

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street**

**Urbana, IL 61802**

**DATE: May 31, 2012**

**PLACE: Lyle Shield's Meeting Room**

**1776 East Washington Street**

**Urbana, IL 61802**

**TIME: 7:00 p.m.**

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

**MEMBERS ABSENT :** None

**STAFF PRESENT :** Lori Busboom, John Hall, Andrew Kass

**OTHERS PRESENT :** Neal Hauser, Dennis Birkey, Mark Fisher, Jean Fisher, Deb Klein, Julia Hall, Bill Klein, Alan Singleton, Joe Guiliani, David Niccum, Dave Heiser, David Birkey

**1. Call to Order**

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

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

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

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

**3. Correspondence**

None

**4. Approval of Minutes (April 12, 2012 and April 26, 2012)**

**Ms. Capel moved, seconded by Mr. Courson to approve the April 12, 2012 and April 26, 2012, minutes as submitted. The motion carried by voice vote.**

**5. Continued Public Hearing**

**Case 687-AM-11 Petitioner: Philip W. and Sarabeth F. Jones Request to amend the Zoning Map to**

5/31/12

1 **change the zoning district designation from CR Conservation Recreation to AG-1 Agriculture.**  
2 **Location: An approximately 12.69 acre tract of land that is located in the North Half of the South Half**  
3 **of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois**  
4 **Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and**  
5 **County Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**

6  
7 **Case 688-S-11 Petitioner: Philip W. and Sarabeth F. Jones Request to authorize the construction and**  
8 **use of a “Heliport-Restricted Landing Area” as a Special Use on land that is proposed to be rezoned to**  
9 **the AG-1 Agriculture Zoning District from the current CR Conservation Recreation Zoning District**  
10 **in related zoning case 687-AM-11; and with a waiver of a Special Use standard condition required by**  
11 **Section 6.1 that requires a runway safety area to be located entirely on the lot. Location: An**  
12 **approximately 12.69 acre tract of land that is located in the North Half of the South Half of the**  
13 **Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route**  
14 **130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County**  
15 **Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**

16  
17  
18 Mr. Thorsland called Cases 687-AM-11 and 688-S-11 concurrently.

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

23  
24 Mr. Thorsland informed the audience that Case 688-S-11 is an Administrative Case and as such the County  
25 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
26 show of hands for those who would like to cross examine and each person will be called upon. He requested  
27 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said  
28 that those who desire to cross examine are not required to sign the witness register but are requested to  
29 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
30 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
31 exempt from cross examination.

32  
33 Mr. Thorsland called Alan Singleton, attorney for the petitioner, to testify.

34  
35 Mr. Alan Singleton, attorney for the petitioner, stated that Dr. Jones would like to request a continuance so  
36 that they can review the new clarification information from I.D.O.T. and formulate a plan that fits within the  
37 perimeters outlined, submit the information to staff and then move forward with the case.

38  
39 Mr. Hall asked Mr. Singleton if he had a continuance date in mind.

5/31/12

1  
2 Mr. Singleton that he would suggest that the case be continued to the August 16<sup>th</sup> meeting.

3  
4 Mr. Hall stated that a continuance to the August 16<sup>th</sup> meeting is acceptable to staff.

5  
6 Mr. Thorsland entertained a motion to continue Cases 687-AM-11 and 688-S-11 to the August 16, 2012,  
7 meeting.

8  
9 **Mr. Passalacqua moved, seconded by Mr. Courson to continue Cases 687-AM-11 and 688-S-11 to the**  
10 **August 16, 2012, meeting. The motion carried by voice vote.**

11  
12 6. New Public Hearings

13  
14 **Case 708-S-12 Petitioner: Dewey Evangelical Mennonite Church and Dennis Birkey. Request to**  
15 **authorize the construction and use of a multi-purpose facility as a Special Use in the AG-1 Agriculture**  
16 **Zoning District. Location: A 2 acre tract in the North One-Half of the Southeast Quarter of the**  
17 **Northwest Quarter of Section 34 of East Bend Township and commonly known as the vacant parcel**  
18 **behind the Dewey Evangelical Mennonite Church at 16 Third Street, Dewey.**

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 if the petitioner would like to make a statement outlining the nature of their request.

34  
35 Mr. Dave Heiser, who resides at 311 W. Sangamon, Fisher, stated that a few years ago two acres of land was  
36 donated to the church and the youth ministry has outgrown the current facility. He said that the youth  
37 ministry meets on Wednesday nights. He said that several years ago the church decided to begin the new  
38 building project although several things had to be completed before the project could be completed. He said  
39 that Wilbur Street, which is located on the west side of the current building, has been closed and the alley

5/31/12

1 which is located to the north has also been closed. H said that the new facility will house a large area in the  
2 center for activities such as volleyball or basketball and there will be storage rooms on the side as well as  
3 Sunday School classrooms. He said that they do not expect the facility to drastically change their attendance  
4 and they anticipate the membership to stay the same although they do hope that there is growth within the  
5 church over time.

6  
7 Mr. Thorsland called Mr. John Hall.

8  
9 Mr. Hall, Zoning Administrator, stated that a letter from Melvina Heap was submitted by Mr. Heiser at  
10 tonight's meeting. He said that the Heap family donated the land to the church and in their letter they  
11 explained that there are no drainage issues with the project and they see no need for screening around the  
12 parking lot. Mr. Hall stated that if all of the relevant neighboring properties submit letters that they waive  
13 the need for screening then administratively the screening is not required. He said that a new landowner  
14 could take a different view and at that point the screening would be required but this process is not provided  
15 for in the Ordinance which is why Condition E has been included for the screening. He asked Mr. Kass if  
16 there was one more neighboring landowner who needs to submit a statement that they waive the need for  
17 screening before the screening would not be required.

18  
19 Mr. Kass stated that the landowner to the east needs to agree with the screening proposal or the lack of  
20 screening.

21  
22 Mr. Hall stated that Melvina Heap's letter needs to be added as a new Document of Record.

23  
24 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

25  
26 Mr. Thorsland asked the Board if there were any questions for Mr. Heiser and there were none.

27  
28 Mr. Thorsland asked if staff had any questions for Mr. Heiser and there were none.

29  
30 Mr. Thorsland called David Niccum to testify.

31  
32 Mr. David Niccum, who resides at 108 Third St, Dewey, stated that his home is located three properties to  
33 the west of the church. He said that he has spoken with several of the other neighbors and he has not found  
34 anyone who is in opposition to the church's proposal for the new facility. He said that the neighbors are in  
35 favor of the proposal because the neighborhood is full of kids.

36  
37 Mr. Thorsland asked the Board if there were any questions for Mr. Niccum and there were none.

38  
39 Mr. Thorsland asked if staff had any questions for Mr. Niccum and there were none.

5/31/12

1  
2 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Niccum and there was no one.  
3  
4 Mr. Thorsland called Neal Hauser to testify.  
5  
6 Mr. Neal Hauser declined to testify.  
7  
8 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present  
9 testimony regarding Case 708-S-12 and there was no one.  
10  
11 Mr. Thorsland closed the witness register.  
12  
13 Mr. Thorsland stated that Mr. Hall indicated that staff is awaiting a letter from one final landowner regarding  
14 the screening. Mr. Thorsland asked Mr. Hall if there is a mechanism at a later date if the property owner  
15 comes forward after the case is determined.  
16  
17 Mr. Hall stated that the way the condition is written is that if a letter is received from the landowner  
18 screening will be required in those areas necessary to screen the landowner's view of the property but if a  
19 written statement to waive the screening requirement is received then staff will follow the normal  
20 administrative protocol and not require any screening. He said that he included the condition so that the  
21 Board would have confidence that the Ordinance requirements will either be met or dealt with through  
22 normal administrative protocols which have been followed since the mid-90's when the standard screening  
23 requirement was added. He said that this is not the first time that this administrative protocol has been  
24 discussed because it has been included in previous cases before this Board.  
25  
26 Mr. Passalacqua requested that Mr. Heiser return to the witness microphone for questioning.  
27  
28 Mr. Thorsland called Mr. Dave Heiser.  
29  
30 Mr. Passalacqua asked Mr. Heiser if the house to the east of the existing building shares the access drive.  
31  
32 Mr. Heiser stated that the house to the east is the neighbor that Mr. Kass was referring to regarding the  
33 remaining letter waiving the screening requirement.  
34  
35 Mr. Passalacqua asked if the neighbor is a good neighbor because he uses the church's parking lot access.  
36  
37 Mr. Heiser stated that Mr. Passalacqua is referring to the property to the west and not the east.  
38  
39 Mr. Passalacqua apologized and indicated that Mr. Heiser is correct.

5/31/12

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Mr. Heiser stated that the house to the west does utilize the church's parking lot access.

Mr. Hall asked Mr. Heiser if he has reviewed the special conditions. He said that proposed special condition B. includes the State of Illinois commercial code which will apply to this project. He said that before the church can receive an occupancy certificate, written certification must be submitted indicating that the building, as-built, complies with the International Building Code; and the 2008 or later edition of the National Electrical Code NFPA 70; and the Illinois Building Code. He said that staff has been discussing the project with an Illinois registered architect whose office is in Wisconsin regarding the requirements included in special condition B. Mr. Hall asked Mr. Heiser if he has discussed the required certification that is needed upon completion of the project with the architect.

Mr. Heiser stated that he only became aware of this issue a few days ago and it was his understanding that the County has a plumbing inspector who will review the plumbing.

Mr. Hall stated that the Champaign County Public Health Department has a plumbing inspector.

Mr. Heiser stated that he was under the assumption that the Champaign County Public Health Department plumbing inspector would certify the plumbing. He said that the architect will be supplying the structural drawing to assure that they abide by the accessibility code. He said that the architect has indicated that he has an Illinois stamp therefore Mr. Heiser assumes that the architect has an engineer on staff that will certify that the codes are being met although he will check again with the architect to clarify his assumption. Mr. Heiser stated that in regards to the electrical they have not contracted with Swiss Valley Associates and they are looking for a local contractor to complete that work.

Mr. Hall stated that whoever provides certification that the codes are being met must complete the certification inspection before the relevant things are concealed by other construction. He said that it is a heightened concern with a licensed professional, like an architect, because they are not going to put their license on the line and certify the work if they were not there doing the onsite observation. He said that the person doing the certification does not have to be an architect and there are three or four other qualified professionals who can complete the inspections and it is his expectation that whoever does it will want to see it before it gets covered up.

Mr. Heiser stated that this is a new requirement.

Mr. Hall stated yes and staff has been distributing handouts with every commercial building permit since this became an issue and not all of these things happen during a public hearing therefore it is important that folks understand that beginning with day one of construction the compliances must be provided for.

5/31/12

1 Mr. Thorsland read the proposed special conditions as follows:

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

3 (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the**  
4 **proposed Special Use Permit without certification by an Illinois Licensed**  
5 **Architect or Illinois Professional Engineer that the new building will comply**  
6 **with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

7 (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate**  
8 **authorizing operation of the proposed Special Use Permit until the Zoning**  
9 **Administrator has verified that the Special Use as constructed does in fact**  
10 **comply with the Illinois Accessibility Code and Illinois Environmental Barriers**  
11 **Act.**

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

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

15  
16 **B. Regarding Life Safety considerations (reviewed in Item 8.I.):**

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

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

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

26  
27 **C. All onsite foodservice shall be in compliance at all times with the Champaign County**  
28 **Health Ordinance.**

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

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

32  
33 **D. Regarding the proposed septic system:**

34 (1) **A true and correct copy (ie. valid at the time of application) of an approved**  
35 **COUNTY Health Department PERMIT for construction of a private sewage**  
36 **disposal (septic) system shall be required before the Zoning Administrator may**  
37 **approve a Zoning Use Permit.**

38 (2) **The site plan for the Zoning Use Permit Application shall indicate the identical**  
39 **area for the private sewage disposal (septic) system as approved in the**

5/31/12

1 COUNTY Health Department PERMIT and only the private sewage disposal  
2 system approved by the COUNTY Health Department may occupy that portion  
3 of the LOT.

4 (3) The area proposed for the septic system shall be identified, marked off, and  
5 protected from compaction prior to any construction on the subject property, as  
6 recommended by the Champaign County Health Department.

7 (4) The Zoning Administrator shall verify that the area proposed for the septic  
8 system is identified, marked off, and protected from compaction prior to  
9 approval of the Zoning Use Permit for the church building.

10 (5) The Zoning Administrator shall not issue a Zoning Compliance Certificate  
11 without documentation of the approval of the as-built septic system by the  
12 Champaign County Health Department.

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

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

16  
17 E. The Zoning Administrator shall not approve a Zoning Use Permit for the proposed  
18 Special Use unless the proposed parking areas are screened as required by paragraph  
19 7.4.1 C.4 and in accordance with typical Administrative protocols or letters are  
20 received from owners of relevant lots with building restriction lines within 100 feet of  
21 the proposed parking areas waiving the required screening.

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

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

25  
26 Mr., Thorsland asked the petitioner if he agreed with the proposed special conditions.

27  
28 Mr. Heiser asked if he needs to submit photographs of the area identified, marked off and protected from  
29 compaction, as indicated in proposed special condition D.(4).

30  
31 Mr. Hall stated that he will complete a drive-by inspection of the subject property.

32  
33 Mr. Heiser asked if this inspection needs to be completed before they receive the Zoning Use Permit.

34  
35 Mr. Hall stated yes. He said that this practice is to make sure that no heavy equipment is driven  
36 across the area for the septic system.

37  
38 Mr. Heiser stated that he agrees with the proposed special conditions.

39



5/31/12

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

2  
3 **Mr. Courson moved, seconded by Ms. Capel to approve the special conditions for Case 708-S-12.**  
4 **The motion carried by voice vote.**

5  
6 Mr. Thorsland stated that a new item 5 should be added to the Documents of Record as follows: Letter  
7 from Melvina Heap received at the May 31, 2012, public hearing.

8  
9 **Finding of Fact for Case 708-S-12:**

10  
11 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
12 708-S-12 held on May 31, 2012, the Zoning Board of Appeals of Champaign County finds that:

- 13  
14 **1. The requested Special Use Permit, subject to the special conditions imposed herein,**  
15 **IS necessary for the public convenience at this location.**

16  
17 Mr. Miller stated that the requested Special Use Permit, subject to the special conditions imposed herein, IS  
18 necessary for the public convenience at this location because the land was donated to the church.

19  
20 Mr. Thorsland stated that the additional land helped with the expansion of existing programs and the church  
21 is the only church currently located in Dewey.

- 22  
23 **2. The requested Special Use Permit, subject to the special conditions imposed herein, is**  
24 **so designed, located, and proposed to be operated so that it WILL NOT be injurious to**  
25 **the district in which it shall located or otherwise detrimental to the public health,**  
26 **safety, and welfare.**

- 27 **a. The street has ADEQUATE traffic capacity and the entrance location has**  
28 **ADEQUATE visibility.**

29  
30 Mr. Thorsland stated that the street has ADEQUATE traffic capacity and the entrance location has  
31 ADEQUATE visibility.

- 32 **b. Emergency services availability is ADEQUATE.**

33  
34 Ms. Capel stated that emergency services availability is ADEQUATE.

- 35  
36 **c. The Special Use WILL be compatible with adjacent uses.**

37  
38 Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.

5/31/12

**d. Surface and subsurface drainage will be ADEQUATE.**

Mr. Miller stated that surface and subsurface drainage will be adequate.

**e. Public safety will be ADEQUATE.**

Mr. Miller stated that public safety will be ADEQUATE.

**f. The provisions for parking will be ADEQUATE.**

Mr. Passalacqua stated that the provisions for parking will be ADEQUATE.

Mr. Thorsland stated that 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 be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and land welfare.

**3a. The requested Special Use Permit, subject to the special conditions imposed herein, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.**

Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein, DOES 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 preserve the essential character of the DISTRICT in which it is located because:**

**a. The Special Use will be designed to CONFORM to all relevant County ordinances and codes.**

Ms. Capel stated that the Special Use will be designed to CONFORM to all relevant County ordinances and codes.

**b. The Special Use WILL be compatible with adjacent uses.**

Mr. Courson stated that the Special Use WILL be compatible with adjacent uses.

**c. Public safety will be ADEQUATE.**

Mr. Passalacqua stated that public safety will be ADEQUATE.

5/31/12

1 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed  
2 herein, DOES preserve the essential character of the DISTRICT in which it is located.

3  
4 **4. The requested Special Use Permit, subject to the special conditions imposed herein, IS**  
5 **in harmony with the general purpose and intent of the Ordinance.**

6  
7 **a. The Special Use is authorized in the District.**

8 **b. The requested Special Use Permit IS necessary for the public convenience at this**  
9 **location.**

10  
11 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this  
12 location.

13 **c. The requested Special Use Permit, subject to the special conditions imposed**  
14 **herein, is so designed, located, and proposed to be operated so that it WILL**  
15 **NOT be injurious to the district in which it shall be located or otherwise**  
16 **detrimental to the public health, safety and welfare.**

17  
18 Mr. Passalacqua stated that the requested Special Use Permit, subject to the special conditions imposed  
19 herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district  
20 in which it shall be located or otherwise detrimental to the public health, safety and welfare.

21  
22 **d. The requested Special Use Permit, subject to the special conditions imposed**  
23 **herein, DOES preserve the essential character of the DISTRICT in which it is**  
24 **located.**

25  
26 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
27 DOES preserve the essential character of the DISTRICT in which it is located.

28  
29 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
30 IS in harmony with the general purpose and intent of the Ordinance.

31  
32 **5. The requested Special Use IS NOT an existing nonconforming use and the requested**  
33 **Special Use Permit WILL NOT make the existing use more compatible with its**  
34 **surroundings.**

35  
36 Mr. Thorsland stated that the requested Special Use IS NOT an existing nonconforming use and the  
37 requested Special Use Permit WILL NOT make the existing use more compatible with its surroundings.

38  
39 **6. The special conditions imposed herein are required to ensure compliance with the**

5/31/12

criteria for Special Use Permits and for the particular purpose described below:

**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:**

**(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.**

5/31/12

- 1                   (2)     **The site plan for the Zoning Use Permit Application shall indicate the identical**
- 2                             **area for the private sewage disposal (septic) system as approved in the**
- 3                             **COUNTY Health Department PERMIT and only the private sewage disposal**
- 4                             **system approved by the COUNTY Health Department may occupy that portion**
- 5                             **of the LOT.**
- 6                   (3)     **The area proposed for the septic system shall be identified, marked off, and**
- 7                             **protected from compaction prior to any construction on the subject property, as**
- 8                             **recommended by the Champaign County Health Department.**
- 9                   (4)     **The Zoning Administrator shall verify that the area proposed for the septic**
- 10                            **system is identified, marked off, and protected from compaction prior to**
- 11                            **approval of the Zoning Use Permit for the church building.**
- 12                   (5)     **The Zoning Administrator shall not issue a Zoning Compliance Certificate**
- 13                            **without documentation of the approval of the as-built septic system by the**
- 14                            **Champaign County Health Department.**
- 15                            The special condition stated above is required to ensure the following:
- 16                            **That the septic system meets the requirements of the Champaign County Health**
- 17                            **Ordinance.**

- 18
- 19           E.     **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed**
- 20                    **Special Use unless the proposed parking areas are screened as required by paragraph**
- 21                    **7.4.1 C.4 and in accordance with typical Administrative protocols or letters are**
- 22                    **received from owners of relevant lots with building restriction lines within 100 feet of**
- 23                    **the proposed parking areas waiving the required screening.**
- 24                    The special condition stated above is required to ensure the following:
- 25                    **The new parking areas are screened as required by the Zoning Ordinance unless**
- 26                    **neighbors waive those requirements.**
- 27

28 **Mr. Miller moved, seconded by Mr. Passalacqua to approve the Summary of Evidence, Documents of**

29 **Record and Finding of Fact as amended. The motion carried by voice vote.**

30

31 **Mr. Courson moved, seconded by Mr. Palmgren to move to the final determination. The motion**

32 **carried by voice vote.**

33

34 **Final Determination for Case 708-S-12:**

35

36 **Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals**

37 **finds that, based upon the application, testimony, and other evidence received in this case, the**

38 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority**

39 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that the Special**

5/31/12

1 Use requested in Case 708-S-12 is hereby GRANTED WITH CONDITIONS to the applicant Dewey  
2 Evangelical Mennonite Church to authorize the construction and use of a multi-purpose church  
3 facility as a Special Use in the AG-1, Agriculture Zoning District, subject to the following special  
4 conditions:  
5

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

7 (1) The Zoning Administrator shall not approve a Zoning Use Permit for the  
8 proposed Special Use Permit without certification by an Illinois Licensed  
9 Architect or Illinois Professional Engineer that the new building will comply  
10 with the Illinois Accessibility Code and Illinois Environmental Barriers Act.

11 (2) The Zoning Administrator shall not authorize a Zoning Compliance Certificate  
12 authorizing operation of the proposed Special Use Permit until the Zoning  
13 Administrator has verified that the Special Use as constructed does in fact  
14 comply with the Illinois Accessibility Code and Illinois Environmental Barriers  
15 Act.

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

17 **That the proposed Special Use meets applicable state codes for handicap  
18 accessibility.**  
19

20 **B. Regarding Life Safety considerations (reviewed in Item 8.I.):**

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

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

29 **That the proposed structure is safe and built to current standards.**  
30

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

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

34 **That foodservice for the proposed Special Use is consistent with County requirements  
35 and the testimony in the public hearing and that compliance is enforceable.**  
36

37 **D. Regarding the proposed septic system:**

38 (1) A true and correct copy (ie. valid at the time of application) of an approved  
39 COUNTY Health Department PERMIT for construction of a private sewage

5/31/12

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 church 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 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.

The roll was called:

Capel-yes	Courson-yes	Miller-yes
Palmgren-yes	Passalacqua-yes	Thorsland-yes

Mr. Hall informed Mr. Heiser that his request has been approved therefore staff will send out the paperwork as soon as possible.

Case 716-AM-12 Petitioner: William and Deborah Klein Request to amend the Zoning Map to

5/31/12

1 **change the zoning district designation from the AG-1 Agriculture Zoning District to the I-1 Light**  
2 **Industry Zoning District to allow limited re-use of a former agricultural chemical research facility.**  
3 **Location: An approximate 4.5 acre tract in the North Half of the Northeast Quarter of the Northeast**  
4 **Quarter of Section 35 of Scott Township and commonly known as the former Syngenta research**  
5 **facility at 495 CR 1300N, Champaign.**

6  
7 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
8 sign the witness register for that public hearing. He reminded the audience that when they sign the  
9 witness register they are signing an oath.

10  
11 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.

12  
13 Ms. Deb Klein, who resides at 1043 CR 300E, Seymour, stated that she and her husband along with their  
14 mother, Mary Klein, are the property owners of the farm and building that is being discussed tonight. She  
15 said that they are part of a family farm operation that spans six generations. She said that last winter they  
16 traded a farm which was located north of Mansfield for the subject property because they always wanted to  
17 farm closer to their home which is located two miles away. She said that they were thrilled to have the  
18 opportunity to own the farm which also has irrigation for their seed corn fields. She said that the buildings  
19 existed on the farm ground and they are too nice to abandon or let deteriorate. She said that the buildings  
20 were originally built in 1989 as part of an agricultural research farm for a company called ISI Americas,  
21 Northern Research Center, which later became part of Syngenta. She said that many of these agricultural  
22 companies have consolidated their businesses and locations so that the needs of this sort of office, lab and  
23 shop for another agricultural company is limited. She said that her family has found a tenant who will take  
24 care of the site as well as not impact the surrounding agricultural environment and the tenant will provide  
25 good jobs for Champaign County. She said that her family lives close to the site and they farm adjacent to  
26 the buildings therefore it is important to find a good match. She said that the tenant does not qualify for the  
27 current agricultural designation despite that some of their research applies to agricultural applications  
28 therefore her family respectfully requests that the ZBA change the zoning classification for the existing  
29 buildings to I-1 Light Industry to allow her family to utilize the buildings.

30  
31 Mr. Thorsland called Mr. Hall.

32  
33 Mr. Hall distributed a new Supplemental Memorandum dated May 31, 2012, to the Board for review. He  
34 said that when staff was working on the Preliminary Memorandum dated May 25, 2012, he made the  
35 assumption that given the volume of non-hazardous waste, the weak saline waste from the salt fog chamber,  
36 should pose no risk to the septic system. He said that he received a call from a neighboring landowner who  
37 actually was very satisfied with the conditions but questioned the risk to the septic system. He recalled that  
38 staff intended to check with the IDPH staff that did septic permitting in the 1990's to see if they had any  
39 records for the subject property. He said that yesterday he sent an e-mail to the Champaign County Health



5/31/12

1 Department and by mid-afternoon he had a copy of the permit that had been granted in the early 90's. He  
 2 said that the letter indicated that a sand filter system was installed on the property and provided that the  
 3 volume of saline water is taken into account for the original system if the saline waste is no stronger than the  
 4 back charge from a water softener then it should pose no risk to the septic system. He said that he does not  
 5 know how to determine how strong the saline waste is and the manufacturer does not provide much data  
 6 other than indicating that it is low saline but hopefully more information can be obtained tonight. He said  
 7 that he was very gratified to discover that there was a sand filter although it is not identified on the site plan.  
 8 He said that a Change of Use Permit will be required after the case is approved and that permit is good for  
 9 one year. He said that within the one year any impact to the existing septic system could be identified by the  
 10 lessee and there is a good chance that no changes will be required. He said that the following special  
 11 conditions have been proposed to address these issues:

12  
 13 **E. A Change of Use Permit shall be applied for within 30 days of the County**  
 14 **approval of Case 716-AM-12.**

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

16 **The establishment of the proposed use shall be properly documented as**  
 17 **required by the Zoning Ordinance.**

18  
 19 **F. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**  
 20 **unless the following documentation is received within 12 months after approval**  
 21 **of the Change of Use Permit:**

22 (1) **A letter or email from the Champaign County Health Department**  
 23 **stating that the wastewater from the salt fog chamber appears to pose**  
 24 **no significant harm to the septic system; or**

25 (2) **A letter or email from the Champaign County Health Department**  
 26 **stating that the wastewater from the salt fog chamber is being disposed**  
 27 **of in a manner consistent with the Champaign County Health**  
 28 **Ordinance; and**

29 (3) **A copy of any permit required from the County Health Department.**

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

31 **The disposal of the wastewater does not result in nuisance or unsafe conditions.**

32  
 33 **G. Any non-agricultural use on the subject property that produces hazardous**  
 34 **waste shall be serviced by a licensed hazardous waste hauler/disposal company.**

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

36 **That hazardous waste is disposed of properly.**

37  
 38 Mr. Hall stated that a draft of the proposed conditions were sent to the petitioner's attorney this afternoon  
 39 but the petitioner did not view the conditions until today. He said that the Board may decide that no

5/31/12

1 problems will be posed since it is a permitted system and the lessee does not plan to get up to 20 staff  
2 members. He said that the Board may feel comfortable in making a determination at tonight's meeting,  
3 which is the hope of the petitioners, but no promises were made to the petitioners. He said that the case has  
4 been included on the Environment and Land Use Committee meeting on Tuesday, June 5<sup>th</sup> so that if action is  
5 taken tonight it can be heard next Tuesday and if ELUC is ready for action the case can possibly receive  
6 final action at the June County Board meeting.

7  
8 Mr. Hall stated that when he spoke to the neighboring landowner the landowner indicated that he chuckled  
9 when he read some of the recommendations on the LRMP policies in the Finding of Fact. Mr. Hall stated  
10 that he wants the Board comfortable with the recommendations of "ACHIEVES" and "IS  
11 CONSISTENT" because of the nature of the request staff reviewed it for both the Goal 4, Agricultural  
12 Policies and the Goal 5, Urban Land Use Policies. He said that he can handle it when a neighbor chuckles  
13 when they read a recommendation but it makes him feel uneasy when a ZBA member chuckles therefore he  
14 wants the Board to feel comfortable with the recommendations regarding the policies. He said that he and  
15 Mr. Kass discussed the recommendations at great depth which is why they recommended "ACHIEVES"  
16 although they did have one simply based on "CONSISTENCY" because the maximum lot size does not  
17 actually apply to land that is being rezoned although it is a policy which requires review. He said that staff  
18 can spend as much time as the Board requires to review the policies and if the Board is not ready for final  
19 action tonight then his advice would be to continue the case to another meeting.

20  
21 Mr. Thorsland asked the Board if there were any questions for Deb Klein and there were none.

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

24 Mr. Miller asked Mr. Hall if the property was rezoned for the flashlight company.

25  
26 Mr. Hall stated that the Board did rezone that property and the nature of the use also required a Special Use  
27 Permit which arguably is better than is this instance but in that use they were doing light assembly that  
28 required a Special Use in the B-4 District. He said that the use that is proposed for this case is simply  
29 allowed by-right in the I-1, Light Industry district and given the condition to not allow any expansion the  
30 only use allowed by-right that gave staff any concern was the self-storage warehouse. He said that he  
31 understands that the petitioner is not proposing a self-storage warehouse but presumably AMI will move on  
32 to a larger facility in the future. He said that during the case for the flashlight manufacturer the Special Use  
33 was required for that use that they were performing on the property and there was also a condition to not  
34 allow any expansion. He said that the uses in B-4 are more problematic than the uses in I-1.

35  
36 Mr. Miller asked if there was a sunset clause included in the previous case for the subject property.

37  
38 Mr. Hall stated no. He said that another previous case did include a sunset clause or a condition that  
39 required that if the use ever became permissible in the AG-1 by Special Use Permit that they would have to

5/31/12

1 agree to do so. He said that the more that he has thought about such a clause or condition it appears that it  
2 creates a lot of complications and a text amendment has not been proposed that would allow those things as  
3 a Special Use in AG-1. He said that he does believe that it is a good idea but it is never a pressing issue  
4 until staff has someone who wants to move there the next day. He said that he is not sure how practical a  
5 sunset clause actually is.

6  
7 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.

8  
9 Mr. Thorsland asked Ms. Klein if she had any additional information to add to her testimony.

10  
11 Ms. Klein stated that she did not.

12  
13 Mr. Thorsland called Bill Klein to testify.

14  
15 Mr. Bill Klein, who resides at 1043 CR 300 E, Seymour stated that the saline discharge is pumped into a  
16 tank and removed by a certified waste hauler. He said that the volume of waste is approximately 750 gallon  
17 per year and 5% of the volume goes through the salt fog chamber. He said that the salt fog chamber is  
18 located in Building #3 which is the smallest building on the site. He asked Mr. Hall if the special condition  
19 can be removed since the system is self-explanatory.

20  
21 Mr. Hall stated that the system is self-explanatory provided that we get it into the Summary of Evidence.  
22 He said that the following item should be added to the Summary of Evidence: Bill Klein, Petitioner,  
23 testified at the May 31, 2012, public hearing that the salt fog chamber will be located in Building #3 and the  
24 waste from the chamber will be collected in the existing Rinsate storage tanks.

25  
26 Mr. Klein stated that the saline solution could be spread on the gravel parking lot to evaporate which would  
27 be similar to a water softener at a home.

28  
29 Mr. Thorsland stated that the Board desires to make it clear that the saline solution isn't going into the septic  
30 System and if later Mr. Klein discovers that it can be spread onto the parking lot then that will be a separate  
31 issue and it would be advisable to not have that in the Finding of Fact. He said that staff may disagree but it  
32 is his opinion that the simpler case that is made the better.

33  
34 Mr. Miller stated that Mr. Klein does not need to set himself up for unnecessary opposition.

35  
36 Mr. Thorsland asked the Board if there were any further questions for Mr. Klein at this time and there were  
37 none.

38  
39 Mr. Thorsland called Joe Guiliani to testify.

5/31/12

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Mr. Joe Guiliani, who resides at 4803 Peifer Lane, Champaign, stated that they do not have a lot of discharge and the maximum would be 750 gallons within one year's time. He said that if they have to, at their expense, they will have a waste hauler remove the discharge

Mr. Thorsland stated that if the Board was permitting an auto service facility they would not dictate what they do with the waste oil although everyone understands that the waste must be hauled off properly. He said that he just wants to make it very clear that the saline solution is not going into the septic system.

Mr. Hall stated that the new item could be revised to read as follows: Bill Klein, Petitioner, testified at the May 31, 2012, public hearing that the salt fog chamber will be located in Building #3 and the waste from the chamber will be collected in the existing Rinsate storage tanks until removed and properly disposed of. He said that along with this statement the Board could remove special condition F. regarding the septic system.

Mr. Miller stated that they will need to receive a permit from the IEPA.

Mr. Thorsland stated that page 2 of the Supplemental Memorandum dated May 31, 2012, indicated item (f) regarding how the proposed rezoning achieves Policy 6.1.2. He said that item (f) could be deleted as well as proposed special condition F. because the new item of evidence that Mr. Hall wrote addresses the saline discharge.

Mr. Hall stated that he would like to clarify that the Board desires to remove item (f) under Policy 6.1.2 and special condition F. for this case.

Mr. Thorsland stated yes. He asked the Board if they had any comments regarding these deletions.

Mr. Passlacqua stated that he is satisfied because the Board has received testimony indicating that the saline solution is not going in to the septic system.

Ms. Capel stated that the statement should indicate that the removal will be consistent with IEPA and County Health Department Ordinance requirements.

Mr. Hall stated that the new item of evidence could be revised as follows: Bill Klein, Petitioner, testified at the May 31, 2012, public hearing that the salt fog chamber will be located in Building #3 and the waste from the chamber will be collected in the existing Rinsate storage tanks until removed and properly disposed of consistent with IEPA and County Health Department Ordinance requirements.

Mr. Thorsland asked the Board if there were any additional questions for Deb Klein, Bill Klein, Joe Guiliani

5/31/12

1 or staff and there were none.

2  
3 Mr. Thorsland closed the witness register.

4  
5 Mr. Thorsland stated that the Board will now review the staff recommendations for the LRMP Goals and  
6 Policies. He directed the Board to page 10 of 26 of the Finding of Fact dated May 31, 2012. He said that  
7 LRMP Goal 1 is entitled “Planning and Public Involvement” and it is staff’s recommendation that Goal 1 is  
8 NOT RELEVANT to the proposed rezoning. He said that staff recommended that LRMP Goal 2 entitled  
9 “Governmental Coordination” is NOT RELEVANT to the proposed rezoning. He said that staff has  
10 recommended that the proposed amendment PARTIALLY ACHIEVES Goal 3, Part A which encourages  
11 economic growth and is entitled “Prosperity” although Part B of Goal 3 indicates that the proposed rezoning  
12 is NOT DIRECTLY RELEVANT to any of the objectives and only PARTIALLY ACHIEVES the Goal.

13  
14 Mr. Thorsland stated that it is staff’s recommendation that the proposed amendment ACHIEVES Goal 4  
15 because the proposed amendment ACHIEVES Objective 4.1; and Policy 4.1.1; and Policy 4.1.3 does not  
16 appear relevant, ACHIEVES Policy 4.1.6. and IS CONSISTENT with Policy 4.1.7. He said that the  
17 proposed rezoning ACHIEVES Objective 4.2; and Policy 4.2.1; and Policy 4.2.2; and Policy 4.2.3; and  
18 Policy 4.2.4; and Objective 4.3; and Policy 4.3.2; and Policy 4.3.3; and Policy 4.3.4; and Policy 4.3.5.

19  
20 Mr. Hall stated that Policy 4.3.5. is one of those things that takes a couple reviews to see how they relate.  
21 He said that on Policy 4.3.1. it was found that the site is very well suited for the proposed use and the logic  
22 is why the proposed use is appropriate in the rural area. He said that the reason why it is appropriate is  
23 because the subject property and the buildings fit nicely with the proposed use. He said that it complies with  
24 Policy 4.3.5 because it meets the conditions in (b).

25  
26 Mr. Thorsland stated that the proposed amendment ACHIEVES LRMP Goal 5 because the proposed  
27 amendment ACHIEVES Objective 5.1.

28  
29 Mr. Hall stated that “IS CONSISTENT” could also be a valid recommendation for Objective 5.1.

30  
31 Mr. Thorsland stated that he believes that the recommendation should remain “ACHIEVES” due to the tie  
32 with Policy 4.3.1 because they are suited to the use.

33  
34 Mr. Hall agreed with Mr. Thorsland.

35  
36 Mr. Thorsland stated that it is staff’s recommendation that the proposed amendment ACHIEVES LRMP  
37 Goal 5 because the proposed amendment ACHIEVES Policy 5.1.5; and Policy 5.1.6; and Objective 5.2; and  
38 Policy 5.2.1; Policy 5.2.2; and Policy 5.2.3; and Policy 5.3; and Policy 5.3.1. He said that it is staff’s  
39 recommendation that the proposed amendment ACHIEVES Goal 6 because the proposed amendment

5/31/12

1 ACHIEVES Objective 6.1 and Policy 6.1.2. He said that it is staff's recommendation that the proposed  
2 amendment ACHIEVES LRMP Goal 7 because the proposed amendment ACHIEVES Objective 7.1 and  
3 Policy 7.1.1.

4  
5 Mr. Thorsland stated that the petitioner has indicated that they plan to have approximately 12 employees  
6 which isn't a tremendous impact to traffic therefore what is the difference between one house and a business  
7 with 12 employees. He said that in observing his own personal household he would believe that the  
8 business would have less traffic than one house.

9  
10 Mr. Hall stated that staff normally presumes 10 trips per day for one household and if a household has one  
11 teenager with a vehicle the trips would probably increase.

12  
13  
14 Mr. Thorsland stated that he agrees with staff's recommendation that the proposed amendment ACHIEVES  
15 LRMP Goal 8 because the proposed amendment ACHIEVES Objective 8.1, Objective 8.2 and Policy  
16 8.1., Policy 8.1.8, and Policy 8.2.1. and Objectives 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9 and Policies 8.1.2, 8.1.3,  
17 8.1.4, 8.1.5, 8.1.6, 8.1.7 and 8.1.9 are NOT RELEVANT. Mr. Thorsland stated that he agrees with staff's  
18 recommendations that LRMP Goal 9 and Goal 10 IS NOT RELEVANT.

19  
20 Mr. Thorsland requested that Mr. Guiliani provide a thorough explanation of what they will actually be  
21 doing on the subject property. He said that the explanation will be beneficial for the County Board to  
22 understand that the product that is produced is an innovative product.

23  
24 Mr. Joe Guiliani, who resides at 4803 Peifer Lane, Champaign, stated that they are only a research,  
25 development, sales and marketing firm. He said that they contract with two out of state manufacturers, one  
26 in Ohio and the other in Wisconsin, who make all of their products. He said that the company develops a  
27 self-healing agent that goes into coatings so that when they are damaged they heal themselves. He said that  
28 the agents are micro-capsules that go into a coating at a 5% rate for industrial uses although they will have a  
29 few consumer type applications soon. He said that that the agents go into the coating and they live in the  
30 coating at a 5% rate and when the coating is damaged the healing agent goes to the site of the damage and  
31 prevents corrosion. He said that all of the technology is from the University of Illinois and the company has  
32 the exclusive licenses not only for the coating but also for sealants, adhesives and structural composites. He  
33 said that Scott White, founder of the company, at the Beckman Institute is a worldwide leader in self-healing  
34 of all types of materials. He said that they have professional investors from Champaign and Illinois  
35 Ventures. He said that mostly what they do through the company is development and testing with their  
36 customers and everything is done on 4 inch by 6 inch panels. He said that they receive small amounts of  
37 coatings and install micro-capsules that are created in the lab in beakers and then placed into the customer's  
38 samples and placed into a salt fog chamber which is 80 inches by 50 inches in size. He said that they are  
39 anticipating the arrival of a new salt fog chamber and the unit, with good care, should last 20 years. He said

5/31/12

1 that the sales and marketing, consisting of six employees, will be located in the office area and he anticipates  
2 that sales and marketing will grow by two employees through the year 2015 at this facility. He said that they  
3 are attempting to stay within Champaign County because two-thirds of their workforce has come from the  
4 U of I and the new hires will also come from the U of I. He said that they are anticipating hiring a PHD  
5 which will graduate in August from the U of I. He said that he is making every effort to keep the company  
6 in Champaign County because he was raised in the Rantoul area and moved to the east coast but then moved  
7 back approximately seven years ago when he took this position.

8  
9 Mr. Hall asked Mr. Guiliani to verify that the percentage of the salinity of the waste from the salt fog  
10 chamber is 5%.

11  
12 Mr. Guiliani stated yes.

13  
14 Mr. Hall recommended that the Board add this evidence under item 8.3(a) as follows: Under normal  
15 operation a salt fog chamber will drain 10 – 20 gallons of low salinity salt water per week. Joe Guiliani  
16 testified at the May 31, 2012, public hearing that the salinity of the waste is 5%.

17  
18 Mr. Thorsland read the proposed special conditions as follows:

- 19
- 20 **A. The owners of the subject property hereby recognize and provide for the right of**
- 21 **agricultural activities to continue on adjacent land consistent with the Right to Farm**
- 22 **Resolution 3425.**

23 The above special condition is necessary to ensure the following:  
24 **Conformance with policies 4.2.3 and 5.1.5.**

- 25
- 26 **B. Any non-agricultural use of the subject property shall be limited to reuse of the existing**
- 27 **buildings and existing outdoor parking area and no expansion of either building area**
- 28 **or expansion of outdoor uses shall be authorized.**

29 The above special condition is necessary to ensure the following:

30 **That the use of the subject property does not become intensively utilized by non-**  
31 **agricultural uses.**

- 32
- 33 **C. No self-storage warehouse (either with or without heat and utilities to individual units)**
- 34 **shall be authorized on the subject property.**

35 The above special condition is necessary to ensure the following:  
36 **Public safety.**

- 37
- 38 **D. A Special Use Permit shall be required to authorize the establishment of a second**
- 39 **principal use on the subject property that does not meet the Zoning Ordinance**

5/31/12

**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.**

**E. A Change of Use Permit shall be applied for within 30 days of the County Board approval of Case 716-AM-12.**

The above special condition is necessary to ensure the following:

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

**F. Any non-agricultural use on the subject property that produces hazardous waste shall be serviced by a licensed hazardous waste hauler/disposal company.**

The above special condition is required to ensure the following:

**That hazardous waste is disposed of properly.**

Mr. Thorsland asked the petitioner if they agreed to the special conditions as read.

Mr. Klein indicated that he agreed to the special conditions.

**Mr. Passalacqua moved, seconded by Mr. Courson to adopt the special conditions as read. The motion carried by voice vote.**

Mr. Thorsland stated that a new item #4 should be added to the Documents of Record as follows: Supplemental Memorandum dated May 31, 2012, with attachments.

**Finding of Fact for Case 716-AM-12:**

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**

Mr. Courson stated that the proposed Zoning Ordinance map amendment WILL HELP ACHIEVE the following LRMP goals 3, 4, 5, 6, 7 and 8.



5/31/12

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- B. The proposed Zoning Ordinance map amendment WILL NOT IMPEDE the achievement of the other LRMP goals:**
  - **1, 2, 9 and 10**

Mr. Courson stated that 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.**

Ms. Capel stated that the proposed Zoning Ordinance map amendment IS consistent with the *LaSalle* and *Sinclair* factors.

Mr. Thorsland stated that the proposed Zoning Ordinance map amendment WILL HELP ACHIEVE the Land Resource Management Plan.

**Mr. Palmgren moved, seconded by Ms. Capel to approve the Finding of Fact as amended. The motion carried by voice vote.**

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

**Mr. Courson moved, seconded by Mr. Passalacqua to move to the Final Determination for Case 716-AM-12. The motion carried by voice vote.**

**Final Determination:**

**Ms. Capel moved, seconded by Mr. Palmgren that pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Zoning Ordinance Map Amendment requested in Case 716-AM-12 should BE ENACTED by the County Board in the form attached thereto.**

The roll was called:

<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Palmgren-yes</b>
<b>Passalacqua-yes</b>	<b>Capel-yes</b>	<b>Thorsland-yes</b>

Mr. Hall informed the petitioner that they have received a unanimous recommendation for approval

ZBA

AS APPROVED JUNE 28, 2012

5/31/12

1 therefore this case will be forwarded to the Environment and Land Use Committee on Tuesday, June 5,  
2 2012.

3

4 7. Staff Report

5

6 None

7

8 8. Other Business

9 A. Review of Docket

10

11 Mr. Thorsland requested notification of any known absences for the June 14, 2012, public hearing but  
12 encouraged the presence of the full Board.

13

14 Mr. Hall stated that all of the required information required for several of the cases docketed for the June 28,  
15 2012, public hearing therefore the next docket will probably have different cases scheduled for that meeting.  
16 He noted that Mr. Palmgren will be absent from the July 26, 2012, meeting.

17

18 Mr. Kass noted that he has not received the required information from Dan Williams for the July 28<sup>th</sup> public  
19 hearing. Mr. Kass stated that he did talk to Mr. Williams on May 25<sup>th</sup> and he indicated that he would have  
20 the information submitted to staff this week but staff has not received anything to date.

21

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

23

24 None

25

26 10. Adjournment

27

28 **Ms. Capel moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**  
29 **vote.**

30

31 The meeting adjourned at 8:25 p.m.

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36 Respectfully submitted

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AS APPROVED JUNE 28, 2012

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2 Secretary of Zoning Board of Appeals  
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