

AGENDA

Champaign County Environment & Land Use Committee

Date: *March 14, 2005*

Time: *7:00 p.m.*

Place: *Meeting Room 1
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois*

Members:

*Jan Anderson, Patricia Busboom, Chris Doenitz,
Tony Fabri, Nancy Greenwalt (VC), Ralph
Langenheim (C), Brendan McGinty, Steve Moser,
Jon Schroeder*

Phone: *(217) 384-3708*

AGENDA

Old Business shown in Italics

1. **Call to Order**
2. **Approval of Agenda**
3. **Approval of Minutes (April 08, 2004 and May 03, 2004)** 1 thru 22
4. **Correspondence**
5. **County Board Chair's Report**
6. **Request of Rock the Shed, Inc, a non-profit corporation and Steve Willard, shareholder, to waive the required fee for a Map Amendment and Special Use Permit to operate a Private Indoor Recreational Development located in Section 36, Newcomb Township.** 23
7. **Request of Bob and Rita Wingler, d.b.a. The Apple Dumplin' to waive the required fee for a Zoning Use Permit for a sign, located in Section 2 of Urbana Township.** 24
8. **Consideration of an amendment to the Champaign County Liquor Ordinance No. 653, Ordinance Establishing the Rules and Regulations Governing the Sale and Consumption of Alcoholic Liquor.** 25 thru 28
9. **Case 475-AT-04: Zoning Administrator** 29 thru 50
Request: Amend Sections 9.1.5 through 9.1.10 and Section 9.3
 - A. **Adjust parameters of minor and major variance classifications**
 - B. **Clarify the presiding authority for each variance classification**
 - C. **Restrict hearing officer duties**
 - D. **Remove option of appealing a hearing officer decision to the ZBA**
 - E. **Broaden requirements regarding maintenance of minutes and public records to include hearing officer**
 - F. **Make editorial changes to improve clarity**
10. **Planning and Zoning Report** 51 thru 59
 - A. **Barking dog enforcement** (information to be distributed)
 - B. **Enforcement list review** (information to be distributed)
11. **Determination of Items to be placed on the County Board Consent Agenda**
12. **Adjournment**

MINUTES OF SPECIAL MEETING

Champaign County Environment & Land Use Committee Champaign County Brookens Administrative Center Urbana, IL 61802	DATE: April 08, 2004 TIME: 6:30 p.m. PLACE: Meeting Room 2 Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802
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MEMBERS PRESENT: Jan Anderson, Patricia Busboom, Chris Doenitz, Nancy Greenwalt (VC), Ralph Langenheim (C), Steve Shoemaker, Jon Schroeder

MEMBERS ABSENT: Barbara Wysocki, Greg Knott

STAFF PRESENT: John Hall

OTHERS PRESENT: Joel Fletcher, Dan Walsh

1. Call to Order, Roll Call

The meeting was called to order at 6:30 p.m. The roll was called and a quorum was declared present.

2. Approval of Agenda

Ms. Greenwalt moved, seconded by Ms. Anderson to approve the agenda as submitted. The motion carried by voice vote.

3. Public Participation

None

4. Consideration of an amendment to the Champaign County Liquor Ordinance #653–Hours of Operation of Grocery Stores and Gas Stations Licensed for the Sale of Alcohol.

Ms. Greenwalt moved, seconded by Ms. Anderson to recommend approval of a consideration of an amendment to the Champaign County Liquor Ordinance #653–Hours of Operation of Grocery Stores and Gas Stations Licensed for the Sale of Alcohol.

1 Mr. Joel Fletcher, Assistant State’s Attorney stated that the proposal is not to extend the hours of operation
2 for grocery stores and gas stations but to clarify that they are not required to close their doors for certain
3 periods of the day unlike other licensees.
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5 Ms. Anderson questioned Mr. Fletcher if the gas stations or grocery stores could sell alcohol during the time
6 period when other licensees have to shut down.
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8 Mr. Fletcher stated that the gas stations and grocery stores must follow the same time restrictions for the sale
9 of alcohol but they are not required to completely close their business during this time period.
10

11 **The motion passed unanimously by voice vote.**
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14 **5. Determination of items to be placed on the County Board Consent Agenda**

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16 **The consensus of the Committee was to place Item #4 on the County Board Consent Agenda.**
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19 **6. Adjournment**

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21 The meeting adjourned at 6:37 p.m.
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25 Respectfully submitted,
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30 Secretary to the Environment and Land Use Committee
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1 **MINUTES OF REGULAR MEETING**

2 **Champaign County Environment** **DATE:** **May 03, 2004**
3 **& Land Use Committee** **TIME:** **7:00 p.m.**
4 **Champaign County Brookens** **PLACE:** **Meeting Room 1**
5 **Administrative Center** **Brookens Administrative Center**
6 **Urbana, IL 61802** **1776 E. Washington Street**
7 **Urbana, IL 61802**

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12 **MEMBERS PRESENT:** Jan Anderson, Patricia Busboom, Chris Doenitz, Nancy Greenwalt (VC),
13 Ralph Langenheim (C), Steve Shoemaker, Barbara Wysocki, Jon Schroeder,
14 Greg Knott

15
16 **OTHER COUNTY BOARD**

17 **MEMBERS PRESENT:** Tricia Avery

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20 **MEMBERS ABSENT:** None

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22 **STAFF PRESENT:** John Hall, Connie Berry, Jamie Hitt, Lori Busboom, Joel Fletcher, Frank
23 DiNovo

24
25 **OTHERS PRESENT:** Scott Cochran, Chris Copeland, John Kamradt, George Dries, Jenny Heck,
26 Summer Jackson, Ike Mapson, Tom Eichelberger, Jeanette During, Frank
27 Kohleman, Wes Meyers, Alvin Brock, Hal Barnhart, Chuck Sharp, Michael
28 Brock

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32 **1. Call to Order, Roll Call**

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34 The meeting was called to order at 7:04 p.m. The roll was called and a quorum declared present.

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37 **2. Approval of Agenda**

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39 **Ms. Wysocki moved, seconded by Mr. Shoemaker to approve the agenda as submitted.**

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41 **Ms. Greenwalt moved, accepted by Ms. Wysocki, as a friendly amendment to the original motion, to**
42 **amend the agenda by hearing Item #12, Liquor Ordinance Amendment correcting fees for Class D**
43 **and D-1 License and freezing all liquor license fees at the current rate prior to Item #11, Liquor**
44 **Ordinance Amendment correcting fees of Class D and D-1 License and to withdraw Item #B1., of**
45 **Addendum #2. She requested a Special Meeting of the Environment and Land Use Committee on**

May 06, 2004, at 6:45 p.m., for an anticipated recommendation of approval of a proposed Amendment to Liquor License Classifications. The motion carried by voice vote.

3. Minutes of Previous Meeting

None

4. Public Participation

Mr. Isaac Mapson, owner of the Malibu Bay Lounge stated that he supports the proposed extension of the hours of operation for bars on the weekends. He submitted his letter of support for the Committee’s review and an attached article titled, “Normal bars now close later,” which was published in the April 21st edition of the News Gazette.

Ms. Karla Smart, secretary for Honey Bee Productions, Inc. read Mr. Mapson’s letter to the Committee regarding the proposed extension of the hours of operation for bars on the weekends.

Ms. Summer Jackson, who resides at 2317 Blackthorn Dr., Champaign, Il. stated that she supports the proposed extension of the hours of operation for bars on the weekends. She said that she has friends who live in Mahomet and other rural areas who work the late shift and many times would like to stop by a local bar after work to unwind. She said that she currently works in a bar located in downtown Champaign and the extended hour for the city has produced more revenue for the bar.

Ms. Jenny Heck, member of the Liquor Advisory Committee stated that she supports the proposed extension of the hours of operation for bars on weekends. She said that she has a lot of friends who work at companies during the late shift and they would like to be able to stop by their local bar and enjoy a drink or socialize prior to going home.

Mr. George Dries, partial owner of the Pink House stated that they received some complaints regarding the loud music generated by the disc jockey and therefore stopped having a disc jockey until this issue could be rectified. He said that the music and bass generated by the live bands have been toned down and the south door has been closed. He added that he supports the proposed extension of the hours of operation for bars on the weekend. He said that allowing the bars to stay open will prevent people from traveling elsewhere to have access to that additional hour.

5. Correspondence

None

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6 County Board Chair’s Report

Ms. Avery stated that the owner’s of the Pink House applied for a Liquor License with the County. She said that several complaints have been received regarding the loud music generated from the disc jockey. She said that as a result of the complaints the owners discovered that they are required to obtain a Recreation and Entertainment License for the disc jockey and any other events desired at the establishment.

Mr. Joel Fletcher, Assistant State’s Attorney stated that the Environment and Land Use Committee has the authority to grant or deny the request for a Recreation and Entertainment License based upon received complaints and determining if the requested events will cause a public nuisance.

Ms. Wysocki stated that a previous hearing was held regarding past violations which occurred at the Pink House and questioned the penalty for those violations.

Mr. Fletcher stated that a hearing was held and the penalty consisted of a \$500 fine.

Ms. Avery stated that the correct penalty amount was as follows: \$500 fine for violations regarding Section 16(B); \$250 fine for violations regarding Sections 13(A) and 13(A1); 7; 8(E) and; 11, totaling to \$850.

Ms. Busboom questioned the hours of operation for the Pink House’s requested Recreation and Entertainment License.

Mr. Fletcher stated that the Recreation and Entertainment License required the Pink House to be closed between the hours of 1 a.m. and 7 a.m. and the Liquor Ordinance would allow the establishment to be open until 2 a.m. but no sale of alcohol after 1 a.m.

Ms. Busboom reminded the Committee that a similar situation regarding noise occurred on North Cunningham and complaints were received. She said that the Sheriff’s office was called many times due to the disruption and urged the Committee to take this information into consideration when determining the approval or denial of the Pink House’s application for a Recreation and Entertainment License.

7. Subdivision Case 174-04: Nature’s Landing Subdivision. Final Plat Approval for a ten-lot subdivision of an existing 20.2 acre tract in the CR District in Section 25 of Newcomb Township.

Mr. Hall stated that a new memorandum dated May 03, 2004 was distributed to the Committee for review. He said that the State’s Attorney has reviewed the Performance Guarantee but since that guarantee was submitted less than the 14 days prior to the meeting date the Petitioner has not had time to follow up upon

1 those comments. He said that if the Committee desired to take action upon this case at tonight's meeting
2 then the Committee must include a special condition regarding written approval of the Performance
3 Guarantee by the State's Attorney prior to the May 20, 2004, County Board meeting.
4

5 Mr. Fletcher stated that the Committee could recommend approval of the subdivision subject to submission
6 of an adequate performance guarantee bond before it is approved by the County Board.
7
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9 **Mr. Shoemaker moved, seconded by Mr. Doenitz to recommend approval of Case 174-04, Nature's**
10 **Landing Subdivision subject to submission of an adequate Performance Guarantee prior to the May**
11 **20, 2004 County Board meeting. The motion carried by voice vote.**
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14 **8. Request for refund of withdrawn Zoning Use Permit Application fees by Andrea Nolan.**
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16 **Ms. Greenwalt moved, seconded by Ms. Busboom to approve the request for a refund of withdrawn**
17 **Zoning Use Permit Application fees by Andrea Nolan.**
18

19 Ms. Greenwalt questioned Mr. Hall how much time and money had been spent on the application.
20

21 Mr. Hall stated that the staff's new Zoning Use Permit Application checklist indicates the amount of time
22 that was spent on the approval and issuance of the permit. He said that the parcel is not in a subdivision
23 therefore the review is somewhat more detailed. He said that the Zoning Ordinance does not authorize the
24 Zoning Director to refund fees only the Environment and Land Use Committee has that authorization.
25

26 Mr. John Kamradt, father of Andrea Nolan, stated that his daughter and her husband had intended to build
27 a home this spring and obtained the building permit. He said that after the permit was received Mr. Nolan
28 was accused of two class act felonies and the Department of Children and Family Services requested Ms.
29 Nolan and her children to relocate. He said that Ms. Nolan is not receiving funds from Mr. Nolan and she
30 is attempting to get her feet back on the ground. He apologized for his daughter's absence but she was not
31 able to attend this meeting.
32

33 **Ms. Busboom moved, seconded by Mr. Schroeder to refund the full amount of the permit fee to Ms.**
34 **Nolan as requested.**
35

36 Ms. Greenwalt questioned if the approved permit would be pulled and returned if the refund is approved and
37 if the refund was denied how long would the permit be valid.
38

39 Mr. Hall stated that the permit is only valid for one year but if the refund of the fee is approved staff will
40 withdraw the approval. He said that if the Committee denies the request for the refund and construction has
41 not begun within six month of the issuance of the approved permit it would be in default.

1 Ms. Wysocki questioned if there were any previous requests for a refund which would set a precedence for
2 such a request.

3
4 Mr. DiNovo stated that previous requests have been brought before the Committee and the full fees were
5 refunded to the applicant.

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8 Mr. Fletcher stated that he has not researched this issue and cannot comment on any legalities.

9
10 Ms. Wysocki stated that she would like legal comments from the State’s Attorney’s office regarding this
11 issue.

12
13 **Ms. Wysocki moved to defer this request until comments from the State’s Attorney’s office have been**
14 **received for the Committee’s review. The motion failed for lack of a second.**

15
16 Mr. Shoemaker stated that he supports the refund and does not feel that comments from the State’s
17 Attorney’s office is necessary.

18
19 **Ms. Busboom’s motion, seconded by Mr. Schroeder carried.**

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22 **9. Recreation and Entertainment License: Kams of Illinois, LLC, d.b.a. Pink House, 2698 CR**
23 **1600 N, Ogden, Il., 61859**

24
25 **Ms. Greenwalt moved, seconded by Ms. Anderson to approve the Recreation and Entertainment**
26 **License: Kams of Illinois, LLC, d.b.a. Pink House, 2698 CR 1600 N, Ogden, Il., 61859.**

27
28 Ms. Busboom stated that the Pink House should be required to sound proof the establishment to protect
29 adjacent neighbors from the noise which will be generated from the events which are included on the
30 application.

31
32 Ms. Greenwalt stated that it was her understanding that if the request for the Recreation and Entertainment
33 License is approved and complaints were received and the Committee deemed the occurrences as a public
34 nuisance the Committee could revoke the license.

35
36 Ms. Anderson stated that she is pleased that the owners of the Pink House responded to the prior complaints
37 that were received regarding generated noise and she would like to see the owners maintain the noise level
38 which is seems to be acceptable to the neighbors and if they do not then the issue will be revisited by the
39 Committee.

40
41 Mr. Fletcher noted that the Recreation and Entertainment License would allow the Committee to revoke the

1 license if a public nuisance is created.
2
3 Mr. Langenheim questioned Mr. Fletcher if the Committee had the authority to suspend the license pending
4 the rectification of sound proofing.
5
6 Mr. Fletcher stated that the approval cannot be for a conditional license.
7
8 Mr. Shoemaker stated that he is unfamiliar with the Public Nuisance Ordinance and questioned if the noise
9 was based on decibel levels and not how the noise is produced.
10
11 Mr. Fletcher stated that the Public Nuisance Ordinance is not based on decibel levels and the County does
12 not have the necessary equipment to measure decibel levels and most complaints are received after the
13 nuisance has occurred. He said that the nuisance standards indicate that the noise should not be audible
14 within a dwelling which is not typical of the area.
15
16 Ms. Greenwalt questioned if the improvements regarding the sound have been proven to rectify the
17 complaints that were received.
18
19 Mr. Chris Copeland, Manager of the Pink House, stated that the improvements made were in compliance
20 with Ms. Avery's fine. He said that the complaints which were received at the hearing were mainly focused
21 on the base which was generated by the sub-woofers used by the disc jockey and he did not include a disc
22 jockey in the events on the application. He said that since the hearing the Pink House has ceased having a
23 disc jockey so it is undetermined if the improvements have rectified the noise issue. He said that the
24 improvements did include eliminating the use of sub-woofers by a disc jockey or live bands and the south
25 exit door is for fire emergencies only and not general access.
26
27 Ms. Wysocki questioned Mr. Copeland if the Pink House would be put out of business if the Recreation and
28 Entertainment License was denied or revoked.
29
30 Mr. Copeland stated that over the past three weeks the revenue and business at the Pink House has dropped
31 approximately 50% since the suspension of a disc jockey on the weekends. He said that especially in the
32 summer time the public expects activities more than just a juke box when arriving at an establishment. He
33 said that the bands and disc jockey did draw in a lot more business and the food business is not a lucrative
34 way to keep a business running.
35
36 Ms. Busboom requested that Mr. DiNovo inform the Committee of the improvements made to an
37 establishment on Route 45 which was required to be sound proofed.
38
39 Mr. DiNovo stated that in that instance the recommendations of an acoustician were followed and the
40 establishment took a lot of steps to make the building sound proof by installing foam insulation on the walls,
41 air-lock entrances, isolated speakers and obtained advice from acoustic engineers.

1 Mr. Scott Cochrane, partial owner of the Pink House, stated that any original complaints that were received
2 were addressed by his former partner. He said that the County Sheriff's office was called out to the site and
3 they informed the manager that the noise generated by the interior music was acceptable. Mr. Cochrane said
4 that he has spoken with the neighbors regarding their complaints and informed them that the music is being
5 turned away from the doors to the east. He said that his long term plan is to build a vestibule on the south
6 side of the building which would require visitors to enter the building through two doors, one which will
7 remain closed. He said that he has placed insulation on the walls of other establishments that he owns and
8 true the insulation does help but it does not eliminate all of the noise which is generated. He said that the
9 speakers will be placed on the concrete floor to help with the noise generated by the speakers. He said that
10 his family has been in this business for 43 years and he has served on the City of Champaign Liquor
11 Advisory Commission. He said that he desires to be a good neighbor to the residents of Ogden but
12 entertainment is a big part of his business and without it the business will not be successful. He said that
13 most of his money is made on the weekends and without a Recreation and Entertainment License for the
14 entertainment he will not be able to operate his business.

15
16 Ms. Greenwalt stated that the submitted Recreation and Entertainment License does not include a disc
17 jockey as one of the events therefore the Pink House would not be able to have this type of entertainment.

18
19 Mr. Cochrane stated that he is aware that a disc jockey is not on the request for the Recreation and
20 Entertainment License. He said that Ms. Avery informed him that she had to approve the disc jockey before
21 placing the event on his license.

22
23 Mr. Schroeder questioned Mr. Fletcher the procedure if the Environment and Land Use Committee desires
24 to revoke a Recreation and Entertainment License.

25
26 Mr. Fletcher stated that the Recreation and Entertainment License is brought before ELUC for that action.

27
28 Mr. Knott questioned if whether by informing the Pink House that they cannot have a disc jockey would be
29 approving a conditional license.

30
31 Mr. Fletcher stated that ELUC cannot condition the license and the applicant is required to include a disc
32 jockey if they so desire but without that specification they cannot have a disc jockey.

33
34 Ms. Anderson questioned Mr. Fletcher if the applicants could add the disc jockey request to the license for
35 approval at tonight's meeting.

36
37 Ms. Avery stated that at the previous hearing there was discussion regarding the improvements that the
38 owners made to rectify the noise issues but they have not had an opportunity to test those improvements for
39 success until an entertainment license is approved. She said that the owners must apply for a new Liquor
40 License within the next 30 days and include in the license application a summary of all types of
41 entertainment that will be provided at the establishment. She noted that the adjacent residents, whom were

1 present at the hearing, did not voice complaints regarding the bands.
2

3 Mr. Cochrane stated that he would like to have a disc jockey but he also wants to get along with his
4 neighbors. He said that the Sheriff’s office went out to a complainant’s home and listened to the music
5 which was coming from the Pink House and determined that the noise was not excessive.
6

7 Mr. Knott stated that he would like to see Mr. Cochrane have the opportunity to have a disc jockey.
8

9 **Mr. Knott moved, seconded by Mr. Shoemaker to amend Ms. Greenwalt’s original motion for**
10 **approval of the submitted application for a Recreation and Entertainment License for the Pink House**
11 **to include a disc jockey/karaoke as an event listed for approval. The motion carried by voice vote.**
12

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14 **10. Liquor Ordinance Amendment extending hours of operation for bars on the weekends**
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16 **Ms. Greenwalt moved, seconded by Mr. Shoemaker to recommend approval of a Liquor Ordinance**
17 **Amendment extending the hours of operation for bars on the weekends.**
18

19 Ms. Greenwalt stated that this request has come before the Committee before and was rejected, although
20 there was discussion after the denial of only extending hours of operation for bars located within one and
21 one half miles of the City of Champaign and Urbana. She said that the Liquor Commission discussed this
22 option and was informed by the State’s Attorney’s office that this would not be possible in that the County
23 cannot favor bars within Champaign and Urbana’s ETJ different than bars outside of their ETJ, therefore
24 the issue was dropped. She said that an article was published in the News Gazette discussing that Normal,
25 Illinois had extended their bar hours to match Bloomington, Illinois bar hours for the weekends and was
26 reviewed by the Commission. She said that bar owners have testified that the extended bar hours in the City
27 of Champaign and Urbana are cutting into their businesses and are concerned with their clients leaving their
28 bars and traveling on our county roads to make one last call. Ms. Greenwalt read a letter submitted by
29 Sheriff Walsh regarding his concerns of the proposed Liquor Ordinance Amendment extending the hours
30 of operation for bars on the weekends.
31

32 Ms. Busboom stated that the Committee has heard from the Mayor of Rantoul and the County Sheriff
33 regarding this proposal and she does not support this amendment. She said that if the hours are left as they
34 are it will save the County revenue for overtime in the Sheriff’s Department and eliminate the risk of
35 additional alcohol related deaths.
36

37 Mr. Fletcher stated a new version of the Resolution has been distributed to the Committee for review. He
38 noted that the additions are underlined for clearer review.
39

40 Mr. Shoemaker stated that he supports the extension of hours of operation for bars on the weekends. He said
41 that the public should be responsible for their actions and must face the penalties for those actions.

1 Ms. Wysocki questioned Mr. Fletcher if it is legal for the County to make the distinction of the kind of
2 liquor license that the applicants have and the hours that they can sell the liquor.

3
4 Mr. Fletcher stated that it is legal for the County to make that distinction.

5
6 Ms. Wysocki questioned Mr. Fletcher how this Ordinance Amendment is deemed to be in the public interest
7 and for the public good.

8
9 Mr. Fletcher stated that he did not draft the language for the amendment the text came from the Liquor
10 Advisory Commission.

11
12 Ms. Greenwalt stated that the Liquor Advisory Commission was informed that the text could be included
13 in the amendment, therefore it was approved.

14
15 Ms. Wysocki clarified that the text was considered without discussion

16
17 Ms. Greenwalt stated that Ms. Wysocki was correct.

18
19 Mr. Knott stated that he opposes this amendment.

20
21 **Mr. Knott moved, seconded by Ms. Busboom requesting a roll call vote.**

22
23 Ms. Avery stated that clients must be 21 years of age to obtain alcohol at any establishment. She said that
24 regardless whether the amendment is approved or denied the County still has an ordinance which allows the
25 public to go to establishments and drink until 1:00 a.m. She said that the bar owners have attended the
26 Committee meetings and shared their concern regarding public safety but they are requesting an extension
27 of one hour. She said that public safety is in danger if a patron stays at an establishment and drinks until
28 1:00 a.m. and then leaves that establishment to catch another hour at another establishment. She said that
29 testimony was received tonight regarding these occurrences. She stated that Bloomington/Normal have
30 approved identical hours of operation to assist in the prevention of alcohol related traffic. She noted that
31 if the extension is granted bar owners have the choice whether or not to utilize the extension within their
32 establishment.

33
34 Ms. Wysocki stated that references have been made to Bloomington/Normal and she is not sympathetic with
35 their decision. She said that their decision to extend their hours is what triggered the extension proposal for
36 Champaign and Urbana and now the County. She said that the extension does make sense in an urban area
37 where the dividing line is an arbitrary street and two enforcement entities are dealing with issues which may
38 occur. She questioned how McLean County has responded to Bloomington/Normal's extension of their bar
39 hours.

40
41 Ms. Greenwalt stated that the Liquor Advisory Commission does have a copy of the McLean County Liquor

1 License fee structure and a bar owner can purchase an extended hour permit.

2
3 Mr. Schroeder questioned why the “Sunset Provision” was removed.

4
5 Ms. Greenwalt stated that the “Sunset Provision” was not removed and actually was never proposed but if
6 the Committee would feel more comfortable with the inclusion of the provision then it can be added.

7
8 Mr. Fletcher stated that this issue was not proposed at the Liquor Advisory Commission meeting therefore
9 it was not included in this amendment for approval at tonight’s meeting.

10
11 Ms. Wysocki stated that perhaps the Commission should consider a special hours permit for those bar
12 owner’s which desire to stay open until 2:00 a.m.

13
14 **The roll was called:**

15	Anderson-yes	Busboom-no	Doenitz-no
16	Greenwalt-yes	Knott-no	Langenheim-yes
17	Schroeder-no	Shoemaker-yes	Wysocki-no

18
19
20 **The motion failed.**

21
22
23 **11. Liquor Ordinance Amendment correcting fees for Class D and D-1 License**

24
25 **Ms. Greenwalt stated that no action was necessary for Item #11.**

26
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28 **12. Liquor Ordinance Amendment correcting fees for Class D and D-1 License and freezing all**
29 **liquor license fees at the current rate.**

30
31 **Ms. Greenwalt moved, seconded by Ms. Anderson to recommend approval of a Liquor Ordinance**
32 **Amendment correcting fees for Class D and D-1 License and freezing all liquor license fees at the**
33 **current rate.**

34
35 Ms. Greenwalt stated that the motion which is before the Committee is in reference to the copy of the
36 Amendment which was distributed by Mr. Fletcher. She said that during discussion regarding the proposed
37 extension of bar hours, in comparison to the City of Champaign and Urbana, the issue of fee structure for
38 liquor license was mentioned. She said that the desire was to make the fee structure more in line with the
39 fees charged by the City of Champaign and Urbana and in order to do this the fees would need to increase
40 over the next four years. She said that the request for recommended approval is to freeze the liquor license
41 fees at the 2003 rate rather than the four year increase.

1 Ms. Busboom stated that she could agree with the fee structure up to 2006 but the fees for the liquor license
2 should not be frozen due to the lack of knowledge of what the future might bring beyond 2006.

3
4 Mr. Fletcher stated that the Liquor Advisory Commission recommended the increase of Class C, Class D
5 and Class D-1 liquor license fees prior to being frozen. He said that a separate amendment would be
6 necessary to exclude gas stations and grocery stores from Class A and Class B liquor licenses but
7 unfortunately this is not an agenda item for tonight's meeting therefore it cannot be approved tonight.

8
9 Ms. Greenwalt clarified that Class C liquor license are generally grocery stores and gas stations.

10
11 **The motion carried by voice vote.**

12
13 Mr. Fletcher stated that it would be appropriate to have a special meeting prior to the May 20, 2004, County
14 Board for the Recreation and Entertainment License for the Pink House and an amendment to the Liquor
15 License excluding gas stations and grocery stores from Class A and B liquor license.

16
17 **The consensus of the Committee was to schedule a special meeting at 6:30p.m., May 20, 2004, prior**
18 **to the regularly scheduled County Board Meeting for the Recreation and Entertainment License for**
19 **the Pink House and an amendment to the Liquor License excluding gas stations and grocery stores**
20 **from Class A and B liquor license.**

21
22 Mr. Shoemaker and Mr. Langenheim stated that they will not be present at the May 20, 2004, ELUC or
23 County Board Meeting.

24
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26 **13. Urbana Comprehensive Plan Update**

27
28 **The Urbana Comprehensive Plan Update has been rescheduled to the June 07, 2004, ELUC Meeting.**

29
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31 **14. Proposed Amendment to the Champaign County Subdivision Regulations**

32
33 Mr. John Hall stated that in February 2004, the Committee directed a maximum lot size amendment and the
34 amendment has been at the Zoning Board of Appeals as Case 444-AT-04. He said that the Committee only
35 directed staff to create a two acre maximum with no discussion but it is more complicated than a maximum
36 lot size issue. He said that lots are regulated in the rural districts by Rural Residential Overlays and lots "by-
37 right." He said that there has been a lot of discussion at the ZBA hearings regarding the maximum lot size
38 and the memorandum discusses the relationship between maximum lot size and how it relates to the way
39 the lots are created, whether they are within an ETJ area, implications for subdivision and variance cases.
40 He said that staff is prepared to propose a three acre maximum lot size for lots which are created "by-right"
41 and a two acre maximum average for lots in an RRO and in order to not become swamped with many minor

1 subdivision approvals. He said that in regards to lots created “by-right”, the County could amend the
2 Subdivision Regulations to let what currently happens as a five-acre minimum lot happen as a three- acre
3 maximum lot. He said that the Draft Ordinance identifies a new minimum lot area of two acres because
4 when lots are created outside of the subdivision process the actual lot area depends on how wide the right
5 of way is in that location. He said that if the Draft Ordinance has a two acre minimum it would not make
6 sense to establish a two acre maximum that would provide no flexibility and will create more variance cases.
7 He said a maximum of three acres is being proposed so that when we go to the Draft Ordinance with a new
8 minimum of two it will give landowners a one acre range in which to determine their required lot size. He
9 said that the RRO would still have a maximum lot size of two acres on average.

10
11 Ms. Busboom questioned why the maximum lot size was not left at five acres.

12
13 Mr. Hall stated that ELUC would receive a lot of Minor Subdivision requests for approval which staff could
14 not process within the time requirements that the Subdivision Regulations setup creating a backlog. He said
15 that if the Committee desires to maintain the maximum lot size at five-acres then we will have to live with
16 the consequences. He said that staff cannot define what the immediate problems are with leaving the
17 maximum lot size at five- acres and during this interim period there may be lots created in the rural area
18 going from five to three maybe a reasonable compromise if there is a way to deal with the load and a way
19 to deal with the load is to not require the lots to go through the subdivision process.

20
21 Ms. Busboom questioned if the rewrite includes a change to development rights.

22
23 Mr. Hall stated that if the Committee wants to limit development then we should change the development
24 rights and not require subdivisions. He said that this is the same amount of development rights that
25 landowners have now and it is not shifting them from Plat Act to Subdivision approvals.

26
27 Mr. DiNovo stated that this would encourage people to comply with the minimum lot size. He said that if
28 they do not comply there will be additional expense upon the landowner and to the taxpayers due to the
29 requirement of staff review. He said that the County cannot tell a rural landowner where to divide their lot
30 because normally staff is not aware of the sale until after it has occurred.

31
32 Mr. Doenitz stated that there are to many things going on out in the County that are not being regulated.
33 He said that it is his opinion that all lot divisions should go through the subdivision process.

34
35 Mr. Hall stated that stopping development is an issue with development rights.

36
37 Mr. DiNovo suggested a six month interim period for the maximum lot size which will not place anymore
38 of a burden on the staff’s workload and revisit this issue during the Phase I rewrite unless the Committee
39 would like to just place a complete moratorium on subdivision until the completion of Phase I.

40
41 Mr. Langenheim reminded the Committee that this item was placed on the agenda for information only and

1 not for approval. He terminated the discussion of Item #14.
2

3 **Mr. Doenitz moved, seconded by Mr. Knott to appeal Mr. Langenheim’s termination of the discussion**
4 **of Item #14. The motion carried.**
5

6 Mr. Doenitz questioned how long this interim period was going to last. He said that every day which goes
7 by there are homes constructed where they do not belong.
8

9 Ms. Greenwalt stated that she would be interested in learning more about the term, “moratorium”.
10

11 Mr. Hall stated that every time staff has requested the State’s Attorney’s opinion regarding a moratorium
12 we have been questioned if the County is proposing to stop all development and the County’s response is
13 not to stop all development. The State’s Attorney’s office then questions why the County would propose
14 such a moratorium if all development is not to be halted.
15

16 Mr. Fletcher stated that he is not prepared to discuss the issue of a moratorium.
17

18 Mr. Knott questioned if the definition of a moratorium would be the non-issuance of building permits
19 regardless of the situation.
20

21 Mr. Fletcher stated that the Committee must decide what the moratorium would include.
22

23 **Ms. Busboom moved, seconded by Mr. Doenitz to place a moratorium upon all subdivisions for**
24 **Champaign County.**
25

26 Mr. Fletcher stated that the Committee must determine the term and reason for the moratorium.
27

28 Mr. DiNovo stated that at this point the request is for the Committee to give staff direction.
29

30 Mr. Hall stated that the effect of Ms. Busboom’s motion and being silent to Plat Act exceptions would mean
31 that there would be moratorium on subdivisions but for the motion to be fully effective it should address a
32 maximum lot size less than five acres and a subdivision moratorium. He said that it would possible that the
33 Zoning Board of Appeals would be faced with a rush of variance requests exceeding the maximum lot size.
34 He said that someone could request a variance for five acres and the ZBA would need some type of basis
35 for denial.
36

37 Mr. DiNovo stated that placing a moratorium would require a written policy and the department does not
38 have the time to prepare such a policy for review during this interim period. He said that Mr. Hall’s
39 suggestion to reduce the five acre threshold to two acres to conform to the lower lot size during the interim
40 period and foresee if there is someway to make this work.
41

1 Mr. Langenheim questioned if the motions fall within those permitted under the Notice of Meetings Rule
2 in light of the request on the April 27, 2004, Staff Memorandum. He said that the request is for approval
3 to proceed forward with a proposed amendment to the County’s Subdivision Regulations.
4

5 Mr. Fletcher stated that he is unaware if the media has been contacted regarding this issue.
6

7 **Ms. Busboom and Mr. Doenitz withdrew their motion.**
8

9 Mr. Doenitz said that due to the work load on staff we should pursue this option only, but where do we go
10 from here.
11

12 Mr. Hall stated that unless the Committee is prepared for a backlog of Minor Subdivision approvals a limit
13 should be set which would be reasonable for staff to send to the Committee each month for approval. He
14 said that last year there were 250 Plat Act lots created in rural areas and it is conceivable that there would
15 have been at least 85 Minor Subdivisions for last year. He said that if the interim period lasts for six months
16 it could mean 43 subdivisions and this Committee has never been faced with more than five or six
17 subdivisions in one year. He said that a problem with the Subdivision Regulations is that they do not
18 address the concerns that this Committee seems to want to address which could be terrifically frustrating
19 when faced with 43 subdivisions and little basis in the regulations for denial.
20

21 Mr. DiNovo stated that the new Zoning Ordinance would give the Committee the criteria for denial.
22

23 Ms. Greenwalt stated that she supports the staff recommendation.
24

25 Mr. Hall stated that staff would appreciate some direction from the Committee in the form of a motion.
26

27 Mr. Doenitz stated that if the Committee grants this request for approval we still will not be aware of what
28 is going out in the rural areas until a permit is requested.
29

30 **Ms. Wysocki moved, seconded by Ms. Greenwalt to allow staff to proceed forward with a proposed**
31 **amendment to the County’s Subdivision Regulations as per the April 27, 2004, Memorandum.**
32

33 Mr. Hall clarified that the Proposed Amendment to the Subdivision Regulations is as follows:
34 Section 2.4-Application of Illinois Plat Act Exception #1
35

36 The *Illinois Plat Act* Exception #1 as stated in 765 ILCS 205/1 (b)(1) et. seq. Is hereby reduced from five
37 acres to two acres. No SUBDIVISION PLAT is required if the division or SUBDIVISION of land into
38 parcels or tracts of two acres or more in size:
39

- 40 i) does not involve any new STREETS or EASEMENTS of access; and
- 41 ii) does not include the creation of any LOT in the Rural Residential Overlay District.

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Mr. Hall stated that this will be advertised at two acres, the most restrictive that it could be, and then the Committee would have the flexibility whether or not to maintain it at two acres or raise it to three acres. He said that staff believes that three acres would be better in the long run but it could be that two is sufficient.

Mr. Doenitz informed the Committee that what is going on in the rural areas is placing a lot of pressure on the rural road districts financially.

The motion carried.

15. Demolition and clean up of fire damaged structure and garbage and debris on property located at 242 CR 2500 E, Broadlands, IL, (also known as the Edward “Monty” Maxwell property).

Ms. Jamie Hitt stated that the Monty Maxwell property is located on the north edge of Broadlands and has been a nuisance violation for over twenty years. She said that the County had been working with Mr. Maxwell on the cleanup of this property and at one time he did somewhat clean up the property but more must be done. She said that the case went to court and Monty Maxwell was found guilty and fined \$9800. The County placed a \$9800 lien on the property in 2002 the First National Bank of Homer requested that the Committee forego the lien if they paid the real estate taxes on the property. She said that the First National Bank of Homer wanted to sell some lots off the property but they cannot get the family to agree to sell some of the properties. There is a Living Trust which gives Mr. Maxwell rights to the property during his lifetime with his children as beneficiaries. She said that the department has been receiving complaint recalls on the property due to a recent fire which did not completely destroy the house leaving even more of a mess to clean up than before but there are no funds available to clean up the property.

Ms. Wysocki questioned Ms. Hitt about the new proposal for cleaning up this property.

Ms. Hitt stated that the Joel Fletcher, Assistant State’s Attorney is determining if the process needs to be started over again due to the Living Trust. She said that the President of the First National Bank of Homer informed her that he and Mr. Maxwell’s son discussed the situation and the son stated that nothing will be done with the property until Mr. Maxwell’s death.

Mr. DiNovo stated that Mr. Maxwell does not have the resources to have the property cleaned up.

Mr. Shoemaker stated that Mr. Maxwell could sell the property and use the money to clean up the property.

Mr. DiNovo stated that Mr. Maxwell cannot sell the property because the children own it and until his death they will not sell the property.

Mr. Fletcher stated that the County does currently have a \$9800 lien on the property on the life estate. He

1 said that the County does have the legal authority to seize the property through a court order, clean up the
2 property and place a lien on the property for those cleanup costs and then foreclose. He said that the
3 problem with this scenario is that the County should have those cleanup costs up front and that is not the
4 case. He said that recently the Committee was requested to approve cleanup costs for a property which had
5 a fire damaged home on it and then a court order was requested for reimbursement.
6

7 Mr. DiNovo stated that the County should have an appropriated line item for clean up of properties like the
8 one in question. He said that when the department is contacted about similar properties which require
9 cleanup the Committee and the public need to be aware that it could take months to receive court orders for
10 that process. He said that the County cannot go into these properties on short order.
11

12 Ms. Wysocki questioned Mr. DiNovo how much money would be required for such a line item or for
13 cleanup of this property.
14

15 Ms. Hitt stated that the First National Bank of Homer had an estimate completed and they were informed
16 that it would take \$25,000 to \$30,000 to completely clear the property.
17

18 Mr. Doenitz questioned what structures or debris was on the property.
19

20 Ms. Hitt stated that a crib, loaded trailers full of lawnmowers, tons of scrap metal, junk equipment. She said
21 that the property does consist of approximately 40 acres but the debris covers about three acres.
22

23 Mr. Doenitz stated that perhaps the County could place a lien on the entire 40 acres.
24

25 Mr. Fletcher stated that the current lien is not on the entire parcel.
26

27 Mr. Hall stated that staff brought this issue to the Committee's attention because this is a dangerous structure
28 and estimates for cleanup must be received.
29

30 Ms. Hitt stated that the County has attempted to get this property cleaned up before and it encompassed a
31 two year court process just for the \$9800 lien. She said that it has been discussed to begin the process again
32 citing the beneficiaries.
33

34 Mr. Fletcher stated that the State's Attorney's Office is checking into the option of starting the process again
35 citing the beneficiaries. He said that the results of this investigation should be available at the next ELUC
36 meeting.
37

38 Mr. Schroeder stated that perhaps the County could take enough property adjacent to the dangerous site to
39 justify the funds for cleanup. He said that he does not believe that the County needs to take the entire 40
40 acres for justification.
41

1 Mr. Fletcher stated that he is aware of a legal process which will allow the County to cleanup the portion
2 of the property which is declared a public nuisance but he is not aware of a legal process which would allow
3 the County to take over the entire property for restitution of cleanup of only a portion of the property which
4 was declared a nuisance.

5
6 Mr. DiNovo stated that the lien is against the land and the landowner could sell enough of the property to
7 satisfy the lien once the site is cleaned up. He said that the County needs the funds to begin the process for
8 cleanup the property and establish a lien.

9
10 **The Committee directed staff to obtain bids for the cleanup of the Edward “Monty” Maxwell**
11 **property and present those bids to the Committee for a Budget Amendment.**

12
13
14 **16. Proposed Priorities for Zoning and Nuisance Enforcement**

15
16 **Mr. Knott moved, seconded by Mr. Schroeder to approve the Proposed Priorities for Zoning and**
17 **Nuisance Enforcement as submitted.**

18
19 Mr. Hall stated that this is an attempt to deal with the backlog of enforcement cases and when staff was
20 presented with complaints that were immediate threats to public health and safety it appeared that a review
21 of the entire list of enforcement actions needed to be completed identifying those complaints which pose
22 the most critical hazard to public health and safety. He said that the cases which do pose a critical hazard
23 to public health and safety will be dealt with first and the other complaints would be dealt with on an “as
24 time permits” basis. He said that the complaints which staff already has complaints on are being dealt with
25 on a first priority basis and locations which have a majority of the complaints are visited first and then the
26 next location with several complaints is determined until all of the backlog is completed. He said that at the
27 same time new complaints are being received by staff and when those complaints appear as first priority they
28 are immediately dealt with but those which do not pose a hazard to public health or safety do go into the
29 backlog and are dealt with at a later date. He said that Ms. Hitt spends four hours a week on the backlog
30 cases regardless of her other work load. He said that the request before the Committee tonight is to approve
31 this priority list so that when a County Board member receives a call regarding a constituent’s complaint
32 it is evident what priority that complaint receives.

33
34 Mr. DiNovo stated that this will be ELUC’s Priority List therefore if someone desires to have their
35 complaint moved to the head of the line they will be required to come before ELUC with their request.

36
37 Mr. Schroeder complimented Mr. Hall and Ms. Hitt for their work on this priority list. He said that he has
38 brought the subject of the backlog to the Committee’s attention several times and feels that this priority list
39 will assist staff in clearing up those cases.

40
41 **The motion carried.**

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17. Zoning Use Permit Application Checklists and Other Operational Changes

Mr. Hall stated that as explained before Ms. Hitt’s workload has increased and in order to free up some of her time it has become necessary to clarify the Zoning Technician position. He said that the checklist will be valuable during review of the Zoning Use Permit Application and will assist the Zoning Officer during final approval of the application. He said that everyone in the office has certain responsibilities regarding review of each Zoning Use Application and this checklist describes those responsibilities. He said that having the checklist assists in reallocating time in the department in distribution of the workload. He said that one way of reallocating the work load in the office is by reducing paperwork and currently the Zoning Board of Appeals members now receive a Finding of Fact which includes all of the information rather than receiving several memorandums. He said that the fact remains that there is a workload in the department which efficiency is not going to remedy.

18. Comprehensive Zoning Review Update

Mr. Hall stated that he distributed a Memorandum dated May 3, 2004, indicating the man hours required in bringing the map amendments to hearing. He said that this schedule is not the total man hours but the total which remain at this time. He said that the map amendments have been even more difficult than the text amendments because of the volume of work to be done in terms of the following: 1) correcting the updated digital zoning map and municipal boundaries; 2) developing the protocols and mapping the new and revised zoning districts; 3) identifying effected landowners and adjacent landowners; 4) preparing a database to manage protests from effected landowners and adjacent landowners; 5) preparation of final publicity and public review documents prior to opening of the hearings; and 6) mailing notices to municipalities, other jurisdictions, effected landowners, and adjacent landowners. He said that there is nothing about this task which is small and invited members of the Committee to visit the office to view the process. He said that the first date which the beginning map amendments will be at public hearing will be July 29, 2004, and that is just for the smallest set. He said that the biggest set which will consist of the CR-Conservation District, Resource Protection Overlay and the new AG-Agriculture District will be at public hearing August 26, 2004. He said that the bad news is that staff does not believe that we have the budget to see us through this schedule and Mr. DiNovo has been reviewing the budget for the entire Regional Planning Commission determining how planning staff is being utilized. Mr. Hall stated that currently staff has an intern assisting with the mapping but after these map amendments go to the public hearing staff will require someone who is knowledgeable about these maps and the budget does not allow for this person to remain with staff during this process.

Ms. Wysocki questioned Mr. Hall if he would like to hire the intern to see this process through.

Mr. Hall stated that relying on interns to prepare the mapping does not match with the County Board’s expectations.

1 Ms. Wysocki stated that she agrees and hiring someone full time would be more acceptable. She suggested
2 that she discuss this issue with staff.
3
4

5 **A1. Request of Eastern Illinois A.B.A.T.E. for an Entertainment & Recreation License for a**
6 **motorcycle show/rodeo with live music at the Rolling Hills Campground at 3151 A County**
7 **Road 2800 E., Penfield, Illinois.**
8

9 **Mr. Knott moved, seconded by Mr. Doenitz to approve the request of Eastern Illinois A.B.A.T.E. for**
10 **an Entertainment & Recreation License for a motorcycle show/rodeo with live music at the Rolling**
11 **Hills Campground at 3151 A County Road 2800 E., Penfield, Illinois. The motion carried.**
12

13
14 **B1. Proposed Changes to the Champaign County Liquor License Fees**
15

16 **Ms. Greenwalt moved, seconded by Ms. Anderson to withdraw this item during approval of the**
17 **agenda. The motion carried.**
18

19
20 **B2. Resolution in support of State of Illinois appropriations for the OSLAD (Open Space Lands**
21 **Acquisition and Development) Grant Program.**
22

23 **Mr. Knott moved, seconded by Mr. Schroeder to recommend approval of a Resolution in support of**
24 **State of Illinois appropriations for the OSLAD (Open Space Lands Acquisition and Development)**
25 **Grant Program. The motion carried by voice vote.**
26

27
28 **19. Planning and Zoning Report**
29

30 Mr. Hall distributed a memorandum dated April, 2004 for the Committee's review.
31

32 Mr. Fletcher stated that after review of the Recreation and Entertainment License for the Pink House he has
33 determined that the Committee cannot amend the application after it has been placed on file with the County
34 Clerk. He said that at the May 20, 2004, Special ELUC Meeting the Committee could review an amended
35 Recreation and Entertainment License application and determine approval or denial at that time.
36

37 **Mr. Knott moved, seconded by Mr. Shoemaker to approve the Recreation and Entertainment License**
38 **for Kams of Illinois, LLC, d.b.a. Pink House, 2698 CR 1600 N, Ogden, IL, 61859 as submitted. The**
39 **motion carried.**
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20. Determination of items to be placed on the County Board consent Agenda

The consensus of the Committee was to place Items #7, 11 and B2 on the County Board Consent Agenda.

21. Adjournment

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

eluc\minutes\minutes.frm

Memorandum

**PLANNING &
ZONING**

Date: March 9, 2005

To: Environment and Land Use Committee

From: Jeffrey Roseman, Zoning Administrator

Re: Request of Steve Willard, owner of "The Shed" to waive the required fee for a Special Use Permit and a Map Amendment to operate a Private Indoor Recreational Development

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
FAX (217) 328-2426

The Willard's are requesting that waivers be granted regarding a Special Use Permit and Map Amendment applications for their property located at 556 County Road 2425N, Dewey, Illinois, Permanent Index No. 16-07-36-400-009. The request to waive the fees is due to a lack of financial ability to pay these fees that would bring the property into compliance with the Zoning Ordinance.

Mr. Willard testified at the December 13th ELUC meeting that the concerts at this location are free to local children and that the only revenue generated is the result of donations given by the attendees. These donations are generally no more than \$1.00 and are strictly on a voluntary basis.

Staff would like to state that Mr. Willard has been working toward and with staff to meet the requirements of the ordinance and to resolve this violation. Despite this, staff wants to make the Committee aware that should you decide to waive the entire fee, then the County will have to pay the cost of publication in the newspaper.

The cases have not been filed because of financial circumstances. The earliest the cases could be scheduled for a public hearing before ZBA is May 2005. Therefore, Mr. Willard is requesting that both fees be waived in this instance to assist in bring the property into compliance.

Champaign
County
Department of

Memorandum



Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
FAX (217) 328-2426

Date: March 9, 2005

To: Environment and Land Use Committee

From: Jeffrey Roseman, Zoning Administrator

Re: Request of Bob Wingler d.b.a. Apple Dumplin to waive the required fee for a Zoning Use Permit for an existing wall sign.

Mr. Wingler is requesting that the Committee waive the required fee for a zoning use permit for an existing wall sign. The applicants are requesting that the required fee of \$33.00 for a relocated free-standing sign that was erected as a wall sign in 2004.

ORDINANCE NO. _____

**ORDINANCE AMENDING THE RULES AND REGULATIONS
GOVERNING THE SALE AND CONSUMPTION
OF ALCOHOLIC LIQUOR
IN CHAMPAIGN COUNTY, ILLINOIS**

WHEREAS, the County of Champaign (hereinafter, “County”) has the power and authority to regulate the retail sale and consumption of alcoholic liquor pursuant to the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq.); and

WHEREAS, the rules and regulations established in this Ordinance may not be inconsistent with the Liquor Control Act of 1934 (235 ILCS 5/1-1, et seq.)

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Board of Champaign County that Champaign County Ordinance No. 653, as previously amended by Champaign County Ordinance No. 685, and Champaign County Ordinance Nos. 703, 711, 714, and 717, be further amended as follows:

1. Section 3 shall be amended as follows:

“ ***

LICENSE or LIQUOR LICENSE means a license issued pursuant to the provisions of this Ordinance. Except as required by context, LIQUOR LICENSE or LICENSE shall include either a provisional or annual license.

***”

2. Section 5 (4a) shall be amended as follows:

“To notify the Secretary of State where a club incorporated under the General Not For Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Act by selling or offering for sale at retail alcoholic liquor without a retailer’s license.

235 ILCS 5/4-4”

3. Section 6.D. shall be amended as follows:

“Except as hereinafter provided, a provisional LIQUOR LICENSE shall be operative and valid until an annual LIQUOR LICENSE is granted or denied, and issued with an effective date determined pursuant to Section 10.D. Except as hereinafter provided, an annual LIQUOR LICENSE shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one (1) year

commencing June 1 of any year shall be operative and valid unless first terminated, suspended, or revoked, for a term commencing on the date of issuance and terminating on May 31 of the same year. LIQUOR LICENSES issued *after June 1* of any year shall be operative and valid, unless first terminated, suspended, or revoked, for a term commencing on the date of issuance and terminating on *May 31* of the following year.”

4. Section 8.C. shall be amended to read as follows:

“Every APPLICANT for a LIQUOR LICENSE or for the renewal of an existing LIQUOR LICENSE shall pay an application fee by certified check or money order payable to the “County of Champaign” or cash at the time of filing such application. Application fees will be as follows:

CLASS	Fee
Class A	\$ <u>2,365</u>
Class B	\$ <u>1,400</u>
Class C	\$ <u>1,865</u>
Class D	\$ <u>1,200</u>
Class D1	\$ <u>930</u>
Class E	\$ <u>100</u>
Class F-Caterer	\$ <u>465</u>
Class G-Club	\$ <u>1,400</u>
Class H-Hotel/Motel	\$ <u>2,130</u>

In addition, a fingerprinting fee shall be charged to every applicant, which shall be forwarded by the office of the Commissioner to the Illinois Department of State Police to conduct a criminal background check, pursuant to 235 ILCS 5/4-7 and 20 ILCS 2630/3.1(b) and (c). As of March 24, 2005, this fee is \$20.00. This shall be submitted with the liquor license application in a separate certified check or money order made payable to the Illinois Department of State Police. However, it is subject to increase by the Department of State Police. This payment shall be made by separate certified check or money order payable to the Department of State Police. This charge shall be in addition to any charge imposed by the Sheriff’s Office for fingerprinting services.

For applications for all LICENSEES, other than Class E LICENSES, that may result in the issuance of a LICENSE whose term will end in less than one (1) year, the application fee shall be prorated according to the following schedule:

<u>Date of Application</u>	<u>Percentage of the Full Year Fee to be Paid</u>
<u>April 1 through June 1</u>	75%
June 1 through August 31	100%
September 1 through November 30	75%

December 1 through February 28 50%
March 1 through May 31 25%”

5. Section 8.E.(1)(a) shall be amended as follows:

“Individuals

- (i) full legal name;
- (ii) any and all aliases;
- (iii) home address and telephone number;
- (iv) business address and telephone number;
- (v) mailing address (if different from business address);
- (vi) state driver’s license or identification number;
- (vii) social security number;
- (viii) date of birth;
- (ix) country of citizenship;
- (x) written proof of age; and
- (xi) fingerprints of the individual taken by the Champaign County Sheriff’s Office”

6. Section 9.C. shall be amended as follows:

“Within thirty (30) days of the filing of a complete application with the County Clerk, the COMMISSIONER shall review such application, investigate such application, as he or she deems necessary, forward fingerprints to the Illinois State Police, and determine if a provisional LIQUOR LICENSE should be granted. A provisional LIQUOR LICENSE shall be replaced with an annual LIQUOR LICENSE once the Illinois State Police has issued criminal background information to the COMMISSIONER and the COMMISSIONER has confirmed that nothing in such information alters the decision to issue a LIQUOR LICENSE.”

7. Section 10.D. shall be amended as follows:

“The COMMISSIONER’s notice of provisional and annual approval or denial shall be delivered in person or by certified U.S. mail, return receipt requested, postage pre-paid, addressed to the APPLICANT’s mailing address as set forth in the application. The provisional or annual LIQUOR LICENSE shall be deemed approved or denied on the day that the notice of approval or denial is delivered in person or three (3) days after it is placed in the U.S. mail.”

8. Section 18.A. shall be amended as follows:

“There is hereby created a Liquor Advisory Commission. The Liquor Advisory Commission shall consist of seven (7) members. Two (2)

members shall be Champaign County Board members, two (2) shall be residents of the unincorporated areas of Champaign County, who are not LICENSEES, and three (3) members will be current LICENSEES.”

9. All provisions of Champaign County Ordinance No. 653, as previously amended, in conflict with this amendment are hereby repealed to the limited extent of such conflict.
10. All other provisions of Champaign County Ordinance No. 653, as previously amended, shall remain in full force and effect.
11. This amendment shall take effect prospectively on March 25, 2005.

PRESENTED, PASSED, APPROVED, AND RECORDED, this 24th day of March, 2005.

Barbara Wysocki, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk, and
Ex officio Clerk of the County Board

Champaign
County
Department of

**PLANNING &
ZONING**

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
FAX (217) 328-2426

DATE: March 8, 2005
TO: Environment and Land Use Committee
FROM: Susan Monte, Associate Planner *SM*
RE: **ELUC Review of Zoning Case 475-AT-04**
(Restrict hearing officer duties and miscellaneous corrections to Chapter 9)

STATUS

The ZBA recommended approval of the Zoning Case 475-AT-04 text amendment at its February 17, 2005 meeting.

This is ELUC's initial review of Zoning Case 475-AT-04. Typically, amendment cases are held at ELUC for a period of one month to assure that municipalities have sufficient time to consider protest votes.

Summary. After initial consideration to expand Hearing Officer duties to the full extent as permitted by State statute, the ZBA chose to instead recommend that Hearing Officer duties be further restricted. In making this recommendation, the ZBA:

1. RE-EXAMINED EXISTING *ZONING ORDINANCE* SECTION 9.1.9 (HEARING OFFICER DUTIES) Since October, 1993 the *Zoning Ordinance* has allowed that a Hearing Officer may consider all Minor Variance cases. (The County has not yet utilized this *Zoning Ordinance* provision.)
2. REVIEWED A TREND ANALYSIS OF VARIANCE REQUESTS RECEIVED DURING THE PAST TWO-YEAR PERIOD (copy provided as Attachment A)

During the 24-month period since January 1, 2003, approximately one-half of all zoning cases considered by the ZBA were Variance cases. During that period, a total of 46 Variance zoning cases were considered by the ZBA

Of the 46 variance applications processed, 23 consisted of two- or three-part variance requests. For example, a single zoning case might consist of two separate variance requests (e.g., a request to deviate from the front yard requirement and a request to deviate from a lot width requirement.)

Number of Requests Per Variance Case:

Single Request	23
Two-Part Requests	14
Three-Part Requests	9
total	46

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SINGLE REQUEST VARIANCES. Of the 46 Variance applications processed, 23 consisted of Variance cases involving a single variance request.

9 of the 23 cases were a request to deviate less than or equal to 25% from a numerical standard

17 of the 23 cases were a request to deviate less than or equal to 50% from a numerical standard

MULTIPLE REQUEST VARIANCES. Of the 46 Variance applications processed, 23 consisted of multiple-request Variances.

2 of the 23 cases contained only requests to deviate less than or equal to 25% from numerical standards

5 of the 23 cases contained only requests to deviate less than or equal to 50% from numerical standards

TREND ANALYSIS SUMMARY. Based on the **existing Zoning Ordinance** regulation that a Hearing Officer preside over only those Variances cases involving requests from numerical standards that are less than or equal to **50%**, then using the example workload of the total 46 Variance cases considered over the past two years, a hearing officer could have presided at 22 of these cases, or 48% of Variance cases considered by the ZBA.

Based on the **proposed Zoning Ordinance** text amendment, if Hearing Officer duties are limited to presiding over only Variance cases involving requests from numerical standards that are less than or equal to **25%**, then using the example workload of the total 46 Variance cases considered over the past two years, a Hearing Officer could have presided at a total of 11 of these 46 cases, or 24% of Variance cases considered by the ZBA.

Recommendation to Restrict Hearing Officer Duties

EXISTING	PROPOSED
Hearing Offer may preside over all Minor Variance cases.	Hearing Officer may preside over Minor Variance requests only: <ul style="list-style-type: none">■ during that time as authorized by a resolution passed by the County Board; and■ provided that no other request for a variance, special use or rezoning is concurrently under consideration for the subject site or structure.
Minor Variances consist of: <ul style="list-style-type: none">■ contested Administrative Variances (variances of 10% or less relating to location of structures or to bulk requirements of <i>Zoning Ordinance</i>)■ deviations between 10% and 50% of numerical regulations or standards relating to location of structures or to bulk requirements of <i>Zoning Ordinance</i>.	Minor Variances consist of: <ul style="list-style-type: none">■ contested Administrative Variances (variances of 10% or less relating to location of structures or to bulk requirements of <i>Zoning Ordinance</i>)■ deviations of more than 10% but not exceeding 25% from numerical regulations or standards of <i>Zoning Ordinance</i>.

ELUC Review of Zoning Case 475-AT-04

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Other Recommended Chapter 9 Corrections:

EXISTING	PROPOSED
Appeals of Hearing Officer decisions are considered by the ZBA	Hearing Officer decisions are final subject to administrative review as provided in Article III Administrative Review, Illinois Code of Civil Procedure (735 ILCS 5/3-101 <i>et seq.</i> , 1996)
Maintenance of minutes and public records required of ZBA	Maintenance of minutes and public records required of ZBA and Hearing Officer
Presiding authority for minor and major Variances indicated in Paragraph 9.1.6A with incorrect reference to presiding authority of appealed decisions of Hearing Officer	Presiding authority for each Variance classification: a table that correctly indicates presiding authority for each classification is provided (see Paragraph 9.1.6A)
	editorial adjustment to improve clarity: elimination of 'standard' to describe Variances other than Administrative Variance in Section 9.3 (Fees)

Attachments:

- A Trend Analysis of Variance Requests dated March 8, 2005
- B Strikeout Version of Existing Zoning Ordinance dated March 8, 2005
- C Case 475-AT-04 Draft Finding of Fact and Final Determination dated February 17, 2005

**TABLE ONE. TREND ANALYSIS OF 46 VARIANCE CASES CONSIDERED
1/1/2003 THROUGH 12/31/2004**

Variance Type	% Variance Cases which included this Type of Request	% Requests of this Type qualifying as a Major Variance (over 50% deviation or non-numerical deviation)
Setbacks: front yard; rear yard; side yard; or street centerline	44 %	43%
Corner/Driveway visibility triangle	6 %	none
Lot area	17 %	none
Lot width	12 %	none
Height	8 %	75%
Lot access	19 %	100%
Lot coverage	6 %	none
Access strip	6 %	100%
Sign area	6 %	66%
Screening	2 %	100%
Building separation	2 %	none
Reclamation agreement requirement	2 %	100%
Special Flood Hazard Areas Ordinance	4 %	100%

TABLE TWO. VARIANCE CASES RECEIVED 1/1/2003 THROUGH 12/31/2004

	DESCRIPTION	% VARIANCE	TYPE
387-V-03	A) 22.5' FY in lieu of 25' B) 55' setback from street centerline in lieu of 58' C) 41' corner visibility triangle in lieu of 50'	A) 10% B) 5% C) 18 %	A) minor B) minor C) minor
389-V-03	24,700 sf lot in lieu of 30,000 sf	17.7 %	minor
390-V-03	A) 176' average lot width in lieu of 200' B) 8' SY in lieu of 15'	A) 12% B) 47%	A) minor B) minor
392-V-03	A) 1' SY in lieu of 10' B) 20' height det access structure in lieu of 15'	A) 90% B) 33%	A) major B) minor

VARIANCE CASES RECEIVED 1/1/2003 THROUGH 12/31/2004 (CONT.)

393-V-03	A) 10'FY in lieu of 25' B) 50' setback from street centerline in lieu of 65'	A) 60% B) 23%	A) major B) minor
394-V-03	12'9" SY in lieu of 20' in I-2	36%	minor
395-AV-03	29,700 sf lot in lieu of 30,000 sf	1%	admin
396-V-03	A) 5'9" setback in lieu of 10' B) 45'3" setback from street centerline in lieu of 50' C) 20'2" setback in lieu of 22' D) 35' setback from street centerline in lieu of 42' E) 5'9" FY in lieu of 30' F) 20'2" FY in lieu of 25' G) 29' corner visibility triangle in lieu of 50'	A) 42.5% B) 9.5% C) 8.5% D) 17% E) 81% F) 8.5% G) 42%	A) minor B) minor C) minor D) minor E) major F) minor G) minor
397-V-03	A) FY 5' in lieu of 25' in R-1 B) 38' from street centerline in lieu of 58'	A) 80% B) 34%	A) major B) minor
402-V-03	dwelling on lot not abutting street or private accessway	n/a	major
406-V-03	38% max lot coverage in lieu of 30%	26.6%	minor
407-V-03	detached access structure w/5' SY and 5'RY in lieu of 10' in AG-2	50%	minor
408-V-03	2' SY in lieu of 5'	60%	major
410-V-03	38,342 sf lot area in lieu of 1 acre in AG-1	12%	minor
411-V-03	withdrawn		
417-V-03	average lot width of 120' in lieu of 150' in R-2	20%	minor
418-V-03	average lot width of 167.6 in AG-1	16.2 %	minor
423-AV-03	withdrawn		
424-V-03	A) corner visibility triangle B) driveway visibility triangle C) no screening along a portion of lot line	A) 42 % B) 46 % C) n/a	A) minor B) minor C) major
427-V-03	A) 9' RY in lieu of 20' in R-2 B) 32% lot coverage in lieu of 30% in R-2	A) 55 % B) minor	A) major B) minor
429-V-03	30,046 sf lot area in lieu of 1 acre in AG-1	31 %	minor
432-V-03	24,522 sf lot area in lieu of 30,000 sf	18 %	minor
433-V-03	withdrawn		
434-V-03	A) 0'SY in lieu of 5' B) 51' setback from street centerline in lieu of 85' C) 22' FY in lieu of 35'	A) 100% B) 40% C) 37%	A) major B) minor C) minor
435-V-03	3' SY in lieu of 5'	40%	minor

VARIANCE CASES RECEIVED 1/1/2003 THROUGH 12/31/2004 (CONT.)

436-AV-04	67.5' FY in lieu of 75' in AG-1	10%	admin
438-V-04	A) 60' setback from street centerline in lieu of 75' B) 20' FY in lieu of 30'	A) 20% B) 33%	A) minor B) minor
442-V-04	13' separation in lieu of 20'	35%	minor
443-V-04	A) 200 sf sign area in lieu of 75 sf in B-4 B) 55' height sign in lieu of 35' in B-4	A) > 50% B) >50%	A) major B) major
446-V-04	A) lot access B) 70' height in lieu of 35'	A) n/a B) 200%	A) major B) major
447-V-04	A) lot access B) 5.5' width of access strip in lieu of 20' C) abutting access strips	A) n/a B) 72.5% C) n/a	A) major B) major C) major
448-V-04	A) lot access B) 5.5' width of access strip in lieu of 20' C) abutting access strips	A) n/a B) 72.5% C) n/a	A) major B) major C) major
449-V-04	A) 42' FY in lieu of 55' from street centerline B) 12' FY in lieu of 25'	A) 20.8 % B) 47.8 %	A) minor B) minor
451-V-04	A) lot access B) insufficient lot area in R-1	A) n/a B) 16%	A) major B) minor
452-V-04	156' average lot width in lieu of 200' in AG-2	22%	minor
462-V-04	A) 160' average lot width in lieu of 200' in CR B) access by easement in CR	A) 20% B) n/a	A) minor B) major
463-V-04	A) lot access B) insufficient lot area in R-1	A) n/a B) 29%	A) major B) minor
464-V-04	A) 7' FY in lieu of 25' B) 37' setback from street centerline in lieu of 55' C) 4' FY in lieu of 25' D) 34' setback from street centerline in lieu of 55'	A) 72% B) 33% C) 84% D) 38%	A) major B) minor C) major D) minor
465-V-04	A) lot access B) 5.5' width of access strip in lieu of 20' C) abutting access strips	A) n/a B) 72.5% C) n/a	A) major B) major C) major
467-V-04	reclamation agreement with substandard L.O.C. and w/o incorporating reclamation agreement provisions onto deed of subject property	n/a	major
470-V-04	A) 35' sign height in lieu of 30' B) 175 sf sign area in lieu of 150 sf C) 1237 sf sign area in lieu of 75 sf in B-3 D) 75' sign height in lieu of minimum height required to be visible	A) 16.7% B) 16.7% C) 1549.3% D) undetermined	A) minor B) minor C) major D) major
471-V-04	10' RY in lieu of 20' in R-2	50%	minor

VARIANCE CASES RECEIVED 1/1/2003 THROUGH 12/31/2004 (CONT.)

472-V-04	4 wall signs in lieu of 3 wall signs	33%	minor
473-V-04	.61 acre lot area in lieu of .68 ac in AG-2	11 %	minor
474-V-04	48' FY in lieu of 55'	13 %	minor
477-AV-04	32% lot coverage in lieu of 30%	< 10%	minor
480-V-04	175.67 average lot width in lieu of 200' in AG-1	13%	minor
481-V-04	A) 50' FY in lieu of 55' from street centerline B) 20 FY in lieu of 25'	A) 9% B) 20%	A) minor B) minor
482-V-04	A) 6' RY in lieu of 20' B) detention basin in FY&S	A) 70% B) n/a	A) major B) major
483-V-04	variance from SFHA Ordinance	n/a	major
484-V-04	lot access for 3 lots	n/a	major
485-V-04	variance from SFHA Ordinance	n/a	major

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE

NN	NEW TEXT
NN	DELETED TEXT

9.1.5 Hearing Officer

A. Appointment

1. The GOVERNING BODY shall provide for the appointment of three Hearing Officers. The Hearing Officers shall alternately preside over public hearings authorized in Section 9.1.5B, and may substitute for one another in the event of a conflict of interest or scheduling. The terms of the three Hearing Officers shall be for three years, however no reappointment shall be made which will permit a Hearing Officer to serve more than 10 consecutive years.
2. All appointments of Hearing Officers shall be made by the Chairperson of the GOVERNING BODY with the advice and consent of the GOVERNING BODY.
3. All Hearing Officers shall be residents of separate townships and shall reside in areas affected by the terms of these regulations at the time of their appointments, and shall not be members of the GOVERNING BODY.
4. No person shall be appointed to the position of ~~Zoning~~ Hearing Officer unless the GOVERNING BODY determines that they possess the training and experience to conduct administrative proceedings of a quasi-judicial nature and a practical knowledge of land use regulation, land development and natural resource conservation.
5. The GOVERNING BODY shall have the power to remove any Hearing Officer for cause, after public hearing, held after at least 10 days notice to the Hearing Officer concerned, of the charges against him. Vacancies shall be filled by the GOVERNING BODY for the unexpired term of any Hearing Officer whose place has become vacant.

B. Powers and Duties

1. VARIANCES

The Hearing Officer shall have the power and duty to ~~authorize rule upon application;~~ all Minor VARIANCES ~~in specific cases,~~ as provided in Section 9.1.9 only:

- i. during that time as authorized by a Resolution passed by the County Board; and
- ii. provided that no ADMINISTRATIVE VARIANCE, Major

VARIANCE, SPECIAL USE, or rezoning is concurrently requested on the same site.

- 2. In the performance of duties, the Hearing Officer may incur such expenditures as are authorized by the GOVERNING BODY.

9.1.6 Zoning BOARD of Appeals

A. Appointment

- 1. The GOVERNING BODY shall provide for the appointment of the BOARD. The BOARD shall consist of seven members who shall each serve a term of 5 years. Members may be reappointed by the GOVERNING BODY provided however, that no reappointment shall be made which will permit the appointee to serve more than 10 consecutive years on the BOARD. All vacancies on the BOARD shall be filled by appointment within 90 days.
- 2. All appointments to the BOARD shall be made by the Chairperson of the GOVERNING BODY with the advice and consent of the GOVERNING BODY.
- 3. One of the members of the BOARD shall be named by the GOVERNING BODY as Chairperson of the BOARD and in case of a vacancy, a new Chairperson shall be designated in like manner.
- 4. The GOVERNING BODY shall have the power to remove any member of the BOARD for cause, after public hearing, held after at least 10 days notice to the member concerned, of the charges against him. Vacancies shall be filled by the GOVERNING BODY for the unexpired term of any member whose place has become vacant.
- 5. All of the members of the BOARD shall be residents of separate townships and shall reside in areas affected by the terms of these regulations at the time of their appointments, and shall not be members of the GOVERNING BODY.

B. Powers and Duties

- 1. The BOARD shall hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
- 2. The BOARD shall hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Administrator ~~or the Hearing Officer~~ in the administration and enforcement of this ordinance as provided in Section 9.1.8.
- 3. The BOARD may authorize upon application, VARIANCES in specific cases

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

as provided in Section 9.1.9.

4. The BOARD may authorize upon application in specific cases such SPECIAL USES as are specifically authorized as provided in Section 9.1.11.
5. The BOARD may authorize upon application in specific cases, a change of NONCONFORMING USE as a major VARIANCE as provided in Section 8.4.3.
6. The BOARD may render interpretations regarding the meaning, intent, and application of any provision of this ordinance or to ascertain zoning district boundaries as provided in Section 4.1.6G.
7. The BOARD may adopt rules necessary to the conduct of all administrative proceedings in keeping with the provisions of this ordinance.
8. The BOARD may exercise any powers expressly granted to it elsewhere in this ordinance.
9. In the performance of duties, the BOARD may incur such expenditures as are authorized by the GOVERNING BODY.

9.1.7 Administrative Proceedings

A. Proceedings Governed

The following administrative proceedings shall be conducted only in conformance with the requirements of Section 9 and the Bylaws or other rules of procedure adopted by the BOARD.

1. Appeals
2. Interpretations of ordinance provisions
3. Changes of NONCONFORMING USES
4. Contested ADMINISTRATIVE VARIANCES
5. VARIANCES
6. SPECIAL USE permits

B. Application and Notice

1. Each application for administrative relief shall be accompanied by a fee paid by the applicant as provided in Section 9.3.

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

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2. At least 15 days but not more than 30 days notice of the time and place of any statutorily required hearing shall be published in an official paper or a paper of general circulation in the COUNTY. The notice of such hearing shall contain the address, description of the PROPERTY, and a brief description of the administrative relief sought. The cost of such publication shall be taken from the fee. In the instance that republication of the public hearing is necessary due to action of the applicant, a fee for republication shall be paid by the applicant as provided in Section 9.3.3A.4.

C. Meetings and Quorums

1. All administrative proceedings shall be held at the call of the Chairperson of the BOARD or the Hearing Officer and at such times and places within the COUNTY as they may determine. In no case shall a period of one month elapse between BOARD meetings.
2. All administrative proceedings shall be open to the public, and public notice given in accordance with the provisions of the *Illinois Open Meetings Act*, (5 ILCS 120/1.01 *et seq.*).
3. The presence of a majority of members of the BOARD at a meeting of the BOARD shall constitute a quorum. No action shall be taken by the BOARD unless a quorum of four members is present.

D. Public Hearings

1. Any person may appear at a public hearing in person, or by agent or by attorney, and may give testimony orally, in writing, or by other means.
2. The Chairperson, or in the absence thereof, the Acting Chairperson, and the Hearing Officer may administer oaths and compel the attendance of witnesses. All testimony by any witness shall be given under oath.
3. The Staff of the Department of Planning and Zoning shall serve as consultant to the BOARD and Hearing Officer and may give testimony, question witnesses, and make oral or written recommendations as necessary concerning zoning matters.
4. The BOARD or the Hearing Officer may postpone or adjourn from time to time any public hearing. In the event of such postponement or adjournment, further publication of a hearing need not be made.

E. Decisions

1. The concurring vote of five members of the BOARD shall be necessary to reverse any order, requirement, decision, or determination of the Zoning

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

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Administrator, ~~or the Hearing Officer~~, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any VARIANCE in the application of this ordinance or to effect any SPECIAL USE.

2. Any decision or determination made by the BOARD or by the Hearing Officer shall be final subject to administrative review as provided in *Article III Administrative Review, Illinois Code of Civil Procedure (735 ILCS 5/3-101 et seq., 1996)*.
3. ~~The Hearing Officer's decision or determination on VARIANCE applications shall be final subject to appeal to the BOARD in accordance with Section 9.1.8.~~

F. Records

1. The Zoning Administrator shall keep minutes of the proceedings of the BOARD and the Hearing Officer, showing the vote upon every question, or if absent or failing to vote, indicating such fact, and shall keep records of examinations and other official actions. Minutes of public hearings held by the BOARD and by the Hearing Officer shall be public records.
2. Every rule, regulation, every amendment or repeal thereof; every order, requirement, decision or determination of the BOARD and the Hearing Officer shall be filed in the office of the Zoning Administrator and shall be a public record. Decisions or determinations of the BOARD, at the request of the applicant, shall be decided within two regular meetings of the BOARD, after the BOARD has received all information it has requested.
3. The Zoning Administrator, or his representative, shall serve as secretary to the BOARD and the Hearing Officer.
4. All public records of the BOARD and of the Hearing Officer shall be made available for inspection or copying in accordance with the *Illinois Freedom of Information Act, (5 ILCS 140/1 et seq.)*.

9.1.8 Appeals

- A. All questions of interpretation and enforcement shall be first presented to the Zoning Administrator. Such questions shall be presented to the BOARD only on appeal from the decision of the Zoning Administrator.
- B. The BOARD may, upon application and after providing notice to the affected parties and conducting a public hearing and so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator ~~or Hearing Officer~~ from whom the appeal was

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taken.

- C. Appeals may be taken to the BOARD after filing such appeal with the Zoning Administrator by any person affected by any order, requirement, interpretation, decision, or determination made by the Zoning Administrator ~~or Hearing Officer~~.
- D. The Zoning Administrator shall transmit to the BOARD all the papers constituting the record upon which the action, appealed from, was taken.
- E. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the BOARD after the notice of the appeal has been filed with him that by reasons of facts stated in the certificate a stay could, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise, than by a restraining order which may be granted by the BOARD or by court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.
- F. The Chairperson of the BOARD shall fix a reasonable time for the hearing of the appeal. At least 15 days but no more than 30 days notice of the time and place of such hearing shall be provided to the appellant, applicant or petitioner and any other parties to the decision appealed from. Upon the hearing, any party may appear in person or by agent or by attorney.
- G. The BOARD shall not hear appeals filed with the Zoning Administrator more than 30 days from the date of the action or receipt of the decision of the Zoning Administrator ~~or the Hearing Officer~~, except that the BOARD shall hear appeals of the issuance of a Zoning Use Permit when the appeal is filed with the Zoning Administrator within 210 days of the date of issuance of the permit but not more than 30 days from the date of initiation of the USE, work, or activity for which a Zoning Use Permit is required under Section 9.1.2 including the following.
 - 1. the placement of survey stakes or markers;
 - 2. filling, excavating, clearing or grading;
 - 3. demolition of all or any part of an existing building or structure;
 - 4. relocation of all or any part of an existing building or structure;
 - 5. construction of any part of a building or structure or site improvements made in preparation for construction of a building or structure.
 - 6. issuance of a Certificate of Compliance pursuant to Section 9.1.3 where no CONSTRUCTION, alteration, enlargement, or relocation is to be performed.

9.1.9 VARIANCES

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

A. Authorized VARIANCES

1. ~~Minor VARIANCES include contested ADMINISTRATIVE VARIANCES and deviations between 10 and 50 percent of numerical regulations or standards relating to the location of STRUCTURES or to the bulk requirements of this ordinance and may be granted by the Hearing Officer or, on appeal, by the BOARD after the conduct of a public hearing.~~

2. ~~Major VARIANCES include deviations exceeding 50 percent of numerical regulations or standards of this ordinance, and waivers from nonnumerical regulations or standards and waiver of or VARIANCE from any provision of the *Champaign County Interim Storm water Management Policy*, and may be granted only by the BOARD after the conduct of a public hearing.~~

A. Table of VARIANCE Classifications and Presiding Authority

<u>VARIANCE Classification</u>	<u>Presiding Authority</u>
<u>ADMINISTRATIVE VARIANCE:</u> Deviation of 10 percent or less from regulation or standard of <u>this ordinance related to the location of STRUCTURES or to bulk requirements</u>	May be authorized by the Zoning Administrator in accordance with <u>Section 9.1.10.</u>
<u>Minor VARIANCE:</u> <u>Contested ADMINISTRATIVE VARIANCE</u> Deviation of 10 percent or less from numerical regulation or standard of this ordinance not related to <u>the location of STRUCTURES or to bulk requirements</u> Deviation of more than 10 percent but not exceeding <u>25 percent from numerical regulation or standard of this ordinance</u>	May be granted by the Hearing Officer or by the BOARD in accordance with <u>Paragraph 9.1.5(B) and the requirements of this Section.</u>
<u>Major VARIANCE:</u> Deviation exceeding <u>25 percent from numerical regulation or standard of this ordinance.</u> Waiver from <u>nonnumerical regulation or standard of this ordinance.</u> Deviation from numerical regulation or standard of the <u><i>Champaign County Storm water Management Policy</i> or <i>Champaign County Special Flood Hazard Areas Ordinance.</i></u> Waiver from nonnumerical regulation or standard of the <u><i>Champaign County Storm water Management Policy</i> or <i>Champaign County Special Flood Hazard Ordinance.</i></u>	May be granted by the BOARD in accordance with the <u>requirements of this Section.</u>

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

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B. Prohibited VARIANCES

At no time shall the BOARD or the Hearing Officer grant a VARIANCE in the following instances:

1. To grant a VARIANCE to allow a USE not permissible under the terms of this ordinance in the DISTRICT involved, or any USE expressly or by implication prohibited by the terms of this ordinance in said DISTRICT.
2. To waive compliance with any municipal, state, or federal regulation incorporated into this ordinance.
3. To waive compliance with any procedural requirement contained in this ordinance.
4. To waive compliance with regulations pertaining to NONCONFORMING LOTS, STRUCTURES, or USES, except as specifically authorized in Section 8.
5. To authorize any USE or CONSTRUCTION prohibited by Section 14.2.1.

C. VARIANCE Criteria

1. A VARIANCE from the terms of this ordinance shall not be granted by the BOARD or the Hearing Officer unless a written application for a VARIANCE is submitted demonstrating all of the following.
 - a. that special conditions and circumstances exist which are peculiar to the land or STRUCTURE involved which are not applicable to other similarly situated land or STRUCTURES elsewhere in the same zoning DISTRICT;
 - b. that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted USE of the land or STRUCTURES or CONSTRUCTION on the LOT;
 - c. that the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant;
 - d. that the granting of the VARIANCE is in harmony with the general purpose and intent of ~~the~~ this ordinance;
 - e. that the granting of the VARIANCE will not be injurious to the neighborhood, or otherwise detrimental to the public health safety or welfare.

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

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2. No NONCONFORMING USE of the neighboring lands or STRUCTURES in the same DISTRICT, and no permitted USE of lands or STRUCTURES in other DISTRICTS shall be considered grounds for the issuance of a VARIANCE.

D. Findings

1. The BOARD or the Hearing Officer shall make findings that the requirements of Section 9.1.9C have been met by the applicant for a VARIANCE, and justify the granting of the VARIANCE.
2. The BOARD or the Hearing Officer shall further make a finding that the VARIANCE is the minimum variation that will make possible the reasonable use of the land or STRUCTURE.

E. Conditions

1. In granting any VARIANCE, the BOARD or the Hearing Officer may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of conditions under which the VARIANCE is granted shall be deemed a violation of this ordinance and punishable as provided in Section 11.2.3 of this ordinance.

9.1.10 ADMINISTRATIVE VARIANCES

- A. The Zoning Administrator, or on appeal, the BOARD may grant upon written application variations from the regulations and standards of this ordinance except where prohibited by Section 14.2.1, in specific cases; when the variation totals ten 10 percent or less of the regulations or standards related to the location of STRUCTURES or to the bulk requirements of this ordinance, in accordance with the following:
 1. Each application for an ADMINISTRATIVE VARIANCE shall be accompanied by a fee paid by the applicant as provided in Section 9.3.
 2. Before such variation may be granted, the Zoning Administrator shall send a notice of intent to grant such variation by certified mail to all adjoining land owners. The notice of intent shall be sent within 10 days of the decision to grant such variation.
 3. If any adjoining land owner files a written objection with the Zoning Administrator within 15 days of receipt of such notice, the variation shall be considered by the Hearing Officer or BOARD in accordance with Paragraph 9.1.5(B) and as provided in Section 9.1.9, and the applicant shall pay a fee in the amount of the difference between the fee for a VARIANCE and the fee for an ADMINISTRATIVE VARIANCE as provided in Section 9.3.

STRIKEOUT VERSION OF EXISTING ZONING ORDINANCE (CONT.)

B. Findings

- 1. In granting an ADMINISTRATIVE VARIANCE, the Zoning Administrator shall make findings that:
 - a. the granting of the variation is in harmony with the general purpose and intent of this ordinance;
 - b. a practical difficulty exists because of the nature of the land or STRUCTURE involved;
 - c. the variation will be in harmony with surrounding development; and,
 - d. the variation will not significantly impair the public health, safety, comfort, convenience, or general welfare.

⋮

9.3.3 ZONING CASE FILING FEES

A. General Provisions

⋮

B. Fees

1. Variances

- a. Administrative Variances \$100.00
- b. Standard Minor or Major Variances \$200.00

⋮

CASE 475-AT-04

Draft Finding of Fact and Final Determination
Champaign County Zoning Board of Appeals

Final Determination: RECOMMEND ADOPTION

Date: February 17, 2005

Petitioner: Zoning Administrator

Request: Amend Sections 9.1.5 through 9.1.10 and Section 9.3

- A. Adjust the parameters of minor and major variance classifications
 - B. Clarify the presiding authority for each variance classification
 - C. Restrict hearing officer duties
 - D. Remove option of appealing a hearing officer decision to the ZBA
 - E. Broaden requirements regarding maintenance of minutes and public records to include hearing officer
 - F. Make editorial changes to improve clarity
-

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearings conducted on October 28, 2004, November 9, 2004; November 23, 2004; December 14, 2004; December 30, 2004, January 13, 2005; and February 17, 2005, the Zoning Board of Appeals of Champaign County finds that:

1. *Zoning Ordinance* Paragraph 9.1.5(B) of the *Zoning Ordinance*, addressing the powers and duties of a Hearing Officer, allows a Hearing Officer to preside only at public hearings for Minor Variance requests.
2. Existing *Zoning Ordinance* Section 9.1.9 indicates the Minor Variances that may be considered by a Hearing Officer.

Minor Variances include: contested Administrative Variances (generally, deviations of 10% or less); and deviations between 10% and 50 % of numerical regulations or standards relating

to the location of structures or to the bulk requirements of the *Zoning Ordinance*.

(Major Variances include: deviations exceeding 50% of numerical regulations or standards of the *Zoning Ordinance*; waivers from non-numerical regulations or standards; and waivers of or variances from any provision of the *Champaign County Stormwater Management Policy*.)

3. The Environment and Land Use Committee of the County Board (ELUC), during the fall of 2004, at one point had considered the use of a Hearing Officer to preside over public hearings for proposed Comprehensive Zoning Review Phase One map amendments in each of 28 affected townships in the County. It was during that period that this text amendment was initially considered with the intent of expanding Hearing Officer duties to allow the County Board the maximum latitude as authorized by Illinois State Statute 55 ILCS 5/5-12015 to delegate power or duty to a Hearing Officer. Subsequently, upon the advice of Assistant State's Attorney Joel Fletcher, on December 13, 2004 ELUC indicated their preference that the Champaign County ZBA and not a Hearing Officer preside over such hearings.
4. State Statute 55 ILCS 5/5-12015 allows a county board the authority "...to delegate to a Hearing Officer the authority to conduct any public hearing otherwise required to be heard in accordance with this Division by the board of appeals." The Statute additionally indicates that once a Hearing Officer is appointed, that Hearing Officer is "governed by the same standards and shall exercise and perform all of the powers and duties of the board of appeals in the same manner and to the same effect [as] the board of appeals." The Assistant State's Attorney interprets this provision to mean that a public hearing may be held either by the ZBA or by the Hearing Officer—but not by both.
5. Upon re-examination of *Zoning Ordinance* Section 9.1.9, and upon a review of a trend analysis of all variance cases considered during the period of 1/1/2003 through 12/31/2004 and a review of their typical caseload, ZBA members recommended to further restrict Hearing Officer duties to that of presiding over Minor Variance cases that consist of requests not exceeding a 25% deviation. This recommendation is reflected in the lowering of the upper parameter of a Minor Variance case from 50% deviation to only a 25% deviation. ZBA members prefer that variance applicants with a variance case in which a greater than 25% deviation is requested be allowed the benefits of a ZBA quorum as the case is decided.
6. ZBA members prefer that a Hearing Officer preside over Minor Variance cases only during those periods when the ZBA is presiding over hearings as part of the Comprehensive Zoning Review and only provided that no other request for a variance, special use or rezoning is concurrently under consideration for the subject site or structure involved.
7. In an opinion provided to staff on February 10, 2005, Assistant State's Attorney Joel Fletcher considered whether a contested Administrative Variance can be heard by a hearing officer. He indicated that language in Illinois Statute 55 ILCS 5/5-12009 which states that a contested administrative variance "... *only* be considered by the board of appeals in the manner provided in this Section" [emphasis added] should be read to require that a hearing be held

as provided elsewhere in Section 5-12009, but not as a requirement that a hearing be held before the ZBA instead of a duly appointed hearing officer. He noted that language in 55 ILCS 5/5-12015(A) provides that a hearing officer may be appointed “to conduct *any* public hearing otherwise required to be heard by the zoning board of appeals” [emphasis added]. Mr. Fletcher indicated that the language in Section 5-12015 is to take precedence over the language from Section 5-12009 emphasized above. Based on this opinion, a ‘contested Administrative Variance’ may remain in the Minor Variance classification.

8. In an opinion provided to staff on February 10, 2005, Assistant State’s Attorney Joel Fletcher indicated that all provisions in the *Champaign County Zoning Ordinance* which refer to the ability of the ZBA to hear appeals from decisions of the hearing officer are inconsistent with the Counties Code. The following excerpts from 55 ILCS 5/5-12015 support his opinion:

When a hearing officer is appointed he or she is “... governed by the same standards and shall exercise and perform all of the powers and duties of the board of appeals in the same manner and to the same effect as ... the board of appeals.” 55 ILCS 5/5-12015(A)(ii)

When the County Board is not involved in granting variances, as in Champaign County, “.. the determination made by the hearing officer with respect to any such variation or matter shall constitute a final administrative decision which is subject to judicial review pursuant to the provisions of the ‘Administrative Review Law’, as now or hereafter amended.” 55 ILCS 5/5-12015(A)(3)

Based on this opinion, amendments adjusting the text are proposed in Sections 9.1.5 through 9.1.9 in order to disallow the appeal of a hearing officer decision to the ZBA.

9. In an opinion provided to staff on February 10, 2005, Assistant State’s Attorney Joel Fletcher provided advice pertaining to the proposed limits regarding when a hearing officer presides over minor variances. He indicated that it is best to avoid any appearance that the ZBA is involved in determining one way or another when a hearing officer should preside over minor variance cases. He advised that the revised Zoning Ordinance text avoid a reference to the Comprehensive Zoning Review, and that the Zoning Ordinance text instead make reference to a specific Resolution passed by the County Board. The Resolution would identify a specific time period that the Hearing Officer may preside.
10. Zoning Ordinance requirements regarding maintenance of minutes and public records have been broadened to apply to a Hearing Officer in order to be consistent with IL Statute 55 ILCS 5/5-12015 Subsection A which states that:

“(ii) the hearing officer in acting upon any matter otherwise within the jurisdiction of the board of appeals shall be governed by the same standards and shall exercise and perform all of the powers and duties of the board of appeals in the same manner and to the same effect as provided in this Division with respect to the board of appeals.....”

10. A reference to two categories of variances is found in Section 9.3 (Fees): ‘Administrative

Variances' and 'Standard Variances'. The reference to 'Standard' Variances is removed so as to avoid potential confusion.

DOCUMENTS OF RECORD:

1. Illinois Statute 55 ILCS 5/5-12
2. Preliminary Staff Memorandum dated 10/26/04
3. Summary Staff Memorandum dated 11/19/04
4. Supplemental Staff Memorandum dated 12/9/04
5. Supplemental Staff Memorandum dated 12/22/04
6. Supplemental Staff Memorandum dated 12/28/04
7. Supplemental Staff Memorandum dated 1/7/05
8. Supplemental Staff Memorandum dated 1/13/05
9. Supplemental Staff Memorandum dated 2/17/05

DETERMINATION

Pursuant to the authority granted by Section 9.1.6. B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the Zoning Ordinance text amendment requested in Case 475-AT-04 **should** be enacted by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Debra Griest, Chairperson
Champaign County Zoning Board of
Appeals

Secretary to the Zoning Board of Appeals

Date

Monthly Report

Champaign
County
Department of

**PLANNING &
ZONING**

February 2005

Zoning Cases

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
FAX (217) 328-2426

Five zoning cases were filed in February compared to 8 cases filed in 2004 and 2 cases filed in 1999. The 5-year average for cases filed in February is 3.2.

There were no final actions taken on cases in February 2005 and none in February of 2004 and 1 in February 1999. The 5-year average of for cases finalized is 1.6 cases for the month. There are 21 cases pending at this time compared to 18 cases at the end of February of 2004 and 2 cases at the end of February 1999. The distribution of cases by type is listed below for a comparisons to the current level of activity as detailed on Table 1.

Table 1. Zoning Case Summary

Type of Case	February 2005 2 Non-CZR ZBA meetings		February 2004 2 Non-CZR ZBA meetings		February 1999 2 Non-CZR ZBA meetings	
	Filed	Completed	Filed	Completed	Filed	Completed
Variance	2	0	5	0	0	0
Special Use	3	0	0	0	1	0
Map Amendment	0	0	2	0	0	1
Text Amendment	0	0	1	0	1	0
Change of Nonconforming use	0	0	0	0	0	0
Admin Variance	0	0	0	0	0	0
Interpretation / Appeal	0	0	0	0	0	0
Totals	5	0	8	0	2	1
cases pending	2005 21	Pending includes all cases docketed and includes new cases filed.				
	2004 18					
	1999 2					

Subdivisions

There were no new subdivision plat applications or approvals in February.

Zoning Use Permits

The Department issued 16 permits for 16 structures in February, compared to 12 permits that were issued in 2004. The 5 year average for permits written in the month of February is 12.6.

Permits for new construction written in February represented \$1,623,000 compared to \$1,628,000 in 2004. The County collected \$4,421 in fees for the February compared to \$4,037 in fees collected for February 2004. The 5 year average of fees collected in February is \$5,128. A detailed breakdown of the permit activity appears in Table 2 on page 3.

Zoning and Nuisance Enforcement

February began with 311 open enforcement cases and ended with a total of 316 open enforcement cases. In February the Department received 8 new complaints and resolved 3 cases. As discussed during the February 14th ELUC meeting I compiled a Table of all of the current unresolved cases and determined that there were actually approximately only 252 open zoning and nuisances cases that are unresolved complaints at the end of January. Over the last month I have done some sorting of the cases and have determined the following numbers for all cases dating back to 1990:

Type of Case	No. of Cases
Kennel operations	14
Filling in the Floodplain	11
Cases referred to the States Attorney	16
All others unresolved cases	208
Total cases pending further action	241

Staff is requesting a status update from the States Attorney's Office regarding whether the cases forwarded to their office has been resolved. **Of the 241 current cases, 71 involve inoperable vehicles and other related complaints associated with inoperable vehicles.** The 14 kennel cases in the log are intended to be handled and resolved further the adoption of the Comprehensive zoning ordinance. The 11 cases involving filling in the floodplain may drop off of the list depending on the determination of further investigation by staff and personnel at Illinois Department of Natural Resources, Division of Water. On February 14th, the Committee direct staff to remove from the current backlog list the 16 cases that have been referred to the States Attorney's Office. As a result of this direction, there are **225 total open enforcement cases as opposed to the 316 as indicated in the table below.** Table 3 below summarizes the actions taken in February with respect to outstanding enforcement cases.

TABLE 2. PERMIT ACTIVITY FEBRUARY, 2005

PERMITS	CURRENT MONTH			YEAR TO DATE		
	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL:						
Residential		N.A.			N.A.	
Other	3	N.A.	28,000	5	N.A.	58,200
SINGLE FAMILY Residential:						
New - Site Built	6	3,510	1,372,000	18	11,862	5,255,000
Manufactured	1	393	154,000	1	393	154,000
Additions	3	275	49,000	5	469	123,875
Accessory to Residential	2	177	15,000	6	1,269	86,500
TWO-FAMILY Residential				1	1,065	410,000
Average turn around time for residential permits	11.9% - P&Z Tech out five days with husband surgery					
MULTI - FAMILY Residential						
HOME OCCUPATION:						
Rural						
Neighborhood		N.A.		2	N.A.	0
COMMERCIAL:						
New						
Other						
INDUSTRIAL:						
New						
Other						
OTHER USES:						
New						
Other						
SIGNS	1	66	5,000	2	177	5,200
TOWERS (Includes Acc. Bldg.)						
OTHER PERMITS				1	65	400
TOTAL	16	\$4,421	\$1,623,000	41/38	\$15,300	\$6,093,175

*16 permits were issued for 16 structures during February, 2005

◇41 permits have been issued for 38 structures since Januarv. 2005

NOTE: Home occupations and other permits (change of use, temporary use) total 3 since January, 2005, (this number is not included in the total # of structures).

Table 3. ENFORCEMENT ACTIVITY FOR FEBRUARY, 2005

	2004 Enforcement	January, 2005	February, 2005
New Complaints	76	12	8
Inspections	82	34	3
1 st Notices Issued	25	7	5
2 nd Notices Issued	1	1	0
Agreements to Abate	0	0	0
Referrals to Other Agencies	2	0	0
Referrals to State's Attorney's Office	2	0	0
TOTAL CASES INCLUDING PREVIOUS YEARS 12.6			
Cases Resolved ¹	51	13	3
Open Cases ²	312	311	316*

¹Resolved cases are cases that have been inspected, notice given, and violation is gone, or inspection has occurred and no violation has been found to occur on the property.

²Open cases are unresolved cases, and include any cases referred to the State's Attorney's Office and cases in which compliance agreements have been made but have not yet been resolved (i.e., agreement deadline has not elapsed), or new complaints not yet investigated.

*Open cases include the previous number of open cases plus the number of new complaints received in the current month less the number of cases resolved in the same month.

APPENDIX C

ZONING USE PERMITS ISSUED DURING FEBRUARY, 2005

<u>NUMBER</u>	<u>LOCATION</u>	<u>NAME</u>	<u>DATE IN/ DATE OUT</u>	<u>PROJECT</u>
224-04-02	Pending Special Use Permit			
239-04-01	Lot 2107, Western Hills 3 rd Subdivision, Section 35, Hensley Township; 1612 Commanche Drive, Champaign, Illinois PIN: 12-14-35-352-018	David Bauer	08/26/04 02/28/05	construct an addition to an existing single family home CASE: 471-V-04
246-04-02	More information required			
259-04-02	Pending Variance			
271-04-01	Lot 448, Cherry Hills 9 th , Section 27, Champaign Township; 3502 Millcreek Court, Champaign, Illinois PIN: 03-20-27-301-046	John Kroppman	09/27/04 10/08/04 amended 02/22/05 02/28/05	permit amended to add in ground swimming pool with proper fencing
275-04-01	More information required			
278-04-02	Pending Variance			
317-04-02	Floodplain and lot creation issues			
06-05-01	More information required			
11-05-01	Pending amendment of Special Use Permit			
32-05-01	Floodplain issues			
33-05-01	A tract of land located in Part of the West ½ of the NE 1/4 of Section 12, Compromise Township; 2357 CR 2900 N, Gifford, Illinois PIN: 06-10-12-200-003	Bryan and Becky Schluter	02/02/05 02/11/05	construct a detached shed for agricultural purposes only
33-05-02	Lot 3, Deer Crossing Subdivision, Section 25, Newcomb Township; 542 CR 2550 N, Mahomet, Illinois PIN: 16-07-25-101-003	Richard Preston	02/02/05 02/11/05	construct a single family home with attached garage

33-05-03	Lot 1, Green Island Inc. Subdivision, Section 2, Urbana Township; 2412 N. Highcross Road, Urbana, Illinois PIN: 30-21-02-102-006	Joseph Coble	02/02/05 02/16/05	construct an attached garage addition to an existing single family home
35-05-01	A tract of land located in the SW Fractional 1/4 of Section 6, Mahomet Township; 2288 CR 0E, Mahomet, Illinois PIN: 15-13-06-300-009	Gregory and Kimberly Mills	02/04/05 02/18/05	construct a single family home with attached garage
38-05-01	Lot 514, Ironwood West V, Section 20, Champaign Township; 2004 Vale Street, Champaign, Illinois PIN: Pt. of 03-20-20-300-012	Ironwood Builders, Inc.	02/07/05 02/18/05	construct a single family home with attached garage
38-05-02	Lot 1, Phillip Warner Subdivision, Section 24, Hensley Township; 51 Leverett Road, Champaign, Illinois PIN: 12-14-24-427-003	Donna Brown	08/24/04 02/24/05	place a wall sign on an existing building CASE: 472-V-04
39-05-01	A tract of land located in the NE 1/4 of Section 18, East Bend Township; Address to be assigned PIN: 10-02-18-100-024	Greg and Mitzie Fairfield	02/08/05 02/28/05	place a manufactured home with attached garage on the subject property
39-05-02	Possible Map Amendment			
39-05-03	A tract of land located in the West 1/4 of the East 1/2 of the SE 1/4 of Section 25, Colfax Township; 706 CR 525E, Sadorus, Illinois PIN: Pt. of 05-25-25-300-004	Jesse Wade and Tina Painter	02/08/05 02/24/05	construct a detached garage

40-05-01	A tract of land located in the East ½ of Section 20, Rantoul Township; 2661 CR 1400E, Rantoul, Illinois PIN: 20-09-20-200-003	Pete Johnson (J-Farms, Inc.)	02/11/05 02/18/05	construct a detached shed for agricultural purposes
40-05-02	A tract of land in the NE 1/4 of Section 21, Rantoul Township; 1450 CR 2700N, Rantoul, Illinois PIN: 20-09-21-200-001	Pete Johnson (J-Farms, Inc.)	02/11/05 02/18/05	construct a detached shed for agricultural purposes
42-05-01	Lot 109, Wiltshire Estates 7 th , Section 13, St. Joseph Township; 1503 Dover Drive, St. Joseph, Illinois PIN: 28-22-13-328-006	Jay Quiram	02/11/05 02/28/05	construct a single family home with attached garage
45-05-01	Lot 513, Ironwood West V, Section 20, Champaign Township; 2006 Vale Street, Champaign, Illinois PIN: Pt. of 03-20-20-300-012	Signature Construction	02/14/05 02/28/05	construct a single family home with attached garage
45-05-02	Under review			
45-05-03	Lot 528, Ironwood West V, Section 20, Champaign Township; 2109 Vale Street, Champaign, Illinois PIN: Pt. of 03-20-20-300-012	Signature Construction	02/14/05 02/28/05	construct a single family home with attached garage
47-05-01	Under review			
48-05-01	Lots 11 & 12, O'Neill Subdivision, Section 21, Philo Township; 837 CR 1500E, Tolono, Illinois PIN: 19-27-21-426-001 & 002	Earl and Lorraine Cox	02/17/05 02/28/05	construct an addition to an existing single family home
48-05-02	Under review			
49-05-01	Requires Variance			
55-04-01	More information required			

APPENDIX D

ZONING COMPLIANCE CERTIFICATES ISSUED DURING FEBRUARY, 2005

<u>DATE</u>	<u>LOCATION</u>	<u>PROJECT</u>
02/14/05 69-04-04	Tracts of land in the SE 1/4 and the SW 1/4 and the NW 1/4 of Section 21, Champaign Township; 2000 Byrnebruk Drive, Champaign, Illinois PIN: 03-20-21-425-006, -300-011 & -381-018	an enclosed patio for Lincolnshire Fields Country Club
02/16/05 325-03-01	Lot 107, Wiltshire Estates 7 th , Section 13, St. Joseph Township; 1405 Dover Drive, St. Joseph, IL PIN: 28-22-13-326-004	a single family home with attached garage
02/16/05 92-04-02	Lot 108, Wiltshire Estates 7 th , Section 13, St. Joseph Township; 1501 Dover Drive, St. Joseph, IL PIN: 28-22-13-328-005	a single family home with attached garage
02/16/05 169-04-02	Lot 100, Wiltshire Estates VII, Section 13, St. Joseph Township; 1400 Dover Drive, St. Joseph, IL PIN: 28-22-13-304-031	a single family home with attached garage and detached garage
02/16/05 308-03-01	Tract B of a Plat of Survey of the NW 1/4 of Section 13, St. Joseph Township; 1576B CR 2350E, St. Joseph, Illinois PIN: 28-22-13-201-003	a single family home with attached garage and detached accessory building
02/16/05 201-04-02	Lot 76, Wiltshire Estates VI, Section 13, St. Joseph Township; 1402 Brunswick Court, St. Joseph, Illinois PIN: 28-22-13-304-022	a single family home with attached garage and detached storage shed
02/16/05 184-03-01	Lot 102, Wiltshire Estates 7 th , Section 13, St. Joseph Township; 701 W. Nottingham Drive, St. Joseph, Illinois PIN: Pt. of 28-22-13-326-004	a single family home with attached garage

02/16/05 181-04-01	Lot 105, Wiltshire Estates 7th, Section 13, St. Joseph Township; 1401 Dover Drive, St. Joseph, Illinois PIN: 28-22-13-328-002	a single family home with attached garage
02/16/05 180-04-01	Lot 104, Wiltshire Estates 7th, Section 13, St. Joseph Township; 702 W. Nottingham Drive, St. Joseph, Illinois PIN: 28-22-13-328-001	a single family home with attached garage
02/16/05 180-04-03	Lot 111, Wiltshire Estates 7th, Section 13, St. Joseph Township; 703 E. Nottingham Drive, St. Joseph, Illinois PIN: 28-22-13-328-008	a single family home with attached garage
02/17/05 34-03-01	A tract of ground being the NE 1/4 of the NE 1/4 of Section 32, Champaign Township; 3601 S. Staley Road, Champaign, Illinois PIN: 03-20-32-200-003 & 004	a detached accessory building to an existing church
02/17/05 81-01-03	A tract of ground being the NE 1/4 of the NE 1/4 of Section 32, Champaign Township; 3601 S. Staley Road, Champaign, Illinois PIN: 03-20-32-200-003 & 004	a church building and pond less than 1 acre in size
02/17/05 173-01-01	A tract of land in the NE 1/4 of Section 21, Rantoul Township; 1479 CR 2700N, Rantoul, Illinois PIN: 20-09-21-200-007	a shop/storage building for Rantoul Township Road District