose facility as a Special Use in the AG-1 Agriculture Zoning District.

Location: A 2 acre tract in the North One-Half of the Southeast Quarter of the Northwest Quarter of Section 34 of East Bend Township and commonly known as the vacant parcel behind the Dewey Evangelical Mennonite church at 16 Third Street Dewey.

Case 716-AM-12 Petitioner: William and Deborah Klein

Request: Amend the Zoning Map to change the zoning district designation from the Ag-1 Agriculture Zoning District to the I-1 Light Industry Zoning District to allow Limited re-use of a former agricultural chemical research facility.

Location: An approximate 4.5 acre tract in the North Half of the Northeast Quarter of the Northeast Quarter of Section 35 of Scott Township and commonly known as the former Syngenta research facility at 495 CR 1300N, Champaign.

7. Staff Report

8. Other Business

A. Review of Docket

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

10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

1 **MINUTES OF REGULAR MEETING**
2
3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
4 **1776 E. Washington Street**
5 **Urbana, IL 61802**
6

7 **DATE:** April 12, 2012 **PLACE:** Lyle Shield's Meeting Room
8 1776 East Washington Street
9 **TIME:** 7:00 p.m. **Urbana, IL 61802**

11 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad
12 Passalacqua
13

14 **MEMBERS ABSENT :** Roger Miller
15

16 **STAFF PRESENT :** John Hall, Andrew Kass
17

18 **OTHERS PRESENT :** Roger Burk, Ann Burk, Rick Balsbaugh
19

21 **1. Call to Order**
22

23 The meeting was called to order at 7:03 p.m.
24

DRAFT

25 **2. Roll Call and Declaration of Quorum**
26

27 The roll was called and a quorum declared present with one member absent and one vacant Board seat.
28

29 **3. Correspondence**
30

31 None
32

33 **4. Approval of Minutes (March 15, 2012)**
34

35 **Mr. Courson moved, seconded by Mr. Passalacqua to approve the March 15, 2012, minutes as**
36 **submitted. The motion carried by voice vote.**
37

38 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
39 sign the witness register for that public hearing.
40

41 **5. Continued Public Hearing**
42

43 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
44 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
45 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
46 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
47 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
48 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**

1 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
2 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
3 **driveway separation between driveways in the same development; (4) require minimum driveway**
4 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
5 **(5) require for any proposed residential lot not served by a public water supply system and that is**
6 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
7 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**
8 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**
9 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**
10 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**
11 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**
12 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**
13 **the agency response.**

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

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

20
21 Mr. Hall stated that staff did complete some work on Case 685-AT-11 during the past week. He said that he
22 has been ill for the past couple of days and did not have a chance to document staff's work for the Board's
23 review. He requested that Case 685-AT-11 be continued to the May 17, 2012, public hearing.

24
25 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the May 17, 2012, public hearing.

26
27 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 685-AT-11 to the May 17, 2012, public**
28 **hearing. The motion carried by voice vote.**

29
30
31 **702-V-11 Petitioner: Roger Burk Request to authorize the following in the I-1 Light Industry Zoning**
32 **District: Part A. Variance for a proposed warehouse storage facility with a setback of 54 feet from the**
33 **centerline of Paul Avenue, a local street, in lieu of the minimum required 58 feet; and Part B.**
34 **Variance for a side yard of 5 feet in lieu of the minimum required side yard of 10 feet; and Part C.**
35 **Variance for a rear yard of 5 feet in lieu of the minimum required rear yard of 20 feet; and Part D.**
36 **Variance from the visibility triangle requirements for a corner lot; and Part E. Variance from the**
37 **minimum required number of parking spaces for industrial uses; and Part F. Variance from the**
38 **loading berth requirements in lieu of the required 1 loading berth; and Part G. Variance from a**
39 **minimum separation from a side property line for parking spaces of 1 foot in lieu of the minimum**
40 **required 5 feet. Location: Lots 299 and 300 of Wilber Heights Subdivision in the Southwest Quarter**
41 **of Section 31 of Somer Township and commonly known as the buildings at 101 Paul Avenue,**

1 **Champaign.**

2
3 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
4 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
5 of hands for those who would like to cross examine and each person will be called upon. He requested that
6 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
7 those who desire to cross examine are not required to sign the witness register but are requested to clearly
8 state their name before asking any questions. He noted that no new testimony is to be given during the cross
9 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
10 from cross examination.

11
12 Mr. Thorsland informed the audience that anyone wishing to testify for this public hearing must
13 sign the witness register for that public hearing. He reminded the audience that when they sign the witness
14 register they are signing an oath.

15
16 Mr. Thorsland asked if the Petitioner desired to make a statement outlining the nature of their request.

17
18 Mr. Roger Burk, who resides at 2611 Sangamon, Champaign, stated that when he entered into the contract to
19 purchase the property the proposed building is the type of building that he envisioned. He said that the way
20 that the rental units are all separate and are self sufficient. He said that with the assistance of staff he has
21 come up with some other ideas but they all involve a large building that would require him to be available at
22 all times to unlock the doors so that nothing is damaged when he is absent. He said that the design of the
23 building has not been changed much and the ADA parking was moved slightly. He said that the ground in
24 front of the building is for the septic system and that is why there is so much room at that location. He said
25 that the design of the project is basically the same.

26
27 Mr. Thorsland asked the Board if there were any questions for Mr. Burk and there were none.

28
29 Mr. Thorsland asked if staff had any questions for Mr. Burk and there were none.

30
31 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Burk and there was no one.

32
33 Mr. Kass distributed a Supplemental Memorandum dated April 12, 2012, which outlined the status of the
34 case and includes new evidence to be added to the Summary of Evidence. He said that item 5.B of the
35 Summary of Evidence should be revised as follows: B. The revised Site Plan of the proposed development
36 was received on April 11, 2012, and includes the following: (1) Location of the proposed 1,728 square feet
37 (72' x 24') warehouse storage building with four 10' x 24' rental units and one 32' x 24' unit for the
38 Petitioner's personal use; and (2) Location and dimensions of the ADA accessible parking space (16' x 20')
39 and pad (5' x 5'); and (3) The proposed warehouse storage facility is indicated as having the following
40 setbacks and yards: (a) A 75-1/2 feet setback from the centerline of Market Street; and (b) A 54 feet setback
41 from the centerline of Paul Avenue; and (c) A front yard of 38 feet along Market Street; and (d) Side yards of

1 21 feet along Paul Avenue and 5 feet along the property line opposite from the Paul Avenue frontage; and (e)
2 A rear yard of 5 feet along the property line opposite the Market Street frontage. (4) Location of three 10' x
3 20' parking spaces 1 foot from the north property line; and (5) Location of six 9' x 8' overhead doors.
4

5 Mr. Kass stated that item 5.C should be revised as follows: (1) Variance for a side yard of 5 feet in lieu of
6 the minimum required side yard of 10 feet; and (2) Variance for a rear yard of 5 feet in lieu of the minimum
7 required rear yard of 20 feet; and (3) Variance from the minimum required number of parking spaces for
8 industrial uses; and (4) Variance from the loading berth requirements in lieu of the required 1 load berth; and
9 (5) Variance from the minimum separation from a side property line for parking spaces of 1 foot in lieu of
10 the minimum required 5 feet. Mr. Kass stated that the site plan which was submitted on April 11, 2012, the
11 ADA parking has been moved out of the visibility triangle therefore the variance from the visibility
12 requirements is not necessary.
13

14 Mr. Kass stated that item 6.E.(3) of the Summary of Evidence should be revised as follows: (3) The required
15 number of spaces for the proposed use is 6 parking spaces with one of the parking spaces being accessible.
16 The Petitioner has indicated an accessible space and three regular parking spaces on the site plan. He said
17 that items 7.D and 8.C should be revised as follows: The visibility triangle requirements require that 1,250
18 square feet of a corner lot not be encroached upon by development to keep the corner of two intersecting
19 streets free from sight obstruction. The subject property is 5,750 square feet in area. This requirement
20 significantly reduces the available area of the lot for development. Additionally, the small size of the lots
21 makes it difficult to accommodate all of the required parking spaces and the required loading berth.
22

23 Mr. Kass stated that items 10.B.(1) and (2) should be revised as follows: B. The Zoning Ordinance does not
24 clearly state the considerations that underlay the side and rear yard requirements. In general, the side yard is
25 presumably intended to ensure the following: (1) Adequate light and air: The property to the east contains
26 an abandoned mobile home and is approximately 53 feet from the east property line. A shed also exists on
27 the property to the east and would approximately be 5 feet from the proposed warehouse storage facility; and
28 (2) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally
29 located farther from fire protection stations than structures in the urban districts and the level of fire
30 protection service is generally somewhat lower given the slower response time. The subject property is
31 within the Eastern Prairie Fire Protection District and the station is approximately 2,400 feet to the east of
32 the subject property. The proposed building is separated by 15 feet from the nearest structure on the property
33 to the south.
34

35 Mr. Kass stated that item 10.C should be deleted because the visibility triangle variance is no longer
36 required. He said that item 10.E should be revised as follows: The requested variance is as follows: (1) A 5
37 feet side yard is 50% of the 10 feet required for a variance of 50%; and (2) A 5 feet rear yard is 25% of the
38 20 feet required for a variance of 75%; and (3) Under the current site plan in addition to the ADA accessible
39 parking space 3 additional spaces are indicated for a total of 4 parking spaces in lieu of the 6 required. This
40 is 67% of the required 6 total parking spaces for a variance of 33%; and (4) Variance from loading berth
41 requirements of no loading berth is 100% of the 1 loading berth required for a 100% variance; and (5)

1 Minimum separation of 1 foot for parking spaces from a side property line is 20% of the required 5 feet for
2 an 80% variance.
3

4 Mr. Kass stated that new item 11.G should be added to the Summary of Evidence as follows: G. At the
5 March 29, 2012, public hearing members of the Champaign County Zoning Board of Appeals suggested that
6 the Petitioner continue to work with Planning and Zoning Staff to address the following concerns regarding
7 the proposed use: (1) No loading berth. The lack of a loading berth could contribute to street congestion
8 which is already a problem in the area; and (2) Parking too close to a property line. The proposed 21 feet
9 between the proposed building and north property line is not enough to accommodate the length of a pick-up
10 truck and trailer which are anticipated uses at the self-storage units; and (3) The proposed building is too
11 large for the small property and does not result in adequate area onsite for a loading berth and required
12 parking.
13

14 Mr. Kass stated that a new item 11.H should be added to the Summary of Evidence as follows: H. Planning
15 and Zoning Staff worked with the Petitioner to address the concerns of the Board. The Petitioner submitted
16 a revised site plan on April 9, 2012, which addressed some concerns the Board had voiced at the March 29,
17 2012, public hearing. On April 11, 2012, the Petitioner submitted a revised site plan that is nearly identical
18 to the original site plan and that, presumably, will result in the same Board concerns.
19

20 Mr. Thorsland asked the Board if there were any questions for staff or the petitioner regarding the new
21 evidence.
22

23 Ms. Capel asked Mr. Kass if the new site plan with the “red” notations was presented by the petitioner or
24 staff.
25

26 Mr. Kass stated that the site plan with the “red” notations was created by staff. He said that the site plan
27 indicates that the building could be moved 7 feet to the west and would have the minimum 12 foot area
28 required for a loading berth. He said that theoretically moving the building 7 feet would allow for a 12 feet
29 wide loading berth to exist on the property and a variance would be required for side and rear yards. He said
30 that the loading berth would be located right on the property line and right next to the building.
31

32 Mr. Passalacqua asked if the two annotated spots pose a concern since they are located in the visibility
33 triangle.
34

35 Mr. Kass stated that the parking spot closest to the original parking spots barely enters the visibility triangle.
36

37 Mr. Thorsland asked Mr. Kass if staff has discussed the annotated site plan with the petitioner.
38

39 Mr. Kass stated no, but he did remind Mr. Burk about the loading berth.
40

41 Mr. Thorsland asked the Board if there were additional questions for Mr. Kass.

1
2 Mr. Courson stated that currently on the lot to the east of the subject property there is an abandoned trailer
3 and shed which appears to be on the property line. He asked Mr. Kass if he has visited the subject property
4 and viewed the property to the east because the loading berth will be sandwiched in between the proposed
5 building and the shed. He said that the shed was very close to the northwest corner of the lot therefore it
6 might prove difficult to back a truck and trailer into a loading berth at that location.
7
8 Mr. Thorsland stated that on the aerial it appears that the trailer is closer than the shed and that it is on the
9 property line.
10
11 Mr. Kass stated that the shed is the closest structure.
12
13 Mr. Passalacqua stated that he isn't sure how functional 12 feet will be for the loading berth.
14
15 Mr. Kass stated that it will be 12 feet from the proposed building to the property line which is the minimum
16 width of a loading berth. He said that the required size of a loading berth is 12' x 40'.
17
18 Mr. Thorsland stated that at the last meeting the idea was proposed to have three 10' x 24' units to allow for
19 room of the loading berth to the east. He said that the other idea was to have people, if there was more than
20 one person present at a time, park parallel to the building rather than backing up to the unit. He said that in a
21 small way putting the three lots and the ADA together helps that because there is an actual drive or parking
22 area that is now contiguous without any gravel in between and that will only help if there is only one or
23 perhaps two tenants at the site at a time.
24
25 Mr. Thorsland requested that Mr. Burk return to the witness podium.
26
27 Mr. Thorsland asked Mr. Burk if he had a chance to review the annotated site plan.
28
29 Mr. Burk stated yes.
30
31 Mr. Thorsland asked Mr. Burk if he had any comments regarding the annotated site plan.
32
33 Mr. Burk stated that if the building was moved 7 feet to the west that would leave 31 feet and when he spoke
34 with the people about the septic system they indicated that it would be difficult to install septic system in that
35 area. He said that for economical reasons he desires to maintain four units.
36
37 Mr. Thorsland asked the Board if there were any questions for Mr. Burk.
38
39 Ms. Capel asked Mr. Burk if he was planning on installing a septic system with a tank and septic field.
40
41 Mr. Burk stated that he believes that is required.

1
2 Ms. Capel asked if a multi-flow unit is possible.
3
4 Mr. Burk stated no.
5
6 Mr. Thorsland stated that Mr. Burk heard the Board’s concerns at the last meeting and asked Mr. Burk what
7 kind of flexibility he has to address those concerns.
8
9 Mr. Burk stated that he has very little flexibility. He said that the proposed use of the property is how he
10 intends to use it and if the proposed building is not suitable then he will have to propose the use in a different
11 location and not at this site.
12
13 Mr. Thorsland stated that the Board does not know for sure whether a septic system will be installed on the
14 subject property because there is no plumbing, at the moment, proposed in the building and leaving
15 sufficient room for a future septic system is important. He said that the Board has voiced concerns regarding
16 the absence of a loading berth area or a rather tight loading berth area as proposed by staff. He said that staff
17 proposed that the building could be moved to the west although it would require a variance for the visibility
18 triangle for the one parking spot and a fraction of the other parking spot and allow for a very tight loading
19 berth.
20
21 Mr. Passalacqua stated that the very tight loading berth would only be allowed with a variance.
22
23 Mr. Thorsland stated that Mr. Passalacqua was correct that a variance is required for the tight loading berth
24 due to the zero lot line. He said that the petitioner has indicated that for economical reasons he requires the
25 proposed four rental units to allow for the project to be viable. He asked the Board how they would like to
26 proceed.
27
28 Mr. Passalacqua stated that he does not think that a property line abutting the side of building at 12 feet is a
29 functional space. He said that he drives trucks and trailers and he does not think that the area is sufficient
30 and there is no other entrance to the loading berth other than from the north from Paul Avenue making the
31 loading berth even more difficult to utilize.
32
33 Ms. Capel requested an explanation of yard averaging.
34
35 Mr. Hall explained that yard averaging is the provision in the Ordinance which allows the minimum setback
36 to be the average of the yards that existed in 1973 if 25% or more of the lots were occupied.
37
38 Ms. Capel stated that in this case it makes for little yard.
39
40 Mr. Passalacqua asked if it would be a mistake to bring the corner of the west side of the building out into
41 the visibility triangle which will be less than the 31 foot yard average. He said that there will be some

1 distance between the actual northwest corner of the site plan to the triangle and not just the parking space.
2 He said that Mr. Burk was concerned with leaving ample space for the future septic system.
3

4 Mr. Kass stated that if the building was moved seven feet he does not believe that the building would have
5 encroached into the visibility triangle.
6

7 Mr. Passalacqua asked how much more movement is available without encroaching into the visibility
8 triangle.
9

10 Mr. Kass stated that if the building was moved eight or nine feet it would encroach into the visibility
11 triangle.
12

13 Mr. Hall reminded the Board that there is stop sign on Paul Avenue and the Ordinance requires the same
14 visibility triangle regardless of the presence of a stop sign. He said that in the past there have been variances
15 for visibility triangles when there was a stop sign present. He said that this week neither Mr. Kass or Mr.
16 Burk had access to what the Board was thinking about regarding the visibility triangle and but the one thing
17 that visibility triangle does provide for is the septic system.
18

19 Mr. Thorsland stated that the Board has approved much larger variances for visibility triangles regardless of
20 the presence of a stop sign or not. He said that moving the building into that area is the last hold out for any
21 kind of septic and there was testimony tonight that the 31 feet would be pushing that and there is no real way
22 to divide that into two points or locate the septic anywhere else. He said that the lot, not because it is a
23 corner lot but because it is small, is a difficult lot to fit this size of a building upon. He said that with the
24 requirements of the septic system and the loading berth the Board is looking at two less parking spots. He
25 asked if the loading berth could also be considered as a parking area.
26

27 Mr. Hall stated that normally the loading berth cannot be considered as a parking area but he could imagine a
28 condition where the petitioner may be able to manage the overlap. He said that the overlap would have to be
29 actively managed and he is sure that it would prove difficult.
30

31 Mr. Thorsland asked if there was a requirement that the loading berth must be perpendicular to the road.
32

33 Mr. Hall stated that the only requirement in the Ordinance is that the loading berth needs to be 12 feet by 40
34 feet and quite often loading berths are placed in the most convenient spot but those properties are normally
35 much larger than this lot.
36

37 Mr. Thorsland stated that if the building is moved the 12 feet wide space would allow for two parking spots
38 although they would be small parking spots. He said that there would be two parking spots to the east of the
39 building and it would be up to the customers to decide who was coming first and leaving first. He said that
40 the loading berth and some other parking could be allowed in the front parallel to Paul Avenue and somehow
41 work in the loading berth without taking out the visibility triangle or the area for a potential septic system.

1

2 Mr. Courson stated that essentially the loading berth would be blocking all of the entrances to the warehouse
3 units.

4

5 Mr. Thorsland stated that the customers would have to coordinate amongst themselves but it would allow
6 this rather tight lot to be used for something other than an abandoned lot.

7

8 Mr. Hall stated that earlier this week staff did see a site plan that had a different building and a loading berth
9 at five feet from the property line and immediately adjacent were two parking spaces and the parking spaces
10 could only be used in a certain sequence and staff identified that as a concern for Mr. Burk. He said that the
11 building on the earlier site plan is not the building before the Board tonight because Mr. Burk has made it
12 clear that he requires the proposed building which includes four rental units. He said that even if the Board
13 considered some sort of non-standard parking he would not know how that area could be accommodated and
14 keep the area for a septic system.

15

16 Mr. Thorsland stated that he suggested moving the building seven feet and having two of the proposed
17 parking spots to the east be linear and sequential in fashion and then have the loading berth and additional
18 parking fill up the area breaking the parking up with the ADA requirements. He said that the only other
19 alternative to make things work is to make Mr. Burk's area, which is 24 feet by 32 feet, smaller which would
20 not affect the economic aspect of the property but would limit Mr. Burk's private space. He said that he is
21 effectively thinking out loud and trying to look at these as elements that can be moved around and
22 sometimes putting the elements next to each other makes a little less sense but allows them all to be there.
23 He said that the Board has given some visibility triangle flexibility and the other stuff just becomes creative.

24

25 Mr. Passalacqua asked if the 10 feet by 20 feet parking spaces that are indicated on the site plan is the
26 minimum allowed.

27

28 Mr. Hall stated that parking spaces only have to be 9 feet by 20 feet.

29

30 Mr. Thorsland asked if the 16 feet by 20 feet parking space the required area for the ADA requirement.

31

32 Mr. Hall stated yes.

33

34 Mr. Thorsland stated that if the building was moved to a little bit to the west and two spots were on the east
35 side of the building and two spots were pointed to the east and were 9 feet by 20 feet then the rest of the area
36 would have to be for the loading berth and the ADA parking. He said there are possibilities in alleviating
37 some of the Board's concerns yet meeting Mr. Burk's needs but it may take some time and he is not sure if
38 this meeting is the appropriate place. He said that he does not believe that the proposed site plan addresses
39 enough of the Board's concerns so that they are comfortable with making a determination at this time.

40

41 Mr. Courson stated that he believes that the building is too large for the lot.

1
2 Mr. Hall stated that there is a variance for the visibility triangle and the minimum parking requirements
3 therefore if the two parking spaces indicated on the annotated plan were not located in front of the personal
4 space he could imagine a loading berth in that location that might be a pull-in and pull-out situation,
5 depending upon if no one is parked in the accessible parking space when trying to pull into the loading berth
6 that is parallel with the north lot line. He said that he could even imagine a parking space for the personal
7 use between the building and the loading berth. He said that he does not imagine someone being parked in
8 the loading berth area all of the time so the encroachment into the visibility triangle would only be part time
9 and there would be a loading berth with sufficient access and Mr. Burk would have a building of this size.
10
11 Mr. Passalacqua stated that the variance would still be required because there are a small number of parking
12 spaces in lieu of the loading berth. He asked Mr. Hall if he is proposing a special condition that allows the
13 ADA parking area to be part of the loading berth.
14
15 Mr. Hall stated no. He said that the loading berth would begin at the west line of the ADA parking space
16 and then encroach into the visibility triangle a little bit when the loading berth is occupied.
17
18 Mr. Courson stated that this would be placing a heavy truck over a septic field.
19
20 Mr. Hall stated that it depends upon exactly where the septic field is located.
21
22 Mr. Passalacqua stated that in order to make this plan work the east unit has to be eliminated or reduce the
23 size of the private space.
24
25 Mr. Thorsland asked if the east unit was eliminated would one parking space also be eliminated.
26
27 Mr. Hall stated yes.
28
29 Mr. Thorsland asked if the private space was reduced the same amount of parking spaces would be required
30 but there would be more room to place those parking spaces.
31
32 Mr. Passalacqua stated that the 12 feet by 40 feet loading berth, as annotated, has no setbacks. He asked if
33 the required setback at the east side is five feet.
34
35 Mr. Hall stated yes.
36
37 Mr. Passalacqua stated that if the east unit is eliminated there could be three feet added to the remaining
38 three units making them larger. He said that he would like to review a new plan incorporating all of the
39 Board's suggestions.
40
41 Mr. Hall reminded the Board of Mr. Burk's testimony.

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Mr. Thorsland stated that he has no doubt that having four rental units over three rental units does makes the project more viable and he believes that perhaps it could be done if the building is moved and there is a reduction in the private space. He said that if 5 feet came out of the 32 feet then that may give enough room for the loading berth on the east side with even a little yard to make it more usable or make some sort of odd arrangement of the parking spaces and make a parallel loading berth that is in the front of the building that will be somewhat functional. He said that the only thing that cannot be adjusted is the ADA parking. He said that Mr. Burk and staff can evaluate the suggestions and perhaps design an alternative plan because he does not want the building designed during the meeting.

Mr. Hall stated that the idea whether or not the rental units need to be 10' wide is a good point because there would still be four rental spaces. He said that if one foot was taken off of each rental unit and if the building was moved 7 feet to the west added to the five feet there would be a 17 foot gain and if that is enough room for a functional loading berth them maybe the biggest question is, if that will work for the Board will it work for Mr. Burk.

Mr. Thorsland stated that it would not be unreasonable and the most flexible part, in his mind and the least flexible to Mr. Burk, is the flexibility of the private space. He said that in making a small reduction in the other units and sliding the building to the west there could be a useable area to the east.

Ms. Capel requested the minimum size of the loading berth if it were located to the east.

Mr. Hall stated that the minimum size of the loading berth is 12 feet by 40 feet.

Ms. Capel stated that the loading berth has a five feet setback therefore essentially making it 17 feet.

Mr. Hall said that currently there is a variance request for no loading berth so it could be argued that an 11 feet wide loading berth is better than no 12 feet loading berth and if the Board finds that that much space on the east end works, however Mr. Burk wants to arrange it, then the plan has been helped out a lot but he does not know if the plan suggestions will still work for Mr. Burk.

Ms. Capel requested the acceptable minimum setback for the loading berth from the lot line.

Mr. Thorsland stated that he would try to work the parking spaces into the loading berth because it is not unusual for vehicles to be parked in someone's driveway and no one has just one car in their driveway therefore there are a lot of options. He said that there have been a lot of suggestions at tonight's meeting therefore he is confident that staff and Mr. Burk can work this out. He asked the Board if the 17 feet were available to the east, would they be comfortable in calling that area parking spaces or a loading berth.

Ms. Capel stated that the area could be called both.

1 Mr. Courson stated that he still believes that the area is still too small because of the industrial use there
2 could be future uses. He said that a semi-trailer is 53 feet in length and if a semi-trailer was placed in the
3 loading berth it would also be located in the neighbor's yard to the north.
4

5 Mr. Thorsland stated that not very long ago the Board heard a case for a recycling center and a loading berth
6 was allowed inside of the building although it is not an option for Mr. Burk. He said that small lots have
7 always lead to a lot of compromise but in its current state that nothing happens which is not optimal for the
8 I-1 district.
9

10 Mr. Thorsland called Mr. Burk to the witness podium.
11

12 Mr. Thorsland asked Mr. Burk, after hearing the Board's brainstorming, if he thought it was reasonable to
13 take the time to work with staff to work on some of the concepts and ideas suggested tonight so that a way
14 can be found to accommodate the four bays yet leave enough room for vehicles and keep the project alive.
15 He asked Mr. Burk if he would like the Board to move forward to the Final Determination now although he
16 is not sure that the outcome will be what Mr. Burk desires.
17

18 Mr. Burk requested that the Board move forward to the Final Determination tonight.
19

20 Mr. Thorsland stated that the Board can certainly move forward to the Final Determination tonight but the
21 Board will be working off of the plan that is before them tonight. He asked Mr. Burk if he understood that
22 the Board must determine all of the findings in the affirmative or the variance will not be approved.
23

24 Mr. Burk stated yes.
25

26 Mr. Courson asked Mr. Thorsland if he needed to inform Mr. Burk that a full Board is not present tonight
27 due to the absence of one Board member.
28

29 Mr. Thorsland stated that the Board has a lot of work to do before he informs Mr. Burk of that matter.
30

31 Mr. Hall noted that two Board members are absent from tonight's meeting.
32

33 Mr. Thorsland stated that the distributed Supplemental Memorandum dated March 23, 2012, includes the
34 following special conditions:

- 35 **A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
36 **authorizing occupancy of the proposed warehouse storage facility until the Zoning**
37 **Administrator has received a certification of inspection for an Illinois Licensed**
38 **Architect or other qualified inspector certifying that the new building complies with the**
39 **following codes; (A) The 2006 or later edition of the International Building Code; (B)**
40 **The 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois**
41 **Plumbing Code.**

1 The special condition stated above is required to ensure that the proposed structure is safe
2 and built to current standards.
3

4 **B. Regarding State of Illinois accessibility requirements:**

- 5 (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the**
6 **proposed warehouse storage facility without certification by an Illinois Licensed**
7 **Architect or Illinois Professional Engineer that the new building will comply**
8 **with the Illinois Accessibility Code and Illinois Environmental Barriers Act,**
9 **unless the petitioner can provide documentation certifying that the proposed**
10 **warehouse storage facility would not have exceeded \$50,000 in construction cost**
11 **by hiring a contractor to construct the building and perform all other necessary**
12 **work.; and**
- 13 (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
14 **authorizing operation of the proposed warehouse storage facility until the**
15 **Zoning Administrator has verified that the warehouse storage facility as**
16 **constructed does in fact comply with the Illinois Accessibility Code and Illinois**
17 **Environmental Barriers Act.**

18 The special conditions stated above are required to ensure that the proposed Special Use
19 meets applicable state codes for handicap accessibility.
20

21 Mr. Thorsland stated that the Supplemental Memorandum dated March 29, 2012, includes a new special
22 condition as follows:
23

24 **C. Business activities between the hours of 10PM and 7AM shall be limited as follows:**

- 25 (1) **No activity (other than storage) shall occur in any of the self storage warehouse**
26 **spaces during these hours.**
- 27 (2) **No business activity (other than office) shall occur in the warehouse space**
28 **during these hours but the owner may use the space for personal activities.**

29 The special condition stated above is required to ensure that the variance for side and rear
30 yard does not contribute to undue nuisance conditions for adjacent residential properties.
31

32 Mr. Hall stated that special condition C. was modified at the last meeting to include the following
33 requirement:

- 34 (3) **A 1 foot x 1 foot sign at the exterior of each unit stating, “No activity between**
35 **the hours of 10PM and 7AM.”**

36 He said that staff would have included the addition to special condition C. as an update but staff was
37 anticipating a different plan until yesterday and yesterday staff found out that the plan which is before the
38 Board tonight is the final plan from Mr. Burk therefore staff was not able to go back and make the change to
39 special condition C. He said that the Board was contemplating that change and his notes he had shown it as
40 item 3. under special condition C.
41

1 Mr. Thorsland asked the petitioner if he was comfortable with the proposed conditions.
2
3 Mr. Burk stated yes.
4
5 Mr. Thorsland entertained a motion to approve the special conditions for Case 702-V-11 as amended.
6
7 **Ms. Capel moved, seconded by Mr. Palmgren to approve the special conditions for Case 702-V-11 as**
8 **amended. The motion carried by voice vote.**
9
10 Mr. Thorsland asked Mr. Burk if he understood that despite the agreement to the special conditions there is
11 still potential that the case could be denied.
12
13 Mr. Burk stated yes.
14
15 Mr. Thorsland asked Mr. Burk if he understood that despite that the fact that the conditions meet his
16 approval all of the findings must be affirmative therefore regardless of his agreement to the conditions the
17 case could still be denied.
18
19 Mr. Burk stated yes.
20
21 Mr. Thorsland stated that the following items should be added as Documents of Record. 4. Supplemental
22 Memorandum dated March 15, 2012, with attachments; and 5. Supplemental Memorandum dated March 23,
23 2012, with attachments; and 6. Supplemental Memorandum dated March 29, 2012; and; 7 Supplemental
24 Memorandum dated April 5, 2012, with attachments; and 8. Revised site plan received on April 11, 2012;
25 and 9. Supplemental Memorandum dated April 12, 2012, with attachments.
26
27 Mr. Hall noted that there are several changes to the Summary of Evidence.
28
29 Mr. Thorsland stated that Mr. Kass discussed most of those changes with the Board.
30
31 Mr. Hall stated that if the Board is comfortable with those changes then that is fine but there are a lot.
32
33 Mr. Thorsland asked the Board if there were any concerns or additions to the changes to the Summary of
34 Evidence, included in the Supplemental Memorandum dated April 12, 2012.
35
36 Ms. Capel asked if the annotated site plan is included as part of the revised site plan.
37
38 Mr. Kass stated that what was distributed tonight was the most recent site plan and the annotated site plan,
39 indicated with red mark-ups, is attached.
40
41 Mr. Hall stated that the only item of evidence that was not included in the Supplemental Memorandum dated

1 April 12, 2012, which includes the changes to the Summary of Evidence, is new item 7.f. which was
2 included in the Supplemental Memorandum dated March 29, 2012. He said that he believes that item 7.f. is
3 still valid evidence.

4
5 Mr. Thorsland stated that Mr. Burk’s testimony stating that the four rental units are required for the viability
6 of the proposed project.

7
8 Mr. Hall stated that Mr. Burk’s testimony could be added as a new item 8.e., regarding any practical
9 difficulties or hardships related to carrying out the strict letter of the Ordinance. He said that new item 8.e.
10 could read as follows: At the April 12, 2012, public hearing Roger Burk testified that a building of this size
11 with four rental units was necessary to make the project economically feasible.

12
13 **Finding of Fact for Case 702-V-11:**

14
15 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
16 702-V-11 held on March 15, 2012, March 29, 2012, and April 12, 2012, the Zoning Board of Appeals of
17 Champaign County finds that:

- 18
19 1. **Special conditions DO exist which are peculiar to the land or structure involved, which**
20 **are not applicable to other similarly situated land and structures elsewhere in the same**
21 **district.**

22
23 Mr. Palmgren stated that special conditions DO exist which are peculiar to the land or structure involved,
24 which are not applicable to other similarly situated land and structures elsewhere in the same district because
25 the subject property is a small corner lot without previous zoning and is somewhat located in no-man’s land.

26
27 Mr. Thorsland stated that the combination of the corner location and the large visibility triangle would
28 necessitate a variance for almost any useful construction.

29
30 Ms. Capel stated that the subject property is a small lot which is zoned industrial and the Board must provide
31 for any possible future uses.

32
33 Mr. Passalacqua asked if the subject property consists of two lots.

34
35 Mr. Thorsland stated yes.

36
37 Mr. Hall stated that the subject property is one zoning lot composed of two lots.

38
39 Mr. Courson stated that this is a lot that could be combined with another lot in the future to accommodate a
40 larger building.

41

1 Mr. Hall requested confirmation that Mr. Passalacqua’s and Mr. Courson’s questions were not part of the
2 finding but were only questions for clarification.
3

4 Mr. Passalacqua and Mr. Courson stated that their questions were not part of the finding and were only for
5 clarification.
6

7 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
8 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
9 **the land or structure or construction.**

10
11 Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the
12 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
13 or construction because the building as submitted is what is required to make the requested use economically
14 feasible.
15

16 Mr. Courson stated the petitioner has indicated that he requires a building of this size to make the project
17 economically feasible for the subject property.
18

19 Mr. Thorsland stated that no additional land is available to eliminate the need for the variance.
20

21 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
22 **result from actions of the applicant.**
23

24 Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
25 result from actions of the applicant because they are characteristics of the zoning and of the lot.
26

27 Mr. Thorsland stated that the subject property was created prior to the adoption of zoning in 1973.
28

29 **4. The requested variance, subject to the proposed special conditions, IS in harmony with**
30 **the general purpose and intent of the Ordinance.**
31

32 Mr. Thorsland stated that the requested variance, subject to the proposed special conditions, IS in harmony
33 with the general purpose and intent of the Ordinance because it allows the use that is consistent with other
34 neighborhood uses and is in general harmony with the I-1 area.
35

36 **5. The requested variance, subject to the proposed special conditions, WILL be injurious**
37 **to the neighborhood or otherwise detrimental to the public health, safety, or welfare.**
38

39 Ms. Capel stated that the requested variance, subject to the proposed special conditions, WILL be injurious
40 to the neighborhood or otherwise detrimental to the public health, safety or welfare because of the lack of a
41 loading berth or parking that will accommodate a truck and trailer adequately will negatively impact traffic

1 on Paul Avenue because presumably the vehicles will be in the road interfering with traffic.
2

- 3 **6. The requested variance, subject to the proposed special conditions, IS NOT the**
4 **minimum variation that will make possible the reasonable use of the land/structure.**
5

6 Mr. Courson stated that the requested variance, subject to the proposed special conditions, IS NOT the
7 minimum variation that will make possible the reasonable use of the land/structure because a smaller
8 warehouse could be placed on the lot with required loading berths and adequate parking.
9

- 10 **7. The special conditions imposed herein are required to ensure compliance with the**
11 **criteria for variance and for the particular purposes described below:**
12

- 13 **A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
14 **authorizing occupancy of the proposed warehouse storage facility until the Zoning**
15 **Administrator has received a certification of inspection for an Illinois Licensed**
16 **Architect or other qualified inspector certifying that the new building complies with the**
17 **following codes; (A) The 2006 or later edition of the International Building Code; (B)**
18 **The 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois**
19 **Plumbing Code.**

20 The special condition stated above is required to ensure that the proposed structure is safe
21 and built to current standards.
22

- 23 **B. Regarding State of Illinois accessibility requirements:**

- 24 **(1) The Zoning Administrator shall not approve a Zoning Use Permit for the**
25 **proposed warehouse storage facility without certification by an Illinois Licensed**
26 **Architect or Illinois Professional Engineer that the new building will comply**
27 **with the Illinois Accessibility Code and Illinois Environmental Barriers Act,**
28 **unless the petitioner can provide documentation certifying that the proposed**
29 **warehouse storage facility would not have exceeded \$50,000 in construction cost**
30 **by hiring a contractor to construct the building and perform all other necessary**
31 **work.; and**

- 32 **(2) The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
33 **authorizing operation of the proposed warehouse storage facility until the**
34 **Zoning Administrator has verified that the warehouse storage facility as**
35 **constructed does in fact comply with the Illinois Accessibility Code and Illinois**
36 **Environmental Barriers Act.**

37 The special conditions stated above are required to ensure that the proposed Special Use
38 meets applicable state codes for handicap accessibility.
39

- 40 **C. Business activities between the hours of 10PM and 7AM shall be limited as follows:**

- 41 **(1) No activity (other than storage) shall occur in any of the self storage warehouse**

- 1 spaces during these hours.
- 2 (2) **No business activity (other than office) shall occur in the warehouse space**
- 3 **during but the owner may use the space for personal activities.**
- 4 (3) **A 1 foot x 1 foot sign at the exterior of each unit stating, "No activity between**
- 5 **the hours of 10PM and 7AM."**

6 The special condition stated above is required to ensure that the variance for side and rear
7 yard does not contribute to undue nuisance conditions for adjacent residential properties.

8
9 Mr. Thorsland entertained a motion to approve the Summary of Evidence, Documents of Record and Finding
10 of Fact as amended.

11
12 **Mr. Courson moved, seconded by Ms. Capel to approve the Summary of Evidence, Documents of**
13 **Record and Finding of Fact as amended. The motion carried by voice vote.**

14
15 Mr. Thorsland entertained a motion to continue to the Final Determination for Case 702-V-11.

16
17 **Ms. Capel moved, seconded by Mr. Courson to continue to the Final Determination for Case 702-V-**
18 **11. The motion carried by voice vote.**

19
20 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant
21 therefore it is at his discretion to either continue Case 702-V-11 until a full Board is present or request that
22 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative
23 votes are required for approval.

24
25 Mr. Burk requested that the present Board continue to the Final Determination.

26
27 **Final Determination for Case 702-V-11:**

28
29 **Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals**
30 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
31 **requirements for approval in Section 9.1.9.C HAVE NOT been met, and pursuant to the authority**
32 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals**
33 **of Champaign County determines that the variance requested in Case 702-V-11 is hereby DENIED to**
34 **the petitioner Roger Burk to authorize:**

- 35
- 36 **Part A. Variance for a side yard of 5 feet in lieu of the minimum required side yard of 10 feet;**
- 37 **Part B. Variance for a rear yard of 5 feet in lieu of the minimum required rear yard of 20 feet;**
- 38 **Part C. Variance from the visibility triangle requirements for a corner lot;**
- 39 **Part D. Variance from the minimum required number of parking spaces for industrial uses;**
- 40 **Part E. Variance from the loading berth requirements in lieu of the required 1 loading berth;**
- 41 **Part F. Variance from a minimum separation from a side property line for parking spaces of**

1 1 foot in lieu of the minimum required 5 feet.

2
3 **Subject to the following conditions:**

4
5 **A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
6 **authorizing occupancy of the proposed warehouse storage facility until the Zoning**
7 **Administrator has received a certification of inspection for an Illinois Licensed**
8 **Architect or other qualified inspector certifying that the new building complies with the**
9 **following codes; (A) The 2006 or later edition of the International Building Code; (B)**
10 **The 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois**
11 **Plumbing Code.**

12 The special condition stated above is required to ensure that the proposed structure is safe
13 and built to current standards.

14
15 **B. Regarding State of Illinois accessibility requirements:**

16 **(1) The Zoning Administrator shall not approve a Zoning Use Permit for the**
17 **proposed warehouse storage facility without certification by an Illinois Licensed**
18 **Architect or Illinois Professional Engineer that the new building will comply**
19 **with the Illinois Accessibility Code and Illinois Environmental Barriers Act,**
20 **unless the petitioner can provide documentation certifying that the proposed**
21 **warehouse storage facility would not have exceeded \$50,000 in construction cost**
22 **by hiring a contractor to construct the building and perform all other necessary**
23 **work.; and**

24 **(2) The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
25 **authorizing operation of the proposed warehouse storage facility until the**
26 **Zoning Administrator has verified that the warehouse storage facility as**
27 **constructed does in fact comply with the Illinois Accessibility Code and Illinois**
28 **Environmental Barriers Act.**

29 The special conditions stated above are required to ensure that the proposed Special Use
30 meets applicable state codes for handicap accessibility.

31
32 **C. Business activities between the hours of 10PM and 7AM shall be limited as follows:**

33 **(1) No activity (other than storage) shall occur in any of the self storage warehouse**
34 **spaces during these hours.**

35 **(2) No business activity (other than office) shall occur in the warehouse space**
36 **during these hours but the owner may use the space for personal activities.**

37 **(3) A 1 foot x 1 foot sign at the exterior of each unit stating, "No activity between**
38 **the hours of 10PM and 7AM."**

39 The special condition stated above is required to ensure that the variance for side and rear
40 yard does not contribute to undue nuisance conditions for adjacent residential properties.

1 The roll was called:
2 **Passalacqua-yes** **Courson-yes** **Palmgren-yes**
3 **Miller-absent** **Capel-yes** **Thorsland-yes**
4
5
6 Mr. Hall informed Mr. Burk that the Board has issued a denial for Case 702-V-11 and staff will send out
7 paperwork documenting the Board’s finding within the next few weeks. He informed Mr. Burk that if he
8 requires anything from staff in the mean time then he should contact staff requesting such.
9
10 6. New Public Hearings
11
12 None
13
14 7. Staff Report
15
16 None
17
18 8. Other Business
19 A. Review of ZBA Docket
20
21 Mr. Kass stated that the April 26th meeting consists of the return of continued Cases 699-AM-11 and 700-S-
22 11, L.A. Gourmet and new cases 697-V-11, Ronald Bryant and 714-V-12, Lee and Myrtl Pardy. He said
23 that Case 697-V-11, Ronald Bryant consists of several variances and one being the division of a lot that is
24 less than five acres. He said that Case 714-V-12, Lee and Myrtl Pardy requests a side yard of 7 feet in lieu
25 of 10 feet for a detached carport.
26
27 Ms. Capel asked if Case 697-V-11 involves structures which already exist.
28
29 Mr. Kass stated yes. He said that there are two homes on the subject property.
30
31 Ms. Capel stated that the variance is being requested after the fact.
32
33 Mr. Kass stated yes.
34
35 Mr. Courson asked if the existing homes were new homes.
36
37 Mr. Kass stated no.
38
39 Mr. Kass stated that the May 17th meeting consists of Case 707-S-12, Daniel Williams, which requests a
40 special use for a paintball park in the CR District and Case 709-V-12, Mark and Kristi Pflugmacher,
41 requests a variance to not have gain access to a principal use by means of a private bridge rather than dry

1 land. He said that the May 31st meeting consists of Case 708-S-12, Dewey Evangelical Mennonite Church,
2 which is requesting a special use for a large activity center on property which is behind the existing church.
3 He said that Case 715-V-12, Denny Anderson, consists of a variance request for an existing building which
4 was constructed within a utility easement and a zero side yard. He said that Case 716-AM-12, is a request to
5 rezone from AG-1 to I-1 to allow a theoretical and applied research development to operate on the subject
6 property.

7
8 Mr. Hall stated that Case 716-AM-12, is a request to allow the reuse of an abandoned seed research facility
9 and such a request is not uncommon and it seems such a request occurs every few years. He said that the
10 application was just received today and even though the petitioners requested a decision as soon as possible
11 it was placed on the docket for May 31st which is the soonest date that the case can be heard.

12
13 Mr. Kass stated that the June 14th meeting consists of three text amendments. He said that Case 704-AT-11
14 is a tentative case because staff is awaiting an opinion from the State’s Attorney. He said that Case 710-AT-
15 12 and 711-AT-12 are related to the LESA update and changing the LE for best prime farmland from 85 to
16 an LE of 91.

17
18 Mr. Kass stated that the June 28, 2012, meeting consists of continued Cases 687-AM-11 and 688-S-11,
19 Philip Jones and tentative Case 712-AT-11 regarding the RHO requirements for vehicles.

20
21 Mr. Hall stated that he does not anticipate direction regarding Case 712-AT-11 until June therefore the case
22 should probably be moved to July. He said that staff is awaiting a response from Dr. Jones regarding a
23 letter that staff mailed to him a few weeks ago and Dr. Jones has been waiting for a long time and deserves a
24 determination therefore if all is a go Cases 687-AM-11 and 688-S-11 may be moved up on the docket so that
25 they can be heard prior to the text amendments.

26
27 Mr. Passalacqua asked if Case 712-AT-11 has to be determined before Mr. Dillard’s case comes before the
28 Board.

29
30 Mr. Hall stated that if the case happens as he has proposed it then Mr. Dillard’s case will not come before
31 the Board but he does not know how the County Board is thinking about this issue currently. He said that he
32 proposed a recommendation to the County Board that eliminated any problems and it appears that his
33 recommendation was still not good enough.

34
35 Mr. Thorsland reminded the Board to complete the Open Meeting Act requirement. He said that currently
36 he, Mr. Passalacqua and Mr. Courson have completed the requirement and submitted the appropriate
37 certificate to staff. He requested that Ms. Capel, Mr. Palmgren and Mr. Miller investigate completing the
38 requirement soon.

39
40 B. March 2012 Monthly Report
41

1 Mr. Hall distributed the March 2012 Monthly Report to the Board for review. He said that the past few
 2 monthly reports have been positive in terms of exceeding averages for the past five years on those things that
 3 we track and that trend stopped in March although in April, in terms of Zoning Cases, it far exceeded
 4 anything in the past few years because zoning cases have really picked up and permits have slacked off. He
 5 said that staff has begun completing the field visits for the wind farm and even though there are only 30
 6 turbines staff is required to physically walk one-half mile for each turbine to verify compliance and it takes a
 7 lot of staff's time.

8
 9 9. Audience Participation with respect to matters other than cases pending before the Board

10
 11 None

12
 13 10. Adjournment

14
 15 Mr. Thorsland entertained a motion to adjourn the meeting.

16
 17 **Mr. Courson moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by**
 18 **voice vote.**

19
 20 The meeting adjourned at 8:23 p.m.

21
 22
 23
 24
 25 Respectfully submitted

26
 27
 28
 29
 30 Secretary of Zoning Board of Appeals

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1 **MINUTES OF REGULAR MEETING**
2
3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
4 **1776 E. Washington Street**
5 **Urbana, IL 61802**
6

7 **DATE:** April 26, 2012 **PLACE:** Lyle Shield's Meeting Room
8 1776 East Washington Street
9 **TIME:** 7:00 p.m. **Urbana, IL 61802**

10
11 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad
12 Passalacqua
13

14 **MEMBERS ABSENT :** Roger Miller
15

16 **STAFF PRESENT :** Connie Berry, Andrew Kass, John Hall
17

18 **OTHERS PRESENT :** Lauren Murray-Miller, Patti Murray, Birgit McCall, Ben McCall, Jason
19 Watson, Gwendoline Wilson, Donald Wood, Kelly Bland, Leonard Stocks,
20 Bernard Hammel, Chris Wallace, Catharine Ehler, David Swartzendruber,
21 Peggy Anderson, Jason Bartell, Jack Murray, Annie Murray, Susan Bryant,
22 Ronald Bryant, Lisa Kesler, Lee Pardy, Myrtle Pardy, Jodi Ferris, Brenda
23 Keith, Mary Ann Hammel, Judy Swartzendruber
24

25
26 **1. Call to Order**
27

28 The meeting was called to order at 7:00 p.m.
29

DRAFT

30 **2. Roll Call and Declaration of Quorum**
31

32 The roll was called and a quorum declared present with one member absent and one vacant Board seat.
33

34 **3. Correspondence**
35

36 None
37

38 **4. Approval of Minutes (March 29, 2012)**
39

40 **Ms. Capel moved, seconded by Mr. Palmgren to approve the March 29, 2012, minutes as submitted.**
41 **The motion carried by voice vote.**
42

43 Mr. Thorsland requested a motion to rearrange the agenda and hear Case 714-V-12, Lee and Myrtle Pardy
44 prior to continued Cases 699-AM-11 and 700-S-11, L.A. Gourmet Catering, LLC, with owners Annie
45 Murray, Lauren Murray and landowner John Murray and new Case 697-V-11, Ronald and Susan Bryant.
46

47 **Mr. Palmgren moved, seconded by Mr. Courson to rearrange the agenda and hear Case 714-V-12,**
48 **Lee and Myrtle Pardy prior to continued Cases 699-AM-11 and 700-S-11, L.A. Gourmet Catering,**

1
2 **LLC, with owners Annie Murray, Lauren Murray and landowner John Murray and new Case 697-V-**
3 **11, Ronald and Susan Bryant. The motion carried by voice vote.**
4
5

6 **5. Continued Public Hearing**
7

8 **Case 699-AM-11 Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren**
9 **Murray and landowner John Murray Request to amend the Zoning Map to change the zoning**
10 **district designation from the AG-1 Agriculture Zoning District to the AG-2, Agriculture Zoning**
11 **District in order to operate the proposed Special Use in related zoning case 700-S-11. Location: A 10**
12 **acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and**
13 **commonly known as the home at 2150 CR 1000E, Champaign.**
14

15 **Case 700-S-11 Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren**
16 **Murray and landowner John Murray Request to authorize the construction and use of an Event**
17 **Center as a “Private Indoor Recreational Development” as a Special Use on land that is proposed to**
18 **be rezoned to the AG-2, Agriculture Zoning District from the current AG-1, Agriculture District in**
19 **related Case 699-AM-11. Location: A 10 acre tract in the Southwest Quarter of the Northwest**
20 **Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E,**
21 **Champaign.**
22

23 Mr. Thorsland called Cases 699-AM-11 and 700-S-11 concurrently.
24

25 Mr. Thorsland informed the audience that Case 700-S-11 is an Administrative Case and as such the County
26 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
27 show of hands for those who would like to cross examine and each person will be called upon. He requested
28 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
29 that those who desire to cross examine are not required to sign the witness register but are requested to
30 clearly state their name before asking any questions. He noted that no new testimony is to be given during
31 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
32 exempt from cross examination.
33

34 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
35 sign the witness register for that public hearing. He reminded the audience that when they sign the
36 witness register they are signing an oath.
37

38 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request
39 and the petitioners indicated that they did not.
40

41 Mr. Hall distributed a Supplemental Memorandum dated April 26, 2012, to the Board for review. He said

1 that the memorandum includes additional information regarding traffic accidents on County Highway 1. He
2 noted that over the five-year period (2007-2011), 68 accidents occurred on County Highway 1 between the
3 intersection with US Highway 150 and US Highway 136, and a total of 30 (44%) of the accidents occurred
4 in January and February. He said that staff consulted with CUUATS staff and they indicated that the 30
5 accidents were related to the speed of travel and weather conditions. Mr. Hall stated that the petitioners have
6 indicated that they do not plan to have any activities at the subject property during the months of January and
7 February.

8
9 Mr. Hall stated that attached to the Supplemental Memorandum dated April 26, 2011, is the proposal from
10 the CUUATS' staff for the Traffic Impact Analysis and CUUATS estimated that the analysis would cost
11 \$4,960 and it would take approximately 10 business days to complete. Mr. Hall stated that as soon as the
12 cost estimate was received from CUUATS, staff passed the information on to the petitioners. He said that
13 when he met with the petitioners he was not sure whether the Department of Planning and Zoning could or
14 should pay for any part of the analysis and at this point the Department cannot pay for any part of it. He said
15 that if there is to be an analysis then it would be at the cost of the petitioners. He said that he informed the
16 petitioners that a possible outcome of the traffic impact analysis is that improvements may be necessary to
17 County Highway 1 for this particular development at which point the only way that those improvements
18 would happen is if the petitioner agrees to pay for them. He said that it is not often that the Board has a
19 situation such as this come up with a special use permit but this is the situation and the petitioner has only
20 had this information since mid-morning on Monday. He said that one of the drawbacks of the Ordinance is
21 that there is no requirement included for a traffic impact analysis ahead of time so that the petitioner can be
22 forewarned ahead of time.

23
24 Mr. Hall stated that attached to the new memorandum are 11 letters of support that the department has
25 received from various residents of the County.

26
27 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

28
29 Mr. Courson asked if any comments have been received from Jeff Blue, County Highway Engineer.

30
31 Mr. Hall stated that these are Mr. Blue's comments. He said that he did press for more comments from Mr.
32 Blue and frankly asked him if there was no traffic impact analysis and the case was approved would he
33 approve the driveway construction and Mr. Blue indicated that he did not believe that he would. Mr. Hall
34 stated that Mr. Blue did not indicate a firm no, but his comments more or less guaranteed that a traffic
35 impact analysis is required and to a certain extent Mr. Blue is responsible for public safety on County
36 Highway 1 therefore no driveway work would be approved without an analysis. Mr. Hall stated that it is not
37 his call but this is the impression that he received from Mr. Blue.

38
39 Mr. Courson stated that he has thought about the proposed use since the last meeting and he believes that
40 speed reduction signs are required in the subject property area as well. He said that there is a lot of traffic in
41 the area already due to the existing residential and business uses. He said that a new gymnastics center has

1 moved into the area which involves a lot of kids and families creating additional traffic on County Highway
2 1.
3
4 Mr. Hall stated that unfortunately a traffic impact analysis is required to tell us if a speed reduction would
5 make a difference. He said that County Highway 1 already has problems and there has been a grant
6 application to make some improvements that are already warranted. He said that even if the special use
7 permit is not approved there are problems with County Highway 1 and some improvements are already
8 known to be required. He said that there could be a speed limit reduction but enforcement is an issue and if
9 a traffic impact analysis is completed then it would be known whether or not that would help.
10
11 Mr. Thorsland asked the Board if there were any further questions for Mr. Hall and there were none.
12
13 Mr. Thorsland informed the audience that if they submitted a letter of support the Board requests that they do
14 not read the letter during their testimony because the letters are in the public record.
15
16 Mr. Thorsland called Anne Murray to testify.
17
18 Ms. Anne Murray requested that Lauren Murray-Miller testify first.
19
20 Ms. Lauren Murray-Miller, who resides at 105 Meadow Creek Ct., Lexington, stated that her family
21 appreciates the Board's time in allowing them to share their intentions regarding the subject property. She
22 said that she would like to take a moment to share with the Board an accurate trail of the company, herself
23 and Anne, and their family and express to the Board why the subject property is the perfect place for what
24 they envision.
25
26 Ms. Murray-Miller stated that over 130 years ago and many generations their grandparents settled on their
27 parent's current farm which is just a few miles north of the subject property and their mother's family farm is
28 only a few miles north of the Murray farm. Ms. Murray-Miller stated that when their grandfather graduated
29 from high school his father sat him down and stated that he would either send him to college and he will pay
30 for it or he would purchase farmland for him. Ms. Murray-Miller stated that her grandfather decided that he
31 would rather have his father purchase the land than go to college. Ms. Murray-Miller stated that she believes
32 that her grandfather's decision was a brave one and speaks to how much the family appreciates where they
33 have come from and how their grandfather set the standard for the family.
34
35 Ms. Murray-Miller stated that after four daughters, on April 6, 1956, Jack Murray, Anne and Lauren's father,
36 was born. She said that after their father received his Agronomy degree in 1978, he married their mom and
37 moved to the family farm to continue the family's farming operation. Ms. Murray-Miller stated that their
38 father has five sisters and they all went on to develop a very prestigious design firm but their father holds the
39 most prestigious place in the family because he stayed behind to take care of the family farm.
40
41 Ms. Murray-Miller stated that she and her siblings have been working on the family farm since they were old

1 enough to hold a hoe and walk the fields and it is on that soil that they have learned the hard work ethic and
2 spirit of the original entrepreneur of this state and that was the farmer. She said that she and Anne share all
3 of this with their dad, brother, parents and cousins and they are so proud to be tied tightly to their farming
4 roots.

5
6 Ms. Murray-Miller stated that in May 2006 she and Anne graduated from the University of Illinois College
7 of Agriculture and Consumer Environmental Sciences and on September 1st at the age of 21 and 22 they
8 opened L.A. Gourmet Catering. She said that they have catered thousands of parties and special events and
9 to them the quantity means little compared to quality. She said that she and her sister have never been given
10 anything other than the opportunity to work so that they could succeed. Ms. Murray-Miller stated that she
11 and Anne opened the company up as a career to work on by themselves and give them the opportunity to
12 have employees that they can call family and have clients whom they can call friends. She said that in
13 September 2008 they were recognized by the University Of Illinois College Of Aces as Outstanding Young
14 Alumni. She said that the award is given to any available alumni that is under the age of 40 as distinguished
15 alumni for excellence in their field. Ms. Murray-Miller stated that serving others is not just what they do but
16 is who they are.

17
18 Ms. Murray-Miller stated that on October 17, 2009, she rode in her dad's John Deere tractor with her new
19 husband, who is a McLean County farmer, to the tent that they had put up in her parent's front yard, this was
20 her childhood dream to be able to embrace the land that meant so much to her family and celebrate the
21 generations that danced there before them. She said that this is the experience that L.A. Gourmet can
22 provide on the subject property for another farmer's child or anyone else who cares to enjoy it. She said that
23 they are not here to exploit the land or be disrespectful to their neighbors but are asking to share the land and
24 experience that is not obtainable elsewhere. She said that they are not wasting farmland and are rather doing
25 what their ancestors settled upon the land to do which was to go forth and prosper and make the best of it.

26
27 Ms. Murray-Miller stated that she and her sister have not submitted the proposal haphazardly because they
28 have done research and taken the steps necessary that have been asked of them to make sure that this is a
29 feasible project. She said that they come from a hardworking and honest family and she and Anne have
30 created jobs in a time when there is recession and despair and they have created a non-for-profit to reduce
31 waste and help feed hungry families. She said that they would appreciate the opportunity to offer this space
32 to the residents of Champaign County. She thanked the Board for their time and consideration.

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

35
36 Mr. Thorsland asked if staff had any questions for Ms. Miller and there were none.

37
38 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Miller and there was no one.

39
40 Mr. Thorsland called Anne Murray to testify.

1 Ms. Anne Murray stated that she agreed with Ms. Miller-Murray's testimony therefore she declined to testify
2 at this time.

3
4 Mr. Thorsland called Lisa Kesler to testify.

5
6 Ms. Lisa Kesler, who resides at 1801 W. Hensley Road, Champaign, stated that her residence is
7 approximately one-quarter mile from the subject property. She said that she has known Anne and Lauren
8 Murray their entire lives and she has watched them work their tails off since the day they graduated. She
9 said that she has watched the girls build their business over the years into something that they can be very
10 proud of and everyone is very proud of them. She said that every step of the way the girls' projects have
11 always been thoroughly researched and well planned and tastefully executed and she is sure that the
12 proposed project will be no different. She said that both sides of the girls' family have farmed in Hensley
13 and Condit townships in Champaign County for several generations therefore it comes as no surprise that
14 they have always made the needs and tastes of the rural community a top priority in their business and she is
15 sure that they will continue to do so. She said that she believes that there is no risk that this building will be
16 anything less than a beautiful addition to the community that everyone can be proud of because it has been
17 designed to blend in with the surrounding landscape and to compliment the area. She has no reservations
18 regarding the proposed project.

19
20 Mr. Thorsland asked the Board if there were any questions for Ms. Kesler and there were none.

21
22 Mr. Thorsland asked if staff had any questions for Ms. Kesler and there were none.

23
24 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Kesler and there was no one.

25
26 Mr. Thorsland called Ben McCall to testify.

27
28 Mr. Ben McCall, who resides at 1085 CR 2200N, Champaign, stated that he is a member of the Hensley
29 Township Planning Commission, however his comments tonight are not intended to represent the opinions
30 of the Hensley Township Planning Commission. He noted that the Hensley Township Board of Trustees did
31 meet and considered the recommendation of the Hensley Township Plan Commission and they were in
32 unanimous support of the Hensley Township Plan Commission recommendation and are preparing a protest
33 for this case.

34
35 Mr. McCall stated that it is important to mention that no one is questioning the good intentions, hard work of
36 the petitioners, value of their business or the quality of their catering business. He said that he has only
37 heard good things about the petitioners and the letters of support reflect that as well. He said that the
38 question before the Board is not whether this is a worthy business or a great family but whether the location
39 where the project is proposed is consistent with the Ordinance.

40
41 Mr. McCall stated that he would like to mention some additional concerns that he has thought of since the

1 last meeting. He said that one of his concerns was basically traffic which has already been discussed. He
2 said that the entrance to the proposed event center is approximately 275 yards from the planned Hindu
3 Temple and Cultural Center and he believes that there is a significant likelihood of an overlapping of highly
4 attended activities at the two properties. He said that he understands that if the traffic impact analysis is
5 performed it will take such an overlapping of events between the two properties into account. He said that
6 having two very high use properties in close proximity on a high speed two lane road will create numerous
7 issues with traffic especially since both of the locations have relatively poor visibility for people leaving the
8 properties. He said that it is also likely that most people leaving the subject property will try to southbound
9 onto Mattis Avenue to try to return to town which will require a left hand turn out of the property. He said
10 that a right hand turn will navigate traffic onto alternate routes which are narrow secondary township roads
11 which are low volume and contain slow moving farm equipment, bicycle riders, walkers, runners and
12 hazardous road conditions during the winter months. He said that the intersection at Hensley Road a lot of
13 drivers wish to cross Mattis Avenue on Hensley Road which creates a routinely unsafe behavior in trying to
14 squeeze through the narrow traffic gaps on Mattis Avenue at busy times and an increase in concentrated
15 traffic will make it more difficult to safely cross Mattis Avenue at Hensley Road.

16
17 Mr. McCall stated that a point of discussion which arose during the Hensley Township Board meeting was
18 that there is a risk of impaired drivers leaving the subject property during an event where alcohol is served.

19
20 Mr. McCall stated that the second concern relates to the compatibility of the proposed land use and the
21 surrounding area. He said that one of the Hensley Township Trustees indicated that the use would
22 institutionalize the conflict of agricultural operations. He said that many AG-1 uses are generally considered
23 compatible with more urban uses which is the reason why the County has AG-1 and why most land use plans
24 tend to separate agriculture from other uses. He said that the row cropping that goes on has very little impact
25 on neighborhood properties in general but there are periods of heavy dust production and pesticide drift. He
26 said that there are allowable uses in AG-1 such as a concentrated animal feed operation and if such an
27 operation popped up next door to the event center there would be an apparent conflict.

28
29 Mr. McCall stated that his third concern is the necessity for the public convenience at this particular location.
30 He said that the owner of the proposed event center property also owns the property where all of the kitchen
31 and prep work for L.A. Gourmet will continue to be done. He said that this location has several similarities
32 to the proposed property because it is of a similar size, which is approximately 10 acres with an existing
33 home, and is only a few miles north of the subject property and is also in rural setting. He said that the
34 property housing the kitchen for the prep work for the business is in a more rural setting because it is not
35 close to a subdivision and does not have a proposed Hindu Temple and Cultural Center in its line of site. He
36 said that ample farm ground is available for constructing an event center at this location and it seems as if the
37 two properties are very similar and appear to meet the petitioner's desire for a location in the country and
38 both are owned by the same person suggests that the proposed location is not somehow uniquely suited to
39 this event center.

40
41 Mr. Thorsland asked the Board if there were any questions for Mr. McCall and there were none.

1
2 Mr. Thorsland asked if staff had any questions for Mr. McCall.
3
4 Mr. Hall asked Mr. McCall to verify that when he discussed the Hensley Township Board’s comments he
5 was referring to those comments because he shared the same concern and was merely passing those concerns
6 along.
7
8 Mr. McCall stated that he shares the Hensley Township Board’s concerns although he was not relaying those
9 concerns as a representative.
10
11 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. McCall.
12
13 Ms. Lauren Murray-Miller asked Mr. McCall where he obtained his information regarding the other land
14 owned by the Murray family.
15
16 Mr. McCall stated that the information is available through the Champaign County Supervisor of
17 Assessments Office data base.
18
19 Ms. Miller asked Mr. McCall if the data base indicated that the two properties that he referred to during his
20 testimony were both owned by John G. Murray.
21
22 Mr. McCall stated yes, although he does not have the documentation with him tonight to confirm.
23
24 Ms. Miller asked Mr. McCall if without the documents he unsure of his statement.
25
26 Mr. McCall stated that the Supplemental Memorandum dated April 26, 2012, stated that the kitchen for L.A.
27 Gourmet Catering is located at 2607 CR 1000 East. He said that the information that he obtained off of the
28 data base is assumed accurate.
29
30 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. McCall and there was no one.
31
32 Mr. Thorsland called Gwendoline Wilson to testify.
33
34 Ms. Gwendoline Wilson, who resides at 2069 CR 2900N, Rantoul, stated that she owns and operates
35 Nuptiae Wedding and Event Planning, and has been in the business for nine years. She said that she is
36 present tonight to speak in favor of the L.A. Gourmet special use request. She said that as a wedding planner
37 and a member of the Association of Bridal Consultants she has worked with many local families to plan
38 events that are special to each individual and more than half of the wedding plans have a budget of over
39 \$44,000. She said that the wedding and event industry is very important to area businesses and a successful
40 event center can impact the local economy not only through the vending but also through hotel rooms,
41 transportation, formal wear, rental companies, specialty vendors because they all employ many people. She

1 said that there is a need for an event center such as the one which is proposed.

2
3 Ms. Wilson stated that Lauren Murray-Miller and Anne Murray are uniquely positioned to own and operate a
4 facility such as the one proposed responsibly and successfully. She said that the beauty of this design is that
5 it will create a secluded experience for the guest and will also create a buffer to minimize any impact on the
6 people that are living in the area. She said that recently she was trying to find a location for an October
7 wedding but after about one dozen calls she had to suggest that the bride and groom select a different date.
8 She said that having a unique option like the proposed event center would offer not only one more place for
9 someone to hold their event but would offer them a completely different type of experience and atmosphere
10 than what is available currently.

11
12 Ms. Wilson stated that when families are looking for a location for a reception and find that nothing is
13 available in the County they are very likely to go outside of the County to other counties and communities
14 for the wedding, reception, hotel rooms, etc. She said that what is special about the location that is being
15 considered tonight is the rural setting. She said that Lauren and Anne are from a farming family and their
16 father operates a Champaign County Centennial Farming Operation therefore it is known that the girls have
17 grown up appreciating the land. She said that the event center will not take any prime farmland out of
18 production. She said that everything that she has seen regarding the plan demonstrates the way that they
19 would steward the property. She said that Lauren and Anne completed feasibility studies on several different
20 properties before deciding upon the subject property and they have completed the necessary engineering
21 work to assure that drainage would not be a problem for the surrounding neighbors and farmland. She said
22 that the event center will have over 100 freshly planted trees to create a lush green space that will buffer
23 noise from leaving the property and are installing as few lights as possible to reduce the chance that
24 neighbors will be affected. She said that the parking area will ensure that traffic moves smoothly and
25 without interruption.

26
27 Ms. Wilson stated that as a Master Gardener she is really excited about the landscaping that is proposed on
28 the property because in addition to the many fruit trees and vegetables that will be planted those products
29 will be served in the meals that are served at the center. She said that wild flowers will grow on the property
30 just as they would have over 100 years ago. She said that very few venues offer such a truly unique and rural
31 setting and it is simply unattainable within the city limits. She said that the retreat will be especially
32 appealing to rural families planning for special occasions and the picturesque nature of the countryside will
33 be a draw for people who share a rural heritage and desire to share their passion for nature with their friends.
34 She said that the fact that the building will blend into the landscape will make it even more beautiful for
35 guests and less noticeable for the neighbors.

36
37 Ms. Wilson stated that Lauren and Anne are good business women and even better citizens and they offer a
38 quality experience for each guest and they always go above and beyond to make sure that the events are
39 memorable and special. She said that in all of the years that she has done business with L.A. Gourmet they
40 have never taken advantage of anyone and are gracious and accommodating and if you have ever dealt with a
41 frantic bride you know that is not an easy task. She said that L.A. Gourmet provides good jobs for many

1 people and they donate their time and talents to several local social service organizations and they operate
2 one of the most upscale businesses in central Illinois. The proposed L.A. Gourmet Event Center will take a
3 property which has been allowed to run down and create a beautiful, sustainable and useful gathering place
4 in Champaign County.

5
6 Mr. Thorsland asked the Board if there were any questions for Ms. Wilson.

7
8 Mr. Courson stated that he understands the attraction of the rural setting but how would one of the clients
9 feel if after spending \$44,000 on an event the neighboring farmer decides to harvest his crops or spray
10 anhydrous on his field. He said that everyone is indicating that the subject property is such a wonderful area
11 but if the wind happens to be blowing out of the east the Woods' feedlot will produce a wonderful aroma
12 which is part of the rural atmosphere and will impact the business. He said that the Board is not just
13 concerned about how the proposed event center will affect the community but how the community will affect
14 the event center.

15
16 Ms. Wilson stated that Lauren and Anne are the type of people who are concerned about their clients rather
17 than about themselves and their business therefore she is sure that they will make preparations to assure that
18 people understand these types of issues or possible occurrences when they book an event. She said that the
19 event space is indoors and when occurrences happen the windows on the event center could be closed
20 therefore she does not believe that the surrounding activities will impact the business. She said that she is
21 sure that the clients will be informed that such things could be anticipated in the rural setting and it is the
22 nature of the business to expect that things will happen and it is the business owner's job to make sure that
23 the people that they are serving have the very best service and event that is possible.

24
25 Mr. Thorsland asked the Board if there were any further questions for Ms. Wilson and there were none.

26
27 Mr. Thorsland asked if staff had any questions for Ms. Wilson and there were none.

28
29 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Wilson and there was no one.

30
31 Mr. Thorsland called Chris Wallace to testify.

32
33 Ms. Chris Wallace, who resides at 2691 CR 1000E, Champaign, stated that she would like to speak in favor
34 of the request to build and operate an event retreat on the Dewey-Fisher Road. She said that she and her
35 husband live on CR 1000E which is directly north of the L.A. Gourmet kitchen and have lived there before
36 the business' conception. She said that delivery trucks and employees come and go to the business and
37 several large events have been held on the property since it has been there. She said that the business has
38 been a good neighbor and there has been no noticeable disruption in their lives and she finds it interesting
39 and exciting to watch all of the activities. She said that they have never been bothered by any excessive
40 noise, lights or litter coming from the property. She said that L.A. Gourmet is probably the largest employer
41 in Condit Township and in this day and age of high unemployment she believes that we should encourage

1 the entrepreneurial spirit of young people who are willing to take the risk of starting a business and
2 expanding a business that would employ others. She said that we are not discussing a landfill, a large dog
3 kennel or a huge toxic waste facility but an event retreat which holds fun events and makes people happy.
4 She said that she understands some of the voiced concerns but if those speakers were personally acquainted
5 with Lauren Murray-Miller and Anne Murray, as she is, the fears for the neighborhood would no longer be a
6 concern. She said that she and her husband have known Lauren and Anne since they were babies and they
7 have grown up with their own children. She said that she and her husband have watched the girls grow into
8 lovely and successful young ladies who have vision and an incredible work ethic and a loving family who is
9 willing to help and support them. She said that this is why L.A. Gourmet has grown as fast as it has and why
10 it is known throughout the area as a premier caterer. She said that it doesn't hurt that the girls serve
11 excellent food with style and flair and she would like to point out that their caramel brownies are legendary.
12

13 Ms. Wallace stated that many factors are combined to make L.A. Gourmet a success and Anne and Lauren's
14 hard work was probably the most important factor. She said that the girls worked both day and night to get
15 the business off of the ground and during the start up days of L.A. Gourmet they would come home from
16 serving an event, carry in all of the dishes so that they could wash them and begin preparing the food for the
17 next day's event. She said that Lauren and Anne pay several people good wages and they provide benefits.
18 She said that it is important to note that many of the employees are long term and they feel vested in the
19 business. She said that Lauren and Anne are ethical people who will do what they say they will do and
20 everything that they do is done with class and she does not expect the event center to be any different. She
21 said that she hopes that everyone welcomes the girls with their proposed project and she assures everyone
22 that they will be good neighbors.
23

24 Mr. Thorsland asked the Board if there were any questions for Ms. Wallace and there were none.
25

26 Mr. Thorsland asked if staff had any questions for Ms. Wallace.
27

28 Mr. Hall asked Ms. Wallace how long she has lived at her current residence.
29

30 Ms. Wallace stated that she has lived at her residence for more than 30 years but practically she has lived
31 there her entire life.
32

33 Mr. Hall asked Ms. Wallace that after living at her residence in rural Champaign County for over 30 years
34 does she believe that the event center can exist in that area and not create problems for local agriculture.
35

36 Ms. Wallace stated that she does not believe that the event center will create problems for local agriculture in
37 the area. She said that the girls grew up on a farm and they are fully aware of dust, odors and pesticides and
38 anhydrous applications. She said that it will take a while for the proposed trees for the buffer to grow but
39 she believes that the buffer will provide what it is intended to provide. She said that the girls are wonderful
40 business women and she does believe that they would not even consider the property if they believed that it
41 would be a burden upon the neighbors or if agricultural activities would be a burden to their business.

1

2 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Wallace and there was no one.

3

4 Mr. Thorsland called Catharine Ehler to testify.

5

6 Ms. Catharine Ehler, who resides at 1078 CR 2200N, Champaign, stated that she is a farmer and she owns
7 280 acres north and east of the proposed subject property and she lives one mile south of the livestock farm
8 that everyone has been referring to. She said that the livestock farm does produce odors at times but if she
9 goes inside of her home it isn't a problem therefore she does not believe that the livestock farm will be an
10 issue for the proposed event center. She said that knowing the history of the Murray family she believes that
11 the girls will be good neighbors because they know the farming business better than probably most other
12 people understand it. She said that the girls are very aware of the safety factor of the Dewey-Fisher Road
13 because their aunts were instrumental in having the curves reconfigured. She said that she supports the
14 proposal and she looks forward to its completion.

15

16 Mr. Thorsland asked the Board if there were any questions for Ms. Ehler and there were none.

17

18 Mr. Thorsland asked if staff had any questions for Ms. Ehler and there were none.

19

20 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Ehler and there was no one.

21

22 Mr. Thorsland called Bernard Hammel to testify.

23

24 Mr. Bernard Hammel, who resides at 105 East Ford Harris Road, Champaign, stated that he has lived in the
25 area for 79 years and he has seen a lot of changes. He said that the area used to have a one lane road and no
26 electricity or telephone was available. He said that the dust and smell that has been discussed is a non-issue
27 because nature takes care of itself. He said that he is very proud of the children that have come from the area
28 and the girls deserve the chance to see what they can do with this project. He said that he has eaten at a lot
29 of restaurants and it doesn't hurt to have some new ideas in the area for the public. He said that it is
30 necessary to allow young people to develop their new ideas and put people back to work.

31

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

33

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

35

36 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hammel 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.

40

41 Mr. Thorsland called Mr. Eric Bussell to testify.

1
2 Mr. Eric Bussell, realtor for Keller-Williams Realty, stated that he has a major focus in property
3 management and a minor focus on commercial real estate. He said that approximately one year ago Anne
4 and Lauren contacted him to assist them in finding a location for their proposed event center and one year
5 later they were unable to accomplish what they set out to do. He said that they visited many buildings and
6 properties and it got to the point that another real estate broker was contacted to help with the search. He
7 said that the argument that there are other buildings out there to suit the needs of the business is not true
8 because he works on commission and he would have loved to have been paid for finding the girls a property.
9 He said after hearing from the girls as to why each building after building would not work for their needs he
10 discovered that they were indeed particular and desired to satisfy their client's needs. He said that he failed
11 in finding Anne and Lauren the ideal location but at the same time he is excited that they did find a property
12 that can be utilized for their business. He said that the general market does not provide for the needs of L.A.
13 Gourmet and the need in the community for an event center such as this is strong.
14
15 Mr. Thorsland asked the Board if there were any questions for Mr. Bussell and there were none.
16
17 Mr. Thorsland asked if staff had any questions for Mr. Bussell and there were none.
18
19 Mr. Thorsland asked the audience if there were any questions for Mr. Bussell.
20
21 Mr. McCall, who resides at 1085 CR 2200N, Champaign, asked Mr. Bussell if he and the Murray's viewed
22 any other properties that were available for development which were in the AG-2 district or perhaps
23 Clearview Subdivision.
24
25 Mr. Bussell stated that the Clearview Subdivision is not appealing for Lauren and Anne's business
26 requirements. He said that the vision for Clearview Subdivision was to establish a Mayo Clinic on the
27 prairie and a lot of commercial buildings were anticipated therefore a unique wedding experience would be
28 hard to achieve in Clearview Subdivision. He said that he understands Mr. McCall's point but the area did
29 not fit the need and atmosphere of the business.
30
31 Mr. McCall asked Mr. Bussell if he explored any of the vacant properties which are available for
32 development in the AG-2 district.
33
34 Mr. Bussell stated that when he requested additional assistance from other brokers they looked at everything
35 that was for sale but he cannot speak about any of the specifics for each property.
36
37 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
38 regarding this case.
39
40 Mr. Thorsland called Peggy Anderson to testify.
41

1 Ms. Peggy Anderson, who resides at 2172 CR 1000E, Champaign, stated that her favorite grade school
2 teacher was Anne and Lauren's grandmother. She said that it is good that younger generations with
3 agricultural backgrounds have visions and ideas and she whole heartedly supports them. She said that her
4 property is to the north of the subject property and when clients leave the property she does not believe that it
5 will be a problem but when they arrive at the subject property from town they may well overlook the
6 entrance because it is just down from the crest of the hill. She said that missing the entrance would require
7 the clients to come onto her property to turn around and head back to the subject property therefore she is
8 concerned with the traffic that will be created. She said that the application stated that the event center will
9 have 84 parking spaces available and that the building will have the upper level capacity of 400 people. She
10 said that she spoke to other caterers and they indicated that the proposed parking spaces were insufficient.

11
12 Mr. Thorsland asked the Board if there were any questions for Ms. Anderson and there were none.

13
14 Mr. Thorsland asked if staff had any questions for Ms. Anderson.

15
16 Mr. Hall stated that Ms. Anderson's concerns did not mention the compatibility with surrounding agriculture
17 although she is one of the surrounding property owners. He asked if she had any concerns regarding
18 compatibility.

19
20 Ms. Anderson stated that she does have concerns but those concerns have been mentioned by other people
21 therefore she did not repeat them.

22
23 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Anderson and there was no one.

24
25 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
26 regarding this case and there was no one.

27
28 Mr. Thorsland closed the witness register.

29
30 Mr. Thorsland stated that the Board has been informed that Mr. Blue, Champaign County Highway
31 Engineer, has indicated that he is not comfortable with the proposed driveway entrance to the subject
32 property therefore it is up to the Board to decide whether or not the traffic impact analysis will be required.
33 He said that the cost of the analysis is the petitioner's responsibility but it is up to the Board to decide if it is
34 necessary before moving forward. He said that after reviewing the proposed lighting plan he does not
35 believe that the plan meets the requirements of the Ordinance.

36
37 Mr. Hall stated that it is hard to believe that the dark sky communities do not allow any up-lighting of trees
38 therefore staff will research to see if there is a standard that some folks find acceptable.

39
40 Mr. Thorsland stated that he is also concerned about the shade that the trees may produce on crops. He said
41 that the main question before the Board right now is whether or not the traffic impact analysis is required.

1

2 Mr. Palmgren stated that the cost of the analysis is unfortunate but if the County Highway Engineer is
3 uncomfortable with the driveway entrance then it is necessary.

4

5 Mr. Thorsland stated that the Board should keep in mind that if improvements to County Highway 1 are
6 requested then those costs will also be passed on to the petitioners.

7

8 Mr. Courson stated that he believes that the traffic impact analysis is necessary as well.

9

10 Mr. Hall stated that up to tonight's meeting he was thinking that the traffic impact analysis is only relevant to
11 Case 700-S-11 given the kinds of land uses that could happen in AG-2, by-right. He said that there are only
12 two uses that are different than what could happen in AG-1 and one of those is a golf course. He said that
13 oddly enough one of the new policies in the new LRMP indicates that a traffic impact analysis should be
14 required and it is really up to the Board. He said that no matter what happens there does need to be some
15 mention of the suggestion of the traffic impact analysis made in the finding of fact for Case 699-AM-11. He
16 said that the traffic impact analysis is most relevant to the special use permit but he would not want the
17 County Board to think that the ZBA completely ignored it in the rezoning either.

18

19 Mr. Thorsland stated that the other different use that Mr. Hall was discussing is a commercial breeding
20 facility. He said that he believes that a traffic impact analysis is necessary given the concerns of the
21 neighbors. He said that he travels County Highway 1 himself and the little bit of data that has been
22 presented does indicate that there is a five year history of a significant amount of activity on the road. He
23 said that someone who is unfamiliar with the road will probably indeed overshoot the new driveway entrance
24 and stop at the bottom of the rise. He said that he would like to see the traffic impact analysis completed
25 before taking action on the two cases and the bad part is that the petitioners paid for it and they may not be
26 approved but that is a risk that you take when you propose development.

27

28 Mr. Passalacqua stated that the Board appears to agree that a traffic impact analysis is required and that the
29 Board is not questioning the ethic or character of the petitioners. He said that public safety is the foremost
30 concern of the Board.

31

32 Mr. Thorsland informed the petitioners that the Board is requesting that a traffic impact analysis be
33 completed at the cost of the petitioner.

34

35 Ms. Anne Murray, who resides at 2150 CR 1000E, Champaign, stated that they have spent a lot of money,
36 which is a risk that you take for development, but if they do spend the \$5,000 on the traffic impact analysis is
37 there a way to see if the project is still a feasible project for the Board's consideration.

38

39 Mr. Thorsland stated that he would like to know more about the traffic before he is inclined to make a
40 decision regarding the map amendment or the special use permit. He said that if the traffic problems can be
41 resolved then a lot of the other issues can be dealt with but the petitioner has been informed that Hensley

1 Township plans to protest the request therefore a super-majority vote will be required. He said that he is not
2 ready to make a decision until he reviews the traffic impact analysis. He said that the petitioners have made
3 a very good case regarding the perceived need of the event center and it appears that with the petitioner's
4 background it appears that they are a very good fit for such a project in an agricultural area but again the
5 traffic is the big issue.

6
7 Mr. Courson stated that proper signage must be addressed. He said that the layout is very beautiful but
8 someone who is not familiar with the area may not be able to see the sign therefore perhaps some
9 rearrangement of trees would be appropriate to make sure that the signage is visible for the northbound
10 traffic.

11
12 Mr. Thorsland stated that he is not sure if the Board has jurisdiction over placement of signage.

13
14 Mr. Courson stated that he is concerned about the lighting.

15
16 Mr. Hall asked that given the concerns about people knowing where to turn into the property the petitioners
17 have indicated that they will revise the driveway. He said that even though it would take best prime
18 farmland out of production does the Board believe that the driveway should be placed as far north on the
19 property as possible.

20
21 Mr. Courson stated that the subject property is at the bottom of two hills so moving the driveway entrance to
22 the north may not help.

23
24 Ms. Murray stated that moving the driveway entrance to the north would create a lane across the property
25 especially if the ditch was redone correctly. She said that this would give people a lot more space to turn in
26 and it would reduce traffic congestion.

27
28 Mr. Courson stated that perhaps a turn lane on County Highway 1 would be necessary.

29
30 Mr. Thorsland stated that the traffic impact analysis will determine such information.

31
32 Mr. Passalacqua stated that a turn lane could help reduce any possible accidents.

33
34 Ms. Murray stated that whatever the Board requires they will comply.

35
36 Mr. Passalacqua stated that the building design and the concept of the business does appear wonderful but
37 traffic is a concern.

38
39 Ms. Murray stated that the area is their community as well and they do not want accidents to happen.

40
41 Mr. Thorsland stated that the petitioners should work with staff to determine how the required traffic impact

1 analysis can be organized.

2

3 Mr. Hall asked if the Board is comfortable in regards to compatibility with neighboring agriculture because it
4 has been mentioned that the landscaping should be reviewed to minimize shading on properties to the north
5 and landscaping may help buffer.

6

7 Mr. Thorsland stated that in regards to landscaping the petitioners and the neighbors to the north can
8 work out the shading issue between themselves.

9

10 Mr. Palmgren stated that he is concerned about the clients not knowing about agriculture.

11

12 Mr. Thorsland stated that personally he believes that this is a great plan but until he receives the traffic
13 impact analysis he cannot indicate which way he will vote.

14

15 Mr. Courson stated that this is a rural property with no municipal water supply and the event center has been
16 indicated to have a capacity of 400 people therefore if there is a fire there would be inadequate water
17 available. He said that it would be nice if there was an area in the parking area where the fire truck could
18 back up to the pond for access to water for fire protection.

19

20 Mr. Hall stated that a dry hydrant was a request from the Thomasboro Fire Protection District. He said that
21 staff needs to talk to the fire chief to determine if the lanes must be redesigned to gain better access to the dry
22 hydrant location. He said that staff has received no more information other than what Chief Cundiff is
23 requesting which is a dry hydrant that is easily accessible by the fire truck.

24

25 Mr. Thorsland requested a continuance date.

26

27 Mr. Hall stated that the case should not return to the Board before June 14th. He said that such a continuance
28 date is whether or not the petitioners are ready to move forward with the traffic impact analysis so that
29 CUUATS has at least two weeks to work on it and the petitioners have time to think about those results. He
30 said that June 14th is the earliest date that the cases should return to the Board.

31

32 Mr. Thorsland asked the petitioner if they desired to incur the cost of the traffic impact analysis and move
33 forward.

34

35 Ms. Anne Murray stated that they will incur the cost of the traffic impact analysis and they would like the
36 Board to move forward.

37

38 **Mr. Palmgren moved, seconded by Mr. Courson to continue Cases 699-AM-11 and 700-S-11 to the**
39 **June 14th meeting. The motion carried by voice vote.**

40

41 Mr. Thorsland called for a short recess.

1

2 **The Board recessed at 8:23 p.m.**3 **The Board resumed at 8:30 p.m.**

4

5 6. New Public Hearing

6

7 **Case 697-V-11 Petitioner: Ronald and Susan Bryant Request to authorize the following in the AG-1,**
8 **Agriculture Zoning District: Part A. Variance for a proposed division of a lot 2.37 acres in area in lieu**
9 **of the minimum required lot area of 5 acres; and Part B. Variance for a proposed lot area of 35,500**
10 **square feet in lieu of the minimum required lot area of 43,560 square feet (1 acre); and Part C.**
11 **Variance for a proposed average lot width of 125 feet in lieu of the minimum required lot width of 200**
12 **feet; and Part D. Variance for a rear yard of an existing home of 21 feet in lieu of the minimum**
13 **required rear yard of 25 feet; and Part E. Variance for a proposed side yard of an existing accessory**
14 **building of 8 feet in lieu of the minimum required side yard of 10 feet; and Part F. Variance for a rear**
15 **yard of an existing accessory structure of 8 feet in lieu of the minimum required rear yard of 10 feet.**
16 **Location: A 2.37 acre tract proposed to be divided into two lots in the East One-Half of the Northeast**
17 **Quarter of the Southeast Quarter of the Northwest Quarter of Section 20 of Hensley Township and**
18 **commonly known as the homes at 5111 Lindsey Road, Champaign.**

19

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

28

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

32

33 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

34

35 Mr. Ronald Bryant, who resides at 5111 Lindsey Road, Champaign, stated that about one year ago he and his
36 wife put their property on the market for sale and was informed by the realtors that people could not obtain a
37 loan to purchase the property because there are two homes on it. He said that the second house was moved
38 to the property from its original location in 1995 and when they purchased the property they were not
39 informed whether the property was in compliance with zoning or not. He said that possibly in the future they
40 would like to sell their home but will be unable to do so with the property's current situation.

41

1 Mr. Bryant stated that he tried to put as much property as he could on the smaller lot which does have its
2 own septic system and a shed directly in front the house towards Lindsey Road. He said that he uses all of
3 the sheds currently and the covered pavilion was a barn that was destroyed with only the foundation left
4 therefore he put a roof over it and uses it as a recreational area.

5
6 Mr. Thorsland asked the Board if there were any questions for Mr. Bryant and there were none.

7
8 Mr. Thorsland asked if staff had any questions for Mr. Bryant and there were none.

9
10 Mr. Hall stated that there is no new information for the case. He said that one special condition has been
11 proposed for approval. He said that on January 1, 2013, septic systems are going to become much more
12 problematic and the Ordinance will require revision to make sure that people think about their septic system
13 before they do anything else to their property thus the reason for the special condition. He said that even
14 though the special condition is not required at this time Mr. Bryant has indicated that the existing septic
15 system for the small house is east of it and once a septic system is disturbed a new full system which
16 complies with the current Ordinance will be required. He said that the Board can take action without the
17 proposed special condition but on January 1, 2013, whoever has the small lot will need to be careful if they
18 propose any new additions to the home. He said that staff has no doubts that the property was in this
19 condition when the petitioners purchased the property but if either house were damaged to more than 50%
20 of its replacement cost the house could not be rebuilt without a variance.

21
22 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

23
24 Mr. Thorsland requested that Mr. Bryant return to the witness microphone.

25
26 Mr. Courson asked Mr. Bryant if members of his family live in both homes.

27
28 Mr. Bryant stated that his daughter lives in the smaller home.

29
30 Mr. Courson asked Mr. Bryant if he will sell both homes at the same time or individually.

31
32 Mr. Bryant stated that he does not plan on selling either home at the moment but there may come a time
33 when he would like to sell so that he can retire somewhere else.

34
35 Mr. Courson asked Mr. Bryant if the covered pavilion was built upon an existing foundation.

36
37 Mr. Bryant stated yes.

38
39 Mr. Courson asked Mr. Bryant if the small garage was on a foundation or skids.

40
41 Mr. Bryant stated that the small garage was on a concrete pad.

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Mr. Hall noted that if the variance is approved Mr. Bryant will need to subdivide with the Village of Mahomet.

Mr. Bryant stated Mr. Hall was correct.

Mr. Thorsland read the proposed special conditions as follows:

Until such time as proposed Lot 101 is connected to a public sanitary sewer any construction on proposed Lot 101 shall be limited as follows:

- (1) Construction may only occur on the west 70 feet of the property which corresponds to that area that is west of the east line of the existing home.**
- (2) No construction (including rebuilding of the existing garage/shed) shall occur in the east 214 feet of proposed Lot 101 unless a variance is granted by the Zoning Board of Appeals.**

The above special condition is required to ensure that there will be adequate area for a septic system before undertaking any construction.

Mr. Thorsland asked the Board if they were comfortable with the proposed special condition and the Board indicated yes.

Mr. Thorsland asked the petitioners if they were comfortable with the proposed special condition and the petitioners indicated yes.

Mr. Thorsland entertained a motion to approve the special condition as previously read.

Mr. Palmgren moved, seconded by Mr. Courson to approve the special condition as read. The motion carried by voice vote.

Finding of Fact for Case 697-V-11:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 697-V-11 held on April 26, 2012, the Zoning Board of Appeals of Champaign County finds that:

- 1. Special conditions and circumstances DO exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land and structures elsewhere in the same district.**

Mr. Courson stated that special condition and circumstances DO exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land and structures elsewhere in the same district because the existing barn was built before the adoption of zoning and the covered pavilion was

1 built on the existing foundation although its location is too close to the property line therefore requiring the
2 variance.

3
4 Mr. Thorsland stated that the septic system for the southern home limits the lot size for the northern house
5 and both homes existed on the lot when the petitioners purchased the property. He said that it appears that
6 no additional land is available to eliminate the need for the variance.

7
8 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
9 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
10 **the land or structure or construction.**

11
12 Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the
13 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
14 or construction because financing cannot be obtained for a lot with two homes therefore the property cannot
15 be sold.

16
17 Mr. Thorsland stated that it would not allow reconstruction if the homes were damaged by more than 50%.

18
19 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
20 **result from actions of the applicant.**

21
22 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO
23 NOT result from actions of the applicant because the special conditions, circumstances, hardships or
24 practical difficulties were pre-existing.

25
26 Mr. Thorsland stated that the current owner was not responsible for the placement of two houses on one lot.

27
28 **4. The requested variance, subject to the special condition, IS in harmony with the**
29 **general purpose and intent of the Ordinance.**

30
31 Mr. Thorsland stated that the requested variance, subject to the special conditions, IS in harmony with the
32 general purpose and intent of the Ordinance because the pre-existing conditions will not be changed by the
33 variance therefore not impacting the surrounding agricultural operations.

34
35 **5. The requested variance, subject to the special condition, WILL NOT be injurious**
36 **to the neighborhood or otherwise detrimental to the public health, safety or welfare.**

37
38 Mr. Palmgren stated that the requested variance, subject to the special conditions, WILL NOT be injurious
39 to the neighborhood or otherwise detrimental to the public health, safety or welfare because the pre-existing
40 conditions will not change due to the variance and the special condition will ensure that the septic system
41 will not be damaged.

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6. The requested variance, subject to the special condition, IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Courson stated that the requested variance, subject to the special condition, IS the minimum variation that will make possible the reasonable use of the land/structure because of the various structures littered around the property and this is the least variance possible for the petitioner’s need.

7. The special condition imposed herein is required to ensure compliance with the criteria for the particular purposes described below:

A. Until such time as proposed Lot 101 is connected to a public sanitary sewer any construction on proposed Lot 101 shall be limited as follows:

- (1) Construction may only occur on the west 70 feet of the property which corresponds to that area that is west of the east line of the existing home.
- (2) No construction (including rebuilding of the existing garage/shed) shall occur in the east 214 feet of proposed Lot 101 unless a variance is granted by the Zoning Board of Appeals.

The above special condition is required to ensure that there will be adequate area for a septic system before undertaking any construction.

Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Finding of Fact as amended.

Mr. Courson moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of Record and Finding of Fact as amended. The motion carried by voice vote.

Mr. Thorsland entertained a motion to move to the Final Determination for Case 697-V-11.

Ms. Capel moved, seconded by Mr. Passalacqua to move to the Final Determination for Case 697-V-11. The motion carried by voice vote.

Mr. Thorsland informed the petitioners that one Board member was absent and one Board member seat was vacant therefore it is at their discretion to either continue Case 714-V-12 until a full Board is present or request that the present Board proceeds to the Final Determination. He informed the petitioners that four affirmative votes are required for approval.

The petitioners requested that the present Board move to the Final Determination.

Final Determination for Case 697-V-11:

1 **Mr. Passalacqua moved, seconded by Mr. Courson that the Champaign County Zoning Board of**
2 **Appeals finds that, based upon the application, testimony and other evidence received in this case that**
3 **the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
4 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance the Zoning Board of Appeals**
5 **of Champaign County determines that the Variance requested in Case 697-V-11 is hereby GRANTED**
6 **WITH CONDITIONS to the petitioners Ronald and Susan Bryant to authorize:**

- 7
- 8 **Part A. Variance for a proposed division of a lot 2.37 acres in area in lieu**
- 9 **of the minimum required lot area of 5 acres; and**
- 10 **Part B. Variance for a proposed lot area of 35,500 square feet in lieu of the**
- 11 **minimum required lot area of 43,560 square feet (1 acre); and**
- 12 **Part C. Variance for a proposed average lot width of 125 feet in lieu of the**
- 13 **minimum required average lot width of 200 feet; and**
- 14 **Part D. Variance for a rear yard of an existing home of 21 feet in lieu of the**
- 15 **minimum required rear yard of 25 feet; and**
- 16 **Part E. Variance for a proposed side yard of an existing accessory building of**
- 17 **8 feet in lieu of the minimum required yard of 10 feet; and**
- 18 **Part F. Variance for a rear yard of an existing accessory structure of 8 feet in**
- 19 **lieu of the minimum required rear yard of 10 feet.**

20

21 **Subject to the following condition:**

- 22
- 23 **A. Until such time as proposed Lot 101 is connected to a public sanitary sewer any**
- 24 **construction on proposed Lot 101 shall be limited as follows:**
- 25 **(1) Construction may only occur on the west 70 feet of the property which**
- 26 **corresponds to that area that is west of the east line of the existing home.**
- 27 **(2) No construction (including rebuilding of the existing garage/shed) shall occur in**
- 28 **the east 214 feet of proposed Lot 101 unless a variance is granted by the Zoning**
- 29 **Board of Appeals.**

30

31 **The above special condition is required to ensure that there will be adequate area for a septic**

32 **system before undertaking any construction.**

33

34 **The roll was called:**

35			
36	Courson-yes	Miller-absent	Passalacqua-yes
37	Palmgren-yes	Capel-yes	Thorsland-yes

38

39 **Mr. Hall informed Mr. Bryant that he has received an approval therefore staff will send out the appropriate**

40 **documentation in the near future. He noted that if Mr. and Mrs. Bryant had any questions they should feel**

41 **free to call the office.**

1

2 **Case 714-V-12 Petitioner: Lee and Myrtle Pardy Request to authorize the following in the AG-2**
3 **Agriculture Zoning District: Variance for a side yard of an existing carport of 7 feet in lieu of the**
4 **minimum required side yard of 10 feet. Location: A .90 acre parcel in the West One-Half of the**
5 **Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 27 of Somer**
6 **Township and commonly known as the home at 5106 North Cunningham Avenue, Urbana.**

7

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

16

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

20

21 Mr. Thorsland asked the petitioners if he desired to make a statement outlining the nature of his request.

22

23 Mr. Lee Pardy, who resides at 5106 N. Cunningham Avenue, Urbana, stated that his wife is handicapped and
24 has had both knees replaced and has recurring bouts with arthritis therefore she is generally confined to a
25 wheelchair. He said that the carport needs to be placed in its original location so that it does not block the
26 doors to the existing garage and he can safely transport his wife from the car to the house.

27

28 Mr. Hall stated that no new information is available for this case.

29

30 Mr. Pardy stated that the entire left side of the site plan should be shifted to the east because the current plan
31 indicates that the carport extends way past the house which is not correct. He said that the small building is
32 actually behind the house and the existing garage extends past the east side of the house therefore placing the
33 carport closer to the house instead of the street.

34

35 Mr. Pardy stated that he submitted a letter to staff from his neighbor to the south indicating support for the
36 variance.

37

38 Mr. Thorsland stated that staff received the neighbor's letter and has also received verbal support from the
39 neighbor to the north.

40

41 Mr. Kass stated that staff does have the letter from the neighbor to the south and staff did receive a phone

1 call from the neighbor to the north indicating that he had no objections to the variance as well.

2
3 Mr. Thorsland asked the Board if there were any questions for Mr. Pardy and there were none.

4
5 Mr. Thorsland asked if staff had any questions for Mr. Pardy and there were none.

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

8
9 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
10 testimony regarding this case and there was no one.

11
12 Mr. Thorsland closed the witness register.

13
14 Mr. Thorsland stated that a new item #3 should be added to the Documents of Record indicating the
15 following: 3. Letter of support from John S. Otis, received at the April 26, 2012, meeting.

16
17 **Finding of Fact for Case 714-V-12:**

18
19 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
20 714-V-12 held on April 26, 2012, the Zoning Board of Appeals of Champaign County finds that:

- 21
22 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
23 **structure involved, which are not applicable to other similarly situated land and**
24 **structures elsewhere in the same district.**

25
26 Mr. Passalacqua stated that special conditions and circumstances DO exist which are peculiar to the land or
27 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the
28 same district because the location of the garage, which was constructed prior to the adoption of zoning,
29 makes it difficult for the carport to be in compliance.

- 30
31 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
32 **regulations sought to be varied WILL prevent reasonable or otherwise permitted use of**
33 **the land or structure or construction.**

34
35 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict letter of the
36 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
37 or construction because the carport would not be functional and would block the door to the existing
38 garage.

- 39
40 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
41 **result from actions of the applicant.**

1

2 Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
3 result from actions of the applicant because the carport had to be located in relation to an existing garage
4 that was built constructed prior to the adoption of zoning. Ms. Capel stated that a Zoning Use Permit has
5 been approved for the carport at its current location.

6

7 **4. The requested variance IS in harmony with the general purpose and intent of the**
8 **Ordinance.**

9

10 Mr. Passalacqua stated that the requested variance IS in harmony with the general purpose and intent of the
11 Ordinance because it allows for the use of the property with a nonconforming garage.

12

13

14

15 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
16 **detrimental to the public health, safety or welfare.**

17

18 Mr. Courson stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
19 detrimental to the public health, safety or welfare because the neighbors to the north and south of the subject
20 property have indicated that they have no issues with the placement of the carport. He said that the fire
21 protection district and the road commissioner have been contacted and no concerns were submitted.

22

23 **6. The requested variance IS the minimum variation that will make possible the**
24 **reasonable use of the land/structure.**

25

26 Mr. Passalacqua stated that the requested variance IS the minimum variation that will make possible the
27 reasonable use of the land/structure because the variance request is only for three feet and the three feet will
28 allow the carport to be a usable structure.

29

30 **7. No special conditions are hereby imposed.**

31

32 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Finding
33 of Fact as amended.

34

35 **Mr. Courson moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of**
36 **Record and Finding of Fact as amended. The motion carried by voice vote.**

37

38 Mr. Thorsland entertained a motion to move to the Final Determination for Case 714-V-12.

39

40 **Mr. Courson moved, seconded by Mr. Palmgren to move to the Final Determination for Case 714-V-**
41 **12. The motion carried by voice vote.**

1
2 Mr. Thorsland informed the petitioners that one Board member was absent and one Board member seat was
3 vacant therefore it is at their discretion to either continue Case 714-V-12 until a full Board is present or
4 request that the present Board proceeds to the Final Determination. He informed the petitioners that four
5 affirmative votes are required for approval.

6
7 Mr. and Mrs. Pardy requested that the present Board proceed to the Final Determination.

8
9 **Final Determination for Case 714-V-12:**

10
11 **Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals**
12 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
13 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**
14 **by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**
15 **Champaign County determines that the Variance requested in Case 714-V-12 is hereby GRANTED**
16 **to the petitioners Lee and Myrtle Pardy to authorize a side yard of an existing carport of 7 feet in lieu**
17 **of the minimum required side yard of 10 feet, in the AG-2 Zoning District.**

18
19 The roll was called:

20
21 **Capel-yes Courson-yes Miller-absent**
22 **Passalacqua-yes Palmgren-yes Thorsland-yes**

23
24 Mr. Hall informed Mr. Pardy that his variance request has been approved.

25
26 Mr. Thorsland stated that the Board will now hear Cases 699-AM-11 and 700-S-11.

27
28 7. Staff Report

29
30 None

31
32 8. Other Business
33 A. Review of ZBA Docket

34
35 Mr. Hall stated that the current docket indicates 15 cases pending.

36
37 Mr. Kass stated Case 709-V-12 has been withdrawn.

38
39 Ms. Capel asked why the petitioner for Case 707-S-12 has not previously requested a special use permit.

40
41 Mr. Hall stated that upon several, separate occasions staff has discussed the need for a special use permit

1 with Mr. Williams but there was always something else involved and once that something else did not work
2 out therefore it was just left unresolved. He noted that recently staff has been dealing with paintball facilities
3 throughout the County. He said that when petitioners come to the office to discuss their proposed use and
4 the thing that they believe is the biggest thing for their use does not go through the petitioner figures that
5 staff will contact them about everything else. He said that staff indicates what the petitioner needs and since
6 staff has new things coming in all of the time it is possible that the proposed use is left behind until it is
7 brought back to staff's attention. Mr. Hall stated that Mr. Williams has been very cooperative regarding the
8 pending case.

9
10 Mr. Thorsland reminded the Board that they need to complete the Open Meetings Act online training.

11
12 Mr. Palmgren indicated that he has had trouble with the program and has been unable to complete the
13 training.

14
15 9. Audience Participation with respect to matters other than cases pending before the Board

16
17 None

18
19 10. Adjournment

20
21 Mr. Thorsland entertained a motion to adjourn the meeting.

22
23 **Mr. Courson moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice**
24 **vote.**

25
26 The meeting adjourned at 8:55 p.m.

27
28
29
30 Respectfully submitted

31
32
33
34
35 Secretary of Zoning Board of Appeals
36
37
38
39
40
41

CASE NO. 687-AM-11 & 688-S-11

SUPPLEMENTAL MEMORANDUM

Champaign County
May 23, 2012

Department of
Petitioners:

**PLANNING &
ZONING**

**Philip W. and Sarabeth F. Jones
175N CR1600E
Villa Grove, IL**

Site Area:

Approx. 12.69 acres

Time Schedule for Development:

Immediate

Brookens

Administrative Center

1776 E. Washington Street

Urbana, Illinois 61802

(217) 384-3708

Case 687-AM-11

Request: Amend the Zoning Map to change the zoning district designation from CR Conservation Recreation to AG-1 Agriculture.

Location: An approximately 12.69 acre tract of land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR1600E, Villa Grove.

Prepared by:

John Hall
Zoning Administrator

Andrew Kass
Associate Planner

Case 688-S-11

Request: Authorize the construction and use of a "Heliport- Restricted Landing Area" as a Special Use on land that is proposed to be rezoned to the AG-1 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related zoning case 687-AM-11; and with a waiver of a Special Use standard condition required by Section 6.1 that requires a runway safety area to be located entirely on the lot

Location: An approximately 12.69 acre tract of land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR1600E, Villa Grove.

STATUS

This case was continued from the November 10, 2011, meeting and there was no new testimony presented at that time. The meeting will be an update for the Board and a review of what has transpired since November 10, 2011. From November 11, 2011, until March 30, 2012, the petitioner was awaiting information on how to proceed from the Zoning Administrator. The only anticipated testimony at the hearing is the petitioner's plans for whether or not to proceed with the cases.

There will be no final action unless neither the petitioner nor his representative are present in which case the ZBA could dismiss these cases as authorized by the ZBA Bylaws.

ZONING ADMINISTRATOR ERROR IN LEGAL ADVERTISEMENT

The original legal description for this case was in error. The description of Case 688-S-11 at the top of this page is what was included in the original legal advertisement. However, it does not match what was included in the Special Use Permit Application received on April 29, 2011. A portion of that application is included as Attachment A and the proposed uses are indicated at item 9.

At the time of preparation of the legal advertisement the Zoning Administrator erred in thinking that a “heliport-restricted landing area” was both a heliport and a restricted landing area for fixed-wing aircraft. In November 2011 the Zoning Administrator became aware of this error and the implications for these zoning cases. The following summarizes that recognition and the events that have transpired since:

1. **A “Heliport-Restricted Landing Area” is only for helicopters and a “Restricted Landing Area” is for fixed wing (airplanes) aircraft.** The Champaign County Zoning Ordinance provides for both facilities as Special Use Permits in the AG-1 District but the Zoning Ordinance does not make clear what a “Heliport-Restricted Landing Area” is as opposed to a “Restricted Landing Area”.
2. **The Champaign County Zoning Ordinance authorizes only one “principal use” per lot in both the AG-1 and CR Zoning Districts and therefore a (Fixed Wing) Restricted Land Area cannot be on the same zoning lot as a Heliport-Restricted Land Area.** Each type of RLA requires a Special Use Permit and therefore each type of RLA is a different type of “principal use” and each principal use requires a separate zoning lot. A caretaker dwelling can be on one lot and agriculture can also occur on both lots.
3. **The legal advertisement for this case was in error when it included only a “Heliport-Restricted Landing Area” even though the site plan received April 29, 2011, clearly indicated both a (Fixed-Wing) Restricted Land Area and a Heliport-Restricted Land Area.**

Without a new legal advertisement the Zoning Board of Appeals can only take action on what was included in the original legal advertisement and that was a “Heliport-Restricted Landing Area”. However, previous court cases have established that the ZBA can only take action on what is requested in the application and is not free to change the application. The petitioner must make any changes to the application and agree with any special conditions that are imposed.

4. **In a letter to IDOT- Division of Aeronautics dated December 19, 2011, the Zoning Administrator posed several questions regarding the two types of RLAs that had actually been proposed.** When the Zoning Administrator finally understood what the petitioner had actually proposed, a letter was sent to IDOT to verify if it was feasible for two different RLAs to be in close proximity to one another. The IDOT reply was received on February 27, 2011, and is briefly reviewed below.
5. **The zoning analysis of the case to date was also in error because it assumed that both a (Fixed-Wing) Restricted Land Area and a Heliport-Restricted Land Area could be on the same zoning lot.** The same error that led to advertising the case as a “Heliport-Restricted Landing Area” also led to the error of not reviewing the case as two principal uses that required two different zoning lots.

In a letter to the petitioner dated December 30, 2011, staff reviewed the Zoning Ordinance requirement for a separate lot for each Special Use Permit and included an illustration of example lots for each Special Use Permit. The changes necessary to create two conforming zoning lots will require additional land and new legal descriptions for the lots.

6. **In a letter dated February 24, 2012, the Illinois Department of Transportation- Division of Aeronautics stated that it does allow limited helicopter use of a (Fixed-Wing) Restricted Land Area.** As mentioned above, the 2/24/12 letter from IDOT- Division of Aeronautics was in response to a letter from the Zoning Administrator dated December 19, 2011. Based on the IDOT response, the petitioner can request a (Fixed-Wing) Restricted Landing Area with limited helicopter use.

The letter from IDOT- Division of Aeronautics also made clear that IDOT rules would allow both types of RLAs to be combined or in close proximity on the same lot. Separate lots for each RLA is only a requirement of the Zoning Ordinance.

7. **In a letter to the petitioner dated March 30, 2011, the Zoning Administrator explained the alternatives regarding the zoning cases.** As reviewed above, without a new legal advertisement the case can only proceed as a Heliport-Restricted Landing Area but only if the application is revised by the petitioner. The petitioner must make any changes to the application and agree with any special conditions that are imposed. Because the original legal advertisement was a staff error any readvertisement will be free but may require a revised site plan and adequate lead time and coordination with the other cases on the ZBA meeting docket. The alternatives reviewed in the March 30, 2011, letter were as follows:

- A. **Proceed with the “Restricted Landing Area” and “Heliport- Restricted Landing Area” as requested in the original petition.** As originally submitted, the application requested a “Restricted Landing Area and Heliport- Restricted Landing Area”. At the time staff thought that the application was in error but it is now clear that under the IDOT standards a “Restricted Landing Area” is not actually part of a “Heliport- Restricted Landing Area” and there are different requirements for each type of “restricted landing area”. Because of the staff error a new legal advertisement based on the original application will be free of charge.

Proceeding with the original application will require two separate special use permit cases and each special use permit must be on a separate zoning lot as was reviewed in the letter dated December 30, 2011. That letter also advised on how two separate lots could be configured.

In this approach a revised site plan will need to be submitted that shows both zoning lots and both the (FW)RLA and the HRLA. There will be an additional fee for the additional special use permit but no fee for re-advertisement of the first special use permit or the map amendment.

Upon receipt of the revised site plan(s) a new legal advertisement for both the special use permits and the rezoning will be placed based on the ZBA meeting docket at that time.

- B. Proceed with the “Heliport- Restricted Landing Area” as included in the original legal advertisement.** As reviewed above, the original legal advertisement only provided notice about a “Heliport- Restricted Landing Area” (HRLA). However, an HRLA will have a much different site plan than what has been submitted to date.

Proceeding with a request only for an HRLA will require a revision to the Special Use Permit Application and a revised site plan. The area proposed for the map amendment could also be reduced since the full length of a (FW)RLA will not have to be accommodated.

The public hearing may resume upon receipt of the revised application(s) and a revised site plan but no new legal advertisement is necessary.

- C. Proceed with a revised petition for a “Restricted Landing Area with helicopter use”.** In light of the response from IDOT, the application could be revised to “Restricted Landing Area with helicopter use”.

Proceeding with a request for a (FW)RLA w/ limited helicopter use will require a revision to the Special Use permit Application and a revised site plan that clarifies that only limited helicopter use is proposed and no heliport is proposed.

The public hearing may resume upon receipt of the revised application and a revised site plan but a new legal advertisement is necessary (free of charge).

Because of the other meetings already scheduled on the ZBA Meeting Docket, the next available meeting date is July 12, 2012. Any revised application and/ or site plan must be received by June 7, 2012. Submission after June 7, 2012, will result in a later meeting date. The next available meeting date after July 12 is August 16, 2012.

ATTACHMENT

- A Excerpt from Special Use Permit Application received April 29, 2011

Champaign County
 Department of
 PLANNING & ZONING
 1776 E. Washington Street
 Urbana, Illinois 61802
 Telephone: (217) 384-3708
 FAX: (217) 328-2426
 Hours: 8:00 a.m. - 4:30 p.m.

FOR OFFICE USE ONLY	
Township <u>Crittenden</u>	Section <u>27</u>
Case No. <u>677-511</u>	
Date <u>4/24/11</u>	Receipt No. <u>4143</u>
Zoning District _____	
Circulation: _____ RPC _____ SCD	
_____ Village/City Clerk	

Yzku A

CHAMPAIGN COUNTY, ILLINOIS

APPLICATION FOR SPECIAL USE PERMIT

1. Applicant Name(s)	Phone	Address
<u>Philip W. Jones</u>	<u>(217) 841-7020</u>	<u>175N CR 1600E, Villa Grove, IL 61956</u>
<u>Sarabeth F. Jones</u>	<u>(217) 832-5015</u>	<u>175N CR 1600E, Villa Grove, IL 61956</u>

2. Location of subject parcel(s):
Part of the Northeast Quarter of Section 27, Crittenden Township 17 North, Range 9 East of the Third Principal Meridian, located in Champaign County, Illinois

3. Legal Description [NOTE: This application cannot be processed unless accurate and complete legal description of subject parcel(s) is included with this form]
Commence at the Northeast corner of said Section 27, said corner being marked by a found monument; thence along the East line of said Section 27, South 00°36'50" East a distance of 1,328.00 feet to the Point Of Beginning; thence continue with said East line of said Section 27 South 00°36'50" East a distance of 256.65 feet; thence South 89°03'10" West a distance of 2,080.00 feet; thence North 00°36'50" West a distance of 256.65 feet; thence North 89°03'10" East a distance of 557.00; thence North 00°36'50" West a distance of 190.00; thence North 89°03'10" East a distance of 100.00 feet; thence South 00°36'50" East a distance of 190.00 feet; thence North 89°03'10" East a distance of 1,423.00 feet to the Point Of Beginning and containing 12.69 acres more or less.

4. Area of subject property: 12.69 Acres or _____ Square Feet

5. Existing use(s):
The applicant is growing hay on the land and then selling it to third parties, the land is enrolled in government agricultural programs related to subsidized hay production. The applicant is engaged in many other activities related to agriculture.

6. Number and type of existing principal buildings: 0

7. Number and type of existing accessory buildings and structures: 0

8. Number of existing dwelling units: 0

9. Proposed use(s):
Restricted Landing Area and Heliport-Restricted Landing Area

10. Reasons the proposed use is necessary for the public convenience at the above noted location:
As applicant is engaged in a number of agricultural activities, the SUP should be granted because "fulses can and should be

RECEIVED
 APR 29 2011
 CHAMPAIGN CO. P & Z DEPARTMENT

CASE NO. 708-S-12

PRELIMINARY MEMORANDUM

May 25, 2012

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioners: **Dewey Evangelical
Mennonite Church**

Site Area: **2 acres**

Time Schedule for Development: **Spring
2012**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: **Authorize the
construction and use of a multi-
purpose church facility as a
Special Use in the AG-1
Agriculture Zoning District.**

**Location: A 2 acre tract in the
North One-Half of the Southeast
Quarter of the Northwest
Quarter of Section 34 of East
Bend Township and commonly
known as the vacant parcel
behind the Dewey Evangelical
Mennonite Church at 16 Third
Street, Dewey.**

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

(217) 384-3708

BACKGROUND

Dewey Evangelical Mennonite Church seeks a Special Use Permit to construct and operate a multi-purpose center for church related activities on a 2 acre tract immediately north of the existing Dewey Evangelical Mennonite Church. The existing church is in the R-2 District but the proposed facility will be located in the AG-1 District. The Petitioner intends to use the proposed 11,640 square feet facility for Sunday school classes, storage, youth basketball and other youth activities on a weekly basis, and occasional receptions after weddings and funerals.

The Dewey Evangelical Mennonite Church has approximately 120 active members and a weekly attendance of 100 – 150 people at Sunday morning services. The Petitioner does not expect the proposed facility to significantly change attendance. The Petitioner anticipates that the maximum amount of people to be in the proposed facility at the same time will not exceed 295 people.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Residential/Church	R-2 Single Family Residence

PROPOSED SPECIAL CONDITIONS OF APPROVAL

A. Regarding State of Illinois accessibility requirements:

- (1) The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the new building will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**
- (2) The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

The special conditions stated above are required to ensure the following:

That the proposed Special Use meets applicable state codes for handicap accessibility.

- B. Regarding Life Safety considerations, the Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed Special Use until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

The special conditions stated above are required to ensure the following:

That the proposed structure is safe and built to current standards.

- C. All onsite foodservice shall be in compliance at all times with the Champaign County Health Ordinance.**

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

That foodservice for the proposed Special Use is consistent with County requirements and the testimony in the public hearing and that compliance is enforceable.

- D. Regarding the proposed septic system:**

The County Health Department will have to approve the proposed septic system and a Health Department permit will be required. The Health Department also recommends that the area for the septic system be identified, marked off and protected from compaction prior to construction. The following condition will ensure that the recommendations of the County Health Department are a requirement for a Zoning Use Permit:

- (1) **A true and correct copy (ie. valid at the time of application) of an approved COUNTY Health Department PERMIT for construction of a private sewage disposal (septic) system shall be required before the Zoning Administrator may approve a Zoning Use Permit.**
- (2) **The site plan for the Zoning Use Permit Application shall indicate the identical area for the private sewage disposal (septic) system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (3) **The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property, as recommended by the Champaign County Health Department.**
- (4) **The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Zoning Use Permit for the temple building.**
- (5) **The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the approval of the as-built septic system by the Champaign County Health Department.**

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

That the septic system meets the requirements of the Champaign County Health Ordinance.

- E. The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use unless the proposed parking areas are screened as required by paragraph 7.4.1 C.4. and in accordance with typical Administrative protocols or letters are received from all owners of relevant lots with building restriction lines within 100 feet of the proposed parking areas waiving the required screening.**

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

The new parking areas are screened as required by the Zoning Ordinance unless neighbors waive those requirements

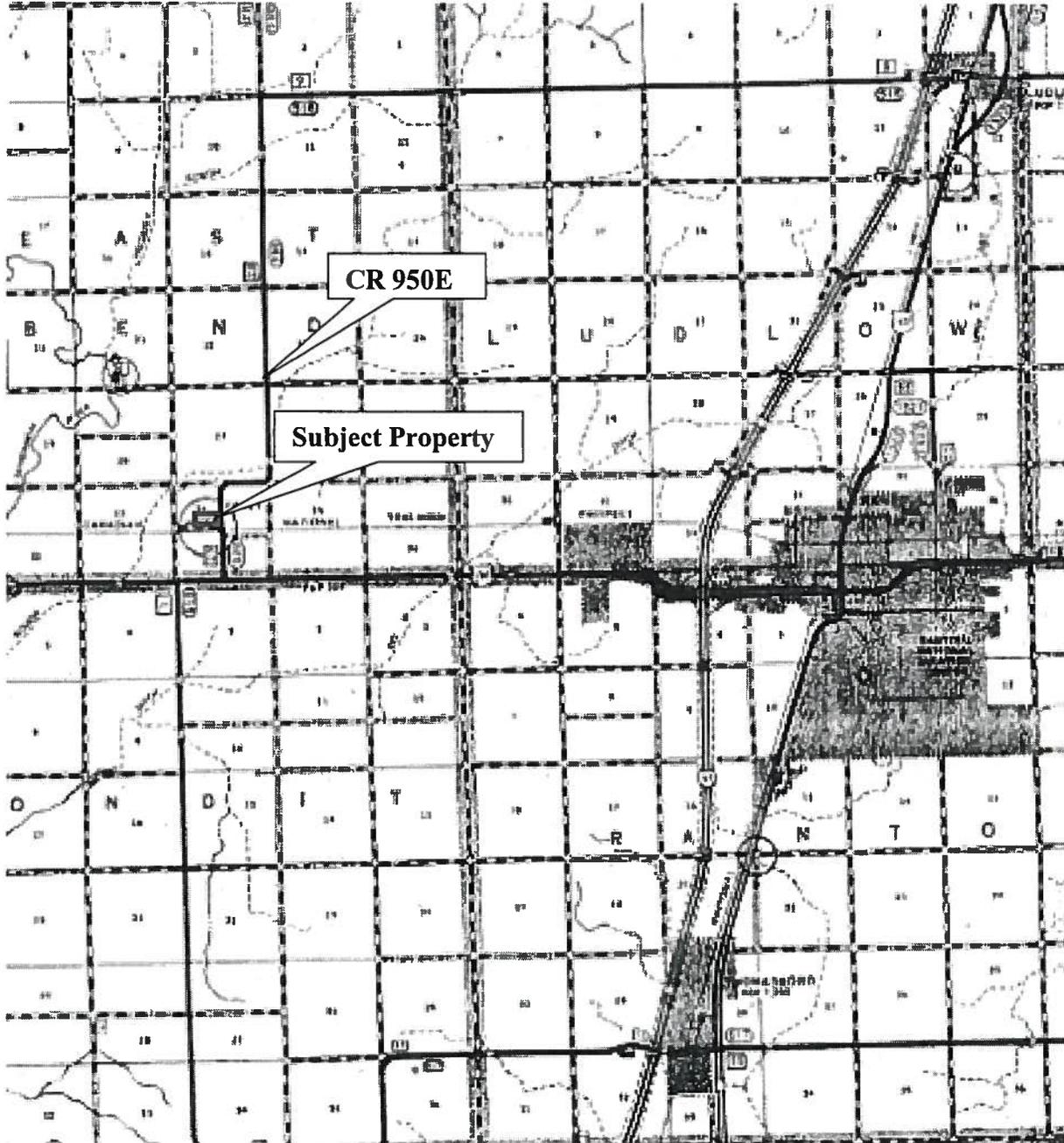
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan and Building Plans received May 22, 2012 (included separately)
- C Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

Case 708-S-12

May 25, 2012

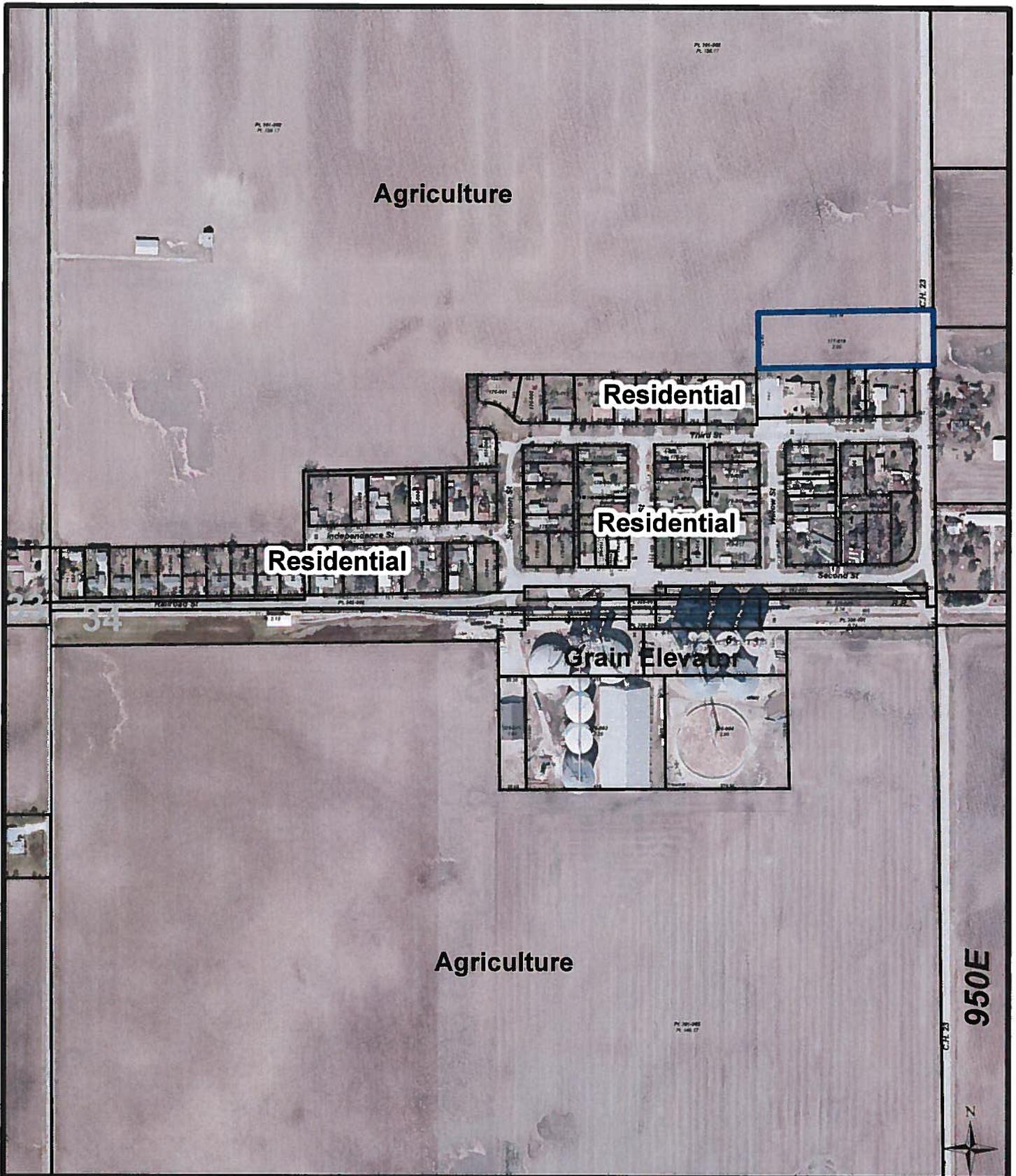


Orange
County
Department of
**PLANNING &
ZONING**

Attachment A: Land Use Map

Case 708-S-12

May 25, 2012



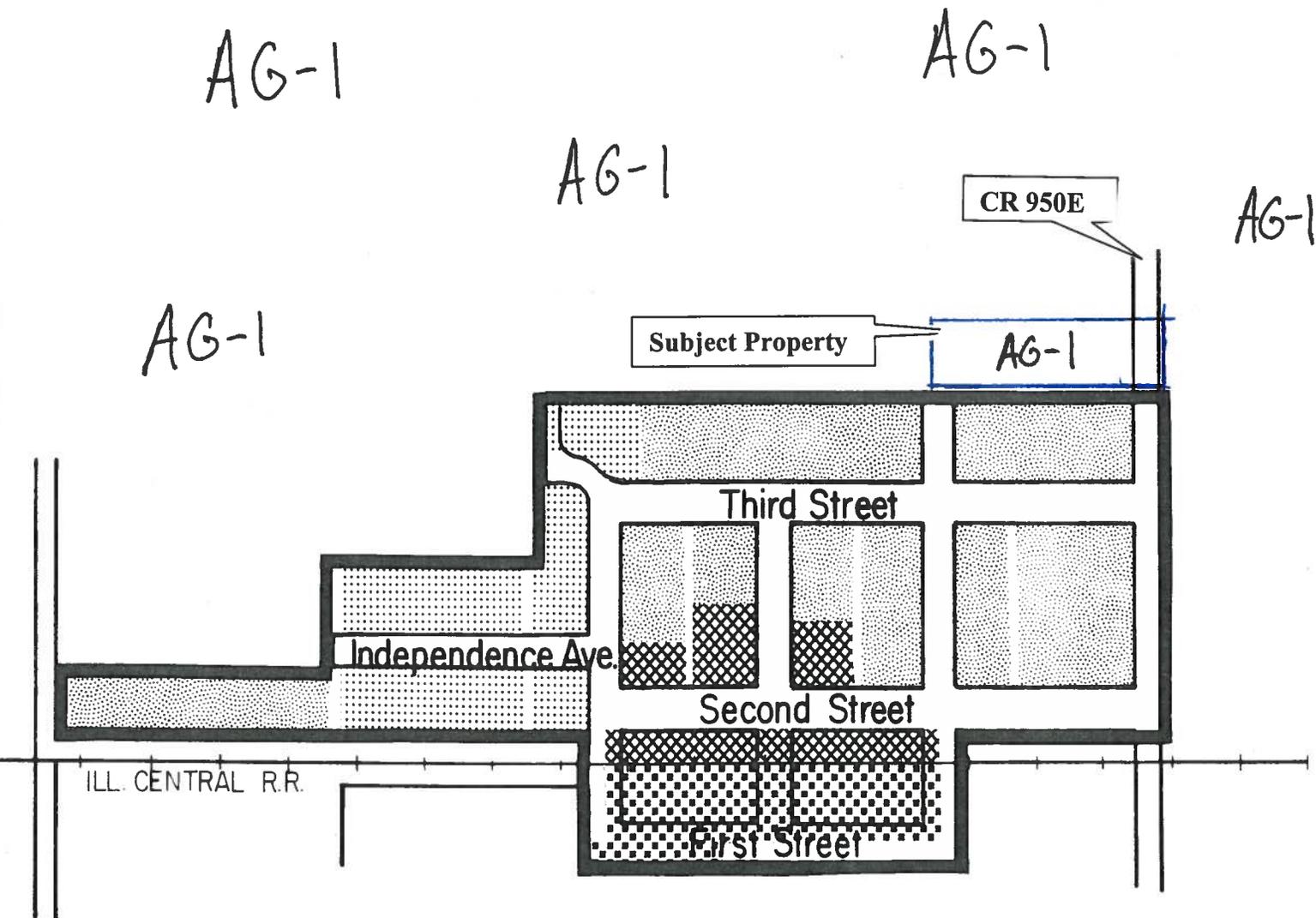
 Subject Property

1 inch = 400 feet

ATTACHMENT A. ZONING MAP

Case 708-S-12

May 25, 2012



DEWEY

(Unincorporated)



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	

DRAFT

708-S-12

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: May 31, 2012

Petitioners: Dewey Evangelical Mennonite Church

Request: Authorize the construction and use of a multi-purpose church facility as a Special Use in the AG-1 Agriculture Zoning District.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 31, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Dewey Evangelical Mennonite Church, 16 Third Street, Dewey, operates the existing church immediately south of the subject property.
2. The subject property is 2 acres in the North One-Half of the Southeast Quarter of the Northwest Quarter of Section 34 of East Bend Township and commonly known as the vacant parcel behind the Dewey Evangelical Mennonite Church at 16 Third Street, Dewey.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property and the larger property on which it is located is currently zoned AG-1 Agriculture.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north is zoned AG-1 Agriculture and is in agricultural production.
 - (2) Land on the south is zoned R-2 Single Family Residence and is the site of the existing Dewey Evangelical Mennonite Church.
 - (3) Land east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - (4) Land west of the subject property is zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding site plan and operations of the multi-purpose facility:
 - A. The site plan received May 22, 2012, indicates the following:
 - (1) The proposed 11,640 square feet multi-purpose building.
 - (2) The proposed gravel parking lots with 59 total spaces, including three accessible parking spaces.

- (3) Two 10' × 40' loading berths.
 - (4) A 21.5' × 25' carport.
 - (5) The existing church building and parking area.
- B. Regarding the proposed Special Use:
- (1) The Dewey Evangelical Mennonite Church has approximately 120 active members and a weekly attendance of 100-150 people at the Sunday morning services. The purpose for the new facility is to provide Sunday school classrooms, storage, and a large activity room for basketball and other youth activities on a weekly basis. 3
 - (2) Occasionally, the facility will be used after a funeral or wedding for receptions.
- C. Information regarding Dewey Evangelical Mennonite Church is provided on their website (www.deweychurch.org) and by the Petitioner and is summarized as follows:
- (1) Hours of operation include the following:
 - (a) Sunday School at 9:30 a.m. with the Worship Service at 10:35 a.m. on Sundays.
 - (b) Connections (activities for all ages) on Wednesdays at 7:00 p.m.
- D. The subject property primarily consists of Raub silt loam which has an LE of 87 and a small portion of Drummer silty clay which has an LE of 98.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a Church Facility as a Special Use in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
- A. Section 5.2 authorizes a Church, Temple, or church related TEMPORARY USES on church property a Special Use in the CR Conservation-Recreation, AG-1 Agricultural, and AG-2 Agriculture Zoning District.
 - B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
 - (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.

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- (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) There are no standard conditions established for the proposed Special Use in Subsection 6.1.3.
- C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
 - (3) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN OR PRINCIPAL STRUCTURE.
 - (4) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
 - (5) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
 - (6) "SCREEN" is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.

- (7) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (8) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (9) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (10) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- (11) "YARD, REAR" is a YARD A YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (12) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.

D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:

- (1) That the Special Use is necessary for the public convenience at that location;
- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare;
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
- (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
- (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Additional meeting area is needed for current and future church activities. There is only one church in Dewey.”**
 - B. The proposed Special Use is located adjacent to the existing church to allow easy access to both facilities for members of the congregation. The existing church is in the R-2 District.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner has testified on the application, **“Traffic in the area will not increase significantly. New building will not cause problems with surface water runoff. New building will complement the existing building on adjoining property.”**
 - B. Regarding surface drainage:
 - (1) The subject property drains north and west to a tile that partially runs across the subject property.
 - (2) The proposed Special Use is exempt from the Stormwater Management Policy because it does not exceed 1 acre of impervious area.
 - C. The subject property is accessed from Third Street on the south side of the property. Regarding the general traffic conditions on Third Street at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (1) The Illinois Department of Transportation (IDOT) measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The AADT of Third Street is indicated as 125 AADT.
 - (2) Third Street is a Minor Street as indicated in the Champaign County Zoning Ordinance.
 - (3) Pavement width in front of the subject property is approximately 20 feet.
 - (4) The Township Road Commissioner has received notice of the case.
 - (5) Regarding the proposed special use and the anticipated traffic impacts:
 - (a) The Dewey Evangelical Mennonite Church has approximately 120 active members and an attendance of 100-150 for Sunday morning services.
 - (b) The maximum number of people expected at the proposed Special Use is 295 people.
 - (c) The proposed Special Use should not generate a significant amount of traffic because maximum attendance at the proposed Special Use is not anticipated on a regular basis.

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- (d) A letter from Dave Heiser, Facility Committee Member, received May 14, 2012, indicates that the Church does not expect the proposed Special Use to significantly change attendance.
- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Sangamon Valley Fire Protection District and is located approximately 4.5 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- E. The subject property is not located in the Special Flood Hazard Area.
- F. Regarding outdoor lighting on the subject property:
- (1) No outdoor lighting has been indicated on the site plan.
 - (2) A letter received May 14, 2012, from Dave Heiser, Facility Committee Member, indicates that the proposed parking lot will not have lighting.
- G. Regarding wastewater treatment and disposal on the subject property:
- (1) The Petitioner is working with the Champaign County Health Department to receive a permit for a shared wastewater system between the proposed Special Use and the existing church on the east side of the property.
 - (2) The septic system on the west side of the property that the existing church building uses will be decommissioned.
 - (3) The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). Drummer silty loam, (soil map unit 152A) soil is rated as having “low” suitability for subsurface soil absorption wastewater systems (septic tank leach fields) and requiring corrective measures generally of subsurface drainage or fill. Raub silt loam, (soil map unit 481A) soil is rated as having “medium” suitability for subsurface soil absorption wastewater systems (septic tank leach fields) and requiring corrective measures generally of subsurface drainage or fill and curtain drain.
 - (4) A special condition is proposed to ensure compliance with Health Department requirements.
- H. Regarding food sanitation and public health considerations related to the proposed Special Use:

- (1) The building plans for the proposed Special Use indicate food preparation area, but it is unclear if the Petitioner will have to comply with Champaign County Health Department regulations.

I. Regarding life safety considerations related to the proposed Special Use:

- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm. Code 100, that applies to all localities in the State of Illinois.
 - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - (f) Pursuant to Public Act 96-074 the proposed Special Use Permit is a new commercial building and the Zoning Administrator cannot authorize occupancy until the owner submits written certification of compliance with specified codes including the 2006 or later International Building Code which is considered equal to the Life Safety Code.

J. Regarding accessibility requirements of the State of Illinois:

- (a) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction

complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required. There is no information regarding the cost of the pole barn that is used to house the farm dinners in inclement weather, so it is unclear if that will trigger the requirements of the IEBA.

- (b) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (c) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (d) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - (e) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: “Yes.”
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Regarding the proposed special use:

- (a) Church, Temple, or church related TEMPORARY USES on church property a Special Use in the CR Conservation-Recreation, AG-1 Agricultural, and AG-2 Agriculture Zoning District.
- (2) Section 5.3 requires a principal use to have a side yard of 15 feet and a rear yard of 25 feet in the AG-1 District.
 - (a) The proposed Special Use meets the minimum required side and rear yards.
- (3) Regarding parking for the proposed Special Use:
 - (a) Paragraph 7.4.1 A. requires the minimum size of a parking space to be 9' × 20' and total site area for both parking and maneuvering shall average to at least 300 square feet. Parking spaces shall also be a minimum of 10 feet from a front property line and a minimum of 5 feet from a side or rear property line.
 - (b) Paragraph 7.4.1 C.3.b.i. requires that places of public assembly including churches, assembly halls, exhibition halls, convention halls, and other enclosed STRUCTURES shall provide one parking space for each five seats provided for patrons use or at least one parking space for each 200 square feet of floor area, whichever requires the greater number of parking spaces.
 - i.* The Petitioner has indicated that peak attendance is 295 people. The required number of parking spaces for 295 people is 59 parking spaces.
 - ii.* The site plan received May 22, 2012, indicates the minimum required 9 parking spaces.
 - (c) Paragraph 7.4.1 C.4.a. requires that parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight, located in any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a Type B SCREEN may be erected along the rear LOT LINE of the business property.
 - i.* The proposed Special Use abuts a residential DISTRICT.
 - ii.* The site plan received May 22, 2012, does not indicate screening for the off-street parking spaces.
 - iii.* A special condition is proposed to require screening.

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- (d) Paragraph 7.4.2 C.5. establishes the number required and size of an off-street loading berth for commercial establishments. The proposed Special Use requires two 10' × 40' loading berths.
 - i. The site plan received May 22, 2012, indicates two 10' × 40' loading berths.
- C. Regarding compliance with the *Stormwater Management Policy*:
 - (1) The proposed Special Use is exempt from for the requirements of the *Stormwater Management Policy*.
- D. Regarding the Special Flood Hazard Areas Ordinance:
 - (1) The subject property is not located in a Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Zoning District:
 - (1) Church, Temple, or church related TEMPORARY USES on church property a Special Use in the CR Conservation-Recreation, AG-1 Agricultural, and AG-2 Agriculture Zoning District.
- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. Church, Temple, or church related TEMPORARY USES on church property a Special Use in the CR Conservation-Recreation, AG-1 Agricultural, and AG-2 Agriculture Zoning District.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of

AGRICULTURE USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
 - (a) It is not clear whether or not the proposed Special Use will have any impact on the value of nearby properties.
 - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS the proposed Special Use will generate a small amount of traffic that should not create any problems on Third Street.
 - (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
 - (a) The proposed Special Use is exempt from the *Stormwater Management Policy* and should have no impact on flooding.
 - (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
 - (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

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- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The subject property is located in the AG-1 Agriculture Zoning District and is, by definition, a rural use.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The subject property is located in the AG-1 Agriculture Zoning District and is, by definition, a rural use.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The subject property is located in the AG-1 Agriculture Zoning District and is, by definition, a rural use.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:

- A. The Petitioner has testified on the application, “**There is no existing non-conforming use.**”

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

- A. **Regarding State of Illinois accessibility requirements (reviewed in Item 8.J.):**

- (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the new building will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**
- (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

The special conditions stated above are required to ensure the following:

That the proposed Special Use meets applicable state codes for handicap accessibility.

- B. Regarding Life Safety considerations (reviewed in Item 8.I.):**
The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed Special Use until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.

The special conditions stated above are required to ensure the following:

That the proposed structure is safe and built to current standards.

- C. All onsite foodservice shall be in compliance at all times with the Champaign County Health Ordinance.**

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

That foodservice for the proposed Special Use is consistent with County requirements and the testimony in the public hearing and that compliance is enforceable.

- D. Regarding the proposed septic system:**

The County Health Department will have to approve the proposed septic system and a Health Department permit will be required. The Health Department also recommends that the area for the septic system be identified, marked off and protected from compaction prior to construction. The following condition will ensure that the recommendations of the County Health Department are a requirement for a Zoning Use Permit:

- (1) A true and correct copy (ie. valid at the time of application) of an approved COUNTY Health Department PERMIT for construction of a private sewage disposal (septic) system shall be required before the Zoning Administrator may approve a Zoning Use Permit.**
- (2) The site plan for the Zoning Use Permit Application shall indicate the identical area for the private sewage disposal (septic) system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal**

system approved by the COUNTY Health Department may occupy that portion of the LOT.

- (3) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property, as recommended by the Champaign County Health Department.**
- (4) The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Zoning Use Permit for the temple building.**
- (5) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the approval of the as-built septic system by the Champaign County Health Department.**

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

That the septic system meets the requirements of the Champaign County Health Ordinance.

- E. The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use unless the proposed parking areas are screened as required by paragraph 7.4.1 C.4. and in accordance with typical Administrative protocols or letters are received from all owners of relevant lots with building restriction lines within 100 feet of the proposed parking areas waiving the required screening.**

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

The new parking areas are screened as required by the Zoning Ordinance unless neighbors waive those requirements

DOCUMENTS OF RECORD

1. Special Use Permit Application received on February 16, 2012, with attachments:
 - A Building Plans and Site Plan
2. Letter from Dave Heiser received May 14, 2012
3. Revised building and site plans received May 22, 2012
4. Preliminary Memorandum dated May 25, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan and Building Plans received May 22, 2012
 - C Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 708-S-12 held on May 31, 2012, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN {IS / IS NOT}}* necessary for the public convenience at this location because: _____

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:

a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:

c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:

e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:

f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

*The Board may include additional justification if desired, but it is not required.

3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.

- 3b. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
 - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
 - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.

4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
 - c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.

5. The requested Special Use ***{IS/ IS NOT}*** an existing nonconforming use and the requested Special Use Permit ***{WILL/ WILL NOT}*** make the existing use more compatible with its surroundings ***{because: *}***

6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW}***

*The Board may include additional justification if desired, but it is not required.

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval **{HAVE/ HAVE NOT}** been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **708-S-12** is hereby **{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}** to the applicant **Dewey Evangelical Mennonite Church** to authorize the construction and use of a multi-purpose church facility as a Special Use in the **AG-1 Agriculture Zoning District { SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }**

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

REV.	DATE	BY	DESC.
X1	11/15/2011	CAS	ISSUED FOR REVIEW
X2	02/03/2012	CAS	FOR PERMITS

INTERNATIONAL BUILDING CODE

- A. SCOPE OF WORK: NEW BUILDING
1. USE GROUP: A-3
- C. CONSTRUCTION CLASSIFICATION - SECTION 602
1. CONSTRUCTION TYPE: EXISTING, VB, ADDITION: VA
- D. FIRE RESISTANCE RATING - TABLE 601 & TABLE 602
1. FIRE RESISTANCE FOR FIRE WALLS: 3 HOUR
- E. GENERAL BUILDING LIMITATIONS - TABLE 503
1. HEIGHT AND AREA LIMITATIONS
- a. ALLOWABLE HEIGHT: VB, 40' VA, 50'
- b. ALLOWABLE # OF FLOORS: VB, 1, VA, 2
- c. ALLOWABLE AREA PER FLOOR: VA, 11,500 SQ FT
2. PROPOSED ADDITION
- a. PROPOSED HEIGHT: 30'
- b. PROPOSED # OF FLOORS: 2
- c. PROPOSED AREA 1ST FLOOR: 11,840 SQ FT
- d. PROPOSED AREA 2ND FLOOR: 890 SQ FT
- F. OCCUPANT LOAD: TABLE 1003.2.2.2
1. ASSEMBLY AREA - 5,200 SF / 15.50 FT PER OCC. = 347 PERSONS
2. OFFICE - 570 SF / 100 SF PER OCC. = 6 PERSON ACTUAL = 12 PERSONS
3. KITCHEN - 631 SF / 20 SF PER OCC. = 32 PERSON ACTUAL = 64 PERSONS
4. SUNDAY SCHOOL ROOMS - 2,323 SF / 15 SF PER OCC. = 155 PERSONS
6. TOTAL OCCUPANT LOAD EQUALS: 520 PERSONS
7. ACTUAL POSTED OCCUPANT LOAD: 295 PERSONS
- G. EXT REQUIREMENTS
1. MINIMUM EGRESS WIDTH PER OCCUPANT - TABLE 1005.1
- a. DOORS, CORRIDORS - 0.2 IN PER OCC. X 520 OCC. EQUALS 104"
2. MAXIMUM TRAVEL DISTANCE - TABLE 1015.1
- a. OCC. TYPE B W/O SPRINKLER: 200 FT
3. MINIMUM EXITS REQUIRED - TABLE 1014.1.2
- H. FIRE SUPPRESSION SYSTEM - SECTION 903.0
- NOT REQUIRED
- I. STANDPIPE SYSTEM - SECTION 905.0
- NOT REQUIRED
- J. FIRE ALARM SYSTEM - SECTION 907.0
- NOT REQUIRED

NOTES

- FOUNDATIONS**
- FOUNDATIONS SHALL COMPLY WITH IBC 2007.
 - ASSUMED ALLOWABLE FOUNDATION PRESSURE: 1500 PSF
 - FOOTING ELEVATIONS SHOWN ON PLANS ARE APPROXIMATE AND SHALL BE FIELD ADJUSTED IF REQUIRED. IF SOLE BEARING IS QUESTIONABLE, BEARING CAPACITY TESTS SHALL BE REQUIRED. EXISTING FOUNDATIONS SHALL BE REINFORCED AND PROTECTED TO REMAIN.
 - FOOTINGS MAY BE FORMED INTO BIRTH-ORBED TRAPDOORS IF THE SOIL CONDITIONS PERMIT.
 - BOTTOM OF ALL EXTERIOR FOOTINGS SHALL BEAR A MINIMUM OF 48" BELOW FINISH GRADE FOR FROST PROTECTION.
 - BRING BACKFILL UP EVENLY ON BOTH SIDES OF FOUNDATION WALLS. REINFORCED CONCRETE.
- 2. MATERIALS:**
- F'-1
- FOOTINGS: 3,000 PSI
 - INTERIOR SLABS ON GRADE: 4,000 PSI
 - INTERIOR PIER FOUNDATIONS: 4,000 PSI
 - AND OTHER INTERIOR CONCRETE
 - EXTERIOR SLABS ON GRADE: 4,000 PSI
 - EXTERIOR PIERS AND OTHER (AIR ENTRAINED) EXTERIOR CONCRETE: (5-8%)
- SLUMP OF CONCRETE SHALL NOT EXCEED 4" UNLESS A HIGH RANGE WATER-REDUCING ADMIXTURE IS USED. THE SLUMP OF CONCRETE PRIOR TO THE ADDITION OF THE ADMIXTURES SHALL NOT EXCEED 3". THE SLUMP OF CONCRETE CONTAINING A HIGH RANGE WATER-REDUCING ADMIXTURE SHALL NOT EXCEED 5".
 - REINFORCING STEEL SHALL BE DETAILED, FABRICATED AND PLACED PER ACI MANUAL ACI 318. ALL REINFORCING STEEL SHALL HAVE A MINIMUM YIELD STRENGTH OF 60,000 PSI AND SHALL CONFORM TO THE REQUIREMENTS OF ASTM A618. ALL REINFORCING STEEL SHALL BE WELDED TO THE REINFORCING STEEL. SPICES IN REINFORCING STEEL SHALL BE GOVERNED BY CHAPTER 12 OF ACI 318. LAP SPICES FOR #6 REBAR SHALL BE 24".
 - CURE AND SEAL CONCRETE SLABS

DEWEY EVANGELICAL MENNONITE CHURCH MULTI-PURPOSE FACILITY

16 THIRD STREET DEWEY, IL

DRAWING INDEX

A1 - COVER PAGE

C1 - SITE PLAN

C2 - GRADING PLAN

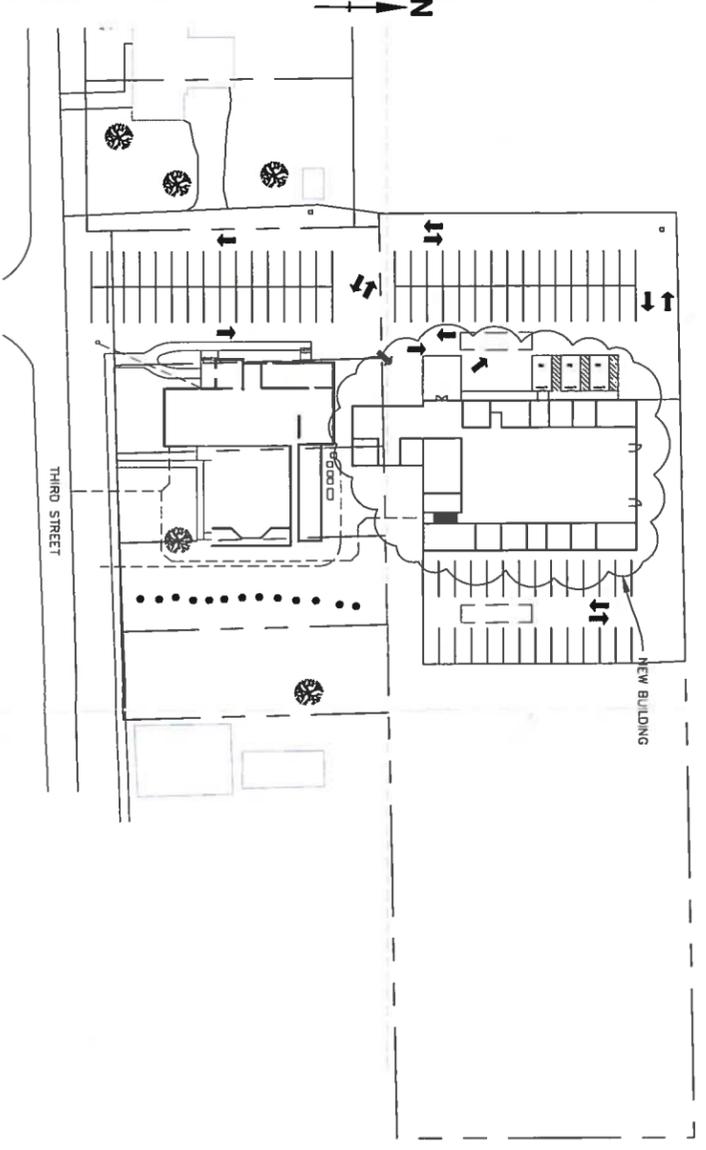
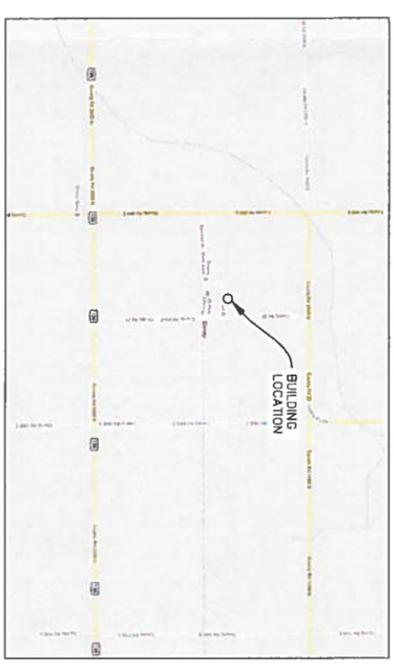
C3 - UTILITY PLAN

A2 - FLOOR PLAN

A3 - SW ELEVATIONS

A4 - NE ELEVATIONS

A5 - SECTIONS & DETAILS



RECEIVED

MAY 22 2012

CHAMPAIGN CO. P & Z DEPARTMENT



PROJECT: DEWEY EVANGELICAL MENNONITE CHURCH MULTI-PURPOSE FACILITY

DATE: 11/14/2011

SCALE: AS NOTED

FOR: DEWEY EVANGELICAL MENNONITE CHURCH
P.O. BOX 39
HANNIBAL, OHIO 43931

SWISS VALLEY ASSOCIATES, INC.
P.O. BOX 39
HANNIBAL, OHIO 43931

PROJECT: COVER AND SITE PLAN

DWG BY: CAS
CHK BY: MOB
JOB NO: 185-11-10-503

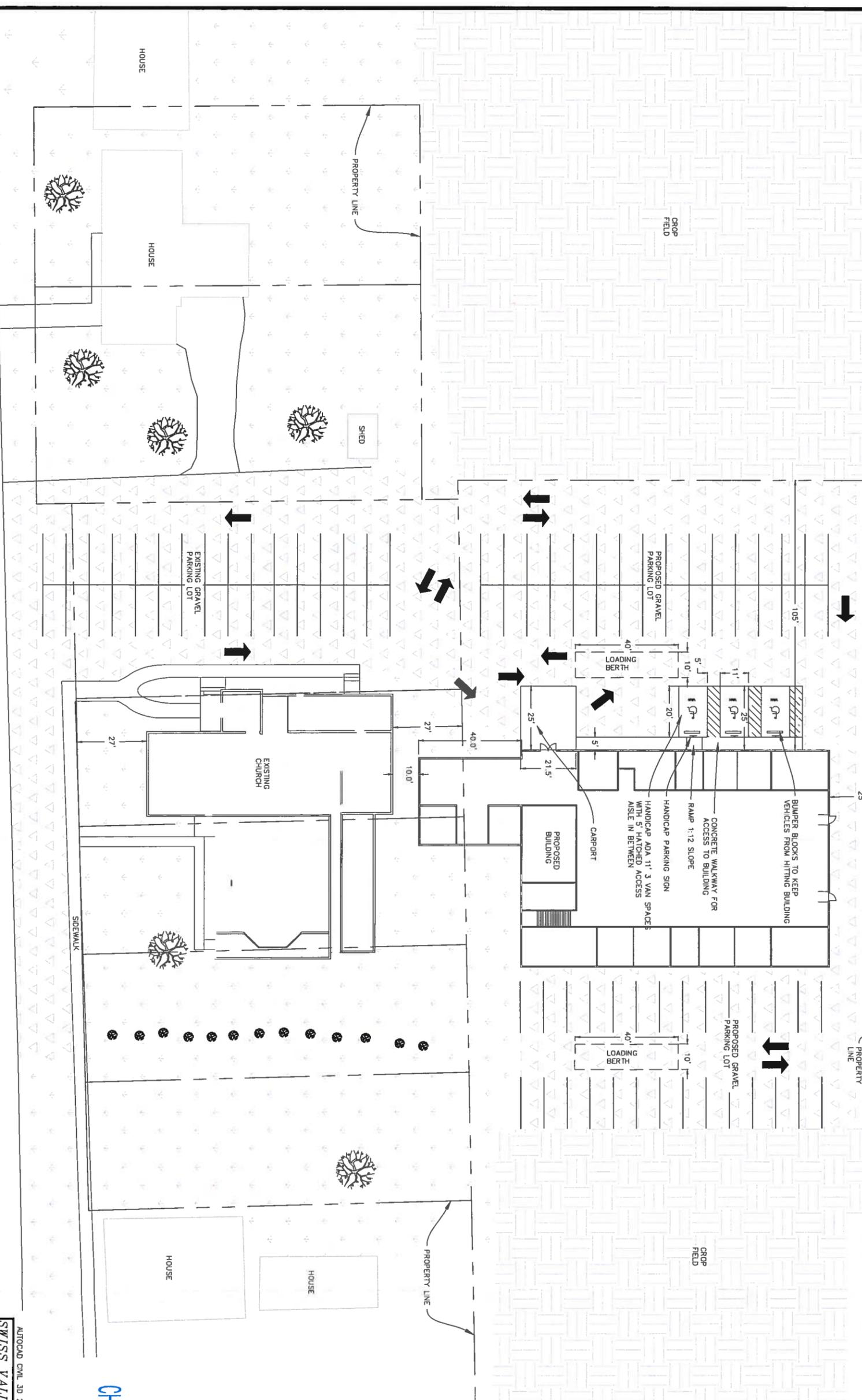
DATE: 11/14/2011
APPR: -
SCALE: AS NOTED

DWG NO: A1
REV: X2

PROJECT: DEWEY EVANGELICAL MENNONITE CHURCH MULTI-PURPOSE FACILITY

DATE: 02/03/2012

REV.	DATE	BY	DESC.
X1	11/15/2011	CMS	ISSUED FOR REVIEW
X2	02/03/2012	CMS	FOR PERMITS



SITE PLAN
1"=20'

- LEGEND**
- GRAVEL
 - GRASS
 - CROP FIELD

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CONTRACTOR TO VERIFY LOCATIONS OF UTILITY LINES PRIOR TO EXCAVATION
PROPERTY LINES SHOWN ARE FOR REFERENCE ONLY
DRAWINGS FORMATED FOR "D" SIZE (22"x34") PRINTS. REDUCED SIZE PRINTS WILL NOT BE TO SCALE.



AUTOCAD CIVIL 3D 2012 FILE NAME: DEMCI1.CMT PLOT DATE: 02/03/2012

SWISS VALLEY ASSOCIATES, INC.
P.O. BOX 39
HANNIBAL, OHIO 43931

FOR: DEWEY EVANGELICAL MENNONITE CHURCH
MULTI-PURPOSE FACILITY

TITLE: SITE PLAN

DWG BY: CMS	DATE: 12/12/2011	DWG NO.:	REV.:
CHK BY: MOB	APPR. DJI	C1	X2
JOB NO: 165-11-10-503	SCALE: 1"=20'		



REV.	DATE	BY	DESC.
X1	11/15/2011	CAS	ISSUED FOR REVIEW
X2	02/03/2012	CAS	FOR PERMITS



GRADING PLAN
1"=20'

RECEIVED
MAY 22 2012
CHAMPAIGN CO. P & Z DEPARTMENT

CONTRACTOR TO VERIFY LOCATIONS OF UTILITY LINES PRIOR TO EXCAVATION. PROPERTY LINES SHOWN ARE FOR REFERENCE ONLY. DRAWINGS FORMATED FOR "D" SIZE (22"x34") PRINTS. REDUCED SIZE PRINTS WILL NOT BE TO SCALE.



AUTOCAD CIVIL 3D 2012 FILE NAME: DEWCH1.CWI PLOT DATE: 02/03/2012

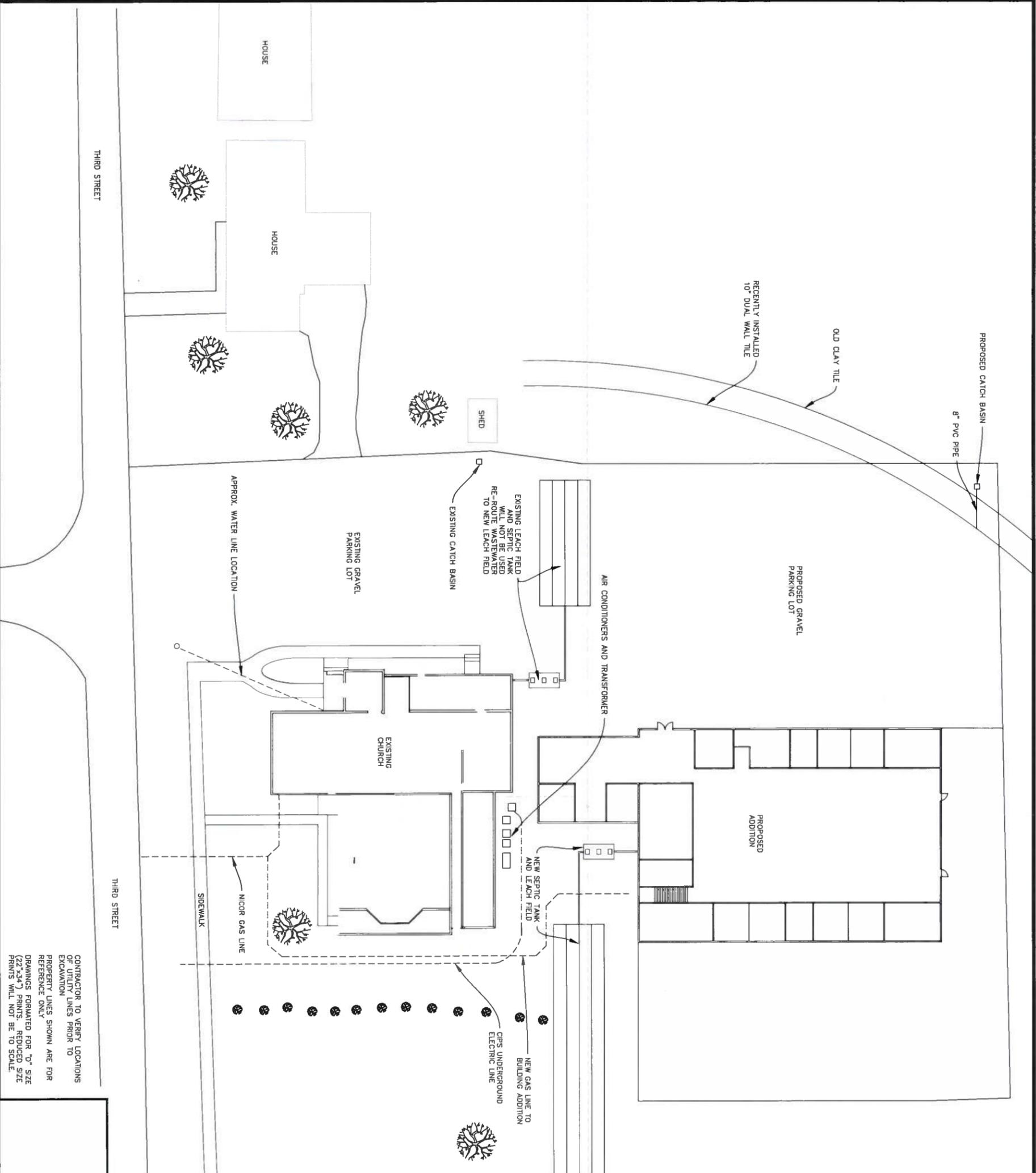
SWISS VALLEY ASSOCIATES, INC.
P.O. BOX 39
HANNIBAL, OHIO 43931

FOR: DEWEY EVANGELICAL MENNONITE CHURCH
MULTI-PURPOSE FACILITY

TITLE: GRADING PLAN

DWG BY: CAS	DATE: 12/12/2011	DWG NO:	REV:
CHK BY: MDB	APPR: -	C2	X2
JOB NO: 185-11-10-503	SCALE: 1"=20'		

REV.	DATE	BY	DESC.
X1	11/15/2011	CAS	ISSUED FOR REVIEW
X2	02/03/2012	CAS	FOR PERMITS



UTILITY PLAN
1"=20'



RECEIVED

MAY 22 2012

CHAMPAIGN CO. P & Z DEPARTMENT

AUTOCAD CIVIL 3D 2012 FILE NAME: DEMCH1.CVD
PLOT DATE: 02/03/2012

SWISS VALLEY ASSOCIATES, INC.
P.O. BOX 39
HANNIBAL, OHIO 43931

FOR: DEWEY EVANGELICAL MENNONITE CHURCH
MULTI-PURPOSE FACILITY

TITLE: UTILITY PLAN

DWG BY: CAS
CHK BY: MDB

DATE: 12/16/2011
APPR: -
SCALE: 1"=20'

PLT NO: 185-11-10-503

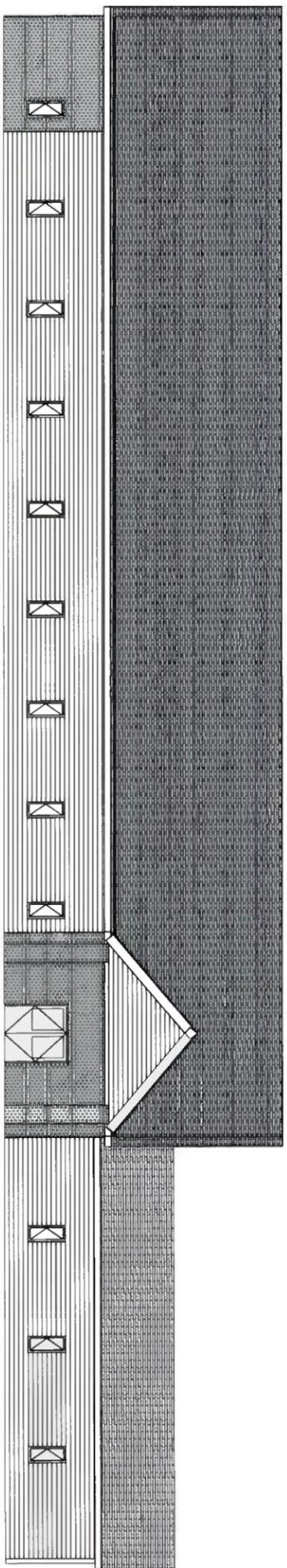


CONTRACTOR TO VERIFY LOCATIONS OF UTILITY LINES PRIOR TO EXCAVATION
PROPERTY LINES SHOWN ARE FOR REFERENCE ONLY
DRAWINGS FORMATED FOR "D" SIZE (22"x34") PRINTS. REDUCED SIZE PRINTS WILL NOT BE TO SCALE

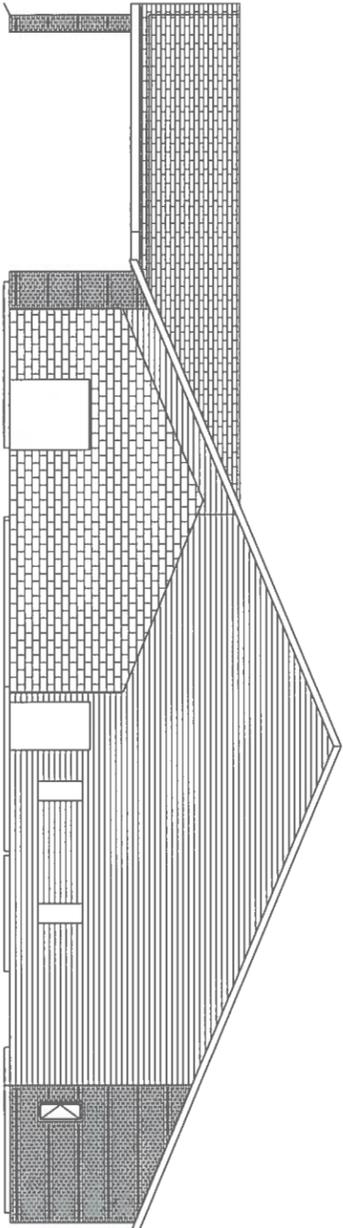
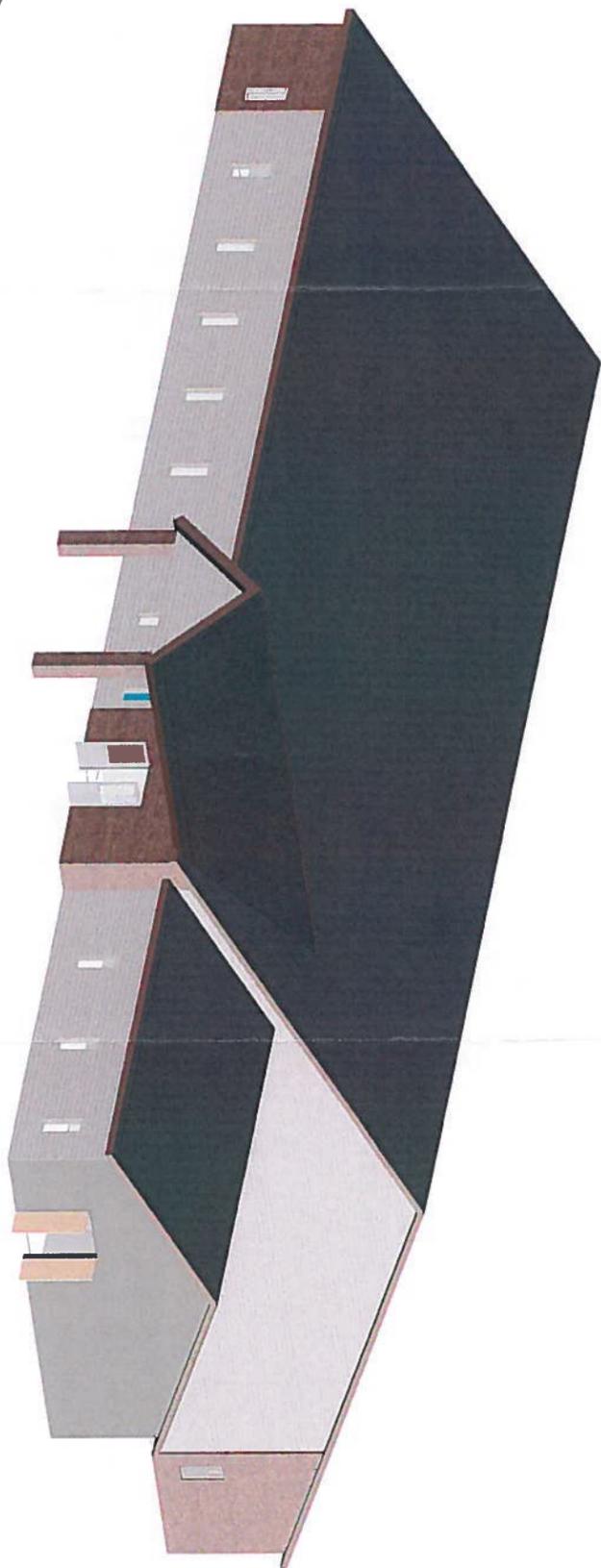


DWG NO.	REV.
C3	X2

REV.	DATE:	BY	DESC.
X1	12/22/2011	GAM	FOR OWNER REVIEW
X2	2/3/2012	GAM	FOR PERMITS



WEST ELEVATION
SCALE: 1/8" = 1'



SOUTH ELEVATION
SCALE: 1/8" = 1'

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MAY 22 2012
CHAMPAIGN CO. P & Z DEPARTMENT



AUTOCAD 2011		FILE NAME: DEMC1 architect		PLOT DATE: 5/21/2012	
FOR: DEWEY EVANGELICAL MENNONITE CHURCH		SWISS VALLEY ASSOCIATES, INC.		DWG NO. A3	
MULTI-PURPOSE FACILITY		P.O. BOX 39		REV. X2	
HANNIBAL, OH 43931		DATE: 12/22/2011		DWG BY: GAM	
TITLE: SOUTH AND WEST ELEVATIONS		APPR: DJJ		CHK BY: MJB	
JOB NO: 185-11-10-503		SCALE: AS NOTED			



CASE NO. 716-AM-12

PRELIMINARY MEMORANDUM

MAY 25, 2012

Petitioners: William & Deborah Klein and Mary Klein

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the I-1 Light Industry Zoning District to allow limited re-use of a former agricultural chemical research facility.

Site Area: 4.5 acres

Time Schedule for Development: The prospective tenant intends to move to the subject property upon approval of the rezoning.

Location: An approximate 4.5 acre tract in the North Half of the Northeast Quarter of the Northeast Quarter of Section 35 of Scott Township and commonly known as the former Syngenta research facility at 495 CR 1300N, Champaign.

Prepared by: Andy Kass
Associate Planner

John Hall
Zoning Administrator

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

BACKGROUND

The subject property was formerly a Syngenta agricultural research facility, but Syngenta has since ceased operations on the subject property. The Petitioner's have since found a new tenant, but the business operations of the prospective tenant are not permitted in the AG-1 Agriculture Zoning District. The prospective tenant is Autonomic Materials Incorporated (AMI). AMI is a firm that develops additives for self-healing paints for paint manufacturers. AMI is a small local firm that was started in 2005, by a professor from the University of Illinois. At this time AMI has 6 employees, but with future growth they would like to have 12 full-time employees by 2015 at this facility. Currently, AMI's operations are housed at the University of Illinois Research Park, but they have outgrown their current space. At the subject property AMI would be working with small quantities for research and development activities. There will be minimal quantities of hazardous waste and AMI will utilize a licensed hazardous water hauler to dispose of the wastes. In addition, sales and technical support would operate on the subject property.

There are three buildings and one small pavilion on the subject property. Building One (refer to Attachment C) is a one-story brick building which AMI intends to occupy initially. This building has office space, lab spaces, and other associated components including air handlers which are important for the operations of AMI. Buildings Two and Three (refer to Attachment C) are metal buildings which include storage space and additional lab space. AMI also intends to utilize the chemical lab portion of Building Three. The Petitioners will utilize the remaining space in Buildings Two and Three for agricultural storage.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning, nor does Scott Township have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Research/Warehouse Facility	AG-1 Agriculture
	Agriculture	
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

PROPOSED SPECIAL CONDITIONS OF APPROVAL

Although the immediate purpose of the rezoning is to provide for the use of the property by AMI, the effect of the rezoning will be to provide for use of the property by any use authorized “by right” in the I-1 District. The following special conditions should ensure that any subsequent use of the property is consistent with County LRMP policies and the Zoning Ordinance.

- A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

Conformance with policies 4.2.3 and 5.1.5.

- B. Any non-agricultural use of the subject property shall be limited to reuse of the existing buildings and existing outdoor parking area and no expansion of either building area or expansion of outdoor uses shall be authorized.**

The above special condition is necessary to ensure the following:

That the use of the subject property does not become intensely utilized by non-agricultural uses.

- C. No self-storage warehouse (either with or without heat and utilities to individual units) shall be authorized on the subject property.**

The above special condition is necessary to ensure the following:

Public safety.

- D. A Special Use Permit shall be required to authorize the establishment of a second principal use on the subject property that does not meet the Zoning Ordinance definition of “agriculture”.**

The above special condition is necessary to ensure the following:

That the use of the subject property remains in conformance with the Zoning Ordinance.

SUMMARY FINDING OF FACT

Page 25 of the Finding of Fact is the Summary Finding of Fact. Because of the special conditions, the proposed rezoning appears to **"ACHIEVE"** all relevant policies but the Board should verify the preliminary Staff assessment.

Note, achievement of Goal 4 depends upon the determination regarding consistency with Policy 4.1.7. See page 12 of the Finding of Fact.

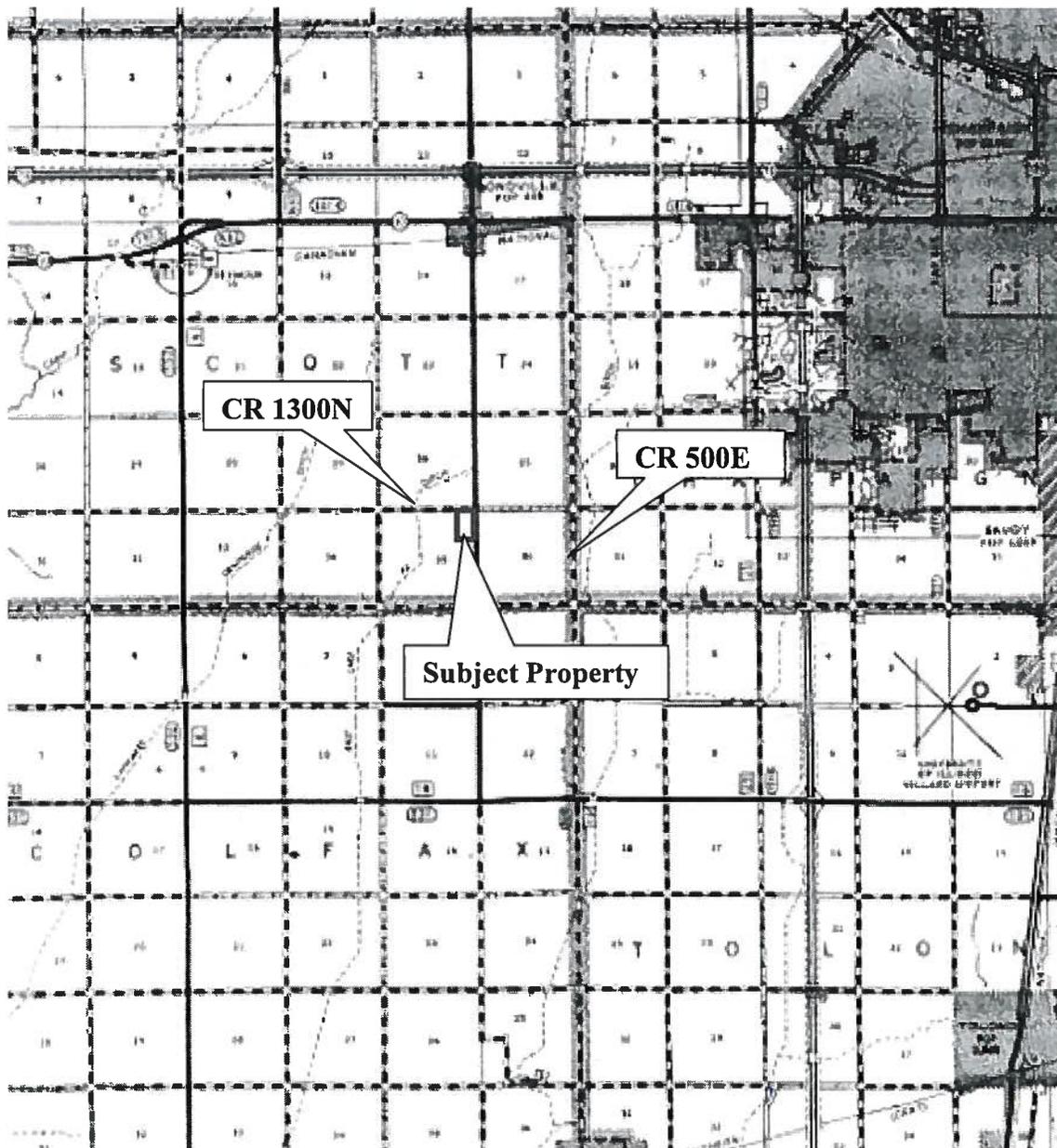
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Plat of Survey
- C Site Plan
- D Building #1 Layout
- E Building #2 Layout
- F Building #3 Layout
- G LRMP Land Use Goals, Objectives, and Policies (included separately)
- H LRMP Appendix: Defined Terms (included separately)
- I Site Visit Photos (included separately)
- J Draft Finding of Fact and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

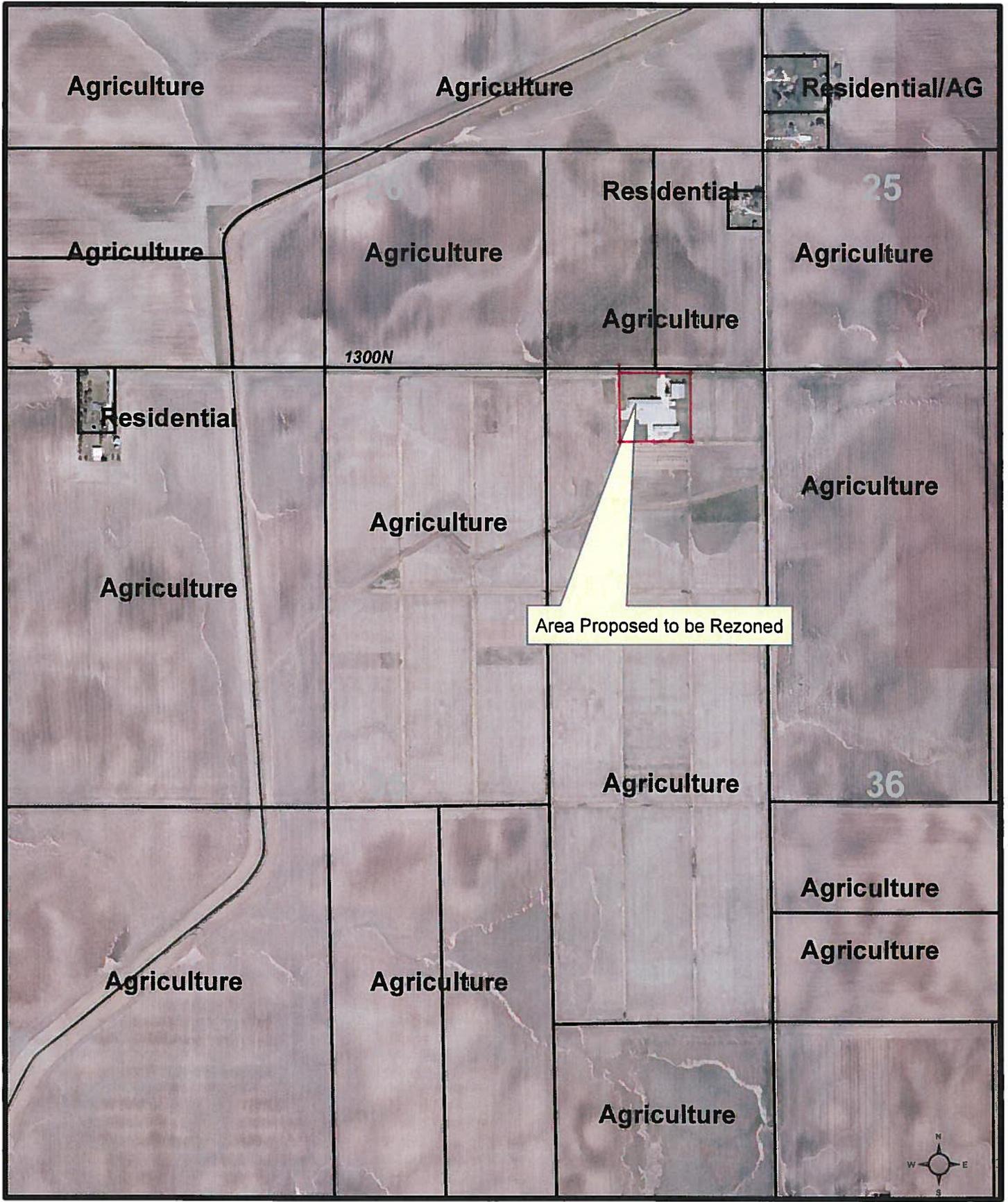
Case 716-AM-12

May 25, 2012



Champaign
County
Department of
PLANNING &
ZONING

Attachment A: Land Use Map
Case: 716-AM-12
May 25, 2012

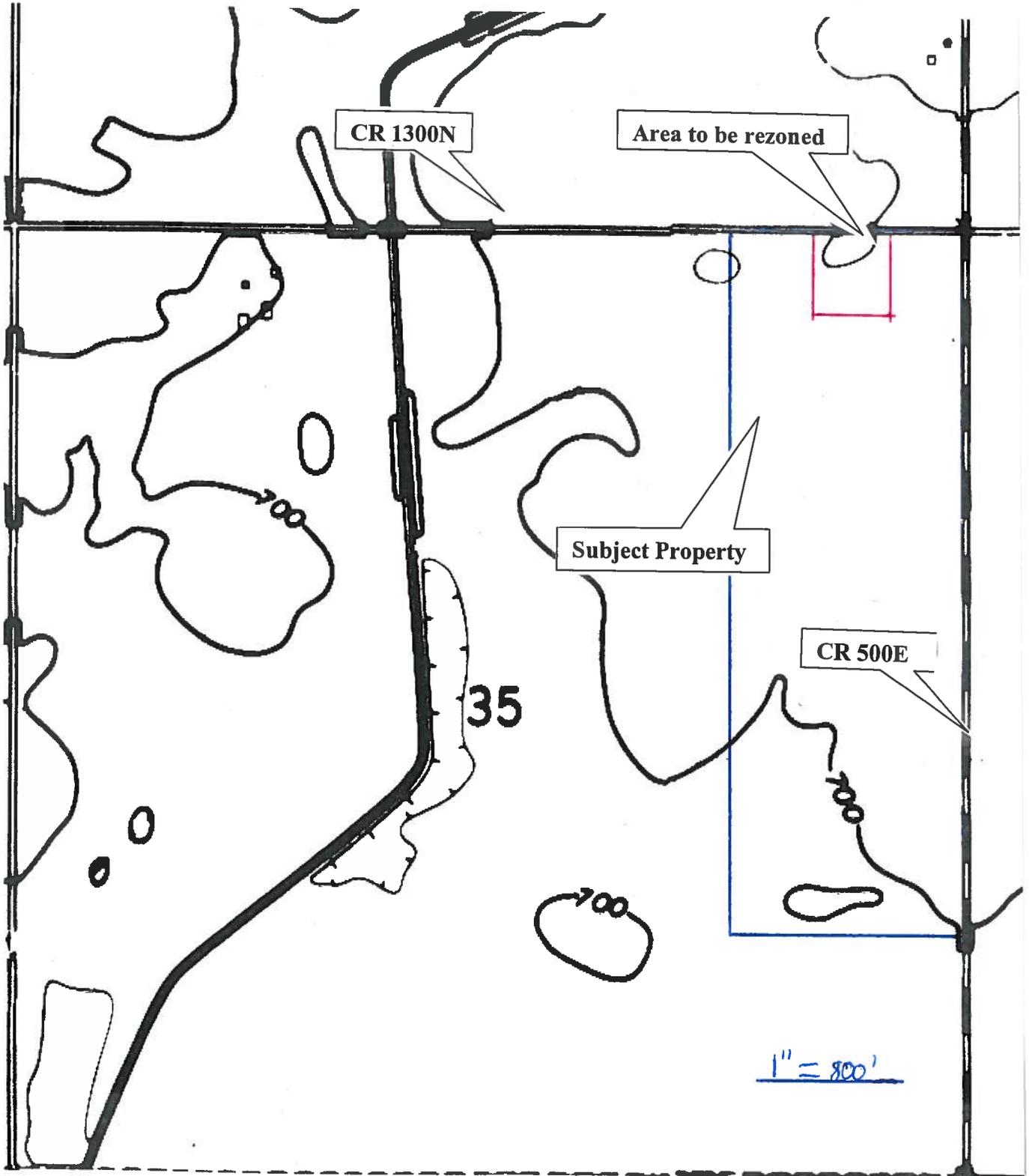


1 inch = 800 feet

ATTACHMENT A. ZONING MAP

Case 716-AM-12

May 25, 2012



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Clatsop County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	



PLAT OF SURVEY

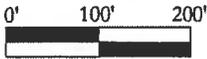
PART OF THE EAST 1/2 OF THE NE 1/4
OF SECTION 35, T19N, R7E, 3RD P.M.,
CHAMPAIGN COUNTY, ILLINOIS

RECEIVED

MAY 03 2012

THIS SPACE RESERVED FOR RECORDING AGENT

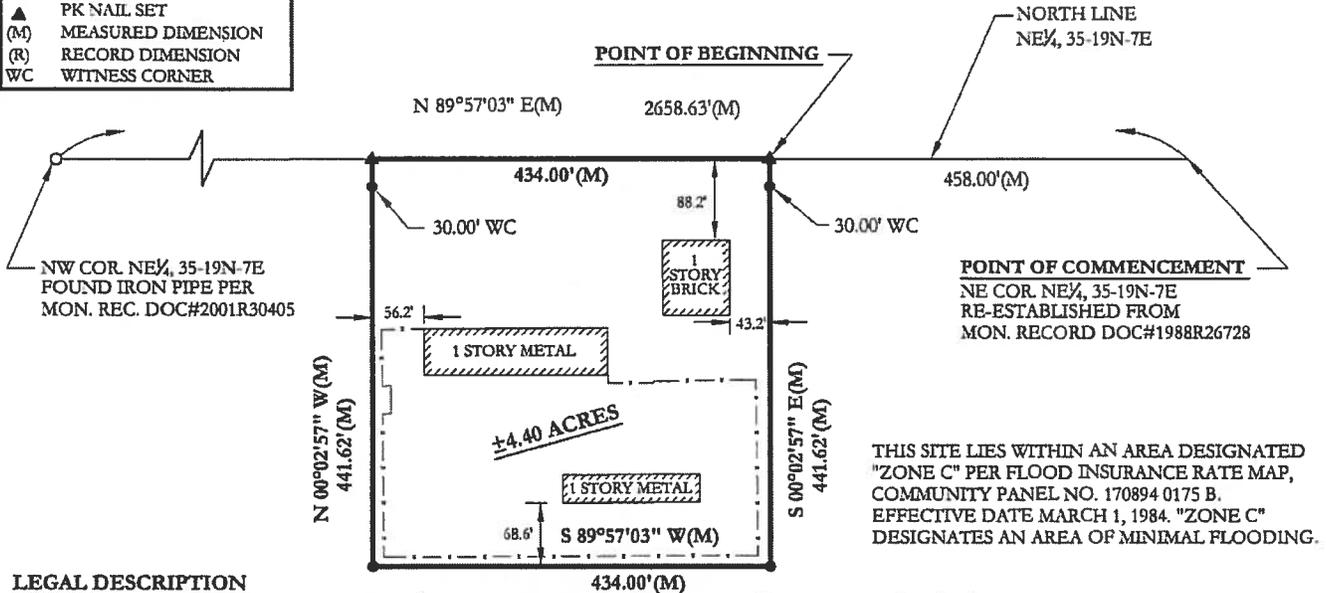
SCALE: 1"=200'



LEGEND

- IRON PIN/PIPE FOUND
- IRON PIN SET
- ▲ PK NAIL SET
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION
- WC WITNESS CORNER

CHAMPAIGN CO. P & Z DEPARTMENT



LEGAL DESCRIPTION

Part of the East Half of the Northeast Quarter of Section 35, Township 19 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as:

Commencing at the Northeast corner of the Northeast Quarter of said Section 35; thence South 89 degrees 57 minutes 03 seconds West (Assumed Bearings) - 458.00 feet on the North line of the Northeast Quarter of said Section 35 to the Point of Beginning; thence South 00 degrees 02 minutes 57 seconds East - 441.62 feet; thence South 89 degrees 57 minutes 03 seconds West - 434.00 feet; thence North 00 degrees 02 minutes 57 seconds West - 441.62 feet to the North line of the Northeast Quarter of said Section 35; thence North 89 degrees 57 minutes 03 seconds East - 434.00 feet on said North line to the Point of Beginning, containing 4.40 acres, more or less.

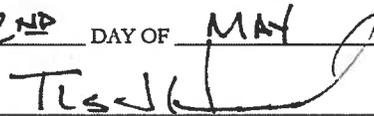
NOTES

- 1.) ALL BEARINGS ARE ASSUMED.
- 2.) NO EXISTING EASEMENTS, RECORDED OR OTHERWISE, HAVE BEEN INCLUDED WITH THIS SURVEY.
- 3.) RECORDED DOCUMENTS EXAMINED FOR THIS SURVEY: (2011R28038) (1988R26728) (2001R30405).
- 4.) THIS SURVEY CONTAINS STRUCTURES AND OTHER IMPROVEMENTS NOT SHOWN HEREON.
- 5.) SUBSURFACE AND/OR ENVIRONMENTAL CONDITIONS AND THE EXISTENCE OF UNDERGROUND UTILITIES WERE NOT CONSIDERED AS A PART OF THIS SURVEY.
- 6.) THE COMPLIANCE OR NON-COMPLIANCE WITH ZONING ORDINANCES WAS NOT CONSIDERED AS A PART OF THIS SURVEY.

SURVEYOR'S CERTIFICATE

I, THOMAS J. HAMMOND, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 3772, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE, ON THE GROUND, BY ME IN THE MONTH OF APRIL, 2012. ALL MONUMENTS HAVE BEEN SET OR FOUND AS INDICATED ON THIS PLAT. THE PROFESSIONAL SURVEY CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 2ND DAY OF MAY 2012 A.D.

PREPARED BY: 
THOMAS J. HAMMOND I.P.L.S. #3772
LICENSE EXPIRES NOV. 30, 2012

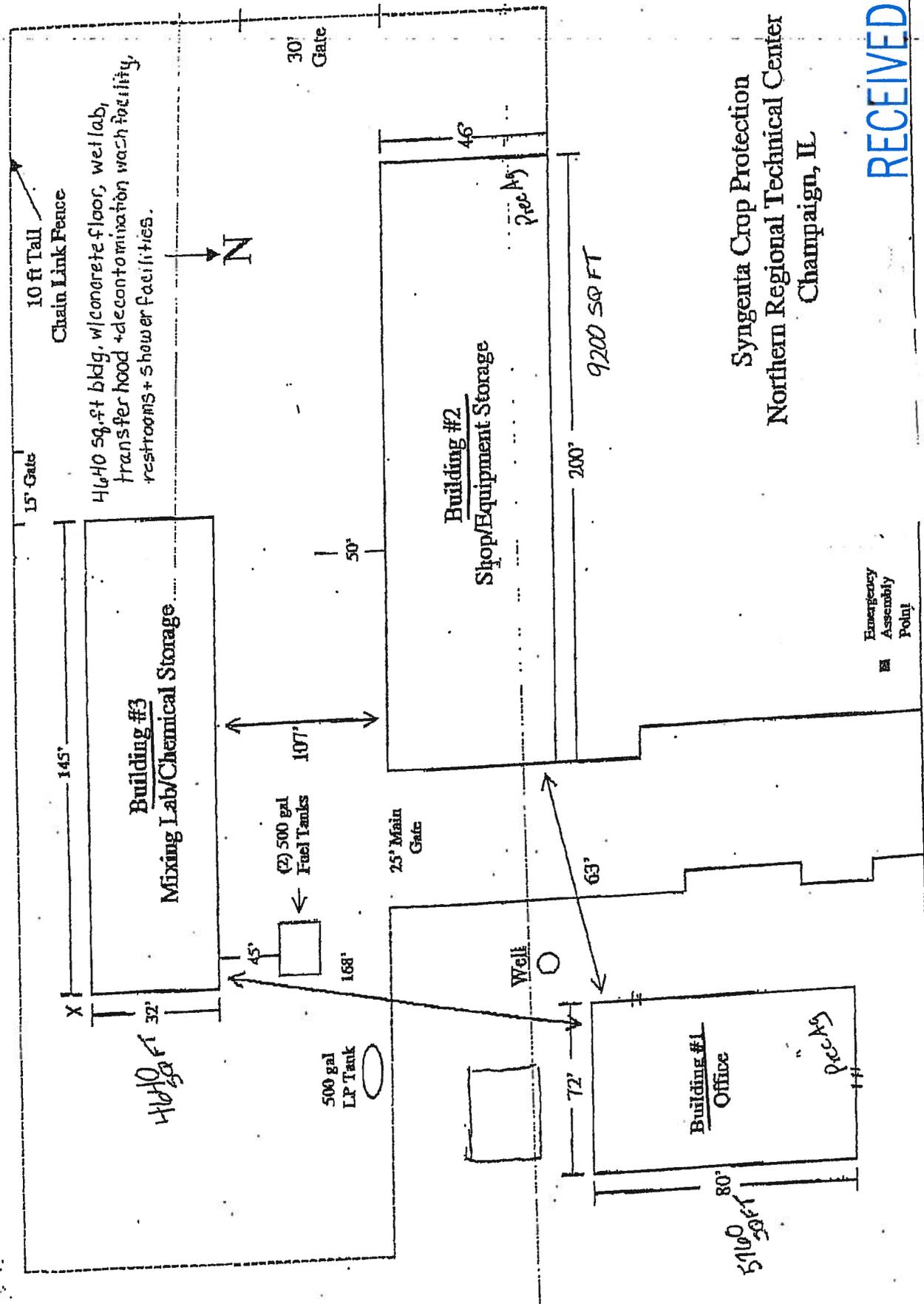
HAMMOND & REID LAND SURVEYING, LTD.

110 S. WASHINGTON SHELBYVILLE, IL 62565
(217) 294-3344 (217) 962-1772
DESIGN FIRM LIC. # 184-005735 (EXPIRES 04/30/2013)



FB #5 - CLIENT: KLEIN			
DRWG BY: JRR	CHK'D BY: TJH	PROJ. NO: 1209.01	SHEET NO: 1
CAD DWG. 1209.01.dwg		DATE: 05/02/2011	OF 1

The Buildings



4640 sq. ft. bldg. w/ concrete floor, well lab, transfer hood + decontamination wash facility, restrooms + shower facilities.

Syngenta Crop Protection
Northern Regional Technical Center
Champaign, IL

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MAY 03 2012

Champaign County Rd. 1300 N

CHAMPAIGN CO. P & Z DEPARTMENT

NOV-16-2001 09:47:11 PM

Building #1

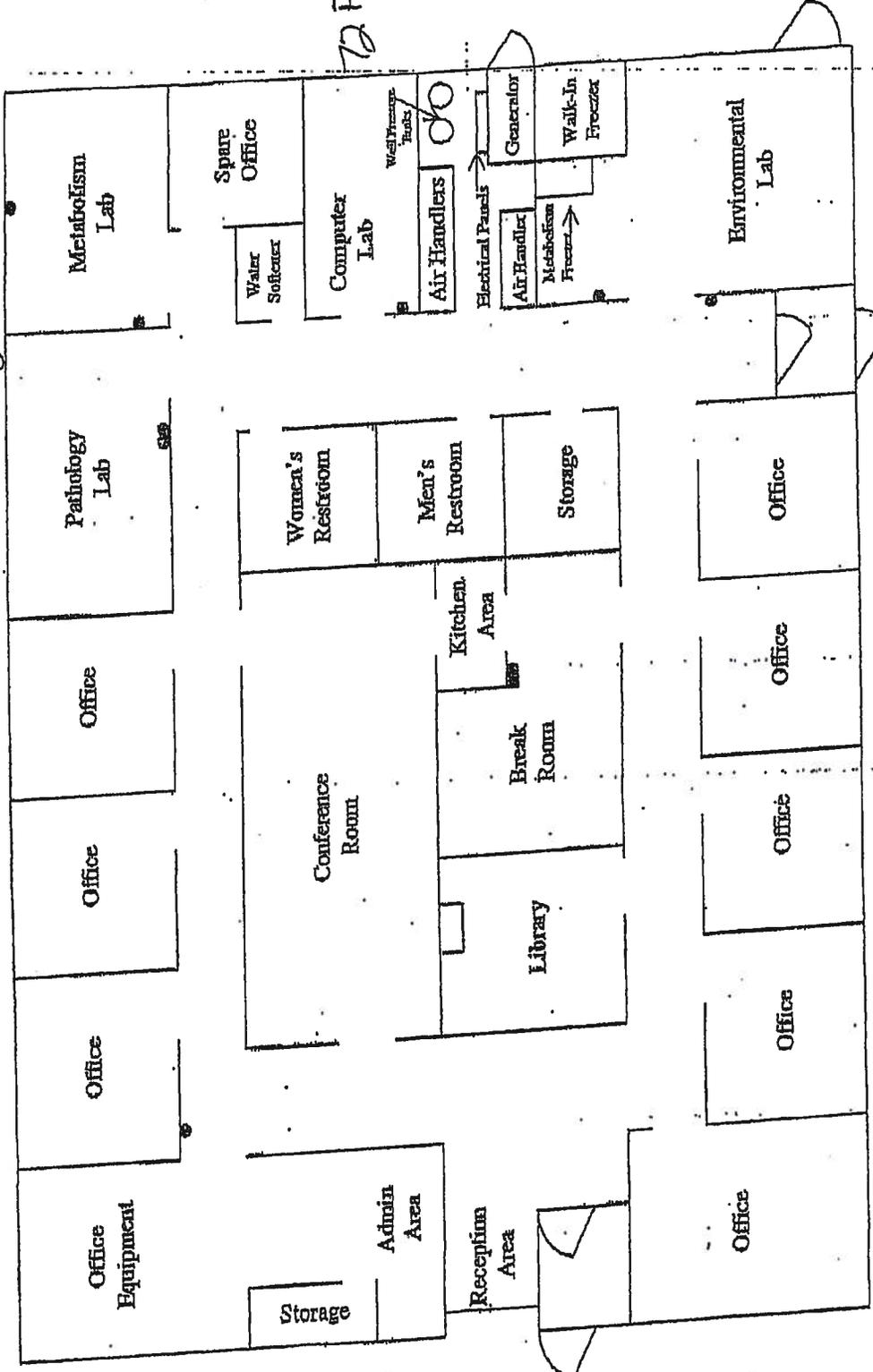
5760 sq ft

NRTC Office Building

N ←

80 FT

12 FT



- Fire Extinguisher Locations
- Safety Shower/Eyewash
- First Aid Station
- MSDS Center

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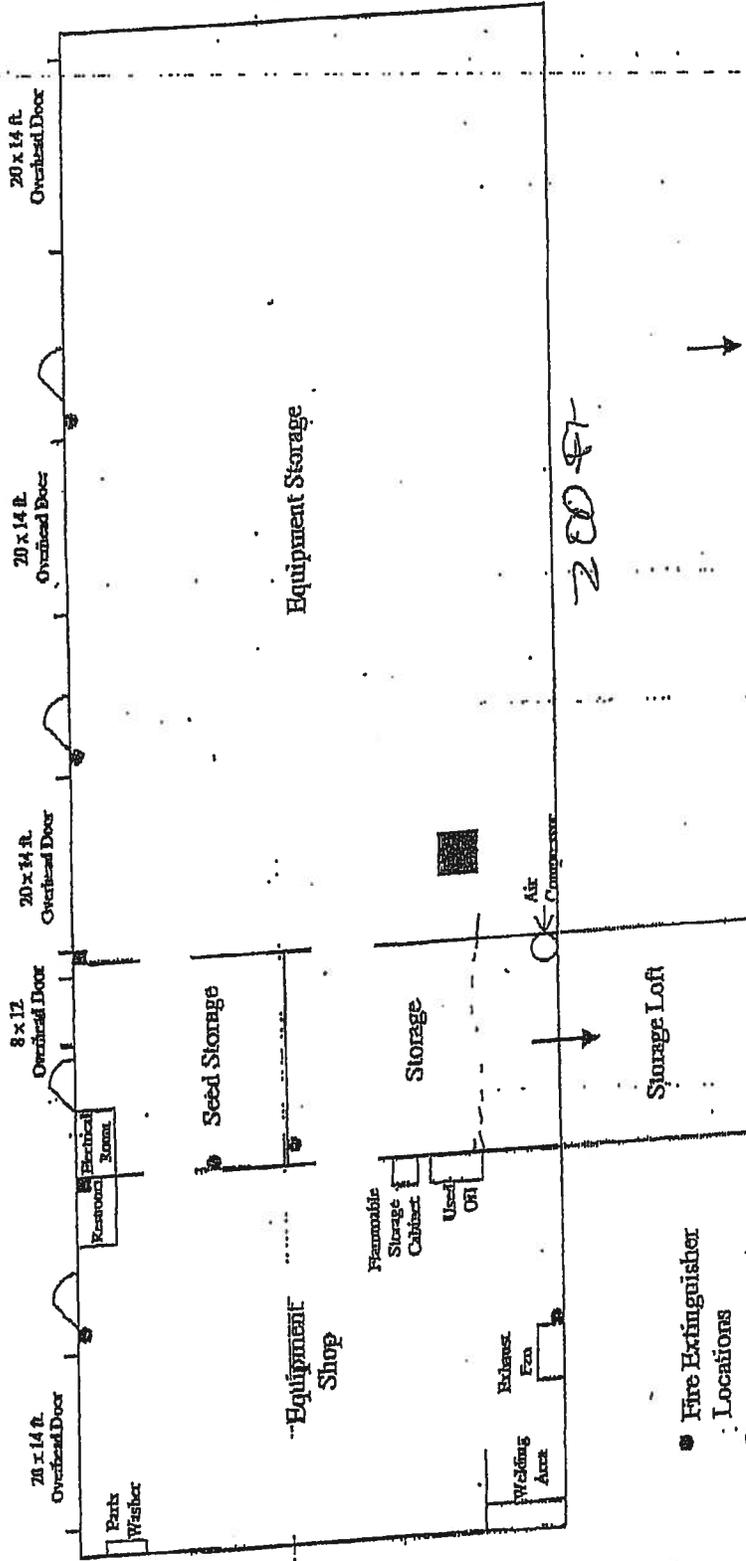
MAY 03 2012

CHAMPAIGN CO. P & Z DEPARTMENT

Building #2

9200 sq. ft.

NRTC Shop and Equipment Storage



Loft

200 ft

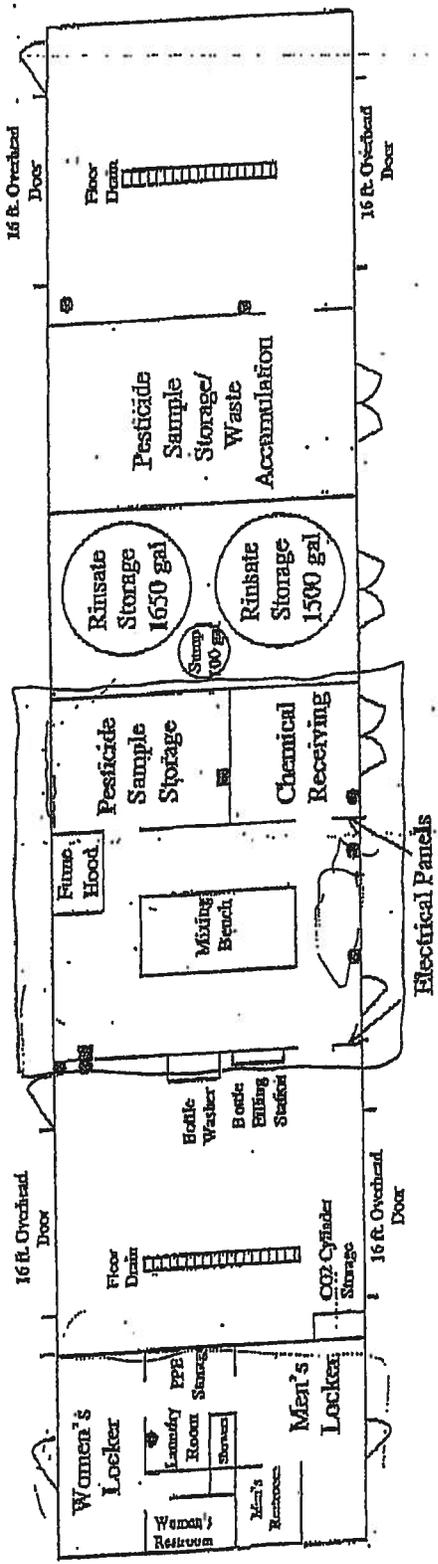


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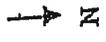
MAY 03 2012

CHAMPAIGN CO. P & Z DEPARTMENT

Building #3



- Safety Shower/Eyewash Station
- Fire Extinguisher Location
- First Aid Station
- Aphis Seed Storage



NRTC
Pesticide Lab
And Storage Building

RECEIVED

MAY 03 2012

CHAMPAIGN CO. P & Z DEPARTMENT

APPENDIX

DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

urban land

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

Generally, land use that is connected and served by a public sanitary sewer system.



GOALS, OBJECTIVES AND POLICIES

The Goals, Objectives and Policies section details the County's land use and resource management aspirations and outlines how they can be achieved. Goals, objectives and policies are created based on input from the Existing Conditions and Trends section, public comments, examples from other communities, and best planning practices. For purposes of this document, the following definitions were used:

- Goal:** an ideal future condition to which the community aspires
- Objective:** a tangible, measurable outcome leading to the achievement of a goal
- Policy:** a statement of actions or requirements judged to be necessary to achieve goals and objectives

Background

Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies. The process of finalizing this superseding document occurred over 15 months, and included:

- Research - A sampling of other communities' land use and resource management goals, objectives and policies were collected and analyzed for their relevance to Champaign County's needs.
- Evaluation – Existing Champaign County land use goals and policies were evaluated for their relevance and for what might need to be revised to make them timely.
- Comment – Input from public workshops held in April 2008, a survey of key township and municipal officials, and interviews regarding local adopted municipal comprehensive plans and recent land use development trends provided guidance and perspectives for developing the goals, objectives and policies.
- Development - A draft set of statements for review by the LRMP Steering Committee was created.
- Discussion – In a series of 25 meetings, the LRMP Steering Committee finalized the Goals, Objectives and Policies. Discussion then moved to the Champaign County Board's Environment and Land Use Committee for further revision and approval. All meetings had public involvement opportunities to further guide the final set of statements.

The result of this inclusive and public process is a set of ten goals, 42 objectives, and 100 policies which are intended to guide the Champaign County Board as it manages issues and resources related to land resource management in Champaign County. The Goals, Objectives and Policies are guiding principles rather than regulatory requirements, and are subject to review and amendment by the Champaign County Board as it enacts any legislative decisions or action relating to land resource management in the future.

The specific intent, language, and terminology of the objectives and policies are used to provide clarity and guidance for any related future regulatory changes considered by the County Board. The level of specificity documented is not intended to be binding, but is intended to provide examples of how the LRMP Goals could be addressed and implemented by future county boards.

In May of each year, the County Board adopts the Annual Budget Process Resolution establishing the parameters for the ensuing fiscal year budget. Based on the budgetary guidelines established by the Annual Budget Process Resolution, the Regional Planning Commission planning staff shall present, in June of each year, to the Environment and Land Use Committee (ELUC), options for a work plan for the ensuing fiscal year. The options presented shall be based upon the LRMP and the annual budgetary guidelines as stated above, and shall be submitted for the review and ultimate recommendation for approval by ELUC. ELUC shall establish the priorities to be accomplished in the annual work plan, and recommend approval of that work plan to the County Board no later than the September Meeting of the County Board each year.

The following Purpose Statement introduces the proposed LRMP Goals, Objectives and Policies:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 1 Planning and Public Involvement

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 Objectives**Objective 3.1 Business Climate**

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 Objectives**Objective 4.1 Agricultural Land Fragmentation and Conservation**

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a

reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

- a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
- c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

Policy 4.3.5

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

Objective 4.4 Regulations for Rural Residential *Discretionary Review*

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

Champaign County will encourage *urban development* that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 5.1.5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2.2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and

- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Natural Resources

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Policy 8.2.1

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases
Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings
Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies
Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling
Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources
Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 Objective**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



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WARNING
BURIED GAS PIPELINE

Before Digging
Call
J.O.L.L.E.
800-892-6123

In An Emergency
Call
Univ. of Illinois -
Utilities
217-333-0540

Department of State, Bureau of Land Management

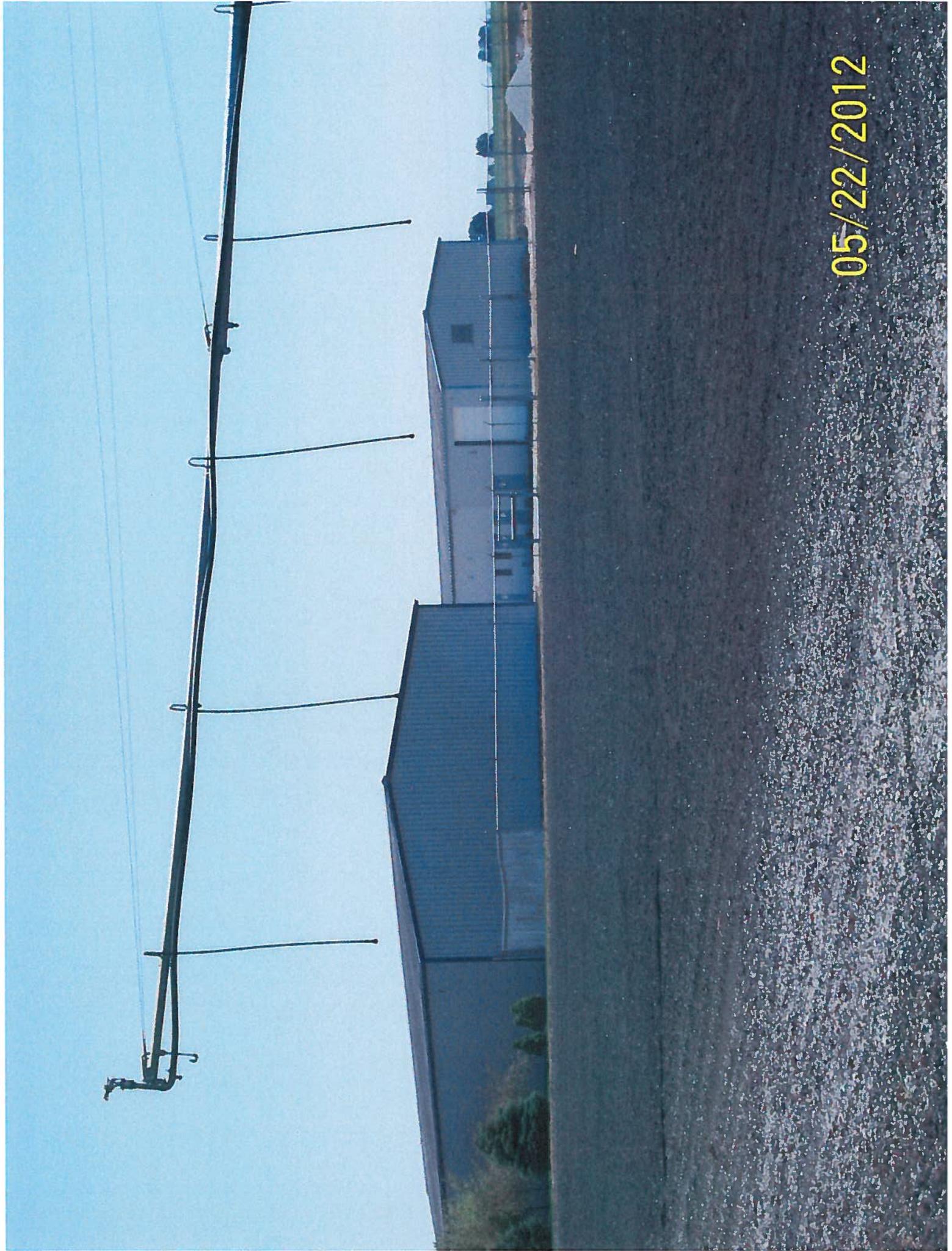
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**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: ***{RECOMMEND ENACTMENT / RECOMMEND DENIAL}***

Date: **May 31, 2012**

Petitioners: **William & Deborah Klein and Mary Klein**

Request: **Amend the Zoning Map to change the zoning district designation from AG-1 Agriculture to I-1 Industrial.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 31, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners William & Deborah Klein, 1043 CR 300E, Seymour, and Mary Klein, 333 CR 1100N, Seymour, own the subject property.
2. The subject property is an approximate 4.5 acre tract in the North Half of the Northeast Quarter of the Northeast Quarter of Section 35 of Scott Township and commonly known as the former Syngenta research facility at 495 CR 1300N, Champaign. There are three buildings and one pavilion on the subject property. The subject property does not consist of any land that is used for agricultural production.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning, nor does Scott Township have a Plan Commission.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

“The land should be rezoned from AG-1, Agriculture, to I-1, Light Industry, so that it may continue being used by private enterprises for highly specialized research and development purposes - - its existing and highest use. The prior tenant Syngenta, an agribusiness giant, utilized the land for biotechnology and genomic research in the fields of seeds and pesticide development, among others. In doing so Syngenta constructed the existing office and lab spaces housed within three separate buildings, which are reflected and labeled accordingly in the attached Exhibit B. Office Building One, for example, which is the space the proposed new tenant, Autonomic Materials, Inc. (“AMI”), seeks to lease initially, includes not only office and lab space that is ideal for AMI’s use but also a Pathology Lab, Metabolism Lab, Environmental Lab, Computer Lab, as well as air handlers and fume hoods – all of which are very suited for AMI’s research and development purposes. AMI is privately held, early stage (emerging growth) company founded in 2005 by Dr. Scott White, a professor of aerospace engineering at the University of Illinois. Incubated at the U of I’s business incubator, EnterpriseWorks here in Champaign, Illinois, AMI is engaged in the breakthrough research and development of a unique and proprietary (patented) self-healing platform technology for use in high performance coatings and related applications. Stated simply, AMI creates an additive that manufacturers will use to manufacture self-healing paint and coatings; which is extraordinary, and of great significance commercially and otherwise. Champaign should do what it can to retain these types of business as they graduate from the incubator.”

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

“The land for which rezoning is being sought comprises 4.4 acres, and will be used for theoretical and applied research, development and prototype light manufacturing. AMI’s proposed use of the land will allow it to engage in cutting edge research and development, while simultaneously bringing jobs and notoriety to Champaign County. It will do so without having any discernible impact and/or effect upon the existing agricultural use of the neighboring properties. Further, Petitioner owns the surrounding land to the east, west, and south, while the property to the north is separated by a road. Thus, any external costs of the proposed use will be primarily borne by the Petitioner itself.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture and was formerly used as a research/warehouse facility and agricultural production.
 - B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - (1) Land on the north is in agriculture production.
 - (2) Land on the south is in agricultural production.
 - (3) Land east of the subject property is in agricultural production.
 - (4) Land west of the subject property is in agricultural production.
7. Previous zoning cases in the vicinity are the following:
 - A. There have been no previous zoning cases in the vicinity.
8. Information regarding Autonomic Materials Incorporated (AMI) and its operations can be summarized as follows:
 - (1) AMI has been in operation since 2005 as part of the University of Illinois Business Incubator.
 - (2) AMI assists its customers optimize the performance of self healing additives in various coating, including paint.
 - (3) AMI utilizes one salt fog chamber to speed up the process of corrosion to take coating performance measurement samples and digital imaging samples.
 - (a) Under normal operation a salt fog chamber will drain 10 – 20 gallons of low-salinity salt water per week.
 - (b) The fog vented from the chamber is a small amount.
 - (c) The quantity of materials used in the testing are typically “beaker” sized which amounts to less than one liter per test.

- (4) AMI proposes to lease Building #1 and Building #3 on the subject property. Building #1 has office space and laboratory space. AMI intends to lease the chemical laboratory space in Building #3.
- (5) AMI will have PDC/AREA, a licensed hazardous waste hauler remove hazardous wastes from the subject property. The following quantities of waste are anticipated in the first 12 months of operation:
 - (a) Pump Oil – 5 gallons.
 - (b) Solvents – 20 gallons.
 - (c) Polymers – 25 gallons.
- (6) Currently, AMI has 6 full-time employees and intends to gradually increase the number of full-time employees to 12 in 2015.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

9. Regarding the existing and proposed zoning districts:
 - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - (2) The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
 - (2) The I-1 District is generally located in areas suitable for light industrial and manufacturing purposes and that generally have a connected public sanitary sewer.
 - C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
 - (1) There are 11 types of uses authorized by right in the AG-1 District and there are 84 types of uses authorized by right in the I-1 District:
 - (a) The following 11 uses are authorized by right in the AG-1 District:
 - Single family dwelling;
 - Subdivisions of three lots or less;

- Agriculture;
- Roadside Stand operated by Farm Operator;
- Minor Rural Specialty Business;
- Plant Nursery;
- Township Highway Maintenance Garage;
- Christmas Tree Sales Lot;
- Off-premises sign within 660 feet of interstate highway;
- Off-premises sign along federal highway except interstate highways; and
- Temporary Uses

(b) The following uses are authorized by right in the I-1 District:

- Subdivisions of three lots or less;
- Subdivisions totaling more than three lots or with new streets or private accessways;
- Agriculture;
- Commercial Greenhouse;
- Greenhouse (not exceeding 1,000 square feet);
- Plant Nursery;
- Municipal or Government Building;
- Police Station or Fire Station;
- Public park or recreational facility
- Parking garage or lot;
- Telephone Exchange;
- Telegraph Office;
- Railway Station;
- Motor Bus Station;
- Truck Terminal;
- Railroad yards and Freight Terminals;
- Drycleaning Establishment;
- Laundry and/or drycleaning pick-up;
- Millinery shop;
- Diaper Service Establishment;
- Clothing Repair and Storage;
- Farm Chemicals and Fertilizer Sales;
- Farm Equipment Sales and Service;
- Feed and Grain (sales only);
- Grain Storage Elevators and Bins;
- Artists Studio;
- Business Office;
- Vocational, Trade or Business School;
- Wholesale Produce Terminal;

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- Bakery (more than 2,500 square feet)
- Major Automobile Repair;
- Minor Automobile Repair;
- Gasoline Service Station;
- Automobile Washing Facility;
- Building Material Sales;
- Fuel Oil, ice, coal, wood (sales only);
- Monument Sales (excludes stone cutting);
- Heating, Ventilating, Air Conditioning sales and service;
- Bait Sales;
- Country club or golf course;
- Country Club Clubhouse;
- Outdoor commercial recreational enterprise;
- Riding Stable;
- Seasonal hunting or fishing lodge;
- Outdoor Theater;
- Commercial Fishing Lake;
- Aviation sales, service or storage;
- Pet Cemetery;
- Kennel;
- Veterinary Hospital;
- Wholesale Business;
- Warehouse;
- Self-storage warehouses (heat and utilities provided);
- Self-storage warehouses (heat and utilities not provided);
- Christmas Tree Sales Lot;
- Off-premises sign;
- Temporary Uses;
- Recycling of non-hazardous materials;
- Contractors Facilities (no outdoor storage of operations);
- Contractors Facilities (with outdoor storage or operations);
- Dairy Products Manufacturing, Processing, and Packaging;
- Wool, cotton, silk and man-made fiber manufacturing;
- Manufacturing and Processing Wearing Apparel and Related Finished Products Manufacturing;
- Miscellaneous Finished Products Manufacturing;
- Electrical and Electronic Machinery, Equipment and Supplies Manufacturing;
- Small Scale Metal Fabricating Shop;
- Engineering, Laboratory, Scientific, and Research Instruments, Manufacturing;

- Mechanical Measuring and Controlling Instruments Manufacturing;
 - Optical Instruments and Menses Manufacturing;
 - Surgical, Medical, Dental, and Mortuary Instruments and Supplies Manufacturing;
 - Photographic Equipment and Supplies Manufacturing;
 - Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial printing;
 - Bookbinding;
 - Motion Picture Studio;
 - Household and Office Furniture Manufacturing;
 - Building Paper, Paper Containers, and Similar Products Manufacturing;
 - Theoretical and Applied Research Development and Prototype Light Manufacturing;
 - Non-Profit or Governmental Educational and Research Agencies;
 - Jewelry, Costume Jewelry, Novelties, Silverware and Plated Ware Manufacturing;
 - Light Assembly;
 - Musical Instruments and Allied Products Manufacturing;
 - Office and Artists Materials Manufacturing;
 - Signs and Advertising Display Manufacturing
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District and 19 types of uses authorized by SUP in the I-1 District:
- (a) The following 42 uses may be authorized by SUP in the AG-1 District:
- Hotel with no more than 15 lodging units;
 - Residential PLANNED UNIT DEVELOPMENT;
 - SUBDIVISION totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS (County Board SUP);
 - Major RURAL SPECIALTY BUSINESS;
 - Artificial lake of 1 or more acres;
 - Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - Elementary School, Junior High School, or High School;
 - Church, Temple or church related Temporary Uses on church Property;
 - Municipal or Government Building;
 - Township Highway Maintenance Garage;
 - Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Penal or correctional institution;
 - Police station or fire station;
 - Library, museum or gallery;
 - Public park or recreational facility;

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- Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Radio or Television Station;
 - Electrical Substation;
 - Telephone Exchange;
 - RESIDENTIAL AIRPORTS;
 - RESTRICTED LANDING AREAS;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
 - Grain Storage Elevator and Bins;
 - Riding Stable;
 - Commercial Fishing Lake;
 - Cemetery or Crematory;
 - Pet Cemetery;
 - Kennel;
 - Veterinary Hospital;
 - Off-premises sign farther than 660 feet from an interstate highway;
 - Contractors Facilities with no outdoor operations or storage;
 - Contractors Facilities with outdoor operations and/or storage;
 - Small Scale Metal Fabricating Shop;
 - Gas Turbine Peaker;
 - BIG WIND TURBINE TOWER (1-3 turbines);
 - WIND FARM (County Board SUP)
 - Sawmills Planing Mills, and related activities; and
 - Pre-Existing Industrial Uses (existing prior to October 10, 1973)
- (b) The following 19 uses may be authorized by SUP in the I-1 District:
- Artificial lake of 1 or more acres;
 - Adaptive reuse of Government Buildings for any use permitted by right;
 - Private or Commercial transmission and receiving towers over 100' in height;
 - Water Treatment Plant;
 - Radio or Television Station;
 - Electrical Substation;
 - Public Fairgrounds;
 - Airport;
 - Restricted Landing Areas;

- Heliport/Helistops;
- Heliport-Restricted Landing Areas;
- Slaughter Houses;
- Amusement Park;
- Stadium or Coliseum;
- Gas Turbine Peaker;
- BIG WIND TURBINE TOWER (1-3 turbines);
- Gasoline and Volatile Oils Storage up to and including 80,000 gallons;
- Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallons;
- Liquefied Petroleum Gases Storage;

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

10. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:

A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

B. The LRMP defines Goals, Objectives, and Policies as follows:

(1) Goal: an ideal future condition to which the community aspires

(2) Objective: a tangible, measurable outcome leading to the achievement of a goal

(3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING LRMP GOALS & POLICIES

11. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but is otherwise *NOT RELEVANT* to the proposed rezoning.

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

12. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment is *NOT RELEVANT* to Goal 2.

13. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed amendment is *PARTIALLY ACHIEVES* Goal 3 for the following reason:

- A. The three objectives are as follows:

- (1) Objective 3.1 is entitled “Business Climate” and states, Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
- (2) Objective 3.2 is entitled “Efficient County Administration” and states, “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
- (3) Objective 3.3 is entitled “County Economic Development Policy” and states, “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRPM.”

- B. Although the proposed rezoning is *NOT DIRECTLY RELEVANT* to any of these objectives, the proposed rezoning will allow Autonomic Materials Incorporated (AMI) to utilize the existing buildings on the subject property and to continue business operations in Champaign County and therefore the proposed rezoning can be said to *PARTIALLY ACHIEVE* the Goal.

14. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

The existing buildings would not generally be expected under typical “rural” development and are representative of what is generally considered to be urban development. I-1 Light Industry is also generally considered to be an urban zoning district requiring a connected public sanitary sewer system. However, the existing buildings are served by a septic system and were originally constructed to support agriculture and the proposed rezoning should be reviewed for compliance with Goal 4.

Goal 4 has 9 objectives and 22 policies. The proposed amendment is *ACHIEVES* Goal 4 for the following reasons:

A. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states, “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed rezoning *ACHIEVES* Objective 4.1 because of the following:

(1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.4, 4.1.5, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed rezoning.

(2) Policy 4.1.1 states, “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed rezoning *ACHIEVES* Policy 4.1.1 because the subject property was in agricultural production until it was taken out of production and developed for biotechnology and genomic research for seed and pesticide research in support of agriculture in the 1990’s before the current ownership.

(3) Policy 4.1.3 does not appear to be relevant to any specific rezoning.

(4) Policy 4.1.6 states, “**Provided that the use, design, site and location are consistent with County policies regarding:**

- i. **Suitability of the site for the proposed use;**
- ii. **Adequacy of infrastructure and public services for the proposed use;**
- iii. **Minimizing conflict with agriculture;**
- iv. **Minimizing the conversion of farmland; and**
- v. **Minimizing the disturbance of natural areas; then**
 - a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted**

which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or

- b) On best prime farmland, the County may authorize non-residential discretionary development; or
- c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”

The proposed rezoning *ACHIEVES* Policy 4.1.6 for the following reasons:

- (a) The soil on the subject property is the best of best prime farmland and consists of Flanagan silt loam and Drummer silty clay and would have an average LE of approximately 99.
 - (b) The subject property was in agricultural production until it was taken out of production and developed for biotechnology and genomic research for seed and pesticide research in support of agriculture in the 1990’s before the current ownership.
 - (c) As reviewed in the remainder of this Finding of Fact the proposed rezoning will not remove any additional best prime farmland from production and no expansion will be authorized but the proposed rezoning will allow the vacant buildings to be put to productive use.
- (4) Policy 4.1.7 states, “**To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development on best prime farmland*.”**

The proposed rezoning *{IS CONSISTENT / IS NOT CONSISTENT}* with Policy 4.1.7 for the following reasons:

- (a) The amount of land proposed for zoning is the minimum feasible amount of land to allow for productive use of the vacant buildings and does not consist of any area used for agricultural production. The approximate 4.5 acres consists of the existing buildings, parking areas, and fencing. The proposed area to be rezoned also allows the existing structures to exceed minimum yard and setback requirements of the I-1 Light Industry Zoning District.
- (b) The proposed rezoning removes the land from the AG-1 District and the maximum lot size does not apply, but that does not change the fact that the amount of land being rezoning is the minimum feasible amount.

- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed rezoning *ACHIEVES* Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The county may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed rezoning *ACHIEVES* Policy 4.2.1 for the following reason:

- (a) The proposed use will not support agriculture and it is unlikely that any subsequent use will either, but it can operate from this rural location and can make very productive use of the vacant buildings which were originally developed to support agriculture.
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a. **is a type that does not negatively affect agricultural activities; or**
 - b. **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c. **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed rezoning *ACHIEVES* Policy 4.2.2 for the following reasons:

- (a) The special conditions ensure that any proposed use will take place indoors and will not be negatively affected by agricultural activities.
- (b) The buildings are sited on land that is not in crop production and will not interfere with agricultural activities.
- (c) The traffic generated by the proposed use or any future use will not be related to agriculture but the volume of traffic will be similar to the previous use and limited because no expansion would be allowed under the proposed condition.
- (3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning *ACHIEVES* Policy 4.2.3 for the following reasons:

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- (a) The Petitioner's understand that this is a rural area where agricultural activities take place.
 - (b) A special condition has been proposed to ensure that any subsequent owner recognize the rights of agricultural activities.
- (4) **Policy 4.2.4 states, "To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary."**

The proposed rezoning *ACHIEVES* Policy 4.2.4 for the following reason:

- (a) The special conditions will ensure that any use will be all indoors and even though it will be surrounded by agricultural activities it will not warrant a buffer between the existing buildings and adjacent agricultural activities.

- C. Objective 4.3 is entitled "Site Suitability for Discretionary Review Development" and states, "Champaign County will require that each discretionary review development is located on a suitable site."

The proposed rezoning *ACHIEVES* Objective 4.3 because of the following:

- (1) **Policy 4.3.2 states, "On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use."**

The proposed rezoning *ACHIEVES* Policy 4.3.2 for the following reasons:

- (a) The land is best prime farmland and consists of Drummer silty clay soil that has a Land Evaluation score of 98 and Flanagan silt loam that has a Land Evaluation Score of 100 and the average Land Evaluation score is approximately 99.
 - (b) The subject property fronts and has access to CR 1300N.
 - (c) The subject property is not served by sanitary sewer.
 - (e) The subject property has already been converted out of agricultural production and contains existing buildings well-suited to the purposes of Autonomic Materials business operations, making the subject property well-suited overall.
- (2) **Policy 4.3.3 states, "The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense."**

The proposed rezoning *ACHIEVES* Policy 4.3.3 for the following reason:

- (a) The subject property is located approximately 2 miles from the Bondville Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
 - (b) Because of the special conditions any subsequent use will not have any greater need for fire protection services than the previous use by Syngenta.
- (3) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning *ACHIEVES* Policy 4.3.4 for the following reason:

- (a) The subject property has access to CR 1300N and CR 500E is approximately one-quarter of a mile from the subject property.
 - (b) Because of the special conditions, the traffic generated by any subsequent use will be similar to the previous use by Syngenta and limited because no expansion will be allowed under the proposed condition.
- (4) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed rezoning *ACHIEVES* Policy 4.3.5 for the following reasons:

- (a) The proposed use is otherwise appropriate in a rural area based on the discussion of Policy 4.2.1 regarding whether the service is better provided in a rural area.
- (b) The subject property is very well suited based on the discussion of Policy 4.3.2.

15. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

The existing buildings would not generally be expected under typical “rural” development and are representative of what is generally considered to be urban development. I-1 Light Industry is also generally considered to be an urban zoning district requiring a connected public sanitary sewer system. For these reasons the proposed rezoning has been reviewed for compliance with Goal 5.

Goal 5 has 3 objectives and 15 policies. The proposed amendment is *ACHIEVES* Goal 5 for the following reasons:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed rezoning *ACHIEVES* Objective 5.1 because of the following:

- (1) Policy 5.1.1 states, “**The County will encourage new urban development to occur within the boundaries of incorporated municipalities.**”

The proposed rezoning *ACHIEVES* Policy 5.1.1 for the following reasons:

- (a) The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
- (b) The subject property is not served by sanitary sewer and is assumed to have an adequate septic system and was originally developed to support agriculture.
- (2) Policy 5.1.5 states, “**The County will encourage urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.**”

The proposed rezoning *ACHIEVES* Policy 5.1.5 because a special condition has been proposed to require any use established on the subject property to explicitly recognize and provide for the right of agricultural activities on adjacent land.

- (3) Policy 5.1.6 states, “**To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed urban development.**”

The proposed rezoning *ACHIEVES* Policy 5.1.6 based on the discussion of Policy 4.2.4.

- B. Objective 5.2 is entitled, “Natural Resources Stewardship” and states, “When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”

The proposed amendment *ACHIEVES* Objective 5.2 for the following reason:

- (1) Policy 5.2.1 states, “**The County will encourage the reuse and redevelopment of older and vacant properties within urban land when feasible.**”

The proposed rezoning *ACHIEVES* Policy 5.2.1 for the following reasons:

- (a) The proposed use is not urban development based on the discussion of Policy 5.1.1.
 - (b) The subject property was originally developed to support agriculture and needed to be in a rural location.
 - (c) The proposed use is well-suited for the subject property and will put the vacant buildings to productive use and the special conditions should ensure that any subsequent use complies with LRMP policies and the Zoning Ordinance.
- (2) Policy 5.2.2 states, “The County will:
- a. **ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland; and**
 - b. **encourage, when possible, other jurisdictions to ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland.”**

The proposed rezoning *ACHIEVES* Policy 5.2.2 for the following reasons:

- (a) The existing buildings on the subject property were constructed for a business that supported agriculture but no longer occupies the subject property.
 - (b) The subject property is not proposed to be increased in size and no additional best prime farmland is proposed to be taken out of production and a special condition will prohibit any expansion.
- (3) Policy 5.2.3 states, “The County will:
- a. **require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality.”**

The proposed rezoning *ACHIEVES* Policy 5.2.3 because there are no areas with significant natural environmental quality on the subject property.

- C. Objective 5.3 is entitled “Adequate Public Infrastructure and Services” and states, “Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”

The proposed amendment *ACHIEVES* Objective 5.3 because of the following:

- (1) Policy 5.3.1 states, “**The County will:**
 - a. **require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.”**

The proposed rezoning *ACHIEVES* Policy 5.3.1 for the following reasons:

- (a) The only public service provided other than law enforcement is fire protection.
 - (b) The subject property is located approximately 2 miles from the Bondville Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
 - (c) The proposed rezoning will not have any greater need for fire protection services than the previous use.
- (2) Policy 5.3.2 states, “**The County will:**
 - a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.”**

The proposed rezoning *ACHIEVES* Policy 5.3.2 because the only public infrastructure serving the subject property is CR 1300N and CR 500E which are township roads and the low traffic generated by the proposed use will not increase traffic on the road network.

16. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment *ACHIEVES* Goal 6 for the following reasons:

- A. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”

The proposed rezoning *ACHIEVES* Objective 6.1 because of the following:

- (1) Policy 6.1.2 states, **“The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.”**

The proposed rezoning *ACHIEVES* Policy 6.1.2 for the following reasons:

- (a) The proposed use is not of a type to require processing of large amounts of wastewater as reviewed in Item 8.
- (b) The proposed use is similar in nature to the previous use of the subject property.
- (c) The special conditions prohibit any expansion of the buildings or outdoor activity areas, which should prevent any problems.

17. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment is *ACHIEVES* Goal 7 for the following reason:

- A. Objective 7.1 is entitled “Traffic Impact Analysis” and states, “Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”

The proposed rezoning *ACHIEVES* Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, **“The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.”**

The proposed rezoning *ACHIEVES* Policy 7.1.1 for the following reasons:

- (a) Both CR 1300N and CR 500E are township roads with an oil and chip surface.
- (b) The proposed use currently has only 6 employees and could have up to 12 by the year 2015. This number of employees is similar to the number of employees from the previous use of the subject property and there will be no increase in traffic.

18. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. Objectives 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, and 8.9 are *NOT RELEVANT* to the propose amendment. The proposed amendment *ACHIEVES* Goal 8 because of the following:

- A. Objective 8.1 states, "Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes."

The proposed rezoning *ACHIEVES* Objective 8.1 because of the following:

- (1) Policy 8.1.1 states, "**The County will not approve discretionary development using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.**"

The proposed rezoning *ACHIEVES* Policy 8.1.1 for the following reasons:

- (a) The subject property is not located in the area of limited groundwater availability.
- (b) The proposed use does not use a large amount of water and the special conditions prohibit any expansion.

- (2) Policy 8.1.8 states, "**The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.**"

The proposed rezoning *ACHIEVES* Policy 8.1.8 for the following reason:

- (a) There are no community well heads, distinct aquifer recharge areas, or other critical areas in the vicinity of the subject property.

- (3) Policies 8.1.2, 8.1.3, 8.1.4, 8.1.5, 8.1.6, 8.1.7, and 8.1.9 are *NOT RELEVANT*.

- B. Objective 8.2 states, "Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations."

The proposed rezoning *ACHIEVES* Objective 8.2 because of the following:

- (1) Policy 8.2.1 states, "**The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. Best prime farmland is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.**"

The proposed rezoning *ACHIEVES* Policy 8.2.1 for the following reasons:

- (a) The subject property has not been in agricultural production since it was converted to a research facility in support of agriculture.
- (b) The special conditions prohibit any expansion.

19. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

The proposed amendment is **NOT RELEVANT** to Goal 9 because the proposed amendment does not address energy efficiency or the use of renewable energy sources.

20. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 is **NOT RELEVANT** to the proposed amendment.

GENERALLY REGARDING THE LaSalle Factors

21. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

A. **LaSalle factor: The existing uses and zoning of nearby property.**

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Research/Warehouse Facility	AG-1 Agriculture
	Agriculture	
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture

B. **LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.**

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - (2) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.
 - (3) In regards to the value of the subject property the requested map amendment will allow productive use of the buildings.
 - (4) This area is primarily an agricultural area and the subject property is the former site of a Syngenta Research Facility.
- C. ***LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.
- D. ***LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**
The gain to the public of the proposed rezoning is positive because the proposed amendment would allow the Petitioner's to lease existing vacant space to Autonomic Materials which is a local start-up business.
- E. ***LaSalle* factor: The suitability of the subject property for the zoned purposes.**
The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production and there are buildings occupying the subject property that are suitable for light industrial uses and the special conditions prohibit any expansion.
- F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
The AG-1 District was planned in 1973 and thus was intended to protect areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural uses. Currently, there are three buildings on the subject property. These buildings were built by Syngenta for a research facility in the 1990s and are currently vacant.
- G. ***Sinclair* factor: The need and demand for the use.**
The prospective tenant, Autonomic Materials, has outgrown its current location and needs space to accommodate its business operations. Autonomic Materials is well suited for the subject property because equipment and facilities necessary for their business activities are available on the subject property.
- H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**

The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan. The special conditions should ensure that the proposed rezoning also conforms to the LRMP.

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. Proposed Special Conditions of Approval:

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

Conformance with policies 4.2.3 and 5.1.5.

- B. **Any non-agricultural use of the subject property shall be limited to reuse of the existing buildings and existing outdoor parking area and no expansion of either building area or expansion of outdoor uses shall be authorized.**

The above special condition is necessary to ensure the following:

That the use of the subject property does not become intensively utilized by non-agricultural uses.

- C. **No self-storage warehouse (either with or without heat and utilities to individual units) shall be authorized on the subject property.**

The above special condition is necessary to ensure the following:

Public safety.

- D. **A Special Use Permit shall be required to authorize the establishment of a second principal use on the subject property that does not meet the Zoning Ordinance definition of "agriculture".**

The above special condition is necessary to ensure the following:

That the use of the subject property remains in conformance with the Zoning Ordinance.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Alan Singleton (Attorney) received on May 3, 2012 with attachments:
 - A Plat of Survey
 - B Site Plan
 - C Aerial Photo
 - D Building Layouts
 - E List of adjacent property owners

2. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies

3. Preliminary Memorandum dated May 25, 2012 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Plat of Survey
 - C Site Plan
 - D Building #1 Layout
 - E Building #2 Layout
 - F Building #3 Layout
 - G LRMP Land Use Goals, Objectives, and Policies
 - H LRMP Appendix: Defined Terms
 - I Site Visit Photos
 - J Draft Finding of Fact and Final Determination

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 31, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the following LRMP goals:
 - 3, 4*, 5, 6, 7, and 8

*Achievement of Goal 4 depends upon the Board's determination regarding consistency with Policy 4.1.7. (see page 12)
 - B. The proposed Zoning Ordinance map amendment **WILL NOT IMPEDE** the achievement of the other LRMP goals:
 - 1, 2, 9, and 10
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors.

FINAL DETERMINATION

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 Zoning Ordinance Amendment requested in **Case 716-AM-12** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date