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4 **MINUTES OF REGULAR MEETING**

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6 **Champaign County Environment**                    **DATE:**            **November 13, 2006**  
7 **& Land Use Committee**                            **TIME:**            **7:00 p.m.**  
8 **Champaign County Brookens**                    **PLACE:**           **Lyle Shields Meeting Room**  
9 **Administrative Center**                                    **Brookens Administrative Center**  
10 **Urbana, IL 61802**    **1776 E. Washington Street**  
11    **Urbana, IL 61802**

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15 **MEMBERS PRESENT:**     Jan Anderson, Chris Doenitz, Tony Fabri, Nancy Greenwalt (VC), Kevin  
16    Hunt, Brendan McGinty, Steve Moser, Jon Schroeder

18 **OTHER COUNTY**  
19 **BOARD MEMBERS**

20 **PRESENT:**    Barbara Wysocki (County Board Chair)

23 **MEMBERS ABSENT:**    Ralph Langenheim (C)

25 **STAFF PRESENT:**    John Hall, Leroy Holliday, J.R. Knight, Susan Monte, Christina Papavasiliou

27 **OTHERS PRESENT:**    Eric Thorsland, Hal Barnhart, Sherry Schildt, Michael Tague, Charlotte  
28    Young, Charles Young, Theodore Rund, Phillip Geil, Jim Yarnell, Sandi  
29    Yarnell, Debbie Insana, Scott Bidner

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

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

38 **2.     Approval of Agenda and Addendum**

40 **Mr. Moser moved, seconded by Mr. Fabri to approve the agenda and addendum as submitted. The**  
41 **motion carried by voice vote.**

44 **3.     Approval of Minutes (October 10, 2006; October 16, 2006; and October 16, 2006 Closed**  
45 **Session minutes)**

47 **Mr. Doenitz moved, seconded by Mr. Hunt to approve the October 10, 2006; October 16, 2006; and**  
48 **October 1, 2006 Closed Session Minutes as submitted. The motion carried by voice vote.**

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**4. Public Participation**

Mr. Michael Tague, Attorney stated that he is representing Mr. Ted Rund in Case 506-AM-06 and Mr. Gene Bateman in Case 520-AM-05. He said that neither he nor Mr. Rund have any issues with the Zoning Board of Appeals’ findings on Case 506-AM-06. He said that he has submitted a revised site plan to staff regarding Case 520-AM-05. He said that he believes that staff will support a request that in light of the revised site plan that Case 520-AM-05 be remanded back to the ZBA to consider some major issues relative to the potential impact radius and the configuration of the lots to get the entire lot, except for the access lane, out of the potential impact radius.

Mr. Charles Young who resides at 1806 Joni Leann Court, Urbana stated that he has resided at his current residence since 1962 and has become very accustomed to the taste of the water that he takes for granted. He said that he is glad that there are no restrictions for the ordinary use of water. He said that when he visits his family, whom resides in different locations of the United States, he compares their drinking water to his drinking water and his water always beats their water by a large margin. He said that he is jealous of the kind of water that this area has readily available and has always felt very reassured by the Mahomet Aquifer that would always be there for present and future citizens. He said that he is concerned about the haste to sell off our great national treasure to industrial interests. He said that he read the article in “*The News Gazette*” regarding the Mahomet Aquifer and it troubled him. He said that the article indicated that we have already drawn down the water table in the Mahomet Aquifer in a significant way. He said that of the Mahomet Aquifer in our region has great difficulty recharging itself due to the kind of clay soil that we have yet in other places the Aquifer recharges easily. He said that he has heard that, in the future, water may be worth more than oil. He requested that the County proceed with caution and wisdom regarding the future of the aquifer and only accept the best data available prior to making any decisions.

**5. County Board Chair’s Report**

**A. Public Notice of the Proposed Issuance of a Federally Enforceable State Operating Permit to APCON Corporation in Urbana.**

Ms. Wysocki stated that she received this notice and she felt that she should share it with ELUC. She said that the APCON Corporation has asked the Illinois Environmental Protection Agency for an operating permit regarding its air emissions from an asphalt plant in Urbana. She said that the Illinois EPA is accepting comments on a draft permit and those comments must be postmarked by November 25, 2006. She said that if there are sufficient comments a hearing will be held no this matter.

**B. Kaskaskia River Conservation Reserve Enhancement Program**

Ms. Wysocki stated that she received a letter from the Kaskaskia River Conservation Reserve Enhancement Program and they are basically asking Champaign County to write a letter of support in regards to a

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1 proposed Kaskaskia River Conservation Reserve Enhancement Program. She said that this is an  
2 environmental effort designed to enroll 150,000 acres within the Kaskaskia River basin to improve water  
3 quality, provide additional fish and wildlife habitat and provide strong incentive payment to participating  
4 landowners. She requested that ELUC, if so inclined, authorize the County Board Chair to write a letter of  
5 support or direct her to ignore the request for support.  
6

7 **Mr. Fabri moved, seconded by Ms. Anderson to direct the County Board Chair to send a letter of**  
8 **support for the Kaskaskia River conservation Reserve Enhancement Program. The motion carried**  
9 **by voice vote.**  
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12 Ms. Wysocki stated that in the November 12, 2006 edition of *The News Gazette* was a letter from Mr. Derek  
13 Winstanley, Chief of the Illinois State Water Survey to the City of Champaign regarding the impact of the  
14 proposed ethanol plant on the Mahomet Aquifer. She said that the City of Champaign forwarded a copy of  
15 Mr. Winstanley's letter to the County and she will include a copy of the letter in the County Board packets.  
16 She said that she believed that *The News Gazette* did an above average job in catching the sense of Mr.  
17 Winstanley's comments but she thought that the County Board may want to read the original version of Mr.  
18 Winstanley's letter.  
19

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21 **6. Correspondence**

22 **A. Mahomet Aquifer Consortium Meeting No. 49, minutes**

23 **B. Mahomet Aquifer Consortium Meeting No. 50, agenda**  
24

25 **Mr. Fabri moved, seconded by Mr. McGinty to accept the Mahomet Aquifer Consortium Meeting No.**  
26 **49, minutes and the Mahomet Aquifer Consortium Meeting No. 50, agenda and place them on file.**  
27 **The motion carried by voice vote.**  
28

29 Ms. Greenwalt requested that the Committee move to the Addendum items and approve them in one motion.  
30 Ms. Greenwalt read Addendum Items A1 thru A14.  
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33 **A1. Recreation and Entertainment License: Honey Bee Productions, Inc,d.b.a. Malibu Bay**  
34 **Lounge, 3106 N. Cunningham Avenue, Urbana. January 01, 2007 through December 31, 2007.**  
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36 **A2. Recreation and Entertainment License: Elmer's Club 45 Inc, d.b.a. Club 45 Banquet Hall,**  
37 **3515 N. Cunningham, Urbana. January 01, 2007 through December 31, 2007.**  
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39 **A3. Recreation and Entertainment License: Kams of Illinois LLC, d.b.a. The Pink House, 2698**  
40 **CR 1600N, Ogden. November 01, 2006 through December 31, 2006.**  
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42 **A4. Recreation and Entertainment License: Kams of Illinois LLC d.b.a. The Pink House, 2698 CR**  
43 **1600N, Ogden. January 01, 2007 through December 31, 2007.**

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- A5. Recreation and Entertainment License: Tincup RV Park, Inc, 1715 E. Tincup Road, Mahomet. January 01, 2007 through December 31, 2007.**
- A6. Recreation and Entertainment License: Curtis Orchard, 3902 S. Duncan Road, Champaign. J January 01, 2007 through December 31, 2007.**
- A7. Recreation and Entertainment License: Hideaway of the Woods Grill and Bar, 809 S. Prairieview Road, Mahomet. January 01, 2007 through December 31, 2007.**
- A8. Recreation and Entertainment License: Uncle Buck’s Sports Bar, Inc, 215 S. Lake of the Woods Road, Mahomet. January 01, 2007 through December 31, 2007.**
- A9. Recreation and Entertainment License: Last Call for Alcohol, Inc, 105 Main St. Penfield. January 01, 2007 through December 31, 2007.**
- A10. Recreation and Entertainment License: The Oasis of Penfield, Inc, 2705 CR 3000N, Penfield. January 01, 2007 through December 31, 2007.**
- A11. Recreation and Entertainment License: rock the shed, inc, a non-profit corporation, 556 CR 2425N, Dewey. November 01, 2006 through December 31, 2006.**
- A12. Recreation and Entertainment License: rock the shed, inc, a non-profit corporation, 556 CR 425N, Dewey. January 01, 2007 through December 31, 2007.**
- A13. Recreation and Entertainment License: Alto Vineyards, 4210 N. Duncan Road, Champaign. January 01, 2007 through December 31, 2007.**
- A14. Hotel/Motel License: Ravi-Yash, Inc, d.b.a. Travelers Stay Inn, 1906 N. Cunningham Avenue, Urbana. January 01, 2007 through December 31, 2007.**

**Mr. Fabri moved, seconded by Mr. Moser to approve Addendum Items A1 thru A14 requesting Recreation and Entertainment Licenses.**

Mr. Moser stated that it is his understanding that the Pink House was sold on contract and is not being operated by Scott Cochrane.

Mr. Hall stated that staff has posed the question to the owner and was informed that the business is owned by Kams of Illinois, LLC.

Mr. Moser asked Mr. Hall if the Recreation and Entertainment License was affected if the business was sold on contract.

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1 Mr. Hall stated that he would assume that Kams of Illinois, LLC would still be the owner until the contract  
2 was satisfied. He said that the liquor license includes all of the names of everyone which is selling alcohol  
3 and if new ownership does occur a new liquor license will be required.  
4

5 Mr. Hall recommended 3 conditions for the Recreation and Entertainment License for “rock the shed, Inc”.  
6 He said that this is the only use on the list of licenses that is operating as a Temporary Use Permit, which is  
7 in conformance with the Zoning Ordinance. He noted that a Temporary Use Permit allows someone to do  
8 virtually anything provided that it does not occur more often than 5 times in any 90 day period and there is  
9 no limit on how many times this can roll over. He read the conditions as follows: 1) Compliance with  
10 limitations imposed by its Temporary Use Permit; 2) Proof of \$1 million umbrella insurance policy; and 3)  
11 No liquor consumption or sale on the premises without a liquor license.  
12

13 Mr. Fabri asked Mr. Hall if the Recreation and Entertainment License is a separate license from the Liquor  
14 License.  
15

16 Mr. Hall stated yes. He said that the Recreation and Entertainment License is a license that they must have  
17 in addition to the Temporary Use Permit. He said that with the Temporary Use Permit staff would anticipate  
18 reapplication after 5 performances have been completed. He said that the Recreation and Entertainment  
19 License is the County’s control to assure that “rock the shed, inc” is a good neighbor.  
20

21 Mr. Fabri stated that this was a very creative solution.  
22

23 **Mr. Fabri amended his original motion, seconded by Mr. Moser to approve Addendum Items A1 thru**  
24 **A14 requesting Recreation and Entertainment Licenses with the 3 conditions for “rock the shed, inc”.**  
25 **The motion carried by voice vote.**  
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28 **7. Zoning Case 506-AM-06 Petitioner: Ted Rund Request to amend the Zoning Map to change**  
29 **the zoning district designation from B-3, Highway Business Zoning District to B-4, General**  
30 **Business Zoning District. Location: Lots 15 & 16 in Stern’s Industrial Subdivision that are**  
31 **commonly known as the Salt and Light Building at 1512 W. Anthony Drive, Champaign.**  
32

33 **Mr. Moser moved, seconded by Mr. Doenitz to recommend approval of Zoning Case 506-AM-06. The**  
34 **motion carried by voice vote.**  
35

36 Mr. McGinty asked Mr. Hall if the City of Champaign have provided comments regarding this rezoning  
37 request.  
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39 Mr. Knight stated that this issue is supposed to go to the city council on November 21, 2006, but it is his  
40 understanding that they do not anticipate any protest.  
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42 **The motion carried by voice vote.**  
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**8. Zoning Case 520-AM-05** Petitioner: **Gene Bateman** Request to amend the Zoning Map to allow for the development of 5 single family residential lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District. Location: Twenty three acres in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR 2600N and the west side of 200E.

Mr. Hall clarified that there is a revised concept plan of what Mr. Bateman would like to do. He said that it was never mentioned to the ZBA that the plan could be revised to have all parts of all of the lots, except the access strips, to be outside of the potential impact radius. He said that the Petitioner is also reducing the number of lots to two lots. He said that there are material changes for this case and it is up to the Committee to either remand the case back to the ZBA or vote on the package which is before the Committee tonight. He said that eventually the County may want to take up the issue of the high pressure gas pipelines so that landowners have a reasonable expectation for a case like this. He said that when Mr. Bateman proposed this case the pipelines were flagged as a concern but he did not know what to tell Mr. Bateman. He said that very good evidence was presented regarding the pipelines and this evidence carried a lot of weight with the ZBA.

**Mr. Fabri moved, seconded by Mr. McGinty to remand Case 520-AM-05 to the ZBA for revised concept plan to reduce the number of single family residential lots. The motion carried by voice vote.**

**9. Case 546-AM-06** Petitioner: **Deborah J. & Michael F. Insana** Request to amend the Zoning Map to allow for the development of 9 single family residential lots in the AG-2, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District to the subject property. Location: A 23.93 acre tract of land located on the North side of Airport Road in Section 35 of Somer Township.

**Mr. Moser moved, seconded by Mr. Fabri to recommend approval of Case 546-AM-06.**

Mr. Moser stated that he farms land next to the subject property and feels that the retention pond will help with drainage of the area. He said that he appreciates Mark Weckel’s cooperation in locating and marking the tiles so that the drainage system can be maintained and he appreciates that the Finding of Fact includes the public testimony

**The motion carried by voice vote.**

**10. Zoning Case 550-AM-06** Petitioner: **William and Deborah Klein and Jeremy Ross** Request to amend the zoning district designation from the AG-1, Agriculture Zoning District to the B-4, General Business Zoning District, subject to conditions. Location: Approximately 1.69 acres in the Southeast Quarter of the Southwest Quarter of Section 3 of Colfax Township and that is commonly known as the former BASF facility at 320 CR 1100N, Seymour.

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**Mr. Doenitz moved, seconded by Mr. Schroeder to recommend approval of Case 550-AM-06.**

Mr. Schroeder stated that ordinarily he would be against spot zoning but since this is a conditional zoning use and there have been business type activities at the location he does not have a problem with the request. He said that the Klein family has owned the subject property and the surrounding farmland for generations.

**The motion carried by voice vote.**

**11. *Zoning Case 522-AT-05: Zoning Administrator Text Amendments Proposed as Part of Phase One of the Champaign County Comprehensive Zoning Review Parts A-M.***

**Mr. Moser moved, seconded by Mr. Doenitz to forward the all individual parts to the full County Board with no recommendation.**

Mr. Hall asked Mr. Moser if he could be more specific.

Mr. Moser stated that he would like to see all parts, as approved by the ZBA, reviewed by the County Board.

Mr. Hall asked Mr. Moser if he wanted any of the modified parts forwarded to the County Board.

Mr. Moser stated no.

Mr. McGinty stated that as members of this Committee we should move forward as much as possible because all of this information has been very confusing. He said that if Case 522-AT-05 is forwarded to the full County Board without a recommendation we can only imagine what chaos could result with 27 members with many of whom are not as informed as this Committee. He said that many of the County Board members have not had the opportunity to be involved in the learning sessions that this Committee has had in trying to comprehend all of these options. He said that this Committee should try to work towards sending a recommendation for those parts which this Committee, or at least a majority of the Committee, can agree upon to weed out what the options are in making decisions such as this.

Ms. Anderson stated that she agrees with Mr. McGinty. She said that it would be much better if this Committee would forward those parts which the Committee can agree upon. She said that the parts which can not be agreed upon can be forwarded to the full County Board with no recommendation.

Mr. Fabri stated that given the importance of the zoning review and the fact that this is a process that we do not want to go through again any time soon all 27 County Board members should have the opportunity to give their input. He said that this issue has been at this Committee for a long time and every County Board member wants a chance to play with the different options just like this Committee has had the opportunity to do. He said that at some point we need to have all 27 County Board members talk about what can and can

1 not be passed therefore all options need to be on the table during this discussion. He said that he supports  
2 Mr. Moser’s motion.

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4 Ms. Greenwalt asked Mr. Hall if 13 different items would be placed on the agenda for approval by the full  
5 County Board at their November 21<sup>st</sup> meeting.

6  
7 Mr. Hall stated yes.

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9 Mr. Moser stated that there are too many people who only want certain pieces of the draft ordinance  
10 approved. He said that the full County Board should have a chance to vote on the whole thing. He said that  
11 he is tired of his phone ringing from people on both sides of this issue. He said that he has been on ELUC  
12 for 10 years and this whole thing has gone on too long.

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14 Mr. Hall asked Mr. Moser if his original motion includes all 13 parts.

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16 Mr. Moser stated yes.

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18 **The motion carried by voice vote.**

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21 **12. Monthly Report for October, 2006.**

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23 **Mr. Hunt moved, seconded by Mr. Doenitz to accept and place the Monthly Report for October, 2006**  
24 **on file. The motion carried by voice vote.**

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27 **13. Other Business**

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29 None

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32 **14. Determination of Items to be placed on the County Board Consent Agenda**

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34 **The consensus of the Committee was to place Items #7, #9 and #10 on the County Board Consent**  
35 **Agenda.**

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38 **15. Adjournment**

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40 **Mr. Fabri moved, seconded by Mr. Moser to adjourn the November 13, 2006, ELUC meeting. The**  
41 **motion carried by voice vote.**

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43 The meeting was adjourned at 7:37 p.m.



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Respectfully submitted,

Secretary to the Environment and Land Use Committee

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