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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: August 29, 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, Jim Randol, Eric Thorsland, Paul Palmgren, Brad  
17 Passalacqua

18  
19 **MEMBERS ABSENT :** Roger Miller

20  
21 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass

22  
23 **OTHERS PRESENT :** Charlie Jesse, Keith Padgett

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

27  
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 Board seat.

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

37  
38 **3. Correspondence**

39  
40 None

41  
42 **4. Approval of Minutes**

43  
44 None

45  
46 **5. Continued Public Hearing**

47  
48 **Case 758-AM-13 Petitioner: Charles Jesse Request to amend the Zoning Map to change the zoning**  
49 **district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning**  
50 **District in order to authorize the proposed Special Use in related zoning Case 759-S-13. Location: A**  
51 **10-acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**  
52 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**  
53 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**

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1  
2 **Case 759-S-13** Petitioner: **Charles Jesse** Request to authorize the following as a Special Use in the B-1  
3 **Rural Trade Center Zoning District: Part A. Authorize multiple principal uses and buildings on the**  
4 **same lot consisting of (1) a heating and cooling contractors facility with accessory outdoor storage that**  
5 **was originally authorized by Case 970-S-95; and (2) Self-Storage Warehouses, providing heat and**  
6 **utilities to individual units as a special use. Part B. Authorize the construction and use of Self-**  
7 **Storage Warehouses, providing heat and utilities to individual units as a special use. Location: A 10-**  
8 **acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**  
9 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**  
10 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**

11  
12 Mr. Thorsland called Cases 758-AM-13 and 759-S-13 concurrently.

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

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

26  
27 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

28  
29 Mr. Charles Jesse, petitioner and owner of Jesse Heating and Air Conditioning, located at 3702 West Old  
30 Church Road, Champaign, stated that he would like to discuss the written protest from the City of  
31 Champaign. He said that the City of Champaign's basis for the protest is that the proposed use is  
32 inconsistent with the City of Champaign's Comprehensive Plan. He said that if the Board will review the  
33 City of Champaign's Land Use Map it is obvious that you wouldn't have to go very far from his building to  
34 see the color coded commercial areas. He said that a lot of these areas are irregularly shaped which, to him,  
35 means that there was already an existing business at that location and they drew the map around it therefore  
36 he wished that they had done the same thing for him because it would have been a lot less confusing today.

37  
38 Mr. Jesse stated that he submitted three maps for staff's and the Board's review. He said that one map

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1 indicates Country Fair Self Storage, located at 619 Country Fair Drive, Champaign, which is within the city  
2 limits of the City of Champaign, and he is sure that this area has been zoned commercial for a long time. He  
3 said that before he moved to his current location he was almost directly across the street from 619 Country  
4 Fair Drive, and that entire area was in row crop. He said that Country Fair Self Storage does back up to a  
5 residential subdivision therefore he does not see the fact that a self storage facility going into an area  
6 prevents people from building homes.

7  
8 Mr. Jesse stated that one of the maps indicates Curtis Road Self Storage, located at 101 E. Curtis Road,  
9 Savoy. He said that this storage facility was already in existence before the subdivision to the south of it was  
10 constructed. He said that the existing storage facility did not keep the subdivision from being constructed.  
11 He said that the Country Fair and Curtis Road facilities are both really good examples of what self storage  
12 facilities should be because they are both very nice and he would want to model his facility the same.

13  
14 Mr. Jesse stated that the facility located at 116 East Church Street, Savoy, is not the type of facility that he  
15 would model his facility upon. He said that even though the facility located at 116 East Church Street,  
16 Savoy, is not very nice it still did not prevent homes from being built around it.

17  
18 Mr. Jesse stated that the City of Champaign indicated that he has inadequate infrastructure but he does not  
19 agree. He said that he does not see how the City's determination that he has inadequate infrastructure could  
20 be the basis for a protest because he has all of the infrastructure that he needs and the storage facility does  
21 not need city water or sewer because it will not be utilized during the operation. He said that electricity is  
22 already available on the subject property and the road commissioner has indicated that he has no concerns  
23 regarding the traffic or visibility issues in regards to the by-pass over I-57. He said that the City of  
24 Champaign indicated that there are other suitable locations within the City of Champaign's limits. He said  
25 that he is sure that the City of Champaign is correct regarding other suitable locations for his facility but  
26 those other locations are not the properties that he worked for 18 years to pay for like he did this one. He  
27 said that there are new CVS or Walgreens Pharmacies popping up everywhere and those companies realize  
28 that if their stores are not convenient the public will not patronize them and the self storage business is not  
29 much different. He said that most people will attempt to find a self storage facility that is within three miles  
30 from their home and they will rarely travel five miles from their home for a unit. He said that he understands  
31 that the City of Champaign would prefer that he locates his self storage facility five miles north of his  
32 present location so that it is located next to other existing storage facilities but it would not be good for him  
33 or his customers because they would have to travel further to get to it.

34  
35 Mr. Thorsland asked the Board if there were any questions for Mr. Jesse and there were none.

36  
37 Mr. Thorsland asked if staff had any questions for Mr. Jesse and there were none.

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1 Mr. Randol stated that during the last week he has driven by other existing self storage warehouse sites and a  
2 location which is very similar to Mr. Jesse's proposed facility is on North Prospect and one-half mile north  
3 of Olympian Drive. He said that the tract is a triangular piece of land that is not fenced and is located  
4 adjacent to the interstate and he believes that Mr. Jesse's proposed facility will look a lot better than it does.  
5

6 Mr. Hall stated that the ZBA approved the storage facility on North Prospect in 2003 or 2004.  
7

8 Mr. Passalacqua stated that Mr. Jesse's business is currently spotless therefore he would expect that the  
9 proposed facility would be operated in the same fashion.  
10

11 Mr. Thorsland called John Hall to testify.  
12

13 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated August 29, 2013, for  
14 Cases 758-AM-13 and 759-S-13 to the Board for review and apologized for the volume of new information  
15 tonight. He said that staff is obtaining more experience with map amendments and special use permits when  
16 they are combined but there is a lot of coordination required and it takes staff longer to get the findings  
17 prepared. He said that the memorandum for Case 758-AM-13 includes a letter from the Mayor of the City of  
18 Champaign, the Council Bill 2013-138 and the Draft Finding of Fact and Final Determination. He said that  
19 the memorandum points out that the Board has its work cut-out for them in making findings on Policies  
20 5.1.3 and additional agricultural policies. He said that Policy 5.1.3 states as follows: "The County will  
21 consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be  
22 served by an available public sanitary sewer service plan as contiguous urban growth areas which should  
23 develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the  
24 Future Land Use Map." He said that pages 14 and 15 of the Finding of Fact for Case 758-AM-13, includes  
25 the most important evidence available which is relevant to Policy 5.1.3 because the policy indicates that this  
26 land should develop in conformance with the relevant municipal comprehensive plans. He said that it would  
27 be very difficult to say anything different except that now we have a good example of why that might be a  
28 problem. He said that page 15 includes all of the evidence relevant to Policy 5.1.3 and we review how this is  
29 not an ideal farming parcel, which is maybe why it had a different business upon it for the last 38 years and it  
30 is in the CUGA. He said that the City of Champaign Future Land Use Map identifies this area as "New  
31 Neighborhood" in the Tier 2 Development meaning that in the future it will be ready for residential  
32 development. He noted that if anyone else has spent many hours on the City of Champaign's website  
33 attempting to obtain an understanding of the City's plan, personally he would like to have a nice printed  
34 document, regardless of the length, to put on his desk so that he could flip from page to page. He said that  
35 he found the City of Champaign's plan extremely difficult to get a good handle on which is not like the City  
36 of Champaign's 1992 Plan which was an old-fashioned printed document that had everything in one handy  
37 file. He said that the City of Champaign has done a lot of work on their planning and even though this site  
38 has relatively poor access it is right next to the interstate and has a major drainage ditch that cuts it off from

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1 the rest of the land nearby the City of Champaign believes that it would be good for residential. He said that  
2 in the City of Champaign's Plan they discuss neighborhood and in their plan a neighborhood always has  
3 some amount of commercial and yet it is not indicated on the land use plan nor is the existing commercial  
4 indicated on their land use plan.  
5

6 Mr. Hall stated that paragraph #15.A.(1)(f) on page 15 states the following: The County should not blindly  
7 follow Policy 5.1.3 if it appears that a municipal plan ignores existing rural businesses and that appears to be  
8 the situation in this instance. The subject property has been used for various business uses for nearly 40  
9 years and two previous Special Use Permits have been authorized on the subject property. The subject  
10 property may have been overlooked when the City of Champaign developed its Future Land Use Map  
11 because there is no evidence to suggest that a survey of existing rural land uses was conducted. Mr. Hall  
12 stated the Mr. Kass has been working with Jeff Marino, Planner II, City of Champaign, and Mr. Marino has  
13 not provided anything on existing rural land uses. Mr. Hall distributed a handout from the City of  
14 Champaign's Comprehensive Plan regarding the growth area analysis, Growth Area E, and Jesse Heating  
15 and Air Conditioning is not called out on this map of rural land and apparently the City of Champaign  
16 thought that it was part of the 80 acre Wilson tract. He said that this is all that County staff can find to the  
17 extent that the City of Champaign took this existing rural business into account.  
18

19 Mr. Hall stated that item #15.A.(1)(g) indicates the following: The proposed self-storage warehouses will  
20 put the property to greater use, but not substantially different from what the property has been used for in the  
21 past. Self-storage warehouses are facilities that may be utilized by residential customers. Mr. Hall stated  
22 that at one point we had language which said that this is approximately the same thing as the neighborhood  
23 plan that the City of Champaign had even though the City doesn't consider it that and this actually seemed to  
24 be a better way to deal with the fact that if we had this policy and literally followed it we would have to do  
25 whatever the City of Champaign recommends. He said that he is sure that this is not how the County Board  
26 would want the ZBA to look at these types of things. He said that this is the only policy that is specific to the  
27 difference between the municipal plan and the County plan and this issue comes up again during the review  
28 of the *LaSalle* factors on page 21 and then again on page 22 during the review of the *Sinclair* factors. He  
29 said that item #21.H states that the following: *Sinclair* factor: The extent to which the use conforms to the  
30 municipality's comprehensive planning. He said that paragraph 21.H(1) indicates that a letter from Jeff  
31 Marino, Planner II, City of Champaign, stated that the subject property is identified on the Future Land Use  
32 Map as "New Neighborhood" in the Tier 2 Development meaning that in the future it will be ready for  
33 residential development. Mr. Marino also indicated that the City of Champaign would protest any rezoning  
34 case to allow self-storage warehouses on the subject property because the use conflicts with the City's  
35 Comprehensive Plan. He said that paragraph 21.H(2) discusses the City of Champaign's protest and  
36 paragraph 21.H(3) includes the same text from #15.A.(1)(f) on page 15 and the same considerations are  
37 relevant but the Board may want it to say something different.  
38

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1 Mr. Hall stated that the other decision points in the map amendment are related to Goal 4, Agriculture. He  
2 said that Objective 4.2 states that Champaign County will require that each discretionary review  
3 development will not interfere with agricultural operations. He said that at a staff level we believe that this  
4 use will not interfere but it isn't like staff has any specific thing to point to therefore it is better to have the  
5 Board decide what they believe works best there and the same goes for Objective 4.3. He said that  
6 personally he believes that the subject property is immanently suitable and he would go as far as to say that it  
7 is ideally suited for the proposed use but that is a pretty subjective analysis therefore it would be better for  
8 the Board to make their decision. He said that whatever the Board decides for Objectives 4.2 and 4.3 will  
9 also determine what should be chosen for Policy 4.1.6. He said that there will be three objectives under  
10 Goal 4 which would give the Board the overall decision for Goal 4 therefore the Board has a lot of decision  
11 points and probably more than what can be worked through tonight.  
12

13 Mr. Thorsland stated that perhaps the word "blindly" could be replaced with "strictly" in #15.A.(1)(f). He  
14 said that he would like it to state as follows: The County should not strictly follow Policy 5.1.3 when it  
15 appears that a municipal plan ignores existing rural businesses and that appears to be the situation in this  
16 instance. He said that prior to the meeting he constructed a draft response as to why this is necessary for the  
17 public convenience. He said that at the prior meeting there was discussion about Growth Area E and  
18 infrastructure therefore he drafted the following: the business would serve the current and future residents of  
19 the Growth Area E, "New Neighborhood" as defined by the City of Champaign. The location of the  
20 business would reduce road miles needed to utilize the facility, need little sewer support as compared to  
21 homes, and these two considerations were indicated as challenges in this area. He said that the City of  
22 Champaign points out in their own handout that challenges in the area are sewer ability and transportation  
23 and the City of Champaign's memo discusses that the business is located on an oiled and chipped road but at  
24 the same time they have approved, but not built, 1,646 homes. He said that if the road is poor then why  
25 would the City of Champaign desire to place 1,646 homes there to house over 3,300 people and if they do  
26 those residents will probably want the ability to obtain additional storage. He said that Mr. Jesse is  
27 absolutely correct in stating that people desire a self-storage unit close to their home and not in a location  
28 where they have to drive 30 minutes to get to it.  
29

30 Mr. Passalacqua stated that storage facility that is located in the middle of Savoy is a perfect example. He  
31 said that such facilities will keep boats and RVs being parked in front of homes and in driveways.  
32

33 Mr. Thorsland stated that most subdivisions, new or existing, would have a by-law in their covenants which  
34 would restrict the parking of boats and RVs in the driveways. He said that the petitioner, staff and the City  
35 of Champaign all touched upon this same issue.  
36

37 Mr. Passalacqua stated that Mr. Jesse's property is not in a location that is conducive to being in the  
38 expansion of Champaign for at least fifteen or twenty years.

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1  
2 Mr. Thorsland stated that currently there are subdivisions in the Plan that are unfinished therefore he  
3 personally believes that the City of Champaign's protest has very little traction at the County Board level.  
4  
5 Mr. Hall stated that the new memorandum for Case 759-S-13 includes proposed special conditions. He read  
6 proposed Special Condition E. as follows: Regarding the timing of construction and establishment of the  
7 proposed Special Use: (1) The Special Use Permit shall be void if the construction of the proposed Self-  
8 Storage Warehouses has not begun within 5 years of the date of authorization of Case 759-S-13; and (2) The  
9 Zoning Administrator shall not authorize a Zoning Use Permit for construction of a Self-Storage Warehouse  
10 on the subject property after 9 years of the date of authorization of Case 759-S-13 and all construction must  
11 be completed within 10 years of the date of authorization of Case 759-S-13. Mr. Hall stated that the dates  
12 included in E.2. are all subject to debate but one way to deal with the City of Champaign's concerns is to try  
13 to get these things built within a reasonable timeframe and not let it be dragged out too long so that when  
14 this area is finally developed no one can say that they did not know that there was a self-storage warehouse  
15 there. He said that the special condition must be something that Mr. Jesse will accept and that won't hurt his  
16 business too much and of course the Board may not believe that such a condition is even necessary but this is  
17 staff's first attempt with these special conditions. He said that many times staff overlooks "sunset clauses"  
18 for special conditions but this is trying to deal with the concerns of the City of Champaign and the only way  
19 that the City of Champaign thought they could deal with their concerns was to protest the map amendment.  
20  
21 Mr. Passalacqua stated that he understands that staff is trying to provide a safety net but the years indicated  
22 are based on speculation as to how fast the area will grow. He said that it is his understanding that Mr. Jesse  
23 would like to begin construction tomorrow if the cases are approved. He said that it could be twenty years  
24 before the area is developed further.  
25  
26 Mr. Hall stated that some of the special conditions are proposed because Mr. Jesse has indicated that he is  
27 going to do it and the security measures that Mr. Jesse has indicated that he is going to take will help with  
28 the assessment under criteria #8 which deals with injury to the district. He said that if it is something that  
29 helps but it isn't a specific requirement of the Ordinance it really needs to be made a special condition  
30 therefore Mr. Jesse needs to be absolutely certain that he wants to have a security gate, cameras, etc. He said  
31 that if Mr. Jesse does not want them or if the Board thinks ultimately that those things are nice but they are  
32 not necessary then those items should not be made a special condition.  
33  
34 Mr. Hall stated that he believes that a special condition is necessary for the drainage district easement  
35 because ten years from now the people that are left answering questions will not know about a drainage  
36 district easement.  
37  
38 Mr. Hall stated that staff has proposed a height limit as a proposed special condition. He said that the B-1

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1 District may be the only district which does not have a height limit. He said that staff does not believe that  
2 Mr. Jesse is going to build buildings which are taller than 35 feet but it is a special condition which is  
3 recommended. He said that 35 feet is the maximum height allowed in the residential districts and the AG-1  
4 District has a height of 50 feet and Mr. Jesse is not going to be anywhere near either of those heights with his  
5 proposed buildings but as with any zoning case things may change before the buildings are built or the  
6 property may be under different ownership.

7  
8 Mr. Passalacqua asked Mr. Hall if he was discussing average height.

9  
10 Mr. Hall stated yes.

11  
12 Mr. Hall stated that the last special condition reiterates his understanding of the way that this is going to  
13 work because the only two types of uses that are being authorized are a self-storage warehouse and a  
14 contractor's facility and there cannot be any other combination of uses on the subject property. He said that  
15 if the self-storage facility does not get built and the contractor's facility ceases to operate anything in the B-1  
16 District, any single use allowed by-right, could be located there. He said that staff believes that the review of  
17 by-right uses, indicated in the beginning of the Finding of Fact, does not pose any significant problem  
18 therefore proposed Special Condition I. clarifies that these are the only two uses that can be on the property  
19 at the same time.

20  
21 Mr. Hall stated that attached to the Supplemental Memorandum dated August 29, 2013, for Case 759-S-13 is  
22 a letter for CUUATS, Champaign Urbana Urbanized Area Transportation Study, which documents that they  
23 do not believe that the use is worthy of a traffic impact analysis. He said that also attached to the  
24 memorandum is a letter from Jeff Tock, attorney for the Kaskaskia Drainage District that documents the  
25 easement and a diagram from Mr. Jesse as to how he intends to maintain farm equipment access for the crop  
26 production on the property and a detailed plan that specifically calls out the leach field is attached.

27  
28 Mr. Hall stated that there are decision points required by the Board in the Summary of Evidence for Case  
29 759-S-13. He said that item #7.G. on page 10 is related to Case 758-AM-13. He said that item #8.M. on  
30 page 15 is another decision point which falls under the criteria about whether or not it will be injurious to the  
31 district and this is talking about compatibility with adjacent uses and interfering with agricultural operations  
32 and it also refers back to Case 758-AM-13. He said that item #9.G.(2) on page 19 is another decision point  
33 which regards the preservation of the character of the district.

34  
35 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

36  
37 Mr. Passalacqua asked that since the property is located in the extra-territorial jurisdiction of the City of  
38 Champaign if the ZBA recommends approval to the County Board could the City of Champaign, other than a

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1 protest that may affect the outcome at the County Board, have the right to stop this project.

2

3 Mr. Hall stated no.

4

5 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present  
6 testimony regarding these two cases.

7

8 Mr. Thorsland called Keith Padgett to testify.

9

10 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that he spent 18-1/2 years with the  
11 Urbana-Champaign Sanitary District and the closest sewer to the subject property is one and one-half miles  
12 away. He said that there have been previous attempts to gain sewer in the area by Carle and they were  
13 unsuccessful therefore until sewer availability gets closer it would be a lot to ask for Mr. Jesse to not be  
14 allowed to do anything with his land until sewer was available.

15

16 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Padgett and there were none.

17

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

19

20 Mr. Hall stated that staff distributed updated land use and zoning maps for the case. He said that the original  
21 maps did not adequately give the Board the sense of where the subject property is located being one mile  
22 south of the Curtis Road interchange and one-half mile away from Willard Airport and less than one-half  
23 mile away from the boundary of the City of Champaign. He said that this is not an average AG-1 location  
24 out in the remote area away from an urbanized area but is basically in the thick of the urbanized area even  
25 though there is not sewer and won't be any for a while and even when the sewer is available there are still  
26 challenges posed by the subject property.

27

28 Mr. Thorsland asked Mr. Jesse if he has had time to read the proposed special conditions included in  
29 tonight's memorandum for Case 759-S-13.

30

31 Mr. Jesse stated that he has read through the proposed special conditions and he has no issue with any of  
32 those conditions.

33

34 Mr. Thorsland stated that the Board would like to review the findings for each case to make sure that they  
35 are correct. He asked Mr. Jesse if any hardship would be imposed if the Board did not finish both cases  
36 tonight.

37

38 Mr. Jesse stated he is anxious to get started but he understands that the Board has a lot of information before

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1 them tonight and that these cases maybe continued to another meeting.  
2  
3 Mr. Thorsland stated that when a protest is involved the Board typically likes to make sure that the findings  
4 are very good so that the County Board has a clear intent from the ZBA. He said that the Board will  
5 continue the cases as soon as possible and unfortunately that the September 12<sup>th</sup> meeting has been cancelled.  
6  
7 Mr. Hall stated that there are no rules against reinvigorating the meeting if required. He said that if the  
8 Board agrees staff is comfortable with continuing this case to September 12<sup>th</sup>.  
9  
10 Mr. Thorsland asked the Board if they would be interested in reinvigorating the meeting on September 12<sup>th</sup>.  
11  
12 Mr. Passalacqua stated that he has no problem with a meeting on September 12<sup>th</sup> but he would like to  
13 complete as much as possible tonight. He said that the petitioner has provided fantastic information for the  
14 Board's review.  
15  
16 Mr. Thorsland stated that he wants to make sure that the work on Policy 5.1.3 is complete.  
17  
18 Mr. Passalacqua asked why the September 12<sup>th</sup> meeting was cancelled.  
19  
20 Mr. Thorsland stated that Mr. Kass was unavailable for that meeting.  
21  
22 Mr. Passalacqua stated that he believes that the Board has enough information tonight to address the City of  
23 Champaign's protest. He said that he does not mean to rush these cases but the Board does not normally  
24 receive this much good information.  
25  
26 Mr. Thorsland agreed. He thanked Mr. Jesse for coming before the Board before he began construction and  
27 presenting a very good package.  
28  
29 Mr. Passalacqua stated that Mr. Jesse's project is a no-brainer when he thinks about people protesting the  
30 project based upon the road and traffic and being injurious neighborhood and he thinks about driving past  
31 Curtis Orchard between now and the first snow fall. He said that the he believes that the subject property is  
32 ideally suited for the proposed use and the Board owes it to Mr. Jesse to move forward as much as possible.  
33  
34 Mr. Thorsland stated that the Board can work through a lot of the findings tonight. He said that he is  
35 available for a meeting on September 12<sup>th</sup> and asked the rest of the Board if they were available as well.  
36  
37 The Board indicated that they would be available for a meeting on September 12<sup>th</sup>.  
38

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1 Mr. Thorsland stated that if the Board does decide to hold the September 12<sup>th</sup> meeting Mr. Jesse's cases will  
2 be the only cases on the agenda.

3  
4 Mr. Thorsland stated that the Board will begin with the Finding of Fact for Case 758-AM-13. He said that  
5 item #11 indicates that the proposed zoning will NOT IMPEDE the achievement of Goal 1. He asked the  
6 Board if they agreed with item #11.

7  
8 The Board agreed.

9  
10 Mr. Thorsland stated that item #12 indicating that the proposed rezoning will NOT IMPEDE the  
11 achievement of Goal 2. He asked the Board if they agreed with item #12.

12  
13 The Board agreed.

14  
15 Mr. Thorsland stated that item #13 indicates that the proposed rezoning will NOT IMPEDE the achievement  
16 of Goal 3.

17  
18 Mr. Passalacqua stated that he believes that the proposed rezoning ACHIEVES prosperity and economic  
19 growth.

20  
21 Mr. Thorsland asked the Board if they agreed to change item #13 to the following: The proposed rezoning  
22 will HELP ACHIEVE Goal 3.

23  
24 The Board agreed.

25  
26 Mr. Thorsland stated that item #14 requires a decision from the Board. He read item 14, regarding Goal 4,  
27 as follows: Champaign County will protect the long term viability of agriculture in Champaign County and  
28 its land resource base. Goal 4 has 9 objectives and 22 policies. The proposed WILL/WILL NOT HELP  
29 ACHIEVE Goal 4. He said that the Board should go through all of the decision points related to Goal 4  
30 prior to deciding item #14 overall.

31  
32 Mr. Hall stated that the Board could work from the Summary Finding of Fact because staff has reformatted  
33 it. He said that the Summary Finding of Fact could work as a guide but it is only a summary.

34  
35 Mr. Thorsland stated that item #14.A. indicates that the proposed rezoning WILL/WILL NOT HELP  
36 ACHIEVE Objective 4.1. He said that he believes that the proposed rezoning WILL HELP ACHIEVE  
37 Objective 4.1 and both testimony and evidence will point to that determination.

38

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1 Mr. Passalacqua stated that the 80 acres was already fragmented whenever the eleven acres was sold off of it  
2 years ago and every point made in item #14.A.(1) has been addressed.

3  
4 Mr. Hall stated that the important thing is that Objective 4.2 is the one dealing with conflicts with agriculture  
5 therefore the Board cannot decide Policy 4.1.6 until it decides Objective 4.2. He said that Objective 4.3  
6 deals with suitability of the site and in recent cases the Board addressed both Objectives 4.2 and 4.3 and then  
7 went back and addressed Policy 4.1.6.

8  
9 Mr. Thorsland asked Mr. Hall if there was any reason why the Board could not go to page 14 and then work  
10 backwards through all of Goal 4.

11  
12 Ms. Capel stated that the Board could use the Summary Finding of Fact.

13  
14 Mr. Hall stated that he would suggest that the Board begins on page 10 and work through Objective 4.2.

15  
16 Mr. Thorsland stated that Policy 4.2.1. states the following: “The County may authorize a proposed business  
17 or other non-residential discretionary review development in a rural area if the proposed development  
18 supports agriculture or involves a product or service that is better provided in a rural area than in an urban  
19 area.” He said that the Board needs to determine the following decision point: The proposed rezoning  
20 WILL/WILL NOT HELP ACHIEVE Policy 4.2.1 because based on evidence, the proposed Special Use in  
21 related Case 759-S-13 WILL/WILL NOT interfere with agricultural operations and is a service which is  
22 appropriate for the rural area and therefore IS/IS NOT a service better provided in a rural area than in an  
23 urban area. He said that there is evidence of how access will be allowed to continue crop production on a  
24 portion of the property. He said that a portion of the property is located in the Contiguous Urban Growth  
25 Area and there are people who need storage who are effectively rural while at the same time will become less  
26 rural.

27  
28 Mr. Passalacqua stated that he will defer to Mr. Jesse’s testimony indicating that people would like to have  
29 self-storage availability within three miles of their home.

30  
31 Mr. Thorsland indicated that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.1 because based on  
32 evidence, the proposed Special Use in related Case 759-S-13 WILL NOT interfere with agricultural  
33 operations and is a service which is appropriate for the rural area and therefore IS a service better provided in  
34 a rural area than in an urban area. He said that the proposed rezoning WILL HELP ACHIEVE Objective 4.2.

35  
36 Mr. Thorsland stated that Policy 4.2.2 states, “The County may authorize discretionary review development  
37 in a rural area if the proposed development: a. is a type that does not negatively affect agricultural activities;  
38 or b. is located and designed to minimize exposure to any negative affect caused by agricultural activities;

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1 and c. will not interfere with agricultural activities or damage or negatively affect the operation of  
2 agricultural drainage systems, rural roads, or other agriculture-related infrastructure.” The proposed  
3 rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.2.2 because based on the evidence, the proposed  
4 Special Use in related Case 759-S-13 DOES/DOES NOT negatively affect agricultural activities or IS/IS  
5 NOT located and designed to minimize exposure to negative effects of agricultural activities, and  
6 WILL/WILL NOT interfere with agricultural activities.

7  
8 Mr. Passalacqua stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.2 because based on  
9 the evidence, the proposed Special Use in related Case 759-S-13 DOES NOT negatively affect agricultural  
10 activities or IS located and designed to minimize exposure to negative effects of agricultural activities, and  
11 WILL NOT interfere with agricultural activities.

12  
13 Mr. Thorsland stated that Objective 4.3 states, “Champaign County will require that each discretionary  
14 review development is located on a suitable site.” The proposed rezoning WILL/WILL NOT HELP  
15 ACHIEVE Objective 4.3. because of the following: Policy 4.3.2 states, “On best prime farmland, the  
16 County may authorize a discretionary review development provided the site with proposed improvements is  
17 well-suited overall for the proposed land use.” The proposed rezoning WILL/WILL NOT HELP ACHIEVE  
18 Policy 4.3.2.

19  
20 Mr. Passalacqua asked if the subject property has a LESA score.

21  
22 Mr. Kass stated that the Natural Resources Report indicated that the site has an LE of 98 but they were using  
23 the old numbers therefore the actual LE 100 which is best prime farmland.

24  
25 Mr. Passalacqua asked if since the site is configured in a difficult shape and access is difficult due to the  
26 drainage ditch, does that not take away from the soils.

27  
28 Mr. Kass stated no.

29  
30 Mr. Thorsland recommended the following: The proposed rezoning WILL HELP ACHIEVE Objective 4.3.  
31 because of the following: Policy 4.3.2 states, “On best prime farmland, the County may authorize a  
32 discretionary review development provided the site with proposed improvements is well-suited overall for  
33 the proposed land use.” The proposed rezoning WILL HELP ACHIEVE Policy 4.3.2.

34  
35 Mr. Thorsland stated that Policy 4.3.3 states, “The County may authorize a discretionary review  
36 development provided that existing public services are adequate to support the proposed development  
37 effectively and safely without undue public expense.” The proposed rezoning WILL/WILL NOT HELP  
38 ACHIEVE Policy 4.3.3.

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Mr. Hall stated that Mr. Kass has tried to contact the fire protection district to obtain comments and each time he has been told that comments are forthcoming but none have been received to date. Mr. Hall stated that the lack of these comments would be one benefit of continuing the case because it would give staff one last chance in obtaining those comments.

Mr. Passalacqua stated that in comparison to Curtis Orchard this facility will have minimum traffic impact and exposure.

Mr. Hall stated that Mr. Passalacqua is correct but we are talking about several hundred storage units in which case the buildings are only 20 foot apart and he would be very surprised if the fire protection district would want to fight a fire between two buildings that are 20 feet apart although on the other hand they haven't said that they don't want to.

Mr. Randol stated that it is not uncommon for storage units to be 20 or 25 feet apart and are not equipped with sprinkler systems.

Mr. Passalacqua stated that unlike the self-storage facility in Savoy this facility is not located in the middle of town.

Mr. Thorsland asked the Board if they were ready to make a determination regarding Policy 4.3.3.

Mr. Passalacqua stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.3.

Mr. Thorsland stated that Policy 4.3.4 states, "The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense." The proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.3.4.

Mr. Passalacqua stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.4.

Mr. Thorsland stated that Policy 4.3.5 states, "On best prime farmland, the County will authorize a business or other non-residential use only if: a. It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or b. the use is otherwise appropriate in a rural area and the site is very well suited to it." The proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.3.5.

Mr. Passalacqua stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.5.

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1  
2 Mr. Thorsland stated that staff recommends that the proposed amendment WILL NOT IMPEDE the  
3 achievement of Objectives 4.6.4.7, and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.3, 4.2.4, 4.6.1,  
4 4.6.2, and 4.9.1. Objectives 4.4, 4.5, and 4.8 and Policies 4.1.7, 4.1.9, and 4.3.1 are NOT RELEVANT to the  
5 proposed amendment. He asked the Board if they agreed to staff's recommendation and the Board agreed.  
6

7 Mr. Thorsland stated that the Board should now return to item #14.A. and make a determination for  
8 Objective 4.1 and Policy 4.1.6. Mr. Thorsland stated that the proposed rezoning WILL HELP ACHIEVE  
9 Objective 4.1 and Policy 4.1.6 and the Board agreed.  
10

11 Mr. Thorsland stated that overall the proposed rezoning WILL HELP ACHIEVE Goal 4 and the Board  
12 agreed.  
13

14 Mr. Thorsland stated that Goal 5 states as follows: Champaign County will encourage urban development  
15 that is compact and contiguous to existing cities, villages, and existing unincorporated settlements. He said  
16 that Goal 5 has 3 objectives and 15 policies. The proposed amendment WILL/WILL NOT HELP ACHIEVE  
17 Goal 5 for the following reasons: A. Objective 5.1 states, Champaign County will strive to ensure that the  
18 preponderance of population growth and economic development is accommodated by new urban  
19 development in or adjacent to existing population centers." The proposed rezoning WILL/WILL NOT  
20 HELP ACHIEVE Objective 5.1 because of the following: (1) Policy 5.1.3 states, "The County will consider  
21 municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by  
22 an available public sanitary sewer service plan as contiguous growth areas which should develop in  
23 conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land  
24 Use Map." The proposed rezoning WILL/WILL NOT HELP ACHIEVE Objective 5.1.3. He said the Board  
25 has subparagraph (f) which he requested the first sentence to be revised to the following: The County should  
26 not strictly follow Policy 5.1.3 when it appears that a municipal plan ignores existing rural businesses and  
27 that appears to be the situation in this instance.  
28

29 Ms. Capel suggested that subparagraph (f) be revised as follows: The County should consider evidence  
30 carefully as it relates to Policy 5.1.3 especially if it appears that a municipal plan ignores existing rural  
31 businesses.  
32

33 Mr. Hall asked Ms. Capel to explain what the County should do after it carefully considers.  
34

35 Mr. Kass stated that perhaps subparagraph (f) should be revised as follows: The County should not strictly  
36 adhere to Policy 5.1.3. when it appears that a municipal plan ignores existing rural businesses.  
37

38 Mr. Passalacqua asked Mr. Thorsland why he had an issue with staff's recommendation because he feels that

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1 the word “blindly” has gravity for this paragraph.  
2  
3 Mr. Thorsland stated that he spends a lot of time dealing with people who are very sensitive with words of  
4 confrontation and the word “blindly” is a word of confrontation. He said that he is trying to make it very  
5 clear.  
6  
7 Mr. Hall stated that he agrees with Mr. Thorsland and that the word “blindly” should be replaced with the  
8 word “strictly.”  
9  
10 Mr. Thorsland stated that the ZBA spends more time on these things than anywhere else because this is the  
11 public hearing. He asked Mr. Passalacqua if his heart is set on the word “blindly.”  
12  
13 Mr. Passalacqua stated no, but he believes that it is the right word because it indicates that the ZBA should  
14 not generically just apply it because not every situation is the same.  
15  
16 Mr. Thorsland asked Mr. Passalacqua if he would be okay with replacing the word “blindly” with “strictly.”  
17  
18 Mr. Passalacqua stated yes. He said that Ms. Capel’s recommendation sounded good as well.  
19  
20 Ms. Capel stated that she was just attempting to indicate subparagraph (f) in a positive way instead of a  
21 negative way.  
22  
23 Mr. Passalacqua stated that perhaps we should say that the County should not simply apply Policy 5.1.3 if it  
24 appears that a municipal ignores existing rural businesses.  
25  
26 Mr. Hall stated that he will attempt to incorporate everyone’s concerns with the following: The County  
27 should consider evidence carefully as it relates to Policy 5.1.3 and should not strictly follow Policy 5.1.3  
28 when it appears that a municipal plan ignores existing rural businesses and that appears to be the situation in  
29 this instance.  
30  
31 Mr. Thorsland agreed with Mr. Hall’s text. He said that this text should be corrected throughout.  
32  
33 Mr. Kass stated that Item #22.H(3) is the second location where the text should be revised in Case 758-AM-  
34 13.  
35  
36 Mr. Thorsland asked the Board if they agreed with Mr. Hall’s revised text and the Board agreed.  
37  
38 Ms. Capel stated that the proposed rezoning WILL HELP ACHIEVE Policy 5.1.3.

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1  
2 Mr. Thorsland stated that Policy 5.1.4 states the following: The County may approve discretionary  
3 development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas  
4 only if: a. the development is consistent with the municipal comprehensive plan and relevant municipal  
5 requirement; and b. the site is determined to be well-suited overall for the development if on best prime  
6 farmland or the site is suited overall, otherwise and c. the development is generally consistent with all  
7 relevant LRMP objective and policies” He said that staff has recommended that the proposed rezoning is  
8 NOT DIRECTLY RELEVANT to Policy 5.1.4.

9  
10 Mr. Passalacqua asked if new evidence should be added after 15.A(2)(a) since there is a protest from the  
11 municipal ETJ.

12  
13 Mr. Thorsland stated that our newly modified text in 15.A.(1)(f) and 22.H.(3) is part of that and the Board  
14 can indicate the lack of need for sewer, low traffic count, it will serve the neighborhood and existing  
15 businesses in the area. He asked the Board if they agreed with staff’s recommendation for Policy 5.1.4 and  
16 the Board indicated that they agreed.

17  
18 Mr. Thorsland stated that staff has recommended that the proposed rezoning will HELP ACHIEVE  
19 Objective 5.3, Policy 5.3.1, and Policy 5.3.2. He said that staff has recommended that the proposed  
20 amendment WILL NOT IMPEDE Objective 5.2 and Policies 5.1.1, 5.1.2, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 5.1.9,  
21 5.2.1, 5.2.2, 5.2.3, and 5.3.3.

22  
23 Ms. Capel stated that the proposed amendment will HELP ACHIEVE Goal 5.

24  
25 Mr. Thorsland stated that Goal 6 states the following: Champaign County will ensure protection of the  
26 public health and public safety in land resource management decisions. He said that there are no decision  
27 points for the Board. He said that staff has recommended that the proposed rezoning will HELP ACHIEVE  
28 Goal 6, Objective 6.1, and Policy 6.1.3 and that the proposed amendment WILL NOT IMPEDE the  
29 achievement of policies 6.1.1, 6.1.2, and 6.1.4. He said that staff also recommends that Objectives 6.2, 6.3,  
30 and 6.4 and Policies 6.2.1, 6.2.2 and 6.2.3 are NOT RELEVANT to the proposed amendment. He asked the  
31 Board if they agreed with staff’s recommendations and the Board agreed.

32  
33 Mr. Thorsland stated that Goal 7 states as follows: Champaign County will coordinate land use decisions in  
34 the unincorporated area with the existing and planned transportation infrastructure and services. He said that  
35 staff has recommended that the proposed rezoning will HELP ACHIEVE Goal 7, Objective 7.1, Policy 7.1.1  
36 and that the proposed amendment WILL NOT IMPEDE the achievement of Objective 7.2 and Policies 7.2.1,  
37 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6. He asked the Board if they agreed to staff’s recommendations and the  
38 Board agreed.

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1  
2 Mr. Thorsland stated that Goal 8 states as follows: Champaign County will strive to conserve and enhance  
3 the County's landscape and natural resources and ensure their sustainable use. He said that staff has  
4 recommended that the proposed rezoning will NOT IMPEDE the achievement of Goal 8. He asked the  
5 Board if they agreed with staff's recommendation and the Board agreed.

6  
7 Mr. Thorsland stated that Goal 9 states as follows: Champaign County will encourage energy conservation,  
8 efficiency, and the use of renewable energy sources. He said that staff recommends that the proposed  
9 rezoning is NOT RELEVANT to Goal 9.

10  
11 Mr. Passalacqua stated that the proposed rezoning will HELP ACHIEVE Goal 9 because of Mr. Jesse's  
12 geothermal system.

13  
14 Mr. Thorsland stated that the facility will conserve energy because it will be located in close proximity to its  
15 customers.

16  
17 Mr. Hall stated that under Objective 9.1, Reduce Greenhouse Gases, Policy 9.1.1 indicates that the County  
18 will promote land use patterns, site design standards and land management practices that minimize the  
19 discharge of greenhouse gases. He said that anything the supports compact and contiguous would  
20 technically be related to that and Policy 9.1.2 discusses energy efficient building design standards, Policy  
21 9.1.3 discusses minimizing the discharge of greenhouse gases from its own facilities and operations. He said  
22 that Objective 9.2 discusses energy efficient building design standards although Champaign County does not  
23 enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1) therefore Objective 9.2 is  
24 not relevant. He said that Objectives 9.3, 9.4 and 9.5 are also not relevant. He said that Goal 9.1.1 may be  
25 relevant but the Board may recall that on Goal 3 the Board was so firmly convinced that the proposed  
26 rezoning would help achieve prosperity even though it didn't relate to any objective or policy.

27  
28 Mr. Passalacqua stated that he likes to add things to support the request when there is a protest involved. He  
29 said that Mr. Jesse is a heating and cooling contractor therefore he will obviously use energy efficient  
30 equipment, especially when he has to foot the bill.

31  
32 Mr. Hall asked Mr. Passalacqua if he would like staff to restate Policy 9.1.1 as follows: The County will  
33 promote land use patterns, site design standards and land management practices that minimize the discharge  
34 of greenhouse gases. He said that this use is close to a future large residential area and having the facility  
35 this close will help promote Policy 9.1.1.

36  
37 Mr. Passalacqua stated that any positive inserts will help with the case with the protest.  
38

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1 Mr. Thorsland stated that new text will be inserted for Policy 9.1.1 for the Board's review at the next  
2 meeting.

3  
4 Mr. Thorsland stated that Goal 10 states the following: Champaign County will promote the development  
5 and preservation of cultural amenities that contribute to a high quality of life for its citizens. He said that  
6 staff recommends that the proposed rezoning will NOT IMPEDE the achievement of Goal 10. He asked the  
7 Board if they agreed to staff's recommendation for Goal 10 and the Board agreed.

8  
9 Mr. Thorsland stated that item 21.E(2) is in regards to the *LaSalle* factor. He said that the decision point for  
10 the Board is as follows: Based on the discussion of suitability under Items 14.C. and 15 above, the subject  
11 property IS/IS NOT SUITABLE for the proposed zoned purpose which is self storage warehouses and an  
12 existing contractors facility.

13  
14 Mr. Thorsland recommended that the subject property IS SUITABLE and the Board agreed.

15  
16 Mr. Thorsland noted that item 22.H(3) should be revised to indicate the new text included in item 15.A(2).

17  
18 Mr. Thorsland stated that staff recommends that the proposed amendment will HELP ACHIEVE the purpose  
19 of the Zoning Ordinance and the Board agreed.

20  
21 **Summary Finding of Fact for Case 758-AM-13:**

22  
23 From the documents of record and the testimony and exhibits received at the public hearing conducted on  
24 July 25, 2013 and August 29, 2013, the Zoning Board of Appeals of Champaign County finds that:

- 25  
26 1. Regarding the effect of the proposed amendment on the Land Resource Management Plan  
27 (LRMP):  
28 A. **Regarding Goal 4:**  
29 • Objective **4.3 requiring any discretionary development to be on a suitable site**  
30 because it **WILL HELP ACHIEVE** the following:  
31 • Policy **4.3.5 requiring that a business or non-residential use on best prime**  
32 **farmland only if it serves surrounding agriculture and is appropriate in a**  
33 **rural area (see Item 14.C.(4)).**  
34 • Policy **4.3.4 requiring existing public infrastructure be adequate to support**  
35 **the proposed development effectively and safely without undue public**  
36 **expense (see Item 14.C.(3)).**

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- 1 • Policy 4.3.3 requiring existing public services be adequate to support the
- 2 proposed development effectively and safely without undue public expense
- 3 (see Item 14.C.(2)).
- 4 • Policy 4.3.2 requiring a discretionary development on best prime farmland to
- 5 be well-suited overall (see Item 14.C.(1)).
- 6
- 7 • Objective 4.2 requiring discretionary development to not interfere with
- 8 agriculture because it *WILL HELP ACHIEVE* the following:
- 9 • Policy 4.2.2 requiring discretionary development in a rural area to not
- 10 interfere with agriculture or negatively affect rural infrastructure (see Item
- 11 14.B.(2)).
- 12 • Policy 4.2.1 requiring a proposed business in a rural area to support
- 13 agriculture or provide a service that is better provided in the rural area (see
- 14 Item 14.B.(1)).
- 15
- 16 • Objective 4.1 requiring minimization of the fragmentation of farmland,
- 17 conservation of farmland, and stringent development standards on best
- 18 prime farmland because it *WILL HELP ACHIEVE* the following:
- 19 • Policy 4.1.6 requiring that the use, design, site and location are consistent
- 20 with policies regarding suitability, adequacy of infrastructure and public
- 21 services, conflict with agriculture, conversion of farmland, and disturbance
- 22 of natural areas (see Item 14.A.(1)).
- 23
- 24 • Based on achievement of the above Objectives and Policies and because it will
- 25 either not impede or is not relevant to the other Objectives and Policies under this
- 26 goal, the proposed map amendment *WILL HELP ACHIEVE* Goal 4
- 27 **Agriculture.**
- 28
- 29 B. **Regarding Goal 5:**
- 30 • Objective 5.3 requiring County opposition to new urban development unless
- 31 adequate infrastructure and public services are provided because it will
- 32 *HELP ACHIEVE* the following:
- 33 • Policy 5.3.2 require that new urban development be adequately served by
- 34 public infrastructure without undue public expense (Item 15.B.(2)).
- 35 • Policy 5.3.1 require that new urban development be adequately served by
- 36 public services without undue public expense (Item 15.B.(1)).
- 37
- 38 • Objective 5.1 ensures that the population growth and economic development

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- 1 is accommodated by new urban development in or adjacent to existing  
2 population centers because it *WILL HELP ACHIEVE* the following:  
3 • Policy 5.1.3 consider municipal ETJ areas that are served or that are planned  
4 to be served by sanitary sewer as contiguous urban growth areas (Item  
5 15.A.(1)).  
6  
7 • Based on achievement or non-achievement of the above Objectives and Policies  
8 and because it will either not impede or is not relevant to the other Objectives and  
9 Policies under this goal, the proposed map amendment *WILL HELP ACHIEVE*  
10 **Goal 5 Urban Land Use.**  
11  
12 C. **Regarding Goal 6:**  
13 • Objective 6.1 ensuring that development does not endanger public health or  
14 safety because it will *HELP ACHIEVE* the following:  
15 • Policy 6.1.3 preventing nuisances created by light and glare to limit excessive  
16 night lighting.  
17  
18 • Based on achievement of the above Objectives and Policies and because it will  
19 either not impede or is not relevant to the other Objectives and Policies under this  
20 goal, the proposed map amendment will *HELP ACHIEVE* **Goal 6 Public Health**  
21 **and Public Safety (see Item 16.A.(1)).**  
22  
23 D. **Regarding Goal 7:**  
24 • Objective 7.1 considers traffic impact in land use decisions because it will  
25 *HELP ACHIEVE* the following:  
26 • Policy 7.1.1 requiring traffic impact analyses for projects with significant  
27 traffic generation.  
28  
29 • Based on achievement of the above Objectives and Policies and because it will  
30 either not impede or is not relevant to the other Objectives and Policies under this  
31 goal, the proposed map amendment will *HELP ACHIEVE* **Goal 7**  
32 **Transportation (see Item 17.A.(1)).**  
33

34 Mr. Kass stated that there is a change for the Summary Finding of Fact. He said that Goal 9 will become  
35 item E. and F. will be stricken and existing item E. will become new item F. and the rest will be  
36 renumbered.

37  
38 Mr. Hall stated that Goal 3 will be moved up to WILL HELP ACHIEVE.  
39

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1 Mr. Thorsland requested that the changes to the Summary of Evidence be reflected in the revised  
2 Summary of Evidence at the next meeting.

3  
4 F. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):

- 5 ● **Goal 1 Planning and Public Involvement**
- 6 ● **Goal 2 Governmental Coordination**
- 7 ● **Goal 3 Prosperity**
- 8 ● **Goal 8 Natural Resources**
- 9 ● **Goal 10 Cultural Amenities**

10  
11 F. The proposed amendment is **NOT RELEVANT** to the following LRMP goal(s):

- 12 ● **Goal 9 Energy Conservation**

13  
14 G. Overall, the proposed map amendment **WILL HELP ACHIEVE** the Land Resource  
15 Management Plan.

16  
17 2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair*  
18 factors because of the following:

- 19 ● The amendment will allow the petitioners to continue to provide the existing heating and  
20 cooling services they offer and the proposed self-storage warehouses.
- 21  
22 ● The subject property is suitable for the existing and proposed businesses.

23  
24 3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE the purpose of the**  
25 **Zoning Ordinance** because:

- 26 ● Establishing the B-1 District at this location will help lessen and avoid congestion in the  
27 public streets (Purpose 2.0 (c) see Item 22.C.).
- 28  
29 ● Establishing the B-1 District at this location will help classify, regulate, and restrict the  
30 location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 22.I.).

31  
32 4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:

- 33 ● Approval of the amendment would allow the current business activities to continue and  
34 allow the proposed activities to be constructed subject to related Case 759-S-13.

35  
36  
37 Mr. Thorsland asked staff if there were any additions to the Documents of Record.  
38

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1 Mr. Kass stated that the new land use map, zoning map and the handout needs to be added to the  
2 Documents of Record.

3  
4 Mr. Thorsland stated that the Board will receive a new Draft Finding of Fact at the next meeting.

5  
6 Mr. Thorsland stated that the Board will now move to the Draft Summary of Evidence for Case 759-S-  
7 13. He said that item 7.G. on page 10 is the first decision point for the Board. He read item 7.G. as  
8 follows: The evidence in related Case 758-AM-13 established that the proposed Special Use IS/IS NOT  
9 a service better provided in a rural area than in an urban area. Mr. Thorsland stated that the Board has  
10 determined that it IS.

11  
12 Mr. Thorsland stated that item #8.M on page 15 is the next decision point for the Board. He read item  
13 8.M. as follows: The Special Use WILL/WILL NOT be compatible with adjacent uses because the  
14 evidence in related Case 758-AM-13 established that the proposed Special Use WILL/WILL NOT  
15 interfere with agricultural operations and the subject site IS/IS NOT suitable for the proposed Special  
16 Use.

17  
18 Mr. Passalacqua stated that the proposed Special Use WILL be compatible with adjacent uses because  
19 the evidence in related Case 758-AM-13 established that the proposed Special Use WILL NOT interfere  
20 with agricultural operations and the subject site IS suitable for the proposed Special Use.

21  
22 Mr. Thorsland stated that the last decision point for the Board for this case is item #9.G.(2) on page 19.  
23 He read item #9.G.(2) as follows: Compatibility of the proposed Special Use with surrounding  
24 agriculture was evaluated in related Case 758-AM-13 under review of Land Resource Management Plan  
25 Objective 4.2 regarding interference with agricultural operations and the Zoning Board of Appeals found  
26 the proposed Special Use WILL/WILL NOT interfere with agricultural operations.

27  
28 Mr. Palmgren stated that Compatibility of the proposed Special Use with surrounding agriculture was  
29 evaluated in related Case 758-AM-13 under review of Land Resource Management Plan Objective 4.2  
30 regarding interference with agricultural operations and the Zoning Board of Appeals found the proposed  
31 Special Use WILL NOT interfere with agricultural operations.

32  
33 Mr. Thorsland stated that he would like to stop at this point so that the Board and Mr. Jesse can fully  
34 review the special conditions.

35  
36 Mr. Hall asked the Board if they had any additional thoughts regarding the time limits.

37  
38 Mr. Thorsland stated that he had made a note regarding the special conditions and which conditions he

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1 had questions about. He said that he was concerned about proposed Special Conditions E and F.

2  
3 Mr. Passalacqua stated that perhaps the Board should ask Mr. Jesse about his design for security. He  
4 said that security would be a good selling point for a self-storage facility and it may be in his plan  
5 already. He said that most existing self-storage facilities have security cameras.

6  
7 Mr. Thorsland read proposed Special Condition F. as follows:

- 8 (1) The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has  
9 submitted a security plan for the subject property indicating the number and locations of  
10 all security cameras and all other security features (lighting, fencing, etc.)  
11 (2) The Zoning Administrator shall not authorize a Zoning Use Permit until written  
12 documentation has been provided from the petitioner that the relevant fire protection  
13 district will have access through the security gate at all times.

14  
15 The special condition stated above is necessary to ensure the following:  
16 That the petitioner provides adequate security measures and provides access to  
17 appropriate public safety agencies.

18  
19 Mr. Thorsland asked why Mr. Jesse would want to indicate the location of all of his security cameras for  
20 the public record. He said that the documentation would be available on the Champaign County  
21 website.

22  
23 Mr. Jesse stated that he plans on installing security cameras either way. He said that he had not thought  
24 about the point that Mr. Thorsland made about the public record.

25  
26 Mr. Hall stated that perhaps staff got carried away with the text of the special condition. He said that  
27 since the testimony from Mr. Jesse is that he does plan to install security cameras therefore staff must  
28 document that there are security cameras prior to the issuance of a Zoning Compliance Certificate.

29  
30 Mr. Thorsland said that perhaps the special condition could read as follows: The Zoning Administrator  
31 shall not authorize a Zoning Use Permit until the petitioner has submitted a security plan.

32  
33 Mr. Passalacqua stated that a security plan could consist of a light. He said that he agrees with Mr.  
34 Thorsland in that Mr. Jesse does not need to submit a print which indicates the location of each and  
35 every security camera. Mr. Passalacqua stated that Mr. Jesse has testified that he is going to install  
36 security cameras therefore the Board could receive some sort of satisfactory detail but he really does not  
37 believe that someone is going to sit and research the website for such information.

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1 Mr. Jesse stated that his intent is that when people enter the front office they will see security monitors  
2 covering the entire area. He said that when the clients realize that the security monitors are present they  
3 will feel safe and know that their storage lockers are being monitored.

4  
5 Mr. Thorsland asked Mr. Jesse if he is comfortable with proposed special condition indicated that the  
6 Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has submitted a  
7 security plan.

8  
9 Mr. Hall stated that he believes that it would adequate to verify that there are security cameras prior to  
10 the issuance of Zoning Compliance Certificate.

11  
12 Mr. Jesse agreed.

13  
14 Mr. Passalacqua asked Mr. Jesse if there would be motor homes or trucks, etc. which are over 12 feet six  
15 inches in height stored in the units therefore he does not intend to build a 40 foot tall building.

16  
17 Mr. Jesse stated that the motor home storage side walls are 14 feet to the eave and it has a 3/12 pitch  
18 roof therefore they won't be anywhere close to the maximum of 35 feet.

19  
20 Mr. Thorsland stated that the Board needs to work on proposed special condition E. and F. and the Board  
21 needs to read the other proposed special conditions carefully prior to the next meeting. He said that  
22 Special Condition E. reads as follows: (1)The Special Use Permit shall be void if the construction of the  
23 proposed Self-Storage Warehouses has not begun within 5 years of the date of authorization of Case  
24 759-S-13; and (2) The Zoning Administrator shall not authorize a Zoning Use permit for construction of  
25 a Self-Storage Warehouse on the subject property after 9 years of the date of authorization of Case 759-  
26 S-13 and all construction must be completed within 10 years of the date of authorization of Case 759-S-  
27 13.

28  
29 Mr. Hall stated that E.(2) is the critical condition and E.(1) is not really necessary because it is not  
30 germane to this issue of not letting the property go too long before the Self-Storage facility is  
31 established. He said that after further reflection he sees no reason to have E.(1) therefore it can be  
32 stricken.

33  
34 Mr. Thorsland asked the Board if they agreed to strike proposed Special Condition E.(1).

35  
36 Mr. Passalacqua stated that he thought that the plan indicated Phase 1, Phase 2 and Phase 3 therefore in  
37 10 years all of the phases needed to be completed and if Mr. Jesse wanted to construct yet another  
38 building he would need to return to the ZBA for approval.

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1  
2 Mr. Hall stated that alternatively if all of the phases are not completed by that time Mr. Jesse will not be  
3 able to construct them without another Special Use Permit.  
4  
5 Mr. Jesse stated that he does not have a problem with the special conditions because the entire project is  
6 market driven therefore he needs to rent out the first phase before he can build the next phase. He said  
7 that hopefully in 10 years he will have all of the phases completed.  
8  
9 Mr. Thorsland asked the Board if they should extend the time period.  
10  
11 Mr. Passalacqua stated that the Board is speculating at that number and testimony has been received that  
12 sewer availability is not likely in the near future. He said that the Board should do whatever they can to  
13 keep the petitioner from having to come before the Board again if they don't get the phases completed  
14 within the time period.  
15  
16 Mr. Thorsland stated that an extended time would keep the petitioner from having to come back before a  
17 new Board and hashing through this again.  
18  
19 Mr. Hall stated that during this time period some of the residential area may be completed.  
20  
21 Mr. Thorsland asked the Board if they desired to extend the time period for completion to perhaps 15  
22 years.  
23  
24 Mr. Randol asked if the petitioner intends to fill the entire 11 acres with self storage units.  
25  
26 Mr. Jesse stated that the plans that he has submitted to the Board indicates the entire project.  
27  
28 Mr. Thorsland stated that the site plan is excellent but staff always reminds the petitioner that they  
29 should indicate everything that they may want to do in the future so that they do not need to return to the  
30 Board for approval.  
31  
32 Mr. Jesse stated that as far as he is concerned everything intended for the property is indicated on the site  
33 plan.  
34  
35 Ms. Capel stated that proposed Special Condition E.(2) should be revised to indicate the following: The  
36 Zoning Administrator shall not authorize a Zoning Use Permit for construction of a Self-Storage  
37 Warehouse on the subject property after 14 years of the date of authorization of Case 759-S-13 and all  
38 construction must be completed within 15 years of the date of authorization of Case 759-S-13.

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- 1  
2 Mr. Jesse agreed to the revision.  
3  
4 Mr. Hall clarified that proposed Special Condition E.(1) has been stricken and revised E.(2) will become  
5 proposed Special Condition E.  
6  
7 Mr. Thorsland stated that he would like to stop at this point so that Mr. Jesse can take the time to review  
8 the other proposed special conditions.  
9  
10 Mr. Hall asked the Board if they would like to see the completely revised Finding of Fact for the map  
11 amendment and a complete Summary of Evidence for the Special Use. He said that no changes were  
12 made to the Summary of Evidence for the Special Use other than the revised conditions.  
13  
14 Mr. Thorsland stated that the Summary of Evidence for the Special Use is fine but he would like to see a  
15 revised version of the Finding of Fact for the map amendment.  
16  
17 Mr. Jesse asked the Board if it would be beneficial if he would go back and redraw the site plan indicating that  
18 the buildings would be 25 feet apart rather than the 20 foot separation.  
19  
20 Mr. Thorsland stated that staff has testified that they have made several attempts to contact the fire  
21 protection district and obtain comments regarding the facility but have not received any comments to  
22 date.  
23  
24 Mr. Hall stated that staff will attempt to contact the fire chief and if he has a concern then staff would  
25 want it reflected in the plan. He said that if the plan is redrawn he would like the drainage district  
26 easement indicated because currently it is not. He said that there is plenty of text making it clear that  
27 there is a drainage district easement but when someone pulls the plan out in the future he would like the  
28 easement indicated on the plan.  
29  
30 Mr. Jesse stated that he will have the site plan redrawn indicating those two changes.  
31  
32 Mr. Passalacqua stated that such a change will not be cheap because five feet of additional concrete will  
33 be expensive. He asked Mr. Jesse if people will be backing boats, etc. into the units.  
34  
35 Mr. Jesse stated that Mr. Passalacqua is correct. He said that the two buildings that are being discussed  
36 will not house any boats.  
37  
38 Mr. Thorsland entertained a motion to reinstate the September 12, 2013, meeting.

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1  
2 **Ms. Capel moved, seconded by Mr. Palmgren to reinstate the September 12, 2013, meeting. The**  
3 **motion carried by voice vote.**

4  
5 Mr. Thorsland entertained a motion to continue Cases 758-AM-13 and 759-S-13 to the September 12,  
6 2013, meeting.

7  
8 **Mr. Passalacqua moved, seconded by Mr. Randol to continue Cases 758-AM-13 and 759-S-13 to**  
9 **the September 12, 2013, meeting. The motion carried by voice vote.**

10  
11 Ms. Capel stated that the description of Case 758-AM-13 needs to be corrected on the face page of the  
12 Finding of Fact.

13  
14 **6. New Public Hearings**

15  
16 None

17  
18 **7. Staff Report**

19  
20 Mr. Hall informed the Board that the County Board took action on Case 687-AM-11 and the final vote was  
21 19 to deny and 3 to override.

22  
23 Mr. Passalacqua asked if the vote was based upon the new evidence that was presented to the Board.

24  
25 Mr. Hall stated that the new evidence did not play any part in the decision and it possibly hurt the case.

26  
27 Mr. Hall stated that the Sangamon Valley case was placed upon the consent agenda.

28  
29 Mr. Kass stated that staff has received one new case for the docket.

30  
31  
32 **8. Other Business**

33  
34 Mr. Hall reminded the Board they need to send an RSVP for the Citizen Planner's Workshop if they intend  
35 to attend.

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

38

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1 None

2

3 **10. Adjournment**

4

5 Mr. Thorsland entertained a motion to adjourn the meeting.

6

7 **Mr. Passalacqua moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by**  
8 **voice vote.**

9

10 The meeting adjourned at 8:51 p.m.

11

12

13

14

15 Respectfully submitted

16

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20 Secretary of Zoning Board of Appeals

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