

AS APPROVED JANUARY 31, 2006

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61801**

DATE: July 29, 2004

**PLACE: 1776 East Washington Street
Meeting Room 1
Urbana, IL 61802**

TIME: 7:00 p.m.

MEMBERS PRESENT: Doug Bluhm, Debra Griest, Joseph L. Irle, Richard Steeves, Melvin Schroeder

MEMBERS ABSENT : Dennis Goldenstein

STAFF PRESENT : Jeff Roseman, Connie Berry, Susan Monte, Lori Busboom, John Hall, Jamie Hitt, Joel Fletcher

OTHERS PRESENT : Robert Reese, Janet Reese, Clyde Corzine, Sandra Corzine, Joe Behrend, Karen Sperlin, Mel Wollenschlager, Linda Wollenschlager, Karl Kennicker, Jeffrey Lemke, Adolf Lo, Robert Brunner, The Phillips, Bill Ziegler, Virginia Ziegler, Arthur Traugott, Shirley Traugott, Doug Clark, Ann Clark, Rom Merlo, Bill Acheson, Mark Ingersoll, Jeannette Elliott, John Herbst, William Nix, Dave Stone, Wayne Banwart, Warren Rittenhouse, Chuck Barr, Sue Helfrich, Howard Scharlau, Mary Atchinson, Nikolaus Voggenauer, John Byrd, Rebekah Byrd, Marci Goldenstein, Roger Grace, Roger Hobbs, Marcia Bellafiore, Renee' Lo, Eileen Duisman, Scott Bidner, Frank Palmer, George Boyd, Nancy Boyd, Dennis Archer, Allison Archer, Priscilla Lindstrom, Kevin Buskirk, Cecelia Buskirk, David Monk, Jeff Chaney, Erik Potter, Dan Kraybill, Randall Graham, Dale Musgrave, Laura Ferreira, Placid Ferreira, Les Gioja, Daniel Gioja, Glenn Huff, Janet McClellan, Mary Rolfe, Dean Crider, Donald Kuhlman, Donna Kuhlman, Leon Shafer, Rita Nordheden, Fred Smith, Patricia Smith, Mary Jane Grahm, April Getchius, Roscoe Specht, Julia Specht, Brian Lukenbill, Herman Baumgartner, Norm Budnick, Cathy Kugler, Don Dolan, Margaret Dolan, Helen Birkett, Charles Carmichael, Rita McCannon, Richard Denhart, Virginia Elliot, Steve Pankau, Bill O'Neill, Judy O'Neill, Kenneth Medler, Bernard Birmingham, Rodney Vamous, Corinne Reynolds, David Smith, Bob Mitsdarfer, Edward Mitsdarfer, Sandra Shafer, Chris Karr, Christine Schurter, Steve Meier, Edna Fruhling, Lloyd Castle, Don Fruhling, Susan Kesler, Lucy Denniston, Elmo Denniston, Richard Mumm, Cheryl Gant, Steve Berger, Chris Genzel, Michael Hugger, Scott James, Dave Lawrence, Robert Malohn, John Corum, Sandra Allen, Jack Whitman, John Castle, Terry Howard,

Marian O'Bryan, Norman Stenzel, Ronald Karr, James Noe, Carl Wienke, Paul Gordon, Victoria Gordon, Erick Kugler, Mark Prather, Gordon Green, Charlotte Young, Gary Hockersmith, Kathleen Brown, Bob Porter, Anthony Carroll, Raymond Busboom, John McMahon, Joyce Phares, Richard Fitzsimmons, Roseann Clifford, Shirley Merryman, Scott Bush, Maurice Gordon, Jason Holt, Kathy Halfar, Richard Menzer, Ray Cornell, Annetta Culver, Marian Stone, Alexander Lo, Bill Smith Auto Parts, Ted Rund, Dennis Ohnstad, Annette Stumpf, Daniel Duitsman, Edith Carr, Tom Heinhorst, Ronald Brunelle, Roger Armstrong, Eugene Ard, Matt Deering, Delena Rhodes, Arlene Miller, Leo Miller, Ronald Mentock, Ernie Hart, Frances Yeats, Dorothy Brinkmeyer, Dale Wolf, Roy Block, Joan Block, Arna Leavitt, Leonora Hart, Gert Ehrlich, Glenn Davis, Evelyn Davis, Don Woodward, Dianne Godden, Sarabess Fink, David Ehler, Omi Terrell, Richard Hammel, Marilyn Hunter, Sue Sadler, Henry Wann, Richard Swearingen, Ruth Swearingen, William Auterman, Rich O'Banion, Theresa O'Banion, Charles Zindars, Melisa Plotner-Cougill, Dave Downs, Janice Downs

1. Call to Order

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

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearing

Case 414-AT-03 Zoning Ordinance Format Changes & Addition of New Techniques as Part of the Comprehensive Zoning Review.

Case 415-AT-03 Comprehensive Zoning Review Phase One Text Amendments

Ms. Griest called Case 414-AT-03 and Case 415-AT-03 concurrently with New Public Hearing Cases 419-AM-04 and Case 420-AM-04.

6. New Public Hearings

Case 419-AM-04 Create the TR, Transition Zoning District as Part of the Comprehensive Zoning Review.

Case 420-AM-04 Rezone selected AG-2, Agriculture District Properties to AG, Agriculture District as Part of the Comprehensive Zoning Review.

Ms. Griest called Case 419-AM-04 and Case 420-AM-04 concurrently with Continued Public Hearing Cases 414-AM-03 and 415-AM-03.

Ms. Griest stated that Ms. Monte will present a Power Point Presentation and after the completion of this presentation the Board will accept public comment. She requested that the comments be made brief and addressed to the Board.

Mr. Roseman thanked the audience for attending tonight's meeting. He stated that staff has received several phone calls regarding the cases and due to a limited staff the return call rate is somewhat slower than what may be desired. He said that Regional Planning Commission website, www.ccrpc.org, does contain all of the information regarding these cases and is kept current.

Ms. Monte gave a Power Point Presentation regarding Case 414-AT-03; 415-AT-03; 419-AM-04; and 420-AM-04.

Mr. Roger Armstrong reserved his right to testify until a later date but did request that his attorney, Don Aldeen be allowed to speak in his behalf.

Mr. Aldeen stated his client does not support the proposed cases. He said that if he or his client had wanted their land rezoned they would be required to file a petition, send notice, provide a property description, etc., and not one of these items were completed. He said that the notice which was sent to the affected landowners was improper and the proceedings should be ceased.

Mr. Matt Deering stated that he is also an attorney and is testifying in behalf of his client, Joseph Sigmund. He said that Mr. Sigmund owns approximately 180 acres of land north of the Lake of the Woods. He said that as proposed the Sigmund's property would be split so that a portion of the property along the east side would be zoned TR while a portion of the property along the north and west would be zoned AG. He said that if Mr. Sigmund decides to sell or develop upon this land this parcel would have different levels of desirability. He said that this is an important point because Mr. Sigmund has received an offer from a residential developer for his property which values his property significantly higher than it is currently valued as farmland.

Mr. Al Wilms declined to testify.

Mr. Keith Crist declined to testify.

Mr. John Martin stated he is in attendance as trustee of his deceased father's land. He said that this land is located north of Urbana and was purchased approximately 54 years ago. He said that he is concerned with the negative effect of property value which may occur due to the proposed rezoning. He said that he does not currently have an offer on the table for this property but there is approximately 12 acres of the property which would be ideal for residential development and would like to have the opportunity to pursue that prospect.

Mr. Jacob Saathoff declined to testify.

Mr. Phillip VanNess, Attorney stated that he is testifying in behalf of several clients who have property scattered all over the County. He questioned if it is possible for members of the public to receive an index of affected property owners within the rezoning districts. He said that during his review of the text of the proposal the definition of ownership he noticed that the term parent tract will be approached in a different manner. He said that it is his understanding that the County will be defining adjacent tracts under common ownership as a single parent tract and questioned if this is still the anticipated procedure. He said that if the County is going to define ownership based upon terms of the name on the title then he suggested that the county has a lot of work to do in articulating distinguished ownership in for instance: as shareholder of a corporation; shareholder of a Chapter C; persons who have interests in estates and trusts; partnerships; corporate and family ownership; and contingent remainders. He said that he is aware of farm families within this County which own a lot of land under three or four different entities.

Mr. Roseman stated that if Mr. VanNess would provide him with the names of his clients then he will provide them an index of the affected landowners within their proposed rezoning although he will need to consult with the Assistant State's Attorney's office.

Ms. Griest requested that Mr. VanNess submit his questions in writing to Ms. Monte so that they are clearly articulated and can be addressed accordingly.

Mr. Ron Karr declined to testify.

Mr. James Noe stated that even though he is not able to practice law in the State of Illinois, he is a member of the California Bar. He said that he objects to the inclusion of a tract of land in the proposed TR. He said that the tract is located near the northeast corner of Duncan Road and Curtis Road which is abutted to the east by residential housing and is abutted on the north by a nine-unit condominium project, in which he resides. He said that the changes in zoning would permit the following proposed uses: roadside produce sales stands; farm equipment sales and service; antique sales and service; monument sales; stone products; lawnmower sales and

service; archery range; bait sales and a veterinary hospital. He said that he objects to these proposed uses because they are incompatible with the residential housing which abuts this parcel.

Mr. John McMahon stated that the proposed Resource Protection Overlay District is a good idea. He said that it is aimed primarily at the riparian zones and rivers. He said that the rivers of the County are truly about it as far as natural areas left in the County and are under threat by development and drainage work. He said that drainage work is necessary in the County but the rivers are not just owned by the people within the drainage district of a specific river but are for the use of everyone in the County and State. He said that it is obvious that the County Board recognizes this issue by proposing this district and desires that the Board reviews the interplay of what is proposed in the text and the State Drainage Code.

Ms. Joyce Phares declined to testify.

Mr. Harold Scharlau stated that he and his wife owns property on north Lincoln which is within the proposed TR District. He said that they would like to reserve the right to build homes for their children and purchased this property with this in mind. He said that his family is not allowed to vote on issues in regard to Urbana although it appears that Urbana's Comprehensive Plan dictates their rights as landowners. He said that if Lincoln Avenue had been extended as proposed then he could see the transition but since it was not completed he does not understand the proposed rezoning.

Mr. Karl Kennicker, Mayor of Bondville stated that he had attended a meeting which was held for officials and left with a few concerns. He said that his municipality was not aware of the issue at hand when their municipal plan was requested by staff and added that Bondville is in the process of updating their Comprehensive Plan. He said he received a call from a Bondville resident who stated that he had called the County and was informed that the village had already voted on the TR District and supported it. He said that the resident was misinformed and the Village has not given support to this proposal. He does not support the TR District because it removes too much power within Bondville's mile and one half jurisdiction.

Mr. Roger Hobbs declined to testify.

Mr. Scott Bidner stated that he is a member of the Hensley Township Board and two nights ago Mahomet went outside of their Comprehensive Plan and annexed 238 acres into the village zoning it residential. He said he is in favor of protecting best prime farmland and commended Ms. Monte for her presentation. He said that the Farm Bureau has a position of one residential lot per 40 acres and a maximum lot size on best prime farmland and other two criteria are compact and contiguous therefore if you own land near a town then in his opinion, you are in luck but if you want to put a subdivision on best prime farmland then he would oppose it.

Mr. Mike Christians declined to testify.

Mr. Jeff Chaney declined to testify.

Ms. Laura Farrera declined to testify.

Mr. Ted Rund declined to testify.

Mr. Chris Karr declined to testify.

Ms. Rita Nordheden questioned how a landowner could obtain a municipality's comprehensive plan and requested clarification on protest rights of the affected landowners.

Ms. Monte stated that a landowner could call the village or city whom had adopted a comprehensive plan and question them if the plan is available for review at a local library or on a specific website. She said that the owner or owners of at least 20 percent of the land to be rezoned; or the owner or owners of land immediately touching or immediately across a street, alley, or public right-of-way from at least 20 percent of the perimeter of the land to be rezoned may file a written protest that will require that a rezoning request must be passed by a 3/4 majority vote of the elected County Board members. She noted that a village or municipality with an adopted comprehensive plan has the right to protest, as well, forcing the super-majority of the County Board in order to pass the zoning map amendment.

Mr. Brian Lukenbill declined to testify.

Mr. Frank Palmer declined to testify.

Ms. Jeanette Elliott declined to testify.

Mr. Joe Behrends declined to testify.

Mr. Scott Busch stated that he owns land which is located within the University of Illinois' Master Plan south of Urbana. He said that he is confused as to why this area would be designated for TR when the University of Illinois is not subject to zoning restrictions which leaves the rest of the landowners unable to build on their own land.

Dr. Robert Brunner stated that he does support the Resource Protection Overlay but he does not agree with the principal of this whole process. He said that landowners do not need to be told by County government as to what they should be able to do with their land and this is an abusive form of government and everyone should object. He said that he has driven by many parcels in the County and wondered why this or that was allowed but it is the property owner's right to determine what will be put on the property. He said that Thomas Jefferson was once quoted that every once in a while Americans need a good revolution and this would be a good opportunity for that revolt. He stated that he has not been informed as to whom is pushing these proposed rezonings and what is the real purpose behind it. He noted that if the County would really like the opinion of the people then they should place it on the ballot as a referendum.

Mr. Dale Wolf stated that he owns 750 acres of land near Homer, St. Joseph and Sidney and believes in private enterprise. He said that he does not believe that the County Board should be able to dictate to the landowner's what they can and cannot do with their land. He noted that he did serve on the County Board for 22 years and he has never heard of anything as ridiculous as these proposals.

Mr. Steve Moser stated that he is a current Champaign County Board Member and has been for 14 years and has served as Zoning Board Chairman for two years. He said that one of the biggest frustrations which they had with zoning is what happens within the one and one half mile of a municipality. He said that regardless of the type of protest it is almost impossible to get 21 out of 27 people to override a protest. He said that if your property is located within that one and one half mile jurisdiction then you are in the mercy of the village or municipality's comprehensive plan. He said that the frustration that this Board has is that the one and one half mile overlay is very large which leaves the County very little control on how something is going to be zoned. He said that what scares him a lot more than seeing an AG-2 parcel rezoned to AG is building codes in the County which are included within that one and one half mile jurisdiction which do not exist in the rest of the County. He said that the public needs to be careful before jumping on the bandwagon and preach that they want to scrap zoning, because just like Mr. Bidner previously stated, there is no way to stop a municipality like Mahomet from going outside of their jurisdiction and annexing in 238 acres. He said that he owns land in the AG-2 and the AG-1 districts and he can say that he does not feel that there is any difference in the value whether land is placed in CR or AG-1. He said that when you realize the super-majority issue, it is proven that the County Board will not over-ride a protest.

Ms. Griest requested that at the next meeting that Ms. Monte provide an overhead projection of the municipality's jurisdictional territories for public review.

Mr. Maurice Gordman stated that he had the somewhat dubious honor of being the Chairman of the original Zoning Commission and when he was first appointed he must admit that was very opposed to county zoning. He said that as the Board went through the different hearings he discovered how one property owner's use does effect the adjacent property owner's property value. He said that the original Zoning Ordinance is a good and fair ordinance and would like to see the County's Zoning Administration enforce the current rules.

Mr. Irle moved, seconded by Mr. Bluhm to continue Case 414-AT-03; Case 415-AT-03; Case 419-AM-04; and Case 420-AM-04 to August 26, 2004. The motion carried by voice vote.

7. Staff Report

None

8. Other Business

ZBA 7/29/04

AS APPROVED JANUARY 31, 2006

None

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

None

10. Adjournment

The meeting adjourned at 8:47 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

AS APPROVED JANUARY 31, 2006

ZBA 7/29/04

ZBA 7/29/04

AS APPROVED JANUARY 31, 2006