

CASE NO. 687-AM-11 & 688-S-11 AMENDED

SUPPLEMENTAL MEMORANDUM

Champaign May 1, 2013

County

Department of Petitioners:

**PLANNING &
ZONING**

**Philip W. and Sarabeth F. Jones
175N CR1600E
Villa Grove, IL**

Site Area:

Approx. 14 acres

Time Schedule for Development:

Immediate

Prepared by:

**John Hall
Zoning Administrator**

**Andrew Kass
Associate Planner**

Brookens

Administrative Center

1776 E. Washington Street

Urbana, Illinois 61802

(217) 384-3708

Case 687-AM-11

Request: Amend the Zoning Map to change the zoning district designation from CR Conservation Recreation to AG-1 Agriculture.

Location for Case 687 & 688: An approximately 14 acre tract of land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR1600E, Villa Grove.

Case 688-S-11

Request: **Authorize the construction and use of a "Restricted Landing Area" for use by airplanes consistent with Illinois Department of Transportation regulations and also for helicopter use for public safety assistance as needed and with limited helicopter use for personal use, as a Special Use on land that is proposed to be rezoned to the AG-1 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related Zoning Case 687-AM-11; and with a waiver of a Special Use standard condition required by Section 6.1 that requires compliance with Footnote 11 of Section 5.3.**

STATUS

The Documents of Record have been updated to reflect the documents submitted and distributed at the April 25, 2013, public hearing. A list of the new additions is attached.

SUMMARY FINDING OF FACT

The Approved Summary Finding of Fact for Case 687-AM-11 is attached. When going through the Summary Finding on April 25, 2013, the Board did not make an overall finding for Item 3 regarding whether the proposed map amendment will help achieve or prevent achievement of the purpose of the Zoning Ordinance. Staff has consulted with the State's Attorney regarding this, but has not yet received direction. It is possible that Case 687-AM-11 could be remanded back to the Board in order to fully complete the findings.

ATTACHMENTS

- A Updated Documents of Record
- B Case 687-AM-11 Approved Summary Finding of Fact

Attachment A. Updated Documents of Record

May 1, 2013

40. Table Summarizing the Most Salient Evidence Relevant to Special Use Permit Criteria and Map Amendment Findings in Case 687-AM-11 and 688-S-11 distributed at the April 25, 2013, public hearing
41. Materials submitted by Alan Singleton at the April 25, 2013, public hearing as follows:
- A Plat and Photos of Proposed Hangar Area prepared by Wayne Ward
 - B Comments regarding the letter written by Daniel Cothorn, received August 4, 2011, and a copy of the letter
 - C Article titled *Grass that Grabs: Stop Erosion on Your Farm* from www.agweb.com
 - D USDA *Grassed Waterway Wildlife Job Sheet Insert*
 - E NRCS *Grassed Waterways Article*
 - F USDA article titled *Grass Strips Help Curb Erosion, Herbicide Transport*
 - G Photo of Trash on the Jones Property
 - H Letter from Byron Balbach to Alan Singleton dated February 3, 2012, with plat of survey for E.E. Roger's Subdivision
 - I Excerpts of Article V of the Piatt County, Illinois, Zoning Ordinance
 - J Locust and Hawthorn Tree Branches
42. Materials submitted by Larry Hall at the April 25, 2013, public hearing as follows:
- A FAA Aircraft Noise Levels Appendix 8 and Appendix 10
 - B Noise Level Article from www.sengpielaudio.com
 - C Aerial Photos of the Piatt County Airport, Paxton Airport, and Tuscola Airport
 - D Ownership and Management report for the Monticello Airport
 - E Excerpt of NTSB Annual Review of U.S. General Aviation Accident Data, 2005
- *43. Supplemental Memorandum for Cases 687-AM-11 and 688-S-11 dated May 1, 2013, with attachments:
- A Documents of Record Update
 - B Case 687-AM-11 Summary Finding of Fact

*Will only be added to the Documents of Record for Case 688-S-11

Attachment B. Case 687-AM-11 Approved Summary Finding of Fact
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SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 16, 2011, August 11, 2011, November 10, 2011, May 31, 2012, August 16, 2012, December 13, 2012, March 14, 2013, and April 25, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed amendment will **NOT HELP ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):
 - A. The proposed amendment will **NOT HELP ACHIEVE Goal 4 Agriculture** because of the following:
 - It will **NOT HELP ACHIEVE Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland** because the only relevant policies are the following:
 - It will **HELP ACHIEVE Policy 4.1.1 requiring that other land uses only be accommodated under very restricted conditions or in areas of less productive soils (see Item 14.A.(2)).**
 - It **DOES NOT conform to Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.A.(3)).**
 - It will **HELP ACHIEVE Objective 4.2 requiring discretionary development to not interfere with agriculture** because it will **HELP ACHIEVE** all of the subsidiary policies under 4.2.
 - It will **NOT HELP ACHIEVE Objective 4.3 requiring any discretionary development to be on a suitable site** because it will **NOT HELP ACHIEVE** the following:
 - It will **NOT HELP ACHIEVE Policy 4.3.1 requiring on other than best prime farmland that County may authorize a discretionary review development if the site is suited overall (see Item 14.C.(1)).**

And will HELP ACHIEVE the following:

- **Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).**
- **Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(4)).**

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- B. The proposed amendment will **NOT HELP ACHIEVE Goal 8 Natural Resources** because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will **NOT HELP ACHIEVE** the following:
- **Objective 8.5 requiring the County to encourage the maintenance and enhancement of aquatic and riparian habitats** because while it will either not impede or is not relevant to the other Objectives and Policies under this goal it, will **NOT HELP ACHIEVE** the following:
 - **Policy 8.5.1 requiring discretionary development to preserve existing habitat, enhance degraded habitat and restore habitat (see Item 18.A.(2)).**
 - **Policy 8.5.2 requiring discretionary development to cause no more than minimal disturbance to the stream corridor environment (see Item 18.A.(3)).**
 - **Objective 8.6 that avoids loss or degradation of habitat** because it will **NOT HELP ACHIEVE** the following:
 - **Policy 8.6.2 requiring new development to minimize the disturbance of habitat or to mitigate unavoidable disturbance of habitat (see Item 18.B.(2)).**

And will HELP ACHIEVE the following:

 - **Policy 8.6.3 requiring the County to use credible sources of information to identify priority areas for protection, restoration, preservation or enhancement (see Item 18.B.(3)).**
 - **Policy 8.6.4 requiring implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species (see Item 18.B.(4)).**
- C. The proposed amendment will **HELP ACHIEVE Goal 10 Cultural Amenities** because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:
- **Objective 10.1 requiring the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life** because while it will either not impede or is not relevant to the other Objectives and Policies under this goal it, will **HELP ACHIEVE** the following:
 - **Policy 10.1.1 requiring the County to work to identify historic structures, places and landscapes (see Item 20.A.(1)).**
- D. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- **Goal 6 Public Health and Safety**
 - **Goal 7 Transportation**
- E. The proposed amendment is **NOT RELEVANT** to the following LRMP goal(s):
- **Goal 1 Planning and Public Involvement**
 - **Goal 2 Governmental Coordination**
 - **Goal 3 Prosperity**
 - **Goal 5 Urban Land Use**
 - **Goal 9 Energy Conservation**

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2. The proposed Zoning Ordinance map amendment **IS NOT** consistent with the *LaSalle* and *Sinclair* factors because of the following:
 - There have been conflicting reports on the effect of neighboring property values and no formal study has been conducted regarding property values.
 - The proposed use could not be established without the proposed map amendment.
 - The subject property is **SUITABLE** for the current zoned uses and is **NOT SUITABLE** for the proposed Special Use Permit.
 - The proposed map amendment, on the basis of the proposed Special Use Permit, is **INCOMPATIBLE** with the existing uses and zoning of nearby property.
 - There **IS** a need and demand for the use.
 - The proposed use **DOES NOT CONFORM** to the Champaign County Land Resource Management Plan.

3. The proposed Zoning Ordinance map amendment will *{HELP ACHIEVE / PREVENT ACHIEVEMENT OF}* the purpose of the Zoning Ordinance because:
 - The proposed map amendment on the basis of the proposed Special Use Permit is either fully consistent with or will not impede the achievement of 10 of the 18 Purpose statements .
 - The proposed map amendment on the basis of the proposed Special Use Permit **DOES** secure adequate light, pure air, and safety from fire and other dangers (Purpose 2.0 (a) see Item 23.A.).
 - The proposed map amendment on the basis of the proposed Special Use Permit *{DOES / DOES NOT}* conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY (Purpose 2.0 (b) see Item 23.B.).
 - The proposed map amendment on the basis of the proposed Special Use Permit **DOES NOT** promote the public health, safety, comfort, morals, and general welfare (Purpose 2.0 (e) see Item 23.E.).
 - The proposed map amendment on the basis of the proposed Special Use Permit **DOES NOT** protect natural features such as forested areas and watercourses (Purpose 2.0 (o) see Item 23.O.).
 - The proposed map amendment on the basis of the proposed Special Use Permit **DOES NOT** do the following:
 - it adequately restricts the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified land USES; and
 - it is consistent with the existing division of the COUNTY into DISTRICTS and different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and

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- it is consistent with the regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and
- it is consistent in its prohibition on USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT. (Purposes 2.0 (i) (j.) (k) and (l); see Items 23.I., J., K. and L).