

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: October 12, 2017

PLACE: John Dimit Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 7:00 p.m.

MEMBERS PRESENT: Catherine Capel, Frank DiNovo, Debra Griest, Jim Randol, Eric Thorsland, Marilyn Lee, Brad Passalacqua

MEMBERS ABSENT : None

STAFF PRESENT : Lori Busboom, Susan Burgstrom

OTHERS PRESENT : Donna Hixson, Gary Hixson, Terry Carter

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

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

3. Correspondence

None

4. Approval of Minutes (August 3, 2017 and August 17, 2017)

Mr. Thorsland stated that Mr. DiNovo emailed a list of corrections for the August 3, 2017 and August 17, 2017, minutes, and that email has been distributed to the Board for review.

Mr. Thorsland entertained a motion to approve the August 3, 2017 and August 17, 2017, minutes, as amended.

Ms. Capel moved, seconded by Mr. Randol, to approve the August 3, 2017 and August 17, 2017,

1 **minutes, as amended.**

2
3 Mr. Thorsland asked the Board if there were additional edits, beyond Mr. DiNovo’s, required for both sets of
4 minutes.

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6 Mr. DiNovo stated that it is hard to understand Mr. Fiscella’s intent on line 25 on page 28 of the August 3,
7 2017, minutes. He said that he is only making a point and is not suggesting any revision. He said that line
8 35-37 on page 25 of the August 17, 2017, minutes indicates the following: “She said that as a Board member
9 the no space option is a problem for her, because the rule of nature for this area indicates that public
10 transportation does not provide residents many options; therefore, driving is a necessity if they are
11 employed.” He said that the text sounded odd to his ear and he suspects that something different was said,
12 but he would not guess what it was.

13
14 Mr. Randol stated that if this is what was said then it is in the minutes.

15
16 Ms. Griest stated that she would be comfortable with Ms. Burgstrom reviewing the tape and editing her
17 statement. She said that she does remember the first three lines of that discussion, but she does not
18 remember anything after that. She said that her point was that the petitioner needed to delineate the site so
19 the Board could determine the parking spaces, which was later resolved.

20
21 Mr. DiNovo stated that it would be a good sentence if it were revised as follows: She said that as a Board
22 member the no space option is a problem for her, because public transportation does not provide residents
23 many options; therefore, driving is a necessity if they are employed.

24
25 Ms. Griest stated that she is comfortable with Mr. DiNovo’s edit.

26
27 **The motion carried by voice vote, with one opposing vote.**

28
29 Ms. Lee stated that she opposed the motion because of her absence from both meetings.

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31 **5. Continued Public Hearing**

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33 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
34 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
35 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
36 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
37 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
38 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
39 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
40 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
41 **driveway separation between driveways in the same development; (4) require minimum driveway**

1 standards for any residential lot on which a dwelling may be more than 140 feet from a public street;
2 (5) require for any proposed residential lot not served by a public water supply system and that is
3 located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other
4 than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract
5 the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)
6 require for any proposed RRO in a high probability area as defined in the Illinois State Historic
7 Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy
8 of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the
9 Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of
10 the agency response.

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12 Mr. Thorsland stated that the Zoning Administrator has requested that Case 685-AT-11 be continued to the
13 November 16, 2017, meeting.

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15 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the November 16, 2017, meeting.

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17 **Ms. Griest moved, seconded by Ms. Capel, to continue Case 685-AT-11 to the November 16, 2017,**
18 **meeting.**

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20 Mr. DiNovo stated that the public notice is stale and the case should be republished. He said that it would
21 make more sense to republish the case with a new 2017 case number.

22
23 Mr. Thorsland stated that perhaps that manner should be discussed later, but at this moment the Zoning
24 Administrator has requested that Case 685-AT-11 be continued to the November 16, 2017, meeting.

25
26 Mr. DiNovo stated that six years is unacceptable.

27
28 Mr. Thorsland stated that the Zoning Administrator is not present; therefore, the Board is not going to
29 discuss dismissal of the case or re-advertisement, and is only going to vote on what the Zoning
30 Administrator has requested.

31
32 Mr. DiNovo stated that once the motion is on the floor it is open for debate, and his opinion is that the case
33 should be dismissed and re-advertised under a current case number.

34
35 **The motion carried by voice vote, with one opposing vote.**

36
37 **Case 873-AT-17 Petitioner: Champaign County Zoning Administrator Request to amend the**
38 **Champaign County Zoning Ordinance as follows: Part A: Amend Sections 7.1.1 and 7.1.2 to require**
39 **a Special Use Permit for any Neighborhood Home Occupation or Rural Home Occupation that**
40 **exceeds and/or does not meet the other requirements of Section 7.1.1 or Section 7.1.2 provided that the**
41 **Home Occupation is not a prohibited Home Occupation under paragraph 7.1.1.I or 7.1.2.J. and**

1 specify that the residential use shall remain the principal use on the property, and the dwelling on the
2 subject property shall remain the principal building. Part B: Amend Section 7.1.1 to authorize
3 “minor auto repair” as a Neighborhood Home Occupation subject to a Special Use Permit when
4 located more than 1.5 miles from a municipality that prohibits “minor auto repair” as a home
5 occupation and subject to several standard conditions including but not limited to a condition that the
6 minor auto repair shall be conducted inside a building and a condition that the total building area
7 occupied by the minor auto repair shall not exceed 1,500 square feet or more than 150% of the
8 dwelling unit area, whichever is greater.

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10 Mr. Thorsland stated that the Zoning Administrator has requested that Case 873-AT-17 be continued to the
11 November 16, 2017, meeting.

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13 Mr. Thorsland entertained a motion to continue Case 873-AT-17 to the November 16, 2017, meeting.

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15 **Mr. DiNovo moved, seconded by Mr. Randol, to continue Case 873-AT-17 to the November 16, 2017,**
16 **meeting. The motion carried by voice vote.**

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18 **6. New Public Hearings**

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20 **Case 884-AM-17 Petitioner: Kimberly Young, d.b.a. Quick Leasing, Inc. Request to amend the**
21 **Zoning Map to change the zoning district designation from the I-1 Light Industry Zoning District**
22 **to allow expansion of an existing diesel truck maintenance facility with truck sales. Location: A**
23 **proposed 2.99-acre parcel in the Northeast Quarter of the Northwest Quarter of Section 24, Township**
24 **20N, Range 8E, in Hensley Township and commonly known as the proposed expansion site for Rush**
25 **Truck Center Champaign, 309 West Hensley Road, Champaign.**

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27 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
28 the witness register for that public hearing. He reminded the audience that when they sign the witness
29 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
30 time.

31
32 Mr. Thorsland informed the audience that Case 884-AM-17 is an Administrative Cases and as such, the
33 County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will
34 ask for a show of hands for those who would like to cross-examine and each person will be called upon. He
35 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.
36 He said that those who desire to cross-examine are not required to sign the witness register but are requested
37 to clearly state their name before asking any questions. He noted that no new testimony is to be given during
38 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
39 exempt from cross-examination.

40
41 Mr. Thorsland asked the petitioner if he would like to make a statement regarding the case.

1
2 Mr. Terry Carter, whose office is located at 10020 Aurora Hudson Road, Streetsboro, Ohio, stated that he is
3 in attendance tonight to represent the petitioner, Rush Trucks. He said that his client desires to construct the
4 parking addition so that they can use the property as part of their business center and sell their trucks.
5
6 Mr. Thorsland stated that a special condition of approval has been proposed and Mr. Carter will be required
7 to agree to that special condition. He asked Mr. Carter if he had any questions regarding the Land Resource
8 Management Goals and Policies included in the mailing packet.
9
10 Mr. Carter stated that he did not have any questions or concerns regarding the Land Resource Management
11 Goals and Policies.
12
13 Mr. DiNovo asked Mr. Carter to indicate the nature of Rush Trucks' business.
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15 Mr. Carter stated that they lease trucking equipment and service trucks.
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17 Mr. DiNovo stated that the trailer sales will be a new addition to their operation.
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19 Mr. Carter stated that Rush Trucks already sells trailers at their current site, but they need additional stalls
20 for their new trucks.
21
22 Ms. Lee stated that there was a comment where the water detention would be added. She asked if the
23 detention basin is indicated on the drawings.
24
25 Mr. Thorsland stated that the location of the detention basin is indicated, but the capacity will be addressed
26 when the Stormwater Management Plan is reviewed and approved.
27
28 Ms. Griest asked Mr. Carter to elaborate on what his relationship is to the petitioner. She said that Mr.
29 Carter indicated that he was representing the petitioner but he did not indicate in what capacity he was
30 representing the petitioner.
31
32 Mr. Carter stated that he is the project manager for the construction company, Geis Companies, LLC.
33
34 Ms. Griest thanked Mr. Carter for his information. She said that she was just curious where he ranked in the
35 hierarchy.
36
37 Mr. Thorsland asked the Board if there were any additional questions for Mr. Carter and there were none.
38
39 Mr. Thorsland read Special Condition A. as follows:
40
41 **A. The owners of the subject property hereby recognize and provide**

1 the right of agricultural activities to continue on adjacent land consistent
2 with the Right to Farm Resolution 3425.

3
4 The above special condition is necessary to ensure the following:
5 **Conformance with LRMP Policy 4.2.3.**
6

7 Mr. Thorsland asked Mr. Carter if he agreed to Special Condition A.
8

9 Mr. Carter stated that he agreed to Special Condition A.
10

11 Mr. Thorsland entertained a motion to approve Special Condition A, as read.
12

13 **Mr. Randol moved, seconded by Mr. DiNovo, to approve Special Condition A., as read. The motion**
14 **carried by voice vote.**
15

16 Mr. Thorsland asked the audience if anyone desired to sign the witness register and present testimony
17 regarding this case, and there was no one.
18

19 Mr. Thorsland stated that there are no new Documents of Record.
20

21 Mr. Thorsland stated that the Board would now move to the Summary Finding of Fact for Case 884-AM-17.
22

23 **SUMMARY FINDING OF FACT FOR CASE 884-AM-17:**
24

25 **From the documents of record and the testimony and exhibits received at the public hearing**
26 **conducted on October 12, 2017, the Zoning Board of Appeals of Champaign County finds that:**
27

28 **1. The proposed Zoning Ordinance map amendment will HELP ACHIEVE the Land**
29 **Resource Management Plan because:**

30 **A. Regarding Goal 3:**

31 **(1) The proposed rezoning will allow the Petitioner to sell the property and**
32 **permit the new owners to conduct their business under proper zoning and**
33 **therefore the proposed rezoning can be said to HELP ACHIEVE Goal 3.**
34

35 **(2) Based on achievement of the above and because it will either not impede or is**
36 **not relevant to the other Objectives and Policies under this goal, the**
37 **proposed map amendment will HELP ACHIEVE Goal 3 Prosperity.**
38

39 **B. Regarding Goal 4:**

40 **(1) It will HELP ACHIEVE Objective 4.1 requiring minimization of the**
41 **fragmentation of farmland, conservation of farmland, and stringent**

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development standards on best prime farmland because it will HELP ACHIEVE the following:

- a. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 14.C.(2)).
- b. Policy 4.1.4, guaranteeing landowners of a lawfully created lot, the by-right development allowance to establish a new single-family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met (see Item 14.C.(3)).
- c. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.C.(4)).
- d. Policy 4.1.7 requiring a maximum lot size limit on new lots established as by right development on best prime farmland (see Item 14.C.(5)).

(2) It will HELP ACHIEVE Objective 4.2 requiring discretionary development to not interfere with agriculture because it will HELP ACHIEVE the following:

- a. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
- b. Policy 4.2.2 requiring discretionary development in a rural area to not negatively affect or be negatively affected by agricultural activities, and not interfere or negatively affect the operation of ag-related infrastructure (see Item 14.B.(2)).
- c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 14.B.(3)).
- d. Policy 4.2.4 requiring that all discretionary review consider whether a

buffer between existing agricultural operations and the proposed development is necessary (see Item 14.B.(4)).

- (3) It will HELP ACHIEVE Objective 4.3 requiring any discretionary development to be on a suitable site because it will HELP ACHIEVE the following:
 - a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 14.A.(1)).
 - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.A.(2)).
 - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.A.(3)).
 - d. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture or is appropriate in a rural area (see Item 14.A.(4)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment will HELP ACHIEVE Goal 4 Agriculture.

C. Regarding Goal 5:

- (1) It will HELP ACHIEVE Objective 5.1 regarding contiguous urban growth areas because it will HELP ACHIEVE the following:
 - a. Policy 5.1.3 requiring conformance with municipal comprehensive plans for developments propped with a municipality’s 1.5-mile extraterritorial jurisdiction (see Item 15.C.(1)).
 - b. Policy 5.1.4 requiring additional considerations for discretionary development proposed within municipal extra-territorial jurisdictions (see Item 15.C.(2)).
 - c. Policy 5.1.5 requiring the County to encourage urban development to explicitly recognize and provide for the right of agricultural activities on adjacent land (see Item 15.C.(3)).
 - d. Policy 5.1.6 requiring operations and the proposed urban development (see Item 15.C.(4)).
- (2) It will HELP ACHIEVE Objective 5.3 regarding sufficient infrastructure

and services for proposed new urban development because it will HELP ACHIEVE the following:

- a. Policy 5.3.1 requiring sufficiently available public services for new urban development (see Item 15.B.(1)).
- b. Policy 5.3.2 requiring proposed new urban development, with proposed improvements, to be adequately served by public infrastructure (see Item 15.B.(2)).

(3) Based on achievement of the above Objectives and Policies, the proposed map amendment will HELP ACHIEVE Goal 5 Urban Land Use.

D. Regarding Goal 7:

(1) Objective 7.1 consider traffic impact in land use decisions because it will HELP ACHIEVE the following:

- a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation (see Item 17.A.(1)).

(2) Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will HELP ACHIEVE Goal 7 Transportation.

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

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 6 Public Health and Public Safety
- Goal 8 Natural Resources
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

F. Overall, the proposed map amendment will HELP ACHIEVE the Land Resource Management Plan.

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

A. The gain to the public of the proposed rezoning is positive because the proposed amendment would allow for the expansion of an existing facility that will continue to benefit both urban and rural residents and businesses as well as interstate travelers.

B. The subject property is suitable for the proposed zoned purposes; nothing

developed on the property under the current I-1 zoning, which has been in place since 2001. This rezoning is for the expansion of an existing business, which has been deemed suitable for its rezoning to B-4 in Case 804-AM-15.

- C. The existing diesel truck maintenance and repair facility needs more parking area, and has made an offer to purchase the property contingent upon its rezoning to B-4 General Business.
- D. The proposed use generally conforms to the goals and policies of the Champaign County Land Resource Management Plan.

3. The proposed Zoning Ordinance map amendment will HELP ACHIEVE the purpose of the Zoning Ordinance because of the following:

- A. The rezoning would achieve Purpose 2.0 (a) to secure adequate light, pure air, and safety from fire and other dangers because they only propose to expand their parking area on this site; no new buildings are planned.
- B. The rezoning would achieve Purpose 2.0 (c) to lessen and avoid congestion in the public streets because traffic would not be expected to increase because no new buildings or services are being proposed at the rezoning site; it is only going to be used for expanding parking for the existing Rush Truck Center.
- C. The rezoning would achieve Purpose 2.0 (d) of the Ordinance to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters because the petitioners propose a retention basin on the site to offset the increase in impervious area created by the proposed parking area.
- D. The rezoning would achieve Purpose 2.0 (n) of the Ordinance to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses because the subject property has had industrial zoning since 2001 and business zoning prior to that, and the proposed use will not take any land out of production.

Mr. DiNovo moved to adopt the Summary Finding of Fact and Documents of Record for Case 884-AM-17, as prepared by staff.

Mr. Thorsland requested a second.

Ms. Capel seconded Mr. DiNovo's motion.

The motion carried by voice vote.

1 Ms. Burgstrom noted that the other two audience members present are members of the Hensley Township
2 Planning Commission and are present to hear the case.

3
4 Mr. Thorsland asked the audience if they desired to sign the witness register to present testimony regarding
5 Case 884-AT-17, and there was no one.

6
7 Mr. Thorsland informed Mr. Carter that there is a full Board present at the meeting and four affirmative
8 votes are necessary for approval.

9
10 **FINAL DETERMINATION FOR CASE 884-AM-17:**

11 **Ms. Griest moved, seconded by Mr. DiNovo, that pursuant to the authority granted by Section 9.2**
12 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
13 **determines that:**

14 **The Zoning Ordinance Amendment requested in Case 884-AM-17 should BE ENACTED**
15 **by the County Board in the form attached hereto.**

16 **SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

17 **A. The owners of the subject property hereby recognize and provide for the right of**
18 **agricultural activities to continue on adjacent land consistent with the Right to**
19 **Farm Resolution 3425.**

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

21 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

22
23 Mr. Thorsland requested a roll call vote.

24
25 The roll was called as follows:

26
27 **Capel – yes DiNovo-yes Griest-yes**
28 **Lee- yes Passalacqua - yes Randol – yes**
29 **Thorsland – yes**

30
31 Ms. Burgstrom informed Mr. Carter that he has received a recommendation of approval and the case will be
32 forwarded to the Environment and Land Use Committee for their November 9th meeting, and then forwarded
33 to the County Board for their meeting on November 21st. She said that staff will be in contact regarding
34 these meetings.

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7. Staff Report

None

8. Other Business
A. Review of Docket

Mr. Thorsland stated that Cases 685-AT-11 and 873-AT-17 have been continued to the November 16, 2017, meeting. He asked the Board if there were any future absences that could be announced to staff.

Ms. Griest stated that it is possible that she may be in attendance for the October 26th meeting, but at this point she is not for sure. She said that it might be good to continue indicating her absence until she notifies staff otherwise.

Mr. Thorsland stated that he will be absent from the November 16th and 30th meetings.

Ms. Capel stated that she will also be absent from the October 26th meeting as well.

Ms. Busboom stated that for budgeting purposes, she has a list indicating known Board absences for meetings. She said that we are down to the penny on per diems.

Ms. Griest stated that if she needs to be absent from the October 26th meeting then she would be happy to accommodate staff.

Ms. Capel asked Mr. Thorsland if the Board should vote to cancel the December 28th meeting.

Ms. Burgstrom stated that staff has discussed the possibility of moving Case 886-S-17 to the December 14th meeting. She said that on December 14th there will be two cases heard, Case 886-S-17 and Case 888-V-17. She said that moving Case 886-S-17 to the December 14th meeting would allow the Board to cancel the November 30th meeting as well.

Mr. Thorsland entertained a motion to move Case 886-S-17 to the December 14th meeting.

Ms. Capel moved, seconded by Ms. Griest, to move Case 886-S-17 to the December 14th meeting. The motion carried by voice vote.

Mr. Thorsland entertained a motion to cancel the November 30th and December 28th meetings.

Ms. Capel moved, seconded by Ms. Griest to cancel the November 30th and December 28th meetings. The motion carried by voice vote.

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

None

10. Adjournment

Mr. Thorsland entertained a motion to adjourn the meeting.

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

The meeting adjourned at 7:25 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals