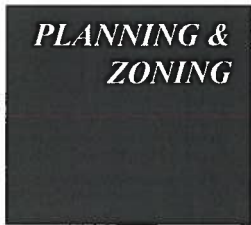


Champaign County
Department of



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

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

To: **Environment and Land Use Committee**

From: **John Hall, Director & Zoning Administrator**
Andy Kass, Associate Planner

Date: **May 9, 2013**

RE: **Zoning Ordinance Map Amendment Case 687-AT-11**

Request: **Amend the Zoning Map to change the zoning district designation from CR Conservation Recreation to AG-1 Agriculture for the purpose of establishing a Restricted Landing Area pursuant to related Case 688-S-11**

Petitioner: **Dr. Phillip W. Jones and Sarabeth F. Jones**

STATUS

At a Special Meeting held on May 1, 2013, the Zoning Board of Appeals (ZBA) voted 5 to 1 to “DENY” the Special Use Permit (Restricted Landing Area) requested in related Case 688-S-11.

The State’s Attorney has replied regarding Item 3 in the Summary Finding of Fact. The reply is summarized below.

STATE’S ATTORNEY’S REPLY

The State’s Attorney recommends the following regarding item 3 of the Summary Finding of Fact:

1. This omission is not a significant enough legal defect to require a remand to the ZBA. The ZBA is not required to consider the Purpose of the Zoning Ordinance in making a recommendation for a Zoning Map Amendment.
2. If ELUC accepts the ZBA’s recommendation in Case 687-AM-11 it should also supplement the ZBA recommendation with a recommendation regarding item 3. The recommendation regarding item 3 should be part of the overall recommendation for Case 687-AM-11 and could be stated as follows:

“Move to accept the ZBA recommendation for denial of Case 687-AM-11 and to amend the case record of the Champaign County Zoning Board of Appeals to indicate that the proposed Zoning Map amendment will not help achieve the purpose of the Zoning Ordinance.”

A Draft Resolution of Denial is attached for the Committee’s consideration. Information relevant to this issue is underlined and the highlighted paragraph is the paragraph that amends the ZBA recommendation.

3. The Committee should verify the Petitioner's wishes regarding remand for this item and if remand for this item is not necessary to the Petitioner the Committee should request a statement in writing. If remand is considered necessary please refer the Petitioner's Attorney to the State's Attorney.

OTHER IMPORTANT DOCUMENTS OF RECORD

A copy of the Revised Site Plan is attached and is somewhat more legible than the copy included with the Agenda.

In the notes that were sent out via email there was reference to the Petition of Opposition from neighbors and the Letter of Support from Sheriff Walsh. It was discovered that the Petition of Opposition was not on the ZBA webpage (it will be soon). Both documents are attached for the Committee's consideration.

Regarding the letter from Sheriff Walsh, the ZBA Finding of Fact regarding "public convenience" is attached to illustrate the ZBA perspective regarding public safety.

ATTACHMENTS

- A Draft Resolution of Denial for Case 687-AM-11
- B Plan And Profile Of Landing Area (Revised Site Plan) received March 12, 2012
- C Letter of Support from Champaign County Sheriff Dan Walsh dated February 11, 2011
- D ZBA Finding of Fact Regarding Public Convenience from related Case 688-S-11
- E Petition of opposition to the proposed rezoning submitted by Larry Hall

RESOLUTION NO. _____
RESOLUTION DENYING PETITION
TO AMEND THE ZONING ORDINANCE BY RECLASSIFYING
CERTAIN PROPERTY

687-AM-11

WHEREAS, the Champaign County Zoning Board of Appeals (Board of Appeals) held a public hearing, made a formal recommendation for denial, and forwarded to this Board Zoning Case Number 687-AM-11 which is for the purpose of establishing a Restricted Landing Area pursuant to related Zoning Case 688-S-11;

WHEREAS, the Board of Appeals also held a public hearing for related Zoning Case Number 688-S-11 for a proposed Restricted Landing Area as a special use to the Champaign County Zoning Ordinance on the same property and determined that the proposed Restricted Landing Area is not in harmony with the purpose of the Zoning Ordinance and denied the proposed special use permit for the Restricted Landing Area;

WHEREAS, the Board of Appeals did not make a separate and distinct Finding in Case 687-AM-11 regarding whether the proposed map amendment will help achieve the overall purpose of the Zoning Ordinance but did find in regard to several individual purpose statements of the Zoning Ordinance that on the basis of the record presented at the public hearing in Case 687-AM-11, the proposed map amendment:

- a. does not promote the public health, safety, morals, and general welfare; and
- b. does not protect the natural features of the CR District such as forested areas and watercourses; and
- c. does not adequately restrict the location of land designed for specific uses; and
- d. is not consistent with the existing division of the County into districts and different classes according to use of land, buildings, structures, intensity of use, and other classification as may be deemed best suited to carry out the purpose of the Ordinance; and
- e. is not consistent with the regulations and standards to which uses shall conform; and
- f. is not consistent with the existing prohibition on uses incompatible with the character of such district;

WHEREAS, the Environment and Land Use Committee of the Champaign County Board, resolved to refer this case with a recommendation of denial and to recommend the adoption of the record and Findings of the Board of Appeals in Case 687-AM-11 and to recommend an additional Finding that the Zoning Map amendment will not help achieve the purpose of the Zoning Ordinance overall;

WHEREAS, the Champaign County Board, after reviewing the case record of the Board of Appeals in Case 687-AM-11, hereby adopts the record and Findings of the Board of Appeals in that Case and makes an additional Finding that the Zoning Map amendment will not help achieve the purpose of the Zoning Ordinance overall;

Attachment A. Draft Resolution of Denial
MAY 9, 2013

WHEREAS, the Champaign County Board believes it is for the best interests of the County and for the public good and welfare to not amend the Champaign County Zoning Ordinance as petitioned and to retain the present zoning of the petition site;

NOW, THEREFORE, BE IT RESOLVED, by the Champaign County Board, Champaign County, Illinois, that the present CR Conservation Recreation Zoning District be retained without reclassification on the following described real estate:

Part of the Northeast Quarter of Section 27, Township 17 North, Range 9 East of the Third Principal Meridian located in Champaign County, Illinois, being more particularly described as follows:

Commence at the Northeast corner of Said Section 27, said corner being marked by a found monument; thence with the East line of said Section 27, South 00 36' 50" East – 1,3280.00 feet to the Point Of Beginning; thence continue with said East line, South 00 36' 50" East – 256.65 feet; thence leaving said East line, South 89 03' 10" West – 2,215.00 feet; thence North 00 36' 50" West 256.65 feet; thence North 89 03' 10" East – 665.00 feet; thence North 00 36' 50" West – 179.35 feet; thence North 89 03' 10" East – 150.00 feet; thence South 00 36' 50" East – 179.35 feet; thence North 89 03' 10" East – 1,400 feet to the Point Of Beginning containing 13.67 Acres more or less.

PRESENTED, PASSED, APPROVED AND RECORDED this 23rd day of May, A.D. 2013.

SIGNED:

ATTEST:

Alan Kurtz, Chair
Champaign County Board

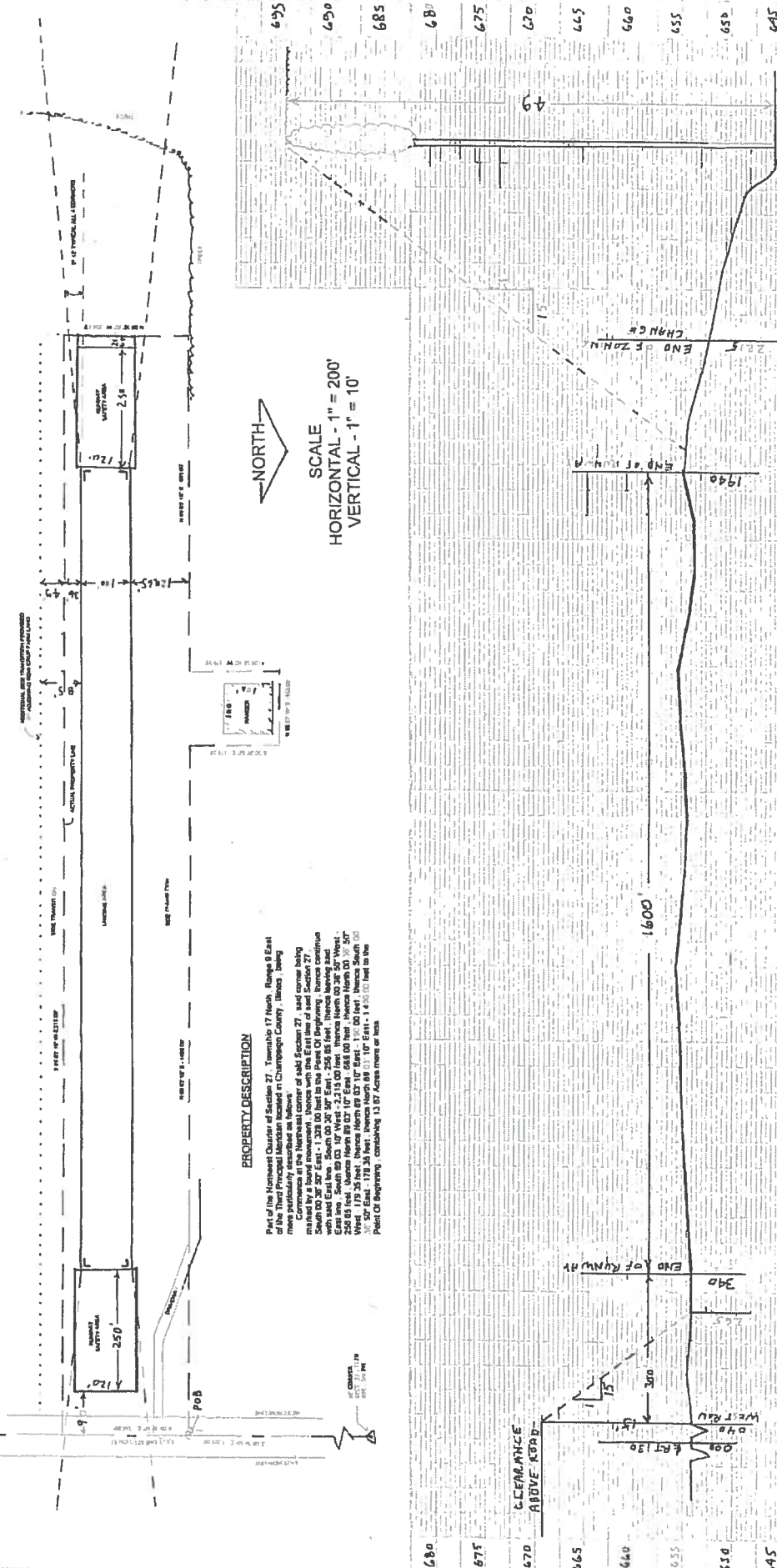
Gordy Hulten, County Clerk &
ex officio Clerk of the County Board

RECEIVED

MAR 12 2013

CHAMPAIGN CO. P & Z DEPARTMENT

RESTRICTED LANDING AREA AND HANGER SITE
 PHILLIP JONES PROPERTY
 LOCATED IN NORTHEAST QUARTER OF SECTION 27
 TOWNSHIP 17 NORTH, RANGE 8 EAST OF 3rd P.M.
 PLAN AND PROFILE OF LANDING AREA



NORTH

SCALE
 HORIZONTAL - 1" = 200'
 VERTICAL - 1" = 10'

PROPERTY DESCRIPTION

Part of the Northwest Quarter of Section 27, Township 17 North, Range 8 East of the Third Principal Meridian located in Champaign County, Illinois, being more particularly described as follows:

Commence at the Northeast corner of said Section 27, and come being intended by a "bayed movement" thence with the East line of said Section 27, South 00° 30' 30" East - 1,300.00 feet to the Point of Beginning; thence continue East into South 80° 03' 10" West - 2,315.00 feet; thence North 00° 30' 30" West - 250.00 feet; thence North 80° 03' 10" East - 668.00 feet; thence North 00° 30' 30" West - 379.30 feet; thence North 80° 03' 10" East - 1,145.00 feet to the Point of Beginning, comprising 13.87 Acres, more or less.

F. Wayne West, P.E.
 REVISED MARCH 8, 2013

DISTANCE IN FEET FROM END OF HIGHWAY

1800
1600
1400
1200
1000
800
600
400
200

680
675
670
665
660
655
650
645
640



**SHERIFF DAN WALSH
CHAMPAIGN COUNTY SHERIFF'S OFFICE**

February 11, 2011

204 E. Main Street
Urbana, Illinois 61801-2702
(217) 384-1204

Dan Walsh
Sheriff
ph (217) 384-1205
fax (217) 384-3023

Department of Planning & Zoning
% Director John Hall
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

RECEIVED

APR 29 2011

RE: Dr. Phil Jones Helicopter

Chief Deputy
Kris Bolt
ph (217) 384-1222
fax (217) 384-1219

Dear Director Hall & Zoning Board of Appeals,

CHAMPAIGN CO. P & Z DEPARTMENT

Capt. Tim Voges
ph (217) 384-1207
fax (217) 384-1219

I am writing this letter on behalf of the Champaign County Sheriff's Office and the police chiefs of the agencies as listed below. Dr. Jones has made a presentation to us at our monthly meeting where he offered, not contingent on any zoning matter, to assist our agencies at no cost with his helicopter.

Jail Superintendent
Michael Moore
ph (217) 384-1243
fax (217) 384-1272

I did some checking and over the past four years he has assisted Douglas County law enforcement with both his helicopter and fixed wing aircraft. Dr. Jones has absorbed the expense of these operations. Douglas County Sheriff McGrew says the doctor has assisted them on average about four times per year.

Jail Information
ph (217) 384-1243
fax (217) 384-1272

This assistance can be in the areas of law enforcement transport, fugitive search and looking for lost children or disabled adults.

Investigations
ph (217) 384-1213
fax (217) 384-1219

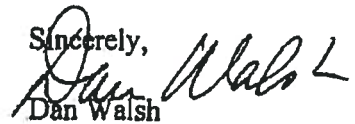
As a group we believe this type of unique assistance could be very valuable and greatly enhance public safety. The fact that it is local (no extended delays waiting for a State Police asset) and without cost is an additional benefit to us and the public.

Civil Process
ph (217) 384-1204
fax (217) 384-1219

We have no idea and express no opinion as to zoning, neighborhood and other issues this type of activity may raise. We, as a group, simply wanted those involved in any decision making to know about the doctor's unrestricted offer and our thoughts as to how this might benefit local law enforcement and public safety.

Records/Warrants
ph (217) 384-1233

DJW:tss

Sincerely,

Dan Walsh
Champaign County Sheriff

xc: Chief O'Connor, U of I Police Dept.
Chief Finney, Champaign Police Dept.
Chief Connolly, Urbana Police Dept.
Chief Farber, Rantoul Police Dept.
Chief Gamble, Mahomet Police Dept.
Chief Young, Parkland Police Dept.
Dr. Philip Jones

VIA EMAIL

1. The requested Special Use permit ***IS NOT*** necessary for the public convenience at this location because:
 - The petitioner has a history of providing assistance to local law enforcement. The Sheriffs of Champaign and Douglas Counties along with other local officials have submitted letters of support.
 - Approximately 3.7 acres of land that was previously in agricultural production was taken out of production for the runway.
 - The benefit to the public of the proposed Special Use Permit for an RLA is minimal.
 - The public safety assistance is not required by the Special Use Permit, and the lack of an RLA would not significantly impact public safety.