

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: July 26, 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 (June 14, 2012 and June 28, 2012)
5. New Public Hearing

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

Cases 721-AM-12 and *726-S-12

Petitioner: Premier Cooperative Incorporated, with Board members Art Farley, Joseph Kuntz, Richard Wilkin, Kim Jolley, Kenneth Heiser, Stephen Hettinger, Roger Miller, Pat Feeney, Doug Bialeschki, Dwight Huffstutler, Maury Busboom and corporate officers Roger Miller, General Manger, Louis Schwing, Assistant General Manager, and James Deters, Chief Financial Officer.

Request for Case 721-AM-12:

Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District.

*Request for Case 726-S-12:

Authorize the following grain structures over 100 feet in height as a Special Use on property proposed to be rezoned to the B-1 Rural Trade Center District in related Case 721-AM-12.

Part A. The replacement of an existing non-conforming grain elevator that is approximately 170 feet in height.

Part B. The replacement of an existing non-conforming grain leg that is approximately 180 feet in height.

Part C. The construction and use of two grain bins approximately 125 feet in height.

Part D. The construction and use of a grain dryer approximately 125 feet in height.

Location: A 2.54 acre tract in the Northwest Quarter of the Northeast Quarter of Section 17 of St. Joseph Township and commonly known as the Premier Cooperative-Fulls Siding Site at 1597 CR 1975E, St. Joseph.

Case 723-AM-12 Petitioner: The Estate of John Buerkett with executors Thomas Fiedler and Dennis Buerkett

Request: Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District.

Location: A 1.5 acre tract in the West Half of the Southeast Quarter of the Northeast Quarter of Section 33 of Somer Township and commonly known as the building at 3515 North Cunningham Avenue, Urbana.

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6. Continued Public Hearings:

Case 710-AT-12 Petitioner: Zoning Administrator (*For discussion only if time allows*)

Request: Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows:

Part A. Revise the Land Evaluation (LE) part as follows:

1. Revise all soil information to match the corresponding information in the *Soil Survey of Champaign County, Illinois* 2003 edition.
2. Revise all existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop Productivity Rating for Illinois Soils* published August 2000 by the University of Illinois College of Agricultural, Consumer and Environmental Sciences Office of Research.
3. Delete the 9 existing Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture Value Groups with Relative LE ranging from 100 to 0.

Part B. Revise the Site Assessment (SA) part as follows:

1. Add definitions for “agriculture”; “agricultural production”; “animal units”; “best prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal use”; and “subject site”.
2. Delete SA Factors A.2.; A.3; B.2.; B.3; C.2; D.2.; D.3.; E.1.; E.2.; E.3.; E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.
3. Revise SA Factor A.1. to be new Factor 8; Factor B.1. to be new Factor 7.; Factor C.1. to be new Factor 5.; Factor D.1. to be new Factor 1.; and revise scoring guidance for each revised Factor, as described in the legal advertisement.
4. Add new SA Factors 2a; 2b. 2c; 3; 4; 6; 9; 10; and scoring guidance for each new Factor, as described in the legal advertisement.

Part C. Revise the Rating for Protection as described in the legal advertisement.

Part D. Revise the general text and reformat.

Case 711-AT-12 Petitioner: Zoning Administrator (*For discussion only if time allows*)

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. In Section 3, revise the definition of “best prime farmland” as follows:

- a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land Evaluation rating of 91 or higher”; and
- b) add “prime farmland soils that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and
- c) add “soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System”; and
- d) add “Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils”.

Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST PRIME FARMLAND”

Part C. Revise paragraph 5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST PRIME FARMLAND”

7. Staff Report

8. Other Business

A. Review of ZBA Docket

B. Meeting Time for August 16, 2012

C. June, 2012 Monthly Report

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 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
3 **1776 E. Washington Street**
4 **Urbana, IL 61802**

7 **DATE:** June 14, 2012 **PLACE:** Lyle Shield's Meeting Room
8 **TIME:** 7:00 p.m. **Urbana, IL 61802**

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

14 **MEMBERS ABSENT :** Roger Miller

16 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass, Susan Monte (County Planner for
17 RPC)

19 **COUNTY BOARD MEMBERS PRESENT:** Al Kurtz, Pattsie Petrie, Steve Moser

21 **OTHERS PRESENT :** Annie Murray, Norman Stenzel, Deb Griest, Lauren Murray-Miller, Patti
22 Murray, Jack Murray, Hal Barnhart, Sara Kellems, Shaina Kolzow, Ben
23 McCall, Birgit McCall, Paige Kirby, Teresa Kirby, Melissa Doll, Nancy
24 Bussell, Catharine Ehler, Brenda Keith, Peggy Anderson, Phillip Kesler

27 **1. Call to Order**

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

DRAFT

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

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

35 **3. Correspondence**

36
37 None

39 **4. Approval of Minutes**

40
41 None

43 **5. Continued Public Hearing**

45 **Case 699-AM-11 Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren**
46 **Murray and landowner John Murray Request to amend the Zoning Map to change the zoning**

1 **district designation from the AG-1 Agriculture Zoning District to the AG-2, Agriculture Zoning**
2 **District in order to operate the proposed Special Use in related zoning case 700-S-11. Location: A 10**
3 **acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and**
4 **commonly known as the home at 2150 CR 1000E, Champaign.**

5
6 **Case 700-S-11 Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren**
7 **Murray and landowner John Murray Request to authorize the construction and use of an Event**
8 **Center as a “Private Indoor Recreational Development” as a Special Use on land that is proposed to**
9 **be rezoned to the AG-2, Agriculture Zoning District from the current AG-1, Agriculture District in**
10 **related Case 699-AM-11. Location: A 10 acre tract in the Southwest Quarter of the Northwest**
11 **Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E,**
12 **Champaign.**

13
14 Mr. Thorsland called Cases 699-AM-11 and 700-S-11 concurrently.

15
16 Mr. Thorsland informed the audience that Case 700-S-11 is an Administrative Case and as such the County
17 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
18 show of hands for those who would like to cross examine and each person will be called upon. He requested
19 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
20 that those who desire to cross examine are not required to sign the witness register but are requested to
21 clearly state their name before asking any questions. He noted that no new testimony is to be given during
22 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
23 exempt from cross examination.

24
25 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
26 sign the witness register for that public hearing. He reminded the audience that when they sign the
27 witness register they are signing an oath.

28
29 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.

30
31 Ms. Anne Murray, who resides at 2150 CR 1000E, Champaign stated that her family has spoken to most of
32 the farmers in Hensley Township and they signed a petition in support of their requests. She said that all of
33 the farmers who signed the petition were willing to attend the meeting and if the Board would appreciate
34 their attendance she will contact each one to let them know the time and date of the next meeting. Ms.
35 Murray submitted the petition with 44 signatures in support of the map amendment and special use requests
36 as a Document of Record.

37
38 Mr. Thorsland called Mr. John Hall to testify.

39
40 Mr. Hall, Zoning Administrator, distributed a new Supplemental Memorandum for Case 699-AM-11 and
41 Case 700-S-11. He said that the Supplemental Memorandum dated June 14, 2012 for Case 699-AM-11 has
42 a side by side zoning map of Somer Township and Hensley Townships. He said that the maps are at the
43 same scale and matched up as well as possible given that no section in any township on the zoning map

1 matches the height or width of any other section in other township. He said that the new memorandum for
2 Case 699-AM-11 points out that the subject property is less than two and one-quarter miles from the City of
3 Champaign and the AG-2 District in Somer Township reaches out as far as two and one-quarter miles from
4 the City of Urbana. He said that at the first public hearing for Case 699-AM-11 the full size zoning map was
5 available for the Board's review although Mr. Kass, Associate Planner, discovered that legible prints of the
6 zoning maps were available for distribution to the Board for their personal review.
7

8 Mr. Hall stated that the new Supplemental Memorandum dated June 14, 2012, for Case 700-S-11
9 has the petitioner's revised site plan attached. He said that Mr. Kass highlighted the revisions to the site plan
10 in yellow. He said that the plan now indicates the following exterior changes: an illuminated sign, KNOX
11 Box location, dry fire hydrant location, and the location of the overflow parking along the lane. He said that
12 the dry hydrant location and the KNOX Box location were concerns of Chief Cundiff, Thomasboro Fire
13 Protection District and the overflow parking was a concern of Ms. Anderson. He said that the plan indicates
14 the following changes recommended by the County Engineer and CUUATS regarding the driveway
15 connection with County Highway 1: a stop sign, the illuminated business sign, the light to illuminate the
16 intersection during business hours, and the entrance warning sign which is located 200 feet south of the
17 proposed driveway. He said that if there are questions from the Board regarding the other documents that
18 were included in the mailing he would be happy to address those questions at this time. He noted that the
19 cases are ready for action tonight.
20

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

23 Mr. Courson asked if it is his opinion that more AG-2 should be extended out to the subject property in this
24 portion of the County.
25

26 Mr. Hall stated that staff provided the map because staff believes it is relevant but that is not to say that the
27 Board should automatically rezone thousands of acres from AG-1 to AG-2. He said that it is relevant when
28 someone within that distance requests AG-2 zoning.
29

30 Mr. Courson asked Mr. Hall if he does not feel that there is enough AG-2 in this section of the County.
31

32 Mr. Hall stated that evidently there is not enough because the Board has a request before them for ten more
33 acres. He said that whether or not the Board would recommend a blanket rezoning for property that hasn't
34 been requested is a different matter and he would not recommend it. He said that staff only provided the
35 map because the property is closer to the City of Champaign than other property in the AG-2 District is from
36 the City of Urbana. He said that they are different townships and they may have different aspirations and it
37 is difficult to go through the records of the original zoning commissions to identify why there was so much
38 AG-2 in Somer Township in 1973 and why there was so much less in Hensley Township. He said that the
39 municipal boundaries at this time are what they are and the boundary of AG-2 has not changed therefore in
40 Somer Township the south side of Leverett Road has been AG-2 since 1973 and the City of Urbana has
41 expanded from where it was in 1973 and he cannot explain the differences.

1

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

3

4 Mr. Thorsland asked Ms. Murray if she had any further information to add at this time and she indicated that
5 she did not.

6

7 Mr. Thorsland asked the Board if there were any questions for Ms. Murray and there were none.

8

9 Mr. Thorsland asked if staff had any questions for Ms. Murray and there were none.

10

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

12

13 Mr. Thorsland called Philip Kesler to testify.

14

15 Mr. Philip Kesler, who resides at 1402 E. Woodberry, Mahomet, read and submitted his written testimony as
16 a Document of Record. Mr. Kesler stated that he resides at 1402 E. Woodberry in Mahomet and his mother,
17 Mary Ann Kesler, lives in the first house south of the proposed event center. He said that he would like to
18 talk about both the zoning case and the proposed event center but first he would like to examine some of the
19 past testimony and supporting documents that have been provided.

20

21 Mr. Kesler stated that in a letter from Gene Warner, dated April 17, 2012, Mr. Warner states in paragraph
22 1 that he lives one-quarter mile directly south of where the building will sit and then in paragraph 3 of the
23 same letter he stated that he is the closest house to the proposed event center. Mr. Kesler stated that in a
24 letter from the Hammels, dated April 19, 2012, they indicated that the building will be almost one-half mile
25 from anyone else. Mr. Kesler stated that Mr. Warner and the Hammels can't both be right and in fact,
26 neither one of them is right. He said that his mother's house is 588 feet from the event center property at the
27 closest point and 1,250 feet at the furthest point and both measurements are well within one-quarter mile.
28 He said that Peggy Anderson lives even closer and Dave and Judy Swartzendruber also live within one-
29 quarter of a mile of the property and all are closer than Mr. Warner and all live much closer than one-half
30 mile and they all are concerned about the development of an event center.

31

32 Mr. Kesler stated that the Hammels' letter also states in paragraph 1, that they live on the Dewey-Fisher Road
33 and the traffic is bad going and coming from work during the week, not when this facility will be used on
34 Saturday afternoons. Mr. Kesler stated that of course the event center will be used at other times, including
35 evening and night hours and he is sure that these men don't intend to mislead us but they are inaccurate and
36 give a false impression and they are not alone. Mr. Kesler stated that he is using the submitted letters as
37 examples.

38

39 Mr. Kesler stated that what he really wants to talk about is zoning and public safety. He said that the
40 Champaign County Land Resource Management Plan prepared by the Champaign County Regional Planning
41 Commission states in Goal 4, "Champaign County will protect the long term viability of agriculture in
42 Champaign County its land resource base." The LRMP continues to say in Objective 4.1, "Champaign
43 County will strive to minimize the fragmentation of the County's agricultural land base and conserve

1 farmland, generally applying more stringent development standards on best prime farmland.” Mr. Kesler
2 stated that he didn’t see this objective in the Revised Draft Finding of Fact, but he believes that it should be
3 included and this is a perfect opportunity to support this objective in practice. He said that all of the sections
4 surrounding Section 14 of Hensley Township are agricultural and most of Section 14 is agricultural.

5
6 Mr. Kesler stated that the southwest corner of section 14 has four commercial businesses, Thoroughbred
7 Acres to the north, the Hindu Temple to the north of Thoroughbred Acres, his mother’s house adjoining the
8 temple property and then open fields north of that. He said that the site of the proposed event center is in the
9 middle of those open fields therefore he must ask if that sounds like good planning and does that sound like
10 growth in contiguous areas. He said that his community needs the Board’s help in keeping Section 14 of
11 Hensley Township from becoming a crazy quilt of different uses.

12
13 Mr. Kesler stated that the Regional Planning Commission Traffic Impact Analysis recommends a light at the
14 entrance to the event center and advance information signs which will change the landscape from a rural area
15 to a business district. He said that the site plan for the event center shows the landscaping crossing the
16 property line. He said that farmers are used to hedge rows and whatever mother nature grows in the fence
17 line but why would a landscape design be created to infringe on to the neighbor’s property.

18
19 Mr. Kesler stated that the site plan for the event center contains 84 parking places for a facility with a
20 capacity of 400 which meets the minimum legal requirement in Champaign County of five people per car but
21 as a practical matter it is inadequate. He asked what if only 320 people were using the facility but one-
22 quarter came two per car, one-quarter came three per car, one quarter came four per car and one-quarter
23 came five per car. He said that parking would be required for 103 cars and it is easy to imagine other real
24 world scenarios where even more parking spaces would be required. If using the average figures used by the
25 Regional Planning Commission in the Traffic Impact Analysis (i.e. an event of 200 people and 1.7 people
26 per car) then 118 parking spaces would be required. Mr. Kesler stated that there is no on-street parking on
27 the Dewey-Fisher Road and when there is overflow parking you run the risk of fire lanes being blocked.

28
29 Mr. Kesler stated that the Murrays have told the Zoning Board that they do not intend to hold events in
30 January and February but according to evidence presented at the April 26 meeting the majority of accidents
31 occur at other times of the year. He said that certainly January and February are not the only months with
32 bad weather and on any given day in December and March the weather can be just as bad as or worse than it
33 is in January and February. He said that the petitioners may always change their minds and decide to host
34 events in January and February.

35
36 Mr. Kesler stated that past meetings of the ZBA have focused on these weather related issues and the
37 Regional Planning Commission Traffic Impact Analysis focused on traffic volumes but there is another
38 consideration. On Friday, May 11, 2012, there was a serious accident in front of the Murray property
39 (Accident Report S12-1515) and two people went to the hospital. He said that this was a beautiful, clear day
40 and the accident was caused by erratic driving and one of the cars crossed the centerline. He said that this is
41 the same kind of driving that might be expected from people leaving a wedding reception with an open bar,

1 or for that matter, any event where liquor is served.
2

3 Mr. Kesler stated that the L.A. Gourmet patrons are going to be entering a two lane road with fast moving
4 cars, trucks and slow moving farm equipment with side implements. He said that farm equipment is on this
5 road seven days a week in the spring and fall and Kraft semi-trucks are on the road seven days a week
6 throughout the year. He said that this is already a dangerous road and now it is being proposed to add drivers
7 who have been attending events where liquor is served. He asked the Board what they believe will happen.
8

9 Mr. Kesler stated that he is glad that the Board has focused on public safety at these meetings and that has to
10 be the Board's top priority but he hopes that the Board will support retaining the AG-1 zoning. He said that
11 changing the zoning for this property is not consistent with the goals and objectives in the Champaign
12 County Land Resource Management Plan. He said that the event center and accompanying parking lot,
13 lights and signs and the noise and traffic will forever change the rural nature of this area.
14

15 Mr. Thorsland asked the Board if there were any questions for Mr. Kesler and there were none.
16

17 Mr. Thorsland asked if staff had any questions for Mr. Kesler.
18

19 Mr. Hall thanked Mr. Kesler for pointing out the omission of Objective 4.1. He asked Mr. Kesler if
20 Objective 4.1 was the only missing objective that was missing when he reviewed the LRMP.
21

22 Mr. Kesler stated Objective 4.1 was the one that he felt was most pertinent to the case.
23

24 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Kesler and there was no one.
25

26 Mr. Thorsland called Birgit McCall to testify.
27

28 Ms. Birgit McCall, who resides at 1085 CR 2200N, Champaign, read and submitted her written testimony as
29 a Document of Record. She said that she would like to first discuss traffic safety. She said that she felt, from
30 a safety perspective, that the traffic study evaluated all four road segments on Mattis Avenue using the same
31 criteria and the analysis was done as if there are four apples, when in reality there are three apples and an
32 orange. She said that she took the numbers from the study and performed further analysis to see how safety
33 factors differed from segment to segment.
34

35 Ms. McCall stated that she first looked at total accidents by road segment and she then re-ran those numbers
36 and only included accidents with injuries. She said that even though Mattis North of Olympian had the
37 smallest number of overall accidents (19%), it had the highest number of accidents with injury of all the road
38 segments and in fact, it has a 50% higher rate of accident with injury than the next lower segment.
39 Furthermore, when each accident is considered individually, an accident north of Olympian will result in an
40 injury 75% of the time, a full 77% more often than any of the other road segments. She said that the effect
41 of traffic volume on accident frequency is about twice as great as all other factors combined. Since the study
42 states that traffic volume is expected to as much as triple during peak times, it is almost certain that the
43 proposed development will lead to more accidents, and most of these will involve injuries.

1
2 Ms. McCall stated that the study states that Rear End accidents far outnumber any other type of accident.
3 However, when we pull out the segment north of Olympian, Rear End accidents drop to 14% and Turning
4 accidents become the most common at 36%. She said that the Turning accidents are of particular concern
5 due to the high turn volume at Hensley and Mattis (and the unknown turn volume from the Temple and
6 subject property). The study indicates that the level of service at Hensley and Mattis will drop from a B to
7 an F, and waiting times for westbound traffic will increase 764%. She said that this will, without doubt,
8 cause people to make riskier decisions at that intersection out of impatience and, in turn, increase the number
9 of accidents. She said that when we look at accident severity for the three segments south of Olympian
10 Drive, we see that C Class accidents are the highest at 42% but north of Olympian, C Class accidents occur
11 infrequently, with the vast majority of accidents (92%) resulting in visible or incapacitating injury or death.
12 This is unsurprisingly due to the high speed of that segment of road while the study stated that the free flow
13 speed is 52 mph, she cannot think of a time (unless she was towing or there was bad weather) when the
14 traffic moved at less than 60 mph. She said that she finds that there is no mention in the study of the
15 visibility issues at the subject property and that is a glaring oversight. She said that the site distance map
16 included in the most recent packet indicates that there is 588 feet from the top of the hill where visibility is
17 restored to the subject driveway. She said that using a standard formula for stopping distance, a car traveling
18 at 60 mph on dry roadway needs 185 feet to stop and 414 feet to stop on a wet roadway. When we add in
19 176 feet for an average two second response and braking time, those numbers become 361 and 590 feet
20 respectfully. She said that a sign (unless it is very large) 200 feet before the entrance won't even give people
21 enough time to stop, much less safely decelerate prior to the entrance. She said that stopping uses between
22 64% and 101% of the available road distance, and if there is any traffic backup or slowdown approaching the
23 entrance (which seems likely for high volume events), then there will be accidents. Using weather data from
24 2006-2010, on average there are 11 days per month that have precipitation in the form of rain or snow.

25
26 Ms. McCall stated that it is her opinion that it is very clear that after looking at the accident data specifically
27 for the segment north of Olympian that the safety finding of the CUUATS report are, at best, incomplete.

28
29 Ms. McCall stated that she would now like to note a few personal comments. She said that after the last
30 meeting, she attempted to clarify her thoughts on why she is opposed to the re-zoning request. She said that
31 she phrases it this way because she is not, in general, opposed to the special use permit for a rural event
32 center on property already zoned for such use. She said that she strongly feels that zoning should be about
33 appropriate land use not about the people involved and that everybody should be able to get fair
34 consideration regardless of their personal qualifications.

35
36 Ms. McCall stated that in previous testimony, AG-2 has a specific definition, and this request, in her
37 opinion, pretty much asks for that definition to be ignored. She said that for every exception that is approved
38 it makes it that much easier for the next petitioner to use the earlier case as justification. If this case is
39 approved, then anybody who wants to make a profit off of or leverage the "country experience" will have a
40 good argument. She said that perhaps a company decides it needs tranquility for its employees to be able to
41 work at their very best, so it buys a property in AG-1 and asks for it to be re-zoned for a small office park

1 because they need that peace and quiet for their employees. She said that she is being a bit tongue and
2 cheek, but the point remains. She said that it also makes it much easier for the City of Champaign to work
3 its way up the road and increase the bureaucratic red tape for things like putting up a machine shed or
4 building a deck and increasing our taxes too.

5
6 Ms. McCall stated that for many of the people who have written or verbally supported the event center, it is
7 clearly more about the petitioners than the zoning and she makes that statement for a couple of reasons. The
8 first is that some of the people who are supporting the Murrays were opposed to the Hindu Temple because
9 they along with 87 other residents of Hensley Township attended protest meetings or signed a petition
10 opposing it. She said that when you take a high level view of the two projects, they are very similar in size
11 and nature, with the event center having a more negative impact on the area due to the larger number of high
12 volume events. The second reason is that while there is support for the event center, much of that support is
13 from outside Hensley Township or from people who do not live in the immediate area, which she defines as
14 Mattis between Hensley and 2200N. She said that it is very easy to support something that will not directly
15 impact you. She said that it is really hard to stand up and oppose something that doesn't impact you and she
16 doesn't say that just because she hates speaking in public. She said that she believes that it is impossible to
17 not have a negative impact on the residences closes to the property and there is just no way a neighbor can
18 have 50 or one hundred plus people over every weekend and not disturb what is otherwise a pretty tranquil
19 area.

20
21 Ms. McCall stated that she also feels that if this request is approved it would act as a windfall for the family
22 because AG-1 ground is significantly cheaper than ground already approved for more commercial uses and
23 this, at some level, is unfair to others who purchased land already zoned for their intended purpose. She said
24 that while she strongly objects to re-zoning AG-1 to AG-2, if she had to select one of the two properties
25 owned by the Murray family as more appropriate for an event center, and she uses the term Murray family to
26 describe any property where the tax bill goes to 2607 CR 1000E, it seems that the current location on CR
27 1000E is far more suitable. She said that both properties are rural residences on approximately 10 acres but
28 CR 1000E is a low volume street which would mitigate many of the safety concerns. She said that 266 acres
29 to the north and west and the 113 acres to the south of that property are owned by the Murray family
30 therefore no spillover drainage issues would occur and the closest and pretty much only neighbor has
31 provided testimony in support of the event center.

32
33 Ms. McCall concluded that when she was growing up and would indicate that she needed something her
34 father would invariably ask her if she wanted it or needed it. She said that if she indicated that she needed,
35 which was common when she was younger, she was asked to justify why it was a need and not a want
36 therefore she consequently became very good at differentiating between the two. She said that currently
37 there is a petition circulating online to bring a Trader Joes to Champaign and a few thousand people have
38 signed the petition. She said that there are obviously a large number of people that would like a Trader Joes
39 in the community and would shop there and she is one of them, however she realizes that Champaign does
40 not need a Trader Joes and Champaign certainly does not need to rezone a piece of property to simply get
41 one. She said that if a rezoning were the case she would oppose the rezoning and continue to drive to
42 Chicago or Indianapolis for her Trader Joes fix and she finds that a rural event center falls into the same
43 category. She said that there will be a great number of people who would happily use it but she believes that

1 it is a stretch to say that it is an unmet need in the community.
2
3 Ms. McCall thanked the Board and staff for their attention and patience in hearing her testimony.
4
5 Mr. Thorsland asked the Board if there were any questions for Ms. McCall and there were none.
6
7 Mr. Thorsland asked if staff had any questions for Ms. McCall.
8
9 Mr. Hall complimented Ms. McCall for her review of the traffic impact analysis. He said that Ms. McCall
10 commented on the level of service at Hensley Road and Mattis Avenue and he believes that the level of
11 service dropping from "B" to "F" is on the approaches from either side and not on Mattis Avenue/County
12 Highway 1.
13
14 Ms. McCall stated that she agrees with Mr. Hall regarding his comment about the level of service. She said
15 that it would be someone sitting on Hensley Road attempting to make a left on to Mattis Avenue.
16
17 Mr. Hall asked Ms. McCall if she reviewed the area where the traffic impact analysis gives the level of
18 change for the intersection overall from "A" to "B".
19
20 Ms. McCall stated that she objects to some of their information.
21
22 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. McCall and there was no one.
23
24 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
25 regarding Cases 699-AM-11 and 700-S-11.
26
27 Mr. Thorsland called Ben McCall to testify.
28
29 Mr. Ben McCall, who resides at 1085 CR 2200N, Champaign, stated that he resides in Section 14 of Hensley
30 Township which is the section where the event center is proposed. He said that he is testifying at tonight's
31 hearing as an individual and not as a member of the Hensley Township Plan Commission.
32
33 Mr. McCall stated that he has testified before regarding these cases and before tonight's meeting he reviewed
34 the draft Finding of Fact and all of the other documents that have been submitted. He said that after this
35 review he created a list of major reasons why the petitions should be denied. He reviewed the list as follows:
36 1. hazard to public safety, increased accidents due to inadequate stopping distance and more traffic; and 2.
37 increased traffic delays, based on CUUATS Traffic Impact Analysis; and 3. Inadequate parking, based on
38 CUUATS Traffic Impact Analysis expecting between 200 and 235 parking places for peak events although
39 there are only 84 paved parking spaces proposed. He said that tonight the Board was informed that
40 additional parking will be available in the grassy area therefore he would suppose that there will be 150
41 grassy parking spaces and only 84 paved parking spaces.

1

2 Mr. McCall continued with reasoning 4: no justification at all given for AG-1 to AG-2 rezoning other than
3 the petitioners' desire to do something on the land that isn't allowed in AG-1. He said that he would take
4 issue with the comment from staff indicating that there is not enough AG-2 land simply because there is a
5 request to rezone a parcel of land from AG-1 to AG-2. He continued with reasoning 5: rezoning to AG-2
6 would fly in the face of the intent of that district. He read quotations from the Zoning Ordinance supporting
7 item 5 as follows: "prevent scattered indiscriminate urban development;" and "located in areas close to
8 urban areas;" and "areas within 1.5 miles of existing communities."
9

10 Mr. McCall continued with reasoning 6: approving the petitions would violate the basic tenet of "compact
11 and contiguous growth" which is LRMP Goal 5. He said that hundreds of hours of citizen, elected official
12 and staff time were spent in creating the LRMP and the Board should not disregard the goal of having
13 compact and contiguous growth because the proposed development is neither compact nor contiguous with
14 the surrounding municipalities. He continued with reasoning 7: Despite staff's attempts to paint this as
15 helping to achieve LRMP Goals 3, 4, 6, and 7, it does not; and 8. the proposed use does not preserve the
16 essential rural character of the district because nothing in the Draft Finding of Fact suggests that it does and
17 the petitioners did not even respond to this question on the application; and 9. the proposed use is definitely
18 not necessary for the public convenience at this location because the rural event center may be desirable to
19 the petitioners but not necessary for the public convenience and other locations would be better suited to an
20 event center. He said that reasoning 10 indicates that all of the closest neighbors have significant concerns
21 and or strongly object; and 11. Approval of this request would set a dangerous precedent for easy and
22 indiscriminate development of AG-1.
23

24 Mr. McCall stated that he was especially shocked when he read through the Draft Finding of Fact and
25 reviewed the *LaSalle* and *Sinclair* Factors, which is criteria set by the courts that are to be considered during
26 zoning cases, because all of the *LaSalle* and *Sinclair* factors seemed to point to denying the petitioners,
27 despite that the Draft Finding of Fact trying to convince them otherwise; and the *LaSalle* factor which
28 indicates the following, "the relative gain to the public as compared to the hardship imposed on the
29 individual property owner" should also be considered with respect to the neighbors. He said that there is a
30 very limited gain to the public, other than the substantial gain to the petitioner, but a large hardship imposed
31 on the neighbors.
32

33 Mr. McCall stated that in order to appear fair he reviewed the Draft Finding of Fact to see if there were any
34 reasons to approve the petitions because he has not heard any compelling reasons to do so. He said that he
35 has only heard the petitioner's desire to do something that is not allowed by zoning on the land they recently
36 purchased for this. He said that the perceived demand for a new event center in the County, or the perceived
37 quality of the petitioner's catering business, should not impact zoning decisions on an individual parcel of
38 land.
39

40 Mr. McCall stated that it is his opinion, that the Draft Finding of Fact is heavily biased in favor of the
41 petitioners because every opportunity seems to have been taken to find ways that the proposed development
42 might conceivably be construed to meet some technical requirement. He said that the Draft Finding of Fact
43 does not strike him as an objective weighing of the arguments for and against the case.

1
2 Mr. McCall stated that he has constructed his own findings for the Draft Finding of Fact for Case 699-AM-
3 11 as follows: 1. The proposed Zoning Ordinance map amendment will not help achieve the Land Resource
4 Management Plan because the proposed Zoning Ordinance map amendment will not help achieve the
5 following LRMP goals: 5. He said that 2. The proposed Zoning Ordinance map amendment is not consistent
6 with the *LaSalle* and *Sinclair* factors because: A. it is incompatible with the existing uses of nearby property;
7 and B. property values of adjacent residences, which currently enjoy a tranquil rural atmosphere, would be
8 diminished by the proposed amendment; and C. the proposed rezoning would enable a special use that would
9 have a negative impact on public safety; and D. the relative gain to the public is minimal, whereas the
10 rezoning would represent a substantial hardship to the adjacent property owners; and E. the subject property
11 is unsuitable for the proposed purposes because of inadequate visibility along a busy thoroughfare; and F. the
12 property has not been vacant so there is no reason to rezone it to enable development; G. there is no
13 demonstrated need for the use at this particular location; and H. the use does not conform with LRMP Goal 5
14 or the planning goals of Hensley Township.

15
16 Mr. McCall stated that he also constructed his own findings for the Draft Finding of Fact for Case 700-S-11
17 as follows: 1. The requested Special Use Permit is not necessary for the public convenience at this location
18 because: (a) there is no established need for a rural event center, even if there is demand for an additional
19 event center in the County; and (b) other locations are available that could be considered for an event center
20 so that this property is not uniquely suitable. He said that in regard to finding 2.c.: The Special Use will not
21 be compatible with adjacent uses because a busy event center is incompatible with the rural character of the
22 surrounding residential and agricultural uses. He said that in regard to finding 2.e.: Public safety will be
23 inadequate because of additional accidents due to the insufficient stopping distance between the top of the
24 hill south of the property and the driveway. He said that in regard to finding 2.f.: The provisions for parking
25 will be inadequate because CUUATS has determined that 200-235 vehicle trips will be generated per event
26 while only 84 parking places would be available. He said that in regard to finding 3.b.: The requested
27 Special Use Permit does not preserve the essential character of the district in which it is located because: b.
28 the Special Use will not be compatible with adjacent uses; and c. Public safety will be inadequate. He said
29 that in regard to finding 4.: The requested Special Use Permit is not in harmony with the general purpose and
30 intent of the Ordinance because: b. The requested Special Use Permit is not necessary for the public
31 convenience at this location; and c. The requested Special Use Permit is so designed, located, and proposed
32 to be operated so that it will be injurious to the district in which it shall be located or otherwise detrimental
33 to the public health, safety, and welfare; and d. The requested Special Use Permit does not preserve the
34 essential character of the district in which it is located.

35
36 Mr. McCall submitted his written testimony as a Document of Record for both cases.

37
38 Mr. Thorsland asked the Board if there were any questions for Mr. McCall and there were none.

39
40 Mr. Thorsland asked if staff had any questions for Mr. McCall.

41

1 Mr. Hall asked Mr. McCall to give specific examples how the event center does not preserve the essential
2 rural character of the district.

3
4 Mr. McCall stated that the surrounding district is mainly a rural, agricultural and residential area and the
5 event center will bring a lot of traffic and noise.

6
7 Mr. Hall asked Mr. McCall what type of noise will be created by the event center.

8
9 Mr. McCall stated that it is reasonable to expect that when people are entering and exiting the facility after a
10 wonderful event that noise will be created. He said that there is a large patio included on the plan and it is
11 entirely likely that events will be moved outside.

12
13 Mr. Hall asked Mr. McCall if, unlike many others who have testified, he does not believe that the noise and
14 odors of the agricultural district will keep people behind glass 24 hours per day.

15
16 Mr. McCall stated that he does live in this area and there certainly are aspects of agricultural life that any
17 event would find unpleasant but it would be a mis-characterization to indicate that these aspects occur 24
18 hours per day, seven days per week. He said that people do have to transit between the event center and their
19 parking space. He said that it would be unreasonable to indicate that there would be no noise at all generated
20 by the proposed event center. He said that he would challenge anyone to prove how this particular use
21 would preserve the essential character of the district.

22
23 Mr. Hall stated that he finds that to be a challenge in each and every map amendment or special use permit.
24 He said that if the authors of the Zoning Ordinance did not believe that a use of this type would not preserve
25 the essential character of the district then he wonders why they would allow it in the first place.

26
27 Mr. McCall stated that the proposed use is not allowed because it is not allowed in AG-1 and in order to
28 accommodate the use the zoning map has to be amended. He said that he cannot think of a better argument
29 in favor of his case.

30
31 Mr. Hall stated that Mr. McCall refers to LRMP Goal 5 which is in regards to urban land use and the LRMP
32 defines urban land use as land use that is connected to sewer and water. He said that he has never considered
33 a land use that is specifically authorized in an agriculture district to be an urban land use. He asked Mr.
34 McCall if he finds this consistent with the LRMP.

35
36 Mr. McCall stated that he has to admit that he is not an expert on the definitions of urban land use in the
37 LRMP however the intent of the LRMP is to encourage compact and contiguous growth and discourage
38 scattered and indiscriminant growth.

39
40 Mr. Hall stated that if Mr. McCall read the LRMP and the definitions he would find that that is indeed what
41 it is intended to do for urban development.

42
43 Mr. McCall stated that if these types of uses are continually allowed then very quickly this will be an urban

1 area and that is not consistent with the character of the district.

2
3 Mr. Hall stated that he was unhappy to discover that Mr. McCall did not have a specific comment about
4 LRMP Goal 4 even though he made some statements that he is unhappy with staff's analysis of Goal 4. Mr.
5 Hall stated that he is always open to new evidence that he may have overlooked and would be happy to walk
6 down staff's recommendations for the policies under Goal 4 and see what evidence could be added to make
7 it a more objective analysis. He said that anything that Mr. McCall may have to offer would be appreciated.

8
9 Mr. McCall stated that he has not invested the time to do a point by point rebuttal of the entire Draft Finding
10 of Fact but if it would be useful for the Board then he would be happy to do so but it would take a lot of time
11 to go through to rebut point by point where he feels that staff's interpretation is clearly biased in favor of the
12 petitioner.

13
14 Mr. Hall stated that since Mr. McCall has indicated that staff's recommendations are heavily biased it
15 wouldn't appear to take much time.

16
17 Mr. McCall stated that it will take time to go through all of the details because it is 40 page document.

18
19 Mr. Hall stated Mr. McCall's comments on the Draft Finding of Fact for Case 700-S-11 that public safety
20 would be inadequate because of additional accidents due to insufficient stopping distance between the top of
21 the hill south of the property and the driveway. He asked Mr. McCall if he believes that this issue was
22 overlooked by staff and CUUATS.

23
24 Mr. McCall stated yes because there was no mention of that issue.

25
26 Mr. Hall asked Mr. McCall if he disagrees with the stopping distances indicated in the *I.D.O.T. Local Road*
27 *Manual*.

28
29 Mr. McCall stated that those stopping distances provided design guidelines for particular assumed speeds
30 and did not take into account the possibility that there might be traffic backed up in advance of the driveway.
31 He said that if there is an event with 200 cars arriving at the same time it is likely that a few cars may be
32 decelerating when approaching the driveway and those decelerating vehicles will not be visible from a long
33 distance away and only once someone crests the hill will they be able to see them therefore not having the
34 full 580 feet. He said that he believes that CUUATS totally glossed over the issue.

35
36 Mr. Hall asked Mr. McCall if this was his only public safety concern for the proposed development.

37
38 Mr. McCall stated yes. He said that with the proposed use there will be more congestion at the intersection
39 of the Dewey-Fisher Road and Mattis Road and he believes that there may be additional accidents at that
40 location.

41

1 Mr. Hall asked Mr. McCall if he believes that CUUATS overlooked that intersection as well.

2
3 Mr. McCall stated yes. He said that he is disappointed with the traffic impact analysis and he does not know
4 if there was a time restriction or if the mandate only extends to certain issues or if they had a mind set to
5 encourage urban development.

6
7 Mr. Hall asked Mr. McCall if he could indicate the number of parking spaces that he believes is required for
8 the proposed use.

9
10 Mr. McCall stated that he is not sure that he is qualified to answer Mr. Hall's question but he does find it
11 remarkable that the traffic impact analysis mentioned 235 vehicles for 400 people therefore the proposed 84
12 parking spaces is inadequate. He said that the drainage issues are based on the size of the paved area
13 therefore if that area was to be increased there will be additional drainage to be accommodated.

14
15 Mr. Hall asked Mr. McCall if he believed that the Board should require at least 170 parking spaces.

16
17 Mr. McCall stated that he would be more comfortable if the Board required 170 parking spaces but it is still
18 less than what an agency which is presumably an expert recommended.

19
20 Mr. Thorsland asked if staff had any additional questions for Mr. McCall and there were none.

21
22 Mr. Thorsland asked the Board if there were any questions for Mr. McCall and there were none.

23
24 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. McCall.

25
26 Mr. Thorsland called Anne Murray to the cross examination microphone.

27
28 Ms. Murray stated that Mr. McCall indicated that there was evidence of other property which could be
29 utilized for the event center.

30
31 Mr. McCall stated that previous testimony was given indicating that the Murray family owns other property
32 and he has discussed the case with a realtor who indicated that there are a number of other properties with
33 houses on rural land. He said that previous testimony was given by a realtor indicating how much time was
34 spent searching for commercial property but did not indicate that a search was performed for residential
35 zoning with the correct zoning designation for the proposed use.

36
37 Ms. Murray stated that an additional realtor, who was part of the real estate team searching for properties for
38 the proposed use, is present tonight and is available to testify regarding what type of properties were
39 researched.

40
41 Mr. McCall stated that it is not his place to call for testimony. He said that Ms. Murray was called to ask
42 him questions about his testimony and he is happy to address those questions.

43

1 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. McCall at this time and there
2 was no one.
3

4 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
5 regarding Cases 699-AM-11 and 700-S-11 and there was no one.
6

7 Mr. Thorsland closed the witness register.
8

9 Mr. Thorsland stated that Mr. Kesler's concern regarding Objective 4.1 should be added to item #13 on page
10 9 of 24 of the Summary of Evidence for Case 699-AM-11. He said that the following text should be added
11 as follows: Objective 4.1 states, "Champaign County will strive to minimize the fragmentation of the
12 County's agricultural land base and conserve farmland, generally applying more stringent development
13 standards on best prime farmland."
14

15 Mr. Hall stated that staff was remiss in not distributing a full set of goals, objectives and policies to the
16 Board. He said that this error was not intentional and normally the Board does receive a full copy of the
17 goals and policies with every map amendment. He said that the only reason why he is mentioning it tonight
18 is because he has not committed the goals, objectives and policies to his memory and he does not recall if
19 there are any policies under objective 4.1. He said that he is uncomfortable in not having a full set of the
20 LRMP Goals and Policies in the Documents of Record.
21

22 Mr. Courson stated that he would like to have the opportunity to review the LRMP Goals and Policies. He
23 said that his biggest issue with the proposed rezoning to AG-2 is that there will be one small parcel in the
24 middle of AG-1. He asked if AG-2 is the best zoning for the proposed use of the property or if there is a
25 different zoning classification that could be a better fit.
26

27 Mr. Thorsland stated that Objective 4.1 should be added to the Summary of Evidence and the LRMP Goals
28 and Policies should be added to the Documents of Record.
29

30 Mr. Passalacqua stated that he would like to review the districts to consider if this use would fall into a
31 different district that would be more limited for future use.
32

33 Mr. Hall stated that there is nothing more limiting than AG-2 and for this use at this location the AG-2
34 district is the district that would achieve the goals and policies the best. He said that he is open to any
35 evidence that may have been overlooked to prove contrary.
36

37 Mr. Passalacqua asked Mr. Hall if the farm ground is currently in production.
38

39 Mr. Hall stated that most of it has been during the past few years although the area which is proposed for
40 development has not been in production.
41

1 Mr. Passalacqua asked if overall the ground is best prime farmland.

2
3 Mr. Hall stated yes. He said that the ground is best prime farmland today and will remain so on January 1,
4 2013.

5
6 Mr. Thorsland stated that he could re-open the witness register and call Jack Murray to testify regarding crop
7 production.

8
9 Mr. Kass distributed copies of the LRMP Goals, Objectives and Policies to the Board.

10
11 Mr. Thorsland re-opened the witness register.

12
13 Mr. Thorsland called Jack Murray to testify.

14
15 Mr. Jack Murray, who resides at 2607 CR 1000E, Champaign, stated that there are 3.2 acres behind the
16 house that has grass and trees on it and has not been in crop production for 25 years. He said that all of the
17 ground in front of this area has been in row crop and the ground west of the house will continue to be in row
18 crop.

19
20 Ms. Capel stated that, for practical purposes, no land will be taken out of production.

21
22 Mr. Murray stated that nothing will be taken out of production for the event center. He said that there is
23 adequate space, as indicated in the aerial photograph, from the house to the east because it has been in grass
24 and there are approximately 40 trees existing in that area. He said that, as a farmer, he does not intend to tear
25 out 40 trees to farm two acres.

26
27 Mr. Thorsland stated that the revised site plan indicates overflow parking in grass to the west of the house.

28
29 Mr. Murray stated that the area west of the house is currently in row crop but if additional parking area is
30 required it would have to go near the road in front of the trees.

31
32 Mr. Thorsland stated that the row crop area would be replaced with grass.

33
34 Mr. Murray stated that if overflow parking is required then yes. He said that the area for the overflow
35 parking is not bituminous and it would be constructed with concrete blocks so that the grass can grow up
36 through it and will not increase the requirement for water runoff.

37
38 Mr. Thorsland stated that row crop production would be lost for every amount of grass parking that may be
39 required.

40
41 Mr. Murray stated yes.

42
43 Mr. Courson asked Mr. Murray if he was planning to plant row crop right up to the proposed driveway.

1
2 Mr. Murray stated yes. He said that the proposed driveway has been shifted 60 feet north.

3
4 Mr. Courson stated that the proposed driveway will take row crop out of production.

5
6 Mr. Murray stated yes, but the existing driveway will be torn out and planted with row crop.

7
8 Mr. Courson asked Mr. Murray if he would plant row crop between trees that are 50 feet apart.

9
10 Mr. Murray stated yes. He said that the planting of the trees is not in the near future and he was waiting on
11 CUUATS for the placement of the driveway, which will be relocated 60 feet to the north. He said that there
12 is a four foot drop-off from the Kesler property onto the driveway therefore it is not serviceable as it
13 currently exists and it has to be moved whether it is farmed or not. He said that if the trees were planted
14 farm ground would be lost to make the driveway serviceable because as it exists currently it is not fit for a
15 residence.

16
17 Mr. Thorsland asked the Board if there were any questions for Mr. Murray and there were none.

18
19 Mr. Thorsland asked if staff had any questions for Mr. Murray and there were none.

20
21 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Murray and there were none.

22
23 Mr. Thorsland asked Mr. Hall if he desired to add any information regarding Objective 4.1.

24
25 Mr. Hall stated that staff discussed Objective 4.1 which has nine policies and those policies are in regards to
26 by-right development and the proposed use is not by-right development but discretionary. He said that
27 including Objective 4.1 and discussion regarding it is relevant. He said that Policy 4.1.6.b is probably the
28 only policy that will have any bearing on the case. He said that Policy 4.1.6.b discusses that on best prime
29 farmland the County may authorize non-residential discretionary development. He said that Policy 4.1.6.b is
30 relevant but it does not set any standard other than it indicates that the County may authorize it. He said that
31 he does believe that Objective 4.1 is relevant and relevant evidence can be added to the Summary of
32 Evidence. He said that the Board should include the LRMP Goals, Objectives and Policies as a Document of
33 Record and the Board should review the LRMP prior to the next public hearing.

34
35 Mr. Palmgren stated that he would appreciate additional time to review the LRMP.

36
37 Mr. Thorsland asked the Board if they would like move through some of the distributed information or
38 would the Board rather review the information and move through it all at one time.

39
40 Mr. Thorsland noted the phrase "Temple" and "Residential Recovery Center" appears in the Summary of
41 Evidence and the Supplemental Memorandums therefore staff should review those documents for revision.

1

2 Ms. Capel stated that she also noticed a few required editing revisions. She said that Item 10.C.(9)(b) on
3 page 27 of 40 of the Revised Summary of Evidence for Case 700-S-11 should be revised to read as follows:
4 The proposed use will be taking a minimal amount of land out of agricultural production. The subject
5 property is two miles from the City of Champaign. She said that Item 16 on page 17 of 24 of the Revised
6 Finding of Fact for Case 699-AM-11 should be revised to read as follows: Goal 7 has 2 objectives and 7
7 policies. The proposed amendment achieves Goal 7 for the following reason.

8

9 Mr. Thorsland stated that if the case is continued the Board should notify staff regarding any additional
10 revisions to the distributed information. He said that the difficulty for staff is that each time a case is
11 continued there are several new cases to follow. He said that since one Board member has voiced that he
12 would like additional time to review the distributed documentation it would be appropriate to continue the
13 case to a later date.

14

15 Mr. Hall stated that staff would appreciate a little more lead time if the Board believes that staff has
16 completely misjudged a map amendment case therefore he would appreciate any comments or suggestions
17 from the Board as to how the Finding of Fact needs to be revised prior to the next public hearing.

18

19 Mr. Thorsland called for a five minute recess.

20

21 **The Board recessed at 8:13 p.m.**

22 **The Board resumed at 8:20 p.m.**

23

24 Mr. Thorsland stated that there were corrections and additional items discussed for both cases. He said that
25 there are some members who may want to take some more time to review the LRMP Goals, Objectives, and
26 Policies therefore he would appreciate a preference from the Board regarding moving forward tonight or
27 continuing the case.

28

29 Ms. Capel stated that she would appreciate a continuance date so that the Board can fully review the LRMP
30 Goals, Objectives and Policies.

31

32 Mr. Passalacqua, Mr. Courson and Mr. Palmgren agreed with Ms. Capel.

33

34 Mr. Thorsland stated that staff would appreciate notification of any corrections or deletions prior to the next
35 public hearing. He requested a continuance date for both cases.

36

37 Mr. Hall stated that Cases 699-AM-11 and 700-S-12 could be continued to the July 12, 2012, meeting.

38

39 Mr. Thorsland entertained a motion to continue Cases 699-AM-11 and 700-S-11 to July 12, 2012, meeting.

40

41 **Ms. Capel moved, seconded by Mr. Palmgren to continue Cases 699-AM-11 and 700-S-11 to the July**
42 **12, 2012, meeting. The motion carried by voice vote.**

43

1 6. New Public Hearings
2

3 **Case 710-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
4 **Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA)**
5 **System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4 as follows:**
6 **Part A. Revise the Land Evaluation (LE) part as follows: 1. Revise all soil information to match the**
7 **corresponding information in the *Soil Survey of Champaign County, Illinois* 2003 edition. 2. Revise all**
8 **existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop***
9 ***Productivity Rating for Illinois Soils* published August 2000 by the University of Illinois College of**
10 **Agricultural, Consumer and Environmental Sciences Office of Research. 3. Delete the 9 existing**
11 **Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture**
12 **Value Groups with Relative LE ranging from 100 to 0. Part B. Revise the Site Assessment (SA) part**
13 **as follows: 1. Add definitions for “agriculture”; “agricultural production”; “animal units”; “best**
14 **prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal**
15 **use”; and “subject site”.; and 2. Delete SA Factors A.2.; A.3.; B.2.; B.3.; C.2.; D.2.; E.1.; E.2.; E.3.;**
16 **E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.; and 3. Revise SA Factor A.1. to be new Factor 8; Factor B.1. to be**
17 **new Factor 7; Factor C.1. to be new Factor 5; Factor D.1. to be new Factor 1; and revise scoring**
18 **guidance for each revised Factor, as described in the legal advertisement; and 4. Add new SA Factors**
19 **2a.; 2b.; 2c.; 3.; 4.; 6.; 9.; 10.; and scoring guidance for each new Factor, as described in the legal**
20 **advertisement. Part C. Revise the Rating for Protection as described in the legal advertisement. Part**
21 **D. Revise the general text and reformat.**
22

23 **Case 711-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
24 **Ordinance as follows: Part A. In Section 3, revise the definition of “best prime farmland” as follows:**
25 **a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land**
26 **Evaluation rating of 91 or higher”; and b) add “prime farmland soils and under optimum**
27 **management have 91% to 100% of the highest soil productivities in Champaign County, on average,**
28 **as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and c) add “soils**
29 **identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation**
30 **and Site Assessment (LESA) System”; and d) add “Any development site that includes a significant**
31 **amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3**
32 **and/or 4 soils:. Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score**
33 **greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and**
34 **replace with “is made up of soils that are BEST PRIME FARMLAND” Part C. Revise paragraph**
35 **5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s**
36 **Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST**
37 **PRIME FARMLAND”**
38

39 Mr. Thorsland called Cases 710-AM-12 and 711-AM-12 concurrently.
40

41 Mr. Hall distributed a new Supplemental Memorandum dated June 14, 2012, to the Board for review. He

1 said that the memorandum includes two documents from the LESA Update Committee library and Draft
2 evidence proposed for the Finding of Fact. He said that the first attachment, October 4, 2011, Land
3 Evaluation Update Memorandum to the LESA Update Committee, includes comments from K.R. Olson, one
4 of the co-authors of Bulletin 810 and Bulletin 811. He said that the second attachment to the June 14, 2012,
5 Supplemental Memorandum is the LE Calculation Recommendation to LESA Update Committee from
6 Kevin Donoho, LESA Update Committee Member and District Conservationist for the USDA/NRCS
7 Champaign Field Office.

8
9 Mr. Hall distributed a Preliminary Memorandum for Case 711-AT-12 dated June 14, 2012, to the Board for
10 review. He said that since Cases 710-AT-12 and 711-AT-12 are related every document for one case will be
11 a Document of Record in the other case. He said that the Preliminary Memorandum for Case 711-AT-12
12 reviews some background issues with the current definition of best prime farmland. He said that because the
13 definition of best prime farmland is based on averaging the LE has to average to 85 or above. He said that
14 when there is a mix of soils with an LE or relative value of 100 with soils in ag value groups 5 through 8
15 those relative values range from 70 down to 41. He said that obviously there are some combinations where a
16 significant amount of LE 100 soils could be used that would not be considered as best prime farmland and
17 those percentages range from 25% to 73%. He said that there is one proviso on these kinds of estimates in
18 that not all soils occur in all locations and it is not clear that there are that many instances of an ag value
19 group 8 soil being next to an ag value group 1 soil but he is not familiar with the soil survey therefore at this
20 point he is raising it as an issue.

21
22 Mr. Hall stated that the other issue with the definition of best prime farmland is that the way that the existing
23 LESA was constructed the ag value group that has a relative value of 85 includes soils that go down to
24 approximately 82% of the ag value group 1 soils in productivity. He said that means there could be a farmer
25 whose soils are below LE 85 but these soils could be considered best prime farmland. He said that the ag
26 value groups in the existing LESA were constructed too broadly to use them as an indicator of best prime
27 farmland. He said that in the recommendation of the LESA Update Committee most of the ag value groups
28 don't have more than a range of 4 points for the productivity index amongst the soils and some have as many
29 as 5 and the current LESA generally has a point spread of at least 10 in each ag value group. He said that
30 such a wide spread was not inappropriate because every other LESA that he has reviewed to date has a
31 similar point spread for the ag value groups therefore it is not wrong but he does not know that if it is
32 appropriate for the way that Champaign County has elected to use the LE values.

33
34 Mr. Hall stated that the LESA Update Committee also looked at how many acres of soils are identified as
35 best prime farmland just in those ag value groups and as a planner he would generally try to achieve a level
36 of regulation wherein the regulations are imposed on the minimum amount of land that achieves the goal that
37 you are trying to achieve. He said that it is his view that the existing definition is a little too broad and the
38 LESA Committee has made a recommendation that results with less land being identified as best prime
39 farmland but provides a higher level of protection because it goes down to as little as 10% of the soil on any
40 site and if there is only 10% that is ag value group 1, 2, 3 or 4 and it is part of a development then the entire
41 development is best prime farmland.

42
43 Mr. Hall stated that his goal is not to enter every document from the LESA Update Committee into this

1 public hearing as a Document of Record but only those that are significant or critical to the decision.

2
3 Ms. Capel stated that in regards to the 10% it would be pretty easy to re-draw a development and drop a
4 couple of acres to drop the rating.

5
6 Mr. Hall stated that he would argue that this is what our regulatory system is trying to encourage. He said
7 that there were comments received at the LESA Update Committee meetings indicating that the decision on
8 a given development should be based on the entire parent tract rather than the area that is proposed for
9 development and there are some jurisdictions that do that but he does not believe that such matches typical
10 values of Champaign County residents.

11
12 Ms. Capel stated that she does not believe that it matches the values that the County has expressed as well.

13
14 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

15
16 Mr. Hall stated that he is trying to get all of the evidence in front of the Board because there is a lot of inter-
17 relation between the proposed LESA Update, proposed Best Prime Farmland, and site factors in LESA and
18 in order to be able to make a good decision on either part of these cases the Board has to have gone through
19 the evidence for each entire case. He said that it is true that he is rushing because he wants to get all of the
20 information before the Board so that they can consider it but he is not rushing the Board's decision. He said
21 that he does believe that the Board is under a deadline for these cases and that the ZBA needs to do its
22 upmost to get these cases back to the County Board no later than September which will give the County
23 Board sufficient time to consider these cases and make a decision before the November election.

24
25 Mr. Thorsland reminded the audience that anyone who desires to testify in these cases must sign the witness
26 register by which they solemnly swear that the evidence that they present will be the truth, the whole truth,
27 and nothing but the truth, SO HELP ME GOD. He asked the audience if anyone desired to sign the witness
28 register at this time.

29
30 Mr. Thorsland called Norman Stenzel.

31
32 Mr. Norman Stenzel, who resides at 545A CR 1900N, Champaign, stated that he has attended all but one of
33 the LESA Committee meetings. He said that the LESA update was an interesting process although
34 unfortunately the product is flawed. He said that if an instrument such as the LESA is intended for public
35 use there must be concern regarding validity and reliability. He said that valid instruments do what they are
36 intended to do and reliable instruments do it consistently and one person who rates the property from time to
37 time should be reliable and comparable and different people doing the same thing should be comparable. He
38 said that he contends that the flaws in the instrument which relate to validity will impair the ability of the
39 instrument to be used for reliability.

40
41 Mr. Stenzel stated that one of flaws of the LESA is that it does not take into account the setting or the zones

1 for the instrument therefore some of the questions included in the questionnaire asks the rater to look at ten
2 houses. He said that if an AG-1 zone abuts an AG-2 zone the houses in the AG-2 zone can be counted
3 against the AG-1 zone use. He said that the AG-1 zone should not be influenced in this way but in using the
4 instrument it is. He said that item #1 of the new SA portion of the LESA considers the size of the site under
5 consideration. He said that the rationale for selecting 25 acres for a full amount of points is the
6 preponderance of row crop agriculture. He said that this is not a good idea because if someone uses the land
7 for agriculture in general and not just for row crop agriculture and the definition of agriculture use by the
8 LESA Committee could give the possibility of having community support of agriculture. He said that the
9 community support may not be for 25 acres although it may be very useful and more productive as far as
10 economic output than row crop agriculture therefore the new LESA counts against the small farm. He said
11 that an orchard may not be 25 acres but it is an important agricultural use.

12
13 Mr. Stenzel stated that item #2 addresses best prime soils. He said that one of the things that the Federal
14 legislation considers during the whole process of developing a LESA is to preserve prime farmland, not
15 super-prime farmland. He said that the Federal government decided that a LESA should be established
16 nationwide to preserve prime farmland and the LESA that is before the Board tonight does not do that and
17 only tries to create a "super" category. He said that the annexation of "super" category land by the cities is
18 not stopped by the use of this instrument therefore in this respect the instrument fails.

19
20 Mr. Stenzel stated that item #2.b. uses 15% of a larger parcel indicating more than 25 acres as "best prime."
21 He said that as a result of item #2.b.(1) even "super prime" farmland gets zero points therefore the LESA is
22 not valid. He said that item #3 relates to the CUGA, Contiguous Urban Growth Area. He said that the
23 County still has some legitimate influence in attempting to speak to the preservation of good soils or prime
24 farmland within a CUGA area although the County has decided to not contest those types of things. He said
25 that when he spoke to the LESA Committee he indicated that the instrument should be a conscience and it
26 should tell cities that it is believed that a use of "prime" or "super prime" farmland within their CUGA
27 should be compact and contiguous. He said that the CUGA's extend beyond the boundaries of cities and the
28 instrument should be used as a conscience, and it is not.

29
30 Mr. Stenzel stated that item #4 addresses the perimeter in agriculture. He said that if we are talking about
31 community based agriculture there might be plots of land that are incredibly surrounded by suburbs or
32 housing development. He said that the use of this micro-measurement of perimeter could go against small
33 plots of the land that could be used for agricultural production. He said that the LESA does not do much for
34 preserving "prime" farmland but gives the County an excuse not to preserve "prime" farmland. He said that
35 the LESA discusses that a farm dwelling should be on 35 acres but there was no data presented to the LESA
36 Committee that indicated what the average farm dwelling size in the County was. He said that he does not
37 know how 35 acres could be used to identify the houses in the country that are classified as farm dwellings
38 because he knows several farm dwellings that don't meet that standard. He said that if there is ever a use of
39 the instrument that is close to a farm dwelling that is less than 35 acres that farmer will have to let someone
40 know that they are a farm and not to be counted the preservation of farmland. He said that this places the
41 burden on the individual rather than the County to come up with a correct classification.

42
43 Mr. Stenzel stated that item #5 discusses the distance to city or village limits. He said that there are many

1 towns within the County that have grain elevators and farm suppliers and it would be a benefit to be close to
2 those types of services therefore it is a distorted idea of protecting farmland. He said that item #6b discusses
3 the percentage of the site in production. He said that there is no mention of Federal Conservation programs
4 in the distinction of the use of the land. He said that item #7 discusses the percentage of land zoned AG-1,
5 AG-2 or CR. He said that each of the zone types are rural classifications and it should not make much
6 difference about the use of the land in AG-1. He said that there are extended uses under AG-2 and if the two
7 zones are close to each other the use of AG-2 should not count against what happens in AG-1.
8

9 Mr. Stenzel stated that item #8 goes back to the idea of land that might be encapsulated by rural or suburban
10 development and the percentage of land that is within one mile of the subject site. He said item #10
11 indicates that ten houses could occur if a farm is close to a rural unincorporated village in Champaign
12 County therefore points would be counted against if in regards to "best prime" farmland. He said that the
13 LESA does not make a distinction or exception in its instructions therefore farmland that is close to an AG-2
14 area more housing could occur. He said that what is happening in the AG-2 should count against AG-1.
15

16 Mr. Stenzel stated that item #10 discusses Livestock Management Facilities. He said that they were told
17 during the LESA Committee meetings that there are only four major livestock facilities in Champaign
18 County and that they are spread throughout the County. He said that if the livestock facilities are not close to
19 each other it means that there is a lot of land that is not close to the livestock facilities as well therefore a lot
20 of land could miss out on the ten points that it could receive to determine its appropriate use. He said that
21 the site selection is not a realistic test of what the new instrument might be given. Mr. Stenzel stated that
22 reliability has supposedly been tested by the Committee by using test sites which were a selected number of
23 sites which are large parcels of land and are not typical of the kind of sites that would come before the ZBA.
24 He said that the test sites were used over and over again and the Committee was informed that the LESA is
25 working. He said that the only data that he saw out of all of this was after the first test when they tried to use
26 a correlation matrix to take a look at how the instrument did and there were quite a few items that simply
27 overlapped and there was no discrimination between one site to another. He said that Mr. Hall's tactics in
28 applying the new LESA will be one thing and a new Administrator in applying the LESA will be different
29 thing therefore it is not a reliable instrument to use over time.
30

31 Mr. Thorsland asked the Board if there were any questions for Mr. Stenzel.
32

33 Ms. Capel asked Mr. Stenzel, from his prospective, what does the new LESA accomplish.
34

35 Mr. Stenzel stated that the instrument, as it is, does not accomplish what it is supposed to accomplish and
36 what it is supposed to accomplish is to identify prime farmland that should be preserved and, according to the
37 Federal guidelines, support the existence of successful farming.
38

39 Ms. Capel asked Mr. Stenzel what the new LESA does accomplish.
40

41 Mr. Stenzel stated that if the new LESA is used it will tend to be ignored.

1

2 Ms. Capel stated that during Mr. Stenzel's opening comments he indicated that the new LESA may well
3 accomplish the opposite of preservation of farmland.

4

5 Mr. Stenzel stated that because he claims that the new LESA is not valid in the general ways that he has
6 indicated it does not do the job of preserving best prime farmland. He said that he has constructed an
7 alternative LESA which he will submit to staff for distribution to the Board at a later date. He said that his
8 alternative LESA looks very different than the recommended LESA. He said that one of things that he
9 suggests is that the impact on neighbors should be taken into account. He said that we should look at the
10 agricultural neighborhood and what the relationship of the site has with the agricultural neighborhood and
11 what the impact of converting that site would do to the agricultural neighborhood. He said that the previous
12 case had testimony regarding the increase in traffic that would be incurred in spite of the fact that the area is
13 still a large agricultural area on best prime farmland. He said that one of the things that was not mentioned
14 during that testimony was what happens when agricultural equipment is moving on the road during the
15 increased traffic that is anticipated. He said that the agricultural equipment is getting larger and some of it
16 takes up two lanes of traffic during transport from one field to another. He said that if grain is being hauled
17 the trucks are moving very swiftly back and forth to the elevators causing an additional increase in traffic
18 during those seasonal times.

19

20 Mr. Thorsland asked the Board if there were any additional questions for Mr. Stenzel and there were none.

21

22 Mr. Thorsland asked if staff had any questions for Mr. Stenzel and there were none.

23

24 Mr. Thorsland called Debra Griest to testify.

25

26 Ms. Debra Griest, who resides at 1802 Cindy Lynn, Urbana, stated that she was honored to serve at the
27 request of the County Board as the Chairman of the committee to update the Site Assessment (SA) factors
28 and subsequently the Land Evaluation (LE) scoring for the Land Evaluation and Site Assessment (LESA)
29 tool. She said that the County Board appointed a group of well qualified and very hard working individuals
30 who possessed a significant breath of knowledge relevant to the use and impact of the LESA tool.

31

32 Ms. Griest stated that it is important to note that these individuals represented a variety of interests. She said
33 that they held true to the principles of updating the LESA tool to align the current land management
34 principles and appropriate uses in Champaign County while holding as an overarching objective of
35 reasonable farmland protection and preservation. She said that they received public input and Mr. Stenzel
36 did attend all but one meeting to speak about the proposed LESA. She said that the public input that was
37 received was from opposing positions and opinions as well as input from the Farm Bureau and other citizens
38 who chose to join in with the Committee during these discussions. She said that although they significantly
39 exceeded their original timeline she believes that the Committee provided a reasonable update
40 recommendation within the time and economic resources available. She said that the recommendation has
41 been forwarded to the ZBA from the County Board and is the subject of tonight's public hearings.

42

43 Ms. Griest stated that it is important to note that the committee had many active discussions that included

1 vetting a wide range of alternatives. She said that the committee members worked hard to update the
2 proposed LESA tool to 1) adhere to the governing laws, 2) be easily understandable by the general public,
3 and 3) be consistent and objective as a assessment instrument.
4

5 Ms. Griest stated that it is also important to note that the LESA tool is one of several tools intended to assist
6 public bodies in making land use decisions. She said that it is expected by our update committee that the
7 LESA tool be used in conjunction with the Champaign County Zoning Ordinance, Champaign County
8 Subdivision Regulations, and Champaign County Stormwater Management Policy. She said that as past
9 Chair of the Champaign County Zoning Board of Appeals she fully understands that the ZBA depends upon
10 the LESA tool as a fundamental building block in its land use recommendations.
11

12 Ms. Griest stated that she will be the first to acknowledge that no tool has the ability to be perfect and that all
13 farmland is important, however, she believes that the LESA proposal in front of the ZBA is reasonable,
14 effective, and will provide Champaign County officials a systematic and objective tool to use in rating a site
15 or parcel in terms of its agricultural importance for protection.
16

17 Ms. Griest encouraged the Board to critically review the proposed revisions and listen to the public
18 testimony with an open mind. She further encouraged the Board to approve and recommend these changes
19 and forward them back to the County Board with a recommendation for approval.
20

21 Ms. Griest stated that she listened to Mr. Stenzel's testimony tonight and, even though her comments are not
22 included in her prepared statement, she must inform the Board that she disagrees both personally and as a
23 LESA Committee member with some if not all of Mr. Stenzel's statements.
24

25 She thanked the Board for the opportunity to speak and indicated that she was available to answer any
26 questions that the Board may have.
27

28 Ms. Griest submitted her written testimony as a Document of Record.
29

30 Mr. Thorsland asked the Board if there were any questions for Ms. Griest and there were none.
31

32 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
33 regarding Cases 710-AT-11 or 711-AT-12 and there was no one.
34

35 Mr. Thorsland stated that the ZBA has been given a large red binder tonight which includes a lot of materials
36 for review.
37

38 Ms. Capel stated that the Board has been given a lot of information therefore for the purpose of reviewing all
39 of the information where is the best place to start.
40

41 Mr. Hall recommended that for Case 710-AT-12 the Board begin with the June 14, 2012, Supplemental

1 Memorandum, Attachment B. which lists seven items of evidence that he has proposed for the Finding of
2 Fact. He said that the Board has all of the documents that are mentioned in the seven items of evidence and
3 he has tried to make it easy for the Board to go back to those attachments and to the LESA Committee
4 website. He said that the Board should do its own reading on what has been done so that when this goes to
5 the County Board and the same comments are received that have been received tonight the County Board can
6 look at the Finding of Fact and realize that the factors of the LESA update have been put together using the
7 same methodology as the existing LESA although it used new productivity information, a different way of
8 organizing agricultural value groups so that there is a smaller spread of productivity in each group, and it
9 was reviewed by both the USDA/NRCS District Conservationist as well as the USDA/NRCS Soil Scientist
10 and they both felt that the new LESA was reasonable. He said that as Ms. Griest pointed out the Committee
11 did not forward the ZBA a perfect instrument but an instrument that will work and will be effective. He said
12 that the Board should review Attachment D of the Supplemental Memorandum dated June 14, 2012, for
13 Case 710-AT-12 and review the other distributed documentation.
14

15 Mr. Hall said that in regards to best prime farmland, the Board should read the four pages in tonight's
16 memorandum for Case 711-AT-12 and read the memorandum that went to the County Board reviewing the
17 table that summarizes the differences. He said that he believes that by the next hearing the Board will have
18 all they need to know about best prime farmland. He said that the Site Assessment Factors will be reduced
19 from 22 to 10 focusing on the importance of agriculture and agriculture viability although unfortunately there
20 is no single reference that the Board can turn to that will tell us what those nine magic things are. He said
21 that the Board must review the factors themselves and decide if the size of the property has anything to do
22 with how important it is. He said that the proposed SA Factors do not just talk about best prime farmland
23 but also about prime farmland and he has not found another LESA in the state that distinguishes between
24 productivity in the site assessment. He said that he believes that whether or not there are ten non-farm
25 homes within one mile of the subject site is a great indicator as to where land would best be saved for
26 agriculture. He said that he will leave it up to the Board's judgment to decide how often livestock
27 management facilities come up in zoning cases because they are out there everywhere and to ignore them, as
28 our current LESA does, is a disservice. He said that there is a lot of data but none of the information is over
29 anyone's head and he will try to boil it all down as much as he can but currently the Board has everything
30 that they need. He said that the notebook includes a section on the test sites and before the case comes back
31 to the ZBA the Board will receive the side by side score sheets of the existing LESA and the proposed
32 update so that the Board can see for themselves how the points have changed between the two score sheets.
33 He said that he knows for a fact that it is easy to drive by a property where there is livestock and not see it
34 but he knows what happens at a public hearing because the Board and staff are held to a very high standard
35 and what goes out as a LESA rating in the Preliminary Memorandum is always subject to review. He
36 encouraged the Board to look at the LESA factors as they do in every case because it is something for the
37 public to review and comment on in the public hearing. He said that he does want the Board to see how the
38 points on a property changed from one scoresheet to another. He said that he does not believe that the cases
39 will be ready for action at the next meeting but the Board will have everything that they need. He said that
40 based on his experiences with the LESA committee you can think about this material for a very long time
41 and still not have it perfect but you will have a reasonable and effective LESA.
42

43 Mr. Hall noted that other county LESA's have been included in the notebook although if one of the members

1 finds another effective LESA then he would appreciate it if they would share it with everyone and enter it as
2 a Document of Record.

3
4 Mr. Thorsland stated that the cases have already been placed on the docket for the next meeting.

5
6 7. Staff Report

7
8 Mr. Hall stated that it is amazing how different 2012 is from 2011. He said that 50% more cases have been
9 docketed for this year and this Board has completed twice as many cases so far this year and the Board still
10 has more cases pending than what it did last year at this time. He said that because of the economic situation
11 a lot of people are coming in with things that require a decision yesterday and so far the waiting time is not
12 too bad but he is already looking for dates to schedule special meetings. He said that the Board has been
13 through one period when there was a backlog of cases which is not good because it gives a bad image and it
14 is hurtful to the economy in its own way.

15
16 Ms. Capel asked Mr. Hall if the fiscal year ends on December 31st.

17
18 Mr. Hall stated no, the fiscal year ends on November 30th. He said that staff has cut back the budget so much
19 over the past few years that when the economy comes back and staff gets more demand the department does
20 not have enough resources. He said that the budget is not the Board’s problem but if he begins requesting
21 additional meetings the Board should ask whether there are enough resources to pay for that meeting.

22
23 Mr. Passalacqua asked Mr. Hall if applications had been submitted for the vacant ZBA seat.

24
25 Mr. Hall stated no.

26
27 8. Other Business
28 A. Review of Docket

29
30 Mr. Thorsland stated that staff previously reviewed the docket with the Board. He said that the June 28th
31 meeting will be a very busy meeting and the entire Board is expected to be present.

32
33 B. May 2012 Monthly Report

34
35 Mr. Hall distributed the May 2012 Monthly Report to the Board for review.

36
37 9. Audience Participation with respect to matters other than cases pending before the Board

38
39 None

40
41 10. Adjournment

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The meeting adjourned at 9:25 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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

7 **DATE:** June 28, 2012 **PLACE:** Lyle Shield's Meeting Room
8 **TIME:** 7:00 p.m. **Urbana, IL 61802**

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

14 **MEMBERS ABSENT :** None

16 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass, Susan Monte (County Planner for
17 RPC)

19 **COUNTY BOARD MEMBERS PRESENT:** Gary Maxwell, Patti Petrie

21 **OTHERS PRESENT :** Mike Buzicky, Kerry Gifford, Charlotte Padgett, Denny Anderson, Patricia
22 Belleville, Kevin Donoho, Norman Stenzel

25 **1. Call to Order**

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

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

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

33 **3. Correspondence**

35 None

DRAFT

37 **4. Approval of Minutes (May 17, 2012 and May 31, 2012)**

39 **Mr. Passalacqua moved, seconded by Mr. Courson to approve the May 17, 2012 and May 31, 2012,**
40 **minutes as submitted. The motion carried by voice vote.**

42 Mr. Thorsland entertained a motion to re-arrange the agenda and hear new public hearing Cases 715-V-12,
43 717-AM-12, 718-S-12 and 719-V-12 prior to continued Cases 710-AT-12 and 711-AT-12.

45 **Ms. Capel moved, seconded by Mr. Passalacqua to re-arrange the agenda and hear New Public**
46 **Hearing Cases 715-V-12, 717-AM-12, 718-S-12 and 719-V-12 prior to Continued Cases 710-AT-12**

1 and 711-AT-12. The motion carried by voice vote.

2
3 Mr. Thorsland stated that a new ZBA policy will be to place text amendments from the Zoning
4 Administrator at the end of the agenda.
5
6

7 **5. Continued Public Hearing**

8 **Case 710-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
9 **Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA)**
10 **System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4 as follows:**
11 **Part A. Revise the Land Evaluation (LE) part as follows: 1. Revise all soil information to match the**
12 **corresponding information in the *Soil Survey of Champaign County, Illinois* 2003 edition. 2. Revise all**
13 **existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop***
14 ***Productivity Rating for Illinois Soils* published August 2000 by the University of Illinois College of**
15 **Agricultural, Consumer and Environmental Sciences Office of Research. 3. Delete the 9 existing**
16 **Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture**
17 **Value Groups with Relative LE ranging from 100 to 0. Part B. Revise the Site Assessment (SA) part**
18 **as follows: 1. Add definitions for “agriculture”; “agricultural production”; “animal units”; “best**
19 **prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal**
20 **use”; and “subject site”.; and 2. Delete SA Factors A.2.; A.3.; B.2.; B.3.; C.2.; D.2.; E.1.; E.2.; E.3.;**
21 **E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.; and 3. Revise SA Factor A.1. to be new Factor 8; Factor B.1. to be**
22 **new Factor 7; Factor C.1. to be new Factor 5; Factor D.1. to be new Factor 1; and revise scoring**
23 **guidance for each revised Factor, as described in the legal advertisement; and 4. Add new SA Factors**
24 **2a.; 2b.; 2c.; 3.; 4.; 6.; 9.; 10.; and scoring guidance for each new Factor, as described in the legal**
25 **advertisement. Part C. Revise the Rating for Protection as described in the legal advertisement. Part**
26 **D. Revise the general text and reformat.**
27

28 **Case 711-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
29 **Ordinance as follows: Part A. In Section 3, revise the definition of “best prime farmland” as follows:**
30 **a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land**
31 **Evaluation rating of 91 or higher”; and b) add “prime farmland soils and under optimum**
32 **management have 91% to 100% of the highest soil productivities in Champaign County, on average,**
33 **as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and c) add “soils**
34 **identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation**
35 **and Site Assessment (LESA) System”; and d) add “Any development site that includes a significant**
36 **amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3**
37 **and/or 4 soils:. Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score**
38 **greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and**
39 **replace with “is made up of soils that are BEST PRIME FARMLAND” Part C. Revise paragraph**
40 **5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s**
41 **Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST**

1 **PRIME FARMLAND”**

2

3 Mr. Thorsland called Cases 710-AT-12 and 711-AT-12 concurrently.

4

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

8

9 Mr. Thorsland called John Hall to testify.

10

11 Mr. John Hall, Zoning Administrator, stated that regarding Case 710-AT-12, the Board received a copy of
12 the draft March 7, 2012, minutes of the LESA Update Committee meeting which will forever remain draft
13 because the Committee no longer exists. He said that the March 7, 2012, meeting was the meeting of the
14 Committee where they took their final vote. He said that the Regional Planning Commission staff had
15 prepared the previous LESA Update Committee meeting minutes although our staff prepared the March 7,
16 2012, minutes and Susan Monte reviewed the minutes for accuracy. Mr. Hall said that in addition to the
17 minutes is the most relevant staff memoranda having to do with site assessment factors and as an attachment
18 to the March 7, 2012, minutes is a memorandum dated February 28, 2012. He said that the reason why he is
19 giving the ZBA their own personal set of minutes is not necessarily to read, although the March 7, 2012,
20 minutes are very entertaining, but he is working on evidence for the Finding of Fact and in that evidence he
21 will refer to the work done by the LESA Update Committee. He said that when the Board receives the
22 evidence in the Finding of Fact the Board will have their own minutes that they can go back to verify the
23 evidence. He said that at the first meeting, June 8, 2011, of the LESA Update Committee the Committee
24 was presented with three alternative sets of site assessments factors and they worked with those three
25 alternative sets and did not look at or talk about the existing site assessment factors. He said that the
26 Committee worked with those three sets and modified them and at the August 12, 2011, meeting they had
27 reduced 21 site assessment factors down to 12 and by the November 2, 2011, meeting they had reduced 12
28 very draft site assessment factors down to 11 with guidance for each and it was at that point that they began
29 with test sites. He said that between June and August the Committee worked with several hypothetical sites
30 to make sure that the beginning set of factors was at least in the ball park.

31

32 Mr. Hall stated that a blue notebook has been placed at each table before the Board that contains every one
33 of the different versions of the draft LESA. He said that there are about nine versions and the coversheet
34 appears very similar for each version but that is about it. He said that the Committee worked very hard
35 improving and revising the site assessment factors and he would like them to be added as Documents of
36 Record thus the reason why the ZBA has been presented with access to every version. He said that the ZBA
37 members may borrow the blue notebooks if they so desire but they will be available at every meeting so that
38 the final Finding of Fact will include every set of minutes for the LESA Update Committee in the
39 Documents of Record as well as every version of the draft LESA.

40

41 Mr. Hall stated that regarding Case 711-AT-12, he distributed a one page handout, Level of Regulation
42 Versus Level of Protection of LE=100 Soils, to the Board for review. He said that throughout the LESA
43 Update Committee work, and throughout the two text amendments, he has been trying to find some way to

1 compare the recommendation for best prime farmland with an alternative that would consist simply of Ag
2 Value Groups 1 and 2. He said that this is important because it is the obvious alternative to that
3 recommendation and it is what many people think of when they think of best prime farmland and he has
4 been searching for some way to compare. He said that if you consider the acres of prime farmland regulated
5 as best prime farmland under each of the approaches obviously one regulates more than 100,000 acres more
6 than the other and because that regulates so much more prime farmland as best prime farmland it tends to be
7 more productive and protected. He said that if you think about this thing that is called "At Risk Best Prime
8 Farmland" the recommendation only leaves approximately 4% at risk which means that 96% of best prime
9 farmland is not at risk at all. He said that the current best prime farmland only protects about 82% of what it
10 calls best prime farmland so there is a big improvement in protection and the recommendation ends up
11 calling 79% of all prime farmland best prime farmland. He said that 79% of all prime farmland in the
12 County is considered best prime farmland under the recommendation which is a huge improvement over the
13 existing approach which considers 85% of prime farmland to be best prime farmland.

14
15 Mr. Hall stated that an alternative is that if AG Value Groups 1 and 2, LE 100 soils, were considered best
16 prime farmland that is only 64% of the prime farmland in the County which is less than two-thirds. He said
17 that the recommendation considers more than three-quarters prime farmland to be best prime farmland. He
18 said that if you consider the amount of best prime farmland protected versus the amount of prime farmland
19 burdened with the designation of best prime farmland both of those approaches ends up with almost the
20 same amount of land burdened per acre therefore one doesn't burden a lot more land on a per acre basis it
21 just protects a lot more land. He said that what best prime farmland is trying to get at is what is the best
22 prime farmland in the County and the unanimous recommendation from the Update Committee was AG
23 Value Groups 1, 2, 3 and 4 in the new draft LESA. He said that if the Board reads the minutes from the
24 March 7, 2012, meeting they will get a sense that it was a unanimous vote. He said that the Committee was
25 trying to show some unanimity on that even though there was some disagreement but that is up to the Board
26 to decide. He said that primarily he wanted to point out that there is an alternative, actually an infinite
27 number of alternatives, and the reason why he is bringing up this one in this table is because it is an
28 alternative that considers only LE 100 soils to be best prime farmland and as a result it leaves a little bit
29 more at risk, 3%.

30
31 Ms. Capel stated that if it redefines best prime farmland as percentage.

32
33 Mr. Hall stated that it identifies 64% of prime farmland as best prime farmland and of that it leaves 26,000
34 acres at risk as opposed to the recommendation which leaves 16,000 acres at risk. He said that Champaign
35 County has 640,000 acres in its area and that 10,000 acre difference is very small and there are people in
36 Champaign County who believe that if you lose even one acre of AG Value Groups 1, 2, 3 and 4 because
37 you did not protect it then that is one acre too much. He said that the Board has everything that they need for
38 the evidence regarding the draft LE, the best prime farmland recommendation and now the site assessment
39 factors. He said that he intends to sort through the site assessment factors at least at the first draft level and
40 then the Board can go back through and modify the draft evidence as the Board pleases. He said that the
41 mailing included the score sheets therefore the Board can compare the existing site assessment factors with

1 the proposed.

2
3 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

4
5 Mr. Courson asked if the changes increases staff's work load.

6
7 Mr. Hall stated that based on the draft, for every zoning case involving rural property staff will not have to
8 evaluate 22 factors but will only have to evaluate 10. He said that a lot of those factors are things that staff
9 already analyzes anyway therefore it is not adding anything new. He said that the current LESA asks for the
10 percent of land within a one and one-half mile area that is agriculture and for 99% of the cases that is an easy
11 call because it is always more than 90% but in the future when there are cases along the CR district it will be
12 more difficult. He said that staff has never done a parcel by parcel evaluation because the existing LESA
13 gives zero guidance on what to consider agriculture and what to not consider as agriculture. He said that
14 starting in 2004 he had a really good idea of what was considered agriculture because that is when the
15 County added the new maximum lot size requirements and the new RRO requirements which exempts
16 everything 35 acres and larger. He said that if there is a rezoning case in the CR district staff will be
17 spending a lot more time on that one factor about how much of the land use in the surrounding mile is
18 agriculture. He said that staff will have new guidelines to go by and it will take more work but it is what
19 those types of cases deserve and it is what staff should be doing and staff will be spending several hours
20 using the GIS to refine that to obtain an accurate estimate of agricultural land use based on how we do it. He
21 said that staff will be using half as many factors but will be spending a lot more time on those ten factors to
22 make sure that it is right because that is what the public expects and deserves. He said that staff has a
23 comprehensive set of guidelines to go by which is a major improvement over the existing LESA.

24
25 Mr. Passalacqua stated that it appears that the proposed LESA had more discrepancies in scores for the much
26 smaller parcels than the larger parcels. He said that the new score compared to the score under the old LESA
27 varied more as the parcel was smaller.

28
29 Mr. Hall stated that it is fair to say that larger parcels, typically best prime farmland parcels, under both
30 LESAs would be expected to get high scores and the new LESA is expected to get at least 30 points higher
31 because it gives points for best prime farmland and the existing LESA does not. He said that the existing
32 LESA has a factor for how much of the site is suitable for production with no guidance on how to make that
33 assessment. He said that the new LESA gets rid of that factor and replaces it with a factor simply of how
34 much has been in production during the last five years and aerial photographs from the SWCD can be
35 obtained to help with that determination. He said that the new LESA also has a factor discussing how much
36 of the property is in production and if there are woodlands that are being managed for timber and the
37 petitioner indicates that then staff will consider that portion of the land in production but if the petitioner
38 does not manage or harvest that woodland then it will not be considered in production. He said that this is a
39 fair approach and it could result in a big difference. He said that if a parcel is small and is considered best
40 prime farmland it will receive the initial 30 points just because it is best prime farmland. He said that even a
41 small best prime farmland parcel will probably end up with a higher score under the draft LESA than under
42 the existing LESA. He said that one of the biggest areas where there will be a difference is when a parcel is
43 within one and one-half miles of a municipality but not within the CUGA. He said that the existing LESA

1 would not distinguish between CUGA or that part of the one and one-half mile area where there will not ever
2 be water or sewer, it treats it the same way. He said that the draft LESA will make that distinction and a
3 higher score will be obtained if the parcel is within one and one-half miles of a municipality, but not in a
4 CUGA, than the existing LESA because the existing LESA simply asks how far the parcel is from sewer and
5 water and doesn't take into account whether it is feasible for sewer or water to be there just how far is it from
6 it which is not very useful. He said that the current LESA has been used since 1984 but it is not a very
7 useful approach in many instances. He said that in general, many times the scores will be higher although
8 sometimes they may be lower and that is what the Update Committee tried to achieve for small properties
9 where there has not been a lot of production even if it is best prime farmland. He said that it was asked that
10 if a parcel has not historically been farmed and it is small should it get a higher rating and some of the
11 Committee members thought that it shouldn't but those same people indicated that the draft LESA was not
12 getting as low a score as they had hoped for but they thought that the Committee had done all it could do.

13
14 Ms. Capel asked if a small parcel is one, five, twenty-five or thirty five acres.

15
16 Mr. Hall stated that for a parcel to be the subject of a LESA analysis the property is the subject of a rezoning
17 and people generally do not rezone one acre even for a one lot RRO. He said that the Zoning Ordinance
18 prohibits division of a five acre parcel therefore, in his judgement, small is a parcel which is ten acres or less.

19
20 Ms. Capel stated that one of her concerns had to do with local food production type agriculture. She asked if
21 the Committee had any concerns regarding local food production type agriculture.

22
23 Mr. Hall stated that the Committee recognized that larger properties are more suitable for agriculture in
24 general. He said that the Committee stopped awarding extra points for area at 25 acres as opposed to the
25 current LESA which goes up to 100 acres. He said that the Committee also thought that to a certain extent
26 that all agriculture is agriculture but they made a distinction in regards to livestock facilities. He said that the
27 consensus of the Committee was that livestock facilities, of any size, are more incompatible with non-
28 agricultural land uses therefore extra points were awarded and was cut off at 50 animal units. He said that a
29 horse stable with less than 25 horses would not get any points in the draft LESA evaluation and the existing
30 LESA does not award any points for 400 horses. He said that the Committee did not consider all agriculture
31 the same and no special provision was given for local food production.

32
33 Ms. Capel asked if there is anything in the draft LESA about existing agricultural infrastructure.

34
35 Mr. Courson stated yes.

36
37 Mr. Hall stated no, not in the final version of the site assessment factors.

38
39 Mr. Thorsland stated that the Board could try to include such.

40
41 Mr. Hall stated that the only deadline is that it would be nice to have this case to the County Board before

1 harvest season but if the ZBA is not ready to recommend it then so be it.

2
3 Mr. Thorsland stated that he has a lot of experience with small food production and they started out with
4 seven acres and have grown to 38 acres. He said that they produce food and they have a tremendous amount
5 of infrastructure and they have drainage and have made improvements but he sees a score sheet that puts his
6 farm very low. He said that he is not going to ask for a zoning change nor is he going to sell his property but
7 his farm scores very low with the draft LESA and is hardly considered a farm because it is too close to
8 Mahomet and is on poor soil. He said that his farm's score on the LE side would be very low but on the SA
9 side it be low or moderate and someone looking to farm his particular application would find it an ideal site
10 and he would hope to see it as a protected site for future generations. He said that he intends to read all of
11 the minutes to see how the Committee got to the proposed draft LESA. He encouraged the Board to read the
12 documentation supplied by staff to learn as much as possible about the existing and proposed draft LESA.

13
14 Mr. Thorsland called Kevin Donoho to testify.

15
16 Mr. Kevin Donoho, District Conservationist for the Champaign County Soil and Water Conservation District
17 and member of the LESA Update Committee, stated that the LESA Committee was formed hoping to
18 accomplish its mission in three meetings although it ended up being 15 meetings. He said that it goes
19 without saying that a terrific effort was put forth by everyone on the Committee and he does not believe that
20 a single stone was left unturned during the process. He said that in order to make it the process in as
21 streamlined as much as possible but yet to be thorough was a difficult task. He said that he would be happy
22 to address any questions that the Board may have regarding the draft LESA.

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

25
26 Mr. Thorsland asked if staff had any questions for Mr. Donoho and there were none.

27
28 Mr. Thorsland called Norman Stenzel to testify.

29
30 Mr. Norman Stenzel, who resides at 545A CR 1900N, Champaign, stated that he spoke at the last public
31 hearing regarding validity and reliability and provided written testimony for the Board's review. He said that
32 he does not believe that the idea of the viability of agriculture at any scale is adequately protected under the
33 old or new LESA. He said that neither LESA is particularly good in considering what the Federal legislation
34 provides. He said that Federal legislation protects prime farmland not suitable farmland and that is a
35 national need because we need a secure food supply. He said that if we were in the Eisenhower
36 administration it would be labeled under national defense.

37
38 Mr. Stenzel stated that the second characteristic of a LESA according to the census is the viability of
39 agriculture. He said that the current LESA does not adequately address local food production and it does not
40 take into account the characteristics of large scale agriculture. He said that one of the things that have
41 happened in agriculture is that farms are becoming larger and there are investors who are purchasing a lot of
42 land to convert the land into other purposes. He said that every acre that is converted threatens another
43 farmer because they need land to be able to afford the large equipment, maintenance of the infrastructure,

1 and construction of grain bins and machine sheds. He said that if a farm is next to an elevator facility points
2 may be taken away for protection. He said that farms are increasing in size with a result of fewer farmers
3 and the age of the average farmer is older these days because younger people are not going into farming like
4 they did in the past.
5

6 Mr. Stenzel stated that another aspect of the large scale farm is that the equipment is getting larger and
7 increases traffic and the liability on the farmer. He said that he has friends who farm near Illinois Route 47
8 who have a difficult time getting their equipment across to their farms due to the commuter traffic. He said
9 that he lives on CR 1900N which is a commuter road which residents along the Sangamon River travel past
10 his residence every morning and evening. He said that when traffic is assessed it never adds to the traffic
11 that already exists on the road therefore any existing traffic can change large scale agriculture. He said that a
12 local food producer may have difficulty with their clients picking up their produce due to the traffic on the
13 road. He said that the Federal legislature questions the impact on neighbors and the proposed LESA does
14 not have a significant review on the impact on neighbors. He said that the Federal legislature also questions
15 the impact on businesses that serve agriculture and he is not sure if the existing or proposed LESA looks at
16 that kind of thing. He said that if viability of agriculture is discussed then you have to have the infrastructure
17 locally or on the property but also agricultural businesses.
18

19 Mr. Stenzel stated that he has an alternative LESA that he will send to staff for distribution to the ZBA for
20 review. He said that his alternative LESA is a demonstration of an alternative and it is not a final document
21 because he has not had time to apply particular ideas or locations. He said that if you review the instrument
22 you will see different ways of looking at what a LESA might do. He said that one of the problems that
23 LESAs all over the United States have is that they have taken the Federal model and tried to apply it locally.
24 He said that trying to apply an instrument with different goals and intent and converting it to a local version
25 is not doing a good job because it is not necessarily valid or reliable. He said that Mr. Hall has spent some
26 time in getting the ZBA a set of points and justification for the set of points but the Board should look at the
27 narrative of the proposed LESA because in various places it indicates that it is arbitrary. Mr. Stenzel stated
28 that there needs to be a process and development that has a way to justify the weighing of items and it is not
29 clear in the distributed information as to how those items were weighted. He said that the Board may ask
30 why one item is more important than another and maybe that item should be because it is really necessary to
31 make a judgment whether something is good or bad. He said that the weighing needs to be justified and
32 identified and that process did not occur.
33

34 Mr. Stenzel stated that if the Board will review Mr. Hall's comparison of the old LESA to the new LESA is
35 bad because it is hard to tell whether one is really better than another. Mr. Stenzel stated that his handout
36 suggested that the County not approve the proposed LESA and that the County try it out for a year or so as
37 one of several instruments that are compared over the year and set a standard as to what those instruments
38 should do. He said that the instrument could be compared to a real life situation to see how they work and if
39 it looks right when it is applied. He said that there are cases from the past that can be utilized to compare the
40 LESAs to but the proposed LESA should not be approved just because it is a good idea and a lot of work has
41 been put forth to develop it. He would like the Board to give the proposed LESA a real test before it is

1 approved to see it is better or if it works.

2
3 Mr. Stenzel stated that the Board may wonder what the LESA really does. He said that a parcel that is
4 subject to the LESA has to be more than three miles from town and has to be in agricultural production or a
5 lumbering plan must be in place for the wooded area. He said that the timber in the wooded area might be
6 useful for other purposes because in the old days there were hedge rows or the wooded area may be intended
7 for nut crops. He said that the wooded area could be a buffer between farm property and non-farm property
8 therefore there are other functions of production for every type of land and the current and proposed LESAs
9 do not agree.

10
11 Mr. Thorsland asked the Board if there were any questions for Mr. Stenzel and there were none.

12
13 Mr. Thorsland asked if staff had any questions for Mr. Stenzel and there were none.

14
15 Mr. Thorsland called Susan Monte to testify.

16
17 Ms. Susan Monte, County Planner for the Regional Planning Commission, stated that she facilitated the
18 LESA Update Committee and is attending the ZBA meetings to hear a fresh prospective provided by the
19 Board. She said that one of the major focuses of the LESA Update Committee was to be able to be
20 consistent with the method of applying the proposed Site Assessment Factors and LE Factors.

21
22 Mr. Thorsland asked the Board if there were any questions for Ms. Monte and there were none.

23
24 Mr. Thorsland asked if staff had any questions for Ms. Monte and there were none.

25
26 Mr. Thorsland stated that the Board has homework for these cases. He said that the Board has been given a
27 lot of materials and the Board needs to read the materials and become familiar with their content. He said
28 that many of the Board's questions can be answered by reading the materials. He said that all of the materials
29 are available on the County website. He asked the Board if there were any questions for staff at this point.

30
31 Mr. Thorsland asked Mr. Hall if both cases could be included on each docket date.

32
33 Mr. Hall stated that they could but it would be an unrealistic expectation to continue these cases to the July
34 12, 2012, meeting but it could be on the agenda to address any questions from the Board.

35
36 Mr. Thorsland stated that the cases are to be heard as the last cases of the evening.

37
38 Mr. Hall stated that staff will place these cases on the July 12, 2012, agenda as the last two cases of the
39 evening with a note indicating the following: For Board discussion only. He said that the cases will be
40 included on the July 26, 2012, meeting for a more robust discussion. He said that the cases will be placed on
41 every meeting possible until a final determination is made.

42
43 **Ms. Capel moved, seconded by Mr. Palmgren to continue Cases 710-AT-12 and 711-AT-12 to the July**

1 12, 2012, and July 26, 2012, meetings. The motion carried by voice vote.

2
3 **6. New Public Hearings**

4
5 **Case 715-V-12 Petitioner: John Behrens Estate and Anne and Denny Anderson Request to authorize**
6 **the following in the R-1 Single Family Residence Zoning District: Part A. Variance for a side yard**
7 **and rear yard of an existing shed of 1 foot in lieu of the minimum side yard and rear yard of 5 feet;**
8 **and Part B. Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear**
9 **yard of 5 feet; and Part C. Variance from Section 4.2.D. requirement that no construction shall take**
10 **place in a recorded utility easement; and Part D. Variance from a minimum separation from a rear**
11 **property line for parking spaces of 1 foot in lieu of the minimum required 5 feet. Location: Lot 1 of**
12 **Windsor Park Subdivision in the Northwest Quarter of Section 25 of Champaign Township and**
13 **commonly known as the home at 1 Willowbrook Court, Champaign.**

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

23
24 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
25 sign the witness register for that public hearing. He reminded the audience that when they sign the
26 witness register they are signing an oath.

27
28 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.

29
30 Mr. Denny Anderson, who resides at 1 Willowbrook Court, Champaign, stated that he and his wife are 99%
31 owners of the subject property and will not be 100% owners until the John Behrens Estate is settled. He said
32 that he is doing his best to clean up the backyard but as a Scoutmaster for the Boy Scouts he has a lot of
33 materials and equipment for the troop that must be stored in a shed. He said that he built the large shed in
34 the backyard although he was not aware that a permit was required for construction. He said that as soon as
35 he was notified by the County he stopped construction immediately. He said that there was an older existing
36 two track down the edge of the property and he placed concrete over the top of it only to discover that it too
37 should have been five feet from the property line. He said that he lives on a cul-de-sac and everyone else
38 parks next to their property lines therefore he did not realize that was an issue. He said that the whole idea is
39 to get the back yard cleaned up so that he can park the scout trailer, store seven troop canoes, 2 troop sleds,
40 coolers, etc. in the tool shed once it is completed. He said that it was alleged that he built the shed around a
41 utility pole although the utility pole was abandoned and topped a few years ago and the power lines were

1 moved off of the pole. He said that when he inquired about the pole to the utility company they indicated
2 that he could have the pole to do with whatever he desired therefore he built his shed around the pole. He
3 said that Chris Elliott, Engineering Representative with Ameren Illinois, was contacted about the situation
4 and he indicated that there was no issue.

5
6 Mr. Passalacqua asked Mr. Anderson if the easement was removed by Ameren as well.

7
8 Mr. Anderson stated no. He said that the when the pole was replaced a few years ago the power company
9 discovered that they could not access the front of the property due to a 30 degree slope therefore they had to
10 access the back yard through a neighbor's yard on the other side of his property. He said that the area that
11 has the 5 foot easement has a slope of 30 degrees.

12
13 Mr. Passalacqua asked Mr. Anderson if the easement still exists.

14
15 Mr. Anderson stated yes.

16
17 Mr. Thorsland asked the Board if there were any further questions for Mr. Anderson and there were none.

18
19 Mr. Thorsland asked if staff had any questions for Mr. Anderson and there were none.

20
21 Mr. Thorsland called John Hall to testify,

22
23 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated June 28, 2012, to the
24 Board for review. He said that attached to the new memorandum is an e-mail and photographs that were
25 received from Dick Barker, a neighbor who lives one block south of the subject property. Mr. Hall stated
26 that the photographs indicate the materials that are being stored outside which is a violation of the
27 Champaign County Nuisance Ordinance but if the materials were stored inside of the shed the violation
28 would be resolved. He said that he is only mentioning this to make the Board aware that this case points out
29 the relationship between the Nuisance Ordinance and the Zoning Ordinance. He said that normally outdoor
30 storage of any kind like this is a violation and when he first viewed the photographs of the subject property it
31 appeared to be a contractor's facility but he has no evidence that it is a contractor's facility. He said that if it
32 were a contractor's facility or a home occupation of a contractor they would register as a contractor and no
33 outdoor storage would be allowed unless granted by variance. He said that no such variance was included
34 because it was never asserted to staff that this was a home occupation. He said that he does not know what
35 the public hearing will reveal but there are nuisance violations that may be rectified if the variance is granted
36 but if it is not granted or not granted in its entirety the nuisance violations could still exist. He said that the
37 ZBA has no jurisdiction over the Nuisance Ordinance therefore staff would work with the landowner to clear
38 up the nuisance and if it is not cleaned up in a reasonable amount of time staff will forward the nuisance case
39 on to the State's Attorney.

40
41 Mr. Thorsland asked the Board if there were questions for Mr. Hall.

42
43 Mr. Courson asked Mr. Hall if he would consider the storing of materials for the Boy Scout troop a home

1 occupation.

2

3 Mr. Hall stated that we could but outdoor storage is not allowed unless there is a variance. He said that the
4 Home Occupation regulations goes beyond what the basic Ordinance allows and the Home Occupation
5 regulations do not allow outdoor storage on a residential property regardless of the reason.

6

7 Mr. Passalacqua asked if the ZBA has the power to indicate what could or could not be built inside of the
8 easement.

9

10 Mr. Hall stated that it is up to the power company. He said that documenting that an easement has been
11 vacated is very difficult and the ZBA would need to know that all of the interested parties involved have
12 been contacted about the vacation. He said that in this part of Champaign-Urbana he does not believe that
13 there very many utilities inside of the easement but he is sure that it is more than just Ameren.

14

15 Mr. Passalacqua stated that he can understand why the field guy indicated that the abandoned pole was not a
16 big deal although it is not his jurisdiction, per say, to indicate such.

17

18 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall or Mr. Anderson and there
19 were none.

20

21 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Anderson.

22

23 Ms. Charlotte Padgett, who resides at #1 Lyndhurst Place, Champaign, stated that she has reviewed the
24 County's records and those records indicate that Mr. and Mrs. Anderson only have 1/3rd interest in the
25 subject property. She asked Mr. Anderson if he is indicating that he and his wife own 99% of the subject
26 property.

27

28 Mr. Anderson stated yes, based on the settlement of the estate. He said that Mrs. Anderson's brother is
29 taking care of the estate and it could take several months to finalize it. He said that as the estate process
30 continues they are awaiting a final amount so that they can write a check to the estate to finalize their
31 ownership.

32

33 Ms. Padgett asked Mr. Anderson why he believed that no permit was required for the construction.

34

35 Mr. Anderson stated that he believed that since he was in the County and not in Champaign or Savoy that a
36 permit was not required although he now knows that his belief was incorrect.

37

38 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Anderson.

39

40 Ms. Pat Belleville, who resides at 511 Park Lane Drive, Champaign, stated that she is the Chair of the
41 Windsor Park Homeowner's Association and is present tonight to represent the neighborhood. She asked

1 Mr. Anderson why one of the organizations which sponsors the Boy Scout Troop doesn't store the
2 equipment at their site.

3
4 Mr. Anderson stated that their sponsoring organization is Private Financial for Lutherans and they have no
5 property per say although the Boy Scout troop does meet at a Lutheran Church. He said that he builds tree
6 houses and the materials that are located on his property are for the next tree house. He said that there is a
7 plan to do several others although because of this process he does not want to be a storage facility therefore
8 all materials will be moved to Camp Drake in Vermilion County.

9
10 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Anderson and there was no
11 one.

12
13 Mr. Thorsland asked Mr. Anderson if after the next tree house project is completed all of the materials will
14 be removed from the subject property.

15
16 Mr. Anderson stated yes.

17
18 Mr. Thorsland asked Mr. Anderson if the materials are removed would the shed still be required.

19
20 Mr. Anderson stated yes, because he has a lot of troop equipment and the trailer. He said that the four foot
21 shed is full of the materials for the next project but once that is complete the materials will be gone.

22
23 Mr. Thorsland stated that the shed which includes the abandoned utility pole is the structure that is in the
24 easement and requires the variance.

25
26 Mr. Anderson stated yes.

27
28 Mr. Thorsland asked the Board if there were any questions for Mr. Anderson and there were none.

29
30 Mr. Thorsland asked if staff had any questions for Mr. Anderson and there were none.

31
32 Mr. Thorsland called Charlotte Padgett to testify.

33
34 Ms. Charlotte Padgett, who resides at #1 Lyndhurst Place, Champaign, stated that she is attending the
35 meeting tonight as a resident of Windsor Park and as Deputy Assessor for Champaign Township. She asked
36 if there was a penalty for not obtaining a permit for new construction in the County.

37
38 Mr. Hall stated that there is no penalty.

39
40 Ms. Padgett stated that if there is no penalty what would prompt someone into getting a permit.

41
42 Mr. Hall stated that if no permit is issued then it becomes an enforcement case and if the enforcement case is
43 not resolved the case is forwarded to the State's Attorney and if the case ends up in court the judge can

1 impose a fine up to \$500 per day. He said that it is unusual for a judge to impose such a penalty because
2 they are generally only interested in compliance.
3

4 Ms. Padgett stated that she has pictures of the subject property that were taken over the weekend that she
5 would like to distribute to the Board for review and submit as a Document of Record. She said that the
6 pictures show the hay bales that are stored next to the house, the van blocking the public sidewalk and
7 extending out into the cul-de-sac. She said that Mr. Anderson indicated that when Ameren abandoned the
8 old power pole and installed the new power pole that they went through the property to the east although
9 there is currently a fence on that property and Ameren would not be able to gain access. She said that one of
10 the pictures in the packet indicates the roof of the large shed which appears to be a fire hazard due to
11 exposed insulation. She said that she can see, upon occasion, when people will fail to obtain a permit for
12 new construction but ignorance is no excuse. She said that if the variance is approved Mr. Anderson's
13 property will be reassessed.
14

15 Mr. Thorsland asked if staff had any questions for Ms. Padgett.
16

17 Mr. Hall asked Ms. Padgett if she had any solid evidence that would indicate that the subject property is
18 hurting the property values of the neighboring properties.
19

20 Ms. Padgett stated yes. She said that the house on the corner of Lyndhurst Place went into foreclosure after
21 it was on the market for three years. She said that houses in Windsor Park do sell and last year it was one of
22 the better sales areas in the market.
23

24 Mr. Hall stated that in regards to the house that had been on the market for three years, our office only
25 became aware of this case since February 2012.
26

27 Ms. Padgett stated that the construction on the subject property has been going on for some time and it is her
28 understanding, from neighbors living in the Willowbrook cul-de-sac, that when #2 Willowbrook Ct. was on
29 the market and for sale is when the additional parking drive on the subject property was installed and the
30 construction began. She said that she has a copy of the 2008 GIS map which indicates the concrete
31 driveway.
32

33 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Padgett and there was no one.
34

35 Mr. Thorsland asked the Board if there were any questions for Ms. Padgett.
36

37 Mr. Courson stated that the parking on the sidewalk would be an issue for the Sheriff's office.
38

39 Ms. Padgett stated that she has not called the Sheriff's office but she has contacted the township highway
40 commissioner and he will be addressing the issue.
41

1 Mr. Thorsland asked if the Board or staff had any further questions for Ms. Padgett and there were none.

2
3 Mr. Thorsland called Patricia Belleville to testify.

4
5 Ms. Patricia Belleville, who resides at 511 Park Lane Drive, Champaign, stated that she is the Chair of the
6 Windsor Park Homeowner's Association. She said that she has offered to attend the meeting the meeting to
7 represent the neighborhood because there were concerns about the property located at #1 Willowbrook
8 Court. She said that the original owner of the property, John Behrens, kept the property extremely neat and
9 he was good neighbor and he was loved by everyone who resided on Willowbrook Court. She said that since
10 Mr. Behrens' passing there has been concerns and complaints submitted to the homeowner's association
11 concerning the subject property. She said that the covenants stated that no storage of building materials is
12 allowed on the property. She said that she spoke to Steve Estes with Ameren and he indicated that Ameren
13 would be happy to see the buildings removed because it restricts access to the lines and they prefer to not
14 have any structures under the power lines however Ameren cannot enforce this therefore they leave it up to
15 the County to enforce.

16
17 Ms. Belleville stated that the residents of Windsor Park are concerned about the buildings which are located
18 under the power lines because recently two transformers caught on fire in the neighborhood. She said that
19 the residents are also concerned about the condition of the property and most people have all of their assets
20 tied up in their property therefore any lowering of their property value concerns the residents of the
21 neighborhood. She said that all driveways that were originally designed for Windsor Park were approved by
22 an architectural board and were installed when the homes were built. She said that the additional driveway
23 was not approved by the architectural board.

24
25 Ms. Belleville stated that she would like to submit 18 e-mails and letters from the neighbors opposing the
26 requested variance and one letter supporting the variance request.

27
28 Mr. Passalacqua asked Ms. Belleville if the covenants require certain materials for construction of a home or
29 shed.

30
31 Ms. Belleville stated no, but it does detail placement. She said that it appears that the variances of the
32 covenants is the same as the County Ordinance in that structures must be placed away from power lines and
33 property lines.

34
35 Mr. Courson asked Ms. Belleville if the Homeowner's Association has any enforcement process.

36
37 Ms. Belleville stated that she has asked about enforcement and the previous members of the association
38 indicated that they did not remember ever having any issues that required enforcement. She said that there
39 are several lawyers within the neighborhood who have helped with various issues over the years but she has
40 not had anyone indicate that the association has had to enforce the covenant's requirements.

41
42 Mr. Thorsland asked the Board if there were any additional questions for Ms. Bellville and there were none.

43

1 Mr. Thorsland asked if staff had any questions for Ms. Belleville and there were none.

2

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

4

5 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time and there was no
6 one.

7

8 Mr. Anderson requested the opportunity to address the Board.

9

10 Mr. Thorsland called Mr. Anderson.

11

12 Mr. Anderson stated that, assuming that he gains permission to complete the shed, the first thing that is to be
13 done is to install the metal roof on the shed. He said that he had to stop construction as soon as he was
14 notified of the violation.

15

16 Mr. Thorsland asked Mr. Anderson to indicate how long he has resided at the subject property.

17

18 Mr. Anderson stated that he has resided at the property for ten years.

19

20 Mr. Thorsland asked Mr. Anderson if there is a start or completion date of the second tree house that will
21 consume most, if not all, of the materials that are being stored on the property.

22

23 Mr. Anderson stated that the second tree house will be completed within 12 months. He said that the first
24 tree house took about 3 months of construction at the end of the year when he had more free time to commit
25 to the project. He said that once the construction begins the materials will go away and if there is a delay or
26 complication then he is sure that he can obtain permission to move the project to Camp Drake.

27

28 Mr. Thorsland asked Mr. Anderson if the two vehicles which are parked in the driveway in the photograph
29 belong to him.

30

31 Mr. Anderson stated he just got back from summer camp with the Boy Scouts and he has not had time to
32 move things around and yes he does have a vehicle which crosses the sidewalk but the sidewalk does not go
33 anywhere therefore no one uses it. He said that all of the vehicles in the neighborhood park across this
34 sidewalk in a similar fashion but once he has time to get everything situated and the troop trailer parked in
35 back the van will be relocated to not block the sidewalk.

36

37 Mr. Courson asked Mr. Anderson if the slate, metal, flag stone and other masonry materials are used for the
38 tree house.

39

40 Mr. Anderson stated that some of the materials are donated and the flag stone and masonry materials will be
41 used for the entryway. He said that anything that is not used will be moved out of the yard.

1
2 Mr. Courson asked Mr. Anderson if he had considered moving the materials and equipment to a self-storage
3 warehouse.
4
5 Mr. Anderson stated that he would rather not have to spend the money and spend the time in moving the
6 materials therefore he would rather move everything to Camp Drake.
7
8 Mr. Thorsland asked Mr. Anderson if he had any written information from Mr. Elliott other than his card.
9
10 Mr. Anderson stated that he does not have any written information. He said that he has called Ameren and
11 they indicated that Mr. Elliott is the point of contact and visited the site and approved it. He said that it is
12 physically not possible for Ameren to access the area and the neighbor's fence was in place when the new
13 pole was installed.
14
15 Mr. Passalacqua asked Mr. Anderson if leading a Boy Scout troop is his full-time occupation.
16
17 Mr. Anderson stated that one would think so but he does do design and construction to support his scouting
18 habit.
19
20 Mr. Passalacqua asked Mr. Anderson if he uses some of the same materials in his full-time position as well.
21
22 Mr. Anderson stated yes, but not the materials that are on his property because they are donated.
23
24 Mr. Passalacqua asked Mr. Anderson where he keeps his materials for his employment projects.
25
26 Mr. Anderson stated that he does not keep materials because he mostly does sub-contracting.
27
28 Mr. Hall asked Mr. Anderson that if he does design and construction does he understand that any
29 construction in Champaign County requires a permit.
30
31 Mr. Anderson stated yes.
32
33 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Anderson.
34
35 Ms. Charlotte Padgett asked Mr. Anderson if he uses the bales of hay for the tree houses as well.
36
37 Mr. Anderson stated that the bales of hay are used for an archery merit badge and they will be gone in
38 August because there is a merit badge seminar scheduled.
39
40 Ms. Padgett stated that the bales of hay have been on his property since last August.
41
42 Mr. Anderson stated yes, because that was the last date that the hay bales were used and the casual observer
43 would not see the hay bales.

1

2 Mr. Courson asked Mr. Anderson if, as a contractor in Champaign County, there are other structures that he
3 has contracted or constructed which did not obtain permits.

4

5 Mr. Anderson stated a lot of his work is in Danville and the inner-community of Champaign for interior
6 renovations and room additions.

7

8 Mr. Thorsland asked the Board if there were any additional questions for Mr. Anderson and there were none.

9

10 Mr. Thorsland asked if staff had any questions for Mr. Anderson and there were none.

11

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

13

14 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
15 regarding Case 715-V-12 and there was no one.

16

17 Mr. Thorsland closed the witness register.

18

19 Mr. Thorsland asked staff to clarify who is responsible for utility easement enforcement. He said that the
20 ZBA does not normally grant variances within an easement.

21

22 Mr. Hall stated that staff would discourage a request for an easement like this because it is his understanding
23 that it is difficult to document that no utility company requires that easement. He said that he suspects that
24 even if Ameren did vacate the easement as the principal user of the easement that there are other service
25 providers that use utility easements.

26

27 Mr. Passalacqua stated that even if the pole has been abandoned he does not believe that they will vacate the
28 easement.

29

30 Mr. Thorsland re-opened the witness register and allowed Ms. Padgett to address the Board.

31

32 Ms. Padgett stated that she has a photograph of the power lines and will submit it as a Document of Record.
33 She said that there are four lines that travel from the south to the north that would have to be attached or go
34 through one or both of the existing poles. She said that the subject property is located in Phase I of Windsor
35 Park in which all of the major utilities are placed overhead. She said that she lives in Phase VII of Windsor
36 Park which has all of its major utilities underground but the original phases of Windsor Park have major
37 utilities overhead. She said that everyone on Willowbrook Court and Lyndhurst are serviced by that power
38 pole and that line runs on the east side of the property along the fence line.

39

40 Mr. Courson asked Ms. Padgett if the subdivision is connected to municipal water and sewer.

41

1 Ms. Padgett stated yes.

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

4
5 Mr. Thorsland asked if the Board had any further questions for Ms. Padgett and there were none.

6
7 Mr. Thorsland asked if staff had any questions for Ms. Padgett.

8
9 Mr. Hall asked Ms. Padgett if she was the person who spoke to Steve Estes.

10
11 Ms. Padgett stated no.

12
13 Mr. Thorsland stated that he would like to hear from a representative of the power company because
14 currently all of the comments related to the power company have come from someone who is not from the
15 power company. He asked the Board if there were any other questions that the Board would like answered.

16
17 Mr. Courson stated that he would like to know what other services utilize the easement.

18
19 Ms. Capel stated that perhaps staff could call J.U.L.I.E. to see what types of utilities are in the easement.

20
21 Mr. Hall stated the requested variances are very large variances that will result in very small yards and he
22 does not know what degree of confidence he has in the one foot yards.

23
24 Mr. Passalacqua stated that the Board needs to discuss the three other variances that have nothing to do with
25 the easement before we consider anything further.

26
27 Mr. Hall stated that a sticking point for him would be the degree of confidence that the one foot is an
28 accurate measurement. He said that the only way to assure the accuracy of the measurement is to require a
29 boundary survey which could also indicate anything located underground.

30
31 Mr. Thorsland asked Mr. Hall if the expense of the survey would be burdened upon the petitioner.

32
33 Mr. Hall stated yes.

34
35 Ms. Charlotte Padgett, #1 Lyndhurst Place, Champaign, stated that her husband used to work for the Urbana-
36 Champaign Sanitary District and they have the sanitary lines platted out on the lots.

37
38 Mr. Thorsland stated that the Board needs to decide how confident they are regarding the measurements
39 indicated on the site plan. He asked if the measurements were taken by the petitioner or staff.

40
41 Mr. Kass stated that the indicated measurements are from the petitioner.

42
43 Mr. Thorsland stated that it may be appropriate for the Board to review the Finding of Fact to determine if

1 the Board has enough information to move forward. He said that personally his comfort level is not very
2 high but he hates to have the petitioner burdened with additional expense if the Board does not intend to
3 grant the other three variances.
4

5 Mr. Courson stated that he is not in favor of granting a variance if the easement exists. He said that he
6 requires documentation regarding the status of the easement before he would consider anything else.
7

8 Mr. Thorsland stated that the first question to answer is whether or not the easement has been abandoned in a
9 documented form.
10

11 Ms. Capel stated the Board could be giving a variance that is over the property line.
12

13 Mr. Thorsland stated that the Board cannot grant such a variance.
14

15 Mr. Passalacqua stated that it has been determined that it is not the Board's venue to grant a variance in
16 regards to an easement. He said that it is highly unlikely that the easement has been abandoned for all of the
17 pertinent parties therefore documentation must be submitted to clarify the easement status.
18

19 Mr. Hall stated that he does not know how Mr. Anderson determined the dimensions indicated on the site
20 plan but if he identified the corner pins then the Board may have a high degree of confidence of where the
21 five foot wide easement is located.
22

23 Mr. Passalacqua stated that perhaps the Board should ask Mr. Anderson that question.
24

25 Mr. Thorsland called Denny Anderson to address the Board.
26

27 Mr. Anderson stated that there is a very obvious pin located at the front drive and the flag stone and concrete
28 was placed one foot off of that pin running along the side yard. He said that he could not locate the other
29 pins on the property but he believes that it is a law that if a fence is in place for more than 20 years then its
30 location establishes the property line and on both sides of his property the fences have existed for more than
31 20 years.
32

33 Mr. Passalacqua asked staff to verify Mr. Anderson's statement regarding the fences.
34

35 Mr. Hall stated that he is aware of the principal but he would not want the ZBA to rely on it.
36

37 Mr. Miller stated that perhaps that pertains to other areas where survey pins did not exist.
38

39 Mr. Anderson stated that there has been a lot of disturbance in the area with replacement of the old pole that
40 has been abandoned and was left in place due to his request to the power company. He said that the new
41 pole was placed and does not touch any portion of his construction.

1

2 Mr. Passalacqua stated that he is not comfortable with any action until the measurements are verified and
3 the status of the easement is documented.

4

5 Mr. Anderson stated that he understands the Board's concerns but it was his understanding that the easement
6 was of no interest to them because they could not easily access it. He said that rather than just assuming that
7 Ameren has abandoned the easement he would appreciate the opportunity to obtain documentation indicating
8 that Ameren actually has abandoned the easement.

9

10 Mr. Passalacqua stated that Mr. Anderson will need to contact any utility that may share the easement for
11 phone, cable, water, sanitary, etc.

12

13 Mr. Anderson stated that the water lines are located in front of the property. He said that he could start with
14 Ameren and contact everyone else.

15

16 Mr. Thorsland stated that he would be willing to continue the case to a later date to give Mr. Anderson the
17 opportunity to obtain the appropriate documentation regarding the easements as well as accurate
18 measurements on the site plan. He said that it is in Mr. Anderson's best interest that he does a good job in
19 obtaining this information and to assure the Board that all of the information is accurate. He said that even
20 with this information the variances could still be denied but he is willing to give Mr. Anderson the
21 opportunity to address the Board's questions that have come forward at tonight's meeting.

22

23 Mr. Passalacqua stated that he must see the information because at this point he is not comfortable with
24 anything about this case.

25

26 Mr. Hall asked if the Board wants Mr. Anderson to have the property lines documented in a formal manner
27 so that if the ZBA denies the variance in the easement at least Mr. Anderson can tell staff absolutely where
28 the easement is located so that we will know where to cut the building.

29

30 Mr. Passalacqua asked if, based on the map that has been provided, does there exist enough space to build
31 the building within compliance or can it not be built in compliance regardless of the location of the property
32 line. He said that the Board will have to either grant a variance or require that a portion of the building must
33 be removed from the property.

34

35 Mr. Anderson stated that he is certainly hoping that the requested variance to the south of the property be
36 acceptable because his neighbor has four large dogs and one of them has no hesitation in jumping across
37 through the fence. He said that he would like to be able to properly secure that area.

38

39 Mr. Passalacqua stated that it would be in Mr. Anderson's best interest to research the covenants of the
40 subdivision.

41

42 Mr. Thorsland encouraged Mr. Anderson to speak with Ms. Padgett and the sanitary district regarding the
43 easements but it is very possible that Mr. Anderson may wind up with a much smaller shed in the near

1 future. Mr. Thorsland stated that better documentation must be submitted to the ZBA regarding the property
2 lines and the utility easements.
3

4 Mr. Passalacqua stated that Mr. Hall needs to know if the Board is comfortable, if everything else is made
5 right, in granting a variance for a one foot yard.
6

7 Mr. Hall asked Mr. Passalacqua how the Board knows that the requested side and rear yard is only one foot.
8

9 Mr. Passalacqua stated that he is not comfortable with granting a one foot yard on the property therefore will
10 Mr. Anderson be conducting a lot of research and foot work for something that is not appearing favorable.
11

12 Mr. Hall asked Mr. Passalacqua that even if the one foot is proven by the best surveyor in the County would
13 he still not be in favor of the variance.
14

15 Mr. Passalacqua stated that by reviewing the photographs and noting the congestion of the site with the rest
16 of the neighborhood he is not sure that he would be comfortable with a one foot yard. He said that if the rest
17 of the Board feels the same way then it isn't fair to have Mr. Anderson run around for one month spending
18 his efforts and money jumping through hoops to acquire the requested documentation.
19

20 Mr. Anderson stated that he is willing to jump through the hoops and both of his neighbors on either side of
21 his property also have buildings which are only one foot from the property line as well therefore what is fair
22 for one should be fair for another.
23

24 Mr. Courson asked Mr. Anderson if he can verify that the neighbor's buildings are only one foot from their
25 property line.
26

27 Mr. Anderson stated yes.
28

29 Mr. Courson stated that until Mr. Anderson knows where his own property lines are he cannot make the
30 claim that his neighbors have buildings which are only one foot from their property line.
31

32 Mr. Anderson stated that if his estimate of where his property line is located is accurate then his neighbor's
33 buildings are only one foot from their property line.
34

35 Mr. Thorsland asked Mr. Anderson if he indicated that there is potentially only two feet between his
36 structure and his neighbors.
37

38 Mr. Anderson stated yes.
39

40 Mr. Passalacqua stated that just because the neighbor's buildings are out of compliance does not mean that
41 Mr. Anderson's building should be allowed to be out of compliance.

1

2 Mr. Thorsland requested a continuance date for Case 715-V-12.

3

4 Mr. Hall stated that if Case 707-S-12 is not heard on July 26th then there will only be two cases to be heard at
5 that meeting. He said if one month would give Mr. Anderson enough time to have a high degree of
6 confidence that he can come back to this Board with all of the information that he needs then the case could
7 be continued to the July 26th meeting.

8

9 Mr. Anderson stated that he has a reasonable degree of confidence that he could come back to the Board
10 with all of the information that he needs and he will put forth his best effort.

11

12 Mr. Thorsland asked Mr. Anderson if he would prefer to have a later date for the continuance.

13

14 Mr. Anderson stated that he suspects that he will run into bureaucracy therefore he will start this process
15 soon.

16

17 Mr. Thorsland stated that the case could be continued to August 30th.

18

19 Mr. Anderson stated that he would prefer that his case be continued to August 30th.

20

21 Mr. Thorsland entertained a motion to continue Case 715-V-12 to the August 30, 2012, meeting.

22

23 **Ms. Capel moved, seconded by Mr. Courson to continue Case 715-V-12 to the August 30, 2012,**
24 **meeting. The motion carried by voice vote.**

25

26 Mr. Thorsland called for a ten minute recess.

27

28 **The Board recessed at 8:03 p.m.**

29 **The Board resumed at 8:12 p.m.**

30

31 **Case 717-AM-12 Petitioner: Sangamon Valley Public Water District and Kerry Gifford, General**
32 **Manager and landowner Parkhill Enterprises. Request to amend the zoning Map to change the**
33 **district designation from the R-4 Multiple Family Residence Zoning District to the AG-2 Agriculture**
34 **Zoning District. Location: Approximately 2.9 acres of an approximately 3.6 acre tract located in the**
35 **South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12**
36 **of Mahomet Township and commonly known as the Sangamon Valley Public Water District**
37 **treatment plant at 709 North Prairieview Road, Mahomet and subject to the proposed Special Use**
38 **Permit in related Case 718-S-12 and the variance requested in related Case 719-V-12.**

39

40 **Case 718-S-12 Petitioner: Sangamon Valley Public Water District and Kerry Gifford, General**
41 **Manager and landowner Parkhill Enterprises. Request to authorize the following on land that is**
42 **proposed to be rezoned to the AG-2 Zoning District in related Case 717-AM-12 subject to the required**
43 **variance in related Case 719-V-12. Part A. Authorize expansion and use of a non-conforming water**

1 treatment plant as a Special Use with waivers (variance) of standard conditions; and Part B.
2 Authorize the replacement of a non-conforming water treatment tower that is 131 feet in height as a
3 Special Use with waivers (variance) of standard conditions. Location: An approximately 3.6 acre tract
4 located in South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of
5 Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water
6 District treatment plant a 709 North Prairieview Road, Mahomet.
7

8 Case 719-V-12 Petitioner: Sangamon Valley Public Water District and Kerry Gifford, General
9 Manager and landowner Parkhill Enterprises. Request to authorize the following for expansion of a
10 non-conforming water treatment plant in related Case 718-S012 on land that is proposed to be
11 rezoned to the AG-2 Zoning District in related Case 717-AM-12: Part A. The expansion of a non-
12 conforming lot of record that does not abut and have access to a public street right of way and does
13 not abut a private accessway as required by Zoning Ordinance paragraph 4.2.1H; and Part B. The
14 use of a 3.6 acre lot on best prime farmland in the AG-2 District for construction and use of a water
15 treatment plant in related Special Use Permit Case 718-S-12. Part C. Waiver (variance) of standard
16 conditions for a lot area of 3.6 acres in lieu of the required 5 acres; a front yard of 18 feet in lieu of the
17 required 30 feet; a side yard of 40 feet in lieu of the required 50 feet; and a rear yard of 22 feet in lieu
18 of the required 50 feet; and Part D. Waiver (variance) for a elevated water storage tank that is 131
19 feet in height in lieu of the maximum allowed 50 feet. Location: An approximately 3.6 acre tract
20 located in South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of
21 Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water
22 District treatment plant a 709 North Prairieview Road, Mahomet.
23

24 Mr. Thorsland called Cases 717-AM-12, 718-S-12 and 719-V-12 concurrently.
25

26 Mr. Thorsland informed the audience that Cases 718-S-12 and 719-V-12 are Administrative Cases and as
27 such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time
28 he will ask for a show of hands for those who would like to cross examine and each person will be called
29 upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any
30 questions. He said that those who desire to cross examine are not required to sign the witness register but
31 are requested to clearly state their name before asking any questions. He noted that no new testimony is to
32 be given during the cross examination. He said that attorneys who have complied with Article 7.6 of the
33 ZBA By-Laws are exempt from cross examination.
34

35 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
36 sign the witness register for that public hearing. He reminded the audience that when they sign the
37 witness register they are signing an oath.
38

39 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.
40

41 Mr. Kerry Gifford, General Manager of the Sangamon Valley Public Water District, stated that he is present

1 tonight regarding the subject of building a new water treatment plant and rezoning the subject property from
2 R-2 to AG-2. He said that the Sangamon Valley Public Water District was established in 1967 and they
3 serve an area which is north of US 74 and east of IL Route 47 and Mahomet. He said that they have
4 approximately 1,560 water customers and 1,460 sewer customers. He said that he is available for any
5 questions that the Board may have regarding these requests.
6

7 Mr. Thorsland asked the Board if there were any questions for Mr. Gifford and there were none.
8

9 Mr. Thorsland asked if staff had any questions for Mr. Gifford and there were none.
10

11 Mr. Thorsland called John Hall to testify.
12

13 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum and Finding of Fact
14 dated June 28, 2012, for Case 717-AM-12 and a new Supplemental Memorandum and Finding of Fact for
15 Cases 718-S-12 and 719-V-12. He said that the new Supplemental Memorandum for Case 717-AM-12
16 includes a proposed special condition that staff would recommend for each case regarding compliance with
17 the Village of Mahomet's Subdivision Regulations. He said that the new Supplemental Memorandum for
18 Case 718-S-12 and 719-V-12 includes new maps as attachments and the proposed special condition. He said
19 that given the complex nature of the rezoning, the special use, and the variance and the fact that the Zoning
20 Ordinance has both a maximum lot size on best prime farmland and a minimum lot size for a water
21 treatment plant the case does need re-advertised because staff omitted important items in the legal. He said
22 that at this point he hopes that staff knows enough about the project to include everything in the legal but it
23 is a fairly complicated site plan for the water treatment plant and to be fair staff was trying to honor the
24 request of the petitioner to get these cases to a public hearing as soon as possible because they are facing a
25 tight deadline in trying to meet the demands of the water district.
26

27 Mr. Hall stated that attached to the new Supplemental Memorandum dated June 28, 2012, for Cases 718-S-
28 12 and 719-V-12 is an annotated site plan that indicates staff's best guess for dimensions from the property
29 lines to all of the existing and proposed structures. He said that the Zoning Ordinance establishes a
30 minimum 50 foot rear yard and side yard for a water treatment plant and it also establishes a minimum 5 acre
31 lot size. He said that the existing water treatment plant meets the 55 foot minimum front yard but the
32 elevated water tank does not. He requested that the petitioner consider the proposed placement of the new
33 ground storage tank and the backwash tank and whether those proposed locations are fixed because if their
34 placement could be adjusted it would minimize the required variance and might make the Board a little more
35 likely to grant the variance. He said that staff will discuss this issue with the petitioner prior to re-
36 advertising the case so that staff is assured that the next legal advertisement will be the last one for this case.
37
38

39 Mr. Hall stated that he does not know how much the Board can complete tonight but the petitioner's attorney
40 has provided two letters to the State's Attorney regarding plat act compliance and of course in this location,
41 based on our Zoning Ordinance, it is not plat act compliance that we are concerned about but compliance
42 with the municipal subdivision regulations. He said that the State's Attorney has confirmed that the
43 County's Ordinance does not allow a variance from that requirement therefore it is an absolute requirement

1 that we have no flexibility on. He said that he knows that the Village of Mahomet, from a staff level, is
2 supportive of the proposed expansion but they are in the same boat that the County's staff is in because our
3 Ordinances say what they say. He said that he has asked if the Village of Mahomet would entertain a
4 subdivision approval without requiring annexation and he was told that the Village of Mahomet has never
5 done such before and they are not interested in doing it now, which is unfortunate. He said that he believes
6 that the proposed special condition requiring compliance with the Village of Mahomet Subdivision
7 Regulations is all that this Board needs to worry about and when it goes to the County Board perhaps that is
8 all the County Board will worry about. He said that sooner or later there will be a need for a permit for
9 construction of this badly needed water treatment plant and at the time that they apply for the zoning use
10 permit application staff must know that the subdivision approval process has been initiated and before he can
11 approve a zoning use permit for the water treatment plant, which would authorize construction, he would
12 need to know that there is substantial compliance with the Village of Mahomet requirements. He said that
13 this will not mean that the plat has been recorded but it does mean that the Village of Mahomet is willing to
14 allow the County to issue the zoning use permit. He said that he hopes that there will be comments from the
15 Village of Mahomet when this case comes back to the ZBA.

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

18
19 Mr. Thorsland called Mike Buzicky to testify.

20
21 Mr. Mike Buzicky, Engineer for Sodemann and Associates, Inc., stated that he represents the Sangamon
22 Valley Public Water District. He said that the site plan can be revised and some of the structures can be
23 moved to meet the requirements. He said that the various side and rear yard issues can be met but they were
24 trying to submit an early site plan to staff to get the case started. He said that this is a public sanitary water
25 district and it is a strange unique area where there are two public water districts overlapping another. He
26 said that the water district is in extreme need of the addition to the water plant and they are almost
27 landlocked by residential areas and the area to the north is the only land available for the addition. He said
28 that the other area that appears to be available on the site plan has already been taken up by an Ameren
29 easement therefore going north is the only option.

30
31 Mr. Thorsland asked Mr. Buzicky if he plans to check with staff during his revisions to the site plan for
32 compliance.

33
34 Mr. Buzicky stated yes.

35
36 Mr. Thorsland asked the Board if there were any questions for Mr. Buzicky and there were none.

37
38 Mr. Thorsland asked if staff had any questions for Mr. Buzicky.

39
40 Mr. Hall stated that staff had anticipated the cases coming back before the ZBA on August 30th and staff
41 would need to have the best site plan available by the end of July. He asked Mr. Buzicky if he could meet

1 such a deadline.

2

3 Mr. Buzicky stated yes, he will provide the best site plan that he can at that time realizing that they are trying
4 to get the property rezoned so that they can move forward.

5

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

7

8 Mr. Thorsland called Kerry Gifford to testify.

9

10 Mr. Gifford stated that the Ordinance could be modified or changed and they would like to see a variance
11 based off of the plat act and the exemption being that the use is for public use.

12

13 Mr. Hall stated that if this were in the County's subdivision jurisdiction where the plat act would be the
14 relevant standard then the Ordinance would not need to be amended but in this location the plat act is
15 secondary to the Village of Mahomet's subdivision jurisdiction and the Ordinance is very clear.

16

17 Mr. Gifford stated that ordinances can be modified.

18

19 Mr. Hall stated that he would not want Mr. Gifford to believe that the Ordinance could be changed in such a
20 way because it would be protested by every municipality in the County and that amendment would not see
21 the light of day. He said that there is just plainly the matter of legal jurisdiction. He said that Champaign
22 County has a lot of disagreements with municipalities but at the level of subdivision approval in their
23 jurisdiction it is pretty resolved. He said that the County Board might be convinced otherwise but he is not
24 sure how long that process would take.

25

26 Mr. Gifford stated that they are trying to provide good services to their customers and provide a good quality
27 of life to the residents of Mahomet.

28

29 Mr. Thorsland asked the Board if there were any questions for Mr. Gifford and there were none.

30

31 Mr. Thorsland asked if staff had any questions for Mr. Gifford and there were none.

32

33 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Gifford and there was no one.

34

35 Mr. Thorsland asked Mr. Gifford if a continuance to August 30th is acceptable.

36

37 Mr. Gifford stated yes.

38

39 Mr. Thorsland entertained a motion to continue Cases 717-AM-12, 718-S-12 and 719-V-12 to the August
40 30, 2012, meeting.

41

42 **Mr. Courson moved, seconded by Mr. Miller to continue Cases 717-AM-12, 718-S-12, and 719-V-12 to**
43 **the August 30, 2012, meeting. The motion carried by voice vote.**

1
2 Mr. Thorsland stated that the Board will now hear Cases 710-AT-12 and 711-AT-12.

3
4 **7. Staff Report**

5
6 Mr. Kass distributed a Case Wrap Sheet to the Board for review.

7
8 Mr. Hall stated that the amount of time that Mr. Kass spends working with petitioners in obtaining site plans
9 that make sense in time both for the legal advertisement and for this Board is unbelievable. He said that Mr.
10 Kass is doing a wonderful job during a time when staff has been receiving such poor applications from
11 petitioners and it is unfortunate that Mr. Kass has to work so hard to obtain the minimum amount of required
12 information. He said that he had hoped that the new Associate Planner could assist the Zoning Officer with
13 enforcement cases but that is totally unrealistic given the inadequate information that petitioners submit for
14 these cases. He said that it isn't like staff does not inform the petitioners that certain documentation is
15 required at the hearings.

16
17 Mr. Thorsland stated that he has not been on the Board for a terribly long time but he has determined that
18 basic crayon skills would serve many people and that it would be a community service to hold an adult
19 education class to teach them how to draw a line.

20
21 Mr. Hall stated that he just wanted to give kudos to Mr. Kass for working with the petitioners because it is
22 not always an easy job. He said that Mr. Kass is also doing a good job in wrapping up the cases but more
23 than 90% of his time is spent trying to get information to the Board that they can understand.

24
25 **8. Other Business**

26 **A. Review of Docket**

27
28 Mr. Kass stated that Daniel Williams, petitioner for Case 707-S-12, did not meet the previous deadline for
29 applying for the required variance and submitted his application today. Mr. Kass stated that he does not have
30 time to prepare the legal advertisement by tomorrow's deadline therefore both cases must be heard at a later
31 date. He asked the Board if they would like to hear both cases at the same time which would be at the
32 September 13, 2012, meeting.

33
34 Mr. Passalacqua stated yes.

35
36 Mr. Thorsland agreed with Mr. Passalacqua. He suggested that staff inform the petitioner that the
37 information needs to be complete and submitted in a timely manner.

38
39 **9. Audience Participation with respect to matters other than cases pending before the Board**

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41 None

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10. Adjournment

Mr. Thorsland entertained a motion to adjourn the meeting.

Ms. Capel moved, seconded by Mr. Miller to adjourn the meeting at 9:33 p.m. The motion carried by voice vote.

Respectfully submitted

Secretary of Zoning Board of Appeals



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.

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.

CASE NO. 721-AM-12

PRELIMINARY MEMORANDUM

JULY 20, 2012

Petitioners: **Premier Cooperative Inc.**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: **2.54 acres**

Time Schedule for Development:
November 2012

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District.

Location: A 2.54 acre tract in the Northwest Quarter of the Northeast Quarter of Section 17 of St. Joseph Township and commonly known as the Premier Cooperative-Fulls Siding Site at 1597 CR 1975E, St. Joseph.

BACKGROUND

Premier Cooperative Incorporated requests to rezone property at 1597 CR 1975E, St. Joseph, from its current AG-1 Agriculture zoning designation to the B-1 Rural Trade Center zoning designation. The petitioner requests the rezoning to accommodate upgrades to the existing grain elevator on the subject property. The existing grain elevator has been in operation since the 1940s and upgrades to the existing facilities are necessary to accommodate the storage space required for modern farming practices. Under its current zoning designation, AG-1, the petitioner would need a Special Use Permit to expand or replace the existing structures. Rezoning to the B-1 District is appropriate in this instance because a use such as this that supports agriculture is authorized by right and the B-1 District is appropriate for this location because of the existing facilities and its proximity to U.S. 150.

In Phase 1 of this project the petitioner intends to tear down 5 of the existing grain bins and replace them with one 105' diameter grain bin. In Phase 2 the petitioner intends to construct a second 105' diameter grain bin.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Grain Elevator	AG-1 Agriculture
North	Railroad Right-of-Way -----	AG-1 Agriculture
	Residential	
East	Agriculture -----	AG-1 Agriculture
	Restricted Landing Area	
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

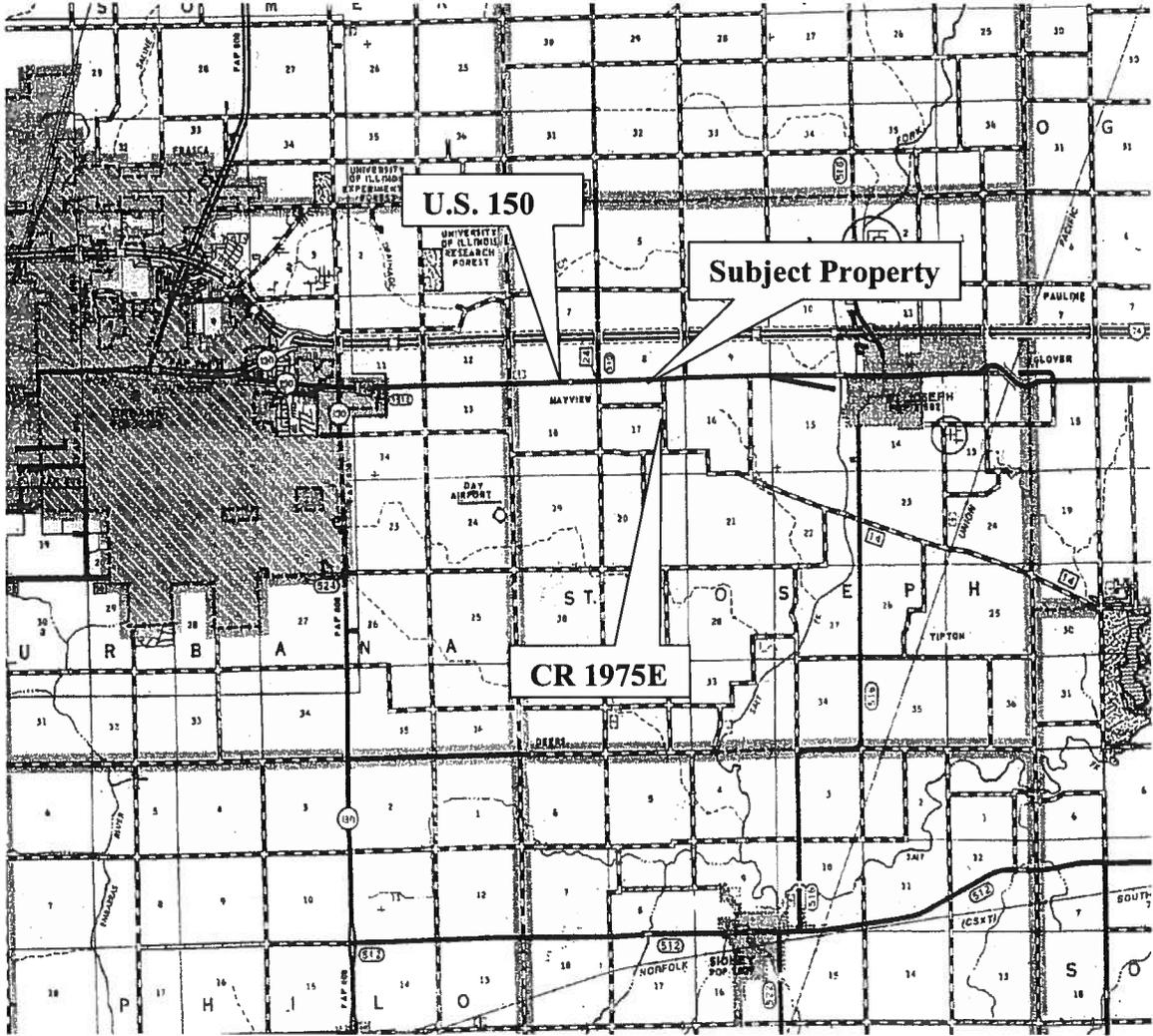
SPECIAL USE PERMIT

The B-1 District does not have maximum height requirements, but Section 4.3.1 B. requires that silos and necessary mechanical appurtenances over 100 feet in height require a Special Use Permit. The petitioner has requested a Special Use Permit (Case 726-S-12) for all existing and proposed structures over 100 feet in height.

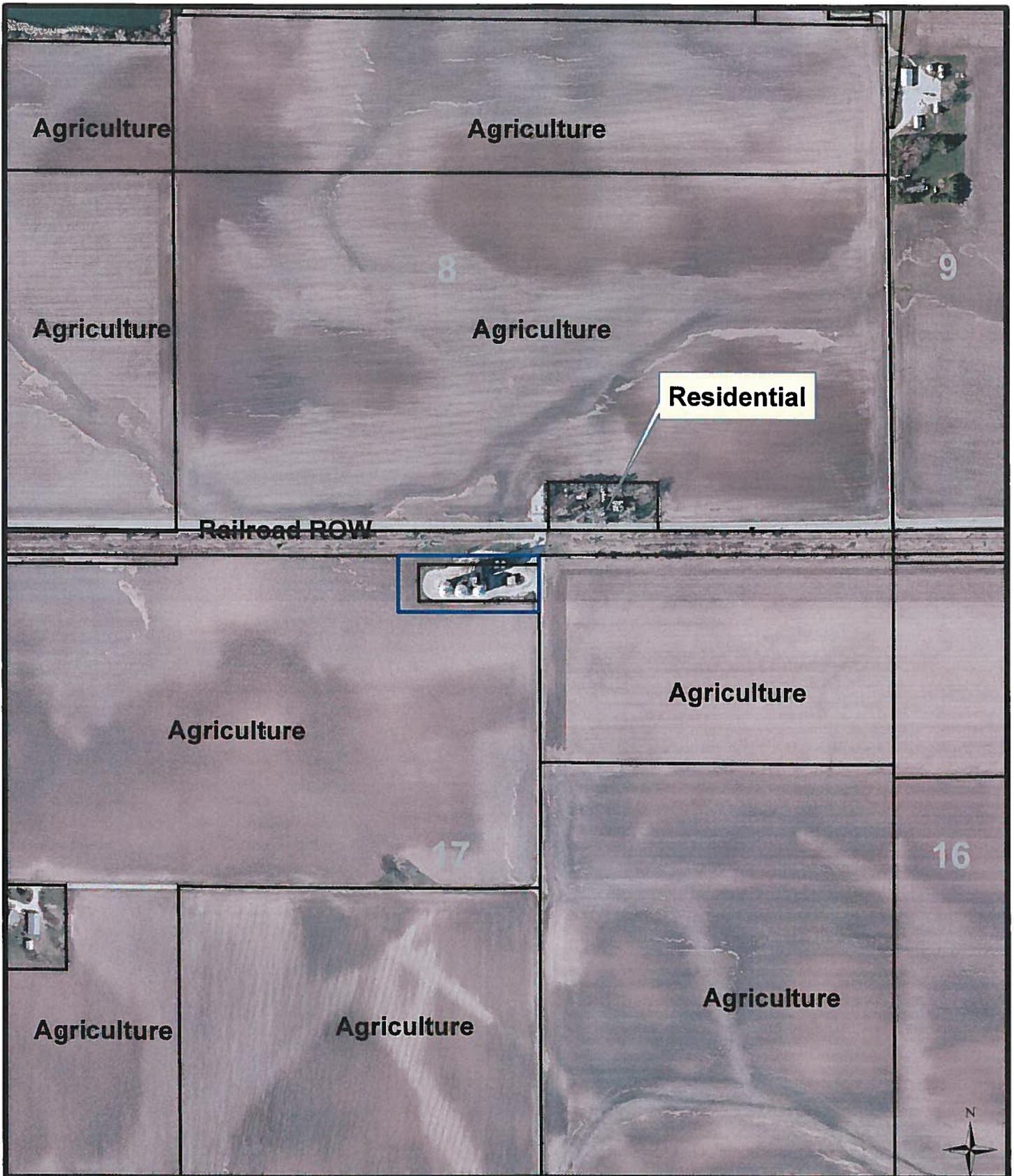
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plans
- C LRMP Land Use Goals, Objectives, and Policies and Appendix of Defined Terms (attached separately)
- D Draft Finding of Fact and Final Determination (attached separately)

ATTACHMENT A. LOCATION MAP
Cases 721-AM-12 & 726-S-12
July 20, 2012



**Attachment A: Land Use Map
Cases 721-AM-12 & 726-S-12
July 20, 2012**



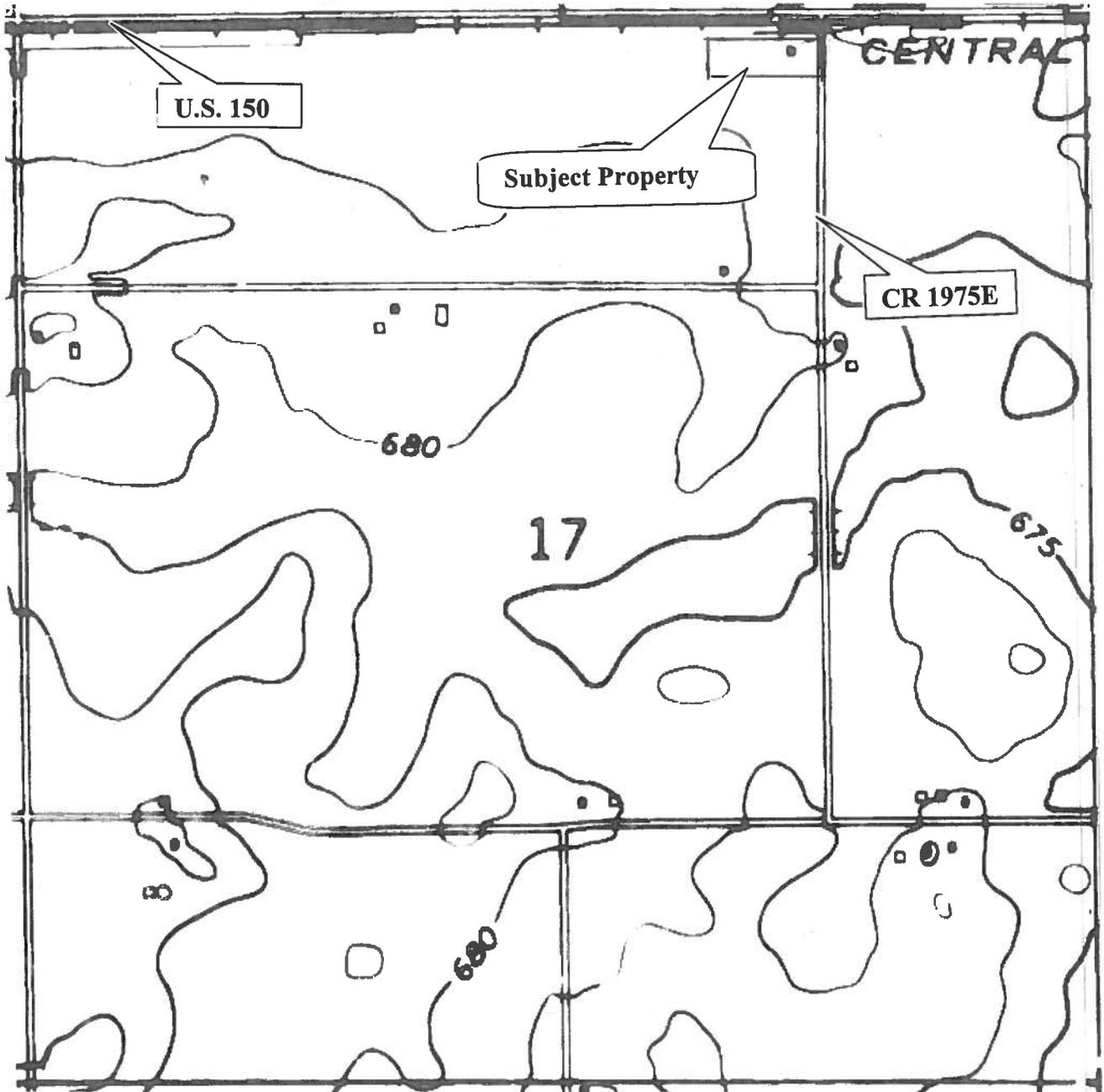
 Subject Property

1 inch = 500 feet

ATTACHMENT A. ZONING MAP

Cases: 721-AM-12 & 726-S-12

July 20, 2012

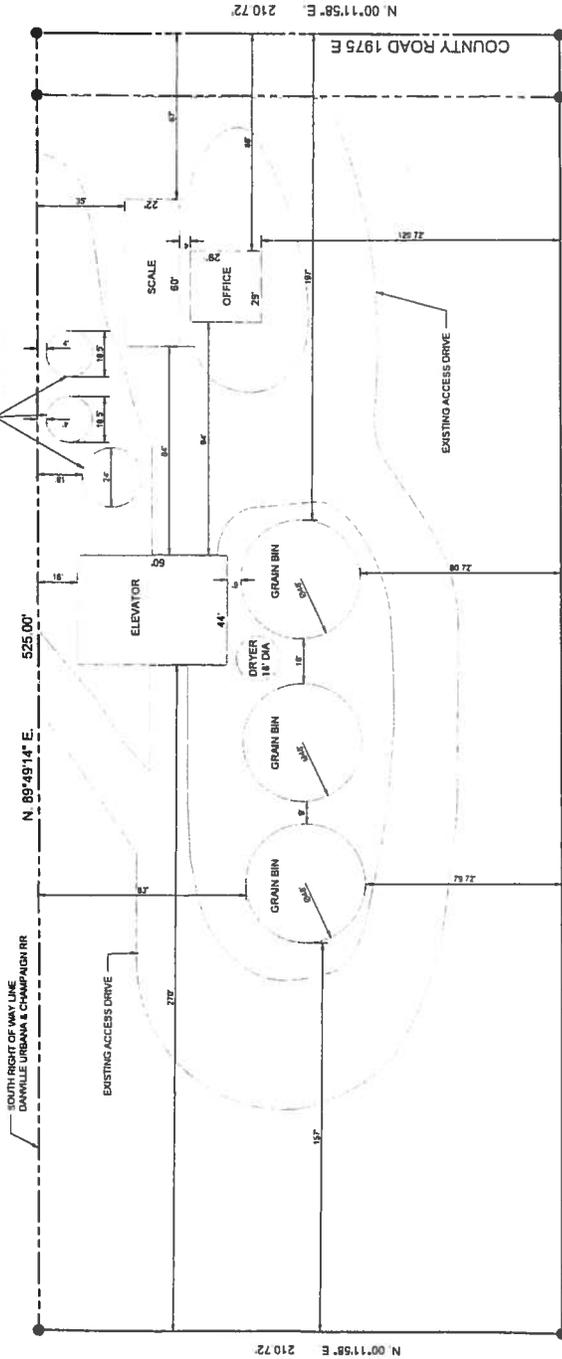


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation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

PREMIER COOPERATIVE
FULLS SIDING SITE
 CHAMPAIGN COUNTY, ILLINOIS
 EXISTING SITE PLAN

U.S. ROUTE 150

CS&T RAILROAD



Foth
 ARCHITECTS & ENGINEERS
 1100 N. UNIVERSITY AVE., SUITE 100
 CHAMPAIGN, ILLINOIS 62824
 PHONE: 217.244.1100
 FAX: 217.244.1101
 WWW.FOOTHARCHITECTS.COM

SHEET NO. 1
 OF 3 SHEETS



EXISTING BUILDINGS - 11,475 SF

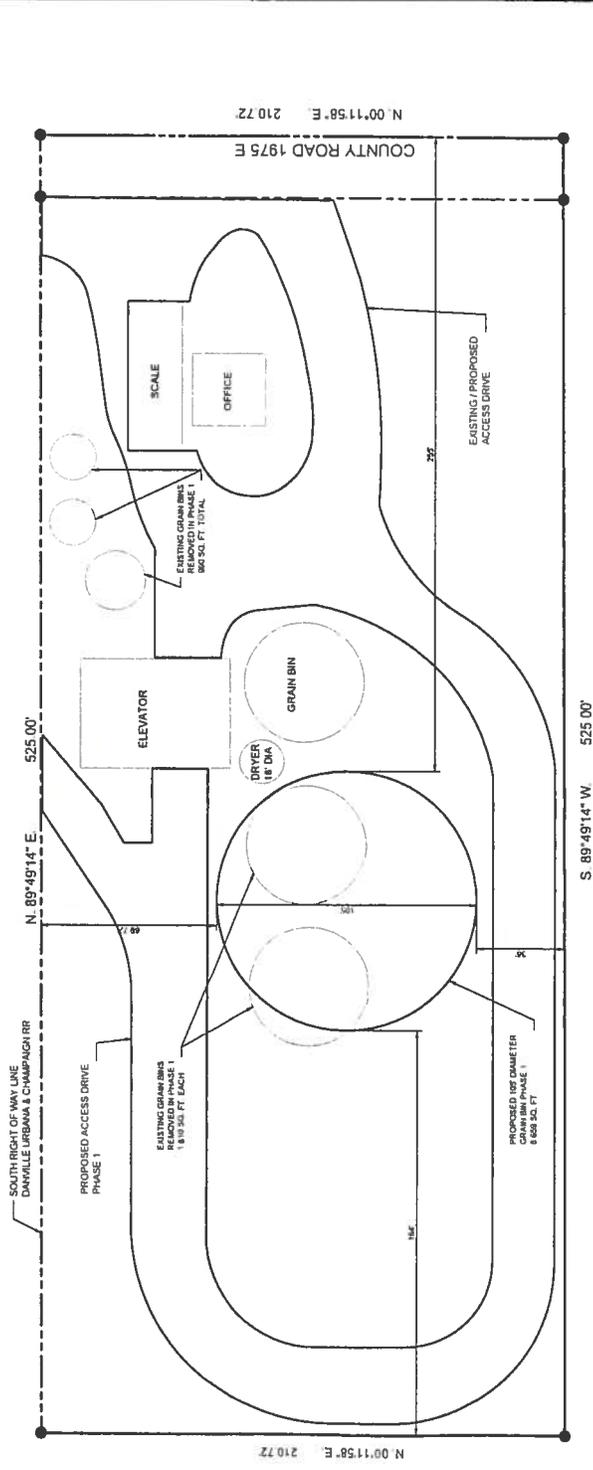
RECEIVED
 JUN 29 2012

CHAMPAIGN CO. P & Z DEPARTMENT

PREMIER COOPERATIVE
FULLS SIDING SITE
 CHAMPAIGN COUNTY, ILLINOIS
 PROPOSED PHASE 1 SITE PLAN

U.S. ROUTE 150

CSXT RAILROAD



EXISTING BUILDINGS:	11,477 SF
BUILDING DEMOLITION (PHASE 1):	-4,610 SF
PROPOSED BUILDING (PHASE 1):	+8,659 SF
AREA OF BUILDINGS AT CONCLUSION OF PHASE 1:	15,524 SF



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 ENGINEERS & ARCHITECTS
 1000 N. WASHINGTON ST., SUITE 200
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 217/244-1111
 FAX: 217/244-1112
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SHEET NO. 2
 OF 3 SHEETS

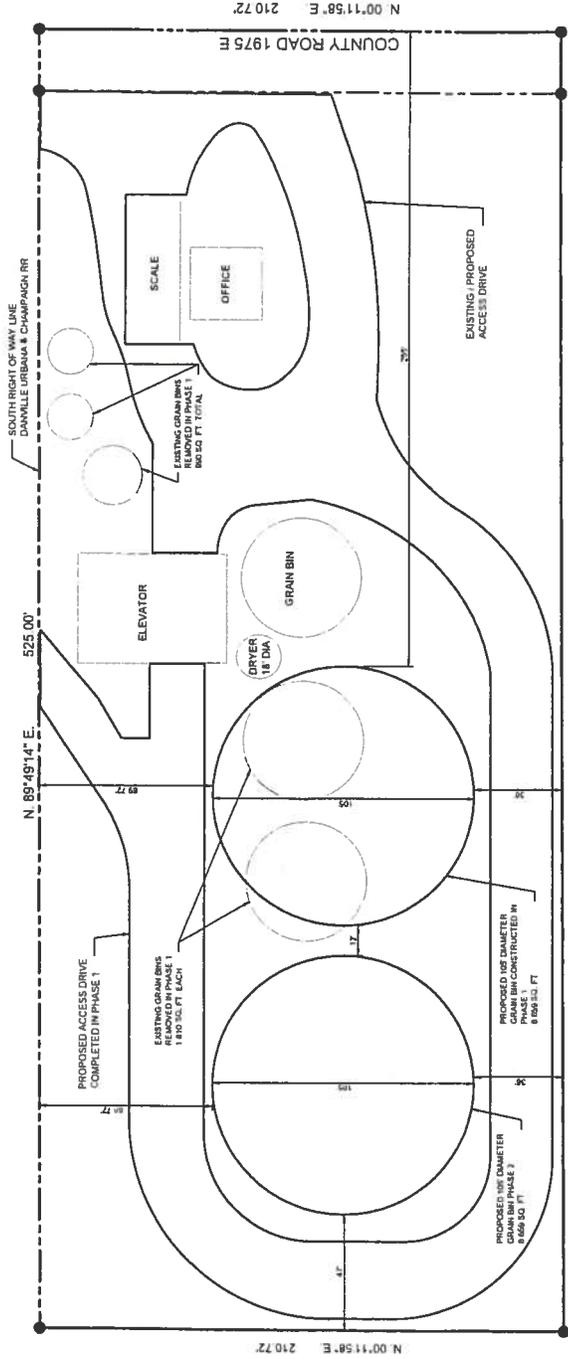
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CHAMPAIGN CO. P & Z DEPARTMENT

PREMIER COOPERATIVE
FULLS SIDING SITE
 CHAMPAIGN COUNTY, ILLINOIS
 PROPOSED PHASE 2 SITE PLAN

U.S. ROUTE 150

CSKT RAILROAD



EXISTING BUILDINGS	11,475 SF
BUILDING DEMOLITION (PHASE 1)	-4,610 SF
PROPOSED BUILDING (PHASE 1)	+8,859 SF
PROPOSED BUILDING (PHASE 2)	+8,859 SF
AREA OF BUILDINGS AT CONCLUSION OF PHASE 2	24,183 SF



Foith
 ENGINEERS, ARCHITECTS & PLANNERS
 1001 W. MONROE ST., CHAMPAIGN, IL 61821
 (309) 231-1111
 DATE: 06/29/12
 SHEET NO. 3
 OF 3 SHEETS
 RELEASE OF DOCUMENTS
 THIS DOCUMENT IS THE PROPERTY OF FOITH ENGINEERS, ARCHITECTS & PLANNERS. THE USER AGREES TO HOLD FOITH ENGINEERS, ARCHITECTS & PLANNERS HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES THAT MAY BE ASSERTED AGAINST THEM BY ANY THIRD PARTY.

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721-AM-12

**FINDING OF FACT
AND FINAL DETERMINATION
of**

Champaign County Zoning Board of Appeals

Final Determination: ***{RECOMMEND ENACTMENT / RECOMMEND DENIAL}***

Date: **July 26, 2012**

Petitioners: **Premier Cooperative Incorporated**

Request: **Amend the Zoning Map to change the zoning district designation from AG-1 Agriculture to B-1 Rural Trade Center.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 26, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Premier Cooperative Incorporated, 2104 West Park Court, Champaign, with board members Art Farley, 274 CR 1300N, Seymour; Joseph Kuntz, 37603 N 370E, Ranking; Richard Wilkin 502 E Washington, Monticello; Kim Jolley, 304 E South St, Fairmount; Kenneth Heiser, 741 CR 3450N, Foosland; Stephen Hettinger, 440 CR 1000E, Philo; Roger Miller, 2046 CR 2000E, Urbana; Pat Feeney, 1474 E CR 1500N, Monticello; Doug Bialeschki, 753 CR 600N, Sadorus; Douglas Hansens, 2822 CR 800E, Dewey; John G. Murray, 2607 CR 1000E, Champaign; Dwight Huffstutler, 1132 E 2750 N RD, Mansfield; Maury Busboom, 217 W Main St, Royal; and corporate officers Roger Miller, General Manager; Louis Schwing, Assistant General Manager; and James Deters, Chief Financial Officer, 2104 West Park Court, Champaign, owns the subject property.
2. The subject property is a 2.54 acre tract in the Northwest Quarter of the Northeast Quarter of Section 17 of St. Joseph Township and commonly known as the Premier Cooperative-Fulls Siding Site at 1597 CR 1975E, St. Joseph.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning, but St. Joseph Township does 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 petitioner did not indicate a response to the question.

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

“The property has been in use as a grain elevator since 1940. We feel this change to be justified by allowing Premier Cooperative to expand to better serve the farmers needs of today.”

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 is used for the operation of a grain elevator.
 - 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 railroad right-of-way and a dwelling is located to the northeast.
 - (2) Land on the south is in agricultural production.

- (3) There is a Restricted Landing Area approximately one-half mile to the southeast of the subject property.
 - (4) Land west of the subject property is in agricultural production.
7. Previous zoning cases in the vicinity are the following:
- A. Case 268-V-00 was a request by Scott Weaver for a side yard of 0 feet for an accessory structure in the R-1 District.
8. Regarding site plan and operations of the Grain Elevator:
- A. The site plan received June 29, 2012, shows the entirety of the subject property and includes the following:
 - (1) An existing 44' × 60' grain elevator that is 175 feet in height and existed prior to the adoption of the *Zoning Ordinance* on October 10, 1973.
 - (2) Three small grain bins in the northeast corner of the subject property. These bins will be removed.
 - (3) A 29' × 29' office.
 - (4) A 22' × 60' scale.
 - (5) Three 96' diameter grain bins in the center of the subject property. Two of these bins will be removed. All of these bins are less than 100 feet in height.
 - (6) An existing access drive off of CR 1975E.
 - (7) An 18' diameter grain dryer that is less than 100 feet in height.
 - (8) A proposed 105' diameter grain bin that is 130 feet in height.
 - (9) The grain legs are typically not ground mounted and are therefore not shown on the site plan, but they are of heights of 130 feet, 165 feet, and 175 feet.
 - B. A Phase 2 site plan was received June 29, 2012, and indicates an additional 105' diameter grain bin that is 130 feet in height. The Petitioner anticipates that this bin could be built in the future.

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

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

- (2) The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
- 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 B-1 District is generally located in rural areas suitable for businesses operations to serve the needs of rural residents.
- 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 25 types of uses authorized by right in the B-1 District:
 - (a) The following 5 uses are authorized by right in the AG-1 District and are not authorized at all in the B- District:
 - Single family dwelling;
 - Roadside Stand operated by Farm Operator;
 - Plant Nursery;
 - Off-premises sign within 660 feet of interstate highway; and
 - Off-premises sign along federal highway except interstate highways;
 - (b) The following 6 uses are authorized by right in both the AG-1 District and B-1 District:
 - Subdivisions of three lots or less;
 - Agriculture;
 - Minor Rural Specialty Business;
 - Township Highway Maintenance Garage (must meet separations or SUP is required);
 - Christmas Tree Sales Lot;
 - Temporary Uses
 - (c) The following 9 uses are authorized by right in the B-1 District and not at all in the AG-1 District:
 - Parking garage or lot;
 - Telegraph Office;
 - Roadside Produce Stand;
 - Farm Equipment Sales and Service;
 - Feed and Grain (sales only);

- Locker, Cold Storage for Individual Use;
 - Major Automobile Repair;
 - Minor Automobile Repair;
 - Antique Sales and Service;
- (d) The following 9 uses are authorized by right in the B-1 District but require a Special Use Permit in the AG-1 District:
- Major Rural Specialty Business;
 - Municipal or Government Building;
 - Small Scale Metal Fabricating Shop
 - Telephone Exchange;
 - Farm Chemicals and Fertilizer Sales;
 - Grain Storage Elevators and Bins;
 - Police Station or Fire Station;
 - Library, Museum or Gallery;
 - Public park or recreational facility
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 9 uses authorized by right in the B-1 District see above) and 10 types of uses authorized by SUP in the B-1 District:
- (a) The following 5 uses may be authorized by SUP in the both the AG-1 District and B-1 District:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
- (b) The following 27 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the B-1 District:
- Hotel with no more than 15 lodging units;
 - Residential PLANNED UNIT DEVELOPMENT;
 - 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;
 - Penal or correctional institution;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;

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- Radio or Television Station;
- RESIDENTIAL AIRPORTS;
- RESTRICTED LANDING AREAS;
- 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;
- 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)

- (c) The following 5 uses may be authorized by SUP in the B-1 District and not at all in the AG-1 District:
- Self-storage Warehouses, providing heat and utilities to individual units;
 - Self-storage Warehouses, not providing heat and utilities to individual units;
 - 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 Polices 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 Premier Cooperative Incorporated to continue operations at the Fulls-Siding site with proper zoning and to continue to serve the needs of the farmers of 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.

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 has not been in agricultural production since the 1940s and the B-1 District is intended to provide agriculture related businesses to rural residents.

- (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 existing grain elevator on the subject property has been in operation since the 1940s.
 - (c) The proposed rezoning will not remove any additional best prime farmland from production.
- (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 subject property there is a small area used for agricultural production, but there does not appear to be any plans to take that this area out of agricultural production. The 2.54 acres consists of the existing elevator, grain bins, and office.

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- (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) Premier Cooperative Incorporated is an agricultural support service. The subject property has been used as a grain elevator since the 1940s and supports agriculture and is a service better provided in a rural area.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (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 use of the subject property is a use which is directly related to agriculture and is neither affected by agricultural activities nor does it hinder agricultural activities.
- (b) The elevator and bins 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 should be consistent with its current traffic and should not increase as a result of this rezoning. The

petitioner merely seeks proper zoning classification in order to replace outdated grain storage bins on the subject property.

- (d) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (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:

- (a) The Petitioner’s understand that this is a rural area where agricultural activities take place and the petitioners business depends upon agricultural activities.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (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 use on the subject property is directly related to agricultural activities and is not in operation year-round. A buffer between the use and nearby agriculture is not warranted.
 - (b) The B-1 District is intended to provide agriculture related businesses to rural residents.
- 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.

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- (b) The subject property fronts and has access to CR 1975E which is a township road. U.S. 150 is approximately 125 feet from the entrance to the subject property.
 - (c) The subject property is not served by sanitary sewer and is not a large generator of wastewater.
 - (d) The subject property was converted out of agricultural production prior to zoning and has existing equipment and facilities well-suited to the purposes of Premier Cooperative Incorporated operations, making the subject property well-suited overall.
 - (e) There is only one nearby dwelling that is located to the northeast and across U.S. 150 and appears to have adequate separation from the subject property.
 - (f) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (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 2.7 miles from the St. Joseph Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
- (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 1975E and U.S. 150 is approximately 125 feet from the subject property.
 - (b) No significant traffic increase is anticipated as a result of this rezoning.
- (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 serves surrounding agriculture and is an existing use and cannot be located elsewhere.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

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.

Goal 5 has 3 objectives and 15 policies. The proposed amendment is *NOT RELEVANT* to Goal 5 because the existing use on the subject property is not an urban land use.

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 *CONFORMS* to 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 *CONFORMS* to 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 *CONFORMS* to 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.
- (b) The use of the property will not be changing nor will the use of the property intensify.

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 *CONFORMS* to 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 *CONFORMS* to 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 *CONFORMS* to Policy 7.1.1 for the following reasons:

- (a) Both CR 1975E is township roads with an oil and chip surface. U.S. 150 is a federal highway and is approximately 125 feet from the entrance of the subject property.
- (b) The existing use does not operate year-round. Employees report to the site during harvest season.
- (c) No significant traffic increase is anticipated as a result of the rezoning.

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. The proposed amendment is *NOT RELEVANT* Goal 8.

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	Grain Elevator	AG-1 Agriculture
North	Railroad Right-of-Way ----- Residential	AG-1 Agriculture
East	Agriculture ----- Restricted Landing Area	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	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) This area is primarily an agricultural area and the subject property has been a grain elevator since the 1940s.

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 Premier Cooperative Incorporated to upgrade its grain storage facilities in order to support surround agricultural activities.
- 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 is an existing grain elevator occupying the subject property that is suitable for the existing and future uses.
- 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. The existing grain elevator was built in the 1940s which was prior to zoning in Champaign County.
- G. ***Sinclair* factor: The need and demand for the use.**
The petitioner needs adequate grain storage to serve the needs of its customers and members. The current storage facilities on the subject property are outdated and inadequate to accommodate the storage required for modern farming.
- 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. No Special Conditions of Approval are proposed at this time

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Louis Schwing Jr. (Assistant Manager) received on May 31, 2012 with attachments:
 - A Legal Description
 - B Boundary Survey
2. Application for Special Use Permit signed by Jeff Breen (Regional operations Manager) received July 3, 2012, with attachments:
 - A Site Plan
 - B Legal Description
3. Site Plan (Current Conditions) received June 29, 2012
4. Site Plan (Phase 1) received June 29, 2012
5. Site Plan (Phase 2) received June 29, 2012
6. List of Premier Cooperative Board Members received June 29, 2012
7. Email from Louis Schwing Jr. dated June 29, 2012
8. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
9. Champaign County Land Resource Management Plan (LRMP) Appendix of Defined Terms
10. Email from Jeff Breen dated July 3, 2012
11. Preliminary Memorandum for Case 721-AM-12 dated July 20, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plans
 - C LRMP Land Use Goals, Objectives, and Policies
 - D LRMP Appendix of Defined Terms
 - E Draft Finding of Fact and Final Determination
12. Preliminary Memorandum for Case 726-S-12 dated July 20, 2012, with attachments:
 - A Draft Summary of Evidence, 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 **July 26, 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 and 4
 - B. The proposed Zoning Ordinance map amendment ***WILL NOT IMPEDE*** the achievement of all other LRMP goals.
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 721-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

CASE NO. 726-S-12

PRELIMINARY MEMORANDUM

JULY 20, 2012

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

Petitioners: Premier Cooperative Incorporated

Request: Authorize the following grain elevator structures over 100 feet in height as a Special Use on property that proposed to be rezoned to the B-1 Rural Trade Center District in related case 721-AM-12 on the subject property described below:

Part A. The replacement of an existing non-conforming grain elevator that is approximately 175 feet in height.

Part B. The replacement of an existing non-conforming grain leg that is approximately 175 feet in height.

Part C. The construction and use of two grain bins approximately 130 feet in height.

Part D. The construction and use of a grain dryer approximately 125 feet in height.

Location: A 2.54 acre tract in the Northwest Quarter of the Northeast Quarter of Section 17 of St. Joseph Township and commonly known as the Premier Cooperative-Fulls Siding Site at 1597 CR 1975E, St. Joseph.

Site Area: 2.54 acres

Time Schedule for Development: November 2012

Prepared by: Andy Kass
Associate Planner

John Hall
Zoning Administrator

BACKGROUND

Premier Cooperative Incorporated requests a Special Use Permit for structures over 100 feet in height on the subject property proposed to be rezoned in related Case 721-AM-12. The existing grain elevator has been in operation since 1940 and if any of the structures over 100 feet in height were damaged or needed to be replaced the petitioner could not do so because they are non-conforming. The special use permit will bring these structures into conformance. In addition, the proposed zoning district for the property in Case 721-AM-12 is the B-1 Rural Trade Center District. The B-1 District does not have maximum height requirements, but Section 4.3.1 B. requires that silos and necessary mechanical appurtenances over 100 feet in height require a Special Use Permit, which is the reason for the petitioners request. In addition to existing structures the petitioner intends to tear down 5 smaller grain bins and replace with one grain bin 130 feet in height in the fall of 2012. An additional grain bin of the same size may be constructed in the future. In addition a grain dryer approximately 125 feet in height is to be installed on the subject property.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of any municipality with zoning.

EXISTING LAND USE AND ZONING**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Grain Elevator	AG-1 Agriculture
North	Railroad Right-of-Way -----	AG-1 Agriculture
	Residential	
East	Agriculture -----	AG-1 Agriculture
	Restricted Landing Area	
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

ATTACHMENTS*

A Draft Summary of Evidence, Finding of Fact, and Final Determination

*See Attachments to Case 721-AM-12 Preliminary Memorandum

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**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: July 26, 2012

Petitioners: Premier Cooperative Incorporated

Request: Authorize the following grain elevator structures over 100 feet in height as a Special Use on property proposed to be rezoned to the B-1 Rural Trade Center District in related case 721-AM-12:

Part A. The replacement of an existing non-conforming grain elevator that is approximately 175 feet in height.

Part B. The replacement of an existing non-conforming grain leg that is approximately 175 feet in height.

Part C. The construction and use of two grain bins approximately 130 feet in height.

Part D. The construction and use of a grain dryer approximately 125 feet in height.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 26, 2012**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioner Premier Cooperative Incorporated, 2104 West Park Court, Champaign, with board members Art Farley, 274 CR 1300N, Seymour; Joseph Kuntz, 37603 N 370E, Ranking; Richard Wilkin 502 E Washington, Monticello; Kim Jolley, 304 E South St, Fairmount; Kenneth Heiser, 741 CR 3450N, Foosland; Stephen Hettinger, 440 CR 1000E, Philo; Roger Miller, 2046 CR 2000E, Urbana; Pat Feeney, 1474 E CR 1500N, Monticello; Doug Bialeschki, 753 CR 600N, Sadorus; Douglas Hansens, 2822 CR 800E, Dewey; John G. Murray, 2607 CR 1000E, Champaign; Dwight Huffstutler, 1132 E 2750 N RD, Mansfield; Maury Busboom, 217 W Main St, Royal; and corporate officers Roger Miller, General Manager; Louis Schwing, Assistant General Manager; and James Deters, Chief Financial Officer, 2104 West Park Court, Champaign, owns the subject property.

(Note: asterisk indicates items of evidence that are identical to evidence in Case 721-AM-12)

- *2. The subject property is a 2.54 acre tract in the Northwest Quarter of the Northeast Quarter of Section 17 of St. Joseph Township and commonly known as the Premier Cooperative-Fulls Siding Site at 1597 CR 1975E, St. Joseph.
- *3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning, but St. Joseph Township has a plan commission.

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 is currently zoned AG-1 Agriculture and is used for the operation of a grain elevator.
 - 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 railroad right-of-way.
 - (2) Land on the south is in agricultural production.
 - (3) Land east of the subject property is in agricultural production. There is a Restricted Landing Area approximately one-half mile to the southeast of the subject property.
 - (4) Land west of the subject property is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- *5. Regarding site plan and operations of the Grain Elevator:
- A. The site plan received June 29, 2012, shows the entirety of the subject property and includes the following:
 - (1) An existing 44' × 60' grain elevator that is 175 feet in height and existed prior to the adoption of the *Zoning Ordinance* on October 10, 1973.
 - (2) Three small grain bins in the northeast corner of the subject property. These bins will be removed.
 - (3) A 29' × 29' office.
 - (4) A 22' × 60' scale.
 - (5) Three 96' diameter grain bins in the center of the subject property. Two of these bins will be removed. All of these bins are less than 100 feet in height.
 - (6) An existing access drive off of CR 1975E.
 - (7) An 18' diameter grain dryer that is less than 100 feet in height.
 - (8) A proposed 105' diameter grain bin that is 130 feet in height.
 - (9) The grain legs are typically not ground mounted and are therefore not shown on the site plan, but they are of heights of 130 feet, 165 feet, and 175 feet.
 - B. A Phase 2 site plan was received June 29, 2012, and indicates an additional 105' diameter grain bin that is 130 feet in height. The Petitioner anticipates that this bin could be built in the future.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT as a Special Use in the B-1 Agriculture Zoning District in the *Zoning Ordinance*:
 - A. Paragraph 4.3.1B. requires that spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT are authorized as a Special Use in all zoning districts.
 - 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:

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- (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.
 - (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) Subsection 6.1.3 establishes the following standard conditions for Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT:
 - (a) Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances shall conform to the standards of the Federal Aviation Administration and the Illinois Department of Transportation, Division of Aeronautics.
- 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) "HEIGHT" As applied to a story: The vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.

As applied to a BUILDING: The vertical measurement from GRADE to a point midway between the highest and lowest points of the roof.

As applied to an Enclosed or Unenclosed STRUCTURE:

STRUCTURE, DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.

STRUCTURE, ATTACHED: Where such STRUCTURE is attached to another STRUCTURE and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such STRUCTURE to the uppermost portion of such STRUCTURE shall be HEIGHT. Where such STRUCTURE is attached to another STRUCTURE and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such STRUCTURE to the uppermost portion shall be the HEIGHT.

- (3) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (4) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (5) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
 - (6) “STRUCTURE, ATTACHED” is a STRUCTURE connected to another STRUCTURE.
 - (7) “STRUCTURE, DETACHED” is a STRUCTURE not connected to another STRUCTURE.
 - (8) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- 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;

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- (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, **“This site has fall deliveries of approximately 800,000 more bushels of grain than the current storage can handle. The local customer base would be better served, with an increase in capacity.”**
 - B. The grain elevator on the subject property has been in operation since the 1940s and existed prior to zoning in Champaign County.
 - C. The subject property is zoned AG-1 Agriculture, but the Petitioner has filed an application to rezone the property from its AG-1 designation to a B-1 designation in related Case 721-AM-12.
 - D. Height of the proposed grain bins is directly proportional to the volume and shorter grain bins would result in more grain bins that take up more land.

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, **“The grain elevator has been used continuously by the agriculture community since 1938. We will be replacing five dated storage bins with one new grain bin.”**
 - B. Regarding surface drainage:
 - (1) The subject property slopes gently to the west and drains to the west, but ultimately runoff is drained to the southeast of the subject property.
 - C. The subject property is accessed from CR 1975E on the east side of the property. Regarding the general traffic conditions on CR 1975E at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (1) There is no Annual Average Daily Traffic (AADT) for CR 1975E available from the Illinois Department of Transportation.
 - (2) CR 1975E is a Minor Street as indicated in the Champaign County Zoning Ordinance.
 - (3) Pavement width in front of the subject property is approximately 30 feet.
 - (4) The Township Highway Commissioner has been notified of this case.

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- (5) Regarding the proposed special use and the anticipated traffic impacts:
 - (a) A traffic increase is not expected to the subject property. It is anticipated that a similar amount of traffic will visit the site during the times of the year the site is fully operational.

- D. Regarding fire protection of the subject property, the subject property is within the protection area of the St. Joseph Fire Protection District and is located approximately 2.6 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 within a Special Flood Hazard Area.

- F. Regarding outdoor lighting on the subject property, no outdoor lighting has been indicated on the site plan.

- G. Regarding wastewater treatment and disposal on the subject property:
 - (1) There is an existing septic system on the subject property that is located near the southeast corner of the property.

- K. 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) 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.
 - (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (h) 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.
 - (i) 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.
 - (j) 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.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:

- D. Regarding the Special Flood Hazard Areas Ordinance, no part of the subject property is located in the 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 B-1 Rural Trade Center Zoning District:
 - (1) Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT are authorized as a Special Use in all zoning districts.
 - (2) Most modern grain elevators and grain bins are over 100 feet in height and therefore are part of the essential character of the B-1 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. Spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in HEIGHT are authorized as a Special Use in all zoning districts.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.14 of the Ordinance states the general intent of the B-1 District and states as follows (capitalized words are defined in the Ordinance):

The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
 - (2) The types of uses authorized in the B-1 District are in fact the types of uses that have been determined to be acceptable in the B-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:

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- (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) The existing grain elevator has been in operation since the 1940s and the requested Special Use Permit should not decrease 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:
 - (a) An increase in traffic is not anticipated as a result of the requested Special Use Permit. The grain elevator is only fully operational during certain times of the year and the normal amount of traffic is expected.
- (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) Stormwater runoff from the property onto adjacent properties should not be an issue and the proposed Special Use complies with the *Stormwater Management Policy*.
 - (b) The subject property is not located in the special flood hazard area.
- (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.
- (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 currently located in the AG-1 Agriculture District and is proposed to be rezoned to the B-1 Rural Business District in Case 721-AM-12 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 other than best prime farmland and there are no natural features other than best prime farmland in the vicinity of the subject property.

- (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 currently located in the AG-1 Agriculture District and has proposed to be rezoned to the B-1 Rural Business District in Case 721-AM-12 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 currently located in the AG-1 Agriculture District and has proposed to be rezoned to the B-1 Rural Business District in Case 721-AM-12 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, “Yes.”
 - B. The special use permit would make the use more compatible and would allow replacement of the existing structures over 100 feet in height if they are damaged or removed.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. No special conditions are proposed at this time.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Louis Schwing Jr. (Assistant Manager) received on May 31, 2012 with attachments:
 - A Legal Description
 - B Boundary Survey
2. Application for Special Use Permit signed by Jeff Breen (Regional operations Manager) received July 3, 2012, with attachments:
 - A Site Plan
 - B Legal Description
3. Site Plan (Current Conditions) received June 29, 2012
4. Site Plan (Phase 1) received June 29, 2012
5. Site Plan (Phase 2) received June 29, 2012
6. List of Premier Cooperative Board Members received June 29, 2012
7. Email from Louis Schwing Jr. dated June 29, 2012
8. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
9. Champaign County Land Resource Management Plan (LRMP) Appendix of Defined Terms
10. Email from Jeff Breen dated July 3, 2012
11. Preliminary Memorandum for Case 721-AM-12 dated July 20, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plans
 - C LRMP Land Use Goals, Objectives, and Policies
 - D LRMP Appendix of Defined Terms
 - E Draft Finding of Fact and Final Determination
12. Preliminary Memorandum for Case 726-S-12 dated July 20, 2012, with attachments:
 - A 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 726-S-12 held on July 26, 2012, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{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 **726-S-12** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED }* to the applicant to **Premier Cooperative Incorporated** to authorize:

Part A. The replacement of an existing non-conforming grain elevator that is approximately 175 feet in height.

Part B. The replacement of an existing non-conforming grain leg that is approximately 175 feet in height.

Part C. The construction and use of two grain bins approximately 130 feet in height.

Part D. The construction and use of a grain dryer approximately 125 feet in height.

{ 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

CASE NO. 723-AM-12

PRELIMINARY MEMORANDUM

JULY 20, 2012

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioners: **The Estate of John Buerkett with co-executors Thomas Fiedler and Dennis Buerkett**

Request: Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District.

Site Area: **1.5 acres**

Time Schedule for Development: **Immediately**

Location: A 1.5 acre tract in the West Half of the Southeast Quarter of the Northeast Quarter of Section 33 of Somer Township and commonly known as the building at 3515 North Cunningham Avenue, Urbana.

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

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

(217) 384-3708

BACKGROUND

The petitioners request to rezone property at 3515 North Cunningham Ave, Urbana, from its current B-3 Highway Business zoning designation to the B-4 General Business zoning designation. The petitioner requests the rezoning because the property and building are currently vacant and are for sale. The petitioners have a buyer for the property, but the proposed use of the buyer is not authorized in the B-3 District. The proposed buyer would use the property for retail sales of open box items and warranty returns of items from national retailers such as Walgreens.

The B-3 District is a zoning classification that is generally not relevant to modern uses and does not authorize many uses that would be considered appropriate in the B-3 District. The B-4 District authorizes a number of different retail sales, among other uses.

EXTRA TERRITORIAL JURISDICTION (ETJ)

The subject property is within the ETJ of the City of Urban, a municipality with zoning. The City of Urbana has been notified of this case.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Commercial	B-3 Highway Business
North	Mobile Home Park	R-5 Manufactured Home Park
East	U.S. 45/Cunningham Avenue ----- Agriculture	AG-2 Agriculture
West	Industrial/Commercial	B-4 General Business
South	Industrial/Commercial	B-4 General Business

URBANA FUTURE LAND USE MAP

The Future Land Use Map in the 2005 Comprehensive Plan for the City of Urbana identifies the subject property and the area surrounding the subject property as Light Industrial/Office which the plan describes as: Land use intended for planned developments that typically do not generate the intensity of heavy industrial land uses.

PROPOSED SPECIAL CONDITION OF APPROVAL

- A. No Zoning Use Permit for expansion of building area or parking area and no Change of Use permit authorizing a different use with a greater wastewater load shall be approved without documentation that the Champaign County Health Department has determined the existing or proposed septic system will be adequate for that proposed use.**

The above special condition is required to ensure:

That the existing septic system is adequate and to prevent wastewater runoff onto neighboring properties.

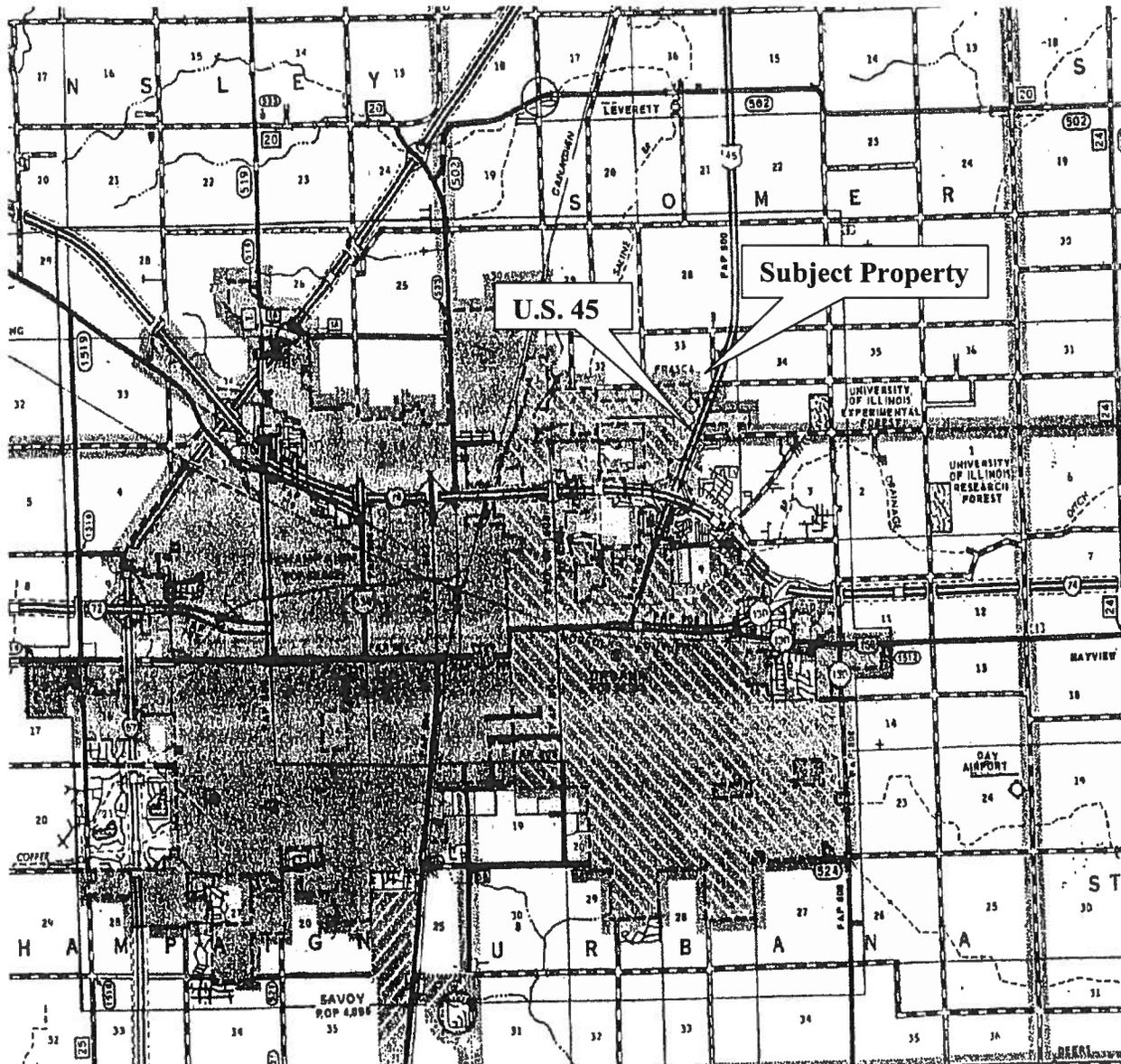
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Building Sketch
- C LRMP Land Use Goals, Objectives, and Policies and Appendix of Defined Terms (included separately)
- D Urbana Comprehensive Plan Future Land Use Map #1 (included separately)
- E Sewer Map (included separately)
- F Draft Finding of Fact and Final Determination (included separately)

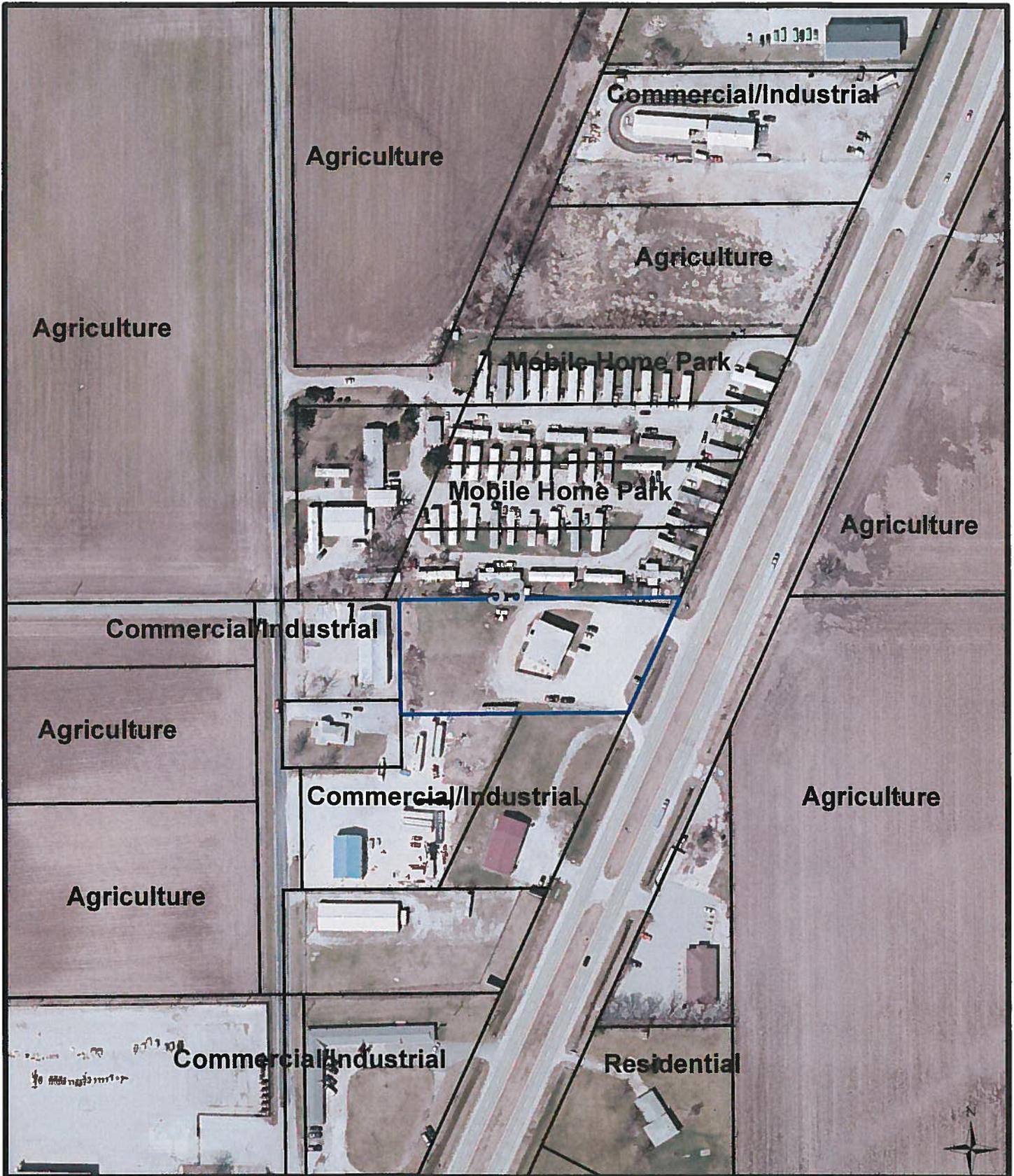
ATTACHMENT A. LOCATION MAP

Cases 723-AM-12

July 20, 2012



**Attachment A: Land Use Map
Case 723-AM-12
July 20, 2012**



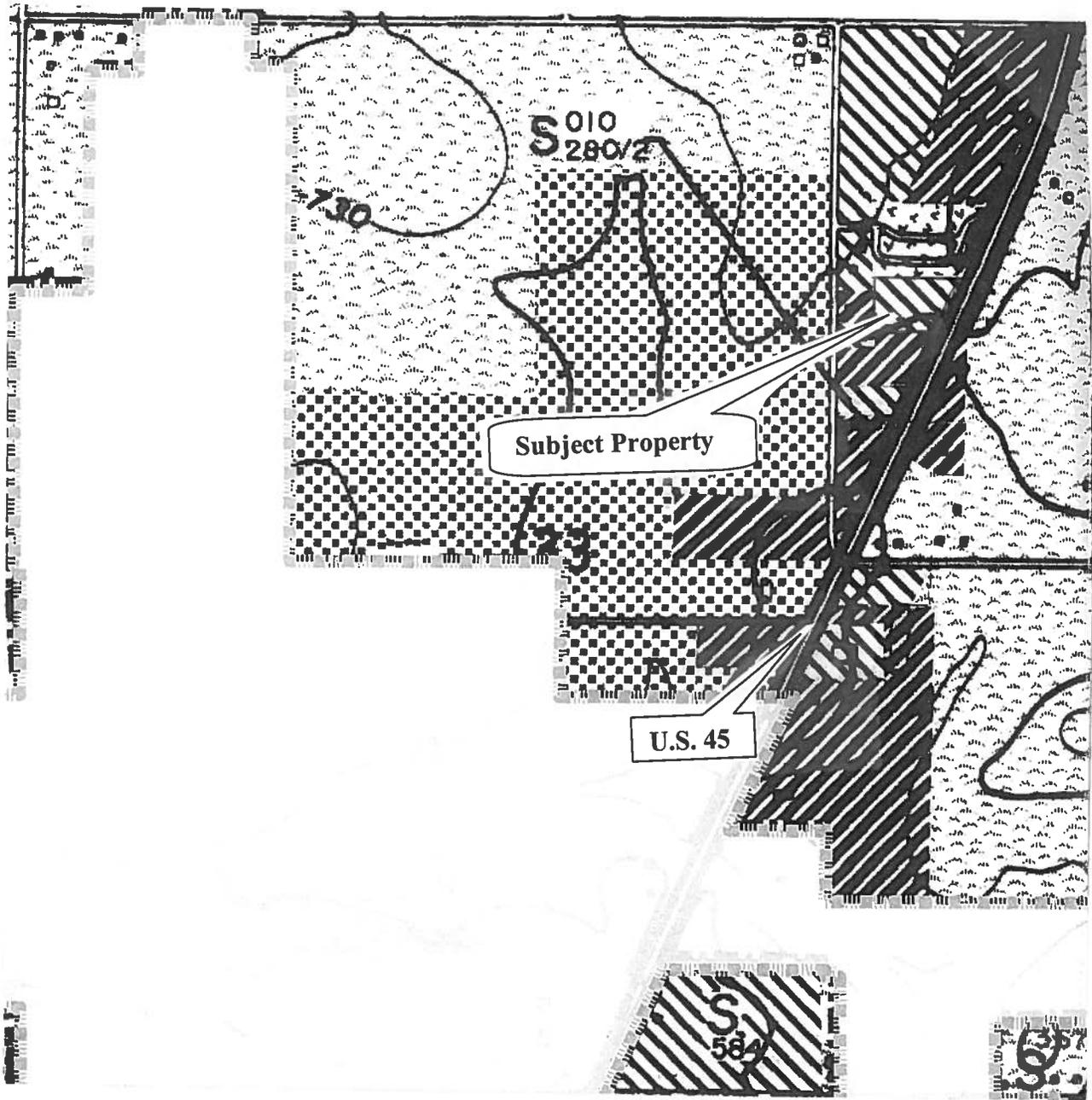
 Subject Property

1 inch = 200 feet

ATTACHMENT A. ZONING MAP

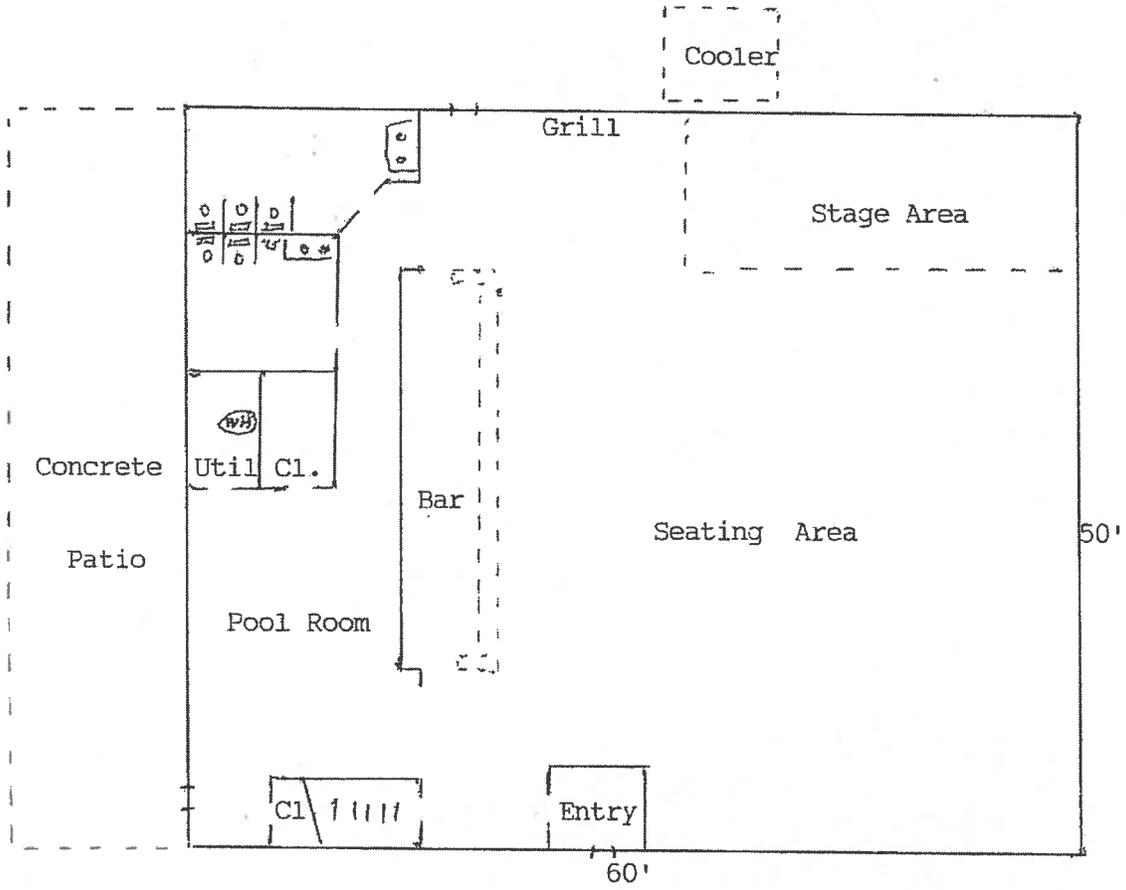
Case 723-AM-12

July 20, 2012



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	

BUILDING SKETCH:



Parking

Parking

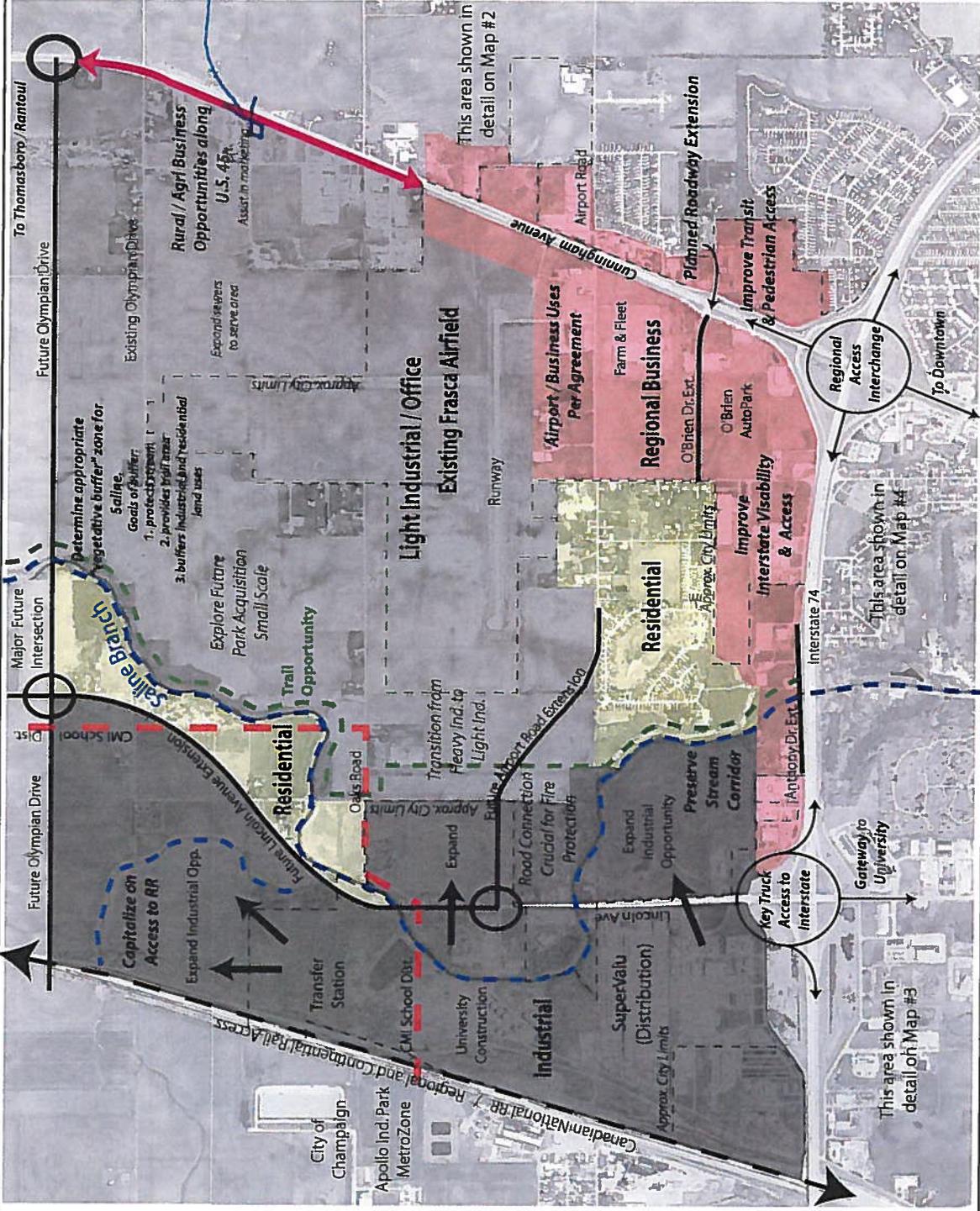


**2005
Comprehensive
Plan**

Future Land Use Maps Map #1

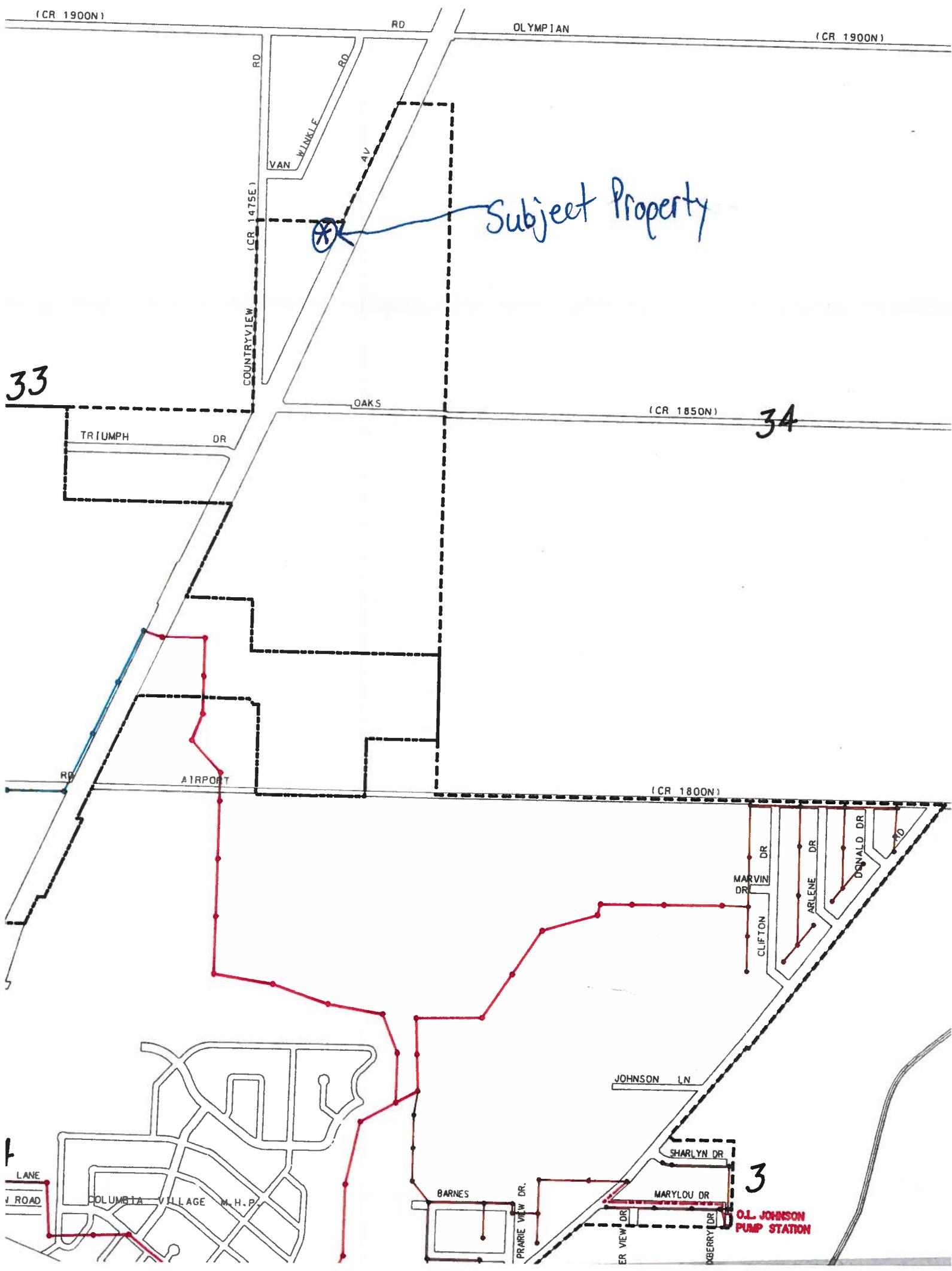
North Lincoln Avenue /
North Cunningham Avenue

Subject Property



ADOPTED

April 11, 2005
Map Created by City of Urbana
Community Development Services Dept.



Subject Property

33

34

3

O.L. JOHNSON PUMP STATION

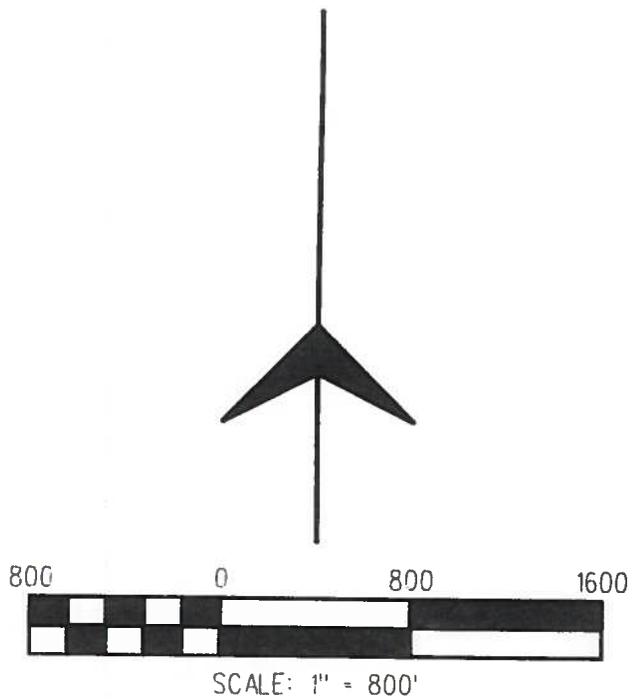
F

LANE

ROAD

COLUMBIA VILLAGE M.H.P.

URBANA & CHAMPAIGN SANITARY DISTRICT MAP



These maps have been created by Sodemann and Associates to fulfill the terms of the agreement between The Urbana and Champaign Sanitary District, the cities of Champaign and Urbana and the village of Savoy. The maps are intended to depict only the approximate location of various sanitary sewers within the district. Linetypes and colors are intended to identify types of sewers and the entities that maintain them. Any other graphical information on these maps is shown only for clarity. The maps are not recommended for any other use.

LEGEND	
	ANNEXATION BOUNDARY LINE
	MUNICIPAL BOUNDARY LINE
	COMMON BOUNDARY LINE
	STREET R.O.W. AND NAME
	COLLECTOR SEWER (MUNICIPAL)
	MUNICIPAL APPROVED COLLECTOR SEWER
	DISTRICT APPROVED COLLECTOR SEWER
	FORCE MAIN (DISTRICT)
	INTERCEPTOR SEWER (DISTRICT)
	UNIVERSITY OF ILLINOIS SEWER
	UNIVERSITY OF ILLINOIS FORCE MAIN
	PRIVATELY MAINTAINED SEWER
	ABANDONED SEWER
	MANHOLE

DRAFT

723-AM-12

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

Final Determination: ***{RECOMMEND ENACTMENT / RECOMMEND DENIAL}***

Date: **July 26, 2012**

Petitioners: **The Estate of John Buerkett with co-executors Thomas Fiedler and Dennis Buerkett**

Request: **Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 26, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The subject property is owned by the Estate of John Buerkett, 602 North Country Fair Drive, Champaign and the co-petitioners Thomas Fiedler and Dennis Buerkett, 602 North Country Fair Drive, Champaign are co-executors of the estate.
2. The subject property is a 1.5 acre tract in the West Half of the Southeast Quarter of the Northeast Quarter of Section 33 of Somer Township and commonly known as the building at 3515 North Cunningham Avenue, Urbana that was formerly The Stop.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana. The City has been notified of this case. The Future Land Use Map in the 2005 Comprehensive Plan for the City of Urbana identifies the subject property and the area surrounding the subject property as Light Industrial/Office which the plan describes as: Land use intended for planned developments that typically do not generate the intensity of heavy industrial land uses.
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:

“Current zoning does not allow for the type of retail sales intended by the purchaser.”

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

“The current zoning allows for sale of mowers and antiques. Changing that would have a positive impact on neighboring properties.”

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 B-3 Highway Business and the building on the property was formerly used as a bar.
 - B. Land on the north is zoned R-5 Manufactured Home Park and is in use as a mobile home park.
 - C. Land on the south is zoned B-4 General Business and is in commercial/industrial use.
 - D. Land on the east is zoned AG-2 Agriculture and is in agricultural use.
 - E. Land on the west is zoned B-4 General Business and is in commercial/industrial use.
7. Previous zoning cases in the vicinity are the following:

- A. Case 357-AM-79 was a request by Tom Davis and Carroll Hall to rezone .63 acre from B-3 to B-4 immediately west of the subject property.
- B. Case 660-AM-88 was a request by Harlan and Vivian Lee to rezone 2.5 acres from B-3 to B-4 immediately south of the subject property.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

- 8. 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 B-3, Highway Business DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY.
 - (2) The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The B-3 District is generally located throughout the county near major thoroughfares.
 - (2) The B-4 District is generally located in areas adjacent to urbanized areas suitable for commercial activity.
 - 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 48 types of uses authorized by right in the B-3 District and there are 114 types of uses authorized by right in the B-4 District:
 - (a) The following 45 uses are authorized by right in both the B-3 District and the B-4 District:
 - Hotel – no more than 15 lodging units;
 - Hotel – over 15 lodging units;
 - Subdivisions of three lots or less;
 - Subdivisions totaling more than three lots or with new streets or private accessways;
 - Agriculture;
 - Minor Rural Specialty Business;
 - Major Rural Specialty Business;
 - Commercial Greenhouse;
 - Greenhouse (not exceeding 1,000 square feet);
 - Garden Shop;
 - Plant Nursery;

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- Municipal Government Building;
- Township Highway Maintenance Garage (must meet separation requirements of Special Use Permit in B-3);
- Police Station or Fire Station;
- Public Park or Recreational Facility;
- Parking Garage or Lot;
- Telephone Exchange;
- Telegraph Office;
- Motor Bus Station;
- Roadside Produce Stand;
- Artists Studio;
- Restaurant (indoor service only);
- Supermarket or Grocery Store;
- Drive-In Restaurant;
- Tavern or Night Club;
- Bakery (less than 2,500 square feet);
- Dairy Store;
- Delicatessen;
- Confectionary Store;
- Retail Liquor Store;
- Locker, Cold Storage for Individual Use;
- Major Automobile Repair;
- Minor Automobile Repair;
- Gasoline Service Station;
- Automobile Washing Facility;
- Automotive Accessories (new);
- Antique Sales and Service;
- Lawnmower Sales and Service;
- Bait Sales;
- Outdoor Commercial Recreational Enterprise (except amusement park);
- Private Indoor Recreational Development;
- Commercial Fishing Lake;
- Christmas Tree Sales Lot;
- Off-Premises Sign; and
- Temporary Uses

- (b) The following 3 uses are authorized by right in the B-3 District but not in the B-4 District:
- TRAVEL TRAILER Camp;
 - Roadside Stand operated by Farm Operator; and
 - Public CAMP or Picnic Area

- (c) The following 69 uses are authorized by right in the B-4 District but not in the B-3 District:
- Institution of an Educational, Philanthropic or Eleemosynary Nature;
 - Church, Temple or church related Temporary Uses of Church Property;
 - Library, Museum or Gallery;
 - Radio or Television Station;
 - Railway Station;
 - Truck Terminal;
 - Barber Shop;
 - Beauty Shop;
 - Reducing Salon;
 - Dressmaking Shop;
 - Drycleaning Establishment;
 - Laundry and/or Drycleaning Pick-up;
 - Millinery Shop;
 - Self-Service Laundry;
 - Shoe Repair Shop;
 - Tailor and Pressing Shop;
 - Diaper Service Establishment;
 - Clothing Repair and Storage;
 - Mortuary or Funeral Home;
 - Medical and Dental Clinic;
 - Farm Equipment Sales and Service;
 - Feed and Grain (sales only);
 - Banks, Savings and Loan Associations;
 - Insurance and Real Estate Offices;
 - Business Office;
 - Professional Office;
 - Private Kindergarten or Day Care Facility;
 - Vocational, Trade or Business School;
 - Meat and Fish Market;
 - Automobile, Truck, Trailer and Boat Sales Room (all indoors)
 - Automobile or Trailer Sales area (open lot);
 - Building Materials Sales (excluding concrete or asphalt mixing);
 - Hardware Store;
 - Electrical or Gas Appliance Sales and Service
 - Department Store;
 - Apparel Shop;
 - Shoe Store;

- Jewelry Store;
 - Stationery-Gift Shop-Art Supplies;
 - Florist;
 - Newsstand-Bookstore;
 - Tobacconist;
 - Variety-Drygoods Store;
 - Music Store;
 - Drugstore;
 - Photographic Studio and Equipment Sales and Service;
 - Furniture Store – Office Equipment Sales
 - Used Furniture Sales and Service;
 - Pet Store;
 - Bicycle Sales and Service;
 - Fuel Oil, Ice, Coal, Wood (sales only);
 - Monument Sales (excluding stone cutting);
 - Pawn Shop;
 - Sporting Goods Sales and Service;
 - Heating, Ventilating, Air Conditioning Sales and Service;
 - Billiard Room;
 - Bowling Alley;
 - Dancing Academy or Hall;
 - Lodge or Private Club;
 - Indoor Theater;
 - VETERINARY HOSPITAL (no outdoor areas and no animal boarding);
 - Wholesale Business;
 - Warehouse;
 - Self-Storage Warehouse, providing heat and utilities to individual units;
 - Self-Storage Warehouse, not providing heat and utilities to individual units;
 - Auction House (non-animal);
 - Sexually Oriented Business (subject to minimum separation requirements including no less than 1,000 feet from a residential District);
 - Contractors Facilities (with no outdoor storage nor outdoor operations);
and
 - Small Scale Metal Fabricating Shop
- (2) There are 11 types of uses authorized by Special Use Permit (SUP) in the B-3 District and 11 types of uses authorized by SUP in the B-4 District:
- (a) The following 4 uses may be authorized by SUP in both the B-3 District and B-4 District:

- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Electrical Substation; and
 - HELIPORT-RESTRICTED LANDING AREAS
- (b) The following 7 uses may be authorized by SUP in the B-3 District but not in the B-4 District:
- Radio or Television Station (by right in B-4);
 - VETERINARY HOSPITAL (by right in B-4);
 - Warehouse (by right in B-4);
 - Self-storage Warehouses, providing heat and utilities to individual units (by right in B-4);
 - Self-storage Warehouses, not providing heat and utilities to individual units (by right in B-4);
 - Gasoline and Volatile Oils Storage up to and including 80,000 gallons; and
 - Liquefied Petroleum Gases Storage
- (b) The following 7 uses may be authorized by SUP in the B-4 District but not in the B-3 District:
- HOSPITAL;
 - Bakery (more than 2,500 square feet);
 - Amusement Park;
 - Kennel;
 - Recycling of Non-Hazardous materials (all storage and processing indoors);
 - Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS; and
 - LIGHT ASSEMBLY

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. 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

10. 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)

11. 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.

12. 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 ***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 the petitioners to sell the property to a buyer who will put the vacant building on the subject property to productive use.

13. 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.

Goal 4 has 9 objectives and 22 policies. The proposed amendment is ***NOT RELEVANT*** to Goal 4 because the subject property already has B-3 zoning and is adjacent to an urbanized area.

14. 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 building would not generally be expected under typical “rural” development and is representative of what is generally considered to be urban development. B-4 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.
 - (c) The subject property is already developed.
 - (d) The land uses allowed under the proposed B-4 District are very similar to the land uses allowed under the existing B-3 District in terms of wastewater loading and the ability to use a septic system.
- (2) Policies 5.1.2, 5.1.3, 5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 are ***NOT RELEVANT*** to the proposed rezoning.

- 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 rezoning will allow reuse of the subject property.
- (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 building on the subject property was constructed in 1986 as a restaurant/lounge. The subject property has not been in agricultural production since before 1972.

- (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.
- (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 2.7 miles from the Carroll 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 U.S. 45/Cunningham Avenue. This road has adequate capacity to handle traffic generated and no significant traffic increase as a result of the rezoning is anticipated.

15. 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. Objectives 6.2, 6.3, and 6.4 are *NOT RELEVANT* to the proposed rezoning. 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) Policies 6.1.1, 6.1.3, and 6.1.4 are not relevant to the proposed rezoning.
- (2) 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.
- (b) The subject property is already developed.
- (c) A special condition has been proposed to ensure that the septic system will be considered with any expansion of building area, parking area, or wastewater loading.

16. 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. Objective 7.2 is *NOT RELEVANT* to the proposed rezoning. The proposed amendment *CONFORMS* to 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 *CONFORMS* to 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 *CONFORMS* to Policy 7.1.1 for the following reasons:

- (a) U.S. 45/Cunningham Avenue is a State 4-lane highway in front of the subject property.

- 17. 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. Goal 8 is *NOT RELEVANT* to the proposed amendment.

- 18. 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.

- 19. 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

- 20. 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	Commercial	B-3 Highway Business
North	Mobile Home Park	R-5 Manufactured Home Park
East	U.S. 45/Cunningham Avenue ----- Agriculture	AG-2 Agriculture
West	Industrial/Commercial	B-4 General Business
South	Industrial/Commercial	B-4 General Business

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. In the past there have been complaints about noise on the subject property which were apparently from residents of the mobile home park to the north. The proposed rezoning should not result in any worsening of the situation.
- (3) In regards to the value of the subject property the requested map amendment will allow productive use of the building.

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 to sell the subject property.

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 is a building occupying the subject property that is suitable for the proposed use.

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 B-3 District was planned in 1973 and thus was intended for commercial areas near major thoroughfares. Currently, there is one building on the subject property. This building was built in 1986 for use as a restaurant and lounge. The B-3 District is generally considered to be a zoning district that is no longer useful because the types of uses authorized are too limited for contemporary society.

G. *Sinclair* factor: The need and demand for the use.

Currently the subject property and building are vacant. The proposed rezoning and use will allow the subject property to be put to productive use.

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

21. Proposed Special Conditions of Approval:

A. No Zoning Use Permit for expansion of building area or parking area and no Change of Use permit authorizing a different use with a greater wastewater load shall be approved without documentation that the Champaign County Health Department has determined the existing or proposed septic system will be adequate for that proposed use.

The above special condition is required to ensure:

That the existing septic system is adequate and to prevent wastewater runoff onto neighboring properties.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Thomas Fiedler (co-executor) and Dennis Buerkett (co-executor) received on June 13, 2012, with attachment:
 - A Legal Description
2. Summary Appraisal Report received June 15, 2012
3. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
4. Champaign County Land Resource Management Plan (LRMP) Appendix of Defined Terms
5. Preliminary Memorandum dated July 20, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Building Sketch
 - C LRMP Land Use Goals, Objectives, and Policies and Appendix of Defined Terms
 - D Urbana Comprehensive Plan Future Land Use Map #1
 - E Sewer Map
 - F 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 **July 26, 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, 5, and 6
 - B. The proposed Zoning Ordinance map amendment ***WILL NOT IMPEDE*** the achievement of all other LRMP goals.

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 723-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