

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

SUPPLEMENTAL MEMORANDUM

March 14, 2013

Champaign  
County  
Department of

PLANNING &  
ZONING

Petitioners:

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

Site Area:

**Approx. 14 acres**

Time Schedule for Development:

**Immediate**

Prepared by:

**John Hall**  
Zoning Administrator

**Andrew Kass**  
Associate Planner

**Brookens**

**Administrative Center**

1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708

**Case 687-AM-11**

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

Location for Case 687 & 688: An approximately 14 acre tract of land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR1600E, Villa Grove.

**Case 688-S-11**

Request: **Authorize the construction and use of a "Restricted Landing Area" for use by airplanes consistent with Illinois Department of Transportation regulations and also for helicopter use for public safety assistance as needed and with limited helicopter use for personal use, as a Special Use on land that is proposed to be rezoned to the AG-1 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related Zoning Case 687-AM-11; and with a waiver of a Special Use standard condition required by Section 6.1 that requires compliance with Footnote 11 of Section 5.3.**

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## STATUS

New information including a revised plan has been received from the Petitioner and is reviewed below.

A new letter has also been received from the Illinois Historic Preservation Agency (see attached).

Additional evidence is also proposed related to site suitability and injury to district.

A new special condition is proposed to limit flight operations to only daytime hours except as required for public safety assistance.

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## LETTER RECEIVED FROM PETITIONER'S ATTORNEY

A letter with several attachments was received from the Petitioner's Attorney Alan Singleton on Tuesday, March 12, 2013. See Attachment A. The letter includes three attachments which are briefly summarized below:

- **Plan And Profile Of Landing Area dated 3/8/13** (revised site plan). Item 5 in the Draft Summary of Evidence for Case 688-S-11 and item 8 in the Draft Finding of Fact for Case 687-AM-11 should be revised to indicate the date of this revised site plan and the specific changes. Contrary to what is stated in the letter, the revised site plan reflects only some of the recommendations of the Department of Planning and Zoning that were made in an email dated 12/18/12. A new special condition should be added to explicitly state the date received of the relevant site plan.

The Plan And Profile Of Landing Area has been revised as follows:

- (1) **The landing area (runway) has been shifted 35 feet 8 inches further south from the north property line.**

As indicated on Attachment B the runway is now proposed to be 142.65 feet from the dwelling at 177 CR1600E (Larry & Julia Hall) which is an increase of about 33%. This greater separation should be reflected in changes to items 8.S.(1) and (7) in the Draft Summary of Evidence for Case 688-S-11 and item 14.C.(1)(b)iii. in the Draft Finding of Fact for Case 687-AM-11.

- (2) **The south side transition area now overlaps the property to the south by 49 feet and the maximum allowable height at the south property line is nine feet.** It is not clear whether the adjacent property owner is aware of and in agreement with this change.

The ZBA may want to require documentation of that agreement or simply require documentation as a special condition of approval.

- (3) **The hangar area has been shortened by 26 feet and the area has been reduced by about 3,900 square feet to 26,903 square feet.** These changes are minor but the relevant evidence should be updated with these new numbers. Changes should be made to items 8.T.(a) in the Draft Summary of Evidence for Case 688-S-11 and item 18.A.(2)(g) in the Draft Finding of Fact for Case 687-AM-11.

The letter from Attorney Singleton states that the shift of the hangar area will "...decrease any need to cut trees for the hanger area."

- (4) **The length of the proposed runway may have been reduced to 1,600 feet from the previous 1,640 feet but the letter is confusing. This must be clarified.**

- **Letter from Durst Tree Service dated 3/12/13** (replaces a letter dated 3/8/13). A letter regarding whether or not trimming of trees may be necessary on adjacent property has been provided by Mr. Greg Durst, a professional arborist with over 18 years of experience. The letter states that the author has "...personally examined the trees...west of the Jones property and to the west of the river on neighboring land."
- **Article from The News-Gazette dated 1/22/13.**

#### **NEW SPECIAL CONDITION**

**No take-offs or landings shall occur at anytime other than during daylight hours except as required for public safety assistance which may occur anytime necessary.**

The above condition is necessary to ensure the following:

**That the use of RLA does not occur at nighttime unless required for public safety assistance.**

**ATTACHMENTS**

- A Letter dated 3/11/13 from Petitioner's Attorney with attachments:
  - (1) Plan And Profile Of Landing Area dated 3/8/13 (revised site plan)
  - (2) Letter from Durst Tree Service dated 3/12/13 (replaces a letter dated 3/8/13)
  - (3) Article from The News-Gazette dated 1/22/13
- B Plan And Profile Of Landing Area (Revised 3/12/13) Annotated To Illustrate Proposed Separations
- C Survey Exhibit for Dr. Phillip Jones received August 19, 2009, from Koehler Professional Engineers & Land Surveyors
- D Letter received March 11, 2013, from Illinois Historic Preservation Agency
- E Additional Evidence Related to Suitability and Injury to District
- F Summary Finding of Fact for Case 687-AM-11
- G Item 23 addition to Case 687-AM-11 Finding of Fact and Final Determination (included separately)

RECEIVED

MAR 12 2013

CHAMPAIGN CO. P & Z DEPARTMENT

March 11, 2013

John Hall  
Zoning Administrator  
Brookens Administrative Center  
1776 E. Washington,  
Urbana, IL 61802  
jhall@co.champaign.il.us

Via: Email  
Via: Hand delivery

**Re: Site Plan for Cases No. 688-S-11, proposed RLA and Heliport-RLA Petitioners Philip W. and Sarabeth F. Jones**

Dear John:

Enclosed please find copies of an updated site plan for Philip and Sarabeth Jones RLA special use permit application.


The plan reflects the recommendations made by your office in your December 18, 2012 email. The proposed runway has been shifted 36 feet to the south, which results in the runway standing 36 feet further away from Larry Hall's residence. The south side transition would still meet the legal requirements even with corn planted on the Bragg's property to the south. As well, the hanger area has been shifted further south so as to decrease any possible need to cut trees for the hanger area.

With respect to the vegetation on the west end of the property, as shown on the plan, the current runway's length of 1,600 feet could be extended another 50 feet and would still not impinge on the trees. The professional arborist Greg Durst of Durst Tree Service has inspected the site and evaluated any potential negative impact of the proposed RLA. In the attached letter he states that, in his opinion, it is unlikely that the trees will grow any taller as they have enough exposure to sunlight and that shifting the proposed RLA to the south would even further mitigate any potential impact because the trees would be even further away from the runway. Thus, shifting the proposed RLA to the south allows for additional 50 feet of runway and would accommodate the trees in the unlikely event that they grow taller. This, as well as the likely maturity of the trees, seems to provide sufficient cushion for any negative impact the RLA could have on the vegetation in the area.

Please let us know if you have any further questions.

With best regards.

Sincerely,  
SINGLETON LAW FIRM, P.C.

By   
Alan R. Singleton

Enclosures: (1) Revised Site Plan (Plan-Profile)  
(2) Letter from Arborist Greg Durst  
(3) The News-Gazette Article from January 22, 2013 "Van Hits Residence, Overturns"

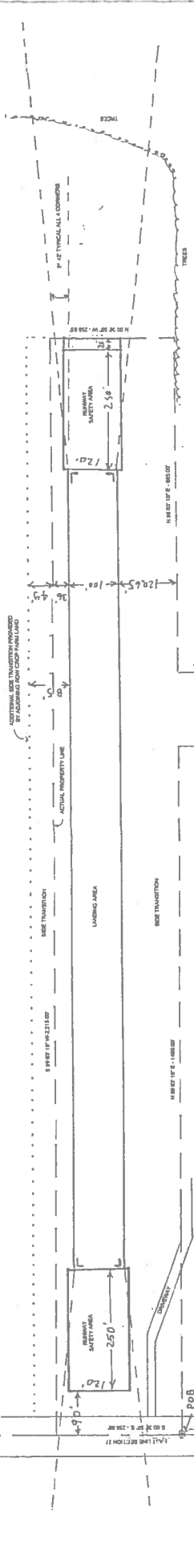
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CHAMPAIGN CO. P & Z DEPARTMENT

RESTRICTED LANDING AREA AND HANGER SITE  
PHILLIP JONES PROPERTY  
LOCATED IN NORTHEAST QUARTER OF SECTION 27  
TOWNSHIP 17 NORTH, RANGE 9 EAST OF 3rd P.M.

PLAN AND PROFILE OF LANDING AREA

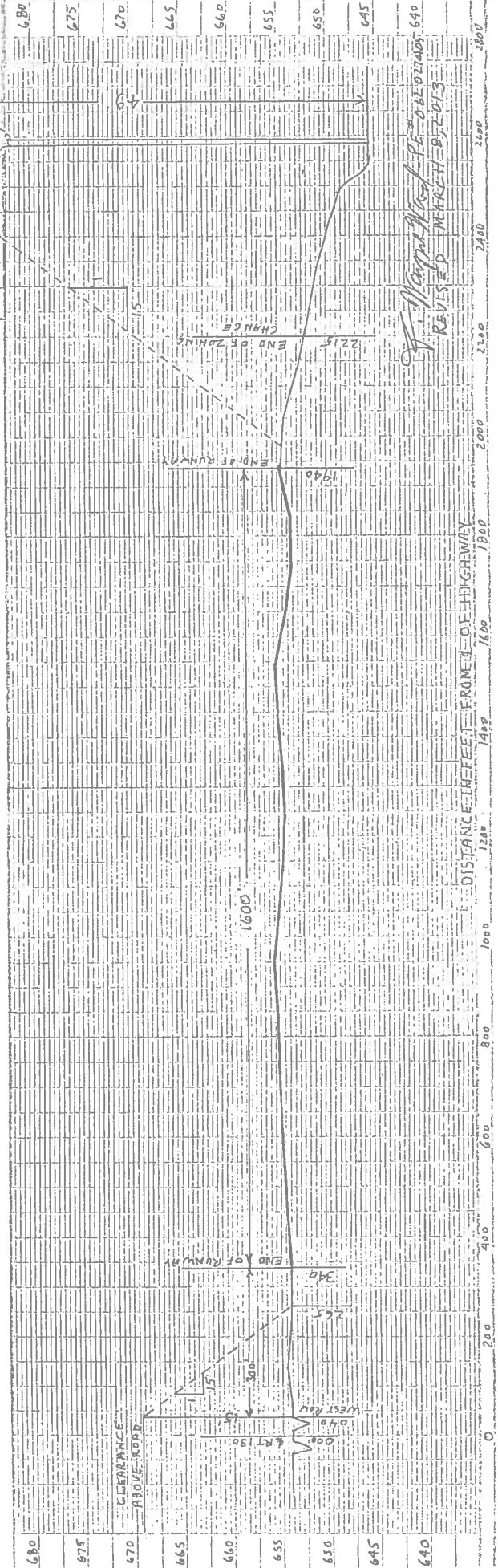


PROPERTY DESCRIPTION

Part of the Northeast Quarter of Section 27, Township 17 North, Range 9 East of the Third Principal Meridian located in Champaign County, Illinois, being more particularly described as follows: Commence at the Northeast corner of said Section 27, said corner being marked by a found monument, thence with the East line of said Section 27 South 00° 30' 50" East - 1,300.00 feet to the corner of said Section 27 and the East line of said Section 27, thence South 89° 03' 10" West - 2,215.00 feet to a corner of said East line, South 89° 03' 10" West - 2,215.00 feet; thence North 00° 36' 50" West - 250.85 feet; thence North 89° 03' 10" East - 655.00 feet; thence North 00° 36' 50" West - 179.35 feet; thence North 89° 03' 10" East - 500.00 feet to the Point of Beginning, containing 13.67 Acres more or less.



SCALE  
HORIZONTAL - 1" = 200'  
VERTICAL - 1" = 10'



March 12, 2013

Zoning Board of Appeals  
c/o John Hall  
1776 East Washington Street  
Urbana, Illinois 61802

Durst Tree Service  
1207 Mary Drive  
Mahomet, IL 61853

*Re: Tree Trimming on the Jones Requested RLA*

Dear Chair and Members of the Board:

This letter relates to Phillip and Sara Jones' request for a special use permit and rezoning in order to operate a Restricted Landing Area (RLA) on their property. It is based upon my professional opinion as an arborist with over 18 years of experience. I own and operate Durst Tree Service. During this time I have cut and/or trimmed thousands of trees.

I have personally examined the trees near the west end of the proposed restricted landing area on the Phillip and Sara Jones property, as well as those trees to the west of the Jones property and to the west of the river on neighboring land. I have reviewed the proposed site plan for the RLA. I am familiar with these species of trees, as well as their growth patterns, based upon my years of experience as an arborist. While the species in question, according to reference books, have a theoretical height taller than their current height, I believe it is unlikely that they will grow taller in height at this point. Specifically the trees at the edge of the wooded area are unlikely to increase in height because they are fully exposed to the sun on their eastern side and hence do not need to grow taller to compete for additional sunlight.

Given the required angles and required area to be free from trees for the proposed RLA, I believe that it is unlikely that any trimming of the trees to the west of the proposed RLA would ever need to occur.

In the unlikely event that some trimming of the trees on the Jones property were needed due to growth, the trimming would be minimal and would not affect the overall health of any specific tree or the forest as a whole. Due to the angles involved, I cannot ever envision the trees to the west of the Jones property, including those to the west of river, ever needing to be trimmed.

Also, I noted that numerous seedlings have been planted in the area surrounding the pond. As these seedlings mature, the area will become much more of a forested one over time.

In the event the runway area were to be shifted to the south (with the runway still on the Jones' property but the side transition area shifted to the Bragg property to the south), any possible impact of the RLA on the trees near the west end would be mitigated even further because the trees would be further away from the west end of the RLA in that case.

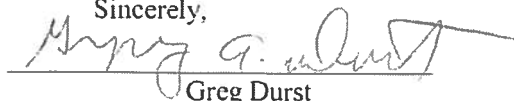
To summarize, the proposed restricted landing area, in my professional opinion, would not have any negative effect on the trees or forest on or near the Jones' property.

With best regards.

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MAR 12 2013

Sincerely,



Greg Durst

CHAMPAIGN CO. P & Z DEPARTMENT



**LOCAL / STATE**

**CHAMPAIGN ACCIDENT**

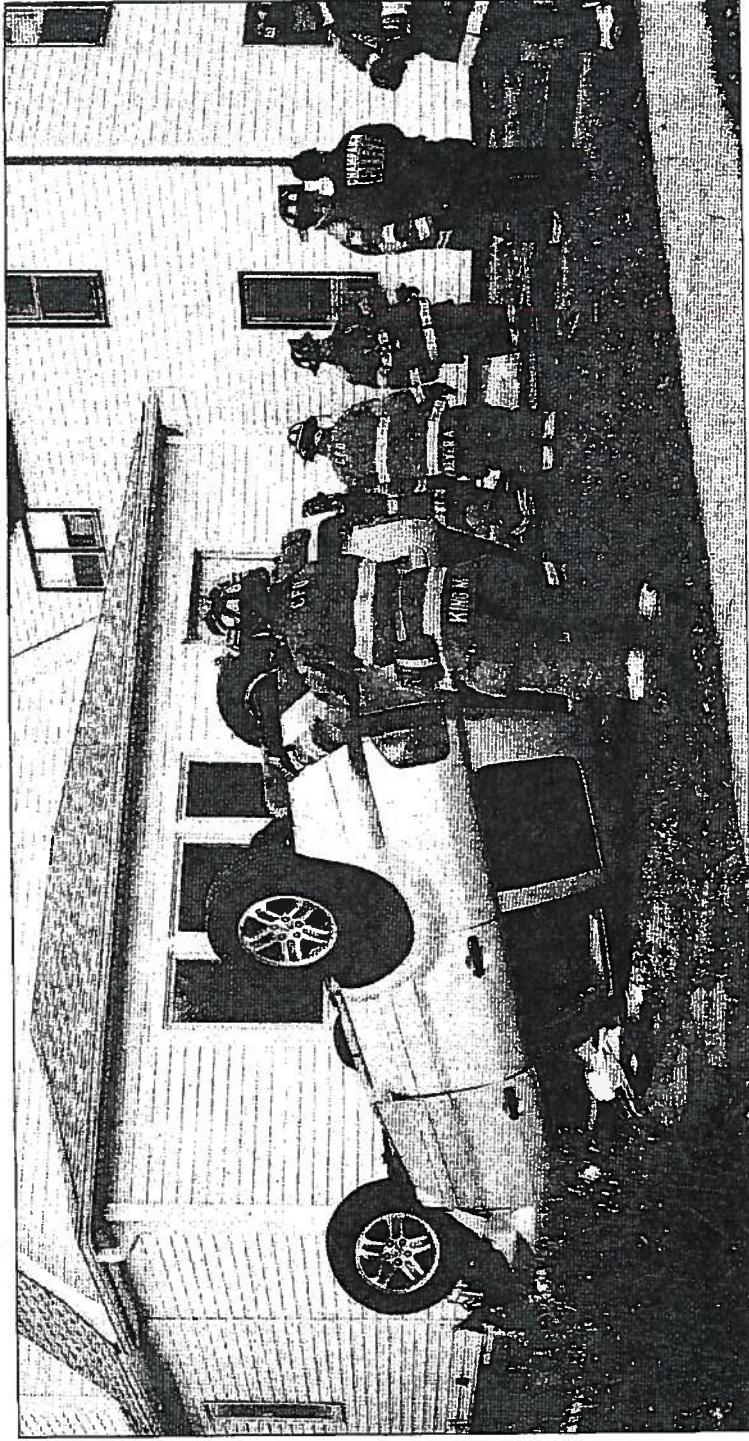
**Van hits residence, overturns**

Damage to home about \$5,000; details sketchy on driver, charges

**By TIM MITCHELL**  
 tmitchel@news-gazette.com  
**CHAMPAIGN** — A man was examined at the scene Monday afternoon after his van hit a house in Champaign and then rolled over.

According to a fire department report, the van crashed into a home in the 600 block of West Columbia Avenue at 4:38 p.m. The vehicle then rolled over before landing on its roof.

Firefighters helped the upside-down driver, whose name has not yet been released, out of his seat belt and out of the van. The driver was examined at



Heather Coik/The News-Gazette

Champaign police and firefighters, along with ProAmbulance personnel, respond to an accident involving an overturned van, which also struck a house at 606 W. Columbia Ave. in Champaign at 4:38 p.m. Monday. According to a Champaign Fire Department report, firefighters helped the driver of the vehicle out of his seat belt and evaluated him at the scene for possible treatment.

The fire department estimated damage to the home at about \$5,000. Champaign police Sgt. Jaceon Yandell said information about the identity of the driver and whether any tickets were issued will not be available before this afternoon at the earliest.

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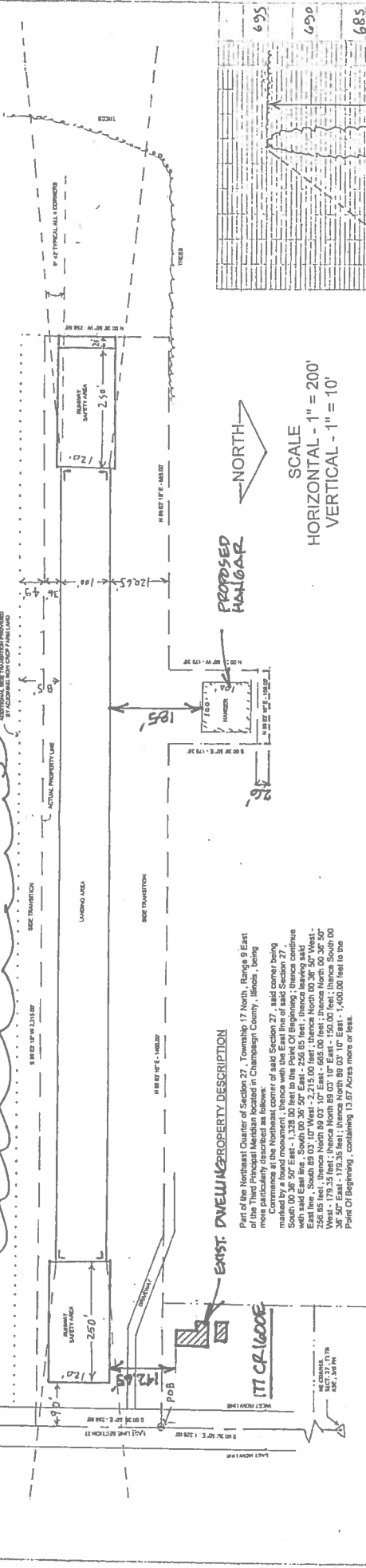
MAR 12 2013

CHAMPAIGN CO. P & Z DEPARTMENT

RESTRICTED LANDING AREA AND HANGER SITE  
PHILLIP JONES PROPERTY  
LOCATED IN NORTHEAST QUARTER OF SECTION 27  
TOWNSHIP 17 NORTH, RANGE 9 EAST OF 3rd P.M.

PLAN AND PROFILE OF LANDING AREA  
ANNOTATED TO ILLUSTRATE PROPOSED SEPARATIONS

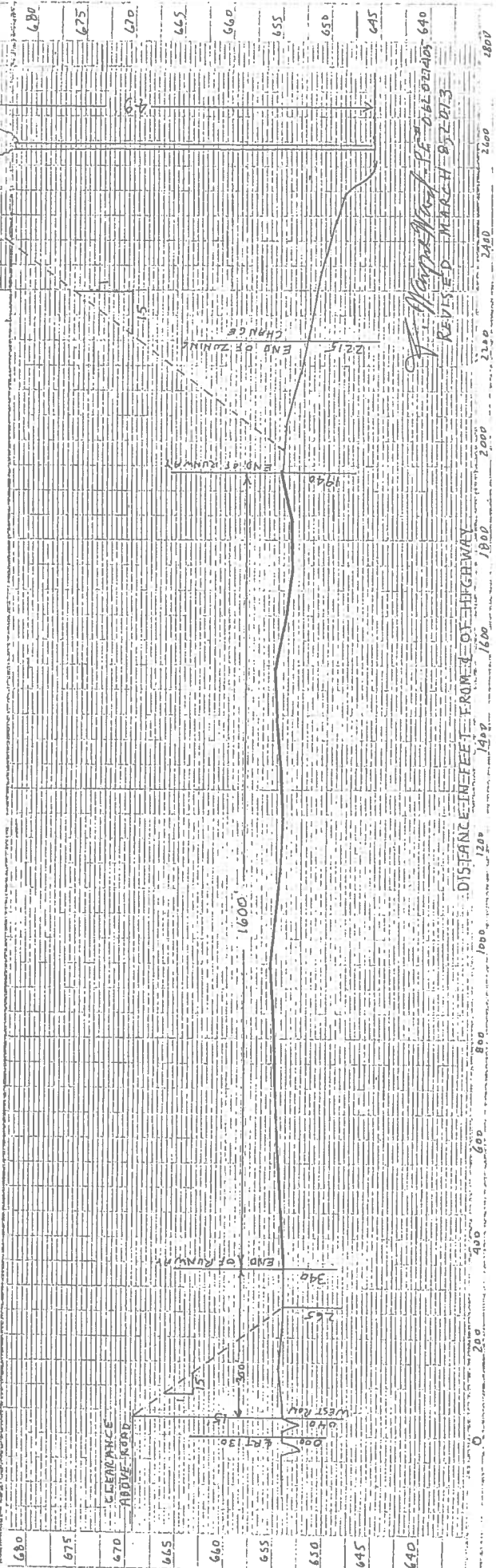
OPTIONAL BEST MANAGEMENT PRACTICES



**EAST DWELLING PROPERTY DESCRIPTION**

Part of the Northeast Quarter of Section 27, Township 17 North, Range 9 East of the Third Principal Meridian located in Champaign County, Illinois, being more particularly described as follows: Commence at the Northeast corner of said Section 27, said corner being marked by a found monument, thence with the East line of said Section 27, South 00° 36' 50\"

SCALE  
HORIZONTAL - 1" = 200'  
VERTICAL - 1" = 10'



*F. Marshall Wood, P.E. 066-021405-640*  
REVISED MARCH 8, 2013

DISTANCE IN FEET FROM 1/4 MILE HIGHWAY



Case EN-09-55/33



**SURVEY EXHIBIT FOR  
Dr. PHILLIP JONES**

**RECEIVED**

AUG 19 2009

CHAMPAIGN CO. P & Z DEPARTMENT

NOTE:  
The elevations shown hereon are in reference to NAVD 1929, in accordance with the current F.E.M.A NFIP Community-Panel Number 170894 0275 B with an effective date of March 1, 1984.

LEGEND	
	AREA OF POND & BERMS
	SPOT ELEVATION
	INSTRUMENT LOCATION
	PROPERTY LINE
	RIGHT OF WAY LINE
	CENTERLINE
	PROPERTY LINE
	1/4 - 1/4 SECTION LINE

**KOEHLER**  
Professional Engineers & Land Surveyors

194 COCKER LANE  
Cape Girardeau, Missouri 63701  
Ph: (573) 335 - 3026 Fax: (573) 335 - 3049

DRAWN BY:	REVISION NO:	DESCRIPTION	INITIALS
BYAN STILLMAN			
CHECKED BY:			
CHRIS KOEHLER			
SURVEY DATE:			
JULY 09			
DRAWING DATE:			
AUGUST 09			
DRAWING NO:			
N/A			



# Illinois Historic Preservation Agency

1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • [www.illinois-history.gov](http://www.illinois-history.gov)

Champaign County  
Tolono

PLEASE REFER TO: IHPA LOG #020031711

Parcel 1 - West side of County Road 1600 East, South of County Road 200 North; Parcel 2 - Approximately 1561 County Road 200 North; Parcel 3 - Approximately 1553 County Road 200 North

IND  
Rezoning of Parcels

March 7, 2013

Andy Kass  
Champaign County Dept. of Planning & Zoning  
1776 East Washington St.  
Urbana, IL 61802

Dear Mr. Kass:

The Illinois Historic Preservation Agency is required by the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420, as amended, 17 IAC 4180) to review all state funded, permitted or licensed undertakings for their effect on cultural resources. Pursuant to this, we have received information regarding the referenced project for our comment.

Our staff has reviewed the specifications under the state law and assessed the impact of the project as submitted by your office. We have determined, based on the available information, that no significant historic, architectural or archaeological resources are located within the proposed project area.

According to the information you have provided concerning your proposed project, apparently there is no federal involvement in your project. However, please note that the state law is less restrictive than the federal cultural resource laws concerning archaeology. If your project will use federal loans or grants, need federal agency permits, use federal property, or involve assistance from a federal agency, then your project must be reviewed under the National Historic Preservation Act of 1966, as amended. Please notify us immediately if such is the case.

This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the IL Human Skeletal Remains Protection Act (20 ILCS 3440).

Please retain this letter in your files as evidence of compliance with the Illinois State Agency Historic Resources Preservation Act.

Sincerely,

Anne E. Haaker  
Deputy State Historic  
Preservation Officer

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MAR 11 2013

CHAMPAIGN CO. P & Z DEPARTMENT

MARCH 14, 2013

**Attachment E. Additional Evidence Related to Suitability and Injury to District**

**Modify the first part of item 8.O. in Case 688-S-11 and the first part of item 22.C. in Case 687-AM-11 as follows (new is underlined):**

- O. At the August 11, 2011, public hearing adjacent landowner Larry Hall submitted a petition signed by those in opposition of the proposed rezoning in related Case 687-AM-11. He said the petition reads as follows: We, the undersigned oppose the rezoning in order to protect the existing neighborhoods in the area, preserve the property values of the homes in the existing residential neighborhoods, protect the wildlife, farm, and domestic animals in the area, preserve the scenic value as stated in the Zoning Code as one of the purposes of the Conservation-Recreation classification, protect the safety and welfare of those traveling along Route 130 and protect the safety and welfare of the homeowners in the existing neighborhoods. The following people signed the petition:

**Add the following as new item 8.Z. in Case 688-S-11 and re-letter remaining:**

- Z. Regarding nuisance noise from the proposed RLA, the berm that has been constructed, and the effect on the scenic qualities of the CR District:
- (1) As indicated on a Survey Exhibit for Dr. Phillip Jones received August 19, 2009, from Koehler Professional Engineers & Land Surveyors (an attachment to the Supplemental Memorandum dated 3/14/13), there is a berm located on the petitioner's property north of the proposed RLA and along the east property line and bordering the rear property lines of the neighboring residential properties.
  - (2) Petitioner's Attorney Alan Singleton testified at the June 16, 2011, public hearing that one of the purposes of the berm was to serve as a noise barrier to the airplane.
  - (3) The petitioner Dr. Phillip Jones testified at the August 11, 2011, public hearing in part as follows:
    - (a) He plants native prairie grasses and he assumes that what he has planted is growing.
    - (b) He is not sure what he is going to do yet regarding maintaining the vegetation on the berm.
  - (4) At the August 11, 2011, public hearing neighbor Larry Hall testified in part as follows:
    - (a) He is concerned with the safety and noise aspects of the proposed RLA.
    - (b) He and his wife understood there was noise from the highway when they purchased the property.

**Attachment E. Additional Evidence Related to Suitability and Injury to District**

- (c) The total proposal includes the berms that have been constructed and the lack of maintenance of the berms.
  - (d) The berm located west of his residence has a grade of 1.2 to 1 and that slope cannot be maintained and the weeds are seven to eight feet tall and why would the Board believe that anything else will be maintained.
- (5) At the June 16, 2011, public hearing neighbor Julia Wright Hall testified in part as follows:
- (a) She and her husband are concerned with the existing wildlife and vegetation of the area and in her opinion increased air traffic over their property would discourage wildlife from using the area.
  - (b) Before the eight to nine feet embankment was built by Dr. Jones to the west of their home they were able to observe deer grazing in the field but since the embankment was created they have not been able to see any deer.
  - (c) Her and her husband's views of the natural and scenic area have been destroyed by the wall of dirt topped by tall weeds and thistle and the view will be depreciated even further by the sound of planes and helicopters.
- (6) At the June 16, 2011, public hearing neighbor Jean Fisher testified in part that the 10 feet tall dirt berm that has been constructed on the Jones' property is an eyesore and it has forever changed the landscape.
- (7) At the June 16, 2011, public hearing neighbor Mark Fisher testified in part as follows:
- (a) He and his wife purchased their property over 20 years ago to enjoy the scenic view to the west and south that is zoned CR Conservation Recreation.
  - (b) He is searching for a valid reason to allow a piece of our historic natural resource to become an airstrip.
  - (c) He wonders why Dr. Jones does not locate the RLA on his other farmland rather than chipping away at our valued conservation property.



Attachment F. Summary Finding of Fact for Case 687-AM-11

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 16, 2011, August 11, 2011, November 10, 2011, May 31, 2012, August 16, 2012, December 13, 2012, and March 14, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed amendment *{WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE}* the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):

A. The proposed text amendment *{WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE}* the following LRMP goals:

Goal 4 Agriculture because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it *WILL HELP ACHIEVE* the following:

• Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it *WILL HELP ACHIEVE* the following:

- Policy 4.1.1 requiring that other land uses only be accommodated under very restricted conditions or in areas of less productive soils (see Item 14.A.(2)).

And *{DOES/DOES NOT}* not conform to the following:

- Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.A.(3)).
- Objective 4.2 requiring discretionary development to not interfere with agriculture because it *WILL HELP ACHIEVE* the following:
  - Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
  - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 14.B.(2)).
  - Policy 4.2.3 requiring discretionary development recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 14.B.(3)).
  - Policy 4.2.4 requiring consideration of whether a buffer between proposed development and agricultural activities is necessary (see Item 14.B.(4)).

**Attachment F. Summary Finding of Fact for Case 687-AM-11**

- **Objective 4.3 requiring any discretionary development to be on a suitable site because it will *{HELP ACHIEVE/ NOT HELP ACHIEVE}* the following:**
  - **Policy 4.3.1 requiring on other than best prime farmland that County may authorize a discretionary review development if the site is suited overall (see Item 14.C.(1)).**

**And *ACHIEVES* the following:**

- **Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).**
- **Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(4)).**

**Goal 8 Natural Resources because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will *{HELP ACHIEVE/ NOT HELP ACHIEVE}* the following:**

- **Objective 8.5 requiring the County to encourage the maintenance and enhancement of aquatic and riparian habitats because while it will either not impede or is not relevant to the other Objectives and Policies under this goal it, will *{HELP ACHIEVE/ NOT HELP ACHIEVE}* the following:**
  - **Policy 8.5.1 requiring discretionary development to preserve existing habitat, enhance degraded habitat and restore habitat (see Item 18.A.(2)).**
  - **Policy 8.5.2 requiring discretionary development to cause no more than minimal disturbance to the stream corridor environment (see Item 18.A.(3)).**
- **Objective 8.6 that avoids loss or degradation of habitat because it will *{HELP ACHIEVE/ NOT HELP ACHIEVE}* the following:**
  - **Policy 8.6.2 requiring new development to minimize the disturbance of habitat or to mitigate unavoidable disturbance of habitat (see Item 18.B.(2)).**

**And *WILL HELP ACHIEVE* the following:**

- **Policy 8.6.3 requiring the County to use credible sources of information to identify priority areas for protection, restoration, preservation or enhancement (see Item 18.B.(3)).**
- **Policy 8.6.4 requiring implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species (see Item 18.B.(4)).**

**Attachment F. Summary Finding of Fact for Case 687-AM-11**

**Goal 10 Cultural Amenities** because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:

- **Objective 10.1 encouraging the development and maintenance of cultural amenities** because it will **HELP ACHIEVE** the following:
  - **Policy 10.1.1 requiring the identification of historic places, structures, and landscapes (see Item 20.A.(1)).**

B. **The proposed amendment will NOT IMPEDE the following LRMP goal(s):**

- **Goal 6 Public Health and Safety**
- **Goal 7 Transportation**

C. **The proposed amendment is NOT RELEVANT to the following LRMP goal(s):**

- **Goal 1 Planning and Public Involvement**
- **Goal 2 Governmental Coordination**
- **Goal 3 Prosperity**
- **Goal 5 Urban Land Use**
- **Goal 9 Energy Conservation**

2. **The proposed Zoning Ordinance map amendment {IS / IS NOT} consistent with the LaSalle and Sinclair factors because of the following:**

- **There have been conflicting reports on the effect of neighboring property values and no formal study has been conducted regarding property values.**
- **The proposed use could not be established without the proposed map amendment.**
- **The proposed use generally conforms to the LRPM Goals, Objectives, and Policies.**

3. **The proposed Zoning Ordinance map amendment will {HELP ACHIEVE / NOT HELP ACHIEVE} the purpose of the Zoning Ordinance because:**

- **The proposed Zoning Ordinance map amendment {DOES/DOES NOT} conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY (Purpose 2.0 (b) see Item 23.B.).**
- **The proposed Zoning Ordinance map amendment {DOES/DOES NOT} promote the public health, safety, comfort, morals, and general welfare (Purpose 2.0 (e) see Item 23.E.).**
- **The proposed Zoning Ordinance map amendment {DOES/DOES NOT} protect natural features such as forested areas and watercourses (Purpose 2.0 (o) see Item 23.O.).**

4. **Regarding the error in the present Ordinance that is to be corrected by the proposed change:**

A. **The land proposed to be rezoned is currently in agricultural use and has been since before the adoption of Zoning in 1973.**

**Attachment G. Item 23 Addition to Case 687-AM-11 Finding of Fact and Final Determination**

**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

23. The proposed amendment will *{HELP ACHIEVE/NOT HELP ACHIEVE}* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is not directly related to this purpose.

B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is directly related to this purpose because of the following:

- (1) In a written statement read at the August 11, 2011, public hearing, neighbor Julia Hall (resident of the nearest dwelling to the RLA) stated she and her husband are opposed to the rezoning and the rezoning would reduce the property values for homes in the area. Ms. Hall also submitted a letter from Daniel M. Cothorn, Director of Commercial Real Estate for Keller Williams Realty, that stated in general that the RLA would have a negative impact on property value.
- (2) At the August 15, 2011, public hearing, the Petitioner submitted a letter from Jackie Harbin of the Hillard Agency, Inc. Insurance & Real Estate Brokers of Villa Grove, Illinois, that stated in general that the runway should not affect property values of neighboring property and is summarized above under item 8.P.
- (3) A letter received December 13, 2012, from Jongin Kim Craggs, Residential Appraiser at Craggs Appraisal Services, indicates that it is her professional opinion that the proposed RLA would not cause any decrease in property values and that because of the assistance provided to local law enforcement property values may increase because of the greater community safety.
- (4) The RLA is proposed to be 142.65 feet from the nearest dwelling.
- (5) The property is currently zoned CR and an RLA is not an authorized use in the CR District.



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(6) Refer to Item 8.Z. of the Summary of Evidence and Finding of Fact for related Case 688-S-11 for testimony regarding the existing berm, noise, and scenic quality.

C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed amendment is not directly related to this purpose.

D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is directly related to this purpose because of the following:

(1) The property is currently zoned CR and an RLA is not an authorized use in the CR District.

(2) The RLA is proposed to be 142.65 feet from the nearest dwelling.

F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is not directly related to this purpose.

G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

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- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is not directly related to this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide 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.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is not directly related to this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is not directly related to this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

The proposed amendment is not directly related to this purpose.

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- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is not directly related to this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is directly related to this purpose because of the following:

- (1) The proposed hangar, if constructed would require some of the wooded area on the subject property to be cut down.
- (2) The Petitioner testified at the August 11, 2011, public hearing that the trees will not be damaged, touched, or violated in any way during the use of the proposed RLA.
- (3) A portion of the CR District that is not currently wooded and is approximately 1.700 acres in area is proposed to remain in the CR District but is located at the west end of the proposed RLA and underneath the "Approach Area" required by IDOT. The slope of the Approach Area is 15 feet horizontal to one foot vertical and nothing is allowed to penetrate the imaginary plane of the Approach Area for a distance of 3,000 feet from the end of the RLA runway. Vegetation below the Approach Area must be maintained at a height such that it does not penetrate the Approach Area. The Approach Area is 17 feet above the runway on the east side of this area and approximately 43 feet above the runway on the west side. As indicated on the Plan And Profile Of Landing Area (revised site plan for the proposed RLA) received on 11/19/12, the surface of the ground slopes down to the channel of the East Branch of the Embarrass River and the allowed clear height below the approach area will vary from 20 feet to 49 feet. It is unlikely that this area can ever have mature native trees so long as the IDOT Certificate is maintained for the proposed RLA.
- (4) A portion of the CR District that is currently wooded and is approximately 3.90 acres in area is located west of the proposed RLA and on the west side of the East Branch of the Embarrass River and this area will also be located underneath the IDOT required Approach Area. The ground elevations in this area are not indicated on the Plan And Profile Of Landing Area (revised site plan for the proposed RLA) received on 11/19/12 so the allowable clear height is not known with any accuracy.

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However, the Approach Area varies in height from 43 feet above the runway on the east side of this wooded area to 67 feet in height above the runway on the west side. This land is not currently owned by the petitioner but in order to retain the IDOT Certificate for the proposed RLA the trees below the Approach Area cannot penetrate above the imaginary surface of the Approach Area and therefore trees cannot be taller than the Approach Area.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.