

1 **MINUTES OF REGULAR MEETING**

3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

4 **1776 E. Washington Street**

5 **Urbana, IL 61802**

7 **DATE: August 17, 2017**

PLACE: Lyle Shields Meeting Room

1776 East Washington Street

Urbana, IL 61802

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

11 **MEMBERS PRESENT:** Catherine Capel, Frank DiNovo, Debra Griest, Brad Passalacqua, Jim Randol

13 **MEMBERS ABSENT :** Eric Thorsland, Marilyn Lee

15 **STAFF PRESENT :** Lori Busboom, Susan Burgstrom, John Hall

17 **OTHERS PRESENT :** Kevin Kingery, Mike Friend, Joe Pisula, Dax Nolan, Barbara Payne, Don
18 White, Sharon White, John Pratt, Patsy Pratt, Aaron Esry, Fred Wahlfeldt,
19 Ryan Meekma, Ronald McGuffin, Cheryl McGuffin, Sue Moody, Derald
20 Meier, Ginny Ragle, Mark Hartman, Roger Fredenhagen, Karen Wilson, Jill
21 Blanck, Charles Trimble, Bonnie Moseley, Vikie Trimble, Dan Nielsen,
22 Joanne Budde, Lance Budde, Jerry Ragle

25 **1. Call to Order**

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

29 Mr. Hall informed the Board that due to the absence of Eric Thorsland, Chair, an Acting Chair needs to be
30 appointed for tonight's meeting.

32 **Mr. Passalacqua moved, seconded by Ms. Capel, to appoint Debra Griest as Acting Chair for**
33 **tonight's meeting. The motion carried by voice vote.**

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

37 The roll was called and a quorum declared present with two members absent.

39 Ms. Griest informed the audience that anyone wishing to testify for any public hearing tonight must sign the
40 witness register for that public hearing. She reminded the audience that when they sign the witness register
41 they are signing an oath.

43 **3. Correspondence**

45 None

47 **4. Approval of Minutes: May 25, 2017 and June 15, 2017**

49 Ms. Griest asked the Board if there were any additions or modifications required for the March 25, 2017,
50 minutes.

1 Mr. DiNovo asked staff if the May 25, 2017, and June 15, 2017, minutes were posted on the County's
2 website.

3
4 Ms. Burgstrom stated that the minutes were not posted to the website, but were included in the mailing
5 packet.

6
7 Mr. DiNovo stated that he does not receive a mailing packet, because he downloads the packet from the
8 website on to his computer.

9
10 Ms. Capel stated that line 34 on page 5 should be revised to indicate Ms. Lee and not Mr. Lee.

11
12 Mr. Hall stated that since Mr. DiNovo did not receive copies of the minutes, the Board should defer
13 approval until a later date.

14
15 Mr. DiNovo stated that he is mainly concerned with the June 15, 2017, minutes and will abstain from the
16 vote for the May 25, 2017, minutes.

17
18 Ms. Griest entertained a motion to approve the May 25, 2017, minutes, as amended.

19
20 **Ms. Capel moved, seconded by Mr. Randol, to approve the May 25, 2017, minutes, as amended. The**
21 **motion carried by voice vote, with Mr. DiNovo abstaining.**

22
23 Ms. Griest stated that the June 15, 2017, minutes will be deferred for consideration.

24
25 **Mr. DiNovo moved, seconded by Ms. Capel, to defer consideration of the June 15, 2017, minutes to the**
26 **August 31, 2017, meeting. The motion carried by voice vote.**

27
28

29 **5. Continued Public Hearing**

30
31 **Case 869-AM-17 Petitioner: Stonetown Woodland Acres LLC, and Principals, Dax Nolan, Vice**
32 **President, Roy Lapidus, Manager, Adam Minnick, Manager, Michael Friend, Manager for**
33 **Farnsworth Group Request: Amend the zoning Map to change the zoning district designation to**
34 **accommodate the proposed Special Use with waivers in related Zoning Case 870-S-17 and subject to**
35 **the variance requested in related Case 871-V-17 for the following portions of the subject property.**
36 **Part A: Change the zoning district designation from the R-1 single Family Residence Zoning District**
37 **to the R-5 Manufactured Home Park Zoning District for the eastern 150 feet of the subject property**
38 **described below. Part B. Change the zoning district designation from the B-2 Neighborhood Business**
39 **Zoning District to the R-5 Manufactured Home Park Zoning District for the 1.66 acre lot on the west**
40 **end of the subject property. Location: Three tracts of land totaling 13.37 acres, generally south and**
41 **east of the Urbana spur of I-74 (University Avenue/IL Route 130), north of US Route 150 (University**
42 **Avenue) and west of Smith Road, in the Southeast Quarter of the Southeast Quarter of Section 9 and**
43 **the West Half of the Southwest Quarter of Section 10 of Township and commonly known as**
44 **Woodland Acres Manufactured Home Park, with an address of 2200 East University Avenue, Urbana.**

45
46 **Case 870-S-17: Stonetown Woodland Acres LLC, and Principals, Dax Nolan, Vice President, Roy**

1 **Lapidus, Manager, Adam Minnick, Manager, Michael Friend, Manager for Farnsworth Group**
 2 **Request: Authorize the expansion and use of an existing, nonconforming manufactured home park**
 3 **with 93 existing and an additional 21 proposed manufactured home sites, as a Special Use Permit in**
 4 **the R-5 Manufactured Home Park Zoning District, contingent upon the rezoning of the eastern 150**
 5 **feet of the subject property in related case 869-AM-17 and subject to the variance requested in related**
 6 **Case 871-V-17 and also subject to waivers A through R as listed on the legal advertisement, on the**
 7 **subject property. Location: Three tracts of land totaling 13.37 acres, generally south and east of the**
 8 **Urbana spur of I-74 (University Avenue/IL Route 130), north of US Route 150 (University Avenue)**
 9 **and west of Smith Road, in the Southeast Quarter of the Southeast Quarter of Section 9 and the West**
 10 **Half of the Southwest Quarter of Section 10 of Township and commonly known as Woodland Acres**
 11 **Manufactured Home Park, with an address of 2200 East University Avenue, Urbana.**

12
 13 Ms. Griest informed the audience that anyone wishing to testify for any public hearing tonight must sign the
 14 witness register for that public hearing. She reminded the audience that when they sign the witness register
 15 they are signing an oath. She asked the audience if anyone desired to sign the witness register at this time.

16
 17 Ms. Griest informed the audience that Cases 870-S-17 and 871-V-17 are Administrative Cases and as such,
 18 the County allows anyone the opportunity to cross-examine any witness. She said that at the proper time,
 19 she will ask for a show of hands for those who would like to cross-examine and each person will be called
 20 upon. She requested that anyone called to cross-examine go to the cross-examination microphone to ask any
 21 questions. She said that those who desire to cross-examine are not required to sign the witness register but
 22 are requested to clearly state their name before asking any questions. She noted that no new testimony is to
 23 be given during the cross-examination. She said that attorneys who have complied with Article 7.6 of the
 24 ZBA By-Laws are exempt from cross-examination.

25
 26 Mr. John Hall, Zoning Administrator, stated that Case 871-V-17 was determined to be not necessary and
 27 should not have been included on the agenda. He said that a new Supplemental Memorandum #3, with
 28 attachments, was distributed to the Board for review. Mr. Hall stated that Attachment G. includes an email
 29 from Steve Thuney to Mike Friend, Engineer, Joe Pisula, Edgewood HOA representative, and other
 30 concerned residents in the HOA, and reads as follows:

31
 32 Good Afternoon,

33
 34 I have read through the documents attached and can say with confidence the Edge-Scott Fire
 35 Protection District is in agreement with the terms in the memorandum.

36
 37 There are some remaining “housekeeping” issues but none of these would prohibit forward
 38 movement on the expansion of the Woodlands Acres project.

39
 40 Please accept this email as official acceptance of the terms in the memorandum.

41
 42 Thank you for involving the District in the planning and we look forward to working further with
 43 Dax and his team.

44
 45 Mr. Hall stated that the memorandum that Chief Thuney referred to in his email is included under
 46 Attachment F. Mr. Hall said that a Memorandum of Understanding between Edgewood Subdivision

1 Homeowners Association and Stonetown Woodland Acres, LLC is attached to Attachment F as well. He
2 said that he would not read the Memorandum of Understanding to the Board unless the Board desires that he
3 do so. He said that the Memorandum of Understanding reviews the following meetings: 1) ZBA meeting on
4 6/29/17; 2) a meeting between Engineer, Mike Friend and Chief Thuney, held on 8/9/17; 3) a meeting with
5 Barbara Payne, president of the HOA, their informal representative Joe Pisula, other interested members of
6 the HOA, Mike Friend of the Farnsworth Group and via Facetime connection Dax Nolan of Stonetown, on
7 8/11/17; 4) a large meeting of the HOA hosted at the Edge-Scott Fire Protection District Building with
8 numerous residents of the HOA, Joe Pisula, and Dax Nolen of Stonetown. The meeting was chaired by
9 Barbara Payne, president of the HOA. Mr. Hall stated that in addition to the meetings, there were numerous
10 telephone calls and emails received as correspondence and during those communications concerns by the
11 Edge-Scott Fire Protection District and the Edgewood Homeowners Association were discussed. Mr. Hall
12 stated that areas of agreement which have been reached in principle between the involved parties are as
13 follows: a. Fire Protection and Safety Matters; and b. Privacy Screening Fence along Smith Road. He said
14 that in regards to fire protection and safety matters, there will be another fire hydrant in addition to the four
15 that were proposed at the 6/29/17 ZBA meeting. He said that also proposed is an extension of the large 6”
16 diameter watermain from the proposed expansion into the existing developed area; and utilization of a siren
17 actuated gate, which remains normally closed at the Smith Road entrance to the facility; posting of “No
18 Parking – Fire Lane” signs at strategic locations throughout the proposed expansion area; and privacy
19 screening along Smith Road. Mr. Hall stated that the memorandum proposes a screening fence which shall
20 be 8 feet in height, will provide full screening, and will be constructed as shown on Attachment E.1. He said
21 that the fence shall be PVC/vinyl, will be earth tone in color, brown, tan, etc.; and the fence shall be
22 maintained by Stonetown in perpetuity, but the precise location of the fence will be determined later. Mr.
23 Hall stated that staff has attempted to include as much of the agreement about the fence in the special
24 condition that the Board will review later.

25
26 Mr. Hall stated that Attachment E. of the memorandum includes a lot of information about the fence that
27 everyone in the agreement considered, but at this point, it is information only. He said that there is an email
28 from Joe Lofrano, president of the Beringer Commons Homeowners Association, and no new issues were
29 raised in the email that were not discussed at the 6/29/17 meeting regarding traffic related to the new access
30 on Smith Road. He said that he assumes that the gate on Smith Road will remedy those concerns, but since
31 the email from Joe Lofrano does not mention the gate, it is not clear if the Beringer Commons Homeowners
32 Association is aware of the proposed gate.

33
34 Mr. Hall stated Attachment C. includes the approved permit from the Illinois Department of Public Health
35 for the 93 licensed spaces for Woodland Acres Mobile Home Park Manufactured Home Community and a
36 construction permit for the new sites. Mr. Hall said that another email from Mike Friend to Susan
37 Burgstrom, dated August 10, 2017, discusses conformance of the proposed street with the Champaign
38 County Subdivision Ordinance. Mr. Hall noted that staff believes that the proposed street is in conformance.

39
40 Mr. Hall stated that Attachment B. includes an email dated August 10, 2017, from Dax Nolan to Susan
41 Burgstrom regarding the IDPH permitting, and indicated that they did not have documentation of electrical
42 inspections for the park.

43
44 Mr. Hall stated that the distributed memorandum reviews the attachments and discusses at a staff level that
45 there are no decision points, for the map amendment and staff is ready to recommend HELP ACHIEVE for
46 all decision points, based on this new information. He said that this recommendation is based on staff’s

1 understanding that the Memorandum of Understanding does in fact exist on the part of the Edgewood
2 Homeowners Association, but that has not been verified yet, so we will need to make sure that it has been
3 agreed to on both sides. He apologized to the petitioner and the Board for staff missing the part in the legal
4 advertisement that the existing park has none of the required screening. He said that the screening at issue
5 with the Edgewood Homeowners Association would take care of part of that, but not all of it. He said that
6 there is reason to believe that a lot of the screening for the rest of the park is not needed at this time and staff
7 has proposed a special condition to deal with that screening. He said that the screening that he is discussing
8 is along the south side of the park and staff is not assuming that the Board will want that screening to be the
9 same type as what is required along Smith Road; the screening would be either a 6 feet tall fence or
10 vegetative screening. He said that the Ordinance does not specify which type of screening is required and
11 only indicates that one or the other is required. He said that the Board can work on the details of the fence or
12 staff could go back and work on that detail if necessary.

13

14 Mr. DiNovo noted that the mobile home park is nonconforming with respect to the screening.

15

16 Mr. Hall stated that Mr. DiNovo was correct. He said that screening has been provided along the east edge
17 of the Casey's property. He said that the memorandum indicates changes to the Summary of Evidence and
18 Finding of Fact, and staff can review those changes with the Board at the appropriate time. He said that the
19 memorandum also includes a comprehensive list of special conditions that have been coordinated as best as
20 possible with all the new information that has been received within the last couple of days. He said that the
21 Board always walks through the special conditions with the petitioner and the new parts to the conditions are
22 indicated in red underlined text.

23

24 Ms. Griest asked the Board if there were any questions for Mr. Hall and there were none.

25

26 Ms. Griest called Michael Friend and Dax Nolan to testify.

27

28 Mr. Michael Friend, Engineering Manager, Farnsworth Group, 2211 West Bradley Avenue, Champaign,
29 stated that he is the engineer for the Stonetown/Woodland Acres LLC. He said that Mr. Hall has
30 summarized a lot of the submitted data; therefore, he will not repeat that information. He said that he is sure
31 that the Board has many questions, so he will make his presentation short and summarize things briefly.

32

33 Mr. Friend stated that he submitted the required information to the County before the deadline on August 8,
34 2017, and subject to that submittal was a clear response to the homework assignment that the Board
35 requested at the last public hearing. He said that the submittal addressed the information one by one each
36 item that was included in the homework assignment. He said that he did meet with Chief Steve Thuney in
37 his office and they had a professional discussion, and Chief Thuney indicated some concerns that he needed
38 to have addressed and Mr. Friend discussed these concerns with Mr. Nolen. He said that Mr. Hall has
39 described there will be one additional fire hydrant, but two are proposed to be installed. He said that Chief
40 Thuney requested an extension of the fire main into the existing developed facility and an addition of
41 hydrants at the main intersections. Mr. Friend said that Chief Thuney also expressed that he was fine with
42 the proposals in regards to a fire safety standpoint and the proposed expansion and the gate. Mr. Friend
43 stated that Chief Thuney agreed with the provided information regarding how to alleviate access for
44 emergency vehicles, which was by installation of "No Parking" and "Fire Lane" signs. Mr. Friend stated that
45 Chief Thuney thought it was important that he have input regarding placement of accessory outbuildings
46 within the park. Mr. Friend stated that Chief Thuney had concerns if there was a fire at a mobile home and

1 the accessory building was placed very close to the home or other homes that the fire could have potential to
2 spread throughout the park. Mr. Friend stated that Chief Thuney's concern regarding the accessory structure
3 placement was addressed in the Memorandum of Understanding that discusses the permitting process, which
4 will include a plot plan indicating the location of the accessory outbuilding and a request for Edge-Scott Fire
5 Protection District to review the site plan and provide input. Mr. Friend stated that he met with the fire
6 chief, listened to the chief and immediately responded in the affirmative to his requests.
7

8 Mr. Friend stated that referenced in the Memorandum of Understanding was a meeting that occurred on
9 August 8, 2017, at Barbara Payne's home, with Joe Pisula, himself and Dax Nolan via Facetime being
10 present. He said that the submittal on August 8th presented an additional fence along the east side of the
11 mobile home park, and after back and forth discussions, there is a final disposition as to what is being
12 proposed. He said that Mr. Nolan attended a meeting that occurred last night, August 16, 2017, which is not
13 indicated in the Memorandum of Understanding, at the Edge-Scott Fire Protection District building and he
14 listened to concerns that were voiced. Mr. Friend stated that he will read an email that Mr. Pisula sent on
15 behalf of the Edgewood Homeowner's Association as follows: "I have read through the documents and the
16 Memorandum of Understanding and it is his opinion that they appear to be what was agreed to within the
17 last few days. One comment on the Memorandum of Understanding, on page 3, article 2.b.3 indicates that
18 the fence color will be earthtone in color, but he would ask that the follow change be made as follows: The
19 fence color shall be earthtone in color, brown, tan, etc., as selected by the fence manufacturer's standard
20 stock colors and based upon input by the Edgewood Homeowner's Association. The additional text allows
21 the Edgewood Homeowner's Association and homeowners along Smith Road a chance to be involved and
22 made aware of what the fence will look like ahead of installation and is not meant for Stonetown to be
23 involved in paying a lot of money or incurring any delays for requiring a custom color that might be asked
24 for." Mr. Friend stated that Mr. Pisula has reviewed the Memorandum of Understanding on behalf of the
25 Edgewood Homeowner's Association and the singular comment is a request that the Edgewood
26 Homeowner's Association be involved in the selection of color of the fence and Mr. Nolan is agreeable to
27 that request. Mr. Friend stated that since the involvement in the fence color selection was the only comment
28 from the Memorandum of Understanding review proves that his client listened and responded positively to
29 the concerns and requests of the neighboring Edgewood Homeowner's Association.
30

31 Mr. Friend stated there was homework requested that was submitted in a timely manner; constituents who
32 had concerns and he and his client met with those constituents and provided positive responses that the
33 constituents approved with the singular comment being that wanted to be involved in the color of a screening
34 fence. He said that he feels positive about the interaction and the things that have occurred since the last
35 public hearing and the commitments that his client has made could be costly. He said that for his client to be
36 required to install 720 feet of fence is an expensive venture; to add two fire hydrants and a new water main
37 are not small things, they are not just an incidental means of outreach to the folks who had concerns.
38

39 Ms. Griest asked the Board and staff if there were any questions for Mr. Friend and there were none.
40

41 Ms. Griest asked the audience if anyone desired to cross-examine Mr. Friend and there was no one.
42

43 Ms. Griest asked Mr. Nolan if he had any new information to add at this time.
44

45 Mr. Nolan stated that he had no new information to add at this time.
46

1 Ms. Griest asked the Board and staff if there were any questions for Mr. Nolan and there were none.

2

3 Ms. Griest asked the audience if anyone desired to cross-examine Mr. Nolan and there was no one.

4

5 Ms. Griest stated that the Board always appreciates when the petitioner reaches out to the constituency
6 around them and finds positive solutions to any concerns, and from the testimony, it appears that a positive
7 outcome is the direction that everyone is headed.

8

9 Ms. Griest called Joe Pisula to testify.

10

11 Mr. Joe Pisula, 304 Ira St, Urbana, stated as he testified on June 29th, he has been asked by the Edgewood
12 Subdivision Homeowners Association to speak on its behalf. He said that the previous member's testimony
13 indicated we had several meetings, on August 11, 2017, with the Board; and at the Edge-Scott Fire
14 Protection District station on August 15, 2017. He said he thought that they had approximately 40 members
15 of the Edgewood Homeowner's Association at the fire station. He said that the Edgewood Homeowner's
16 Association also did a lot of outreach; Mr. Pisula himself visited houses and spoke to homeowners along the
17 east side of Smith Road to make sure they were involved and knew what was going on. He stated that at the
18 June 29, 2017, ZBA meeting, there was a litany of concerns, i.e. traffic, drainage, sewage, and those kinds of
19 things. He said that the submittal that Mr. Friend had put together for August 8, 2017, addressed many of
20 those concerns – traffic, drainage, visuals and those kinds of things. Mr. Pisula stated that the general
21 comment is that they are pleased that the petitioners have been receptive to their concerns and have
22 addressed many of the concerns. He said that at the meeting on August 15, 2017, some residents had
23 concerns about drainage, and as one of the speakers at that meeting, he told them that the developer has
24 pretty much played by the rules. He said that Mr. Nolan has hired an engineer to do stormwater modeling,
25 and the County has hired Berns, Clancy and Associates to do a quality-control check. He said what he calls
26 the standard of care within engineering has been fulfilled on the part of the developer, and his engineer and
27 the County have done their due diligence in looking that over, and he thinks that is a good thing. He said that
28 there are still folks who have concerns, but not many things in life are unanimous, which is kind of the point
29 he made. He said that Barbara Payne, President of the Edgewood Homeowner's Association, asked for a
30 show of hands at the meeting on August 15, 2017, to see reactions of the 40 people who attended the
31 meeting and whether they were all in favor of the proposed changes. He said no, that was not the case, but at
32 least from his perspective, the majority were in favor of withdrawing their concerns and expressing approval
33 or endorsement of the petitioner's proposal. Mr. Pisula said that the petitioner's proposal includes the 8-foot
34 high vinyl fence, referring to the Supplemental Memorandum #3 and the attachments showing cut sheets of
35 the different types of fences. He said that was offered up as a negotiation counterproposal, Mr. Pisula
36 requested an admittedly expensive fence, and to Mr. Nolan's credit, they did come back with a fence
37 proposal that is a compromise of cost and aesthetics. Mr. Pisula said the Edgewood Homeowner's
38 Association is pleased with that. Mr. Pisula said that he had issued a memo earlier today, personally
39 speaking on behalf of the Edgewood Homeowner's Association that the Memorandum of Understanding
40 (MOU), Mr. Friend put together generally does reflect what the intent is. He said he is not an attorney, but he
41 has looked at it and it looks good; the MOU does not have any signatures at the bottom of it. He said it is up
42 to the Board whether approval needs the endorsement of the Edgewood Homeowner's Association. He said
43 we have one member of the Edgewood Homeowner's Association, himself, that says it looks good. He said
44 he takes no exception that there is something in the MOU that does not reflect what was talked about. Mr.
45 Pisula said that the Edgewood Homeowner's Association is appreciative that the petitioners look out for the
46 neighbors' interests. Mr. Pisula stated that he had made a comment about picking out the color of the fence;

1 he says a lot of this gets back to communication. He said that when the ZBA moves forward and the
2 development gets approval from the County Board, he would like to be able to tell those residents on Smith
3 Road, before it happens, what the development is going to look like; will it be a gray fence, a white fence,
4 etc. He said that there would not be the outrage and folks won't get upset, which were his reasons for the
5 proposed color selection – they talked with the petitioners and they have hit the ball back in their court, and
6 will go from there. He said the Edgewood Homeowner's Association is pleased the petitioners have been
7 receptive to them, and have not told them to go take a hike. Mr. Pisula stated that the majority of the
8 members are in favor, not all are, but they have the ability tonight to express their concerns. Mr. Pisula
9 stated that the Edgewood Homeowner's Association's biggest concern was the increased traffic coming out
10 onto Smith Road, utilizing that signalized intersection. He said the siren-actuated gate addresses a lot of
11 those concerns, and the visuals have been covered by the vinyl fence. He said he thinks they are all in good
12 shape.

13
14 Ms. Griest asked the Board and staff if there were any questions for Mr. Pisula and there were none.

15
16 Ms. Griest asked Mr. Pisula, since he sits between the proposed development and Beringer Commons
17 Subdivision, has he had any involvement with Beringer Commons Subdivision on this topic.

18
19 Mr. Pisula stated that he personally has not. He said he has seen the email that came out from Beringer
20 Common's Subdivision president from their July 26, 2017 meeting. He said that Beringer Commons
21 Subdivision may have been informed of the Edgewood Homeowner's Association meeting on August 15,
22 2017, but he does not know if they had any attendees from Beringer Commons Subdivision.

23
24 Ms. Griest asked the audience if anyone desired to cross-examine Mr. Pisula on what he has testified tonight,
25 and there was no one.

26
27 Ms. Griest called Kevin Kingery to testify.

28
29 Mr. Kevin Kingery, 2412 Slayback, Urbana, stated that an agreement is being made between the County and
30 Mr. Nolan's company, and his question is, in the event that Mr. Nolan's company divests itself of the
31 property somewhere down the road, will the new owner be held to the same agreement that's being made
32 tonight, for example, if the new owner said that they did not have any agreement about a fence and they are
33 not going to maintain it.

34
35 Mr. Hall responded yes, any subsequent owner would be held to the same standards. He added that the
36 Memorandum of Understanding (MOU) is between the Edgewood Subdivision Homeowner's Association
37 and Mr. Nolan's company. He said that the special conditions on the Special Use Permit are enforceable
38 parts of the Special Use, so attention should be given to when the Board goes over that special condition
39 related to fencing. He said that we cannot enter the MOU as part of the approval for the Special Use, but we
40 can incorporate as many elements of the agreement as the Board sees as reasonable. He said that he thinks
41 earth-tone coloring is a reasonable thing, as is the height and material and he hopes that the Board will see fit
42 to make that a standard that any subsequent owner would be held to.

43
44 Ms. Griest asked the Board and staff if there were any questions for Mr. Kingery and there were none.

45
46 Ms. Griest asked the audience if anyone desired to cross-examine Mr. Kingery and there was no one.

1

2 Ms. Griest called Barbara Payne to testify.

3

4 Ms. Barbara Payne, 2503 Slayback Street, Urbana, is the President of the Edgewood Subdivision
5 Homeowner's Association. She said that she was appalled when this first came up; they met with Mrs.
6 Burgstrom. Ms. Payne said she would like to compliment Edgewood homeowners and the developers,
7 because she thinks they worked together well. She said that they are a pretty tight little community in a good
8 little neighborhood. She said that Beringer Commons Subdivision was notified, and that she had emailed its
9 president and told him about the meeting they had with Mr. Friend, Mr. Pisula, Mr. Kingery and some others
10 from Edgewood Subdivision. She said that Mr. Nolan was on Skype at her house. She said that the Beringer
11 Homeowner's Association president had sent her a copy of the letter he sent to the Department of Planning
12 and Zoning staff. She said there are still concerns, she trusts the County Board to take care of those, and they
13 are sort of not our jurisdiction. She said that the sanitary, the drainage, that type of stuff have some people
14 trying to second guess, but the developers have come through to meet their needs and have been very good to
15 work with. She said they are pleased and to not let them down.

16

17 Ms. Griest asked the Board and staff if there were any questions for Ms. Payne and there were none.

18

19 Ms. Griest asked the audience if anyone desired to cross-examine Ms. Payne and there was no one.

20

21 Ms. Griest thanked Ms. Payne for being so helpful.

22

23 Ms. Griest asked the audience if anyone else would like to sign the witness register to present testimony
24 tonight, and there was no one.

25

26 Ms. Griest closed the witness register.

27

28 Mr. Hall stated that he should have told the Board that there is a very draft copy of the minutes from the last
29 public hearing and most of the real substance of the minutes was inserted into the Summary of Evidence and
30 Finding of Fact that the Board received in their mailing packet. He said that Ms. Burgstrom did work on the
31 minutes this week and the Board may want to refer to those draft minutes.

32

33 Mr. Hall stated that staff has proposed new evidence to be added to Case 869-AM-17. He said that the
34 following item should be added as item #8.C.(1): Regarding possible errors in the existing Champaign
35 County Zoning Map, regarding Part A. of this case, indicates that the east 150 feet of the subject property is
36 located in the R-1 Single Family Zoning District even though the 1973 aerial photography indicates that
37 Woodland Acres had essentially the same extent along Smith Road as it does currently, with approximately
38 240 feet of development frontage with manufactured homes and approximately 500 feet of undeveloped
39 frontage under the same ownership. Mr. Hall stated that it is not clear why the zoning map doesn't reflect
40 that and he would say that it may be an error, or the owners of the park did not participate as much as they
41 should have during the public meetings when the zoning map was being developed, but that does not mean
42 that they were derelict in their duties; it just means that the zoning map contains that error and he believes
43 that there is plenty of justification for changing it. He said that regarding Part B. of this zoning case, the
44 zoning map indicates that the R-5 Manufactured Home Park Zoning District extends 820 feet west of the
45 centerline of North Smith Road, which means that the paper copy of the zoning map that is in staff's office
46 measures 820 feet west of the centerline of North Smith Road. He said that if a good copy of the 1973 aerial

1 photography is available at a scale that could be measured, the developed portion of Woodland Acres
2 extended approximately 950 feet west of the centerline of North Smith Road, which means that
3 approximately 130 feet of the existing manufactured home park in 1973 was put into the B-2 Business
4 Zoning District. He said that it is not clear why it was not put into the R-5 Manufactured Home Park Zoning
5 District in 1973, but as Mr. DiNovo previously indicated, they did not have good tax parcel maps in 1973.
6 Mr. Hall stated that he reviewed staff's records and found plat maps that were from the 1960's and the tax
7 parcel map indicates that the parcel extended about 850 feet, so apparently, the drafters of the zoning map
8 didn't follow the tax parcel map that was available at the time. He said that establishing the zoning map was
9 a huge undertaking at the time.

10
11 Ms. Griest stated that this pre-dates GPS coordinates.

12
13 Mr. Hall stated that a new item #16.A.(1) c. in the Finding of Fact for Case 869-AM-17 and item #8.B.(4) c.
14 in the Summary of Evidence for Case 870-S-17, should be added as follows: Based on comments received
15 prior to and during the June 29, 2017, public hearing, the petitioner proposes to add a siren actuated gate at
16 the proposed north entrance on North Smith Road, which will be closed except when an emergency siren
17 will open the gate and the gate will mitigate increased traffic concerns on North Smith Road. The petitioner
18 submitted Sheets A1 and A2 on June 29, 2017, which provides detailed information regarding the proposed
19 gate. Mr. Hall stated that new items #21. A. and 14.B in the Finding of Fact for Case 869-AM-17 and item
20 #8.C in the Summary of Evidence for Case 870-S-17 should be added as follows: The petitioner submitted
21 Sheet B1 on June 29, 2017, which indicates the location of the proposed fourth fire hydrant in addition to the
22 three fire hydrants proposed for the expansion area. He said that now that we have the additional hydrant
23 that has been proposed he has a further change to item #14.B(1)(a). as follows: The petitioner has agreed to
24 the following to improve fire protection service on the subject property: a. installing a gate on North Smith
25 Road that is activated by a siren to assure use only by emergency vehicles and to provide better access to the
26 subject property by emergency service vehicles; and b. the petitioner has agreed to install a total of three new
27 fire hydrants and water mains in the proposed expansion, extend a new 6-inch public water main down Dale
28 Lane to Michelle Lane, and install two new fire hydrants along Dale Lane, to ensure adequate fire protection.

29
30 Mr. Hall stated that there has been so much new information provided tonight that staff wants to make sure
31 that the new information is included in the Finding of Fact for the County Board's review. He said that the
32 last new item that he would propose tonight would be to document the email from Chief Thuney, Edge-Scott
33 Fire Protection District. He said that the email from Chief Thuney should be added as new item #8.C(5) in
34 the Summary of Evidence for Case 870-S-17 and new item #21.A.2(e) for Case 869-AM-17. He said that
35 the following should be added under new item #8.C(5): Chief Steve Thuney of the Edge-Scott Fire
36 Protection District stated as follows in an email dated August 17, 2017, to petitioner's engineer Michael
37 Friend: a. Chief Thuney has read through the Memorandum of Understanding between Stonetown Woodland
38 Acres LLC and the Edgewood Subdivision Homeowner's Association, and he can say with confidence that
39 the Edge-Scott Fire Protection District is in agreement with the terms of the memorandum; b. Chief Thuney
40 indicated that there are some remaining "housekeeping" issues, but none of these would prohibit forward
41 movement on the expansion of the Woodland Acres project; c. the email is the official acceptance of the
42 terms in the memorandum; and d. Chief Thuney extended his thanks for involving the Edge-Scott Fire
43 Protection District in the planning.

44
45 Mr. Hall stated that there are some more changes in Case 870-S-17 will be revised during the review for the
46 special conditions. He said that item 9.B.(6)a.(a)i. should be revised as follows: i. the Overall Layout Plan

1 received on June 16, 2017, indicates that existing homes sites 1 through 10, 48, and 49 to the north, and 50
2 and 52 on the southwest corner of the subject property encroach into the IDOT right-of-way. Proposed sites
3 94 through 98 do not encroach into the IDOT right-of-way, but they are proposed to be only 35 feet from the
4 IDOT right-of-way rather than 45 feet, which is the reason for the waiver in Part B. He said that item 9.B.(7)
5 should be stated as follows: (c) the existing recreational area is non-conforming; it was built prior to
6 adoption of the Zoning Ordinance on October 10, 1973. Further, the existing playground and rec space in
7 the northeast corner of the subject property will be removed to make space for the proposed expansion area.
8 An existing 23,335 square feet open space in the southeastern part of the subject property will be considered
9 recreation space.

10
11 Mr. Hall stated that when the Board is ready he would recommend that the Board review the special
12 conditions with the petitioner, including the changes that are recommended, and ensure that the petitioner is
13 in concurrence with those changes.

14
15 Ms. Griest asked the Board if there were any questions for Mr. Hall and there were none.

16
17 Mr. Griest stated that the discussion for special conditions will be read from Supplemental Memorandum #3
18 dated August 17, 2017.

19
20 Ms. Griest asked Mr. Nolan and Mr. Friend if they had any concerns with the changes to the Findings of Fact
21 and Summary of Evidence.

22
23 Mr. Nolan stated that there were no concerns with the changes to the Findings of Fact and Summary of
24 Evidence.

25
26 Ms. Griest stated that she would read the special conditions proposed for Case 870-S-17 only:

27
28 Ms. Griest read Special Condition A. as follows:

29
30 **A. Within 30 days of approval of Case 869-AM-17 by the Champaign County Board, the**
31 **petitioner shall file a miscellaneous document with the Champaign County Recorder of**
32 **Deeds stating the Stonetown Woodland Acres Manufactured Home Park was**
33 **authorized subject to special conditions in Case 870-S-17, and the document shall**
34 **contain all of the special conditions of approval for Cases 870-S-17. A copy of the**
35 **recorded document shall be given to the Zoning Administrator after filing with the**
36 **Recorder of Deeds.**

37
38 The special condition stated above is required to ensure the following:
39 **That any prospective purchaser of the subject property is aware of the**
40 **special conditions of approval.**

41
42 Ms. Griest asked Mr. Nolan if he agreed with Special Condition A.

43
44 Mr. Nolan stated that he agreed with Special Condition A.

45
46 Ms. Griest read Special Condition B. as follows:

1 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
 2 **the petitioners have demonstrated that any new or proposed exterior lighting on the**
 3 **subject property will comply with the lighting requirements of Section 6.1.2.**

4
 5 The special condition stated above is required to ensure the following:
 6 **That any proposed exterior lighting is in compliance with the Zoning**
 7 **Ordinance.**

8
 9 Ms. Griest asked Mr. Nolan if he agreed with Special Condition B.

10
 11 Mr. Nolan stated that he agreed with Special Condition B.

12
 13 Ms. Griest read Special Condition C. as follows:

14
 15 **C. That the petitioners develop the recreation areas within two years and in accordance**
 16 **with the most recent version of the *Illinois Mobile Home Park Act (210 ILCS 115)* and**
 17 **the Illinois Department of Public Health *Manufactured Home Community Code (860***
 18 ***ILCS 220)*.**

19
 20 The special condition stated above is required to ensure the following:
 21 **That Stonetown Woodland Acres conforms to State of Illinois requirements.**

22
 23 Ms. Griest asked Mr. Nolan if he agreed with Special Condition C.

24
 25 Mr. Nolan stated that he agreed with Special Condition C.

26
 27 Ms. Griest read Special Condition D. as follows:

28
 29 **D. On-street parking shall be allowed only when there is at least 24 feet in unobstructed**
 30 **pavement width for travel, and shall be clearly marked with signs at each entrance to**
 31 **the development or sufficiently throughout the park and these signs shall be in place**
 32 **before any replacement of homes occurs and shall be verified in all inspections by the**
 33 **Zoning Administrator.**

34
 35 The special condition stated above is required to ensure the following:
 36 **That there is always adequate emergency vehicle access.**

37
 38 Ms. Griest asked Mr. Nolan if he agreed with Special Condition D.

39
 40 Mr. Nolan stated that he agreed with Special Condition D.

41
 42 Mr. Griest read Special Condition E. as follows:

43
 44 **E. Replacement homes shall conform to setback and yard requirements established in**
 45 **Zoning Ordinance Section 6.2.2, unless larger replacement homes occupy more than**
 46 **one of the existing home sites.**

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

2
3 **That replacement homes do not make the manufactured home park more**
4 **nonconforming with Zoning Ordinance requirements.**
5

6 Mr. DiNovo stated the language of this condition would suggest that larger replacement homes that would
7 occupy more than one site do not have to conform to setback and yard requirements. He said that he does
8 not believe that the special condition says what it intends.
9

10 Ms. Griest agreed. She asked Mr. DiNovo if he had a recommended revision for Special Condition E.
11

12 Mr. DiNovo stated that he does not believe that the Special Condition needs the qualification. He said that
13 when a permit is submitted for a replacement home, it will have a site on it that may comprise two existing
14 pads, and compliance could be verified with that site as it is depicted. He said that the qualification from
15 Section 6.2.2. onward is not required.
16

17 Mr. Hall stated that when there is a request for a waiver, and it is approved, the replacement home only must
18 meet the yard that was approved in that waiver.
19

20 Mr. DiNovo stated that Mr. Hall just clarified a very important point, because it was his impression that the
21 waivers were required for the purpose of making financing, with respect to the mobile home park, easier
22 because a rebuild letter could be issued; otherwise, any changes would move towards eliminating
23 nonconformance. He said that there is a larger difference there.
24

25 Mr. Hall stated that unless this Board places a special condition on a waiver, that it only applies to the
26 existing home and not to a replacement, which is very unusual; the only thing that is being done like that are
27 on the homes that encroach into the I-74 right-of way, and they are no longer going to encroach into that
28 right-of-way, but they are not being required to be any further back than the property line. He said that this is
29 the waiver that has been requested.
30

31 Mr. Passalacqua stated that this has been the standard practice for a waiver, so that a home could be rebuilt.
32

33 Mr. Hall stated that is why there are more questions about this special condition than merely the second part.
34

35 Mr. DiNovo stated that the Zoning Ordinance is very clear that the intent is not to encourage the survival of
36 nonconformities and he has a hard time simply legalizing extensive nonconformities after the fact, unless
37 there are provisions to ensure that some of them will be corrected.
38

39 Mr. Hall stated that there are a lot of nonconformities being corrected, such as new fire hydrants and
40 improving access.
41

42 Ms. Capel stated that, given the depth of some of the lots, she does not understand how the homes can be
43 replaced and still be conforming, because that entire strip of lots is not deep enough.
44

45 Mr. DiNovo stated that the condition indicates that replacement homes shall conform to setback and yard
46 requirements established in Zoning Ordinance. He said that this would seem to contradict the notion that

1 they only need to comply by the setbacks permitted by the waivers, so he is not clear as to what is going on
2 here. He asked if the waivers are to apply to the replacement homes, then why is the special condition
3 necessary at all.

4
5 Mr. Hall agreed.
6

7 Mr. DiNovo stated that if the intention is that when homes are replaced they be replaced in a conforming
8 manner, then the special condition should be retained, which frankly he believes is a good idea. He said the
9 Board needs to decide if they expect new homes to be installed in a conforming way, or will the Board allow
10 new homes to be installed in a nonconforming way, but authorized by waivers. He said that if the latter is
11 what the Board wants then the special condition is not necessary, but if the former is what the Board wants,
12 the special condition should be retained and the clause “unless” should be removed.
13

14 Ms. Griest stated that it was her expectation that as the homes were replaced that they would be replaced and
15 become conforming. She said that she interpreted the intent of the special condition to accomplish was that
16 with the utilization of more than one lot, the new homes could be oriented differently so that they would
17 comply with the setbacks, not that a larger home would be placed on two lots and still be nonconforming.
18

19 Mr. DiNovo stated that we do not have specific lots for each of the mobile homes, because there is no
20 drawing specifying the lots for all the mobile homes, and that drawing would come gradually as permits are
21 required for the new homes, and the space boundaries will be established as each permit is issued. He said
22 that he would be more comfortable if he understood that the spaces would be defined and conforming as we
23 go forward.
24

25 Mr. Nolan stated that this is sticky point for them as well, and the site plan does indicate that some of the
26 sites are tight, as is. He said that his understanding is that the concept of the special condition is to not make
27 something more nonconforming. He said that this type of situation happens all the time when there is a very
28 old house that is abandoned or destroyed and a replacement home of the same size is not available; therefore,
29 the home is replaced with a modern home that might be bigger than what existed, as long as they attempted
30 to conform. He said that it was his understanding that the replacement homes would be handled on a case by
31 case basis. He said that they do not want to lose sites over time to make each individual lot conforming,
32 because there are some sites within the community which have very small homes located on them. He said
33 that when the time comes to replace those small homes that are older than 1976 and are nonconforming in
34 relation to the government’s code, he would like to have permission to do so. He said that the sites on the
35 expansion are a totally different story, because the homes will be conforming to the Ordinance. He said that
36 there still will not be lot lines within the community, but the entire park will have a boundary line. He said
37 that the Zoning Ordinance has specific requirements for side to side and back to back in regards to mobile
38 homes and establishing a lot line in these communities is very vague, and that is why the requirements are
39 from house to house instead of spacing from the home to a lot line.
40

41 Mr. DiNovo stated that some of the waivers, such as Part K, refer to waiving a requirement for the
42 manufactured home site. He asked how the site would be measured to ensure compliance. He asked, if the
43 sites are not delineated somewhere on a document, how will it be ensured that the site is compliant with any
44 minimum site standard.
45

46 Mr. Passalacqua stated that Mr. Nolan stated that the measurement would be to proximity, not to a lot line,

1 but to the next home.

2
3 Mr. DiNovo stated that the Ordinance sets a minimum area requirement and the waiver in Part K waives the
4 area for a manufactured home site, so there should be something indicating the area of which you are
5 measuring.

6
7 Mr. Hall stated that Part K states the following: Authorize a minimum manufactured home site of 1,600
8 square feet in area in lieu of the minimum required 3,200 square feet, per Section 6.2.2 E.3. for existing
9 home sites 1 through 9, 13 through 18, 21, 29 through 38, 40, 41, 45, 46, 52 through 64, 67, 68, 74 through
10 77, 80, 85 through 86. He said that staff has identified that a site of 1,600 square feet is the smallest site that
11 there is in the community and the waiver would authorize the continuous use of that home site. He asked
12 Ms. Burgstrom if he was correct.

13
14 Mr. DiNovo stated that the waiver would allow things to get worse.

15
16 Ms. Griest stated not necessarily.

17
18 Mr. DiNovo stated that 1,600 square feet is the smallest site and some of the sites are larger, but this waiver
19 would allow things to get even worse and be more nonconforming.

20
21 Mr. Hall stated that there can only be so many home sites, and it isn't as if they will be able to squeeze in
22 more home sites.

23
24 Ms. Burgstrom stated that when staff first received the site plan for this case, it did not delineate the home
25 sites, and staff found no records of what the home site were originally. As of yesterday, staff continued with
26 their search with no success. She said that she turned to the GIS aerial and, to the best of her ability, mapped
27 out sites so that she could see where the divisions seemed to be between the individual home sites so that
28 staff could estimate the variances and waivers that are proposed. She said that there is a map in the office
29 that shows her way of thinking about the way that these sites are divided up so that staff can begin to monitor
30 this over time. She said that until staff receives something official in the terms of home sites, this is the best
31 that we have.

32
33 Mr. DiNovo stated that if we do not have a special condition like special condition E, there is nothing in this
34 that guarantees that this will not gradually become more nonconforming, except for the practicalities of
35 replacing the older homes with larger ones.

36
37 Mr. Passalacqua stated that the IDPH permit has a definite number specifying the number of sites. He said
38 that he understands Mr. DiNovo's concern, but 105 homes could not be placed in the community if the IDPH
39 permit on only for 93 sites.

40
41 Ms. Griest stated that a larger home could be placed on the 1,600 square feet lot and still adhere to the
42 required setbacks.

43
44 Mr. Passalacqua stated that a larger home could not be placed on the lot where a smaller home is located and
45 encroach into the IDOT right-of-way, because the smaller home does not conform currently.

46

- 1 Ms. Capel stated that a larger home could not be placed on the 1,600 square feet lot and not encroach
2 somewhere.
3
- 4 Mr. Passalacqua asked what IDOT indicated regarding the encroachment, did they request that the
5 encroachment go away over time when the older homes were replaced with newer ones.
6
- 7 Mr. Hall stated that IDOT wants the encroachment removed when the home changes ownership. He said
8 that staff has not processed this case telling the petitioner, by the way, as you replace these homes they must
9 meet all the Ordinance requirements.
10
- 11 Mr. DiNovo stated that is what Special Condition E. is stating.
12
- 13 Mr. Hall stated that he understands that and he does not know how that special condition has survived this
14 long, but it did and he apologizes for that. He said that staff has never told someone, sorry, the waiver or the
15 variance should only be expected to be good until there is a change and this only comes up when the Board
16 decides that the variance or waiver is only good for a certain time. He said that for a mobile home park like
17 this and expecting that someone is going to buy it and one day it will meet the Ordinance is a fantastic idea.
18
- 19 Mr. DiNovo stated that there is no time limit and Special Condition E. could take 20 years.
20
- 21 Mr. Hall stated that in time there will not be 93 home sites, because when the homes are installed there will
22 be far fewer sites. He said that the Board needs to be clear as to what they want to require so that staff and
23 the petitioner are aware of the requirement.
24
- 25 Ms. Capel stated that staff presented Special Condition E. to the Board for consideration.
26
- 27 Mr. Hall stated that he is fully aware of that fact.
28
- 29 Mr. DiNovo stated that in terms of the waiver, we may still have extreme deviations from the standards of
30 the Zoning Ordinance, 8 feet separations between units in lieu of 20 feet, but as larger homes replace the
31 older smaller ones, there will be fewer units. He said that the waivers could allow a condition where there is
32 a place where there is 12 feet between mobile homes the new home could reduce that separation to 8 feet.
33
- 34 Ms. Capel stated that the special condition would be that the new homes could not be more nonconforming
35 that the existing homes, which does limit the size of the new homes.
36
- 37 Mr. DiNovo stated that the waivers are written for the entire project, because there are no specific sites
38 delineated and the Board cannot indicate where the nonconformity exists at any given place. He said that
39 when the Board indicates that the mobile home park cannot become any more nonconforming, the Board
40 needs to be clear as to what it is talking about. He said that if a given home is replaced somewhere, it can't
41 be any closer than the surrounding home or the roadway than the home that it is replacing.
42
- 43 Mr. Randol stated that the Board should stick with the requirements of the Ordinance and when the home is
44 replaced, it must meet those requirements.
45
- 46 Mr. Passalacqua asked Mr. Nolan to indicate the plan for replacement of the older homes that encroach into

1 the IDOT right-of-way.

2
3 Mr. Nolan stated that currently there are six homes on sites 4,5, 7, 8, 9 and 10, which encroach into the
4 IDOT right-of-way. He said that Stonetown Woodland Acres LLC, owns two of the homes and one of them
5 is a vacant new home. He said that they placed the new home on the property by line of site and made sure
6 that they were not going past any of the existing homes, and sure enough, they unknowingly placed it in the
7 right-of-way and were just notified of the encroachment a few months ago. He said that they have a plan to
8 move the home to their mobile home park located in Tolono where they can set it on a larger pad. He said
9 that as the diagonal piece moves more to the north, it pinches down the length of the sites that are available,
10 and they obviously don't want to put themselves into a position where they must buy homes that they cannot
11 lease because they are too small. He said that his biggest concern was that they would stumble upon some
12 homes that were much nicer in quality, but needed to be moved even though they are fine. He said that the
13 homes that are currently encroaching, excluding the new house that he previously mentioned, are homes that
14 they would be fine with removing. He said that they are fine with moving the houses out of the right-of-way
15 as they change ownership and that they have some kind of game plan as far as what triggers acknowledging
16 the new owner of the home. He said that they would give the owners of the five sites written notice by
17 certified mail indicating that the home can remain as it currently exists, but if the home is sold or if
18 Stonetown Woodland Acres LLC is the lienholder and the home is repossessed, the home would be removed
19 from the site.

20
21 Mr. Passalacqua asked Mr. Nolan to indicate the game plan for the new homes to fit the lot without
22 encroaching.

23
24 Mr. Nolan stated that through time when the houses either change ownership through a sale or foreclosure or
25 are destroyed, the homes will be required to be removed from the community. He said that if Stonetown
26 Woodland Acres LLC owns the home it would be removed immediately.

27
28 Mr. Passalacqua asked Mr. Nolan if the lot size would become a vacant site.

29
30 Mr. Nolan stated that they would place smaller units that would fit on the site and comply. He said that one
31 thing he would like to mention about sites 1 through 10 is that if they are willing to remove the 5 non-
32 compliant homes out of the right-of-way, could they have a special condition that would allow basically 0
33 feet of setback to the road on those sites. He said when he did the measurements this morning at the
34 community, it still would allow them to purchase very small houses, but houses that are big enough that he is
35 comfortable that his company could lease them. He said he is referring to units that are 56 to 60 feet in
36 length. Mr. Nolan stated that there is a gas line in between the front of the homes and the street, and so that
37 gas line would have to move because a house cannot be put on top of a gas line. He said they believe that is
38 something they can work around through time.

39
40 Mr. DiNovo said he would like to offer an alternate version to condition E for consideration, although he
41 thinks that by itself it will not solve all the issues.

42
43 **E. Replacement homes shall conform to setback and yard requirements established in**
44 **Zoning Ordinance Section 6.2.2, unless larger replacement homes occupy more than**
45 **one of the existing home sites.**

46

1 Mr. Nolan asked if he could add one more thing. He said on the houses that are currently non-conforming,
2 just to be clear, their only concern with those on the non-conforming side is with width requirements and not
3 length. He said in good faith efforts to meet the County requirements, they killed two lots in the center of the
4 community to add shorter, double-wide homes. He said that area was the only area with concerns from a
5 length perspective, as far as what they could fit in a reasonably sized house. He referred to site 56 on the site
6 plan as an example; it is a very tiny house. He said to the extent that something happened down the road to
7 that house, if the home ever came into their hands, they would try to improve the community and bring in a
8 different house. He said that house on site 56 is at a maximum 14 feet wide. He said that given the fact that
9 they have the length requirement there, they would be fine with keeping that a 14 feet wide house and just
10 making it longer to comply with what was existing as far as the width requirements; even if it were
11 nonconforming, they would not make it more nonconforming. He said it does handcuff them a little bit; his
12 biggest concern is that they would have to kill an entire lot because there is no house that he can order that is
13 small enough to replace the existing one.

14
15 Ms. Griest asked Mr. Nolan to provide specifics of the lot that could not have a home replaced.

16
17 Mr. Nolan stated that it is a case by case basis, but there are some sections of the community where he is
18 concerned about the width and not the length.

19
20 Mr. DiNovo stated that based on Mr. Nolan's testimony, Special Condition E. would not work. He said that
21 an alternative text to Special Condition E. could be as follows: Waivers notwithstanding, replacement
22 homes shall be placed such that the deviation from minimum setback and yard requirements are decreased in
23 at least one respect relative to the home being replaced. He said that the little house on home site 56 is
24 conforming to rear setback, but if a standard sized home is replaced on home site 56 now, it would be
25 nonconforming in the back.

26
27 Ms. Griest stated that she is not following Mr. DiNovo's line of thought.

28
29 Mr. DiNovo stated that you don't have to make everything conforming, but just better in at least one respect.

30
31 Mr. Passalacqua stated that it is his understanding on home site 56 is that if a longer home was placed there,
32 and the width is maintained, how would there be a deviation. He asked if the front was lined up and the
33 width not increased, why would there be a deviation.

34
35 Mr. DiNovo stated that the longer homes do not comply with the setbacks for the property and if a longer
36 home was placed, it too, would not meet the required setbacks.

37
38 Ms. Griest stated that the new longer home may meet the setback to the rear.

39
40 Mr. DiNovo stated that there is no way a longer home could meet the rear setback. He said that there are
41 some spaces where the replacement homes will not make the nonconformity better, but would make it worse.
42 He said that putting a home on home site 56 without making any changes is not making the nonconformities
43 better, but worse, and the basket full of waivers will allow the deviations from the Ordinance to increase
44 over time.

45
46 Ms. Capel stated that Mr. Nolan indicated his concern with replacing old narrow homes with new homes that

1 are wider. She said that Chief Thuney stated that he has a concern regarding the homes being too close
2 together and that is an area of real concern for her as well.

3
4 Ms. Griest stated that in the aspect of the older homes, the technology for construction of those homes is not
5 up to today's HUD standards and many of them are of an older vintage and have aluminum electrical wiring
6 that is not found in today's homes. She said that aluminum electrical wiring is a typical cause of home fires.
7 She said that if there is a fire in one of the older units, it is not just a matter of saving that unit, but also the
8 surrounding units or the whole park due to their proximity of each other.

9
10 Mr. Friend stated that he wanted to clarify Chief Thuney's commentary to him regarding proximity. Mr.
11 Friend stated that Chief Thuney was concerned about accessory out buildings being placed between the
12 homes that are already close in proximity. Mr. Friend stated that Chief Thuney suggested that there be some
13 control regarding the placement of accessory outbuildings, because from a fire protection aspect the
14 placement of accessory structures between units is like one continuous home. Mr. Friend stated that Chief
15 Thuney provided his concern that two accessory outbuildings should not be placed between two homes that
16 are already too close in proximity.

17
18 Mr. DiNovo stated that an even less restrictive version of Special Condition E. could require that as each
19 home is replaced, the average deviation from the requirements of the Zoning Ordinance be reduced. He said
20 that this may mean that the owners will not be able to replace one home at a time and if the deviation is
21 increased on one lot, another home may need to be replaced to reduce the deviation somewhere else so that
22 that overall, the entire mobile home park gradually becomes conforming. He said that this provides
23 flexibility along the north side of Toni Lane where it backs up to the interstate and would allow those homes
24 to be closer to the road.

25
26 Mr. Passalacqua stated that the economics of having to replace three homes at one time makes no financial
27 sense.

28
29 Mr. Nolan stated that perhaps they could have a set year of the age of the vintage home so that they can
30 increase the width of the home so long as they are replacing it with a new home. He said that the State of
31 Illinois requires that when a new home is placed on a pad it must be on a concrete slab, and most of the
32 current homes are not on concrete. He said that replacing a 1985 or older home with a new home, and
33 gaining permission to expand the width of the home to not exceed 16 feet wide, standard width today, would
34 reduce the width between homes a little bit, but would make the site more conforming. He said that
35 placement of a new home 16 feet wide would negate the owners from killing a home site and requiring them
36 to put dollars into an old home that could be a fire hazard. He said that they would be forced to fix up and
37 maintain an older home on those sites rather than replacing the old homes with a new home.

38
39 Ms. Griest asked Mr. Nolan to indicate the present minimum width in the park.

40
41 Mr. Nolan stated that he would guess that there are homes that are 12 feet wide, but there may be some that
42 are 14 feet wide. He said that in regards to home site 56, he would be fine with replacing the existing home
43 with a new 14 feet wide home. He said that 12 feet wide homes are not available for purchase anymore.

44
45 Ms. Griest asked Mr. Nolan to indicate the minimum separation between units.

46

1 Mr. DiNovo stated that the waiver would allow 8 feet, which Mr. Hall suggested would be the minimum
2 condition.

3
4 Mr. Hall stated that sites 1-9 need to have less separation to Toni Lane than they do currently to fit within the
5 distance from Toni Lane to the boundary of the park. He said that he does not know if it will make them
6 more nonconforming, but it will add a nonconformity that did not exist before, less distance between the
7 replacement home and Toni Lane than there exists today. He said that there are some instances where it
8 would get rid of an encroachment of the right-of-way. He said that this is the hard work of understanding all
9 the nonconformities that exist in the park and it literally must be done by a site by site basis. He said given
10 the time that staff has put into this case, staff does not have a complete list of nonconformities that exist at
11 each home site today, much less, could they be improved with a minimum sized home.

12
13 Mr. DiNovo stated that what the Board is being asked to approve is the continuation of the current number of
14 mobile homes, indefinitely, replaced by new mobile homes that are larger so that the setbacks become even
15 more nonconforming over time. He said that not only does the nonconformity survive, but it gets worse,
16 which is contradictory to the policies stated in the Zoning Ordinance. He said that he is not seeing a plan
17 that, except for the fact that old homes will be replaced with new ones, is moving towards conformance.

18
19 Mr. Hall stated that fire protection services will be improved.

20
21 Ms. Griest stated that on-street parking will be eliminated.

22
23 Mr. DiNovo stated that this is all true, but it is not moving us towards conformance and if a lot of the homes
24 will be replaced with larger homes, there will be more lot coverage and diminished setbacks and the park
25 will be packed tighter than it is now.

26
27 Ms. Griest asked that on the home sites where the minimum separation is 8 feet and are in areas where there
28 are "No Parking" signs, and the home width will be increased, where will the homeowners park, will there
29 be one parking space required or two. She said that people need a place to park their vehicles and there is no
30 community parking area designated.

31
32 Mr. Passalacqua asked Mr. Nolan to indicate how this situation is handled in other parks owned by the LLC.

33
34 Mr. Nolan stated that it depends on the jurisdiction, but a lot of the states that they operate in are more
35 landlord friendly in regards to replacement homes in a park. He said that placing a new house on concrete or
36 being conforming to HUD standards trumps the extra 2 feet of width.

37
38 Mr. Passalacqua asked Mr. Nolan if renters or owners are okay with being as close as 4 feet from their
39 neighbor.

40
41 Mr. Nolan stated that they do have community in Cook County near Midway Airport that makes this park
42 look very spacious, but the village has their own codes and requirements for side setbacks and that is 8 feet.

43
44 Mr. Passalacqua asked Mr. Nolan if they are looking for an 8 feet separation for this park.

45
46 Mr. Nolan stated that sometimes they have trouble leasing homes, because there are no available yards. He

1 said that generally it is a case by case basis, but he would say that 8 feet would be the absolute minimum.

2

3 Ms. Griest asked Mr. Nolan if two parking spaces are provided, or one.

4

5 Mr. Nolan stated that that there are some community parking spaces, but there are not a lot of spaces. He
6 said that there is parking in the triangle and central area and the western piece. He said that they do not
7 allow more than two cars per unit. He said that they have discussed adding additional parking and figuring
8 out a way that they could potentially do that. He said that there is a triangle area behind the office and it has
9 been considered to add parking in that section over time. He said that generally, the parking is tight, but it is
10 not a common thing that they are receiving complaints from residents.

11

12 Mr. Passalacqua stated that the residents probably park right in front of the “No Parking” signs.

13

14 Mr. Nolan stated that in some instances, yes.

15

16 Ms. Capel stated that even though the idea is to provide emergency services access, people are going to be
17 parked in the road anyway.

18

19 Ms. Griest stated that having driven through this park with a truck and trailer, there have been places where
20 you cannot get through on a routine basis. She said that she is part of an organization that has constructed
21 wheelchair ramps in this park and getting into it with a standard pickup with a trailer is sometimes
22 impossible. She was hoping that the “No Parking” signs would alleviate some of the problem.

23

24 Mr. Passalacqua asked if there is a sign that indicates “No Parking” and you have a car, what are the
25 residents supposed to do, because they cannot park at the Casey’s next door.

26

27 Mr. DiNovo stated that no parking is enforced by the Champaign County Sheriff’s Department. He asked
28 Mr. Nolan if the Sheriff’s office patrols the park at any given time.

29

30 Ms. Griest stated that the park is private property; therefore, the Sheriff’s office will not enforce the no
31 parking requirement.

32

33 Mr. DiNovo asked who would enforce the no parking, because he can’t believe that the park owners will tow
34 the resident’s vehicles away.

35

36 Mr. Friend stated that in regards to the “No Parking” signs, he has had conversations with Chief Thuney,
37 Edge-Scott Fire Protection District and Chief Nightlinger, City of Urbana Fire Protection District, and if the
38 “No Parking” and “Fire Lane” Type D signs are posted local law enforcement will enforce the no parking
39 ban on private streets. He said that if a siren actuated gate is at the entrance along Smith Road, the resident
40 next to it cannot park in the street and local law enforcement will enforce the no parking if they are asked to
41 do so. He said that this cooperation with local law enforcement will require local law enforcement to do
42 something else, but it was Chief Thuney and Chief Nightlinger’s recommendation to post the signs and
43 request local law enforcement to assist.

44

45 Mr. Hall stated that the only way to move forward is to have the petitioner go through and tell the Board
46 which sites will need these special considerations, like sites 1-9 where zero separation is proposed between

1 Toni Lane and the front of any replacement home, and parking will need to be addressed. He said that also
2 an explanation of how they will address adequate parking when the new wider homes are placed with less
3 clearance between the homes will be required. He said that it he does not believe that it is reasonable to
4 require that all nonconformities be removed, but it is reasonable for the petitioner to provide a plan
5 indicating where nonconformities will be more nonconforming, and as long as adequate parking is being
6 provided, those nonconformities may be approved. He said that this has been one of his main concerns,
7 because there is so much to consider with these new homes that it is not as simple as it appears and a lot
8 more work needs to done.
9

10 Mr. Randol asked if it is feasible that the parking spaces be head-in parking between the homes. He said that
11 if 8 feet is proposed between the homes it is possible.
12

13 Mr. Hall stated that when the ZBA reviewed the Special Use Permit for Ivanhoe Estates, every site had two
14 parking spaces available. He said that the Board has never been presented with this mix of problems.
15

16 Mr. DiNovo stated that if there is a vehicle parked between two mobile homes that are 8 feet apart, there is
17 no way for a firefighter to get to the back of either of those homes without going the other way and if that is
18 happening up and down the block, this is a problem. He said that he is not unsympathetic to the new owners
19 trying to operate these mobile home parks and upgrade the houses at the same time, and this is a very
20 difficult problem. He said that he is open to accommodating the developer to some extent, but the way that
21 the waivers are drafted is too expansive and does not give him confidence that the park will comply with
22 standards over time. He said that he does not know where the point of compromise is here, but we are not
23 there yet.
24

25 Ms. Griest asked Mr. Nolan and Mr. Friend if it is possible for them to take the site plan and specifically
26 examine each unit and indicate which one would become more nonconforming. She said that those sites
27 should be delineated on the plan as well as how parking will or will not be provided for those units. She said
28 that as a Board member the no space option is a problem for her, because the rural nature of this area
29 indicates that public transportation does not provide residents many options; therefore, driving is a necessity
30 if they are employed.
31

32 Mr. Nolan stated that they inherited things, but they added two car parking and Toni Lane will be greatly
33 improved. He asked Ms. Griest to indicate which sites the Board believes have no parking.
34

35 Ms. Capel stated that the Board does not know and that is one of the things that the Board is requesting from
36 Mr. Nolan and Mr. Friend.
37

38 Ms. Griest stated that she cannot easily ascertain where the parking is designated for each lot.
39

40 Mr. Nolan stated that he does not believe that placing a home on a site that is two feet wider will have any
41 impact on the parking, because there are no situations where that two feet would be chosen in lieu of a
42 driveway beside a house. He said that there are some homes which have driveways, but not all do. He said
43 that the south side of Michelle Lane is where there is street parking for sites 50-63, but even in a case where
44 the houses are close together, if the house is 14 feet wide and there is 8 feet between it and the next house
45 there would be 22 feet of linear street way to park on, and that is probably the worst area for parking and
46 they have approximately 22 feet of street to park on in front of their house on their site. He said that they

1 could study the sites on a house by house basis.

2
3 Ms. Burgstrom stated that she completed a review, to the best of her ability, of the parking spaces for each
4 site, and the only sites that had zero parking spaces are the ones that have now been corrected on Toni Lane.
5 She said that she would not place her spreadsheet into the record, but at the time that she did her review,
6 there were 186 spaces required for the 93 existing sites and there were 165 parking spaces available in the
7 existing area, which is a difference of 21 spaces. She said that there are no houses that have zero parking
8 spaces anymore and the difference in the number available versus the number required is about 15 to 20.

9
10 Mr. Hall asked Ms. Burgstrom if those are off-street parking spaces.

11
12 Ms. Burgstrom stated that it is a combination of on-street and off-street parking spaces, because Michelle
13 Street does have enough width available to have on-street parking, she was able to add that into her
14 calculations. She said that there is a street by the west end by Casey's that could allow some on-street
15 parking.

16
17 Ms. Griest asked Ms. Burgstrom how her estimate will be impacted by the "No Parking" signs, if at all. She
18 said that she assumes that the signs will not be placed on streets that have adequate width. She said that her
19 biggest concern is how her estimate for parking will be affected by wider units. She asked if a wider unit is
20 placed, would a parking space be eliminated.

21
22 Mr. Nolan stated that they would not eliminate someone's parking space by placing a larger house on the
23 site. He said that if a 14 feet wide home could be placed on the site without losing the driveway or a 16 feet
24 wide home could be placed losing the driveway, they would always choose the 14 feet wide home so that the
25 driveway is kept.

26
27 Mr. DiNovo requested a plan showing the 9' x 20' minimum parking spaces for all the existing off-street
28 parking.

29
30 Ms. Burgstrom stated that she has already completed this document, but she cannot get to it at this moment.

31
32 Mr. DiNovo stated that he would like the petitioner to provide a good clear plan as part of the package of
33 approval, and based on that plan, require that there be no reduction in off-street parking. He said that spaces
34 can be moved around, but the number of off-street parking spaces cannot be reduced.

35
36 Ms. Griest stated that she understands Mr. DiNovo's reasoning for requiring the plan and implementing a
37 condition. She said that if this petitioner moves on, the next owner will be bound by the terms of that
38 agreement to ensure that we are not increasing the nonconformity by reducing parking.

39
40 Mr. Nolan agreed to provide the requested plan. He assured the Board that increasing a house size would not
41 decrease the available parking space or reduce the amount of off-street parking spaces.

42
43 Mr. DiNovo stated that one of the reasons why he would like the petitioner to prepare this is so we are all in
44 agreement as to what qualifies as an off-street parking space.

45
46 Ms. Capel asked if, given that fact that 12 feet wide homes could be replaced with 16 feet wide homes, will

1 the Board required a specific separation distance between houses.

2
3 Ms. Burgstrom stated that the Board required a 10 feet separation distance between houses in the Wood's
4 Edge Special Use Permit.

5
6 Ms. Griest asked Mr. Nolan if he could review a 10 feet separation distance between the homes and
7 determine how that would impact their plan.

8
9 Mr. Nolan agreed.

10
11 Ms. Burgstrom stated that they have a minimum of 8 feet separation between the houses in many of the
12 communities, but the IDPH requires 10 feet separation.

13
14 Mr. Nolan stated that the 8 feet separation was a requirement of an ordinance for a village in a densely-
15 populated area. He said that if the Ordinance already requires a 10 feet separation then there should be no
16 need for a special condition.

17
18 Ms. Griest asked Mr. Hall if the Board could continue their review of the special conditions, or would the
19 previous discussion change many of them.

20
21 Mr. Hall stated that the remaining special conditions would not be affected by the previous discussion. He
22 said that there may some dimensions that may be worse than they are now, but clearly stating the expectation
23 for the remainder, 8-10 feet between homes. He said that IDPH requires a minimum of 10 feet separation,
24 and that is also staff's recommendation.

25
26 Ms. Griest asked Mr. Nolan if he would like to continue the review of the remaining special conditions.

27
28 Mr. Nolan stated yes.

29
30 Ms. Griest called Joe Pisula to the witness microphone so that he may ask a question.

31
32 Mr. Joseph Pisula referred to Special Condition K. indicated on page 8 of Supplemental Memorandum #3,
33 dated August 17, 2017. He said that the first line indicates either wood or PVC and he would like the words
34 "either wood" deleted. He said that the second line of Special Condition K indicates: PVC/vinyl shall be
35 installed as detailed on Sheets E1 and E2. Mr. Pisula stated that Mr. Kingery testified at the previous
36 hearing that the Memorandum of Understanding indicates that everyone agreed to maintenance in perpetuity;
37 therefore, they would like the word "maintained" inserted.

38
39 Mr. DiNovo stated that the last line of Special Condition K also refers to wood.

40
41 Ms. Capel stated that the last line of Special Condition K is referring to a different section of fence.

42
43 Mr. Pisula stated that he is only referencing the fence on the west side of Smith Road.

44
45 Ms. Griest asked Mr. Pisula if he would also like a color delineated in the special condition.

46

1 Mr. Pisula stated that he would like to have the color delineated since that was their feedback.

2
3 Ms. Griest asked Mr. Nolan if he would like to cross-examine Mr. Pisula and Mr. Nolan declined.

4
5 Ms. Griest stated that the Board would continue their review of the remaining special conditions.

6
7 Ms. Griest read Special Condition F. as follows:

8
9 **F. Any proposed new construction and/ or proposed new use shall be authorized and**
10 **established as follows:**

11 (1) **A Change of Use Permit shall be required for any replacement of existing**
12 **nonconforming structures. The replacement structure shall be inspected by the**
13 **Zoning Administrator prior to occupancy and if the replacement structure is in**
14 **compliance with the approval in Case 870-S-17, then the Zoning Administrator shall**
15 **authorize occupancy in a Zoning Compliance Certificate. The total fee for a Change**
16 **of Use Permit for replacement of existing nonconforming structures, including the**
17 **Zoning Compliance Certificate, shall be \$66 per home site.**

18
19 (2) **As existing homes that are encroaching on the IDOT right-of way change**
20 **ownership, those homes must either be relocated or replaced with new homes**
21 **that do not encroach into the IDOT right-of-way, and the as-built location of**
22 **each replacement home shall be documented in an as-built site plan prepared by**
23 **an Illinois Professional Engineer or Illinois Licensed Land Surveyor. The**
24 **existing home sites are numbered 4, 5, 7, 8, 9 and 10 on the Overall Site Plan**
25 **received June 16, 2017.**

26
27 (3) **Each new home on proposed sites 94 through 114 shall be established pursuant**
28 **to a Zoning Use Permit that may include all homes on one combined permit or**
29 **individual homes on individual permits at a fee of \$33 per each site plus a**
30 **Zoning Compliance Certificate fee of \$33 per each site.**

31
32 (4) **Development of the proposed recreation areas shall be authorized either under a**
33 **Change of Use Permit for a fee of \$65 or may be combined for no fee with any**
34 **other required Change of Use Permit or Zoning Use Permit.**

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

37 **To clarify the permits that are required to ensure conformance with the Zoning**
38 **Ordinance.**

39
40 Ms. Griest asked Mr. Hall if by specifically stating the dollar amount of the fee and the fees change in the
41 future, is the Board locking the County into the old fee. She asked if there should be a reference to the
42 current fee schedule that is in effect on the change in lieu stating a specific dollar amount.

43
44 Mr. Hall stated that yes, if these replacements happen in ten years the County would lose a few dollars, so it
45 may be better to use the term "current fee schedule", but it would have to be explained how those current
46 fees were arrived at and there is a clear way that staff arrived at those fees. He said that the fees will not be

1 amended within the next few years, but it could be attempted to make the special condition more bullet
2 proof.

3
4 Ms. Griest stated that she does not want to lock the County into the fees.

5
6 Mr. Hall stated that he does not see the fees changing by a great deal in any event, but it would be a better
7 condition if we fixed that and staff will.

8
9 Mr. Nolan stated that in regards to Special Condition F1, there will be a separate section for parking
10 eventually, after their analysis. He said that for the Special Use Permit, he could list the sites that are
11 nonconforming. He asked if nonconforming is just in regards to the setbacks, and if not, what guidelines
12 should he use.

13
14 Ms. Griest stated that staff would work with Mr. Nolan on that project.

15
16 Ms. Capel asked if a deck is considered in the separation distance.

17
18 Ms. Griest stated that a ramp and a deck are considered to be temporary structures.

19
20 Ms. Capel stated that in such a tight situation, the ramp and deck could still effect life safety.

21
22 Mr. Hall stated that he does not believe that decks and ramps cause an impedance to fire protection.

23
24 services.

25
26 Mr. Randol stated that IDOT indicated that the mobile homes could remain unless they are upgraded or
27 changing ownership. He asked if the Board would not follow IDOT's request.

28
29 Mr. Hall stated that if the mobile home in the IDOT right-of-way changes ownership, then it must be
30 replaced.

31
32 Mr. Nolan asked what triggers a change of ownership of a house, because currently we will be working in
33 good faith that when a new applicant comes to them, he will notify staff. He asked if there is a way that staff
34 could work with the local tax assessor and use the personal tax rolls. He said that a mobile home has a title,
35 much like a vehicle, and when ownership changes, the title should be transferred in order to have the correct
36 name on the tax roll. He said that working with the local tax assessor would provide the County a level of
37 comfort.

38
39 Ms. Griest stated that a mobile home title is not filed with the Recorder of Deeds, but is filed with the
40 Illinois Secretary of State. She said that there is a mobile home tax for each unit that each owner pays.

41
42 Mr. DiNovo stated that the County Clerk maintains the register of the mobile home tax.

43
44 Mr. Hall stated that staff could speak to the County Clerk regarding coordination.

45
46 Mr. Nolan stated that they would be notified when someone sells their home to someone else and they can

1 start the process with the County.

2

3 Ms. Griest read Special Condition G. as follows:

4

5 **G. The Overall Layout Plan by Farnsworth Group, received June 16, 2017; the Revised**
6 **Expansion Permit Drawings for proposed new home sites received June 16, 2017; and**
7 **Sheets A1, A2, B1, and C1 by Farnsworth Group, received August 8, 2017, comprise the**
8 **official site plan for approval in Case 870-S-17.**

9

10 The special condition is necessary to ensure the following:

11 **That it is clear which version of the Site Plan submitted by the petitioners is the**
12 **approved site plan.**

13

14 Ms. Griest stated that this condition would be upgraded with any subsequent drawings that are submitted and
15 are finally approved as the official site plan.

16

17

18 **H. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until**
19 **the petitioner has provided the Zoning Administrator a copy of the written approval by**
20 **the Edge-Scott Fire Protection District Chief for the location, purchase, and installation**
21 **of the 4 proposed fire hydrants shown on Exhibit B: Sheet B1 received June 29, 2017,**
22 **and the as-built drawings of the siren actuated gate.**

23

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

25 **That public safety in the existing and proposed areas of Woodland Acres meet**
26 **local fire protection standards.**

27

28 Mr. Friend stated the Exhibit B. originally indicated 4 fire hydrants, which was submitted at the last ZBA
29 hearing, and since then they met with Chief Thuney and the Memorandum of Understanding indicated two
30 additional fire hydrants located at the intersection of Dale Lane and Toni Lane and Dale Lane and Michelle
31 Lane. He said that there would be a total of six fire hydrants.

32

33 Ms. Griest asked Mr. Nolan if he agreed to Special Condition H.

34

35 Mr. Nolan stated that he agreed to Special Condition H.

36

37 Ms. Griest read Special Condition I. as follows:

38

39 **I. The petitioner shall provide the Zoning Administrator a copy of the written approval**
40 **by the City of Urbana Plumbing Inspector of the inspection of any sanitary sewer**
41 **laterals installed for the properties per an intergovernmental agreement between the**
42 **City and UCSD (Ordinance 9192-110).**

43

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

45 **That new sewer connections are compliant with local regulations and**
46 **agreements.**

1 Ms. Griest asked Mr. Nolan if he agreed with Special Condition I.

2
3 Mr. Nolan stated that he agreed with Special Condition I.

4
5 Ms. Griest read Special Condition J. as follows:

6
7 **J. The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the**
8 **subject property until the petitioners submit as-built drawings of the streets, fire**
9 **hydrants, siren actuated gate, and detention basins.**

10
11 The special condition stated above is required to ensure the following:

12 **That proposed construction reflects what was included in the Approved Site**
13 **plan for Case 870-S-17.**

14
15 Ms. Griest asked Mr. Nolan if he agreed with Special Condition J.

16
17 Mr. Nolan indicated that he agreed with Special Condition J.

18
19 Ms. Griest read Special Condition K. as follows:

20
21 **K. A minimum 6-foot high/maximum 8-foot high privacy fence made of PVC/vinyl shall be**
22 **installed as detailed in Sheets E1 and E2 received August 17, 2017, as a condition of**
23 **Zoning Compliance. In addition, gaps in fencing along the south and west sides of the**
24 **subject property must be filled with a minimum 6-foot high privacy fence made of**
25 **either wood or PVC/vinyl.**

26
27 The special condition stated above is required to ensure the following:

28 **To ensure compliance with Section 6.2.2C.3. of the Zoning Ordinance.**

29
30 Mr. Hall recommended the following last sentence to Special Condition K.: All fences shall be maintained
31 in perpetuity. He said that he would add “and earthtone in color” after PVC/vinyl in the first sentence.

32
33 Ms. Capel asked if the Board wants to specify that the fence mentioned in the first part of the special
34 condition is along the east side of the park.

35
36 Mr. Hall stated no, it is detailed on the sheets.

37
38 Ms. Griest asked if the Board is going to indicate that the fence shall be maintained in perpetuity, should the
39 Board indicate that the fence should be maintained by the park owner. She said that it would go to reason,
40 but.

41
42 Mr. Hall stated that there is also the issue of the height of the fence recommended by the Edgewood
43 Homeowner’s Association.

44
45 Mr. Nolan asked if there is a location of the gaps that are mentioned.

1 Mr. Hall stated that staff could indicate those gaps.

2

3 Mr. Nolan asked if the gaps could be filled by landscaping or trees in lieu of a fence.

4

5 Mr. Hall stated yes.

6

7 Ms. Griest asked if the special condition should be modified to reflect that.

8

9 Mr. Hall stated that he would recommend beginning Special Condition K with the following: a visual screen
10 of either landscaping or a minimum 6-feet high privacy fence.

11

12 Ms. Griest agreed.

13

14 Ms. Griest stated that Mr. Kingery would like to add to the discussion.

15

16 Mr. Kevin Kingery, stated that he and Mr. Pisula, representatives of the Edgewood Subdivision
17 Homeowner's Association wondered why Special Condition K. indicates a minimum of 6-feet/maximum of
18 8-feet high privacy fence. He said that they would prefer that an 8-feet fence be required.

19

20 Ms. Griest stated that the Board will take that recommendation under advisement.

21

22 Mr. Nolan agreed to an 8-feet fence.

23

24 Ms. Griest asked Mr. Nolan if he agreed to Special Condition K.

25

26 Mr. Nolan agreed to Special Condition K.

27

28 **L. The manufactured home park shall be compliant at all times with the requirement for**
29 **Licensing from the Illinois Department of Public Health.**

30

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

32 **To ensure compliance with IDPH regulations and licensing that provide a**
33 **greater assurance of public health and safety and ensure that County**
34 **regulations and IDPH regulations are coordinated in a reasonable manner.**

35

36 Ms. Griest asked Mr. Nolan if he agreed with Special Condition L.

37

38 Mr. Nolan agreed with Special Condition L.

39

40 Ms. Griest informed Mr. Nolan that he has homework required for Case 870-S-17; therefore, final action
41 cannot occur tonight, but the Board could move to a final determination for Case 869-AM-17 tonight and the
42 case could be forwarded to ELUC.

43

44 Ms. Griest informed the petitioner that currently the Board has two members absent; therefore, it is at
45 the petitioners' discretion to either continue Cases 869-AM-17 until a full Board is present or
46 request that the present Board move to the Final Determination. She informed the petitioners that four

1 affirmative votes are required for approval.

2
3 Mr. Nolan requested that the present Board move to the Final Determination for Case 869-AM-17.

4
5 Ms. Griest stated that Supplemental Memorandum #3, dated August 17, 2017, indicates that staff
6 recommends the following changes to the Finding of Fact: Item 16 - LRMP Goal 7 Transportation: change
7 all decision points to will HELP ACHIEVE; and Item 20.H – Sinclair Factor: change decision point to will
8 HELP ACHIEVE; and Item 21 – purpose of the Zoning Ordinance: change overall decision point to will
9 HELP ACHIEVE; and Item 21.C – Purpose 2.0(c) regarding congestion in public streets; change decision
10 point to will HELP ACHIEVE.

11
12 Ms. Griest asked the Board if there were any questions or concerns regarding staff’s recommended changes.

13
14 **Mr. DiNovo moved, seconded by Mr. Randol, to accept staff’s recommendations for the Summary**
15 **Finding of Fact for Case 869-AM-17. The motion carried by voice vote.**

16
17 **Summary Finding of Fact for Case 869-AM-17:**

18
19 From the documents of record and the testimony and exhibits received at the public hearing conducted on
20 **June 29, 2017, and August 17, 2017**, the Zoning Board of Appeals of Champaign County finds that:

- 21
22 1. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the Land Resource
23 Management Plan because:
- 24 A. Regarding Goal 3 Prosperity:
- 25 (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3
26 objectives, the proposed rezoning will allow the petitioner to utilize the property
27 somewhat more intensively and continue business operations in Champaign County.
28
- 29 (2) Based on achievement of the above and because it will either not impede or is not
30 relevant to the other Objectives and Policies under this goal, the proposed map
31 amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.
32
- 33 B. Regarding Goal 5 Urban Land Use:
- 34 (1) It **WILL HELP ACHIEVE** Objective 5.1 regarding contiguous urban growth areas
35 because it **WILL HELP ACHIEVE** the following:
- 36 a. Policy 5.1.3 requiring conformance with municipal comprehensive plans for
37 developments propped with a municipality’s 1.5- mile extraterritorial
38 jurisdiction.
39
- 40 (2) It **WILL HELP ACHIEVE** Objective 5.3 regarding sufficient infrastructure and
41 services for proposed new urban development because it **WILL HELP ACHIEVE**
42 the following:
- 43 a. Policy 5.3.1 requiring sufficiently available public services for new urban
44 development.
45
- 46 b. Policy 5.3.2 requiring proposed new urban development, with proposed
47 improvements, to be adequately served by public infrastructure.

- 1 (3) Based on achievement of the above Objectives and Policies, the proposed map
 2 amendment **WILL HELP ACHIEVE** Goal 5 Urban Land Use.
 3
- 4 C. Regarding Goal 7 Transportation:
 5 (1) The proposed amendment **WILL HELP ACHIEVE** Goal 7 Transportation because it
 6 **WILL HELP ACHIEVE** the following:
 7 a. Policy 7.1.1 requiring traffic impact analyses for projects with significant
 8 traffic generation.
 9
- 10 D. Regarding Goal 8 Natural Resources:
 11 (1) The proposed amendment will **HELP ACHIEVE** Goal 8 because it will **HELP**
 12 **ACHIEVE** the following:
 13 a. Policy 8.4.2 requiring storm water management designs and practices that
 14 provide effective site drainage, protect downstream drainage patterns,
 15 minimize impacts on adjacent properties and provide for stream flows that
 16 support healthy aquatic ecosystems.
 17
- 18 E. The proposed amendment **WILL NOT IMPEDE** the following LRMP goal(s):
 19 • Goal 1 Planning and Public Involvement
 20 • Goal 2 Governmental Coordination
 21 • Goal 4 Agriculture
 22 • Goal 6 Public Health and Public Safety
 23 • Goal 9 Energy Conservation
 24 • Goal 10 Cultural Amenities
 25
- 26 F. Overall, the proposed map amendment *will HELP ACHIEVE* the Land Resource
 27 Management Plan.
 28
- 29 2. The proposed Zoning Ordinance map amendment **IS CONSISTENT** with the *LaSalle* and *Sinclair*
 30 factors because of the following:
 31 A. It is impossible to establish property values without a formal real estate appraisal, which has
 32 not been requested nor provided, and so any discussion of values is necessarily general.
 33
 34 B. There has been no evidence submitted regarding property values. This area is primarily
 35 residential and commercial in use, and the subject property has been a manufactured home
 36 park since 1960.
 37
 38 C. The gain to the public of the proposed rezoning would be allow the Petitioner to provide
 39 lower cost housing for the community.
 40
 41 D. Public comments relevant to the proposed rezoning can be found under Item 20.D.
 42
 43 E. The subject property has been a manufactured home park since 1960 and cannot be converted
 44 back to agricultural production.
 45
 46 F. The subject property is occupied and in use as a manufactured home park.

- 1 G. The ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE** the
- 2 Champaign County Land Resource Management Plan.
- 3
- 4 3. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the purpose of the
- 5 Zoning Ordinance because:
- 6 A. Establishing the special use as proposed by the Petitioner, which requires rezoning to R-5,
- 7 **WILL** lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).
- 8
- 9 B. Establishing the R-5 District at this location **WILL** lessen and avoid hazards to persons and
- 10 damage to property resulting from the accumulation of runoff of storm or flood waters
- 11 (Purpose 2.0 (d) see Item 21.D.).
- 12
- 13 C. Establishing the R-5 District at this location **WILL** help classify, regulate, and restrict the
- 14 location of the uses authorized in the R-5 District (Purpose 2.0 (i) see Item 21.G.).
- 15
- 16 D. Establishing the R-5 District in this location **WILL** help protect the most productive
- 17 agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0 (n)
- 18 Item 21.I).
- 19
- 20 E. Establishing the R-5 District at this location **WILL** encourage the preservation of agricultural
- 21 belts surrounding urban areas (Purpose 2.0 (q) Item 21.L).
- 22
- 23 F. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of
- 24 renewable energy sources (Purpose 2.0(r) Item 21.M).

25

26 4. The proposed Zoning Ordinance map amendment is subject to the following special condition:

27

28 **No special conditions are currently proposed.**

29

30 Ms. Griest entertained a motion to adopt the Findings of Fact, Documents of Record and Summary

31 Findings of Fact as amended.

32

33 **Ms. Capel moved, seconded by Mr. DiNovo to adopt the Findings of Fact, Documents of Record**

34 **and Summary Findings of Fact as amended. The motion carried by voice vote.**

35

36 Ms. Griest informed the petitioner that currently the Board has two members absent; therefore, it is at the

37 petitioners’ discretion to either continue Cases 869-AM-17 until a full Board is present or request that the

38 present Board move to the Final Determination. She informed the petitioners that four affirmative votes are

39 required for approval.

40

41 Mr. Nolan requested that the present Board move to the Final Determination for Case 869-AM-17.

42

43 **Final Determination for Case 869-AM-17:**

44

45 **Mr. Passalacqua moved, seconded by Ms. Capel, that pursuant to the authority granted by Section 9.2**

46 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**

1 **determines that:**

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The Zoning Ordinance Amendment requested in Case 869-AM-17 should BE ENACTED by the County Board in the form attached hereto.

Ms. Griest requested a roll call vote.

The roll was called as follows:

Capel – yes	DiNovo-yes	Griest – yes
Lee – absent	Passalacqua – yes	Randol – yes
Thorsland – absent		

Mr. Hall informed the petitioner that he has received a recommendation of approval and that Case 869-AM-17 will be forwarded to ELUC for their September 07, 2017, meeting and the County Board on September 21, 2017.

Mr. Friend asked the Board to provide clarity as to what homework is required prior to the next public hearing. He said that there are things that they can start on immediately, but it is going to be a bunch of CAD and field work. He said that he has an ALTA survey, prepared by Berns and Clancy & Associates that depicts the homes and they probably surveyed the corners of the park, which will make his life much easier.

Ms. Griest stated that perhaps Case 870-S-17 should be continued to the September 28, 2017, meeting.

Mr. DiNovo stated that the special use would not be effective until the map amendment is approved by the County Board.

Ms. Griest entertained a motion to continue the meeting to 10:10 p.m.

Mr. DiNovo moved, seconded by Mr. Passalacqua, to continue the meeting to 10:10 p.m. The motion carried by voice vote.

Mr. Nolan stated that he is sure that he can get the required information to staff quickly. He said that they need to figure how many 10 or 12 feet wide homes are in the park currently. He said that in regards to parking, they will do the best they can in compiling a list or spreadsheet, on a per lot basis, indicating how many off-street parking areas exist.

Ms. Griest stated that she would prefer seeing the off-street parking spaces on the drawing in lieu of the Board trying to coordinate with a spreadsheet.

Mr. DiNovo stated that the drawing would be critical in determining if a parking space is being eliminated that it would have to be replaced somewhere else.

Mr. Nolan requested that staff provide him with a short list of the major guidelines for the nonconforming piece, so that he can provide a list of homes located in that section.

1 Ms. Griest stated that Ms. Burgstrom is the expert who could provide Mr. Nolan with that information.

2
3 Ms. Griest entertained a motion to continue Case 870-S-17 to the September 14, 2017, meeting.

4
5 **Ms. Capel moved, seconded by Mr. Randol, to continue Case 870-S-17 to the September 14, 2017,**
6 **meeting. The motion carried by voice vote.**

7
8 Mr. Friend stated that he would have the required information to Ms. Burgstrom prior to September 1st.

9
10 **Case 873-AT-17 Petitioner: Champaign County Zoning Administrator Request to amend the**
11 **Champaign County Zoning Ordinance as follows: Part A: Amend Sections 7.1.1 and 7.1.2 to require**
12 **a Special Use Permit for any Neighborhood Home Occupation or Rural Home Occupation that**
13 **exceeds and/or does not meet the other requirements of Section 7.1.1 or Section 7.1.2 provided that the**
14 **Home Occupation is not a prohibited Home Occupation under paragraph 7.1.1.I or 7.1.2.J. and**
15 **specify that the residential use shall remain the principal use on the property, and the dwelling on the**
16 **subject property shall remain the principal building. Part B: Amend Section 7.1.1 to authorize**
17 **“minor auto repair” as a Neighborhood Home Occupation subject to a Special Use Permit when**
18 **located more than 1.5 miles from a municipality that prohibits “minor auto repair” as a home**
19 **occupation and subject to several standard conditions including but not limited to a condition that the**
20 **minor auto repair shall be conducted inside a building and a condition that the total building area**
21 **occupied by the minor auto repair shall not exceed 1,500 square feet or more than 150% of the**
22 **dwelling unit area, whichever is greater.**

23
24 Mr. Hall requested that Case 873-AT-17 be continued to the October 12, 2017, meeting.

25
26 **Ms. Capel moved, seconded by Mr. DiNovo, to continue Case 873-AT-17 to the October 12, 2017,**
27 **meeting. The motion carried by voice vote.**

28
29 **6. New Public Hearings**

30
31 None

32
33 **7. Staff Report**

34
35 None

36
37 **8. Other Business**

38 A. Review of Docket

39
40 Mr. DiNovo stated that he may be absent from the September 14th meeting.

41
42 **9. Audience Participation with respect to matters other than cases pending before the Board**

43
44 None

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46

1 **10. Adjournment**

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Ms. Griest entertained a motion to adjourn the meeting.

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

The meeting adjourned at 10:06 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals