

6 **MINUTES OF REGULAR MEETING**

7 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

8 **1776 E. Washington Street**
9 **Urbana, IL 61802**

10
11
12 **DATE: July 25, 2013**

PLACE: Lyle Shields Meeting Room
1776 East Washington Street
Urbana, IL 61802

13
14 **TIME: 7:00 p.m.**

15
16 **MEMBERS PRESENT:** Catherine Capel, Eric Thorsland, Paul Palmgren, Roger Miller, Jim Randol

17
18 **MEMBERS ABSENT :** Brad Passalacqua

19
20 **STAFF PRESENT :** Lori Busboom, John Hall, Andrew Kass

21
22 **OTHERS PRESENT :** Kerry Gifford, Keith Padgett, Charles Jesse, Alan Singleton, Paul Cole, Ken
23 Warner, Don Wauthier, Elista Dimitrova

24
25
26 **1. Call to Order**

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

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

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

33
34 Mr. Thorsland welcomed Jim Randol as the newest Zoning Board of Appeals member.

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

39
40 **3. Correspondence**

41
42 None

43
44 **4. Approval of Minutes (April 11, 2013, May 1, 2013, and May 30, 2013)**

45
46 Mr. Thorsland entertained a motion to approve the April 11, 2013, May 1, 2013, and May 30, 2013, minutes
47 as submitted.

48
49 **Mr. Palmgren moved, seconded by Ms. Capel to approve the April 11, 2013, May 1, 2013, and May**
50 **30, 2013, minutes as submitted. The motion carried by voice vote.**

51
52 Mr. Thorsland entertained a motion to rearrange the docket and hear Case 754-V-13 as the first hearing of
53 the meeting.

7/25/13

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Mr. Palmgren moved, seconded by Ms. Capel to rearrange the docket and hear Case 754-V-13 as the first hearing of the meeting. The motion carried by voice vote.

5. Continued Public Hearing

Case 731-S-12 Petitioner: Warner Brothers, Inc, with owners Joseph H. Warner and Gerald Warner and shareholder/officers Kristi Pflugmacher, Kathy McBride, Denise Foster, Angela Warner Request: Authorize the storage and dispensing of agriculture fertilizer as a “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” facility as a Special Use in the AG-1 Agriculture Zoning District. Location: A .96 acre (41,817.6 square feet) portion of a 38.55 acre tract in the East One-Half of the Southeast Quarter of Section 18 of Rantoul Township and commonly known as the farm field adjacent to the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.

Case 747-AM-13 Petitioner: Warner Farm Equipment, Inc. with owners Joseph H., Warner and Gerald E. Warner 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 to bring an existing Farm Equipment Sales and Service business into compliance. Location: A 3.8 acre tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul Township and commonly known as the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.

Mr. Thorsland called Cases 731-S-12 and 747-AM-13 concurrently.

Mr. Thorsland informed the audience that Case 731-S-12 is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands for those who would like to cross examine and each person will be called upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any questions. He said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross examination.

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

7/25/13

1 witness register they are signing an oath.

2
3 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

4
5 Mr. Paul Cole, attorney for the petitioners, stated that at the last public hearing for these cases he was tasked,
6 along with Mr. Brian Schurter, attorney for the Rantoul Township, to come to an agreement regarding how
7 the approval of these petitions might adversely affect township roads and what was going to be done about it.
8 Mr. Cole stated that he has provided evidence that there is an agreement with the Rantoul Township
9 Highway Commissioner to staff and Mr. Hall requested that he share this evidence with the ZBA. Mr. Cole
10 stated that he had no objection to sharing the evidence with the ZBA because the agreement will be recorded
11 publically if the petitions are allowed. He said that to his knowledge this submitted evidence would have
12 addressed all outstanding issues except for a few that were brought to his attention today and he has no
13 objection to the last minute changes to the petitioner’s efforts and he believes that those changes can be
14 accommodated.

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

17
18 Mr. Thorsland asked if staff had any questions for Mr. Cole and there were none.

19
20 Mr. Thorsland called John Hall to testify.

21
22 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated July 25, 2013, for
23 Case 731-S-12 to the Board for review. He said that the road agreement with Rantoul Township to assist
24 with maintenance costs of the road is attached to the memorandum. He said that he understands that the
25 Board does not normally review road agreements therefore the agreement is merely an item of evidence
26 because it is implicated in one of the special conditions.

27
28 Mr. Hall stated that the special conditions, including revised special condition D., are as follows:

29
30 **D. The Special Use shall be void if the owner/operator fails to comply with the road**
31 **agreement with Rantoul Township.**

32 The special condition above is required to ensure the following:
33 **There is no undue burden for Rantoul Township arising from any damage to**
34 **public streets or extra street maintenance caused by the Special Use.**

35
36 **E. All inbound and outbound trucks delivering fertilizer and any other associated**
37 **product to the proposed Special Use shall enter and exit the subject property on**
38 **the east side of the Warner Farm Equipment building.**

7/25/13

1 The special condition stated above is required to ensure the following:
2 **To prevent nuisance issues on the adjacent property.**

3
4 Mr. Hall stated that since the Board has received the road agreement we do not have to refer to that any
5 longer.

6
7 **F. Regarding the ongoing operation of the Special Use as authorized by the Illinois
8 Department of Agriculture and Illinois Environmental Protection Agency:**

9 **(1) The Special Use shall at all times be operated in conformance with
10 Illinois Department of Agriculture and Illinois Environmental Protection
11 Agency requirements, permits, and any special conditions thereof.**

12
13 Mr. Hall noted that staff has attached both permits here because there are numerous special conditions that
14 IDAG and IEPA included.

15
16 **(2) The owner/operator of the Special Use shall provide the Zoning Administrator
17 with copies of all semi-annual testing of product piping that is required by the
18 Illinois Department of Agriculture (IDAG) and Illinois Environmental
19 Protection Agency (IEPA) and the copies shall be provided to the Zoning
20 Administrator concurrently with their submission to IDAG and IEPA.**

21 **(3) The owner/operator of the Special Use shall make all inspection and
22 maintenance records required by the Illinois Department of Agriculture
23 (ADAG) and Illinois Environmental Protection Agency (IEPA) available to
24 Champaign County upon request by the Zoning Administrator and shall
25 cooperate with Champaign County in resolving any valid complaint or concern
26 that is related to public safety and environmental protection.**

27 **(4) The owner/operator of the Special Use shall provide the Zoning Administrator
28 with copies of renewal permits over the lifetime of the Special Use for Illinois
29 Department of Agriculture (IDAG) and Illinois Environmental Protection
30 Agency (IEPA) Permit #AC13030985 that expires on April 17, 2015, and Permit
31 #AC13020954 that expires on April 17, 2018.**

32
33 Mr. Hall noted that the experimental permit expires in two years and all permits must be renewed on a five
34 year basis.

35
36 **(5) The Special Use shall become void under any of the following situations:**

37 **(a) Failure to receive a renewal permit for either Illinois Department of
38 Agriculture (IDAG) and Illinois Environmental Protection Agency**

7/25/13

(IEPA) Permit #AC13030985 that expires on April 17, 2015, or Permit #AC13020954 that expires on April 17, 2018, over the lifetime of the Special Use.

(b) If the experimental design approved by the Illinois Department of Agriculture (IDAG) and the Illinois Environmental Protection Agency (IEPA) in Permit #AC13030985 fails to provide adequate containment in which case the owner/operator of the Special Use shall provide notice to the Zoning Administrator upon a determination by either IDAG or IEPA that the experimental design fails to provide adequate containment.

(c) Failure of the owner/operator to comply with any part of the special conditions in Case 731-S-12.

The special conditions above are required to ensure the following:

To ensure that Champaign County is fully informed of any risks that arise for public safety and environmental protection.

Mr. Hall stated that special condition is an extensive condition and all it really does is informs the County as to what is going on between the petitioner and the Illinois Department of Agriculture and Illinois Environmental Protection Agency. He said that there are two other attachments to the Supplemental Memorandum and Attachment E. is a Material Safety Data Sheet from Terra Industries. He said that Terra is not the supplier of the petitioner’s fertilizer solution but is an example of the kind of low level concerns that are present with the solution. He said that Attachment F. is a short paper reviewing nitrogen sources and even though it is from the University of Nebraska it was the easiest one that he could find on the internet to establish the concerns with 28%, urea, ammonia- nitrate fertilizer are not at all the kinds of concerns that apply with anhydrous-ammonia fertilizer. He said that these concerns were an understanding that staff has been operating on from the beginning but has not bothered to document it.

Mr. Hall distributed a new Supplemental Memorandum dated July 25, 2013, regarding Case 747-AM-13, to the Board for review. He said that the memorandum reviews some inconsistencies between the site plan and the map amendment and the inconsistencies actually arose in May when the site plan was submitted either during the day of the meeting or at the meeting. He said that when staff receives site plans in this fashion it sometimes takes staff a while to recognize everything that is on the site plan. He said that the annotated site plan which is attached to the new memorandum illustrates that there is an area of Kinze Equipment display that is shown to be established east of the line of the map amendment. He said that the whole point of the map amendment is that farm equipment sales and service is not allowed in AG-1 and for that reason we cannot allow a display area that is part of the farm equipment sales and service to be in AG-1. He said that the reason why the display area was moved to the east was to provide access to the fertilizer tank and so it is not that there is really a problem with the display area but there is a problem with where it is shown and it is

7/25/13

1 an issue which needs to be resolved before the case can be determined. He said that while he was reviewing
2 this area he thought that some County Board members will look at the north edge of the property and see an
3 83 foot, .075 acre area, of existing crushed stone in AG-1 next to the area proposed to be B-1 and wonder
4 why that is there and if it is going to be used as part of the equipment sales. He said that if the crushed stone
5 area is intended to be used as part of the equipment sales then it should be included in the map amendment.
6 He apologized for bringing this matter up so late but the display area to the east absolutely requires
7 clarification and he would recommend that the area to the north also be clarified. He said that whatever
8 happens to the area to the north is up to the Board and the Board may be content with simply a note on the
9 site plan specifying that no equipment sales or service can occur within that space but if the petitioner
10 believes that they may need to utilize this area in the future then they should include that area in the map
11 amendment and he sees no reason why it would jeopardize the map amendment. He said that if both of the
12 areas are added to the map amendment it doesn't change the substance of the map amendment but will
13 change the area to the extent that the case should be re-advertised. He said that the memorandum reviews
14 that staff could re-advertise the map amendment case and have it back to the Board in time for the August
15 15, 2013, meeting. He said that at this point with the resolution regarding the road agreement and if there are
16 no objections to the special conditions, which are created to protect the County, then staff would recommend
17 that both cases be continued to the August 15th meeting for final determination.

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

20
21 Mr. Thorsland called Ken Warner to testify.

22
23 Mr. Ken Warner declined to testify at this time.

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

27
28 Mr. Thorsland asked Mr. Cole if he would like to add any additional testimony regarding either case.

29
30 Mr. Cole stated no. He said that his clients do not object to a continuation of both cases to the August 15th
31 meeting and that Mr. Hall's suggestions are useful to everyone involved.

32
33 Mr. Thorsland stated that the question which needs to be answered is the following: What is the purpose of
34 the crushed stone areas and how will they be defined and will they be included in the map amendment case.

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

37
38 Mr. Hall pointed out that if the Board will review the encroachment illustration and trace around the areas

7/25/13

1 highlighted that will be the shape of the map amendment and he believes that there is nothing wrong with the
2 map amendment because it is very carefully drawn to accommodate the site plan. He said that he does not
3 have a problem with it and he wants to make sure that the Board does not have a problem with it and if the
4 Board does not then the cases should be continued to the August 15th meeting.

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

7
8 Ms. Capel stated that the site plan is very carefully drawn but if more crushed stone was hauled in no one
9 would ever know the difference. She asked if it would be an enforcement issue.

10
11 Mr. Hall stated that we will know the difference and there will be no enforcement issue. He said that some
12 people have a belief that zoning should be more elegant than it usually ends up being and personally he
13 believes that this is an elegant solution although elegant is only in the eye of the beholder.

14
15 Mr. Hall stated that the fertilizer sales could happen in B-1 by-right and the reason why these cases came
16 before the Board in the way that they are is because in the beginning it was an attempt to deal with the
17 parcels as they are found and the uses. He said that even though the fertilizer sales could happen in B-1 by-
18 right if it were on the same parcel as the equipment sales then that would require a Special Use Permit for
19 two uses on one property. He said that in the beginning there was a decision made which was very rational
20 to keep these on separate parcels because it was just easier. He said that the two cases have gotten more
21 meshed with each other by virtue of the site plan and there is nothing wrong with that because fertilizer sales
22 can be done in B-1 by-right. He said that the property that is being zoned B-1 the principal use is equipment
23 sales and so indeed you could probably carry over some of the fertilizer sales things over to the B-1 property
24 but once the fertilizer sales becomes the principal use, separate building or area used only for fertilizer sales,
25 then Special Use Permit authorization is required. He said that this is not an enforcement problem and staff
26 can deal with issues as they arise and staff will do its best to make the owner aware of these issues and at this
27 point he is mainly concerned whether or not the ZBA is comfortable with these two cases being so carefully
28 meshed with each other. He said that he does not see it being an enforcement problem and he doubts that
29 another 750,000 gallon fertilizer tank is going to be constructed on the B-1 property but if so then a Special
30 Use Permit will be required.

31
32 Mr. Thorsland entertained a motion to continue Cases 731-S-12 and 747-AM-13 to the August 15, 2013,
33 meeting.

34
35 **Ms. Capel moved, seconded by Mr. Palmgren to continue Cases 731-S-12 and 747-AM-13 to the**
36 **August 15, 2013, meeting. The motion carried by voice vote.**

37
38 Mr. Thorsland entertained a motion to rearrange the agenda again and hear Case 757-AT-13, as the last case

7/25/13

1 of the meeting.

2
3 **Ms. Capel moved, seconded by Mr. Palmgren to rearrange the agenda and hear Case 757-AT-13 as**
4 **the last case of the meeting. The motion carried by voice vote.**

5
6 Mr. Thorsland stated that the Board will now hear Cases 758-AM-13 and 759-S-13.

7
8 **Case 754-V-13 Petitioner: KH Farms, Inc. with owner Khalid Hussain Request to authorize the**
9 **following in the AG-1 Zoning District: Part A. Variance for a lot area of .924 acre in lieu of the**
10 **minimum required 1 acre; and Part B. Variance for an average lot width of 110.17 feet in lieu of the**
11 **minimum required 200 feet. Location: Lot 1 of KH Farms Subdivision in the Southwest Quarter of**
12 **Section 2 of Scott Township and commonly known as the house and outbuilding at 456 CR 1700N,**
13 **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 the petitioner if he desired to make a statement outlining the nature of his request.

29
30 Mr. Alan Singleton, attorney for the petitioner, stated that last week the petitioner submitted a Zoning Use
31 Permit Application and fees as requested.

32
33 Mr. Thorsland stated that the Board has completed all of the steps for this case other than the final
34 determination. He said that due to an incorrect date for the public hearing included in the first advertisement
35 the case had to be republished in the July 4, 2013, edition of the Mahomet Citizen. He said that the
36 publication on July 4, 2013, did not meet the 15 day notification requirement therefore the Board heard
37 testimony and worked through the findings at the July 11th meeting. He said that the Finding of Fact should
38 include this meeting date, July 25, 2013.

7/25/13

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Mr. Hall stated that a new item #8 should be added to the Documents of Record indicating the following: Supplemental Memorandum dated July 19, 2013.

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

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

Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant therefore it is at his discretion to either continue Case 754-V-13 until a full Board is present or request that the present Board move forward to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

Mr. Singleton requested that the present Board move forward to the Final Determination.

Mr. Thorsland stated that Mr. Randol, new Board member, was not present during the last public hearing for this case and he has not indicated his comfort level in voting for a final determination.

Mr. Randol stated that he would not be comfortable voting on a final determination for this case or other cases tonight.

Mr. Thorsland stated that Mr. Randol should not be called during the roll call vote.

Mr. Thorsland informed Mr. Singleton that four affirmative votes by the four present Board members will be required for approval. He asked Mr. Singleton if he desired to proceed with the Final Determination.

Mr. Singleton requested that the four Board members proceed to the Final Determination.

Mr. Thorsland entertained a motion to the move to the Final Determination for Case 754-V-13.

Ms. Capel moved, seconded by Mr. Palmgren to move to the Final Determination for Case 754-V-13. The motion carried by voice vote.

Final Determination for Case 754-V-13:

Mr. Palmgren moved, seconded by Mr. Miller that the Champaign County Zoning Board of Appeals

7/25/13

1 finds that, based upon the application, testimony, and other evidence received in this case, that the
 2 requirements for approval in Section 9.1.9.C HAVE been met and pursuant to the authority granted
 3 by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of
 4 Champaign County determines that the variance requested in Case 754-V-13 is hereby GRANTED
 5 WITH CONDITONS to the petitioner KH Farms, Inc. to authorize the following in the AG-1,
 6 Agriculture Zoning District: Part A. Variance for a lot area of .924 acre in lieu of the minimum
 7 required 1 acre; and Part B. Variance for an average lot width of 110.17 feet in lieu of the minimum
 8 required 200 feet. Subject to the following condition:

- 9
- 10 A. Within 30 days of Final Action of Case 754-V-13, the petitioner shall submit a Zoning
 11 Use Permit Application (ZUPA) for any previous renovations that may have expanded
 12 the footprint of the existing home.

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

14 To ensure compliance with the *Zoning Ordinance* requirements.

15

16 Mr. Thorsland requested a roll call vote.

17

18 The roll was called:

19

20	Capel-yes	Miller-yes	Palmgren-yes
21	Passalacqua-absent	Thorsland-yes	

22

23 Mr. Hall informed the petitioner that he has received an approval of his request. He said that staff will mail
 24 the appropriate paperwork as soon as possible and if there are any questions the petitioner may call staff at
 25 any time.

26

27 **Case 757-AT-13 Petitioner: Champaign County Zoning Administrator Request to amend the**
 28 **Champaign County Zoning Ordinance as follows: Part A. Adopt an updated Flood Insurance Study**
 29 **with an effective date of October 2, 2013; and Part B. Adopt updated Digital Flood Insurance Rate**
 30 **Maps (DFIRM) for Champaign County, Illinois with an effective date of October 2, 2013. The new**
 31 **maps can be viewed at www.illinoisfloodmaps.org; and Part C. Adopt a new Special Flood Hazard**
 32 **Area Ordinance based on the minimum requirements of the National Flood Insurance Program**
 33 **(NFIP) and the State of Illinois.**

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.

7/25/13

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

2
3 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated July 25, 2013, to
4 the Board for review. He said that staff added some evidence to the Finding of Fact and to make it easier for
5 the Board to follow the new evidence, staff attached the annotated version of the amendment. He read the
6 new evidence as follows: Item 16.D: Paragraph 2.0 (d) of the Ordinance states that one purpose of the
7 zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to
8 persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
9 Regarding the effect of the proposed amendment on this purpose of the Zoning Ordinance: (1) The
10 proposed amendment is consistent with this purpose because the adoption of the new Digital Flood
11 Insurance Rate Maps (DFIRMSs) will provide the best information available to determine what properties
12 are subject to floodplain regulations for the following reasons: (a) This is especially true in the floodplains
13 for the Upper Salt Fork River and the Embarras River in which Base Flood Elevations have been identified
14 because the Base Flood Elevations have been compared to the LIDAR digital topography which results in
15 the most accurate possible mapping in the floodplain short of surveying each property. (b) As mapped on the
16 DFIRMSs, the floodplain is a continuous area between the unincorporated area and the municipalities. This is
17 an improvement over the existing Champaign County FIRMS which are discontinuous at the municipal
18 boundary that was in place when the FIRMS were first prepared in 1984. (c) The DFIRM has been prepared
19 using an aerial photograph as the base map and that makes the DFIRM much easier to use than the current
20 FIRM which has no background other than section lines and street indications. (d) The digital floodplain
21 data has been provided separately by FEMA and can also be used for other mapping purposes including
22 updates of the aerial photograph background.

23
24 Mr. Hall read revised Item 16.D.2. as follows: Adoption of the new Special Flood Hazard Areas Ordinance
25 will allow Champaign County to continue to participate in the National Flood Insurance Program and will
26 provide updated standards for construction within the Special Flood Hazard Areas, and has been made more
27 restrictive by the following changes: (a) As defined in Section 2 and regulated in Section 7.A., “substantial
28 improvement” and “substantial damage” will be figured cumulatively subsequent to the adoption of the
29 proposed amendment. This is a requirement of the National Flood Insurance Program. (b) Section 3.C.
30 requires the applicant to finance an engineering study if there is no Base Flood Elevation data available and
31 the current Ordinance does not require the applicant to finance an engineering study. The requirement for
32 the applicant to finance an engineering study is not a requirement of the National Flood Insurance Program
33 and is therefore a requirement of the Illinois Department of Natural Resources/Office of Water Resources
34 (IDNR/OWR) which is the state agency that coordinates the NFIP. (c) Section 8.C. requires that in new
35 subdivisions the floodplains shall be included within parks or other public grounds whenever possible and
36 that new streets, blocks or lots shall be located in such a manner so as to preserve and utilize natural streams
37 and channels, which is generally consistent with the Stormwater Management Policy. (d) Paragraph 9.A.5.
38 increases the degree of protection required for “critical facilities” from simply the 500-year flood elevation

7/25/13

1 required by the current Ordinance to requiring critical facilities that are constructed within the Special Flood
2 Hazard Area to be dry floodproofed to the higher of either the 500-year flood elevation or three feet above
3 the 100-year flood elevation, whichever is higher. Also, critical facilities will only be permissible within the
4 floodplain if no feasible alternative site is available. These requirements are not requirements of the
5 National Flood Insurance Program and are therefore requirements of the Illinois Department of Natural
6 Resources/Office of Water Resources (IDNR/OWR) which is the state agency that coordinates the NFIP. (e)
7 Section 10 is a wholly new section that requires that the flood carrying capacity of a watercourse be
8 maintained in any project involving channel modification, fill, or stream maintenance. This is a requirement
9 of the National Flood Insurance Program.

10
11 Mr. Hall stated that the previously read items are changes to the Ordinance and it isn't that being restrictive
12 is always a good thing but he wanted to make it clear to the County Board where these things are becoming
13 more restrictive and when that is the case where it is and isn't required by the NFIP but this section was
14 written in a hurry and if he had more time he would have tried to organize it along those lines. He said that
15 other changes are included in Item 17.C. as follows: Clarify the following paragraphs by adding specificity
16 to the following existing requirements: (1) Paragraph 5.D.6. adds requirements for drawings of proposed
17 wall and footing construction, which is already required for floodplain construction but not mentioned in the
18 existing Ordinance. (2) Section 7 requires all footings to be on undisturbed earth unless certified in writing
19 by an Illinois Professional Engineer, which is already required for floodplain construction but not mentioned
20 in the existing Ordinance. (3) Throughout the Draft Ordinance "development permit" is replaced with
21 "floodplain development permit", which is the name of the permit required for construction in the
22 floodplain. (4) Clarification has been added throughout Section 7 to make clear that not just the building is
23 required to be protected but also the "building related development" such as air conditioning compressors,
24 propane tanks, etc. (5) New paragraph 11.D clarifies the standards that apply to floodplain variances for
25 "agriculture". These standards already apply but are not specifically detailed in the current Ordinance.

26
27 Mr. Hall read Item 17.D as follows: Relax the following current regulations: (1) Paragraph 7.F.8. increases
28 the allowable area and value of "minor accessory structures" that are exempted from the building protection
29 requirements from the \$7,500 or less than 500 square feet in the current Ordinance to \$15,000 and 576
30 square feet. (2) Paragraphs 7.B.2.e. and 7.B.3.f. lower the elevation that relevant portions of the building
31 must be constructed with materials resistant to flood damage from the "flood protection elevation" in the
32 current Ordinance to the "base flood protection elevation."

33
34 Mr. Hall stated that he did not carry any of the mentioned changes through to the Summary Finding of Fact
35 and he does not see a need to include them in the Summary. He said that if there are questions at the County
36 Board level then the Summary of Evidence can be referred to during that meeting. He said that the
37 Documents of Record has been updated and the annotated amendment has been attached for the Board's
38 review. He said that if final action is taken on this case tonight the text amendment will be forwarded to the

7/25/13

1 August 8th ELUC meeting and it will sit at ELUC for one month and will be ready for final approval in
2 September by the County Board.

3
4 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

5
6 Mr. Thorsland asked the audience if there were any questions for Mr. Hall and there were none.

7
8 Mr. Thorsland called Don Wauthier to testify.

9
10 Mr. Don Wauthier, who resides at 1831 Tahoe Court, Champaign, stated that he is an Illinois Floodplain
11 Management Association member and he believes that the proposed Special Flood Hazard Areas Ordinance
12 is a very well written ordinance and that it is very applicable and appropriate for Champaign County to adopt
13 the new DFIRMs. He said that the proposed Ordinance is definitely an improvement over the current
14 Ordinance and he only wishes the IDNR/OWR and FEMA would have done a better job with some of the
15 DFIRMs and made them better. He said that the new Ordinance and maps will give the public a clearer
16 understanding of the requirements and regulations in the floodplain.

17
18 Mr. Thorsland asked the Board if there were any questions for Mr. Wauthier and there were none.

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

21
22 Mr. Thorsland stated that the Documents of Record has already been updated. He read the Summary
23 Finding of Fact as follows:

24
25 **Summary Finding of Fact for Case 757-AT-13:**

26
27 From the documents of record and the testimony and exhibits received at the public hearing conducted
28 on, **June 27, 2013, July 11, 2013, July 25, 2013**, the Zoning Board of Appeals of Champaign County
29 finds that:

30
31 1. The proposed text amendment will **NOT IMPEDE** the Land Resource Management Plan because
32 of the following:

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

- 34 ● **Goal 1 Planning and Public Involvement**
- 35 ● **Goal 2 Governmental Coordination**
- 36 ● **Goal 4 Agriculture**
- 37 ● **Goal 5 Urban Land Use**
- 38 ● **Goal 6 Public Health and Public Safety**

7/25/13

- **Goal 7 Transportation**
- **Goal 8 Natural Resources**

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

- **Goal 3 Prosperity**
- **Goal 9 Energy Conservation**
- **Goal 10 Cultural Amenities**

2. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE the purpose of the Zoning Ordinance** because it is consistent with all of the purposes of the Zoning Ordinance and is directly relate to Purpose 2.0(d).

3. The proposed text improvement **WILL IMPROVE the Zoning Ordinance** as follows:

- Provide the best information available to determine what properties will be subject to the floodplain regulations.
- Will update the existing Special Flood Hazard Areas Ordinance to meet state and federal requirements in order to allow Champaign County to continue participation in the National Flood Insurance Program.

Mr. Thorsland asked the Board and staff if there were any changes to the Summary Finding of Fact.

Mr. Kass noted that the dates June 27, 2013 and July 25, 2013, should be added to the Summary Finding of Fact as noted by Mr. Thorsland previously.

Mr. Thorsland entertained a motion to adopt the Summary Finding of Fact.

Mr. Miller moved, seconded by Ms. Capel to adopt the Summary Finding of Fact as amended. The motion carried by voice vote.

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

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

Mr. Thorsland entertained a motion to move to a Final Determination for Case 757-AT-13.

7/25/13

1 **Mr. Miller moved, seconded by Ms. Capel to move to a Final Determination for Case 757-AT-13.**
2 **The motion carried by voice vote.**

3
4 Mr. Thorsland informed the petitioner that the Board currently has one vacant seat and one Board member is
5 absent from tonight’s meeting. He informed the petitioner that four affirmative votes are required for
6 approval. He asked the petitioner if he desired to proceed to the Final Determination with the present Board
7 or to continue Case 757-AT-13 until a full Board is present.

8
9 Mr. Hall requested that the present Board proceed to the Final Determination for Case 757-AT-13.

10
11 **Final Determination for Case 757-AT-13:**

12
13 **Ms. Capel moved, seconded by Mr. Palmgren that pursuant to the authority granted in Section 9.2**
14 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
15 **determines that the Zoning Ordinance Amendment requested in Case 757-AT-13 should BE**
16 **ENACTED by the County Board in the form attached hereto.**

17
18 Mr. Thorsland requested a roll call vote.

19
20 The roll was called:

	Miller-yes	Palmgren-yes	Passalacqua-absent
	Capel-yes	Thorsland-yes	

21
22
23
24
25 **6. New Public Hearings**

26
27 **Case 758-AM-13 Petitioner: Charles Jesse Request to amend the Zoning Map to change the zoning**
28 **district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning**
29 **District in order to authorize the proposed Special Use in related zoning Case 759-S-13. Location: A**
30 **10-acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**
31 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**
32 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**

33
34
35 **Case 759-S-13 Petitioner: Charles Jesse Request to authorize the following as a Special Use in the B-1**
36 **Rural Trade Center Zoning District: Part A. Authorize multiple principal uses and buildings on the**
37 **same lot consisting of (1) a heating and cooling contractors facility with accessory outdoor storage that**
38 **was originally authorized by Case 970-S-95; and (2) Self-Storage Warehouses, providing heat and**

7/25/13

1 **utilities to individual units as a special use. Part B. Authorize the construction and use of Self-**
2 **Storage Warehouses, providing heat and utilities to individual units as a special use. Location: A 10-**
3 **acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**
4 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**
5 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**
6

7 Mr. Thorsland called Cases 758-AM-13 and 759-S-13 concurrently.
8

9 Mr. Thorsland informed the audience that Case 759-S-13 is an Administrative Case and as such the County
10 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
11 show of hands for those who would like to cross examine and each person will be called upon. He requested
12 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
13 that those who desire to cross examine are not required to sign the witness register but are requested to
14 clearly state their name before asking any questions. He noted that no new testimony is to be given during
15 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
16 exempt from cross examination.
17

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

22 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.
23

24 Mr. Charles Jesse stated that he owns Jesse Heating and Air Conditioning. He said that in 1995 he
25 purchased the subject property which is located south of Champaign near I-57. He said that the building was
26 originally built for a landscape contractor in 1974 and he has owned and operated his business at this
27 location for 18 years and has been working off of a Special Use Permit. He said that he is present tonight to
28 request the Board's support because he would like to build self-storage facility on his property which will be
29 constructed in four phases. He said that the first phase would be approximately 18,000 square feet and by
30 the time the fourth stage is completed the entire facility would consist of 80,000 square feet. He said that he
31 plans to have all concrete paving with no rock at all. He said that his plans include LED lighting and geo-
32 thermal heating and cooling. He said that the east side of his property borders I-57 and his property goes to a
33 point to the north therefore he has no real northern property line, only east, west and south. He said that
34 along the western border there is a drainage ditch and he plans to install a vegetative screen along that
35 border. He said that along the south side of the property he plans to install ornamental iron fencing and more
36 landscaping.
37

38 Mr. Jesse requested the Board's support for his requests because he believes that it would be an attractive,

7/25/13

1 energy efficient facility that would serve the storage requirements of the neighbors in his area.

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

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

6
7 Mr. Thorsland asked if staff had any new information to add to the cases.

8
9 Mr. Kass stated that there is no new memorandum for either case. He said that he wanted to get the
10 Summary of Evidence for Case 759-S-13 and the Finding of Fact for Case 758-AM-13 completed but he did
11 not have time to do so. He said that staff did receive correspondence from Jeff Marino, Planner II at the City
12 of Champaign Planning Department, indicating that Mr. Marino was working on a memorandum to present
13 to the City of Champaign's Plan Commission's August 7th meeting recommending that the City of
14 Champaign protest the requested map amendment.

15
16 Mr. Hall stated that the recommendation would be consistent with the August 14, 2012, letter that was
17 attached to the Preliminary Memorandum for Case 758-AM-13. He said that County staff has included an
18 excerpt from the City of Champaign's Comprehensive Plan for the Board's review. He said that Mr. Jesse
19 indicated that his business has existed at the subject property for 18 years and for some reason his property
20 didn't warrant being indicated on the City of Champaign's Comprehensive Plan. Mr. Hall said that staff also
21 included an excerpt from the LRMP and some colors that were used in some areas on the maps in the LRMP
22 do not copy well but the subject property is located within the CUGA (Contiguous Urban Growth Area) area.

23 He said that the CUGA indicates that a property can be developed in accordance with a comprehensive plan.
24 He said that the site plan indicates that the project will be constructed in four phases and there is a
25 stormwater detention area indicated. He said that the Kaskaskia Special Drainage Ditch is a large drainage
26 facility and he would assume that there is some sort of easement associated with it and the outlet in the
27 stormwater detention area would require the Kaskaskia Special Drainage District's approval.

28
29 Mr. Hall stated that during his earlier discussions with Mr. Jesse he believed that there has been an issue
30 with the overpass over the interstate. Mr. Hall said that the Preliminary Memorandum included the minutes
31 for Case 970-S-95 and any issue with the overpass over the interstate was never discussed during that
32 hearing. He said that staff needs to do a site line analysis to make sure that the I.D.O.T. requirements for site
33 line are being met when the additional traffic for the storage units exists. He said that Mr. Kass has
34 contacted CUUATS about a traffic impact analysis but this area is not in their urbanized area but is in their
35 metropolitan study area.

36
37 Mr. Kass stated that in the past CUUATS would have completed the traffic impact analysis for free but now
38 they do not. He said that even if the subject property is located in the CUUATS study area the traffic impact

7/25/13

1 analysis would have to be paid for if it were only the Board requesting it. He said that if the State and the
2 County and the ZBA were requesting a traffic impact analysis the payment would be worked out but likely
3 the cost would be imposed upon the petitioner. He said that Rita Morocoima-Black, Transportation Manager
4 for CUAATS and Planning and Community Development Director for the RPC, had mentioned that if staff
5 believes that there is a significant increase in traffic then a traffic impact analysis should be completed.
6

7 Mr. Hall stated that he has seen self-storage units which are within the CUAATS area always receive a
8 traffic impact analysis and since there are so many units proposed in this project an increase in traffic is a
9 concern. He said that he predicts that there will be a traffic impact analysis required and staff had previously
10 mentioned this possibility to Mr. Jesse. Mr. Hall stated that when staff discovers the cost of the analysis they
11 will pass that information on to Mr. Jesse and if Mr. Jesse decides to have his own engineer complete the
12 analysis it could be reviewed by CUAATS.
13

14 Mr. Kass stated that the City of Champaign's Comprehensive Plan was adopted in 2010 therefore the maps
15 would have been created sometime between 2009 and 2010.
16

17 Mr. Thorsland asked the Board if there were any questions for Mr. Jesse and there were none.
18

19 Mr. Thorsland called Keith Padgett to testify.
20

21 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that the County has an ADT,
22 Average Daily Traffic, report for Old Church Road and it would surprise him if the ADT is over 500
23 vehicles per day. He said that the road is maintained by Tolono Township and they were not notified of this
24 meeting but he can provide information about the road where Mr. Jesse's property is located. He said that
25 through the 2013 Champaign County Engineering Bridge Replacement Program the bridge over the
26 Kaskaskia Special Drainage Ditch is due to be replaced and he has the engineering costs that his township
27 has been paying for along with Tolono Township. He said that he spoke with Jeff Blue, Champaign County
28 Highway Engineer, and Mr. Blue indicated that he has not received prints back nor has a contractor been
29 selected for this bridge replacement therefore it is anticipated that the bridge will be replaced next year. Mr.
30 Padgett stated that the bridge is not being replaced because of Mr. Jesse's proposed project but because the
31 bridge needs to be replaced so that the water underneath can have better movement and replaced with a
32 better structure for traffic to travel upon.
33

34 Mr. Thorsland asked Mr. Padgett if Tolono Township maintains the road.
35

36 Mr. Padgett stated that Champaign Township is six miles wide and the Champaign Township Highway
37 Department maintains the two miles from Barker Road to Staley Road and Tolono Township maintains the
38 two miles from Staley Road to Duncan Road over to Mattis Street. He said that the Village of Savoy

7/25/13

1 maintains from Mattis Street to Neil Street then on over to First Street. He said that the road that is in front
2 of Mr. Jesse's property is maintained by Tolono Township but because Tolono Township properties are on
3 the south and Champaign Township properties are on the north they joint repair adjoining township bridges
4 when they come up on the Champaign County Bridge Replacement Program.

5
6 Mr. Thorsland stated that staff should make sure that the Tolono Township Highway Commissioner should
7 be contacted regarding these cases.

8
9 Mr. Thorsland asked the Board if there were any questions for Mr. Padgett and there were none.

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

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

14
15 Mr. Thorsland stated that he had a few questions for Mr. Jesse and requested that he return to the witness
16 microphone.

17
18 Mr. Thorsland asked Mr. Jesse if he would indicate the time frame for construction of Phase I.

19
20 Mr. Jesse stated that it depends on how long the County's process will take. He said that currently the
21 subject property is planted in row crop therefore no construction would take place until the crops are
22 harvested in the fall.

23
24 Mr. Thorsland asked Mr. Jesse if he had participated in any discussions with the City of Champaign.

25
26 Mr. Jesse stated yes. He said that he started discussing the project over one year ago and they are nice
27 people but they will not look at the Comprehensive Plan and admit that a mistake was made. He said that it
28 appears that they just want to say that they want to look at the map and say that they drew the map and now
29 we are not going to vary the map. He said that if you look at the map his building is apparent and the City of
30 Champaign indicates the property as a residential subdivision. He said that the only entrance for his entire
31 ten acres is through his driveway therefore it is very limited as to what can be done on the property. He said
32 that for sure he didn't sell lots and build house upon them and he does not have any sewer or water
33 accommodations. He said that it seems like the staff at the City of Champaign are very nice but they are not
34 being reasonable. He said that he did talk to the Mayor of the City of Champaign and he indicated that he
35 was in support of the proposed project and indicated that he would provide a letter indicating such.

36
37 Mr. Thorsland stated that until the letter from the Mayor is received and submitted as evidence the Board
38 cannot consider it as supportive evidence. He said that Mr. Kass has indicated that the City of Champaign

ZBA

AS APPROVED SEPTEMBER 26, 2013

7/25/13

1 intends to submit a protest if the ZBA recommends approval of the map amendment. He asked Mr. Jesse if
2 he intends to proceed if possible.

3
4 Mr. Jesse stated that it is his understanding that if the City of Champaign protests the map amendment it will
5 require a 75% vote in favor of the map amendment from the County Board and he is willing to take the
6 chance.

7
8 Mr. Thorsland asked Mr. Jesse if he had discussed all of the Special Use Permit requirements with Mr. Hall
9 such as the lighting requirements.

10
11 Mr. Kass stated that note #13 on the submitted site plan indicates that they will comply with the lighting
12 requirements.

13
14 Mr. Randol stated that he is familiar with the property and he has no objections with this case proceeding.

15
16 Mr. Hall asked Mr. Jesse how he will ensure security.

17
18 Mr. Jesse stated that there would be a gate that would require a password for entry. He said that the gate
19 would always be locked and no entry would be granted unless the correct password was used. He said that
20 there will be outdoor lighting with 100% cut-off regarding glare and a camera system will be installed for
21 recording activities on the property.

22
23 Mr. Hall stated that there are hallways proposed for the larger buildings therefore would the cameras be
24 installed indoor and outdoor.

25
26 Mr. Jesse stated yes.

27
28 Mr. Hall stated that the security accommodations should be indicated in a detailed list so that they are all
29 located in one spot so that it could easily be conditioned if acceptable. He said that in the past the County
30 has had self-storage developments where security appeared to be a particular concern and caretakers were
31 provided during the evening hours.

32
33 Mr. Jesse stated that he has not considered having caretakers during the evening hours. He said that his wife
34 works in the front office Monday-Friday from 7:30 a.m. to 4:30 p.m. and Saturday mornings. He said that
35 the intent was to keep the same hours for the storage facility. He said that a lot of the storage facilities are
36 being built away from apartments and homes.

37
38 Mr. Hall asked Mr. Jesse if he had checked into any insurance concerns there may be in regards to interior

7/25/13

1 design and fire protection.

2

3 Mr. Jesse stated that the units will have concrete floors and white metal walls and ceilings with LED
4 lighting.

5

6 Mr. Hall asked Mr. Jesse if the inside walls of the units would also be metal.

7

8 Mr. Jesse stated that it depends on which manufacturer he chooses. He said that some manufacturers have a
9 vinyl vapor barrier over the insulation on the roof and no metal is installed. He said that he has not put the
10 project out for final bid because he does not know how this process would go. He said that if he needs to
11 note these items then he would be glad to do so.

12

13 Mr. Hall stated that Champaign County does not have a building code however the State of Illinois does
14 have a building code and he hopes that Mr. Kass has indicated that this facility would have to be built
15 according the State of Illinois mandated building codes and he has not looked at those codes to see what they
16 would require for larger buildings which are almost 10,000 square feet under roof. He said that this may not
17 be an issue but he has not had the opportunity to check.

18

19 Mr. Thorsland asked Mr. Jesse if he has had any contact with the Kaskaskia Special Drainage District.

20

21 Mr. Jesse stated no. He said that once the drainage plan is complete the natural flow will not go to the ditch
22 but to the northeast. He said that he will need to deal with I.D.O.T. or the people who are in charge of the
23 drainage ditch. He said that the flow naturally goes northeast and not to the ditch.

24

25 Mr. Thorsland asked the Board if there were any additional questions for Mr. Jesse and there were none.

26

27 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Jesse at this time.

28

29 Mr. Thorsland reminded the audience that they may only ask Mr. Jesse questions which are based upon his
30 testimony.

31

32 Mr. Don Wauthier, Engineer for Berns, Clancy and Associates, asked Mr. Jesse if he is aware of any of the
33 Kaskaskia Special Drainage District's requirements for placement of the fence and shrubbery in their
34 easement.

35

36 Mr. Jesse stated that there is a fence there now therefore he believed that he could replace the fence but if
37 that is not possible then he will have to deal with it. He said that it is not like he would be building on every
38 square inch of the property and there is plenty of room to relocate anything that is required.

7/25/13

- 1
2 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Jesse.
3
4 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that as he recalls the subject
5 property used to be a hog lot therefore the present and proposed use is much better than it used to be.
6
7 Mr. Jesse stated that Mr. Padgett is correct.
8
9 Mr. Padgett asked Mr. Jesse if there would be any outdoor storage allowed in the fenced area such as trailers
10 or campers.
11
12 Mr. Jesse stated yes, he wanted to provide outdoor storage behind the screened area which is located at the
13 back end of the existing parking lot. He said that he wanted to screen in a corner with the landscaping and a
14 tall fence.
15
16 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Jesse and there was no one.
17
18 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
19 testimony regarding these two cases and there was no one.
20
21 Mr. Thorsland asked Mr. Kass if the comments from the City of Champaign were received via a telephone
22 call or by e-mail.
23
24 Mr. Kass stated that the comments were received via e-mail.
25
26 Mr. Thorsland requested that the e-mail be included in the next mailing packet for the Board's review.
27
28 Mr. Kass stated that the e-mail correspondence with Mr. Marino was essentially no different than the letter
29 that was attached to the memorandum for Case 758-AM-13. He said that he will get in touch with Rita
30 Morocoima-Black regarding a traffic impact analysis.
31
32 Mr. Padgett stated that he does have the traffic information regarding Old Church Road on his home
33 computer and he can e-mail this information to staff. He said that the information will have a date on the
34 survey and what ADT was at that time.
35
36 Mr. Thorsland stated that he would appreciate Mr. Padgett's information.
37
38 Mr. Padgett stated that there is a reasonable amount of traffic that travels out of Savoy that turns north or

7/25/13

1 south on Duncan Road and if he remembers correctly the ADT for the intersection of Rising and Old Church
2 roads was 275 per day and between 9 a.m. to 5 p.m. it was 5 per day.

3
4 Mr. Thorsland asked the Board if there is any additional information required prior to the next meeting.

5
6 Mr. Thorsland entertained a motion to continue Cases 758-AM-13 and 759-S-13 to the August 29, 2013,
7 meeting.

8
9 **Mr. Palmgren moved, seconded by Ms. Capel to continue Cases 758-AM-13 and 759-S-13 to the**
10 **August 29, 2013, meeting. The motion carried by voice vote.**

11
12
13 **Case 760-V-13 Petitioner: Sangamon Valley Public Water District and Kerry Gifford, General**
14 **Manager Request to authorize a County Board Variance from Subsection 13.2.1A.4 that requires**
15 **construction or use to comply with the SUBDIVISION regulations of a municipality when the**
16 **requirement for annexation to that municipality is pursuant to or is a requirement for plat approval**
17 **by that municipality, for a proposed water storage tank and pump station that are owned and**
18 **operated by a predominately rural water district in the AG-2 District. Location: An approximate .075**
19 **acre tract located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of the**
20 **Northeast Quarter of Section 10 of Mahomet Township and commonly known as the property located**
21 **immediately east of the Living Word Omega Message Church at 2272 CR 350E, Mahomet.**

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

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

35
36 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

37
38 Mr. Kerry Gifford, General Manager, stated that this is Part 2 of the main project for improvements to the

ZBA

AS APPROVED SEPTEMBER 26, 2013

7/25/13

1 water treatment plant for Sangamon Valley Public Water District. He said that evidence remains the same as
2 it did with the water treatment plant in regards to the annexation requirement with the Village of Mahomet.
3 He said that SVPWD is requesting a recommendation from the ZBA for variance approval. He said that the
4 new water tank and pumping station is desperately needed for safety and health reasons. He said that
5 SVPWD has found a nice location that hydraulically will fix the stress of the water situation on the other
6 side of the river.

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

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

11
12 Mr. Thorsland called John Hall.

13
14 Mr. John Hall, Zoning Administrator stated that the County Board approved the variance on the other
15 property for expansion at the Board's last Thursday night's meeting and there was no discussion. He said
16 that the memorandum includes the foundation permit that was approved on July 3rd and he does not
17 anticipate any problems. He said that the condition of the approval of the foundation permit was that the
18 petitioner abide by any reasonable requirement of the Board therefore if the Board has any issues with this
19 then now is the time to discuss those issues and see if there are any additional conditions necessary.

20
21 Mr. Thorsland stated that Mr. Randol may have a statement to make regarding his ability to vote in this case.

22
23 Mr. Randol stated that he must abstain from participating in this case because he is an employee of the
24 Sangamon Valley Public Water District.

25
26 Mr. Thorsland stated that page 6 of the Preliminary Draft Summary of Evidence references Case 751-V-13
27 and the evidence is probably very similar if not identical to this case.

28
29 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Gifford at this time and there was
30 no one.

31
32 Mr. Thorsland asked the audience if anyone desired to sign the witness register for Case 760-V-13 and there
33 was no one.

34
35 Mr. Thorsland asked the Board if there were any additional questions for staff or Mr. Gifford and there were
36 none.

37
38 Mr. Thorsland asked if special conditions are required.

7/25/13

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Mr. Hall stated that no special conditions were proposed.

Mr. Kass stated that no special conditions were proposed because staff did not feel that special conditions were necessary. He said that Case 749-V-13 included a special condition regarding submitting the plat but the plat has already been submitted for this case and was included in the July 19, 2013, Preliminary Memorandum.

Mr. Thorsland stated that there are no new Documents of Record and no special conditions proposed.

Finding of Fact for Case 760-V-13:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 760-V-13 held on July 25, 2013, the Zoning Board of Appeals of Champaign county finds that:

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

Mr. Palmgren stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because they have an available parcel that is small and is screened that is in a convenient location. He said that it will be located in an area that lacks water pressure and flow.

Mr. Thorsland stated that it is in close proximity to the existing water system.

Mr. Kass read the Board’s findings as follows:

- They have an available parcel that is small and is screened that is in a convenient location.**
- It will be located in an area that lacks water pressure and flow**
- It is in close proximity to the existing water system.**

- 2. 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.**

Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the

7/25/13

1 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure
2 or construction because finding another location will create additional expense. She said that the tank is
3 located on the existing system so there is no need for additional water lines. She said that finding a new
4 location will cause a delay, and the improvements are necessary now.

5
6 Mr. Kass read the Board’s findings as follows:

- 7
- 8 • **Finding another location will create additional expense**
- 9 • **The tank is located on the existing system so there is no need for additional**
- 10 **water lines.**
- 11 • **Finding a new location will cause a delay, and the improvements are necessary**
- 12 **now.**

13
14 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
15 **result from actions of the applicant.**

16
17 Ms. Capel stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
18 result from actions of the applicant because it is necessary because of an increase in demand. She said that
19 there is potential for increased demand in the future.

20
21 Mr. Thorsland stated that the surrounding development was already in place and was instrumental in the
22 increased demand.

23
24 Mr. Kass read the Board’s findings as follows:

- 25
- 26 • **This is necessary because of an increase in demand.**
- 27 • **There is potential for increased demand in the future.**
- 28 • **The surrounding development was already in place and was instrumental in the**
- 29 **increased demand.**

30
31 **4. The requested variance IS in harmony with the general purpose and intent of the**
32 **Ordinance.**

33
34 Mr. Miller stated that the requested variance IS in harmony with the general purpose and intent of the
35 Ordinance because the location is suited for the proposed use and is well located in terms of providing public
36 services.

37
38 Mr. Kass read the Board’s findings as follows:

7/25/13

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- **The location is well suited for the proposed use and well located in terms of providing public services.**

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

Mr. Palmgren stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because the proposed tank site will have a locking gate, security fence around the perimeter, and locking tank access and building access.

Mr. Thorsland stated that the proposed use will improve public health, safety and welfare.

Mr. Palmgren added that no comments were received from the fire protection district or the relevant highway authority.

Mr. Kass read the Board's findings as follows:

- **The proposed tank site will have a locking gate, security fence around the perimeter, and locking tank access and building access.**
- **The proposed use will improve public health, safety, and welfare.**
- **No comments were received from the fire protection district or the relevant highway authority.**

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

Mr. Thorsland stated that the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure.

7. No special conditions are hereby imposed.

Mr. Thorsland entertained a motion to adopt the Findings of Fact as amended.

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

Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings

7/25/13

1 of Fact as amended.

2
3 **Ms. Capel moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of**
4 **Record and Findings of Fact as amended. The motion carried by voice vote.**

5
6 Mr. Thorsland entertained a motion to move to the Final Determination for Case 760-V-13.

7
8 **Mr. Palmgren moved, seconded by Mr. Miller to move to the Final Determination for Case 760-V-13.**
9 **The motion carried by voice vote.**

10
11 Mr. Thorsland informed the petitioner that the Board currently has one vacant seat. He said that one Board
12 member has abstained from voting for this case and one Board member is absent from tonight’s meeting. He
13 informed the petitioner that four affirmative votes are required for approval. He asked the petitioner if he
14 desired to proceed to the Final Determination with the present Board or to continue Case 760-V-13 until a
15 full Board is present.

16
17 Mr. Gifford requested that the present Board proceed to the Final Determination.

18
19 **Final Determination for Case 760-V-13:**

20
21 **Ms. Capel moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals**
22 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
23 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted**
24 **in Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of**
25 **Champaign County determines that the Variance requested by the petitioner, Sangamon Valley**
26 **Public Water District, in Case 760-V-13 to authorize a County Board Variance from Subsection**
27 **13.2.1A.4. that requires construction or use to comply with the SUBDIVISION regulations of a**
28 **municipality when the requirement for annexation to that municipality is pursuant to or is a**
29 **requirement for plat approval by that municipality, for a proposed expansion of a water treatment**
30 **plant and related facilities that are owned and operated by a predominately rural water district in the**
31 **AG-2 District should be GRANTED by the County Board.**

32
33 Mr. Thorsland requested a roll call vote.

34
35 The roll was called:

36
37 **Miller-yes Palmgren-yes Passalacqua-absent**
38 **Randol-abstained Capel-yes Thorsland-yes**

7/25/13

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Mr. Hall informed the petitioner that he has received a recommendation for approval. He said that the next step will be at the August 8th Environment and Land Use Committee meeting.

Mr. Thorsland stated that the Board will now hear Case 757-AT-13.

7. Staff Report

Mr. Hall informed the Board that Connie Berry could not be in attendance tonight due to the passing of her father, Oscar Denny.

8. Other Business

A. Review of Docket

Mr. Hall stated that with the exception of Mr. Jesse’s case the docket has come to a screeching halt although staff has had inquiries for four new zoning cases.

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

None

10. Adjournment

Mr. Thorsland entertained a motion to adjourn the meeting.

Ms. Capel moved, seconded by Mr. Randol to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 8:50 p.m.

Respectfully submitted

ZBA

AS APPROVED SEPTEMBER 26, 2013

7/25/13

1 Secretary of Zoning Board of Appeals
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