

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: December 10, 2015
Time: **6:30 P.M.**
Place: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

*Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.
and enter building through Northeast
door.*

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (October 15, 2015 and October 29, 2015)
5. Continued Public Hearings
6. New Public Hearings

*Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.*

- *Case 818-S-15** Petitioner: **Dennis Ohnstad and John North, d.b.a. Woods Edge Development, Inc.**
Request: **Part A. Authorize the expansion of a Manufactured Home Park to include four previously constructed manufactured dwelling units that were not included in the original authorization for the Woods Edge Manufactured Home Park approved on March 9, 1989, under Special Use Case 652-S-88.**
Part B. Authorize a minimum setback (yard) of 0 feet in lieu of 10 feet between the manufactured home and the manufactured home site, as per Section 6.2.2E of the Zoning Ordinance for the previously constructed manufactured dwelling units in Phase 2 of Woods Edge that are also the subject of Part A of the requested Special Use Permit: 297A Apple Tree Dr, 297B Apple Tree Dr, 299A Apple Tree Dr, 299B Apple Tree Dr.
Part C. Authorize a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for the previously constructed manufactured dwelling units in Phase 2 of Woods Edge: 844 Peach Tree St, 845 Peach Tree St, 846 Peach Tree St, 847 Peach Tree St, 849 Peach Tree St, 855 Peach Tree St, 857 Peach Tree St, 861 Peach Tree St, 863 Peach Tree St, 864 Peach Tree St, 865 Peach Tree St, 866 Peach Tree St, 867 Peach Tree St, 869 Peach Tree St, 870 Peach Tree St, 871 Peach Tree St, 872 Peach Tree St, 874 Peach Tree St, 876 Peach Tree St, 877 Peach Tree St, 879 Peach Tree St, 338 Plum Tree Dr, 340 Plum Tree Dr.

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- *Case 818-S-15 cont. Part D. Authorize a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for all manufactured home sites in future Phase 3 of Woods Edge.**

Location: **A 42.09 acre tract in the Northwest Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township with an address of 202 Apple Tree Drive, Urbana.**

Case 819-AT-15 Petitioner: Champaign County Zoning Administrator

Request: **Amend the Champaign County Zoning Ordinance by adding the following:**

- A. In Section 4.2.1 C. add “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to Section 5.2”**
- B. In Section 5.2, add “HOSPITAL” as a Special Use Permit in the CR District and add a footnote stating that “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to the standard conditions in Section 6.1.3.”**
- C. In Section 5.2, add “Medical and Dental Clinic” as a Special Use Permit in the CR District and make the Special Use Permit subject to the same footnote as for HOSPITAL as a Special Use Permit in the CR District.**
- D. In Section 6.1.3 add “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, as an additional principal USE or additional principal STRUCTURE on a Public Fairgrounds in the CR District” and require no minimum fencing; require the minimum LOT AREA, Width, Maximum HEIGHT, and Required Yards to be the same as in the CR Zoning DISTRICT; and add the following special provisions (standard conditions)”**
 - 1. The Public Fairgrounds must have been an established use at the subject location on October 10, 1973.**
 - 2. Traffic impacts shall be considered.**
 - 3. Site design, land management, and storm water management designs and practices shall provide effective site drainage; meet or exceed state and federal water quality standards; protect downstream drainage patterns; minimize impacts on adjacent properties; provide for stream flows that support healthy aquatic ecosystems; and, wherever possible, preserve existing habitat and enhance degraded habitat.**
 - 4. A Public Fair must continue to be held at the Public Fairgrounds or the Special Use Permit shall become void.**

7. Staff Report

8. Other Business

A. 2016 ZBA Calendar Review

B. Reschedule Case 792-V-14 to March 24, 2016, meeting

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

10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

1 Wishall Farms, Inc.

2
3 **Ms. Griest moved, seconded by Ms. Lee to rearrange the docket and hear Case 813-V-15, Dave and**
4 **Ginger Spillars, d.b.a. as Ohana Spas & Billiards, Inc., prior to Cases 805-AM-15, 806-S-15 807-V-15,**
5 **Michael Wishall, Jason Wishall, Brian Wishall d.b.a. Wishall Transport, Wishall Farms &**
6 **Transportation, Inc., and Wishall Farms, Inc. The motion carried by voice vote.**

7
8 **5. Continued Public Hearing**

9
10 None

11
12 **6. New Public Hearings**

13
14 **Cases 805-AM-15, 806-S-15 and 807-V-15 Petitioner: Michael Wishall, Jason Wishall, Brian Wishall**
15 **d.b.a. Wishall Transport, Wishall Farms & Transportation, Inc., and Wishall Farms, Inc.**

16
17 **Case 805-AM-15: Request to amend the Zoning Map to change the zoning district designation from**
18 **the AG-1, Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to authorize**
19 **the use of an existing unauthorized Truck Terminal as a proposed Special Use in related Zoning Case**
20 **806-S-15 and subject to the requested variance in related zoning case 807-V-15.**

21
22 **Case 806-S-15: Request: Part A: Authorize the use of an existing unauthorized Truck Terminal as a**
23 **Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the**
24 **current AG-1 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in**
25 **related zoning Case 805-AM-15 and subject to the requested variance in related zoning case 807-V-15;**
26 **and Part B: Authorize the following waiver to the standard conditions of the "Truck Terminal"**
27 **special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 30 feet in lieu of the**
28 **required 200 feet between any Truck Terminal and any adjacent residential district or residential use.**

29
30 **Case 807-V-15: Request to authorize the following variance on land proposed to be rezoned to the**
31 **AG-2 Agriculture Zoning District in related Case 805-AM-15 in order to authorize the use of an**
32 **existing unauthorized Truck Terminal as a proposed Special Use in related Case 806-S-15: Part A: A**
33 **variance from Section 5.3 of the Zoning Ordinance for a lot size of 5.68 acres in lieu of the maximum**
34 **area of 3 acres for lots with soils that are best prime farmland; and Part B: A variance from the**
35 **Champaign County Stormwater Management and Erosion Control Ordinance which requires a**
36 **Stormwater Drainage Plan and review for lots of 2 to 6.25 acres that have greater than one acre of**
37 **impervious surface area.**

38
39 **Location: A 5.68 acre tract in Pesotum Township in the Northwest Quarter of the Northwest Quarter**

1 **of Section 10 of Township 17 North, Range 8 East of the Third Principal Meridian and commonly**
2 **known as Wishall Transport, Wishall Farms & Transportation, Inc., and Wishall Farms, Inc. located**
3 **at 482 and 486 CR 900 East, Tolono.**
4

5 Mr. Thorsland informed the audience that Cases 806-S-15 and 807-V-15 are Administrative Cases and as
6 such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time
7 he will ask for a show of hands for those who would like to cross examine and each person will be called
8 upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any
9 questions. He said that those who desire to cross examine are not required to sign the witness register but
10 are requested to clearly state their name before asking any questions. He noted that no new testimony is to
11 be given during the cross examination. He said that attorneys who have complied with Article 7.6 of the
12 ZBA By-Laws are exempt from cross examination.
13

14 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
15 the witness register for that public hearing. He reminded the audience that when they sign the witness
16 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
17 time.
18

19 Mr. Thorsland asked the petitioners if they would like to make a brief statement regarding their request.
20

21 Mr. Matthew Schweighart, attorney for the petitioners, thanked the Board for its time and staff for the
22 informative package that is before everyone tonight. He said that the petitioners are a family farm operation
23 which has been at the subject property since 1939. He said that as a result of the success of the family farm
24 and growth since that time they gradually added trucking operations to their farming operation and as an off-
25 shoot of that they realized that they could haul for other people. He said that the trucking operation was
26 operated by the family farm corporation until 2004 when the trucking operation spun off into a separate
27 entity. He said that the overall growth has been organic at this location and as the petitioners worked hard to
28 grow both of the businesses there was not a lot of consideration in them being separate. He said that the
29 trucking operation is ag related being that predominately 75% of the revenues are from ag related services.
30 He said that the mindset of the petitioners is that the two operations are more or less one in the same and
31 both part of the agricultural nature of the area.
32

33 Mr. Schweighart stated that the trucking operation has been operated without incident until a complaint was
34 filed with the County in 2013 and since the complaint was received the petitioners have spent approximately
35 \$35,000 of their own funds to address concerns with respect to the conditions of the roads and have been
36 very cooperative with their neighbors and government entities. He said that the petitioners have a very good
37 relationship with the Pesotum Township Highway Commissioner and have done everything they can to be
38 good neighbors at this location. He said that the informational packet includes a signed letter of support
39 from the neighbors regarding the trucking business at its current location. He noted that the Pesotum

1 Township Highway Commissioner signed the letter of support and also provided his own letter supporting
2 the trucking operation. Mr. Schweighart stated that the petitioners desire to be good neighbors and to
3 address any concerns that anyone may have.
4

5 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Schweighart and there were
6 none.
7

8 Mr. Thorsland called John Hall, Zoning Administrator, to testify.
9

10 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated October 15,
11 2015, for the Board's review. He said that the Supplemental Memorandum contains the Natural Resources
12 Report prepared by the Champaign County Soil and Water Conservation District as well as two emails from
13 neighbors. He said that the Natural Resources Report is a standard report as they always report on erosion
14 and sedimentation and surface drainage. He said that the subject property is best prime farmland.
15

16 Mr. Hall stated that the attached emails were received today. He said that the emails are from two neighbors
17 and are very similar. He said that the emails both state that the neighbors have no issue with the trucking
18 operation remaining at its current location, but they do have concerns about safety and maintenance of CR
19 900 East due to the heavy truck traffic from the Wishall business. He said that the neighbors are concerned
20 with the width of the road as well. Mr. Hall noted that one email is from James and Marilyn Chancellor and
21 the other is from Doug and Lori Bartlett.
22

23 Mr. Hall stated that staff had not has sufficient time to summarize the Natural Resources Report in the
24 Summary of Evidence for the special use case but will hopefully have time to do that in the future.
25

26 Ms. Lee asked when the two large metal buildings with white roofs were constructed.
27

28 Mr. Schweighart stated the petitioners would be a better source of information for Ms. Lee's question.
29

30 Mr. Thorsland called Jason Wishall to testify.
31

32 Mr. Jason Wishall, who resides at 4711 Chestnut Grove Drive, Champaign, stated his father could better
33 answer Ms. Lee's question about the specific construction date of the buildings. He said that he does know
34 that one of the buildings is only 8 to 10 years old and the other building is 25 to 30 years old. He said that he
35 was surprised when he received the letter from the Department of Planning and Zoning and sort of expected
36 more than just a letter. He said that the farm has been operating at its current location for numerous years
37 and there is even a rock in the front of the property indicating the date. He said that the farm operation
38 branched off with the trucking company and it has all been tied through the farm as they are both
39 agriculturally related. He said that he and his family are farmers and they enjoy working with farmers

1 because they are easier to work with and they do not have a lot of problems. He said that their employees
2 also enjoy working with the area farmers. He said that they have been blessed by the fact that their business
3 has grown and now they are here.
4

5 Mr. Thorsland asked the Board if there were any questions for Mr. Jason Wishall.
6

7 Ms. Lee stated that the information indicates that the trucking operation was incorporated as Wishall
8 Transport in 2006. She asked Mr. Jason Wishall how long the trucking operation was operated prior to
9 2006.
10

11 Mr. Jason Wishall stated that they have been operating for 18 years but his father has always had trucks that
12 he used for the farm operation. He said that on the off-season the winters were cold and the shop was chilly
13 but the trucks were warm, so they branched out and found area farmers who they could haul for, which was
14 much more comfortable than working on a cold shop floor.
15

16 Mr. Thorsland asked Mr. Jason Wishall to indicate his role in the operations.
17

18 Mr. Jason Wishall stated that he is the President of Wishall Transport and he has a shared ownership in the
19 farm.
20

21 Mr. Thorsland stated that Wishall Transport was incorporated in 2006 and 25% of the business is not related
22 to agriculture. He asked Mr. Jason Wishall to indicate what other type of services are involved in the 25%.
23

24 Mr. Jason Wishall stated that they transport seed for seed companies, which is ag related. He said that they
25 have a few local customers who are not ag related such as wood hauling, construction for local contracts, and
26 transport of waste for the Champaign Urbana Sanitary District for about the last eight to ten years. He said
27 that they are a local operation with a good reputation and they would like to stay where they are.
28

29 Mr. Thorsland asked Mr. Jason Wishall if all of the trucks and trailers were owned by Wishall Transport.
30

31 Mr. Jason Wishall stated that between all of us, yes. He said that the photograph indicates trucks and trailers
32 but it isn't just the trucking operation that is indicated in the photograph but also the farm operation. He said
33 that the farm operation owns a bunch of the trailers just to operate for the farm.
34

35 Mr. Thorsland stated that the farm trailers are folded in with the trucking operation trailers as well. He asked
36 the Board and staff if there were any additional questions for Mr. Jason Wishall.
37

38 Ms. Griest asked Mr. Jason Wishall if the truck shop is only for their own equipment or is it for others as
39 well.

1
2 Mr. Jason Wishall stated that they haul products for other people but the truck shop is only used for their
3 own equipment repairs and maintenance. He said that they do not work on anyone else's equipment.
4

5 Mr. Thorsland asked Mr. Jason Wishall if the building that is being discussed is the building indicated 50%
6 farm and 50% trucking company.
7

8 Mr. Jason Wishall stated yes.
9

10 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Jason Wishall and there was no
11 one.
12

13 Mr. Thorsland called Brian Wishall to testify.
14

15 Mr. Brian Wishall, who resides at 486 CR 900E, Tolono, stated that he lives at the residence with his wife
16 and three-year old daughter. He said that regarding the neighbors that were previously mentioned, one is
17 located 75 feet across the road to the west from his residence and the other neighbor is also located across
18 the road and is 150 feet to the southwest of his residence. He said that the business did start many years ago
19 and they have seen growth. He said that he understands that the Board does not condone growth, look at
20 everything that is happening around Champaign, but that is the American dream and they do want their
21 business to grow while being respectful to their neighbors. He said that the emails are great but if you ask
22 around the community it is their name and how they do business that has allowed that growth. He said that
23 his dad has worked very hard and so has Jason and there are area neighbors who may have wanted to come
24 to this meeting and who may want to come to the next meeting to support the requests. He said that the
25 Wishall family is not looking for support but an end to this and to find out what is right for all parties
26 involved.
27

28 Mr. Thorsland noted that the Board should not be confused with the City of Champaign because this Board
29 is only for the unincorporated areas of the County.
30

31 Mr. Schweighart stated that he believes Mr. Brian Wishall meant to say that the Board does not condemn
32 growth.
33

34 Mr. Brian Wishall agreed.
35

36 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Brian Wishall and there were
37 none.
38

39 Mr. Thorsland asked Mr. Brian Wishall that since he is the resident of the subject property and resides across

1 the road from the neighbors who submitted the emails to staff, does the road suffer from the trucking
2 operation.

3
4 Mr. Brian Wishall stated that 15 years ago the road was a lot worse. He said that the township has 63 miles
5 to maintain therefore if you travel down any roads in Pesotum Township you will find that none of those
6 roads are great. He said that a few of the roads in Pesotum Township are wide and the distance from where
7 his residence is located to the Sadorus Road has been widened by the funds that were spoken about
8 previously from the Wishall operations. He said that the people who widened that road were Mike, Jason
9 and Brian Wishall and the neighbors who witnessed their work stopped to thank them for doing it. He said
10 that there are no great roads in the country and they are all pretty skinny except for their road and a couple of
11 other roads because they have been widened. He said that if you travel north to Tolono Township the roads
12 are wider but as soon as you cross into Pesotum Township they get skinnier but it is his opinion that that is
13 part of living in the area that they do and there are not wide roads. He said that currently their road is 16 feet
14 wide but when you travel south of their residence it goes back to 12 feet.

15
16 Mr. Thorsland stated that the road widening to the north was completed by the petitioners and was funded by
17 the contribution that the petitioners made to the township and the information packet includes documentation
18 pertaining to that.

19
20 Mr. Brian Wishall stated that Mr. Thorsland was correct.

21
22 Mr. Thorsland stated that the petition for support signed by the area neighbors and the documents from the
23 Township Highway Commissioner are included in the information packet and are very helpful to the Board.
24 He asked Mr. Brian Wishall if he is involved in the farm operation, truck operation or both.

25
26 Mr. Brian Wishall stated that they all are involved in both the farm operation and the truck operation. He
27 said that he and his wife are technically Wishall Farms and Transportation, Inc.

28
29 Mr. Thorsland stated that Mr. Brian Wishall and his family are on the scene daily because they reside on the
30 subject property. He asked Mr. Brian Wishall if he knows when the farm/truck shop was constructed.

31
32 Mr. Brian Wishall stated that his dad could provide better construction dates than he could provide.

33
34 Ms. Griest asked Mr. Brian Wishall if the trucks travel north out of the property to 600N, which is also
35 known as the Sadorus slab.

36
37 Mr. Wishall stated yes, every time.

38
39 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Brian Wishall and there was no

1 one.

2
3 Mr. Thorsland called Michael Wishall to testify.

4
5 Mr. Michael Wishall, who resides at 547 CR 900 E, Tolono, stated that he has lived on the road longer than
6 anyone around there. He said that the truck operation did not start with him or his boys but did start with his
7 grandfather and he still has his grandfather's original 1936 GM truck. He said that his grandfather did all of
8 the corn shelling for the local farmers and some that were not real local but he did what he had to do to feed
9 his family. He said that he increased his grandfather's operation and now over the years his boys have
10 increased the operation. He said that it isn't that the boys started the business or he started the business or
11 his father started the business but it was his grandfather who started it. He said that his grandfather
12 purchased the subject property in 1939 but he does not have record of how long his family farmed the
13 subject property before 1939. He said that the houses that are across the road used to also be family
14 properties. He said that he used to live where Brian and his family currently reside and his grandparents and
15 cousins lived across the road and until approximately 10 years ago those homes were still family properties.
16 He said that everyone in that area is related except for one home.

17
18 Mr. Thorsland stated that the Board has a letter of support which was signed by all of the neighbors. He said
19 that it appears that years ago this area was the Wishall spot on the planet and the other people sort of moved
20 in to the area. He said that the current operations have been going on at some scale since the 1930's and
21 have always been visible and not hidden. He asked Mr. Michael Wishall if there was ever any lull in the
22 operations.

23
24 Mr. Michael Wishall stated that he has lived on that road for over 50 years and the roads are as bad in the
25 exact same spots as they ever were for years. He said that the Pesotum Township Highway Commissioner
26 would come in and rip up the road to try to fix the road and people would complain because the road was
27 rough and so next year the road would be fixed. He said that this road had zero maintenance on it before the
28 people complained about the road because the Highway Commissioner was going to come in and rip up the
29 road and place down gravel and at the end of the day we would have had a nice wide road. He said that
30 when this issue came up the Highway Commissioner, to say it nicely, got upset so the only reason that the
31 road is wider and nicer is because of the Wishall family. He said that the Highway Commissioner indicated
32 that he was too busy so the Wishall operations had to take care of the problem road. He said that the
33 improvements to the road are not due to the Highway Commissioner because the oil company would just
34 drop off a load of patching. He said that he called Jason Wishall to find out why a load of asphalt was
35 dropped off because he thought that someone didn't get their load delivered and Jason indicated that they
36 just dropped it off for the petitioners to fill some holes in the road. Mr. Michael Wishall stated that everyone
37 in the area knew that the road needed maintenance and the road company themselves were part of what was
38 going to fix the road. He said that the road company was going to send down machinery and the petitioners
39 had an operator that was going to operate the machine to grade the road but when this issue all started the

1 work was all stopped.

2

3 Mr. Thorsland asked Mr. Michael Wishall if the Township Highway Commissioner had organized all of the
4 road improvements but when this issue all started the improvement plans were stopped.

5

6 Mr. Michael Wishall stated yes. He said that they had an employee who used to work for Open Road and he
7 was going to run the machine to grade the road.

8

9 Mr. Thorsland noted that all of the preliminary plans for the road improvement were organized by the
10 Pesotum Highway Commissioner.

11

12 Mr. Michael Wishall stated that Mr. Thorsland was correct. He said that when all of this blew up the road
13 improvement plans stopped. He said that they did not know that they were out of compliance and the only
14 correspondence that they received was a letter indicating that they either needed to cease their operations or
15 move to a different location. He said that they never received a phone call or any correspondence indicating
16 that they needed to talk to the County because there might be a problem.

17

18 Mr. Thorsland stated that they should not feel slighted by that particular letter as staff was only following the
19 requirements of the Zoning Ordinance and they are not the first people who have had a business that has
20 been in operation for a very long time and to find out that it is operating illegally. He said that the first
21 notice that is to go out is a letter indicating that the operations are illegal and the letter will provide options
22 to be in compliance. He said that the only way staff finds out about these types of issues is by complaint and
23 that is usually what initiates the letter.

24

25 Mr. Thorsland stated that he wants it to be very clear that the Highway Commissioner had intentions of
26 fixing the road but when this issue came up he ceased those plans therefore the petitioners took on the
27 responsibility to fix the road or did the Highway Commissioner ask them to fix the road for him.

28

29 Mr. Michael Wishall stated that they were working together with the Highway Commissioner but when this
30 issue came up this spring the Highway Commissioner decided that he was too busy and that the petitioners
31 would have to take care of it. Mr. Michael Wishall stated that a couple of years ago his son, Jason Wishall,
32 purchased and hauled in over 100 ton of rock and purchased new culverts and the Highway Commissioner
33 was not getting things done. He said that if he had known that they were going to have to do it and that the
34 Highway Commissioner was okay with them doing it they would have hauled in the rock to bring up the
35 shoulders. He said that he travels CR 900E everyday too and when the interstate is closed there are 100
36 other trucks that travel up and down that road. He said that today, due to an accident, the interstate was
37 closed and 53 foot loaded semi-trucks were traveling up and down that road, CR 900E, from the Monticello
38 Road to Pesotum and that is not the first time that this has happened. He said that Wishall Transportation is
39 not the only trucking operation that uses that road because the fertilizer company uses that road as it is a

1 good road for them to take. He said that another truck operation down the road is building a huge shed and
2 approximately 100 loads of dirt was hauled past the subject property every day and that is why if you
3 continue south on CR 900E you will see that the road is not any better as it is only 12 foot wide.
4

5 Mr. Thorsland asked Mr. Michael Wishall if they agreed to a deal with the Pesotum Township Highway
6 Commissioner and the petitioner's operation agreed to spend a specific amount of money to make the road
7 wider. He asked Mr. Michael Wishall if they worked with the Pesotum Township Highway Commissioner
8 on this project or did they only receive advice from the Pesotum Township Highway Commissioner.
9

10 Mr. Michael Wishall stated that they were only assisting the Pesotum Highway Commissioner and they ran a
11 drag on the sides of the shoulder to level it off and he told the Pesotum Highway Commissioner that he did
12 this because it looked like the road was going to hold water next to the oil and the Pesotum Highway
13 Commissioner agreed. Mr. Michael Wishall stated that he was concerned about someone running into them
14 while they were working on the road as they was not working under the Pesotum Highway Commissioner so
15 it made him really nervous doing anything extra.
16

17 Mr. Thorsland stated that Mr. Michael Wishall may want to ask his attorney who is responsible if someone
18 has an accident due to the road maintenance that was not done by the Pesotum Township Highway
19 Commissioner.
20

21 Mr. Michael Wishall stated that the Pesotum Township Highway Commissioner was the boss of the project
22 and the petitioners were just doing part of the work under his advice.
23

24 Mr. Brian Wishall stated that the gravel that was built up on the shoulder was installed by the Pesotum
25 Township Highway Commissioner but Open Road supplied all of the equipment through the Pesotum
26 Township Highway Commissioner and they oiled and chipped the road. He said that they were only
27 assisting with the gravel on the shoulder due to complaints that the road was not wide enough but they had
28 nothing to do with the road being rebuilt.
29

30 Mr. Thorsland asked Mr. Michael Wishall if he could indicate the age of the buildings on the subject
31 property.
32

33 Mr. Michael Wishall stated that the shop was built in the 1970's and it wasn't built as a shop. He said that
34 the other white building was built in the 1960's and it was the original shop at that time. He said that the
35 newest shed was built approximately 10 or 15 years ago. He said that the silver building was built in 1965
36 and he has a picture of the farm that is dated 1965 and the building was painted onto the picture because it
37 was not there at the time that the picture was taken but it was planned and ordered.
38

39 Ms. Lee stated that the last building to be built was probably built so that the trucking operation could be

1 placed in the other one.

2
3 Mr. Michael Wishall stated that the trucking operation was not very big then.

4
5 Ms. Lee asked Mr. Michael Wishall to clarify the word "then."

6
7 Mr. Michael Wishall stated that the 72' x 128' building only held two or three trucks and that is only if they
8 had that many at the time and two of those three trucks were for the farm operation. He said that currently
9 three of the trucks have farm plates and are not used for commercial use.

10
11 Ms. Lee asked Mr. Michael Wishall to indicate how many trucks he has that are not used for the farm
12 operation.

13
14 Mr. Michael Wishall stated that he has zero commercial trucks but the boys do have commercial trucks.

15
16 Mr. Thorsland asked Mr. Michael Wishall if the aerial sketch plan dated September 17, 2015, is a fair
17 representation of when all of the trucks and trailers are present on the subject property.

18
19 Mr. Michael Wishall stated that the picture is fairly accurate in regards of the trailers but there are only three
20 trucks indicated. He said that Jason and Brian could indicate the number of trucks that are involved in the
21 trucking operation.

22
23 Ms. Lee asked Mr. Michael Wishall why he didn't obtain a permit when he first started operating the non-
24 farm trucking operation.

25
26 Mr. Thorsland stated that buildings get built on farms because they are ag exempt and often times a Zoning
27 Use Permit is not requested. He said that it is not typical for any farm construction to appear in any
28 permitting documentation. He said that equipment tends to accumulate and Mr. Michael Wishall testified
29 that he still has his grandfather's truck from the 1930's. He said that as Mr. Schweighart testified this
30 operation has had organic growth. Mr. Thorsland said that there is a fairly good record in the information
31 packet as to when the trucking company became big enough that it was separated from the farm operation.
32 He said that later during the meeting he will call Brian and/or Jason Wishall to the witness microphone to
33 indicate the number of trucks and trailers involved in the trucking operation.

34
35 Mr. Hall stated staff has not bothered to document the number of trucks and has only concentrated on the
36 number of acres that are currently be used and how many acres will be required in the future. He said that if
37 the Board desires information regarding the number of trucks and trailers for the operation then staff can
38 obtain that information.

1 Mr. Thorsland asked the Board if there is any additional information required regarding the trucking
2 operation.

3
4 Ms. Griest stated that the trucks which have farm plates are not the subject of this case and are excluded
5 from the count that staff will complete.

6
7 Mr. Hall stated that he is not knowledgeable about what can and cannot be done with a truck with farm
8 plates but he would assume that you can haul grain for other people under a farm plate. He said that we are
9 not here tonight due to the hauling of grain and we would not be having this meeting if that was the concern.

10
11 Ms. Griest stated that the Board is not looking at the transportation element of the farm operation but the
12 Board is looking at the commercial trucking operation for hire for other entities.

13
14 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Michael Wishall and there was no
15 one.

16
17 Mr. Michael Wishall noted that three trucks and 10 trailers indicated in the photograph are for the farm.

18
19 Mr. Thorsland asked Mr. Michael Wishall if those trucks and trailers have farm plates.

20
21 Mr. Michael Wishall stated that the three trucks have farm plates but there is no difference in the plates that
22 are required for the trailers.

23
24 Mr. Thorsland called Jason Wishall to testify.

25
26 Mr. Jason Wishall stated that there are 24 trucks and the photograph is a pretty good representation of what
27 is on their property at any one time, unless it is Christmas as they try to not have anyone working on
28 Christmas. He said that they do not want the drivers to keep the trucks at the subject property, but at their
29 homes so that they have more family time and they put less miles and wear and tear on the trucks. He said
30 that the number of trucks owned by the operation should not be an issue as the photograph is a good
31 representation of what is on the lot at any given time.

32
33 Mr. Thorsland stated that the real concern appears to revolve around the condition of the road and the factor
34 of how many trucks go up and down it. He said that testimony has been given that there are other people
35 who use this road but currently the petitioners are the ones before the Board. He said that Mr. Jason Wishall
36 has testified that it is preferred that the drivers take the trucks home so not all of the trucks come back to the
37 subject property every day and some may not come back for some time. He said that not all Wishall
38 Transport trucks travel up and down CR 900E every morning and afternoon.

1 Mr. Jason Wishall stated that Mr. Thorsland was correct.

2

3 Mr. Thorsland asked Mr. Jason Wishall if the trucks and trailers which come back to the subject property are
4 empty.

5

6 Ms. Griest indicated that whether the trucks and trailers and loaded or unloaded is not relevant.

7

8 Mr. Thorsland stated that his question is relevant as it has to do with the weight of the truck and trailer while
9 traveling down CR 900E.

10

11 Ms. Griest stated that if the trucks and trailers are hauling their own grain it is not relevant. She clarified Mr.
12 Thorsland's question and asked Mr. Jason Wishall if the trucks and trailers are loaded or unloaded when they
13 arrive at the subject property.

14

15 Mr. Jason Wishall stated that the trucks and trailers are unloaded when they arrive at the subject property
16 although there is a rare occasion when they have to come to the property loaded. He said that they do not
17 want the loaded trucks and trailers destroying the road by coming to the subject property.

18

19 Mr. Thorsland stated that none of the other services occur at the subject property so when trucks go to the
20 subject property they are empty and headed home.

21

22 Mr. Jason Wishall stated that Mr. Thorsland was correct.

23

24 Mr. Thorsland stated the 24 trucks can only pull 24 trailers and they are not coming and going from the
25 subject property everyday therefore the count of trips is probably lower than what the photograph would lead
26 the Board to believe. He asked Mr. Jason Wishall how they ended up paying for part of the road repair that
27 was under the control of the Pesotum Township Highway Commissioner.

28

29 Mr. Jason Wishall stated the road improvements were already planned by the Pesotum Township Highway
30 Commissioner and not a lot of the work had been done to the road. He said that part of the reason why the
31 work had not been completed was because of the future plans to repair the road in the right way. He said
32 that once complaints were filed and the letter was received the road repair plans stopped. He said that the
33 written agreement was the initial verbal agreement with Pesotum Township. He said that they use the road
34 for more than driving to work in their cars therefore they agreed to help pay for the maintenance of the road,
35 especially since the townships do not have a lot of money and can barely take care of the roads that they
36 have. He said that since they do use the road they wanted to assist the township in getting it back into shape.
37 He said that they paid for the repair of one and one-quarter miles of the road.

38

39 Mr. Thorsland stated that his township is down to properly maintaining three miles of its 80 miles of road

1 per year.

2

3 Ms. Griest asked if the amount paid was 100% of the cost or just their 50%.

4

5 Mr. Jason Wishall stated that the agreement states that they pay for 50% of the cost to oil and chip the road.
6 He said that their check went to Illiana Construction Co. for the oil so yes, they paid for all of the oil.

7

8 Mr. Thorsland stated that it was pre-arranged for the petitioners to pay for some of the supplies for the road
9 maintenance.

10

11 Mr. Jason Wishall stated yes. He said that all of this went through the Pesotum Township Highway
12 Commissioner.

13

14 Mr. Thorsland stated that the Pesotum Township Highway Commissioner acted as the contractor for the road
15 maintenance.

16

17 Mr. Jason Wishall stated yes.

18

19 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Jason Wishall and
20 there were none.

21

22 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Jason Wishall and there was no
23 one.

24

25 Mr. Thorsland stated that at this point the Board has a lot of stuff that could be worked through but if the
26 Board has questions or desires additional information then this is the time to indicate such so that either staff
27 or the petitioners can address those questions or obtain additional information.

28

29 Ms. Griest stated that staff needs additional time to summarize the Natural Resources Report although she
30 does not see any information that is lacking or requires further clarification. She said that the information
31 packet is a great packet.

32

33 Mr. Thorsland stated that he is reluctant to go through everything tonight because two members who are
34 absent have really good insight into these matters and Mr. Hall will have time to incorporate the Natural
35 Resources Report into the Summary of Evidence. He said that he has a pet peeve in that if he receives a
36 memorandum which is more than three pages on the night of the meeting he does not want to finish the case
37 until he has adequate time to review the memorandum. He said that another thing that would be nice would
38 be if the people who signed the letter of support could attend the meeting and speak to the Board. He said
39 that he would like to continue the case so that the petitioners have the luxury of a larger Board because if the

1 Board went to final determination tonight the petitioner would have to obtain four affirmative votes from a
2 bare minimum quorum.

3
4 Mr. Thorsland asked the petitioners if there was any additional information that they would like to add to the
5 record. He said that the petitioners' operations can continue as they are currently because they are in the
6 process with the County of obtaining the appropriate approvals.

7
8 He asked Mr. Jason Wishall if there was anything that he would like to add and Mr. Jason Wishall stated not
9 at this time.

10
11 Mr. Thorsland called Brian Wishall to testify.

12
13 Mr. Brian Wishall stated that the farm storage building which is closest to CR 900E is a very old shed and
14 everyone knows that farm equipment was very small back then and today this building now only stores
15 smaller equipment. He said that there is a crib and then another farm storage building and that building is
16 only big enough to store their backhoe. He said that the biggest shed that is in question, indicated on the
17 photograph as 50% trucking company and 50% farm use, and is the one that Ms. Lee asked about was not
18 large enough to hold their combine and corn pickers. He said that it was ironic because they had to work on
19 those pieces of equipment in the cold because their current shed was not big enough thus the reason for the
20 new shed.

21
22 Ms. Lee stated that initially she thought that the trucking company forced them to build the 80' x 150' shed.

23
24 Mr. Brian Wishall stated that Ms. Lee was not accurate.

25
26 Mr. Thorsland stated that every year the farm equipment gets bigger and they get taller too. He said that ag
27 buildings continue to get bigger and bigger because they have to in order to store today's equipment. He
28 said that the petitioners have a large farm operation which involves large equipment.

29
30 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Brian Wishall and
31 there were none.

32
33 Mr. Randol stated that he does not need to hear any more information regarding the road.

34
35 Mr. Brian Wishall added that they store their sprayer in the 80' x 150' shed and when the sprayer is folded
36 completely out it is 120' long.

37
38 Mr. Thorsland stated that it appears that there are no future assignments for the petitioners for the next
39 meeting other than perhaps asking the people who signed the letter of support to attend the meeting.

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Ms. Griest requested that the Board review the proposed Special Conditions before the case is continued.

Mr. Thorsland read the proposed Special Conditions as follows:

A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 805-AM-15 by the County Board.

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

B. All inbound and outbound trucks associated with the Special Use shall not use CR 900 East north of CR 600 North.

The above special condition is required to ensure the following:

To prevent additional deterioration of the road.

C. The Special Use shall be void if the owner/operator fails to comply with the road agreement with Pesotum Township regarding an annual road maintenance fee, provided as follows:

(1) This condition applies to the Agreement with Pesotum Township Road Commissioner received June 24, 2015, or to any subsequent road agreement between the petitioner and Pesotum Township, provided that a fully executed agreement shall be filed with the Zoning Administrator.

(2) This condition shall be cancelled if the Pesotum Township Highway Commissioner relieves the Petitioners of the road maintenance agreement obligations.

The special condition stated above is required to ensure the following:

That any additional highway maintenance due to the truck traffic generated by the proposed Special Use is reimbursed by the petitioner.

D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Truck Terminal until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

The special condition stated above is necessary to ensure the following:

That the proposed Special Use meets applicable state requirements for accessibility.

Ms. Griest asked Mr. Hall if proposed Special Condition C.(1) should indicate the road maintenance agreement dated December 23, 2104 and not June 24, 2015. She asked Mr. Hall if there is a second

1 agreement in the packet that she is overlooking.

2

3 Mr. Hall stated that the proposed Special Condition C.(1) references the received date.

4

5 Mr. Thorsland asked if the petitioners had any questions or concerns regarding the proposed Special
6 Conditions as read.

7

8 Mr. Jason Wishall stated that, regarding Special Condition B, they have a verbal agreement with the
9 Pesotum Township Highway Commissioner to run empty, bobtail, and not to run the tall van trailers because
10 van trailers tend to scare people. He said that he could obtain this verbal agreement in writing if necessary.

11

12 Mr. Hall stated that since the petitioners are working with the Pesotum Township Highway Commissioner
13 perhaps proposed Special Condition B. could just be incorporated with proposed Special Condition C.,
14 making Special Condition C. the new Special Condition B. He said that staff would be happy to work with
15 the petitioners regarding this matter and when they submit the written agreement staff will just refer to the
16 agreement in the special condition. He said that since this is an agreement between the petitioners and the
17 township it will be noted, thus satisfying the Board's interest in the roads.

18

19 Ms. Lee asked Mr. Jason Wishall how the trucks will travel if they will not travel beyond CR 600N on CR
20 900E.

21

22 Mr. Jason Wishall stated that the trucks travel north out of the subject property to CR 600N, County
23 Highway 17 or also known as the Sadorus slab, traveling east to Route 45 where they travel north to the
24 Monticello Road, County Highway 18.

25

26 Ms. Lee thanked Mr. Wishall.

27

28 Mr. Thorsland stated that the trucks only travel as far north as to drive out of the subject property to get onto
29 CR 600N. He said that he agrees with Mr. Hall's recommendation regarding blending Special Conditions B
30 & C.

31

32 Ms. Griest stated that a notation indicating that CR 600N is County Highway 17 would be appreciated for
33 future reference.

34

35 Mr. Hall stated that he would really like to only refer to the agreement with the Pesotum Township Highway
36 Commissioner.

37

38 Mr. Hall stated that the petitioners expect staff to provide useful guidance regarding their requests. He said
39 that the request which causes him the most difficulty is Part B. of Case 807-V-15 regarding a variance from

1 the Champaign County Stormwater Management and Erosion Control Ordinance. He said that if the Board
2 has any thoughts regarding this variance and whether or not it seems reasonable due to the organic growth of
3 the trucking operation at the farm operation location or whether as organic as it may be the petitioners can
4 still provide stormwater detention. He said that there has only been one other variance from the Stormwater
5 Management Policy and that variance was approved so he does not have a lot of history to work from.

6
7 Ms. Lee asked Mr. Hall to indicate the variance case that was approved.

8
9 Mr. Thorsland stated that the previous case is not relevant to this case.

10
11 Mr. Hall stated that the previous case was a completely different situation.

12
13 Mr. Thorsland pointed out that the petitioners own the property to the east and they farm that acreage. He
14 said that the Board is not indicating that the petitioners have to do any further improvements to handle the
15 runoff from the non-permeable areas. He said that since it appears that Mr. Michael Wishall has lived in the
16 area for a very long time, he may know which way the water flows and why the newest building is located in
17 its current location. He asked the Board if they are uncomfortable in not requiring any stormwater
18 management for this particular property given the peculiarity.

19
20 Mr. Hall asked the Board if they are comfortable granting a variance with little or no technical justification
21 as to why stormwater management should not be provided.

22
23 Mr. Thorsland stated that the information indicates that the buildings have been in place for some time now
24 with no noticeable issues regarding water.

25
26 Mr. Randol stated yes. He said that the structures have been there for a number of years therefore if there
27 was a problem the petitioners have probably already dealt with it. He said that it is obviously not affecting
28 the road so the water is not draining that way and causing any problems. He said that he does not believe
29 that this is an issue.

30
31 Mr. Hall clarified that the water is draining towards the road. He said that once the Board makes its decision
32 he will know what to tell future applicants if they do not want to provide stormwater detention.

33
34 Mr. Thorsland stated that the petitioners testified that they had culverts delivered to be installed before the
35 progress was stopped and the culverts have now been installed.

36
37 Mr. Jason Wishall stated that the culverts have been installed.

38
39 Mr. Thorsland asked Mr. Jason Wishall if drainage improvements were made when the road was improved.

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Mr. Jason Wishall stated yes.

Ms. Griest stated that she does not have a problem with the variance request in Part B. She said that less than two acres of the parcel is dedicated to the trucking operation therefore it is her rationale that even though overall we have talked about 5.68 acres some of it is not solely dedicated to the trucking operation. She said that she really does not think that when we are looking at a 50/50 ratio on the areas and buildings that are being shared, if we went with the 50% of the area was completely dedicated to the truck operation, that we are exceeding the three acres for the special use portion and the rest of it falls over to the farm operation. She said that she is opposed to taking ground out of production to provide stormwater detention when it is not necessary when the dated historical aerials included in the packet do not indicate apparent ponding or flooding adjacent to or on the subject property. She said that she has no issue with the requested variance as this is a unique situation and it would be different if the use was just being proposed from scratch with no documentation of flooding, then this discussion would be different. She said that this use has evolved from a farm operation into a trucking operation and the petitioners did not change the profile of the property.

Mr. Thorsland stated that he agrees with Ms. Griest and asked if it is made clear that some recent drainage upgrades were made and no significant changes have taken place since well before the incorporation of the trucking operation. He said that the newest building is not located on the subject property.

Ms. Lee stated that if you look at where the .4 acres which has all of the trailers parked upon and eliminate the 72' x 128' building, you still have one acre that is between the two parcels that is involved in the trucking operation. She said that there is still over one acre applicable to the Stormwater Management Policy.

Mr. Randol stated that it is not in one particular area and is in spots on the property. He said that the largest area is one acre that is drawn where the trucks are parked. He asked how many acres are involved in the entire subject property.

Mr. Thorsland stated that the subject property consists of 5.68 acres.

Mr. Randol stated that not even one-fifth of the subject property is for the trucking operation.

Ms. Lee stated that basically there is still more than one acre that is impervious area that is for the trucking operation.

Mr. Thorsland stated that the dotted line that wraps around the 50/50 building indicates one acre.

1 Mr. Hall stated that Board members should not focus on the dotted area because the dotted areas can only be
2 used once you get to them. He said that the area outside of the dotted area is absolutely necessary for the
3 trucking operation and our policy requires that if there is one acre of impervious area in any 90,000 square
4 feet area then stormwater detention must be provided and that is what the Ordinance indicates. He said that
5 if all of the impervious area was added up for the trucking operation and the general maneuver areas were
6 only used half of the time or 40% trucking and 60% farm there is still almost two acres for trucking.
7

8 Mr. Thorsland asked Mr. Hall if we are counting gravel as impervious area.
9

10 Mr. Hall stated that gravel has always been counted as impervious area. He said that gravel is gravel when
11 designing stormwater management, but for purposes of the threshold anything that is not grass is impervious.
12 He said that he does think that there are a lot of compelling reasons due to the organic growth from the
13 farming operation but this is not one-half of an acre that the Board will write off but is two acres that the
14 Board will let be developed in the AG-1 district with no required detention.
15

16 Mr. Thorsland asked Mr. Hall if the rule for AG-2 is the same.
17

18 Mr. Hall stated yes. He said that the point is that this use is surrounded by the AG-1 district and two acres of
19 impervious area has been placed on the subject property and the Board may say that there is nothing to worry
20 about.
21

22 Ms. Griest stated that the impervious area is not being placed there now but already exists as a result of the
23 farming operation and it is shared with the trucking operation. She said that the farm operation does not have
24 to have the detention.
25

26 Mr. Thorsland stated that he would propose waiving the stormwater requirement for the following reasons:
27 1. the business is 50% of what occurs in the impervious area; and 2. the growth has taken place over time;
28 and the surrounding property is owned by the petitioners; and 3. no complaints have been received due to
29 water and no testimony has been received at the public hearing regarding water. He said that perhaps his
30 comments could be used as justification of waiving the stormwater requirement. He said that it appears that
31 the impervious area is just making the threshold for the requirement. He said that the Board is missing two
32 members who could have concerns and helpful advice regarding this issue and should be included in this
33 conversation. He said that he has voiced his reasons for being comfortable in waiving the requirement in
34 this particular case. He said that this case is fairly unique and the Board has had other special use cases
35 where there is a lot of impervious area and it is pointed to other people who are not in common ownership
36 and there were documented problems and efforts to fix the problems and the Board has had to make them fix
37 it better. He said that in this case he hasn't heard testimony indicating that there is any problem and it is sort
38 of, like the buildings all started to grow slowly.
39

1 Ms. Griest stated that maybe as evidence to support the variance a description of the tile that exists on the
2 farm ground that the subject property drains to is necessary. She said that page 3 of the Natural Resources
3 Report discusses the surface and subsurface drainage. She said that under Water Resource: a) Surface
4 Drainage the report states the following: "The site is on a flat ground, water now travels off the site in all
5 directions. The west has a good road ditch to help with drainage." Ms. Griest stated that the petitioner owns
6 property in all three directions of the subject property.
7

8 Mr. Thorsland stated that the new culvert pipes are there for the road and the Natural Resources Report
9 indicates that the road ditch has good drainage. He said that at the Natural Resources Report will be folded
10 in as evidence as testimony and the statement that within the last three years the improved road drainage has
11 been installed adjacent to the fourth side of subject property. He said that is it compelling in this particular
12 and unique case to waive this in this case
13

14 Mr. Michael Wishall stated that his parents did their estate planning 20 or 30 years ago and he did not find
15 out about their wills until his father passed away. He said that at the time of the estate planning their
16 attorney told them that that the subject property had to be five acres. Mr. Michael Wishall stated that if the
17 lot only had to be three acres it would have saved him a lot of money as he would not have had to buy five
18 acres from his brother and sister. He said that the newest shed was built in its current location because he
19 owned the land that the new shed is sitting on and if he had not owned the five acres he would have had to
20 buy it again from his brother and sister and did not desire to do so. He said that he just wanted to inform the
21 Board and staff as to why the five acres is what it is and why the building was built on the adjacent farm
22 land.
23

24 Mr. Thorsland stated that he and Ms. Griest are traveling down the same path and hopefully staff is feeling
25 more comfortable. He said that this discussion will be in the minutes and hopefully staff can summarize this
26 discussion as evidence.
27

28 Ms. Griest asked Mr. Michael Wishall if he had any field tile maps of the subject property.
29

30 Mr. Michael Wishall stated that he did not have any field tile maps of the subject property. He said that his
31 grandfather laid the field tile many, many years ago. He said that he does know where some of the mains are
32 located for the field tiles.
33

34 Ms. Lee stated that the Farm Bureau created some maps years ago.
35

36 Mr. Michael Wishall stated that he has copies of those maps and they are really just an educated guess and
37 was not a science that proved out.
38

39 Mr. Thorsland agreed.

1

2 Mr. Thorsland asked the Board and staff if there were any additional questions or concerns and there were
3 none.

4

5 Mr. Thorsland stated that the Board needs to discuss a continuance date for these cases.

6

7 Mr. Hall stated that he does not have an impression that a great amount of work is required therefore he
8 recommended the first meeting in January 2016. He said that significant cases have been docketed for the
9 October 29th and November 12th meetings, and later on during the meeting staff will be requesting that the
10 Board consider holding a special meeting on December 3rd.

11

12 Mr. Thorsland noted that he will be absent from any December meetings.

13

14 Ms. Lee asked Mr. Hall if Case 792-V-14 will be ready on October 29th for the Board's review.

15

16 Mr. Hall stated that it would be great if petitioners got items to staff two weeks ahead of time but no one in
17 the history of the ZBA has ever done that so it is unknown.

18

19 Mr. Thorsland asked if there is any reason why these cases cannot be continued to the first meeting in
20 January (14th).

21

22 Mr. Michael Wishall stated that he will check to see if he will be back in town for the first meeting in
23 January 2016.

24

25 Mr. Thorsland stated that the reason that the meeting date is tentative is because the County Board has yet to
26 approve their 2016 calendar. He said that the November meetings are both booked solid and the October
27 29th meeting is too soon. He said that the ZBA has been requested to have fewer meetings, if possible, as it
28 costs the County money to have these meetings. He said that the December 3rd meeting is not official yet
29 and the petitioners would not have a full Board in attendance as he will be absent.

30

31 Mr. Hall stated that if the petitioner is open to continuing their cases to the first meeting in January then that
32 is the date that he would recommend although it is a possibility that one of the petitioners may not be able to
33 attend the meeting.

34

35 Mr. Michael Wishall stated that he has lived at his residence for over 50 years and his phone number has
36 never changed so if there are any questions that he needs to answer the Board or staff can just call him.

37

38 Mr. Thorsland stated that perhaps the answers to the questions that were deferred to Mr. Michael Wishall
39 could be passed on to Jason and Brian so that they can address any further questions that the Board may

1 have. He asked the petitioners if they agreed to a tentative continuance date of January 14, 2016.

2
3 The petitioners agreed to a tentative continuance date of January 14, 2016.

4
5 Mr. Thorsland entertained a motion to continue Cases 805-AM-15, 806-S-15 and 807-V-15 to the tentative
6 January 14, 2016, meeting.

7
8 Ms. Griest suggested that the motion only indicate the first meeting in January in lieu of a tentative date.

9
10 Mr. Thorsland agreed.

11
12 **Ms. Griest moved, seconded by Mr. Randol to continue Cases 805-AM-15, 806-S-15 and 807-V-15 to**
13 **the first meeting in January, 2016. The motion carried by voice vote.**

14
15 **Case 813-S-15: Petitioner: David and Ginger Spillars, d.b.a. Ohana Pools, Spas & Billiards, Inc.**
16 **Request to authorize the conversion of an existing single family dwelling to a two-family dwelling by**
17 **the addition of a second dwelling in the AG-2 Agriculture Zoning District. Location: Lot 2 of Hudson**
18 **Acres Subdivision, in the Southeast Quarter of the Southwest Quarter of Section 11 in Urbana**
19 **Township and commonly known as the residence at 3710 East University Avenue, Urbana.**

20
21 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
22 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
23 of hands for those who would like to cross examine and each person will be called upon. He requested that
24 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
25 those who desire to cross examine are not required to sign the witness register but are requested to clearly
26 state their name before asking any questions. He noted that no new testimony is to be given during the cross
27 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
28 from cross examination.

29
30 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
31 the witness register for that public hearing. He reminded the audience that when they sign the witness
32 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
33 time.

34
35 Mr. Thorsland asked the petitioners if they would like to make a brief statement regarding their request.

36
37 Mr. David Spillars, who resides at 1605 Nottingham Drive, St. Joseph, stated that he is requesting a Special
38 Use Permit for the conversion of an existing single family dwelling to a two-family dwelling by the addition
39 of a second dwelling. He said that he isn't adding a second dwelling but trying to obtain a Zoning Use

- 1 Permit for an existing second dwelling that was illegally constructed without a Zoning Use Permit.
2
- 3 Mr. Thorsland stated that the Preliminary Memorandum indicates that a sunroom is being constructed to
4 connect the two dwellings.
5
- 6 Mr. Spillars stated that he is trying to rehabilitate the property in making it structurally safe and compliant to
7 the required codes.
8
- 9 Mr. Thorsland asked the Board if there were any questions for Mr. Spillars and there were none.
10
- 11 Mr. Thorsland asked Mr. Spillars if he would like to provide any specific details regarding the request. Mr.
12 Thorsland informed Mr. Spillars that since this is a Special Use case there are criteria that must be met
13 therefore he may want to indicate why this use is necessary for the public convenience at this site.
14
- 15 Mr. Spillars stated that this was a distressed property when they purchased the property and there are two or
16 three other properties in the subdivision which are also in a distressed state. He said that the rest of the area
17 is really pretty nice rural residential area with a grandfather clause regarding home based businesses. He said
18 that his parcel had a home based business on it for years and he can remember visiting the property as a
19 child. He said that the other home businesses in the area include an accounting office and an artist studio.
20 He said that as far as he knows the garage was converted into a “mother-in-law” suite and the property was
21 presented to him and his wife as a two dwelling property with a home business that had been grandfathered
22 which they thought was a great aspect of the property.
23
- 24 Mr. Thorsland asked Mr. Spillars if the property had been abandoned or were the homes only unoccupied at
25 the time.
26
- 27 Mr. Spillars stated that the property was for sale for some time and was in disrepair and yes both homes were
28 unoccupied.
29
- 30 Mr. Thorsland asked Mr. Spillars if it was his understanding that the two homes were allowed on the
31 property.
32
- 33 Mr. Spillars stated yes. He said that the two homes have been on the property for almost 40 years and during
34 his rehabilitation of the property he found the years 1974 and 1975 written on the walls, which is when he
35 believes that the garage was converted into a second dwelling.
36
- 37 Mr. Thorsland noted that the Zoning Ordinance was adopted on October 10, 1973, which is before the dates
38 on the wall.
39

1 Mr. Spillars stated that he noticed that the information indicated a discrepancy regarding the date of
2 conversion and obviously it was never permitted. He said that there appears to be a lot of things on the
3 property which were done by the seat of the previous owner's pants which is why he is trying to bring
4 everything up to code making the structures safe so that the dwellings are livable units. He said that if the
5 zoning has to be changed to allow for a duplex then he is good with it as he is willing to do whatever he has
6 to do to bring this property into compliance.

7
8 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Spillars and there were none.

9
10 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Spillars and there was no one.

11
12 Mr. Thorsland asked Ginger Spillars if she would like to present any testimony to the Board.

13
14 Ms. Ginger Spillars, who resides at 1605 Nottingham, St. Joseph, stated that they purchased the property
15 with two homes and had no clue that the property was in violation. She said that this property is where they
16 plan to reside with their kids therefore they are trying to make it nice. She said that they were totally
17 shocked when they found out the issues with the property but they are business people and they realize that
18 people do things without permission. She said that she and her husband are the type of people who obtain
19 required permits for construction and they are trying to get their property in compliance because they plan on
20 living there for a very long time.

21
22 Mr. Thorsland asked Ms. Spillars if she already owned the property when she found out that the property
23 was in violation.

24
25 Ms. Spillars stated yes. She said that they were remodeling the property and when her husband was
26 completing upgrades for the plumbing to the septic system they decided to add on to the structure. She said
27 that she visited the Department of Planning and Zoning to acquire a permit for the addition and was
28 informed that the property was in violation.

29
30 Mr. Thorsland stated that it is good that the Spillars decided to acquire a permit for the additions.

31
32 Ms. Spillars stated that it was good that they were trying to comply but unfortunately they discovered that
33 there were a lot of things on the property which did not obtain permits or approval by the County.

34
35 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Spillars and there were none.

36
37 Mr. Thorsland stated that there is one proposed special condition indicated on Page 14 of the Preliminary
38 Draft Summary of Evidence. He read the proposed special condition as follows:

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A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.

The special condition stated above is required to ensure the following:
That any proposed exterior lighting is in compliance with the Zoning Ordinance.

Mr. Hall explained that for any Special Use Permit the lighting is supposed to be full cut-off. He said that hopefully the petitioners have not added any exterior lighting yet but if they have or plan to, staff would be happy to review the manufacturer’s data sheet for the fixture to assure that it is full cut-off.

Mr. David Spillars asked if full cut-off means horizontal lighting which stops at the fixture.

Mr. Thorsland stated that full cut-off lights should only produce light on the subject property and not upon the neighbor’s property.

Mr. and Mrs. Spillars stated that they are planning on taking down some lights therefore they have no issue with the proposed special condition.

Mr. Thorsland read the proposed special condition again as follows:

A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.

The special condition stated above is required to ensure the following:
That any proposed exterior lighting is in compliance with the Zoning Ordinance.

Mr. Thorsland asked Mr. and Mrs. Spillars if they agreed to the Special Condition A.

Mr. and Mrs. Spillars indicated that they agreed to Special Condition A.

Mr. Thorsland entertained a motion to approve Special Condition A.

Ms. Griest moved, seconded by Mr. Randol to approve Special Condition A. The motion carried by voice vote.

Mr. Thorsland stated that there are no new Documents of Record.

Finding of Fact for Case 813-V-13:

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 813-V-15 held on October 15, 2015, the Zoning Board of Appeals of Champaign County finds that:

- 1. The requested Special Use Permit IS necessary for the public convenience at this location.**

Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this location to bring the property into compliance and to provide the community with adequate and habitable living quarters.

- 2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:**

- a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.**

Ms. Griest stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

- b. Emergency services availability is ADEQUATE.**

Ms. Griest stated that emergency services is ADEQUATE.

- c. The Special Use WILL be compatible with adjacent uses.**

Ms. Lee stated that the Special Use WILL be compatible with adjacent uses.

- d. Surface and subsurface drainage will be ADEQUATE.**

Ms. Griest stated that surface and subsurface drainage will be ADEQUATE.

- e. Public safety will be ADEQUATE.**

1 Ms. Lee stated that public safety will be ADEQUATE.

2

3

4 **f. The provisions for parking will be ADEQUATE.**

5

6 Mr. Randol stated that the provisions for parking will be ADEQUATE.

7

8

9 **g. The property IS WELL SUITED OVERALL for the proposed**
10 **improvements.**

11

12 Mr. Randol stated that the property IS WELL SUITED OVERALL for the proposed improvements.

13

14 **h. Existing public services ARE available to support the proposed**
15 **SPECIAL USE without undue public expense.**

16

17 Ms. Griest stated that existing public services ARE available to support the proposed SPECIAL USE
18 without undue public expense.

19

20

21 **i. Existing public infrastructure together with the proposed development IS**
22 **adequate to support the proposed development effectively and safely**
23 **without undue public expense.**

24

25 Ms. Griest stated that existing public infrastructure together with the proposed development IS adequate
26 to support the proposed development effectively and safely without undue public expense.

27

28 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
29 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
30 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety
31 and welfare.

32

33 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS,**
34 **IMPOSED HEREIN DOES conform to the applicable regulations and standards of**
35 **the DISTRICT in which it is located.**

36

37 Ms. Griest the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
38 HEREIN DOES conform to the applicable regulations and standards of the DISTRICT in which it is
39 located.

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3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located because:

a. The Special Use will be designed to CONFORM to all relevant County ordinances and codes.

Mr. Randol stated that the Special Use will be designed to CONFORM to all relevant County ordinances and codes.

b. The Special Use WILL be compatible with adjacent uses.

Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.

c. Public safety will be ADEQUATE.

Ms. Griest stated that public safety will be ADEQUATE.

Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance because:

a. The Special Use is authorized in the District.

b. The requested Special Use Permit IS necessary for the public convenience at this location.

Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this location.

c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

1 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITION
 2 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
 3 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
 4 and welfare.

- 5
- 6 **d. The requested Special Use Permit, SUBJECT TO THE SPECIAL**
- 7 **CONDITIONS IMPOSED HEREIN, DOES preserve the essential character**
- 8 **of the DISTRICT in which it is located.**
- 9

10 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
 11 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

12

13 Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL
 14 CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the
 15 Ordinance.

- 16
- 17 **5. The requested Special Use IS NOT an existing nonconforming use.**
- 18

- 19 **6. THE SPECIAL CONDITIONS IMPOSED HEREIN IS REQUIRED TO ENSURE**
- 20 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND**
- 21 **FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**
- 22

- 23 **A. The Zoning Administrator shall not authorize a Zoning Compliance**
- 24 **Certificate until the petitioner has demonstrated that any new or proposed**
- 25 **exterior lighting on the subject property will comply with the lighting**
- 26 **requirements of Section 6.1.2.**
- 27

28 The special conditions stated above are required to ensure the following:
 29 **That any proposed exterior lighting is in compliance with the Zoning**
 30 **Ordinance.**

31

32 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
 33 of Fact as amended.

34

35 **Ms. Lee moved, seconded my Mr. Randol to adopt the Summary of Evidence, Documents of Record**
 36 **and Findings of Fact as amended. The motion carried by voice vote.**

37

38 Mr. Thorsland entertained a motion to move to the Final Determination for Case 813-S-15.

39

1 **Ms. Lee moved, seconded by Mr. Randol to move to the Final Determination for Case 813-S-15. The**
2 **motion carried by voice vote.**

3
4 Mr. Thorsland informed Mr. and Mrs. Spillars that currently the Board has one vacant Board seat and two
5 absent Board members therefore it is at their discretion to either continue Case 813-S-15 until a full Board is
6 present or request that the present Board move to the Final Determination. He informed Mr. and Mrs.
7 Spillars that four affirmative votes are required for approval.

8
9 Mr. and Mrs. Spillars requested that the present Board move to the Final Determination.

10
11 **Final Determination for Case 813-S-15:**

12
13 **Ms. Griest moved, Ms. Lee seconded that the Champaign County Zoning Board of Appeals finds that,**
14 **based upon the application, testimony, and other evidence received in this case, the requirements of**
15 **Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section 9.1.6**
16 **B. of the Champaign County Zoning Ordinance, determines that:**

17
18 **The Special Use requested in Case 813-S-15 is hereby GRANTED WITH SPECIAL**
19 **CONDITIONS to the applicants David and Ginger Spillars, to authorize the following:**

20
21 **Authorize a Special Use Permit in the AG-2 Agriculture Zoning District for**
22 **the conversion of an existing single family dwelling to a two-family dwelling by the**
23 **addition of a second dwelling.**

24
25 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

26
27 **A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
28 **until the petitioner has demonstrated that any new or proposed exterior lighting on**
29 **the subject property will comply with the lighting requirements of Section 6.1.2.**

30
31 **The special conditions stated above are required to ensure the following:**
32 **That any proposed exterior lighting is in compliance with the Zoning**
33 **Ordinance.**

34
35 Mr. Thorsland requested a roll call vote.

36
37 The roll call vote was called as follows:

38 **Lee-yes**

Passalacqua-absent

Randol-yes

Capel-absent

Griest-yes

Thorsland-yes

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2
3 Mr. Hall informed Mr. and Mrs. Spillars that they have received an approval of their request and staff will
4 send the final paperwork as soon as possible. He requested that Mr. and Mrs. Spillars contact the office with
5 any questions.

6
7 Mr. Thorsland stated that the Board will now hear Cases 805-AM-15, 806-S-15 and 807-V-15, Michael
8 Wishall, Jason Wishall, Brian Wishall d.b.a. Wishall Transport, Wishall Farms & Transportation, Inc., and
9 Wishall Farms, Inc.

10
11
12 **7. Staff Report**

13
14 Mr. Hall stated that prior to the explosion in zoning cases this month Ms. Chavarria has been doing excellent
15 work in assisting with enforcement cases. He said that he should have commended Ms. Chavarria for her
16 work at the last meeting as this has been going on for a couple of months. He said that there have not been a
17 great number of enforcement cases resolved but there have been some and there has been contact made for a
18 great many of those enforcement cases. He said that we have finally achieved, to a degree, having the
19 current planner assisting with enforcement.

20
21 **8. Other Business**

22 **A. Review of Docket**

23
24 Mr. Thorsland stated that he will be absent from all of the December meetings as he will be out of the
25 country.

26
27 Mr. Randol stated that it is a possibility that he will not be attending the November 12, 2015, public hearing.

28
29 Ms. Griest stated that she will be absent from the first meeting in February, 2016.

30
31 Mr. Hall stated that the December 17th meeting is over docketed and Case 802-AT-15 can be placed on a
32 different docket date. He said that Case 819-AT-15 needs to be done because it is holding up a development
33 and even if that case gets decided early, a minimum of four months, it will lead to a follow up case that will
34 take a couple of months to work through. He said that currently the December 17th meeting includes Cases
35 818-S-15 Woods Edge MFH Park and 819-AT-15, Zoning Administrator and those two cases will include a
36 lot of information and he knows that the text amendment will not be finalized at that meeting. He said that
37 the petitioners for Case 818-S-15 would like to see a final determination in calendar year 2015 but it is
38 unknown if that will be possible. He said that the Board does not often have the opportunity to hold special
39 meetings when the docket is so loaded but it is the Board's decision.

1

2 Mr. Thorsland asked Mr. Hall if he is hoping that some of the cases currently on the December 17th docket
3 could drift on to the December 3rd special meeting date, if the Board chooses to approve a special meeting
4 date.

5

6 Mr. Hall stated that he would not drift Case 802-AT-15 backwards to the proposed December 3rd special
7 meeting but he would drift Cases 818-S-15, Woods Edge MFH Park and Case 819-AT-15, Zoning
8 Administrator.

9

10 Mr. Thorsland asked Mr. Hall if the Board could do that now.

11

12 Mr. Hall stated that the Board could if there is a proposed special meeting on December 3rd.

13

14 Mr. Thorsland stated yes that would be the first thing but are any of the cases ready enough to be moved
15 forward to a closer date.

16

17 Mr. Hall stated that who knows how much meeting time there will be at the October 29th meeting but he
18 would predict that the Board will have at least two full hours of meeting time. He said that on November
19 12th the Board will be doing very well to deal with all of those cases at that meeting. He said that he does
20 not want to move any of the cases from the December 17th meeting to the November 12th meeting.

21

22 Mr. Thorsland stated that if the Board decides to have a special meeting could Case 818-S-15, Woods Edge
23 MFH Park be moved to that meeting.

24

25 Mr. Hall stated that the December 3rd special meeting, if approved, would probably consist of Cases 816-V-
26 15, Waughtel, 818-S-15, Woods Edge MFH Park leaving Case 819-AT-15 on the December 17th meeting.
27 He said that Case 802-AT-15, Zoning Administrator could remain on the December 17th meeting and if the
28 Board does not get to it then it will be continued.

29

30 Ms. Griest asked Mr. Hall if it is his preference that the Board schedules a special meeting on December 3rd
31 and in approving that special meeting it would not overload staff.

32

33 Mr. Hall stated that is his preference.

34

35 Ms. Griest asked Mr. Hall if Case 819-AT-15 could be placed on the December 3rd agenda so that staff could
36 at least introduce the case to the Board.

37

38 Mr. Thorsland asked if the docket placement for the proposed December 3rd meeting could be at staff's
39 discretion for moving cases to it.

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Ms. Griest asked if the cases are generally scheduled on the docket in numerical order.

Mr. Hall stated that when it is a text amendment he will take the liberty of delaying it if it helps out private citizens.

Ms. Lee asked Mr. Hall to indicate his preference regarding the December 3rd special meeting.

Mr. Hall stated that he would like to have a special meeting held on December 3rd if the Board is willing to do it. He said that he doesn't really want to add another meeting but he does feel that it is worth doing given the situation that we have with these cases. He said that it is not fun and it isn't what he prefers but it is what the public would want to do.

Mr. Thorsland entertained a motion to hold a special meeting on December 3rd.

Mr. Randol moved, seconded by Ms. Griest to hold a special ZBA meeting on December 3, 2015. The motion carried by voice vote.

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

None

10. Adjournment

Mr. Thorsland entertained a motion to adjourn the meeting.

Ms. Griest moved, seconded by Ms. Lee to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 8:59 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

1 **setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in**
2 **lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as**
3 **required by Section 5.3 of the Zoning Ordinance; and Part C. Variance for parking 0 feet from**
4 **the front property line in lieu of the minimum required 10 feet from the front property line as**
5 **required by Section 7.4.1 of the Zoning Ordinance; and Part D. Variance for allowing at least 19**
6 **off-street parking spaces on an adjacent lot in lieu of requiring all off-street parking spaces to be**
7 **located on the same lot or tract of land as the use served, as required by Section 7.4.1 of the**
8 **Zoning Ordinance. Location: Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section**
9 **8 of Champaign Township and commonly known as the former LEX building located at 310**
10 **Tiffany Court, Champaign.**

11
12 Mr. Thorsland informed the audience that Cases 806-S-15 and 807-V-15 are Administrative Cases and
13 as such the County allows anyone the opportunity to cross examine any witness. He said that at the
14 proper time he will ask for a show of hands for those who would like to cross examine and each person
15 will be called upon. He requested that anyone called to cross examine go to the cross examination
16 microphone to ask any questions. He said that those who desire to cross examine are not required to
17 sign the witness register but are requested to clearly state their name before asking any questions. He
18 noted that no new testimony is to be given during the cross examination. He said that attorneys who
19 have complied with Article 7.6 of the ZBA By-Laws are exempt from cross examination.

20
21 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
22 sign the witness register for that public hearing. He reminded the audience that when they sign the
23 witness register they are signing an oath.

24
25 Mr. Thorsland stated that, for the record, the Petitioner is not at the meeting. He said that staff has not
26 received any new information, including the complete site plan which was requested by the Board at the
27 last public hearing. He said that staff has recommended that the Board move this case to the second
28 meeting in January in deference to the absent Petitioner. He informed the Board that we have four people
29 who have come for this case and asked the Board how they would like to proceed with witness
30 testimony.

31
32 Mr. Passalaqua asked staff if they had received any information by the close of business today from Mr.
33 Frazier indicating that he would not be able to attend.

34
35 Mr. Hall responded none that he knew of.

36
37 Mr. Passalaqua stated that since we have a history of the Petitioner's absence and the fact that we also
38 have had no response from the Petitioner prior to this meeting, he would move that the case be
39 dismissed.

40

1 Mr. Thorsland stated that the Board dismissed the case once and the case was reactivated. He asked Mr.
2 Hall what happens when a case is reactivated, does one have to pay again.

3
4 Mr. Hall stated that the petitioner must pay a \$100 re-advertisement, a very minor cost. He said that he
5 anticipates that the case would be re-advertised if it were dismissed tonight.

6
7 Mr. Thorsland stated that as far as we know, no indication was made to the Petitioner that he had to
8 attend the meeting tonight and the mailing suggested that we were going to move it anyway. He stated
9 that the only reason he wouldn't just want to kick it entirely is because the Petitioner may have
10 misinterpreted the suggestion by staff, which was to move the case to January. He said that for this
11 reason Mr. Frazier may have thought that the meeting did not require his attendance and that the Board
12 would just take care of the issue. He stated that if the Board wants to take a motion to that effect, we can
13 vote on it.

14
15 Mr. Passalaqua asked for verification that the Board had been waiting for a response from the letter
16 since October 20th.

17
18 Mr. Thorsland confirmed that was correct.

19
20 **Mr. Passalaqua moved to dismiss Case 792-V-14.**

21
22 Mr. Randol asked Mr. Hall if the Board were to dismiss the case, where would that leave us with the
23 violations that exist.

24
25 Mr. Hall stated the minute we received a reactivation, we would have to bring that case back before the
26 Board because there is no time limit. He added that the ZBA Bylaws do not allow the ZBA to at any
27 time reject an application.

28
29 Ms. Lee asked where staff's recommendation to continue the case to January is located within the
30 Supplemental Memorandum.

31
32 Mr. Thorsland stated that the text is indicated on page 2 of the October 22, 2015, Supplemental
33 Memorandum.

34
35 Mr. Hall stated that with that language staff was trying to send a message to the 4 or 5 neighbors and the
36 Highway Commissioner that took time out to come tonight. He said that staff did not expect any
37 practical discussion tonight because there really wasn't enough time for the Petitioner to get everything
38 done. He said he will speak on behalf of the Petitioner that when this Board continued the case, Ms.
39 Chavarria spoke up and indicated that she was concerned about timing of the next meeting for this case
40 but it was decided that if nothing else this meeting could be a status update. He stated that the Zoning

1 Department has worked a ridiculous amount time on this case and even at that, we didn't get to a point
2 where if we were the Petitioner, there would be a building plan drawn by an architect and a plat prepared
3 by an engineer because there was not that much time allowed.
4

5 Mr. Passalaqua stated that he sees no evidence of any diligence and that it is his understanding that the
6 Petitioner has not even made contact with a firm to do the work.
7

8 Mr. Hall clarified that the Petitioner has made contact with an engineer for the preparation of the plat.
9 He said that that engineering firm is Hartke Engineering & Surveying.
10

11 Mr. Thorsland stated that from what he read, the Petitioner thought that since he was being annexed to
12 the City of Champaign that he no longer needed a site plan for the County.
13

14 Mr. Passalaqua responded that the assumption was already corrected with the Petitioner and that he still
15 needs to be in compliance.
16

17 Ms. Lee asked if the Petitioner had made any attempt to contact an architect.
18

19 Mr. Hall stated that the last word staff had was that Mr. Frazier had not made contact with an architect,
20 only an engineer.
21

22 Ms. Lee asked Mr. Hall if the Board could take any testimony from the gentlemen who are here for this
23 case before doing any action.
24

25 Mr. Hall stated yes.
26

27 Mr. Thorsland stated that the problem he has with accepting testimony tonight is that the Petitioner is
28 not here and since this is an Administrative Case the Petitioner has the right to cross-examine any
29 witness. Mr. Thorsland stated that he really appreciates the fact that the witnesses for this case attended
30 tonight and he understands their frustration. Mr. Thorsland stated that this Petitioner has frustrated this
31 Board as well. Mr. Thorsland stated that he is very frustrated by the Petitioner's cavalier attitude and the
32 waste of time spent by a lot of other people, but this is a quasi-judicial hearing and if the Petitioner is not
33 here, and the case is Administrative, then they are allowed to cross-examine witnesses. He stated that is
34 something that cannot happen if we only convey to them what happened in the minutes. He opened the
35 floor for Board members to comment.
36

37 Mrs. Capel asked Mr. Thorsland if something needed to be done about the motion on the floor.
38

39 Mr. Thorsland confirmed that there is a motion without a second. He said that Board can suspend the
40 motion or if the motion receives a second the Board can vote on it.

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Ms. Lee stated that the Board could turn the case over to the State’s Attorney.

Mr. Thorsland stated that he is not sure how the Board could compel the State’s Attorney. He stated that right now we have a motion without a second. He asked the Board again if someone would like to second Mr. Passalacqua’s motion to dismiss the case.

Mr. Passalacqua stated that he is willing to withdraw the motion but he is not willing to hear new testimony because he believes that the Board is spinning its wheels and it is a waste of everyone’s time.

Mr. Randol seconded the motion to dismiss the case.

Mr. Thorsland requested a roll call vote.

The roll call vote was called as follows:

Lee-yes	Passalacqua-yes	Randol-yes
Capel-no	Griest-no	Thorsland-no

Mr. Thorsland stated that the motion failed due to a tie vote by the Board therefore the case is not dismissed. Mr. Thorsland apologized again to the audience, and did so, on behalf of the Board. He thanked the audience for taking the time to come out for this Petitioner but, as difficult as it is, the Board is going to continue this case to the second meeting in January, date is tentatively January 28th.

Ms. Griest asked Mr. Hall if there was a court case that required the Board to go ahead and take testimony. Ms. Griest asked if perhaps there was a regulation that required people to go ahead and submit testimony when the Petitioner gave up his right to cross-examine by failing to appear.

Mr. Hall stated that he agrees with the last statement, but he is not aware of anything that would compel the Board to take any testimony. He stated that if the Board takes any testimony, they need to take all testimony. He added that the Board’s normal rules about redundant testimony and preference for agreeing with things already said would apply, but the Board has to give everybody a chance to testify.

Mr. Thorsland asked the Board if there were any more questions for staff and there were none.

Mr. Thorsland entertained a motion to continue this case to the second meeting in January, tentatively scheduled for January 28th.

Ms. Lee requested clarification on whether the Board would take testimony on this case tonight from the three gentlemen who are here.

1

2 Mr. Thorsland stated that the Board would not take testimony tonight.

3

4 Mr. Lloyd Allen, a member of the audience, stated that the Board should check their By-laws and
5 indicated his disagreement with the Board's decision.

6

7 Mr. Thorsland apologized. He entertained a motion to continue Case 792-V-14 to the second meeting in
8 January, tentatively scheduled for January 28, 2016.

9

10 **Ms. Capel moved to continue Case 792-V-14 to the second meeting in January, tentatively**
11 **scheduled for January 28, 2016, seconded by Mr. Randol. Motion carried by voice vote with one**
12 **member opposed.**

13

14 **6. New Public Hearings**

15

16 **Case 814-V-15 Petitioner: Mark and Adam Kesler Request to Authorize the following Variance for**
17 **a new building under construction in the B-4 General Business Zoning District: Part A. Authorize**
18 **a side yard of 6.5 feet in lieu of the required minimum 10 feet as per Section 5.3 of the Zoning**
19 **Ordinance and Part B. Authorize a rear yard of 13 feet in lieu of the required minimum 20 feet as**
20 **per Section 5.3 of the Zoning Ordinance. Location: A 0.377 acre tract on Lot 2 of Casey's**
21 **Subdivision, a replat of Lot 1 of Warren Subdivision in Mahomet Township in the East Half of the**
22 **Northwest Quarter of Section 13, Township 20 North, Range 7 East of the Third Principal**
23 **Meridian and commonly known as 2107 East Tin Cup Road, Mahomet.**

24

25 Mr. Thorsland informed the audience that Case 814-V-15 is an Administrative Cases and as such the
26 County allows anyone the opportunity to cross examine any witness. He said that at the proper time he
27 will ask for a show of hands for those who would like to cross examine and each person will be called
28 upon. He requested that anyone called to cross examine go to the cross examination microphone to ask
29 any questions. He said that those who desire to cross examine are not required to sign the witness
30 register but are requested to clearly state their name before asking any questions. He noted that no new
31 testimony is to be given during the cross examination. He said that attorneys who have complied with
32 Article 7.6 of the ZBA By-Laws are exempt from cross examination.

33

34 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
35 sign the witness register for that public hearing. He reminded the audience that when they sign the
36 witness register they are signing an oath. He asked the audience if anyone desired to sign the witness
37 register at this time.

38

39 Mr. Thorsland asked the petitioners if they would like to make a brief statement regarding their request.

1
2 Mark Kesler, 2328 CR 600 East, Dewey, thanked everyone for their time. He stated that his son's
3 business, No Limit Fitness, is currently located in the old D&D grocery store just right around the corner
4 from where their new building will be. He stated that on or about September 23rd of this year, his
5 contractor was getting ready to pour the concrete on the parking lot and the concrete company
6 discovered that the building was 6.5 feet away from the property line on the west side of the building,
7 leaving 13.5 feet to the east of the property line and the requirements are for 10 feet on each side of the
8 building. He stated that Noah Kaufman, co-owner of Graber Buildings, the contractor, happened to be
9 on site that day and admitted their mistake on marking the foundation, and unfortunately Graber had
10 already dug the foundation, which is a special foundation as per IBC regulations, pouring 252 feet of 18
11 inch by 36 inch foundation with 2 inches of insulation. He said that they had installed the entire
12 infrastructure for the plumbing and Graber had already poured nearly 4,000 square feet of 5-inch thick
13 concrete pad. He said that after realizing what the situation was, he immediately contacted the architect,
14 Brett Stillwell from Champaign and their attorney to discuss the matter, then immediately filed a
15 variance to hopefully remedy the situation. He said that the 6.5 feet to the west of the building is next to
16 an empty lot, approximately 51 feet wide, which is owned by Midland Corporation for access to their
17 main property located on Prairieview Road. He stated that he honestly did not think that this mistake of
18 3.5 feet would cause any damages to the adjacent lot and damage the potential use of that access to
19 Midland's main property. He added that the access has not been used for quite some time and the empty
20 lot sits approximately 3 feet lower than the main Midland property that is currently for sale. Mr. Kesler
21 stated that he did not identify any cracks in the access drive to indicate its recent use. He stated that not
22 until he received a letter from Mr. Huddleston's attorney a week ago did he believe there was a concern
23 for our requested variance. Mr. Kesler said that the letter stated the objection to the variance was due to
24 the fact that the variance may affect the value of Midland's property, which is currently for sale.
25 Mr. Kesler stated that he agrees wholeheartedly with this statement – it will enhance the property value,
26 not hinder it, and will provide a greater opportunity for Midland to sell it now that there is a \$300,000
27 building with a thriving business to open soon, compared to an empty lot just two months ago. Mr.
28 Kesler stated that he is asking for a variance for the 3.5 feet on the west side of their building, and that it
29 will not cause lower property values or problems in regard to the sale of the Midlands property or access
30 to their main property. He concluded by saying the only mistake he made in this entire matter was not
31 contacting the owners to inform them that he would need to place foundation dirt on their property until
32 he could get their concrete parking lot poured. He added that he did not know who originally owned the
33 lot; unfortunately due to job constraints and recent weather, some dirt still remains on the property. He
34 has asked his contractor to remove the dirt and grade the lot as soon as possible. He stated that he has
35 contacted Jean Huddleston several times to apologize and to tell her they will remove the dirt, will grade
36 it so that it is no longer a vacant lot but a true access to Midland's main property. He added that his
37 concrete contractor had mentioned before they poured the parking lot that the Midlands culvert along
38 Tin Cup Road was in bad shape and would need replaced; at the time that was the only entry to his lot as
39 his entry way had not been built. He asked the Village of Mahomet to replace the culvert, which they
40 did, and he graded the entryway to serve as an access lane. He stated that this repair was necessary to

1 eliminate rainwater and puddling and creating an even flow through P&P Heating, No Limit Fitness,
2 Midland and Casey's property, all along Tin Cup Road. Mr. Kesler stated that he would like to purchase
3 the lot to the west in the future as No Limit continues to grow, but he has discussed this with Jean
4 Huddleston and her Realtor and they both indicated that Midland should remain owners until the main
5 property sells, and he respects their decision.

6

7 Mr. Thorsland asked if staff could keep his paper copy of his introduction.

8

9 Mr. Kesler stated yes.

10

11 Mr. Thorsland asked the Board if there were any questions for Mr. Kesler.

12

13 Ms. Griest asked Mr. Kesler if she understood correctly that they are pouring concrete on the entire
14 width of the property.

15

16 Mr. Kesler stated that Ms. Griest is correct He said that they did not want any maintenance, and they
17 needed all the space for the 21 spaces required for the building.

18

19 Ms. Griest asked Mr. Hall about impervious area.

20

21 Mr. Hall stated that when Mr. Kesler first inquired about building on the property, they talked about
22 stormwater management. Mr. Hall said that when staff received the plan, staff assumed that they
23 understood the plan but he admits that the amount of impervious area was not clear. Mr. Hall stated that
24 even with the Site Plan that went out with the memo, if you look on the west side of the building, you'll
25 see a sidewalk indicated which to Mr. Hall indicates that the sidewalk side of that line must be concrete
26 and the other side must not be concrete and staff assumed it was grass. He said that the plan does not
27 really show where impervious area is and where it is not, and this is the first time he has seen a
28 landowner willing to pour concrete in areas where there is no discernible benefit to having concrete. He
29 stated that there is also 10 feet of concrete on the east side of the building even though he does not know
30 what purpose the 10 feet of concrete serves. He said that even though this project could be constructed
31 with less impervious area than what would require detention, because of this error in review, it is
32 actually over the threshold for detention and now needs detention. It is not far over the threshold, and for
33 such a small amount he does not know how stormwater detention could be constructed for as little as
34 1,000 square feet of paving; as far as he knows it cannot be done. Mr. Hall determined that it is a *de*
35 *minimis* exceedance of the Stormwater Management and Erosion Control Ordinance and he will not
36 require detention for this. He added that if the lot to the west were added to the subject lot, stormwater
37 detention would be required for the whole resulting property. He said that staff looked back on the
38 review of this plan and staff missed the impervious area and missed the jog in the rear lot line and staff
39 usually does a better job of reviewing that. He said that regarding the jog in the rear lot line, Mr. Hall
40 referred to Footnote 7 in Section 5.3 of the Zoning Ordinance that has to do with irregular yards on lots

1 that are not rectangular. He stated that this lot is an irregular lot, and in fact the rear yard that is provided
2 exceeds what is required in Footnote 7 in Section 5.3, so the variance for the rear yard is not required.
3 He said that it is only the west yard that requires the variance. He said that one could argue that a
4 variance from the Stormwater Management and Erosion Control Ordinance is required, but the amount
5 of detention is so small that it is insignificant; even if concrete were removed, there still would not be
6 enough room to construct detention on the property.
7

8 Mr. Passalaqua stated that the front of the property has ditches.
9

10 Mr. Kesler stated that from the front of the building to the ditch, there is a natural 12 inch flow to the
11 ditch. He said that if he ran a hose outside of the building the water would run to the ditch.
12

13 Mr. Passalaqua added that it is a positive for him that it is water going into that ditch rather than eroded
14 dirt or gravel.
15

16 Mr. Hall stated that even with the twelve inches of ditch it is still difficult to do a detention basin there.
17 He said that he is not proud of the way staff reviewed this project but it is what it is.
18

19 Ms. Lee asked about the difference between the 3,944 square feet building shown in the Site Plan and
20 the 104 feet by 40 feet typed next to the drawing.
21

22 Mr. Hall clarified that this is the second site plan submitted for the building and the original site plan did
23 indicate a 104 feet by 40 feet building. He said that the 3,944 square feet is correct and for some reason
24 the architect simply missed updating the text to the side of the drawing.
25

26 Ms. Griest asked Mr. Kesler if his concrete is contoured toward the center of the property and then
27 toward the ditch, as opposed to running off onto the adjacent parcels.
28

29 Mr. Kesler responded that the contour goes from south to north, directly to the ditch.
30

31 Ms. Griest clarified that it goes to the ditch except where it goes off the sides. She said that her point
32 being he is allowing water to runoff to his neighbors by not providing any sort of space around the
33 impervious area.
34

35 Mr. Thorsland stated that the adjacent properties are the vacant lot to the west and P&P to the east. He
36 commented that we recently had a decent rain, and asked Mr. Kesler if he noted how the stormwater
37 flowed off the property.
38

39 Mr. Kesler stated that he observed the stormwater after the rain and noted that it ran off the concrete into
40 the ditch like it was supposed to and if there was any spill, it was not significant.

1

2 Ms. Lee asked Mr. Kesler if he was referring to the road ditch.

3

4 Mr. Kesler confirmed he was referring to the road ditch.

5

6 Mr. Thorsland asked Mr. Kesler where the P&P driveway was in reference to the subject property.

7

8 Mr. Kesler responded that he thinks the P&P driveway is about 100 feet off his property line. He stated
9 that the separation between their buildings was around 50 feet.

10

11 Ms. Lee asked Mr. Kesler to explain the lay of the properties. She asked Mr. Kesler if the vacant lot to
12 the west was lower than Mr. Kesler's property and if the property to the east is higher, or are they all
13 pretty much equal.

14

15 Mr. Kesler responded that the properties are all pretty much equal. He added that Midland's main
16 property is about 3 feet higher than his property; there is a definite elevation there. He said that as far as
17 east and west they are about the same elevation.

18

19 Ms. Lee asked Mr. Hall how much did the impervious area miss in requiring stormwater detention.

20

21 Mr. Thorsland said that Mr. Hall had mentioned a 1,000 square foot stormwater detention area would be
22 difficult to come up with.

23

24 Mr. Hall stated that if detention had been required, it would have been required for much less than 1,000
25 square feet as we are only talking about a few hundred square feet.

26

27 Mr. Kesler said that had detention been required, they would have done it, but since it was not required,
28 they didn't.

29 Mr. Hall stated that the point was that Mr. Kesler constructed more concrete than he was supposed to,
30 and again, that is the first time he has seen someone willing to do that, and he will need to be more
31 careful reviewing in the future but staff did not know that this was going to happen.

32

33 Mr. Thorsland referred to the pictures on page 2 in the images packet, noting the upright brackets that
34 are the building and how they abut the edge of the concrete on the south side of the building. Mr.
35 Thorsland requested clarification from Mr. Kesler on whether the building goes pin to pin, or the
36 concrete.

37

38 Mr. Kesler responded that the building ends and then to the west there is 6.5 feet until the property line.

39

40 Mr. Thorsland stated that on the back, Mr. Kesler talked about a regular line with 20 feet, but Mr. Kesler

1 said that the concrete went all the way to the end of the property.
2
3 Mr. Kesler stated no.
4
5 Mr. Thorsland confirmed that there is 20 feet of dirt in the back.
6
7 Mr. Kesler stated that there is no concrete behind the building.
8
9 Mr. Passalaqua asked if that means there is 20 feet by 88 feet of grass behind the building and if so does
10 that alleviate the drainage concern.
11
12 Mr. Hall stated that even with the grass area behind the building, the impervious area still exceeded the
13 threshold for requiring stormwater management. He stated that under the Stormwater Management and
14 Erosion Control Ordinance, with the amount of concrete on the site right now, there should be some
15 detention. He said that the drainage ditch in the front is 180 feet away from the grassed area in the back
16 of the building; he does not know how one would design stormwater management in that situation. It is
17 a real engineering issue to design stormwater management for less than 1,000 square feet.
18
19 Ms. Lee asked Mr. Kesler if they had encountered any agricultural drainage tile when they did the
20 construction.
21
22 Mr. Kesler responded none that he was aware of, and their concentration was the gravity flow into the
23 ditch along Tin Cup Road and he also is not aware of P&P having anything either next to them on the
24 east. He stated that he has been out to the site for quite some time now and has yet to see a problem.
25
26 Mr. Thorsland pointed out that we haven't really had rain until this week.
27
28 Ms. Griest added that it wasn't really that much rain. She asked Mr. Kesler about one-way directional
29 traffic arrows on the engineering plans. She noted the arrows pointing toward the back of the building,
30 where there is no concrete. She asked if she was correct in assuming that no vehicles would drive along
31 the west side and directly behind the building.
32
33 Mr. Kesler confirmed that is correct. He stated that originally they had 10 feet of concrete on each side,
34 but ended up with 6.5 feet on one side and 13.5 on the other. He said that as the owner, he must take
35 some responsibility for that, but this is why he hired a contractor to do it and the contractor actually had
36 the flags out where it was supposed to go but the contractor was not there, nor was Mr. Kesler, the day
37 they dug the foundation. He added that only when they went to start pouring concrete did he note that it
38 was off-center at 13.5 feet and 6.5 feet and if it had been centered he wouldn't be here tonight
39
40 Mr. Passalaqua asked Mr. Kesler if he had put in any downspouts, or if the building's runoff was going

1 to discharge to ground.

2

3 Mr. Kesler said he was not sure but he believes that there are downspouts for that.

4

5 Mr. Thorsland referred to a note on the plan that states the contractor is responsible for all building and
6 site drainage.

7

8 Mr. Kesler said that since the building is not up, he has not seen how the drainage will be done, but he
9 assumes that it will run to ground.

10

11 Mr. Thorsland asked if there were further questions for Mr. Kesler and there were none.

12

13 Mr. Thorsland noted that there are no new memos tonight. He referred to the witness register and called
14 Roger Huddleston to the witness microphone.

15

16 Mr. Roger Huddleston, 170 Union Street, Mahomet, asked Mr. Hall if a variance is needed for the south
17 border, or if it is in compliance.

18

19 Mr. Hall stated that it is in compliance, staff just determined that today.

20

21 Mr. Huddleston asked Mr. Hall how it is in compliance.

22

23 Mr. Hall stated that the Ordinance provides for a lesser rear yard when a lot is not rectangular and this
24 lot is not rectangular and the rear yard does meet the requirement for those kinds of lots.

25

26 Mr. Huddleston asked Mr. Hall to indicate the requirement for when the lot is less than rectangular.

27

28 Mr. Hall read Footnote 6 in Section 5.3 of the Zoning Ordinance as follows: Required REAR YARD
29 where LOTS are of irregular shape: In the case of an irregularly shaped LOT (not rectangular) the
30 required minimum depth of a REAR YARD shall not be less than the required minimum SIDE YARD,
31 as required by this Section 5.3; and in the aggregate, the square footage of the REAR YARD must equal
32 that required for a rectangular LOT of minimum zoning DISTRICT dimensions. Mr. Hall added that the
33 rear yard is 13 feet deep; the required yard in this DISTRICT is 10 feet, so the 13 feet depth exceeds the
34 minimum. The square footage of this rear yard is 1,413.43 square feet and the minimum area is 1,300
35 square feet, so the 1,413 square feet exceeds the minimum. So the alternative minimums established in
36 Footnote 6 are exceeded.

37

38 Mr. Ms. Lee asked Mr. Hall if that means that Part B of this case is not necessary.

39

40 Mr. Hall replied that is correct.

1

2 Mr. Huddleston asked Mr. Hall what area is not being counted as impervious area.

3

4 Mr. Hall stated that in the development as built, it is his understanding that everything from the building
5 line to the south would be grass which is considered pervious and anything from the south line of the
6 building to the north is impervious. He reiterated that when he approved the permit, he thought there
7 were going to be pervious areas on the east side of the building and also on the west side outside of the
8 sidewalk. He stated that is where he erred; it is not what the plan showed.

9

10 Mr. Thorsland stated there is a grass area by the road ditches that is also part of the pervious area
11 calculation.

12

13 Mr. Hall agreed.

14

15 Mr. Huddleston stated that the plan shows 20 feet setback on the rear of the property, which is not true.

16

17 Mr. Hall said that is correct.

18

19 Mr. Huddleston asked how much is the rear yard at its minimum and at its maximum.

20

21 Mr. Hall responded that at its minimum it is 13.6 feet and at its maximum it is 20 feet.

22

23 Mr. Huddleston stated that he assumes that the concrete parking area on the north was made larger.

24

25 Mr. Hall clarified that the concrete was extended on the sides, not to the north. He added that there is as
26 much concrete to the north as he expected there would be.

27

28 Mr. Thorsland stated that he thinks the building is, north to south, where it was planned, but east to west,
29 it went west.

30

31 Mr. Huddleston stated that if in fact the drainage was designed to go south to north as Mr. Kesler said,
32 why would the 20 feet to the rear of the property be counted as pervious ground.

33

34 Mr. Passalaqua stated that it is not counted as impervious because it does not contribute to runoff, it
35 takes water.

36

37 Mr. Hall stated that you would not have to provide detention for a grassed area and ideally where you
38 would want the grass would maybe be on the north. He stated that no ordinance specifies how a site
39 must be developed because we would be dictating everything to do with your property if it was like that,
40 and people just would not tolerate it because there is no way we should be getting to that level of detail.

1

2 Mr. Huddleston asked who issues the building permit in Champaign County.

3

4 Mr. Hall replied that he does.

5

6 Mr. Huddleston asked if Mr. Hall had issued a building permit based on this site plan.

7

8 Mr. Hall replied yes.

9

10 Mr. Huddleston asked when that permit was issued.

11

12 Ms. Chavarria replied that it was issued July 8, 2015.

13

14 Mr. Huddleston asked if the permit was issued prior to or after approval of the site plan.

15

16 Mr. Hall stated that it was issued prior to the current site plan. He said that the building permit was
17 issued based on the building being 104 feet by 40 feet and shortly after that approval Mr. Kesler
18 submitted a revised Site Plan, which is the Site Plan the Board has before them. He stated that this Site
19 Plan shows somewhat less building area and is a different shaped building, but it still complied with our
20 ordinance.

21

22 Mr. Huddleston asked if Mr. Hall had to issue another building permit.

23

24 Mr. Hall stated that we just amended it by showing that the current site plan was the one that was
25 approved.

26

27 Ms. Chavarria stated that the revised Site Plan was approved on August 10, 2015.

28

29 Ms. Lee mentioned her previous question about how the site plan showed one building measurement but
30 indicated another in its text, and noted that the Board is working with the revised site plan with the
31 smaller building size. She said that the Board received the second site plan in the mailing packet.

32

33 Mr. Huddleston stated that his concern is not with Mr. Kesler because they have known each other a
34 long time and he thinks they will make excellent neighbors. He said his objection is some technical stuff
35 and just the concern of one error, then another error, then another and the fact that we were never
36 contacted. Mr. Huddleston stated that the error was discovered, then the building foundation was poured
37 before the variance was granted; the building should not be finished before the variance is completed.

38

39 Mr. Thorsland asked Mr. Huddleston to repeat what he said.

40

1 Mr. Huddleston stated that all the errors were known right after the concrete was poured, but before the
2 building was even initiated. He said that at this date, the building is complete, and that seems
3 presumptuous to him. He added that it seems they are always brought in as late comers, and that his
4 sister was particularly outraged that they used their property as a staging area for dirt and equipment
5 although it didn't bother him. He does not have an issue with that at all because he knows Mr. Kesler
6 will take care of that and restore it all. Mr. Huddleston said that his issue is that he believes Mr. Kesler's
7 building to the property line will affect the value of their property when they are trying to sell it. He
8 stated that he thinks that is a problem, but it is not a known problem – it is something his family did not
9 have a say in, it is something that was taken from them, and something he has a concern about. Mr.
10 Huddleston said that Mr. Kesler gained 3 feet of building without any consequence or consideration of
11 them.

12
13 Mr. Thorsland clarified that Mr. Kesler did not gain more building; rather, he has the building in the
14 wrong place.

15
16 Mr. Huddleston stated that in essence Mr. Kesler did gain more building because he could not, by-right,
17 place the building on the right-of-way until the variance was approved therefore that placement has an
18 effect on any current or future sale of the Huddleston's property and it gives them a 3.5 foot
19 disadvantage. Mr. Huddleston stated that he does not believe that anything was done in malice but there
20 appears to have been a comedy of errors between zoning and Mr. Kesler's contractors and construction
21 should have come to a halt until everything was resolved. Mr. Huddleston asked if everything, as it
22 stands currently with Mr. Kesler's building is in compliance with Zoning.

23
24 Mr. Hall said that the side yard variance still needs to be approved.

25
26 Mr. Huddleston asked if that was all.

27
28 Mr. Hall stated that the side yard variance is the only thing that he is aware of.

29
30 Ms. Chavarria responded that staff would not do the compliance inspection until the building is
31 complete, so at this point, it is only the side yard variance.

32
33 Ms. Griest suggested that Mr. Hall talk about what is often discussed, which is the risk a petitioner takes
34 when they build something knowing they need a variance but have not gotten that approval yet; or that
35 they need a permit that they are seeking and we do not stop them from proceeding and what kind of risks
36 they are taking in the event it wouldn't be approved.

37
38 Mr. Hall said that he believes that he and Mr. Kesler had a discussion where he told Mr. Kesler if he
39 proceeded with construction it is at his own risk. He said that staff hardly ever tells someone they have
40 to stop what they are doing because it does not match what our ordinance says what has to be done. Mr.

1 Hall added that such an approach is generally not well accepted in Champaign County. He said that the
2 only time he does that is if there is a deliberate threat to public safety involved, and then he will bring
3 something to the attention of the Environment and Land Use Committee and get their direction. He said
4 that this has happened only a couple of times. He said that in this instance, Mr. Kesler has a problem, he
5 is trying to get his business into a new building, he needs a variance and he has to make a calculation on
6 whether or not to continue and if he continues, it may upset the ZBA and he may not get the variance,
7 but if he does not continue then he will lose money on a daily basis.

8
9 Mr. Huddleston asked Mr. Hall if there has ever been a time when the Board has gone ahead and
10 designated once a project has been completed that the variance was not issued.

11
12 Mr. Thorsland said yes, absolutely.

13
14 Mr. Huddleston asked what happened.

15
16 Mr. Thorsland stated that the petitioner had to make a building smaller.

17
18 Mr. Huddleston said they literally were required to make an existing building smaller.

19
20 Mr. Thorsland said yes.

21
22 Mr. Huddleston asked if the fact that this case could impact the value of his property have any weight
23 with the Board.

24
25 Mr. Thorsland stated that it depends on the Board and what they are looking at. He stated that Mr.
26 Huddleston has a piece of property that is 51 feet wide and in theory unbuildable without a variance.

27
28 Mr. Thorsland asked Mr. Hall if there is another zone this could be in, in the County, which would
29 reduce that side and rear yard. He said we've heard about the back yard, and how the jog in the back
30 allows a lower criterion. He asked what the zoning district would be that has a side yard of 5 feet.

31
32
33 Mr. Hall stated that there is no business district that has a side yard smaller than 10 feet. He said that he
34 needed to clarify that Mr. Huddleston's lot to the west is not a separate lot; it is technically part of the
35 property to the south. He said that if it were a separate lot, in our Zoning Ordinance it would have to be a
36 lot that is at least 65 feet wide.

37
38 Mr. Thorsland stated that his point is that the Board will look at the devaluation of this piece that is a
39 part of the larger lot, but it does not seem that the lot was ever meant to be anything but access to the
40 main property. Mr. Thorsland did not think that the access being diminished by 3.5 feet is in a

1 significant way that we could measure it as a Board. He added that the Board members are not
2 appraisers; our job is to grant variances and change zoning, not to put a cash value on a piece of property
3 or what happens next door to it. He stated that the reason variances are granted are because of things like
4 this and the reason we change a zoning map is for the things that are on it. He asked Mr. Huddleston if
5 he has a current appraisal for that strip of land.

6
7 Mr. Huddleston stated no, because it is not a separate piece.

8
9 Mr. Thorsland said it would be hard to determine what the 3.5 feet closer that the building is at now has
10 done to that because we don't know what we started with, or where we are now.

11
12 Mr. Huddleston asked the Board what questions he should have asked that he didn't.

13
14 Mr. Thorsland said that he doesn't think Mr. Huddleston failed to ask good questions of the Board. He
15 stated that one of the things he heard Mr. Huddleston ask that we didn't have a great answer for was
16 exactly when the original permit was applied for, but that can be looked up.

17
18 Mr. Huddleston said that he doesn't care when, as long as there is a current building permit that
19 considers everything there

20
21 Mr. Thorsland said there is a current permit.

22
23 Mr. Huddleston stated that as he understands it, there is yet to be a certificate of occupancy issued.

24
25 Mr. Thorsland said that is correct.

26
27 Mr. Passalaqua stated that from Mr. Kesler's testimony, Mr. Huddleston's 51 foot strip of land could
28 have value to him. He asked Mr. Huddleston if he was aware that Mr. Kesler would possibly be
29 interested in buying that land.

30
31 Mr. Huddleston responded that Mr. Kesler has made an offer on the front part of it, yes.

32
33 Mr. Passalaqua stated that in his mind, this project, albeit 3.5 feet closer, has at least increased the
34 demand for Mr. Huddleston's property.

35
36 Mr. Huddleston said that is the case if they want to sell it.

37
38 Mr. Passalaqua stated that if Mr. Huddleston did not want to sell it, he would want it to be worth less
39 anyway so he wouldn't have to pay so much in taxes.

40

1 Mr. Huddleston said he loves paying taxes. He said he wants to sell it as part of the property in total.
2
3 Mr. Passalacqua stated that as one Board member, he does not think that a 3.5 foot encroachment is going
4 to negatively affect that sale, but he could be wrong.
5
6 Mr. Huddleston said that it's unknown.
7
8 Mr. Thorsland concurred, stating that the Board would be remiss if it tried to set a value on the property
9 because it is unknown.
10
11 Mr. Passalacqua stated that we are only talking about the irregular 51 foot piece.
12
13 Mr. Huddleston stated that we are talking about the side yard and not the 51 foot piece.
14
15 Mr. Passalacqua stated that the 51 foot piece abuts the side yard that we are discussing.
16
17 Mr. Thorsland asked if he could summarize for Mr. Huddleston, that Mr. Huddleston finds what may be
18 a problem is that this building is 3.5 feet closer to his 51 foot wide piece of land that is part of his entire
19 lot and that Mr. Kesler's building has diminished the value or encroached upon Mr. Huddleston's
20 property by not allowing him the full 10 feet of the setback from the side.
21
22 Mr. Huddleston stated that it is not him who allowed it; he does not own that setback.
23
24 Mr. Thorsland asked Mr. Huddleston if he thinks that because the building is 3.5 feet closer that he has
25 lost something of use or value in the piece he has adjacent to it.
26
27 Mr. Huddleston stated that for sure, Mr. Kesler gained 3.5 feet of additional use of that property.
28
29 Mr. Thorsland stated that if Mr. Kesler had moved the other side of his building 3.5 feet out, then yes, he
30 would gain a larger building.
31
32 Mr. Huddleston stated that we could play what if all night, but at the end of it Mr. Kesler took 3.5 feet of
33 land that he was not supposed to take.
34
35 Ms. Griest stated that she challenges that statement in that Mr. Kesler owns that entire parcel so he is not
36 taking anything that he does not already own.
37
38 Mr. Huddleston disagreed; he stated that Mr. Kesler is taking use of that which is precluded by zoning
39 setbacks.
40

1 Ms. Griest stated let's agree to disagree, and thanked Mr. Huddleston for his comments.
2

3 Mr. Thorsland stated that one piece of evidence that the Board has to find is if this is Mr. Kesler's or his
4 son's fault, and testimony indicates to him that the contractor put the building in the wrong place. He
5 stated that in the evidence we have before us, it is not just a piece of concrete with some vertical
6 brackets to support the building because there is infrastructure in that and there is probably a different
7 thickness to the base that is under the building versus what is next to it and there is probably wire,
8 plumbing, and all kinds of other things that are in the concrete that if you push the building back at the
9 point they discovered it, it would be in a very wrong place for the entirety of the building. Mr. Thorsland
10 said that he does not think it is a matter of pushing the wall back.
11

12 Mr. Huddleston asked Mr. Thorsland what his point was.
13

14 Mr. Thorsland stated that his point is that the issue is not something that can be simply rectified and it
15 was not an action of the applicant that caused this problem.
16

17 Mr. Huddleston stated that it was Mr. Kesler's agent that caused the problem.
18

19 Mr. Thorsland stated that Mr. Kesler's agent could be at fault, but we are not here to parse through that.
20 He stated that we are here to discuss this variance; we have eliminated the back yard variance, and he
21 hopes that answers to that the property is irregular and it meets the requirements of the ordinance. He
22 stated that for the side, we could argue it is a taking of use or an additional use of Mr. Kesler but right
23 now what is before us is this 3.5 feet.
24

25 Mr. Huddleston said thank you.
26

27 Mr. Thorsland thanked Mr. Huddleston. He asked if there were any additional questions for the Board or
28 staff and there were none.
29

30 Mr. Thorsland asked Mr. Kesler if he would like to cross examine Mr. Huddleston.
31

32 Mr. Kesler declined to cross examine.
33

34 Mr. Thorsland asked Mr. Huddleston if he would like to cross examine Mr. Kesler.
35

36 Mr. Huddleston declined to cross examine.
37

38 Mr. Thorsland noted that there were no other witnesses. He said that the only lingering piece of
39 information that he has in mind is the date of the permit, but Mr. Huddleston is the only person who
40 asked about that and he seems satisfied with the fact that the permit exists.

1
2 Ms. Lee stated that she thinks there is another point of discussion going on, and referred to page 5 of 11
3 where it states "Petitioner has testified on the application: we would need to start all over. We already
4 have \$50,000 invested and would require twice this amount to tear down and rebuild. We cannot afford
5 to do this." She stated that she thinks that is sort of relevant to what we are discussing.
6

7 Mr. Thorsland concurred, stating that is why it is mentioned under practical difficulties or hardships. He
8 stated there are no special conditions suggested for this, but Mr. Hall may have something to add.
9

10 Mr. Hall stated that as he was listening to Mr. Huddleston, a possible special condition occurred to him;
11 he does not know if the Board would be interested. He said he is not certain he can see a lot of logic in
12 it, but then again he can see some logic to it too. He offered the following possible special condition:
13 "The side yard on the east side of the building shall not be less than 13.5 feet, to ensure that the variance
14 does not benefit the Petitioner more than necessary." Mr. Hall added that it seems unlikely that it would
15 be cost effective to add 3.5 feet along the east side of the building.
16

17 Mr. Passalaqua stated that he did not feel the special condition is necessary, as the building does not
18 have footings for expansion and it is not practical for them to add on 3.5 feet of building.
19

20 Mr. Thorsland suggested that they could ask the Petitioner that if they have this additional room, would
21 they even think of expanding the building. He added that Mr. Passalaqua brings up a good point in that
22 there appears to be a different amount of concrete under the building than what is under the paved area.
23

24 Ms. Griest stated that the testimony Mr. Kesler gave is that the concrete is a different depth and
25 thickness and there is insulation in it under the building but not under the parking or walkways.
26

27 Mr. Thorsland stated that Mr. Huddleston commented on the comedy of errors made but the site plan is
28 neither the best nor the worst he has seen. He stated that there has been development continuing since
29 the problem was discovered, and he agrees with Mr. Passalaqua's point that when we discuss the
30 property next door, there does not seem to have been any harm done in the main section of the lot. Mr.
31 Thorsland said that there was no evidence to indicate that the Petitioner was directly responsible.
32

33 Mr. Passalaqua stated that it should not be construed that he thinks it is okay for someone to stockpile on
34 someone else's property, because he does not think that is okay but he does think that the testimony has
35 shown that the property will be put back together better than it was.
36

37 Ms. Griest stated that she finds the use of someone else's property for stockpiling to be offensive and
38 inappropriate and she addresses that comment to Mr. Kesler and that's his responsibility to keep his
39 contractors within his own property, whether Mr. Huddleston or his sister Jean objects or not. Ms. Griest
40 stated that it is wrong to be making those kinds of assumptions and she knows that staff will hold Mr.

1 Kesler to the responsibility of restoring it to its previous condition or better.

2

3 Mr. Kesler stated that he has known Mr. Huddleston through Bible study for many years, and he knows
4 what Mr. Kesler is going to do. He concurred that it was an oversight and error on his part and he has
5 contacted Jean Huddleston several times. Mr. Kesler stated that in Ms. Huddleston's last email, she said
6 thank you to Mr. Kesler for his prompt response, said to contact her if he needs anything, and that she
7 appreciates Mr. Kesler's willingness to work on the road between Casey's and his property. Mr. Kesler
8 stated that it is not something he has overlooked; he has tried to have the stockpile cleaned up before and
9 has told the contractors this has got to be done. Mr. Kesler stated that he thinks Mr. Huddleston knows,
10 but Mr. Kesler has already put in a new culvert, he has already graded that area, and the access lot will
11 now become an access lane that will benefit his adjoining property.

12

13 Mr. Thorsland asked if those communications were in an email he has, and asked if Mr. Kesler would
14 like to submit a copy as evidence.

15

16 Mr. Kesler said yes, but hesitated to do so in case Jean Huddleston does not want it shared.

17

18 Mr. Thorsland stated that it could wait to be submitted, and would wait to see if Jean wants to share the
19 email. He added that what Mr. Kesler has shared from the email is entered in the record and that may be
20 sufficient. He brought back the topic of Mr. Hall's suggested special condition regarding the east side
21 yard.

22

23 Mr. Passalaqua said in his opinion, he would rather not add any more to it.

24

25 Mr. Thorsland agreed with Mr. Passalaqua that it is not a necessary condition, especially since the
26 property is all concrete now. He added that it would not be cost effective for anyone.

27

28 Mr. Kesler noted that the construction looks really nice; Graber Construction and Imperial Concrete
29 have done a phenomenal job and his expectations have been exceeded.

30

31 Mr. Thorsland asked if there was anything else from the Board or staff and there were none.

32

33 Mr. Thorsland stated there are no conditions to approve therefore the Board will move to the findings of
34 fact.

35

36 Ms. Griest mentioned Mr. Kesler's original testimony document as a new Document of Record to add.

37

38 Mr. Thorsland added Mr. Kesler's written statement to the Documents of Record as new Item 6 on the
39 Documents of Record.

40

1 **Finding of Fact for Case 814-V-15:**
2

3 From the documents of record and the testimony and exhibits received at the public hearing for zoning
4 case 814-V-15 held on October 29, 2015, the Zoning Board of Appeals of Champaign County finds that:
5

6 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure**
7 **involved, which are not applicable to other similarly situated land and structures elsewhere in the**
8 **same district because.**
9

10 Ms. Griest stated that special conditions and circumstances DO exist which are peculiar to the land or
11 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
12 the same district because the lot is a 0.377 acre tract in the B-4 General Business District, which is
13 particularly small.
14

15 Ms. Capel stated that the property next door is only 51 feet wide, which precludes building on that
16 property.
17

18 Mr. Thorsland asked Ms. Capel if she wanted to add that the side yard variance will have little or no
19 impact on the adjacent 51 foot wide strip.
20

21 Ms. Capel said yes.
22

23 Mr. Hall pointed out that there can still be construction on the 51 foot wide strip and it would have to be
24 part of the larger lot, but they can still build on it. He said that what they can't do is build on it
25 separately from the rest of the property. He asked the Board if they wanted to change their finding.
26

27 Ms. Capel agreed that the finding should be changed. She asked to strike the portion that says they
28 cannot build on it.
29

30 Ms. Chavarria read the amended statement: the lot is a 0.377 acre tract in the B-4 General Business
31 District, which is particularly small; the property next door is only 51 feet wide so the side yard variance
32 would not impact the adjacent 51 foot wide strip significantly.
33

34 Mr. Thorsland asked if the changes were adequate for the Board.
35

36 There were no objections.
37

38 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
39 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure**
40 **or construction.**

1

2 Ms. Capel stated that practical difficulties or hardships created by carrying out the strict letter of the
3 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
4 structure or construction because the expense of moving the building 3.5 feet to conform to the
5 ordinance is prohibitive.

6

7 Mr. Thorsland asked Ms. Chavarria to review the statement.

8

9 Ms. Chavarria stated that practical difficulties or hardships created by carrying out the strict letter of the
10 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
11 structure or construction because the expense of moving the building 3.5 feet to conform to the
12 ordinance is cost prohibitive.

13

14 Mr. Thorsland asked if the changes were adequate for the Board.

15

16 There were no objections.

17

18 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
19 **result from actions of the applicant.**

20

21 Mr. Passalaqua stated that the special conditions, circumstances, hardships, or practical difficulties DO
22 NOT result from actions of the applicant because there was an error in the field during construction.

23

24 **4. The requested variance IS in harmony with the general purpose and intent of the**
25 **Ordinance.**

26

27 Mr. Passalaqua stated that the requested variance IS in harmony with the general purpose and intent of
28 the Ordinance because it minimizes impact and allows the use of the building in the location it is being
29 constructed.

30

31 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
32 **detrimental to the public health, safety, or welfare.**

33

34 Mr. Randol stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
35 detrimental to the public health, safety or welfare because there were no replies from the road district or
36 the fire department; had there been issues they would have responded.

37

38 Mr. Thorsland added that the Variance allows the use without additional hazards.

39

40 **6. The requested variance IS the minimum variation that will make possible the reasonable**

1 **use of the land/structure.**

2

3 Mr. Thorsland stated that the requested variance IS the minimum variation that will make possible the
4 reasonable use of the land/structure.

5

6 **7. No special conditions are hereby imposed.**

7

8 Mr. Hall asked that before the Board moves on to approve the findings of fact, that they consider finding
9 3 regarding the actions of the applicant. He stated that technically what your agent does is your action.
10 He said that he knows the Board discussed that previously, so he knows by his being in attendance at the
11 meeting what the background is on the decision. He stated that if a court in the future read finding 3,
12 there is no indication of this greater understanding that technically it was the result of the applicant, but
13 this Board does not expect a land owner to be checking every action done by the contractor.

14

15 Mr. Passalaqua asked if the Board should add that setbacks on the plan were correct, and the intent of
16 the applicant was to put the building in such a location that it was in compliance.

17

18 Mr. Hall stated that it is all good evidence, but he does not know that it needs to be part of the findings.

19

20 Mr. Passalaqua stated that he was just saying that the contractor is an agent of the applicant and there is
21 a timeline issue there. He asked if Mr. Hall wanted more detail in the finding.

22

23 Mr. Hall stated no, he just wanted to know if the Board would like to put more evidence in the Summary
24 of Evidence because the Summary of Evidence is silent about that.

25

26 Mr. Thorsland stated that what we are talking about goes back to page 6 and making an addition to
27 whether or not the practical difficulties and hardships result from the actions of the applicant. He noted
28 that in there, he thinks the Board could add what Mr. Passalaqua just talked about.

29

30 Mr. Passalaqua stated that as reflected in the submitted site plan, the intent of the applicant was to be in
31 compliance.

32

33 Mr. Thorsland added, only after significant construction had already taken place.

34

35 Ms. Lee referred to the part in the Summary of Evidence about the petitioner already having invested
36 \$50,000 in the construction.

37

38 Mr. Thorsland stated that the statement she refers to is already in a different part of the summary, and
39 that we are looking to strengthen up the evidence under section 9 about things that do not result from the
40 actions of the applicant.

1
2 Mr. Hall stated that his point was that from a legal sense, they do result from the actions of the applicant
3 because they were the actions of his agent, but to establish that the Board appreciates that a landowner
4 cannot supervise the actions of a contractor you are still responsible for what he does, but you are not his
5 supervisor.

6
7 Mr. Thorsland stated that Mr. Kesler took action; he is here for a variance. When he discovered the
8 error, he came in promptly for the variance. Mr. Kesler also applied for the building permit before they
9 started that indicated they had every intention of having the proper side yard.

10
11 Mr. Hall stated that this is the problem he has with findings like this because this absolutely resulted
12 from the actions of the applicant.

13
14 Ms. Griest clarified that they were actions of the applicant's agent. She said that she does not agree with
15 everything that Mr. Hall said about supervising a contractor.

16
17 Ms. Capel stated that it is not common practice to micromanage contractors.

18
19 Ms. Griest stated that if she built a building with Graber that large or larger in size, she would definitely
20 know where her building was.

21
22 Mr. Hall stated that even that which was just proposed for 9.D. does not make clear the thing he was
23 getting at; but maybe what he was getting at the Board is not comfortable with. He added that is fine, but
24 he has voiced his concern.

25
26 Mr. Huddleston asked if he could say something.

27
28 Mr. Thorsland allowed him to speak, but requested that he keep it brief.

29
30 Mr. Huddleston stated that he agrees with the Zoning Administrator. He stated that the agent is his
31 person, period.

32
33 Mr. Thorsland stated that the Board has hashed through that idea and now is developing more evidence
34 to support why this was not entirely created simply because Mr. Kesler pushed his building over. He
35 added that he agrees with Mr. Hall on some points, but this is not the first variance that is from this sort
36 of area. He said that this is what this Board is comfortable with doing and that we have frankly done
37 many times as a Board.

38
39 Mr. Huddleston stated that he hopes the Board is giving the variance in spite of and not absolving the
40 responsibility of the owner for the mistake.

- 1
2 Mr. Thorsland stated that all the evidence here is pretty clear about how this happened. He thanked Mr.
3 Huddleston for his comments.
4
- 5 Ms. Griest referred to Mr. Hall's prior discussion about Item 3; she asked if Mr. Hall was questioning
6 the do, or do not of the Item 3 finding.
7
- 8 Mr. Hall stated no; he is just trying to deal with facts in the evidence.
9
- 10 Ms. Griest said that if she takes the hard stance, where the owner is responsible for every action of the
11 contractor, she would have to say the conditions DO result from the actions of the applicant.
12
- 13 Mr. Thorsland stated that he believes every one of the variances that has come before the Board has had
14 something to do with the actions of the applicant. He added that the Board would grant zero variances if
15 we really went that black and white.
16
- 17 Ms. Griest asked Mr. Hall if he is hoping to add a sentence in the evidence that says although we
18 understand it is the full responsibility of the land owner for all actions of his contractor, we do not
19 expect the land owner to watch every move of that contractor.
20
- 21 Mr. Hall stated no; this is the first time that he has had to wrestle with this in the 13 years that he has
22 taken cases to the ZBA. He said that this was a vacant lot and if they had come to the Board ahead of
23 time and said that they wanted to justify moving it 3.5 feet further to the west, there is no reason to do
24 that.
25
- 26 Mr. Thorsland stated that he gets the impression from all the testimony the Board has heard that no one
27 had a clue they had put this building in the wrong spot until way after and he can imagine the words
28 uttered by many people about that.
29
- 30 Mr. Passalaqua stated that the Board justifies all these actions with words about hardship. He asked what
31 the Board is going to do, not worry about hardship in Item 3 but not in Item 2.
32
- 33 Ms. Lee stated that her understanding of the testimony was that the contractor put the flags up, but when
34 his employees did it, they got it 3.5 feet off.
35
- 36 Mr. Passalaqua stated that they are still an agent of the owner.
37
- 38 Ms. Griest stated that the testimony reflects that when a second contractor came in and went to pouring
39 the parking concrete pin-to-pin was when they discovered it because he had actually found the pins
40 before he poured his concrete. She said that it was not until a third set of eyes came onto the scene that

1 the error was discovered. She stated that in all reality, the property not owned by the Petitioner was in
2 fact used as ground storage, and even if the Petitioner knew they had done it, he probably did not think it
3 was a big deal.
4

5 Mr. Thorsland stated that the Board could spend a very long time deciding when the third contractor
6 came in to pour concrete and maybe thought that the 51 feet was actually part of the Petitioner's
7 property, or thought it was the drainage area or pervious area and thought it would be fine to put stuff
8 down there. He stated that it is not readily apparent what land is part of what property and might not
9 immediately suspect that the 51 foot strip is part of the Huddleston main property. He added that it
10 makes sense, looking at it now, that the Huddlestons had a second entrance at some point planned. He
11 said the Board had heard a lot of talk about cleaning up the access to the property, and that will all be
12 straightened out now.
13

14 Mr. Passalaqua stated that he agrees for almost every variance, but this could be the Achilles' heel
15 because you could read it in favor or against in almost every variance.
16

17 Mr. Thorsland stated that where he thought Mr. Hall was going with this is like how we regularly take
18 the end off Item 6 finding because it is the minimum variance, that's why we're doing it. He stated that
19 he would argue at some point that Item 3 needs to be completely rewritten by the County Board or
20 whoever does these things so that it is reflective of the fact that an error was made, that too much money
21 was put into the hole in the ground, it is hard to backtrack, it was not a malicious error, it was not a
22 taking, it was just that somebody messed up and we're granting a variance because it is the logical,
23 humane thing to do. He added that Mr. Hall attempted to make it even more humane by adding the
24 condition about expanding the building on the east side, but that he does not feel that is necessary.

25 Ms. Lee asked Mr. Hall what bothers him so much about this variance request that has not bothered him
26 with other variance requests.
27

28 Mr. Hall stated that there was no reason to justify this variance *a priori*, and that he has no quibbles with
29 the part about this resulting from the actions of the applicant, but he thinks the Board should make it
30 clear that the owner is responsible for the actions of his agent and that they are not going to hold him
31 responsible for this level of error. Our society doesn't do that because you would have to know more
32 than your contractor to supervise your contractor. He stated that is the problem with these findings and
33 that is why it is tough to do these things comprehensively and do them how they should be done every
34 time, but truly he has never seen anything like this case.
35

36 Mr. Passalaqua asked if the conditions in the summary and the minutes of this conversation adequately
37 support Mr. Hall's concerns.
38

39 Mr. Thorsland stated that we do not have to go with what the Zoning Administrator wants to do because
40 this is the Board deciding what to do here. Mr. Hall's comfort, while important to us, is not required. He

1 said that he understands Mr. Hall's point and Mr. Passalacqua's point, and he leans toward Mr.
2 Passalacqua's opinion. He stated that he often finds this part of the findings, along with the part about a
3 variance being necessary for the public convenience, to be two of the most difficult parts of the findings.
4 He said he still was curious about why this case stood out among others.

5
6 Mr. Passalacqua stated that he sees the concern being that this was an empty lot. The variance was not
7 being sought because of a drainage issue, or an historical preservation arrowhead and it is there because
8 of an accident. He said that this does not mean that we are varying it because it is an immovable object.
9 He stated that as a contractor he understands and agrees that the owner cannot go out and learn to be an
10 excavator and do it themselves because he is out earning money somewhere else to pay that contractor.
11 If it was creating a hazard or ruining the moral turpitude of the community, then he might see the 3.5
12 feet a little more harshly. He said that regarding impact, albeit it's not because it was not a fractured
13 archeological remnant that was there, he thinks the impact is low in this case.

14
15 Mr. Thorsland stated that personally, if the Board was giving this variance and the intent was to use the
16 narrower part to go as a drive around the building or doing something that would really affect safety or
17 quality of life or the fact that no car is really that small in this country, he would understand the
18 discomfort more.

19
20 Mr. Hall stated that his concerns have been adequately addressed by the minutes.

21
22 Ms. Lee stated that everybody makes mistakes; we're all human. She said that they had a plan that it
23 would be the right way. She said that even though the owner is responsible for his agents, it isn't
24 something that he would have likely foreseen because the drawings show it was to be 10 feet on each
25 side.

26
27 Mr. Thorsland added that there was some misunderstanding in the drawings about the permeable area.
28 He said that everyone had the best faith in the others and no one was trying to be duplicitous with the
29 others and it just got put in the wrong place. He asked if the Board was comfortable with moving on.

30
31 Ms. Lee asked if any changes were being made to Item 3.

32
33 Mr. Thorsland stated that they added to 9 in the Summary of Evidence, but not to Item 3 in the Findings
34 of Fact. He said that we also added the statements that the Board made, and that would become 9.D. on
35 page 6 of 11, where there are various pieces of evidence including buying the land and making this all
36 irrelevant through the agents of the adjacent land owner. He said that we also discussed the jog in the
37 back of the property in 9.C. He asked if the Board wanted to strike that, but he thinks it is fine to let it
38 stand to sort of build evidence that the whole lot was kind of confusing in the first place.

39
40 Mr. Hall stated that he anticipates that the Board would strike everything related to Part B of this

1 variance because the final determination is not going to address Part B because there is no Part B.

2
3 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and
4 Findings of Fact as amended.

5
6 **Ms. Griest moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of**
7 **Record and Findings of Fact as amended. The motion carried by voice vote.**

8
9 Mr. Thorsland entertained a motion to move to the Final Determination for Case 814-V-15.

10
11 **Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Case 814-V-15.**
12 **The motion carried by voice vote.**

13
14 **Final Determination for Case 814-V-15:**

15
16 **Ms. Griest moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals**
17 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
18 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
19 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**
20 **Appeals of Champaign County determines that:**

21
22 **The Variance requested in Case 814-V-15 is hereby GRANTED to the petitioners Mark and Adam**
23 **Kesler d.b.a. No Limit Fitness LLC, to authorize the following variance in the B-4 General**
24 **Business Zoning District:**

25
26 **Authorize a side yard of 6.5 feet in lieu of the required minimum 10 feet as per Section 5.3**
27 **of the Zoning Ordinance.**

28
29 Mr. Thorsland requested a roll call vote.

30
31 The roll was called as follows:

32
33 **Passalacqua – yes Randol – yes Capel – yes**
34 **Griest – yes Lee - yes Thorsland – yes**

35
36 Mr. Hall informed the petitioner that he has received an approval for his request. He said that staff will
37 send out the appropriate paperwork as soon as possible.

38
39 **7. Staff Report**

1 None

2

3 **8. Other Business**

4 A. Review of Docket

5

6 Mr. Hall stated that the docket has the new ZBA meeting on December 3rd, and the docket has a case
7 819-AT-15 that is tentatively based on next Thursday's ELUC meeting.

8 Mr. Thorsland stated that he will be absent for the December meetings.

9

10 Mr. Passalaqua stated that he will be absent for the first meeting in January.

11

12 Mr. Thorsland stated that the time changes on Sunday, therefore the meeting time changes to 6:30 p.m.

13

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

15

16 None

17

18 **10. Adjournment**

19

20 Mr. Thorsland entertained a motion to adjourn the meeting.

21

22 **Ms. Griest moved to adjourn the meeting, seconded by Ms. Capel. The motion carried by voice**
23 **vote.**

24

25 The meeting adjourned at 8:48 p.m.

26

27

28

29 Respectfully submitted

30

31

32

33 Secretary of Zoning Board of Appeals

34

35

CASE NO. 818-S-15

PRELIMINARY MEMORANDUM

December 3, 2015

Petitioner: Dennis Ohnstad and John North, d.b.a. Woods Edge Development, Inc.

Request: Authorize the following as a Special Use Permit in the R-5
Manufactured Home Park Zoning District:

Part A: The expansion of a Manufactured Home Park to include four previously constructed manufactured dwelling units that were not included in the original authorization for the Woods Edge Manufactured Home Park approved on March 9, 1989 under Special Use Case 652-S-88.

Part B: A waiver for a minimum setback (yard) of 0 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for the four previously constructed manufactured dwelling units in Phase 2 of Woods Edge that are also the subject of Part A of the requested Special Use Permit:

297A Apple Tree Dr
297B Apple Tree Dr
299A Apple Tree Dr
299B Apple Tree Dr

Part C: A waiver for a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for the previously constructed manufactured dwelling units in Phase 2 of Woods Edge:

844 Peach Tree St
845 Peach Tree St
846 Peach Tree St
847 Peach Tree St
849 Peach Tree St
855 Peach Tree St
857 Peach Tree St
861 Peach Tree St
863 Peach Tree St
864 Peach Tree St
865 Peach Tree St
866 Peach Tree St
867 Peach Tree St
869 Peach Tree St
870 Peach Tree St
871 Peach Tree St

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

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

872 Peach Tree St
874 Peach Tree St
876 Peach Tree St
877 Peach Tree St
879 Peach Tree St
338 Plum Tree Dr
340 Plum Tree Dr

Part D: A waiver for a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for all manufactured home sites in future Phase 3 of Woods Edge.

Location: A tract of land tract in the Northwest Quarter of Section 5, Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township with an address of 202 Apple Tree Drive, Urbana.

Site Area: 42.09 acres

Time Schedule for Development: Already in use

Prepared by: Susan Chavarria
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

The Petitioners seek to bring Woods Edge Development Manufactured Home Park into compliance with the Zoning Ordinance. A Special Use Permit was approved on March 9, 1989 for the manufactured home park in Case #652-S-88. This case seeks a Special Use Permit for 4 dwelling units (Part A) and 3 waivers (Parts B, C, and D) for other elements of Woods Edge.

Part A of this request is necessary because two duplex units were constructed that were not part of the approved site plan. The **Part B waiver** is necessary because by having a shared wall, duplex buildings do not meet the minimum setback (side yard) between manufactured homes. The **Part C waiver** is necessary because there is insufficient setback (side yard) between 23 homes that were constructed during Phase 2 Expansion. The Petitioners believed they had developed the property adequately by following State of Illinois regulations for setback distance between manufactured homes and their site boundary lines; however, the Champaign County Zoning Ordinance supersedes the State regulations by being more stringent in this situation. The **Part D waiver** is requested because the original development plan for Phase 3 Expansion, which has not yet been constructed, was based on a density that assumed the State minimum setback (side yard) rather than the more stringent Champaign County minimum requirement. Housing density is directly related to the economic feasibility of a residential development such as Woods Edge.

EXTRATERRITORIAL JURISDICTION

The subject property is located within one and one-half miles of the City of Urbana, a municipality with zoning. The City does not have protest rights in Special Use cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	R-5 Manufactured Home Park (Case 652-S-88)
North	Airport	I-1 Light Industrial
East	Residential	AG-2 Agriculture (NE) R-5 Manufactured Home Park (SE)
West	Wooded area with trails and landscape waste (same ownership as the subject property)	CR Conservation Recreation
South	Agriculture	IN-1 Light Industrial/Office (City of Urbana)

ADJACENT LOT OWNED BY PETITIONERS

The 12 acre lot west of Woods Edge is also owned by the petitioners. It has historically been an advertised amenity for use by Woods Edge residents only. Its CR Conservation-Recreation Zoning does not allow a Manufactured Home Park and thus does not allow uses that are specifically for Manufactured Home Parks such as a recreational amenity. The owners would either need to make it a public park, which is allowed by-right in the CR District, rezone the property to R-5, or remove that recreational use when marketing Woods Edge. The owners did not find the public park option feasible because it would bring undesirable liability issues. It was believed that a rezoning might be undesirable because it would reduce the CR acreage in the County and the City of Urbana might protest.

The Zoning Administrator has agreed that Mr. Ohnstad and Mr. North may make the recreation area compliant by removing it from all Woods Edge marketing materials and making its use by invitation only as a private property with a natural area.

The 2,000 square foot area south of the 12 acres is used as a yard waste storage/maintenance/recreational vehicle storage area that can be accessed by Woods Edge residents. A portion of the 12 acres lies within the floodplain hazard area. The Zoning Administrator has agreed that Mr. Ohnstad and Mr. North may continue to provide this area for use by Woods Edge, without being rezoned and included as part of the proposed Special Use Permit, so long as the use is consistent with the Special Flood Hazard Areas Ordinance.

PROPOSED SPECIAL CONDITIONS

- A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special condition stated above is required to ensure the following:

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- B. **That the petitioners develop the recreation areas in accordance with the guidelines established in Special Use Case 652-S-88 (see Attachment D).**

The special condition stated above is required to ensure the following:

That the Special Conditions are completed from the Special Use Case that approved the development of Woods Edge Manufactured Home Park.

- C. **That the petitioners ensure that the emergency access on Fern Street remains unobstructed on both sides of the locked gate.**

The special condition stated above is required to ensure the following:

That emergency access that was a condition of Special Use Permit 652-S-88 functions as intended.

ATTACHMENTS

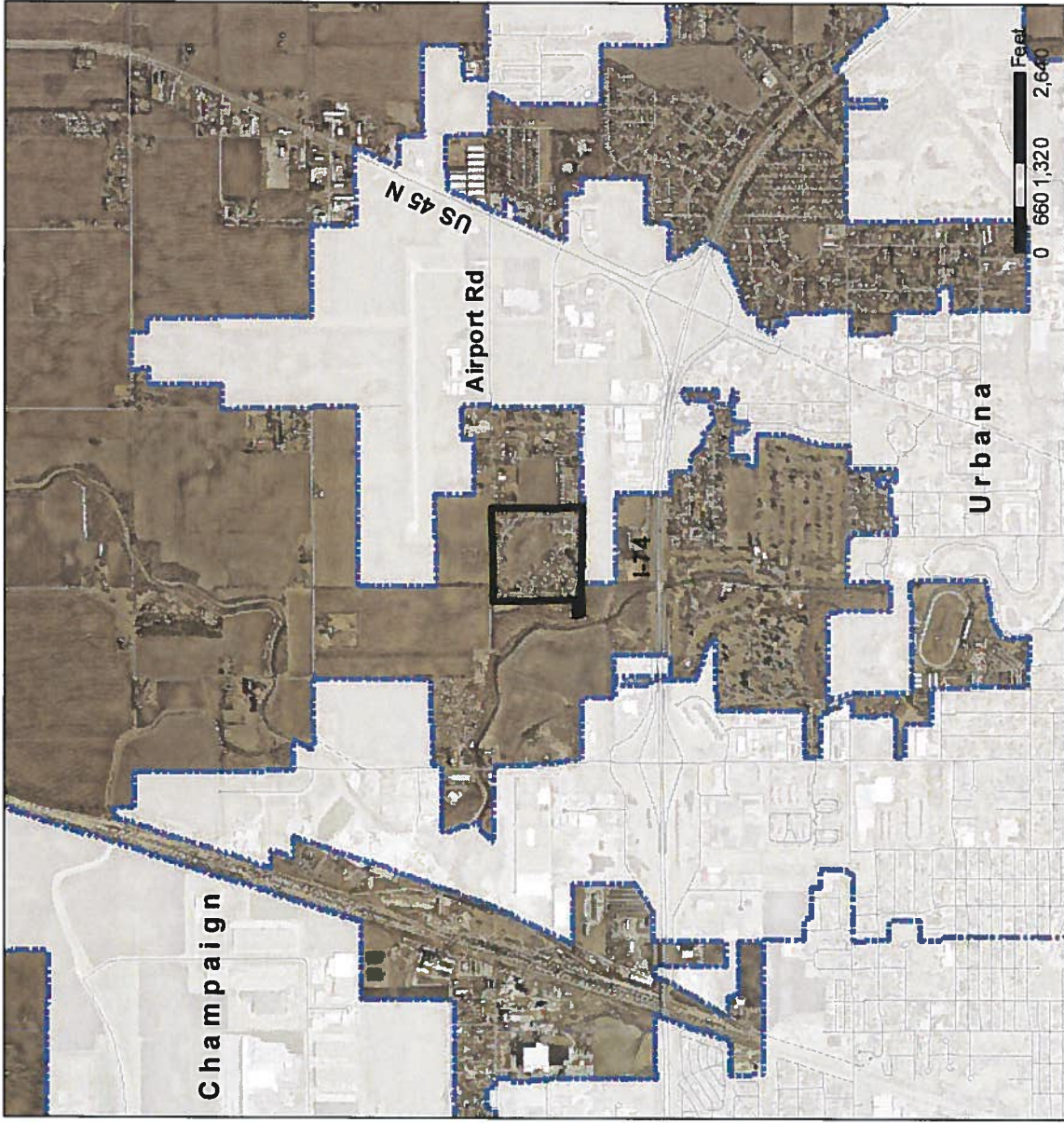
- A Case Maps (Location, Land Use, Zoning)
- B Approved Typical Manufactured Home Site Plan for Case 652-S-88
- C Approved Overall Site Plan for Case 652-S-88
- D Attachment A Guidelines for Recreation Areas from Case 652-S-88
- E Final Determination for Case 652-S-88
- F Proposed Site Plan received October 8, 2015
- G Natural Resource Report prepared by Champaign County Soil and Water Conservation District, received November 2, 2015
- H Map of proposed waivers in Phase II
- I Site Images Packet
- J Typical Existing Phase II Manufactured Home Site Plan received October 8, 2015
- K Existing Duplex Site Plan
- L Draft Summary of Evidence, Finding of Fact, and Final Determination

Location Map

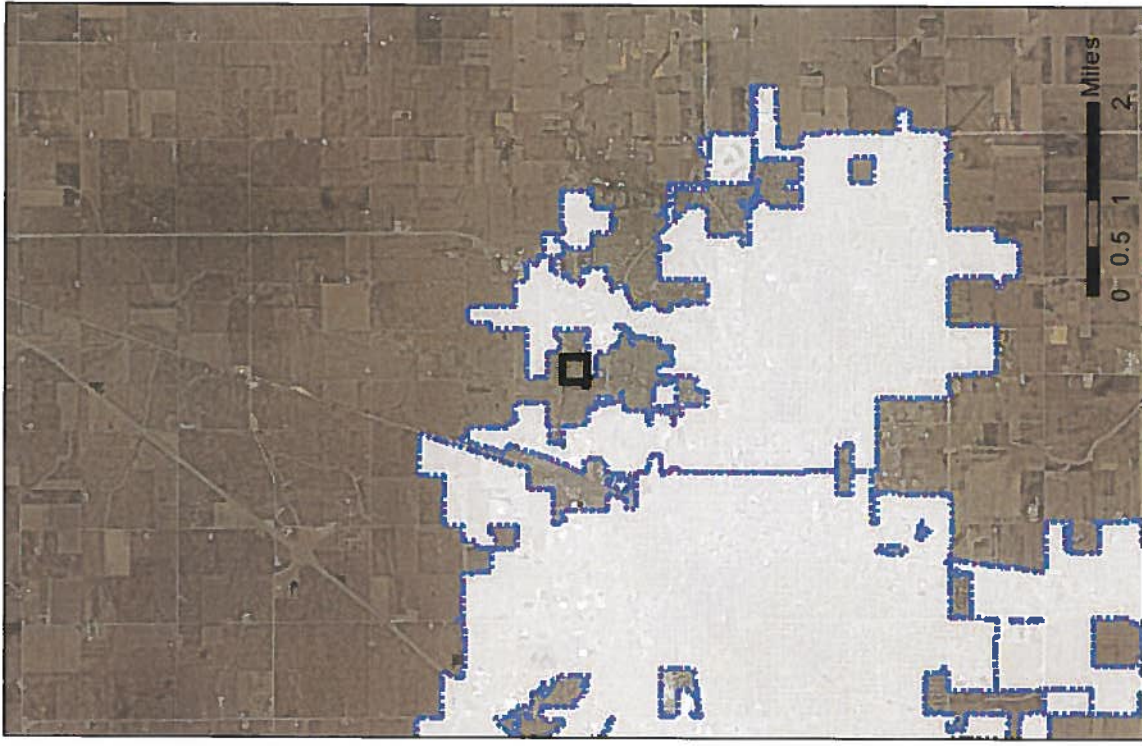
Case 818-S-15



December 10, 2015

Subject Property



Property location in Champaign County



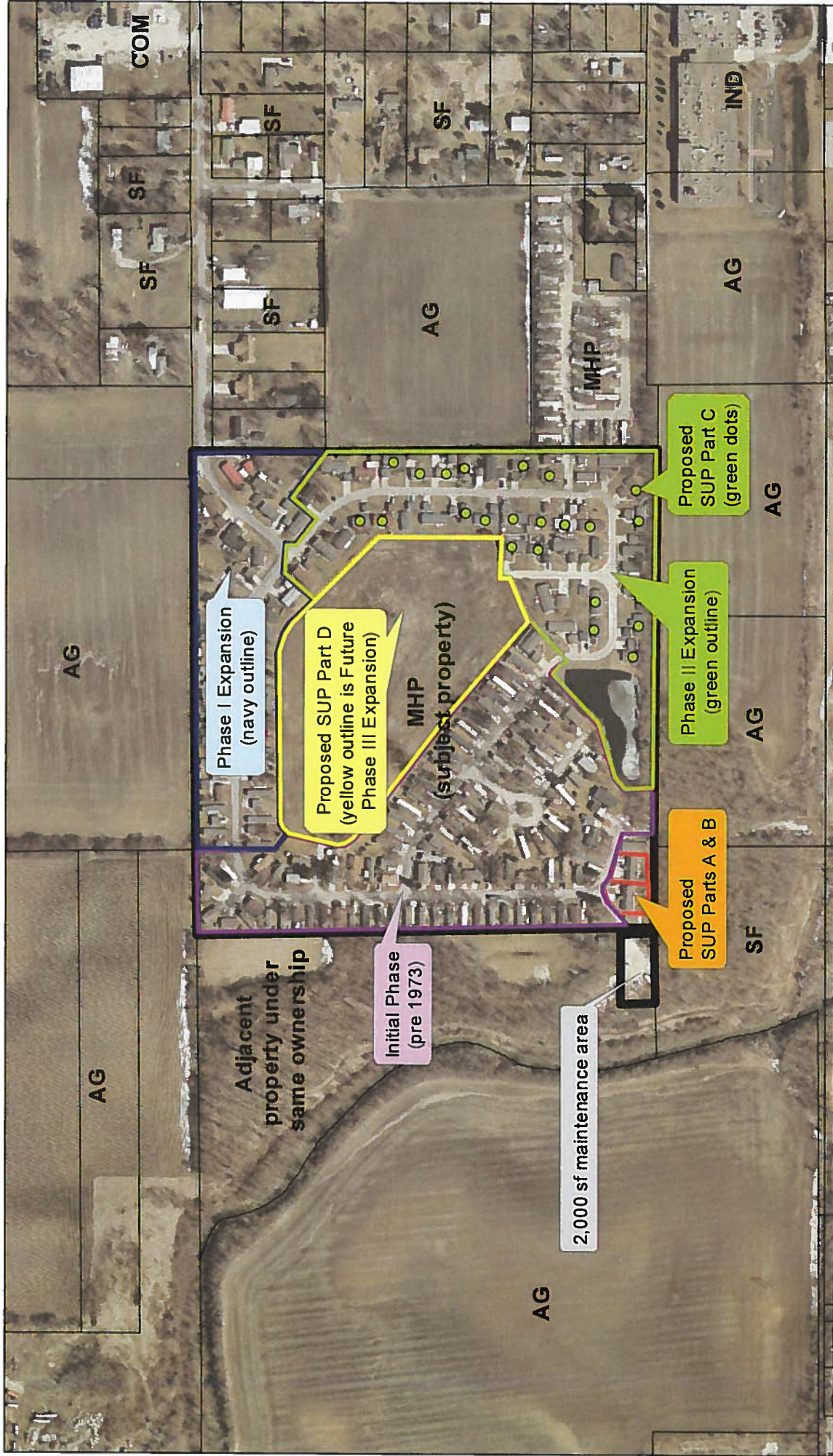
- Legend**
-  Subject Property
 -  Streets
 -  Municipal Boundary





Champaign County
 Department of
**PLANNING &
 ZONING**

Land Use Map

Case 818-S-15
December 10, 2015



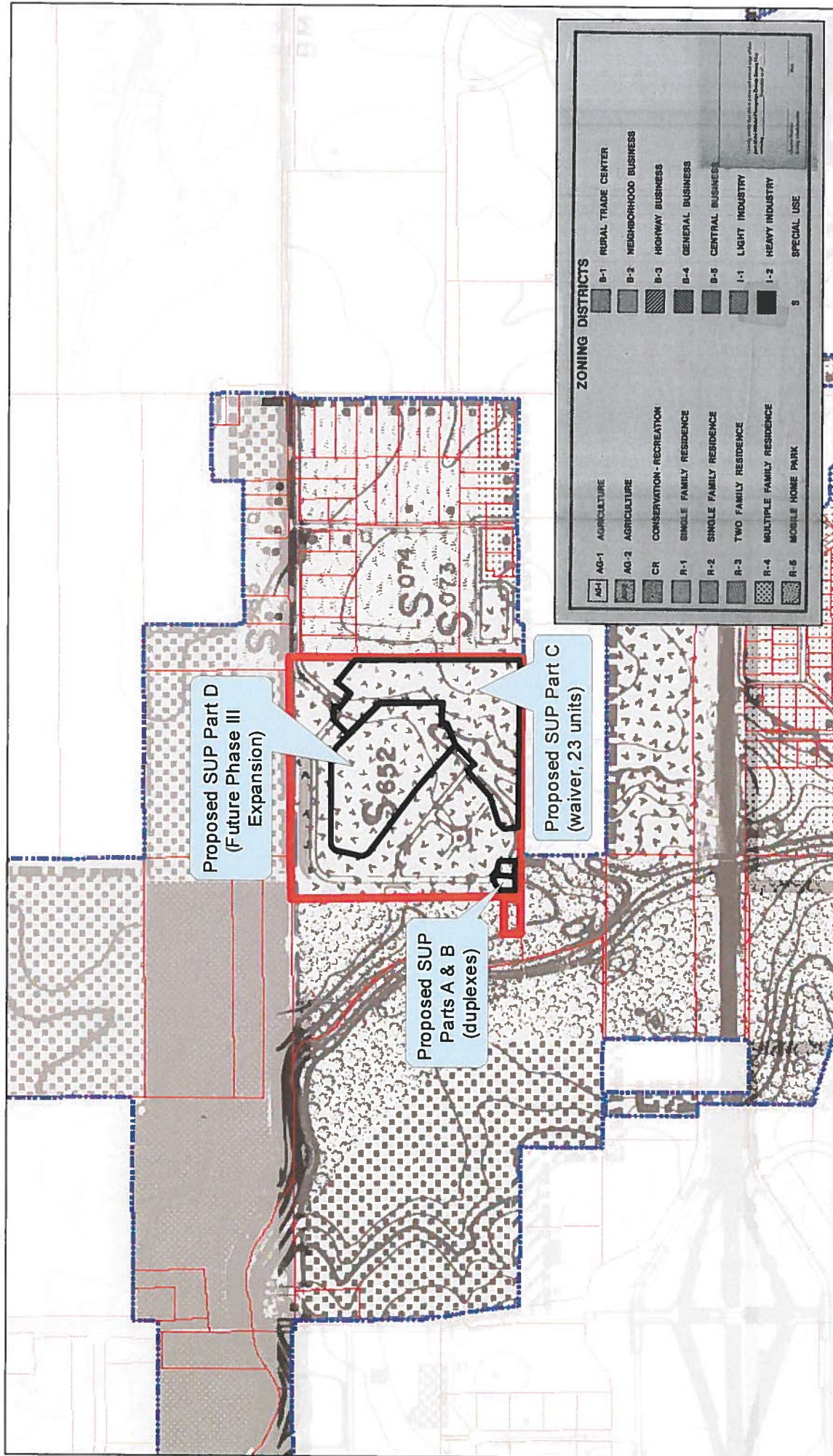
Approved SUP Case 652-S-88 includes:
Initial Phase, Phases I, II, and III Expansions

- Legend**
-  Parcels
 -  Subject Property

Zoning Map

Case 818-S-15

December 10, 2015



Legend

-  Subject Property
-  Urbana Corporate Limit
-  Proposed SUP and waivers locations
-  Parcels



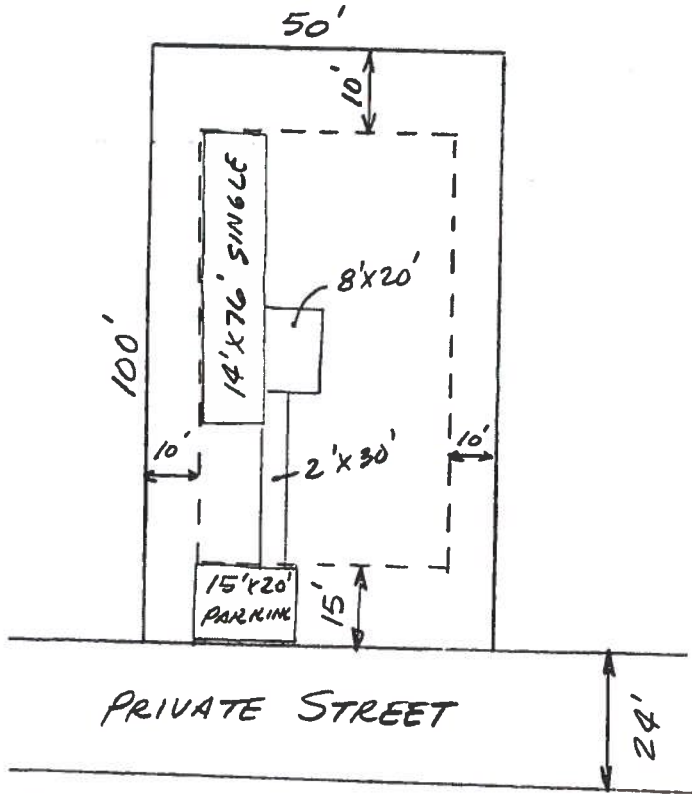
AVERAGE "C" DETERMINATION

WOODS EDGE MOBILE HOME

76' x 14'

TYPICAL SPACE

20' x 15'



- 5,000 S.F. AVG SPACE
- 76' x 14' LARGE SINGLE UNIT
- 20' x 15' PARKING AREA
- 8' x 20' AVG. PATIO
- 2' x 30' SIDEWALK

TOTAL PAVED & ROOFED AREA PER LOT:

1,064
 300
 160
 + 60

1,584 D' → say 1600 S.F. PER SPACE

TOTAL PAVED & ROOFED AREA FOR SPACES

183 SPACES x 1,600 S.F. = 292,800 S.F.

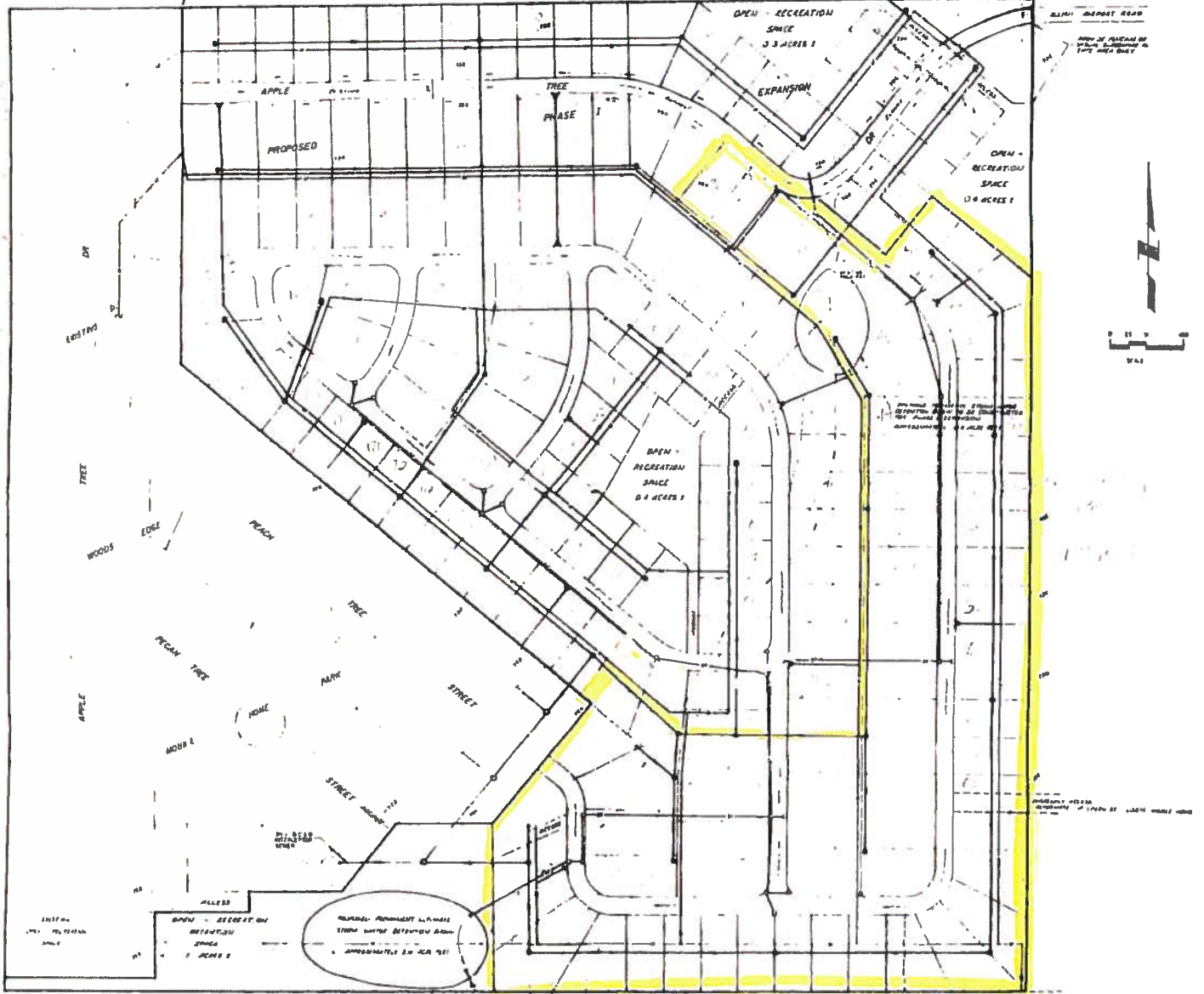
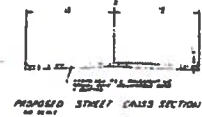
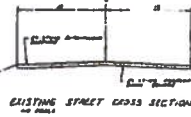
JOHN M. NEARY ASSOCIATES, Ltd.
 ENGINEERING & LAND SURVEYING
 1410 N. Neil Street • Ph: 217-359-6603
 P.O. Box 3697 • Champaign, IL 61821

(Excerpted from Woods Edge Mobile Home Park Preliminary Stormwater Detention Calculations, October 1988)

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OCT 08 2015

CHAMPAIGN CO. P & Z DEPARTMENT



LEGEND

---	BOUNDARY OF PROPOSED STAFFORD TRACT	---	PROPOSED WETLAND
---	BOUNDARY OF PROPOSED PHASE 1 EXPANSION	---	PROPOSED EXISTING BUILD
---	EXISTING WETLAND BOUNDARY	---	PROPOSED STORM DRAIN
---	EXISTING LOT/BLK/SECTION/NEED BAY/	---	PROPOSED WETLAND PLANT
---	EXISTING WETLAND BOUNDARY	---	PROPOSED 20' W/4' W/4' W/4'
---	EXISTING WETLAND BOUNDARY	---	EXISTING W/4' W/4'
---	EXISTING WETLAND BOUNDARY	---	
---	EXISTING WETLAND BOUNDARY	---	

NOTES

- All utility lines shown will be located by utility companies and shown on separate sheets. All utility lines shown on this plan are shown for reference only. All utility lines shown on this plan are shown for reference only. All utility lines shown on this plan are shown for reference only.
- Phase 1 expansion consists of 1.5 acres of open space approximately 1.5 acres of open space.
- Phase 2 expansion consists of 1.5 acres of open space approximately 1.5 acres of open space.
- Phase 3 expansion consists of 1.5 acres of open space approximately 1.5 acres of open space.

DATE OCTOBER 2, 1988
REVISED OCTOBER 12, 1988
John M. Neary Associate
Engineering and Land Surveying
1410 N. Neil Street
P.O. Box 3097
Champaign, IL 61821
Phone 217 239 6403

Summary Memorandum

12

Case 652-S-88

Attachment A: Guideline for Improvement of Recreation Areas

- A. The areas shall be kept in permanent grass cover, mowed and kept free of trash and other debris.
- B. The recreation areas shall have a visual or physical barrier along the borders adjacent to mobile home sites to differentiate between common open space and individual yards. Such barriers could include landscaping, berming, flower beds, walks, benches, low fences, guard rails, combination of the above, or other appropriate measures to be approved by the Zoning Administrator.
- C. Recreation equipment in the open areas of 0.3 and 0.4 acres should include one of the following: picnic table and benches, badminton court, horseshoe pit, shuffleboard court, tetherball, volleyball court, garden plots, play lot for preschool children, or other similar amenities.
- D. The 1.7 acre recreation area should include either two items from the above list or one of the following: pavilion, basketball court, tennis court, softball diamond, swimming pool or other similar amenities.
- E. Trash receptacles shall be placed at each recreation area.
- F. Shade trees shall be provided at each recreation area.
- G. Signs which identify the recreation areas shall be placed at the street adjacent to the entrance to the recreation area.

Prepared by Champaign County Regional Planning Commission on March 3, 1989.

ZBA Minutes

2

3/9/89

1
2 **5. Continued Public Hearings**
3

4 **A. Case 665-U-88. Petitioner: John Royse. Request for variance from**
5 **front yard requirement. Location: Champaign Township, Section 17,**
6 **south side of Illinois Route 10 between Staley and Rising Roads.**
7

8 Mr. Clapper explained that the petitioner has requested that this agenda
9 item be continued until June 8, 1989.

10
11 Mr. Schroeder moved to continue the public hearing until June 8, 1989. The
12 vote was:

13
14 Goldenstein - yes Schneider - yes Schroeder - yes
15 Smith - yes Weckel - yes Wallace - yes
16
17

18 **6. Continued Public Hearings/Final Action**
19

20 **A. Case 652-S-88. Petitioner: Dennis R. Ohnstad. Request for Special**
21 **Use to expand Mobile Home Park. Location: Urbana Township, Section 5,**
22 **west of Willow Road on Illini Airport Road extended.**
23

24 Mr. John Neary, engineer for the petitioner, said he did not have any
25 special comments to add to staff's summary memo. He said that this case was
26 originally before the Board last October and that the outstanding issues had
27 been satisfied. The City of Urbana has reviewed the proposal. A lot of
28 work was put in by the County staff. The request resulted in a minor text
29 amendment to the County Subdivision Ordinance regarding street centerline
30 radius. He felt the requirements had been dealt with to the satisfaction of
31 all parties involved.
32

33 Ms. Hlavacek reviewed the outstanding issues as noted in the summary memo.
34 She referred to the suggested conditions on page 8 of the memo. She said
35 that condition #1 ties approval of the mobile home park to two site plans.
36 The full size plan represents how the project will initially be built out.
37 Due to the possible future extension of Illini Airport Rd., the second,
38 alternate plan shows how the lots will be re-configured should the road be
39 extended. The ZBA will be approving both plans tonight.
40

41 Mr. Schneider asked if the petitioner could use the land according to the
42 first site plan as long as the road was not improved. Ms. Hlavacek said
43 this was correct. Mr. Schneider asked what would happen if the petitioner
44 refused to cooperate at the time of the road extension. Ms. Hlavacek said
45 that the condition for approving the special use would be the dedication of
46 the necessary Right-of-way for Illini Road. This would be required prior to
47 issuing a Zoning Use Permit. She added there are no immediate plans for the
48 extension of Illini Airport Road.
49

50 Ms. Hlavacek said the second condition refers to the recreation area. There
51 are no specific plans for the open space. Mr. Ohnstad wants to customize
52 the recreation space to the needs of the residents. Staff felt there should

ZBA Minutes

3

3/9/89

1 be guidelines for development of these areas so the Zoning Administrator can
 2 have something more concrete to refer to when enforcing the provisions of
 3 the Special Use. Ms. Hlavacek said the options for improving these areas
 4 are contained in attachment 'A'. These guidelines address concerns
 5 regarding visibility and pedestrian activity. She noted that some of these
 6 guidelines could be incorporated into the ordinance in the future.

7
 8 Ms. Hlavacek continued saying that condition #3 brings the parking area into
 9 compliance with section 7.4.1.B. condition four requires a recorded easement
 10 for use of Fern St. in Loral Mobile Home Park. Mr. Ohnstad had presented a
 11 letter from the owner stating that he will allow use of Fern St. The
 12 letter, however, is not sufficient. Unless there is an easement, a new
 13 owner could change his mind and not allow Mr. Ohnstad access to Fern St.
 14 Condition #5 requires that the emergency access be improved with an all-
 15 weather surface when Phase II is built.

16
 17 Ms. Hlavacek said condition #6 requires detailed design drawings for the
 18 detention area. She explained that the ordinance does not require this
 19 information at this stage of approval. This is probably due to the expense
 20 of preparing the detail engineering studies. The petitioners would not want
 21 to incur this cost until they knew they had approval for the overall design.

22
 23 Ms. Hlavacek said the future extension of Illini Airport Rd. is provided for
 24 in condition #7. She said the document of dedication still needs to be
 25 approved by the States Attorney Office and this is stated as part of the
 26 condition. Ms. Hlavacek also noted that the legal description for the site
 27 is not accurate. This needs to be corrected and should be included as a
 28 condition of approval of the Special Use. She added that the City of Urbana
 29 protested the Special Use. Since the Plan Commission meeting the Petitioner
 30 has agreed to dedicate right-of-way for Illini Airport Road. The City
 31 Council voted to Protest conditioned on this right-of-way being dedicated.

32
 33 Mr. Schneider asked if the City was satisfied with everything else. Ms.
 34 Hlavacek said they were. Mr. Schneider asked if the conditions were
 35 acceptable to the petitioner. Mr. Ohnstad said they were.

36
 37 Mr. Smith asked if the concerns of the neighbors had been addressed. Ms.
 38 Hlavacek said the neighbors concerns stemmed from the extension of Beeson
 39 Drive. Since the original public hearing the City has reconsidered the need
 40 for extending Beeson Drive to the mobile home park and has determined that
 41 it is not required.

42
 43 Mr. Goldenstein moved, seconded by Mr. Schneider to close the public
 44 hearing. The vote was:

45
 46 Goldenstein - yes Schneider - yes Schroeder - yes
 47 Smith - yes Weckel - yes Wallace - yes

48
 49 Mr. Smith moved, seconded by Mr. Schneider, to approve the Special Use for
 50 Case 652-S-88 with the following conditions:

- 51
 52 1. That the mobile home park be built and operated in accordance with

1 the site plan prepared by John M. Neary Associates as revised on
 2 December 2, 1988 until such time that the public requires use of
 3 the dedicated right-of-way for Illini Airport Road. At this time
 4 the lots shall be re-configured and improvements made in
 5 accordance with the alternate site plan prepared by John M. Neary
 6 Associates and dated March 1, 1989.

- 7
- 8 2. That the petitioner develop the recreation areas in accordance
 9 with the guidelines established in attachment 1.
- 10
- 11 3. The parking area indicated on the drawing for a typical mobile
 12 home pad be enlarged to 18' x 20'.
- 13
- 14 4. An easement of access for use of Fern Street in Loral Mobile Home
 15 Park be recorded prior to issuance of a Zoning Use Permit for
 16 Phase I.
- 17
- 18 5. The emergency access to Fern Street be improved with an all-
 19 weather surface approved by the County Highway Department. Such
 20 improvement shall be completed as part of the Phase II
 21 construction.
- 22
- 23 6. The petitioner submit a detailed engineering plan for the
 24 temporary basin prior to issuance of a Zoning Use Permit for Phase
 25 I and detailed engineering plans for the permanent detention basin
 26 prior to issuance of a Zoning Use Permit for Phase II. Such plans
 27 shall be reviewed with written approval by the Champaign County
 28 Superintendent of Highways.
- 29
- 30 7. The petitioner record such documents as are necessary to ensure
 31 the future right-of-way dedication for the extension of Illini
 32 Airport Road prior to issuance of a Zoning Use Permit for Phase I.
 33 The documents shall encompass an area equivalent to the area shown
 34 on the "Woods Edge Mobile Home Park Expansion, Proposed Alternate
 35 Illini Airport Road ROW Extension" prepared by John M. Neary,
 36 dated March 1, 1989. Such documents shall be approved by the
 37 Champaign County States Attorney's Office prior to being recorded.
- 38
- 39 8. A revised legal description for the area shown on the site plan be
 40 submitted.
- 41
- 42

43 Findings of Fact

44

- 45 1. The mobile home sites exceed the minimum area requirements in
 46 Section 6 of the Zoning Ordinance.
- 47
- 48 2. The Special Use represents an expansion of an existing Mobile Home
 49 Park.
- 50
- 51 3. Provided that a permanent easement of access is secured,
 52 provision is made for an emergency access.

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- 4. Stormwater detention will be provided.
- 5. The site is not in an agricultural area and does not represent taking farmland out of production.
- 6. The site is served by Northern Illinois Water Corporation and the Urbana-Champaign Sanitary District.
- 7. Fire protection will be provided by Eastern Prairie Fire Department and the Carroll Fire Protection District.
- 8. The site is not located within a Special Flood Hazard Area.
- 9. The traffic conditions on Illini Airport Road will remain stable even with the additional traffic from this development.
- 10. The level of service at the U.S. Route 45 and Illini Airport Road intersection will not significantly deteriorate due to this development.
- 11. The petitioner has agreed to dedicate right-of-way for Illini Airport Road.
- 12. The following documents shall be made a record of the case:
 - 1. RPC Preliminary Memorandum dated 10/6/88 with Attachments.
 - 2. Woods Edge Mobile Home Park Preliminary Stormwater Detention Calculations.
 - 3. Letter and Attached Site Plan from John Neary to Terry Gardner, dated 1/31/89, requesting a Variance from the minimum centerline curve radii.
 - 4. Letter from Champaign County Highway Department - Dale Thuney, dated 2/1/89.
 - 5. Memorandum to Urbana Plan Commission from April Getchius, dated 2/3/89.
 - 6. Urbana Plan Commission minutes from 2/9/89.
 - 7. Memorandum to Urbana City Council from April Getchius, dated March 1, 1989.
 - 8. RPC Summary Memorandum dated 2/2/89.
 - 9. Resolution of Protest from the City of Urbana dated 3/9/89.

The vote was:

ZBA Minutes

6

3/9/89

1 Goldenstein - yes Schneider - yes Schroeder - yes
 2 Smith - yes Weckel - yes Wallace - yes
 3
 4

5 B. Case 666-S-88. Petitioner: William Coverick. Request for Special Use
 6 to expand Mobile Home Park. Location: Urbana Township, Section 4,
 7 north side of Perkins Road just south of Interstate 74.
 8

9 Mr. Sheridan, engineer for the site, reviewed storm drainage on this site.
 10 He stated that there is no requirement for storm water detention in the
 11 ordinance. He said of the 6 acres, 3 acres are being developed. Forty
 12 percent of the three acres will be impervious surface.
 13

14 Mr. William Coverick said that in 1984 the Sanitary District worked on the
 15 swale. They lowered the manholes and straightened out the swale. They
 16 also deepened the swale and sloped the banks so they could be mowed. From
 17 1985 to 1988 there were 29 rainfalls of 1 to 2 inches during a 24-hour
 18 period. Five times there were rainfalls over 2 inches. Only once during
 19 this time the park had some flooding in July, 1987. This was with a 4.43"
 20 rainfall. Mr. Coverick said the rainfall information was from the State
 21 Water Survey. He added that the Saline Branch Drainage District has
 22 promised that they will do some work downstream and this should further
 23 alleviate any problems.
 24

25 Ms. Hlavacek asked how extensive the flooding in 1987 was. Mr. Coverick
 26 said it overflowed curbs on 2 streets. Mrs. Weckel asked if residents could
 27 drive out of the park. Mr. Coverick said they could. He added that prior
 28 to the work in 1984 there would be some flooding with every 1"-2" rainfall.
 29 The first two eastern most streets would have water for 1-2 hours after a
 30 rain and there were problems driving. Mr. Bill Pierce, park manager, said
 31 in 1987 only 2 streets were flooded.
 32

33 Ms. Hlavacek asked what the nature of the work the Saline Drainage District
 34 was going to perform downstream. Mr. Sheridan said a 30" tile in the area
 35 was in bad condition. There were plans to eliminate the tile and provide
 36 more efficient routing.
 37

38 Ms. Hlavacek commented that the Greeley & Hansen report recommended that the
 39 swale be enlarged. She asked if the Drainage District had any plans for
 40 this improvement. Mr. Coverick said the swale had been straighten and
 41 cleaned. He was reimbursed for 20% of the cost of doing this. He is also
 42 paying an assessment to the Drainage District so he feels he is meeting his
 43 obligation for improvements in this area. He said that Berns & Clancy had
 44 worked on some of the engineering in this area. To his knowledge there is
 45 no need to widen the swale. Mr. Sheridan added that the Greeley & Hansen
 46 recommendations would be affected by the culverts under I-74.
 47

48 Ms. Hlavacek said on a site check she noted some riprap on the sides of part
 49 of the banks of the swale. She asked what would be done along the remainder
 50 of the swale to prevent erosion. Mr. Coverick explained that there is an
 51 area 100' in length where the swale approaches the street. Riprap has been
 52 placed along the banks in this area. The remainder of the street is up to

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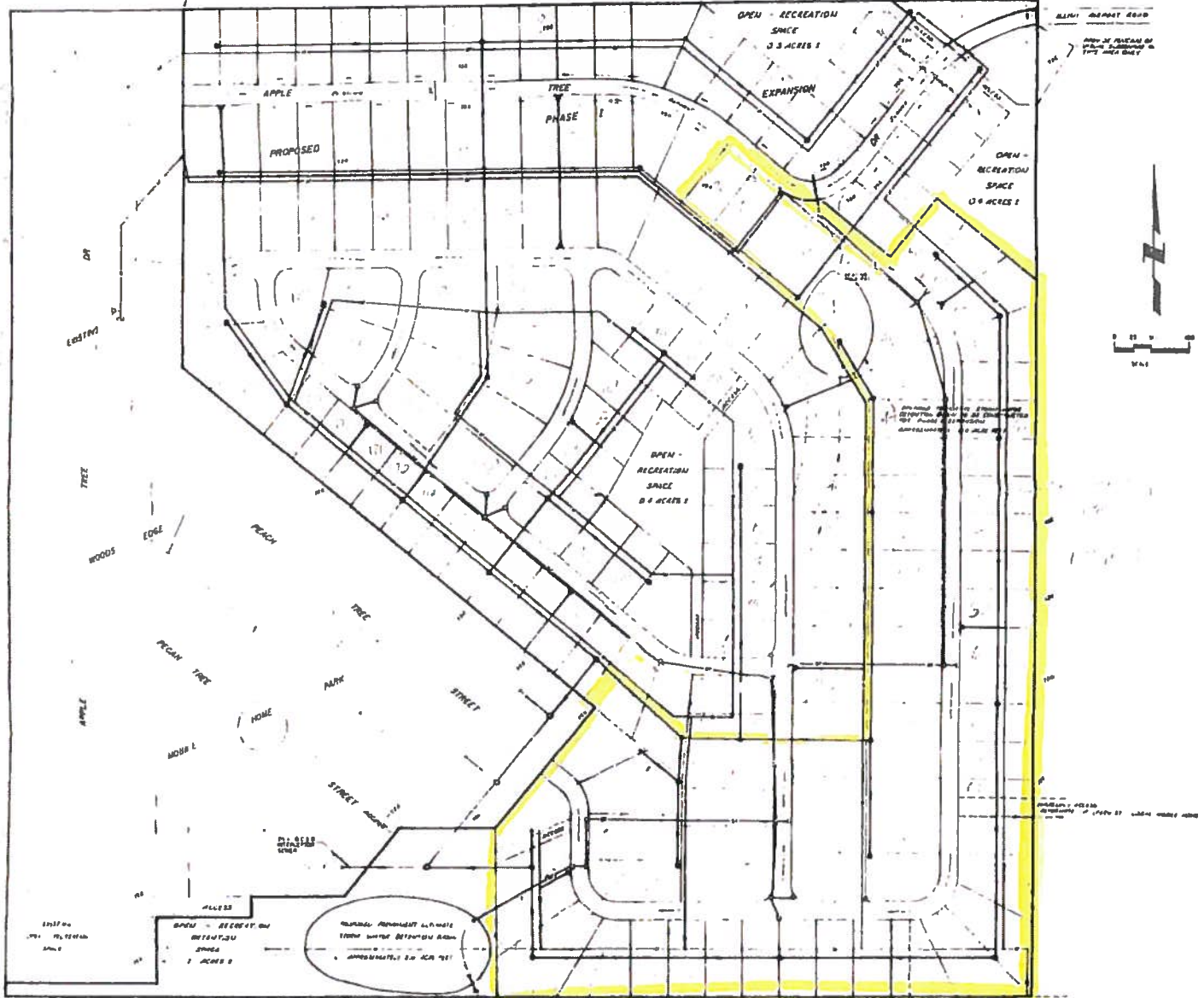
OCT 08 2015

CHAMPAIGN CO. P & Z DEPARTMENT

IN THE N 1/2 SEC. 5, T 19N, R 9E, 3RD PM
CHAMPAIGN COUNTY, ILLINOIS

EXISTING STREET CROSS SECTION

PROPOSED STREET CROSS SECTION



<p>LEGEND</p> <p>BOUNDARY OF PROPOSED EXPANSION TRACT</p> <p>BOUNDARY OF PROPOSED PHASE I EXPANSION</p> <p>EXISTING HOUSE SIDE YARD</p> <p>EXISTING LOTLINE SECTION - ALL DATA</p> <p>EXISTING LOTLINE OR GRASSHOPPER WALL</p> <p>EXISTING DRIVE DRIVE</p> <p>EXISTING DRIVE DRIVE</p> <p>EXISTING DRIVE DRIVE</p> <p>EXISTING DRIVE DRIVE</p>	<p>PROPOSED DRIVE DRIVE</p> <p>PROPOSED DRIVE DRIVE</p> <p>PROPOSED DRIVE DRIVE</p> <p>PROPOSED DRIVE DRIVE</p> <p>PROPOSED DRIVE DRIVE</p> <p>PROPOSED DRIVE DRIVE</p> <p>PROPOSED DRIVE DRIVE</p> <p>PROPOSED DRIVE DRIVE</p> <p>PROPOSED DRIVE DRIVE</p>
--	---

1. All utility lines shown will be located by utility companies and marked with orange paint or reflective tape. All other utility lines not shown by previous records and other records. Street intersections with utility lines will be marked.
2. Street Sign Schedule (see Part Overall) Schedule site consists of 120 units with signs approximately 30 ft tall above ground level. Schedule 2.3 signs of open space.
3. Street 2 expansion consists of 10 units with signs approximately 10 ft tall above ground level. Schedule 2.3 signs of open space.
4. Expansion signs site consists of 120 units with signs approximately 30 ft tall above ground level. Schedule 2.3 signs of open space.

DATE: OCTOBER 2, 2009
 REVISION: OCTOBER 12, 2009
John M. Neary Associate
 Engineering and Land Surveying
 1410 N. Neil Street
 P.O. Box 3597
 Champaign, IL 61821
 Phone 217 339 1603



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccsxcd.com

NATURAL RESOURCE REPORT

Development Name: Woods Edge Mobil Home Park

Date Reviewed: October 28, 2015

Requested By: Dennis Ohnstad

**Address: P.O. Box 566
Urbana, IL 61803**

Location of Property: part of the NE ¼ of sec.5 in T. 19 N., R.9 E., of the 3rd. P.M.



The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on October 18, 2015.

RECEIVED

NOV 02 2015

CHAMPAIGN CO. P & Z DEPARTMENT

October 28, 2015



Champaign County

Soil and Water Conservation District
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SITE SPECIFIC CONCERNS

1. The area that is and to be developed has 6 soil types (Sabina silty loam 236A, Birkbeck silt loam 233B, Russell silt loam 291B, Drummer Silty Clay Loam 152A, Senachwine silt loam both 618D2 and 618E2) that are severe wetness to severe ponding for dwellings without a basement.

SOIL RESOURCE

a) Prime Farmland:

This tract is not considered best prime farmland for Champaign County by the LE calculation.

This tract has an L.E. Factor of 82; see the attached worksheet for this calculation.

b) Soil Characteristics:

There are six (6) soil types on this site; see the attached soil map. The soil present has severe limitations for development in its natural, unimproved state. The possible limitations include severe wetness to severe ponding in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Slope	Shallow			Septic Fields	Steel Corrosion	Concrete Corrosion
			Excavations	Basements	Roads			
236A	Sabina Silt Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	high
233B	Birkbeck Silt Loam	2-5%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	high
322C2	Russell Silt Loam	5-10%	moderate: dense lay	Moderate: shrink	Severe: low strength	Severe: percs slow	moderate	high
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding	high	moderate
618D2	Senachwine Silt Loam	10-18%	Moderate: dense la	Moderate: slope	Severe: low strength	Severe: percs slow	moderate	moderate
618E2	Senachwine Silt Loam	18-25%	Severe: slope	Severe: slope	Severe: slope	Severe: percs slow	moderate	moderate

c) Erosion:

This area that still may be developed, will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has slope which could allow erosion during construction and heavy rainfall events. The area has ground cover at the time of inspection, erosion control measures must be installed before construction starts.



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d) Sedimentation:

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. This plan should also have information for the land owner to continue Sedimentation control after.

Example: When will inlets for storm drains need to be cleaned out or how often? All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aiswcd.org/IUM/>

WATER RESOURCE

a) Surface Drainage:

The site has a slit slope to the south. The developed areas seem to have good drainage and ground cover. The site has a nice retention pond with an emergency fire connection. Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much of possible should be considered for any future development. Rain Gardens could be incorporated into the development plan. They can be used to increase infiltration of runoff water for minimal cost. A rain garden can also be incorporated into roadway ditches to help control stormwater.

b) Subsurface Drainage:

It is likely that this site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order.

Severe ponding, along with wetness may be a limitation associated with the soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.



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(217) 352-3536 Extension 3 --- www.ccswcd.com

c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

EPA Stormwater Pollution Prevention Plan Reference Tool:

EPA requires a plan to control stormwater pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP in order to obtain NPDES permit coverage for their stormwater discharges. The guide describes the SWPPP development process and provides helpful guidance and tips for developing and implementing an effective plan.

Two model plans, based on hypothetical sites, are now available as a supplement to the guide. The first example plan is for a medium-sized residential subdivision and the second is for a small commercial site. Both examples utilize the SWPPP template that is included in the guide. To view the guide, models and template, visit <http://www.epa.gov/npdes/swpppguide>.

d) Low impact development:

The EPA's new report, "Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices." Provides ideas to improve water quality through unique designs. The report contains 17 case studies from across North America that show using LID practices in construction projects can lower costs while improving environmental results. LID practices are innovative stormwater management practices used to manage urban stormwater runoff at its source. The goal of LID practices is to mimic the way water moves through an area before development occurs, which is achieved using design techniques that infiltrate, evapotranspiration and reuse runoff close to its source. Some common LID practices include rain gardens, grassed swales, cisterns, rain barrels, permeable pavements and green roofs. LID practices increasingly are used by communities across the country to help protect and restore water quality. For a copy of the report, go to www.epa.gov/owow/nps/lid/costs07.



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CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Cultural:

The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

b) Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act:

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land and Water Reserve.


Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.

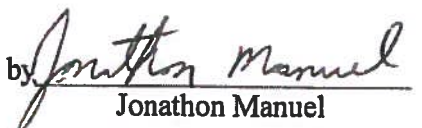
The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

c) Plant:

For eventual landscaping of the site, the use of native species is recommended whenever possible. The three soil types will support trees such as Bur Oak, Norway Spruce, Black Oak, and Silky Dogwood. For areas to be restored to a more natural area several groups in the area may be able to help with seed.

If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by 
Steve Stierwalt
Board Chairman

Prepared by 
Jonathon Manuel
Resource Conservationist



Woods Edge

Date: 10/27/2015

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Approximate Acres: 42

Legal Description: NE 1/4 Sec. 5, of Sec. 5, T.19 N., R. 9 E.

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois



Legend

— fe_2007_17019_edges

▣ Woods Edge

□ champsections01v1





Woods Edge

Date: 10/27/2015

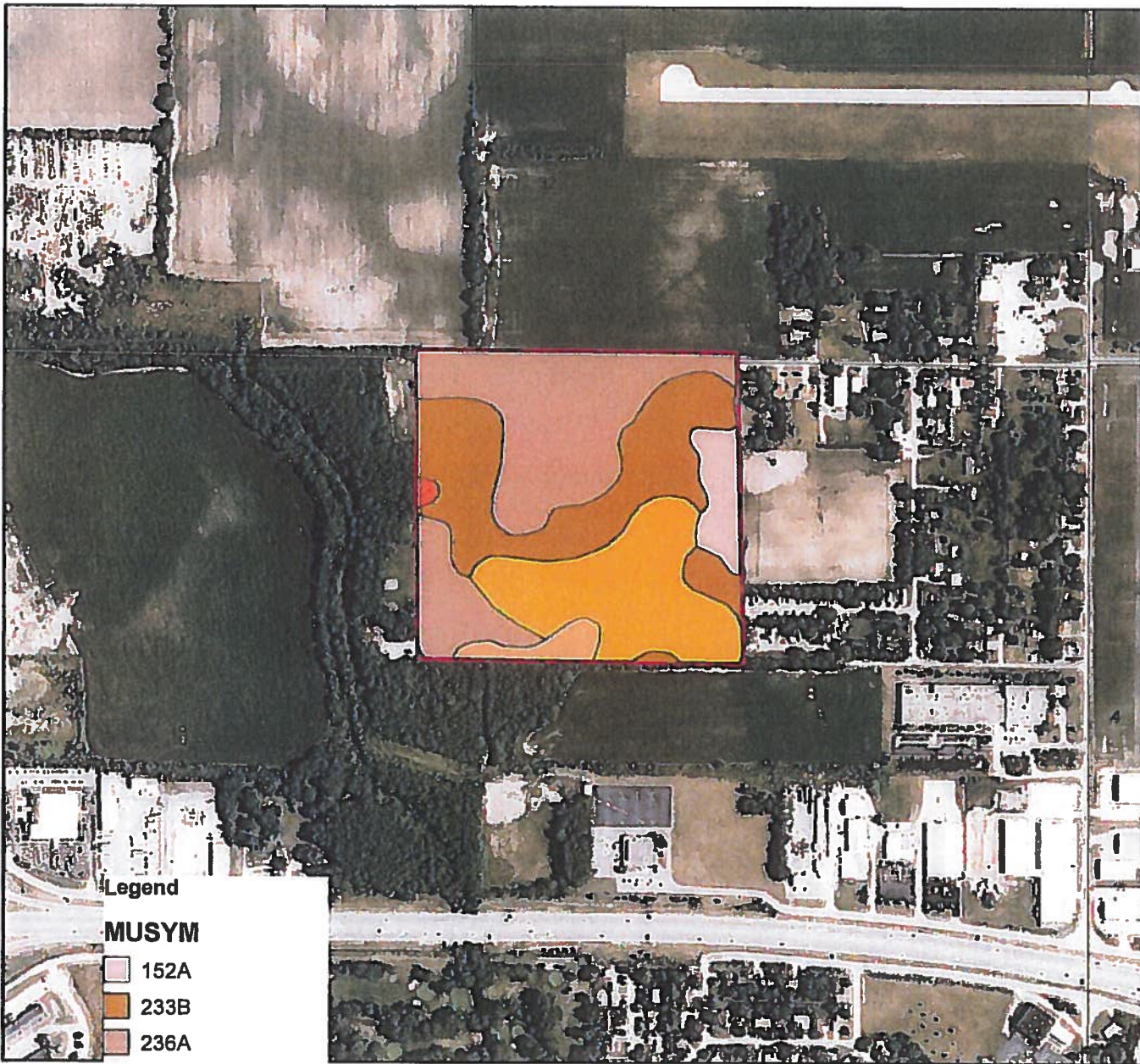
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Approximate Acres: 42

Legal Description: NE 1/4 Sec., of Sec. 5, T.19 N., R. 9 E.

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois



Legend

MUSYM

-  152A
-  233B
-  236A
-  291B
-  322C2
-  618D2
-  618E2

 Woods Edge

 champsections01v1



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
236A	Sabina	7	85	15.2	1292.0
233B	Birkbeck	7	85	12.6	1071.0
322C2	Russell	13	75	10.3	772.5
152A	Drummer	2	98	2.2	215.6
618D2	Senachwine	16	66	1.3	85.8
618 E2	Senachwine	17	50	0.2	10.0
					0.0
					0.0

acreage for calculation slightly larger than tract acreage due to rounding of soils program

Total LE Weighted Factor= 3446.9

Acreage= 41.8

Land Evaluation Factor For Site=

82

Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey



Woods Edge

Date: 10/27/2015

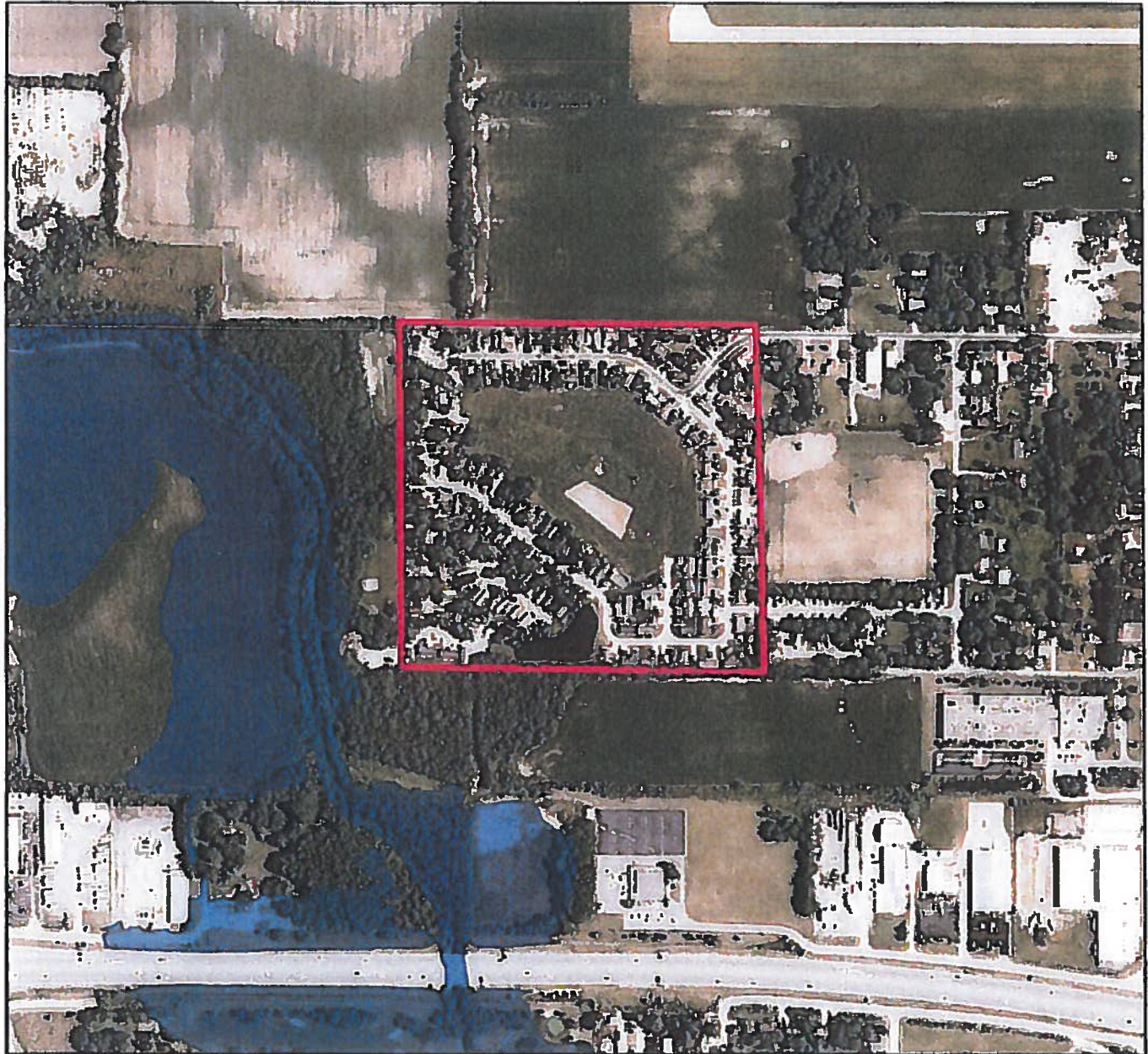
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Approximate Acres: 42





Legal Description: NE 1/4 Sec., of Sec. 5, T.19 N., R. 9 E.

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois



Legend

-  Woods Edge
-  champsections01v1
-  fe_2007_17019_edges
-  fema_a_il019





Woods Edge

Date: 10/27/2015

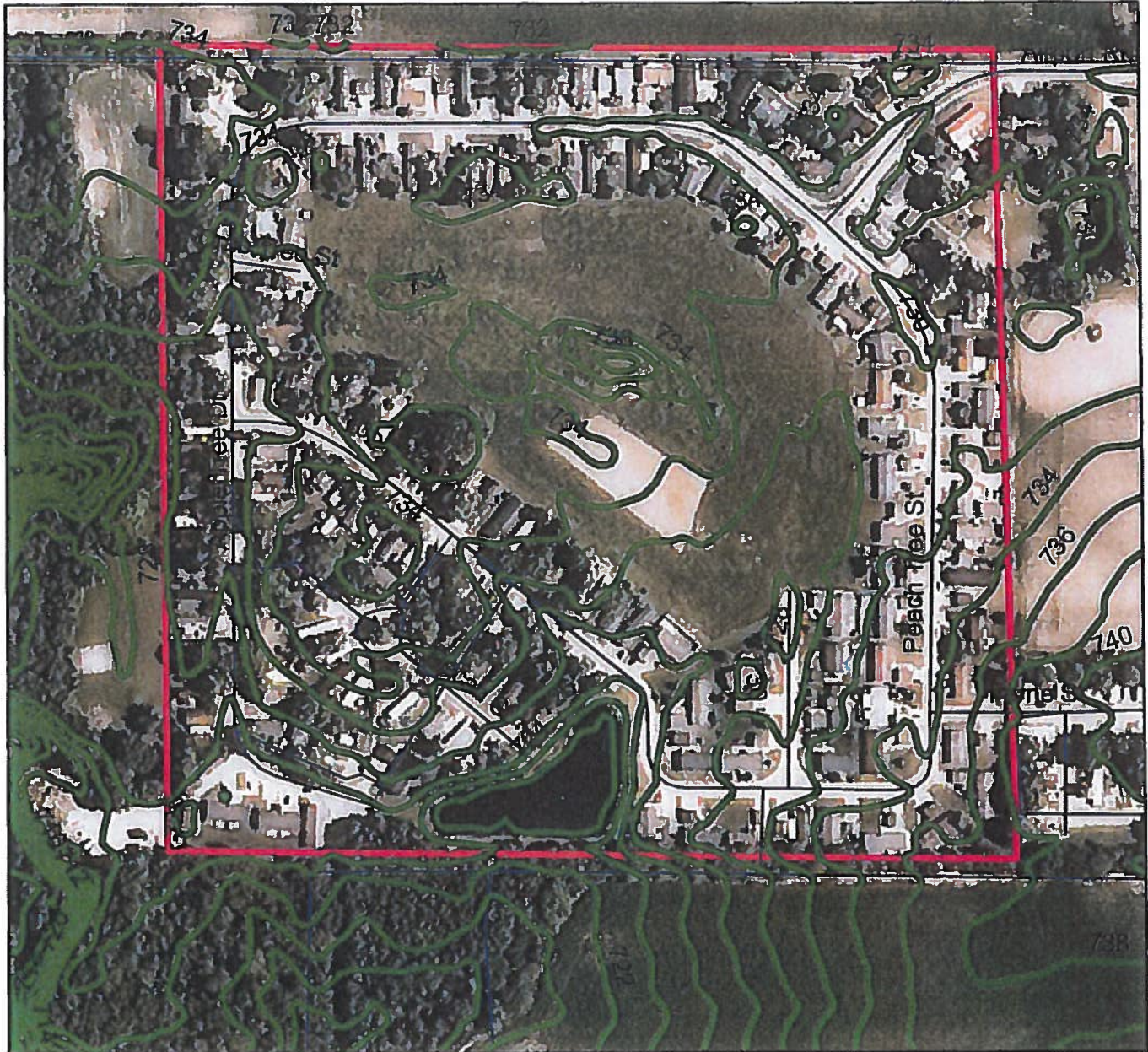
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Approximate Acres: 42





Legal Description: NE 1/4 Sec., of Sec. 5, T.19 N., R. 9 E.

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois



Legend

-  3_T19N_R09E_SEC05
-  fe_2007_17019_edges
-  Woods Edge
-  champsections01v1





Applicant: Champaign County Soil & Water Conservation District **IDNR Project Number:** 1604503
Contact: Jonathon Manuel **Date:** 10/28/2015
Address: 2110 West Park Court
Suite C
Champaign, IL 61821

Project: Woods Edge Mobile Home Park
Address: 2110 West Park Court, Suite C, Champaign

Description: Special use permit for a Mobile home park that has been in place from the 1970's

Natural Resource Review Results

This project was submitted for information only. It is not a consultation under Part 1075.

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Champaign

Township, Range, Section:
19N, 9E, 5



IL Department of Natural Resources
Contact
Impact Assessment Section
217-785-5500
Division of Ecosystems & Environment

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

IDNR Project Number: 1604503

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
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3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

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EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



Woods Edge

Date: 10/27/2015

2004

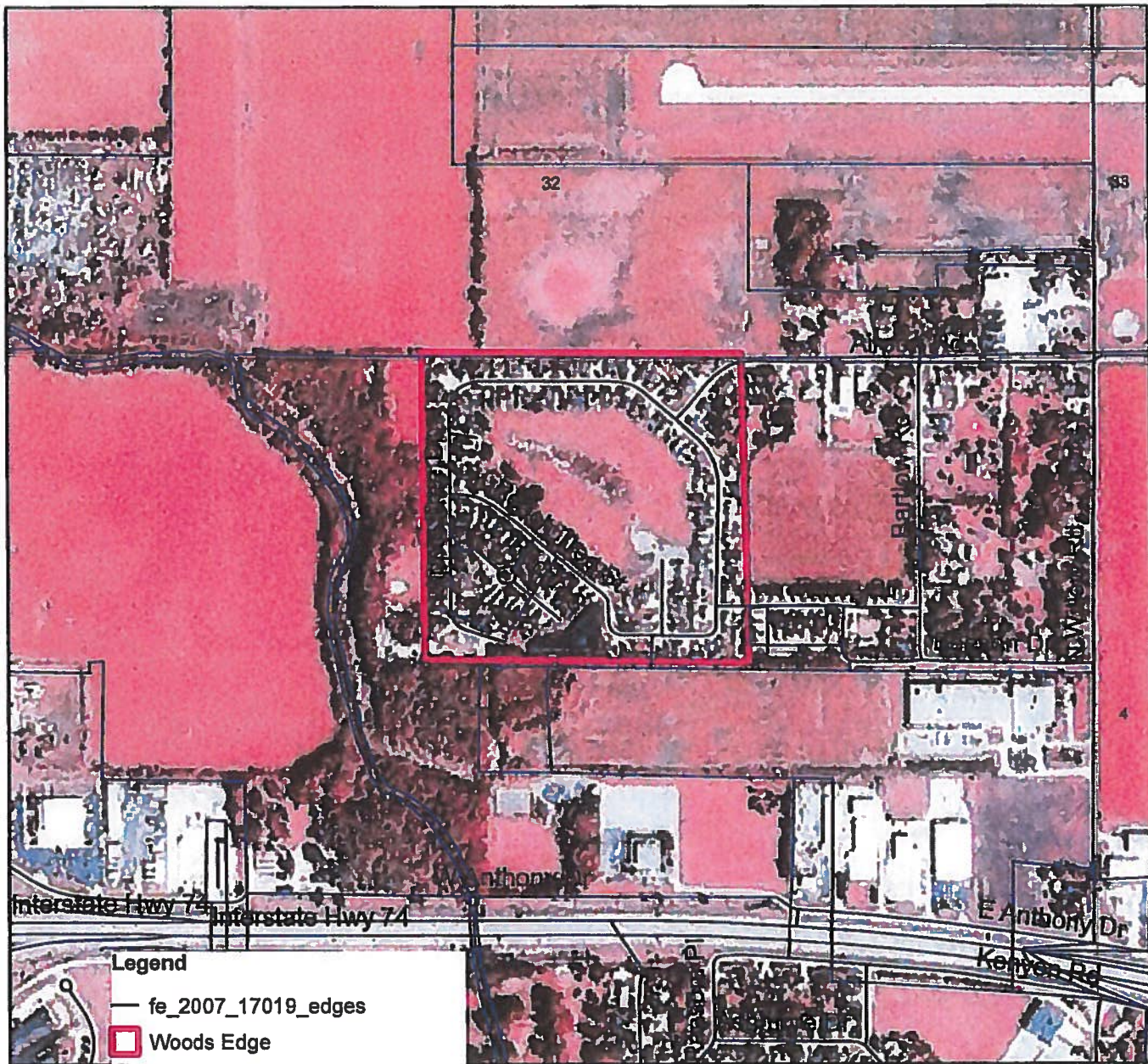
District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Approximate Acres: 42

Legal Description: NE 1/4 Sec., of Sec. 5, T.19 N., R. 9 E.

Assisted By: JONATHON MANUEL

State and County: IL, Champaign County, Illinois



Legend

— fe_2007_17019_edges

▭ Woods Edge

▭ champsections01v1

naip_1-1_2c_s_il019_2004_1.sid

RGB

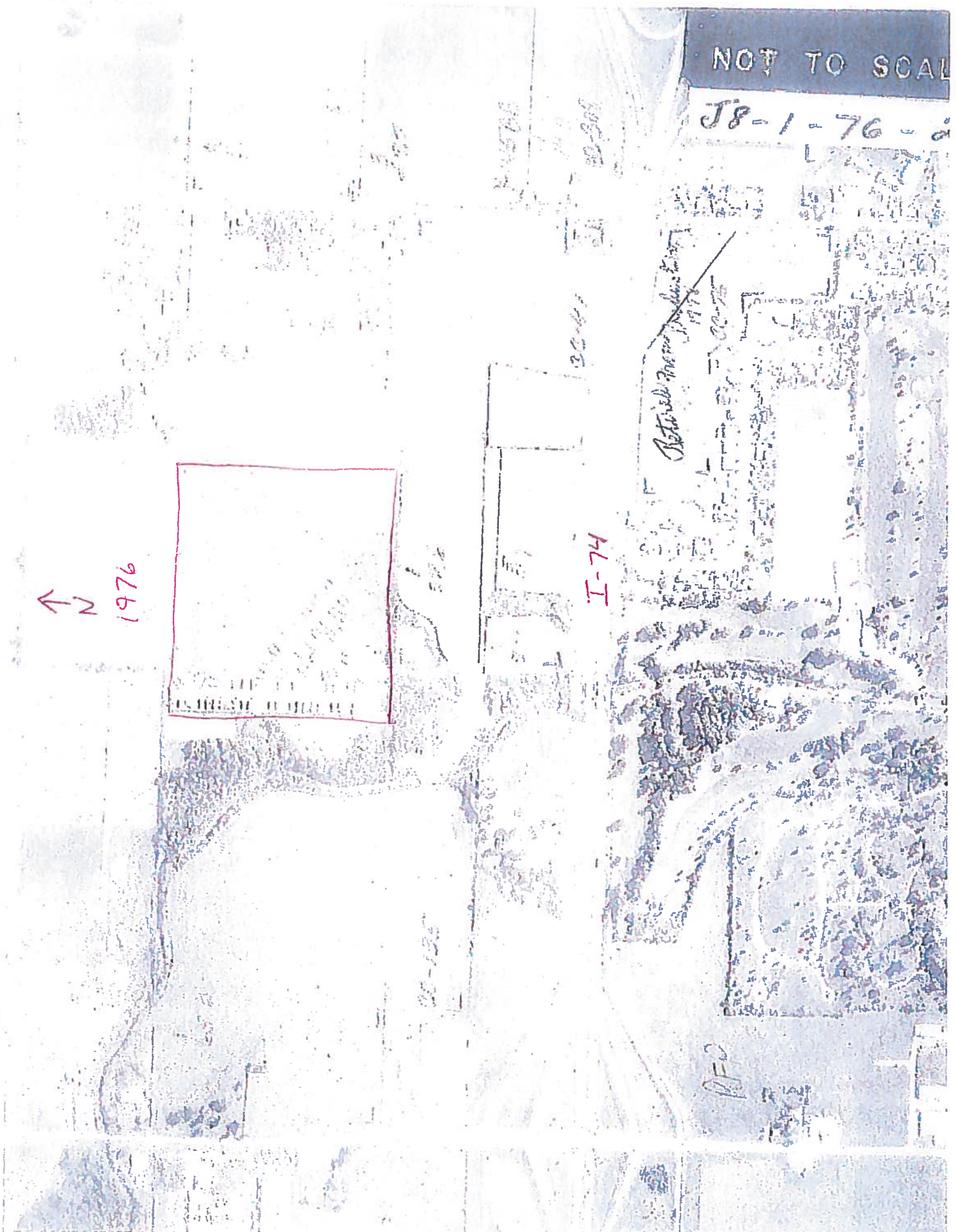
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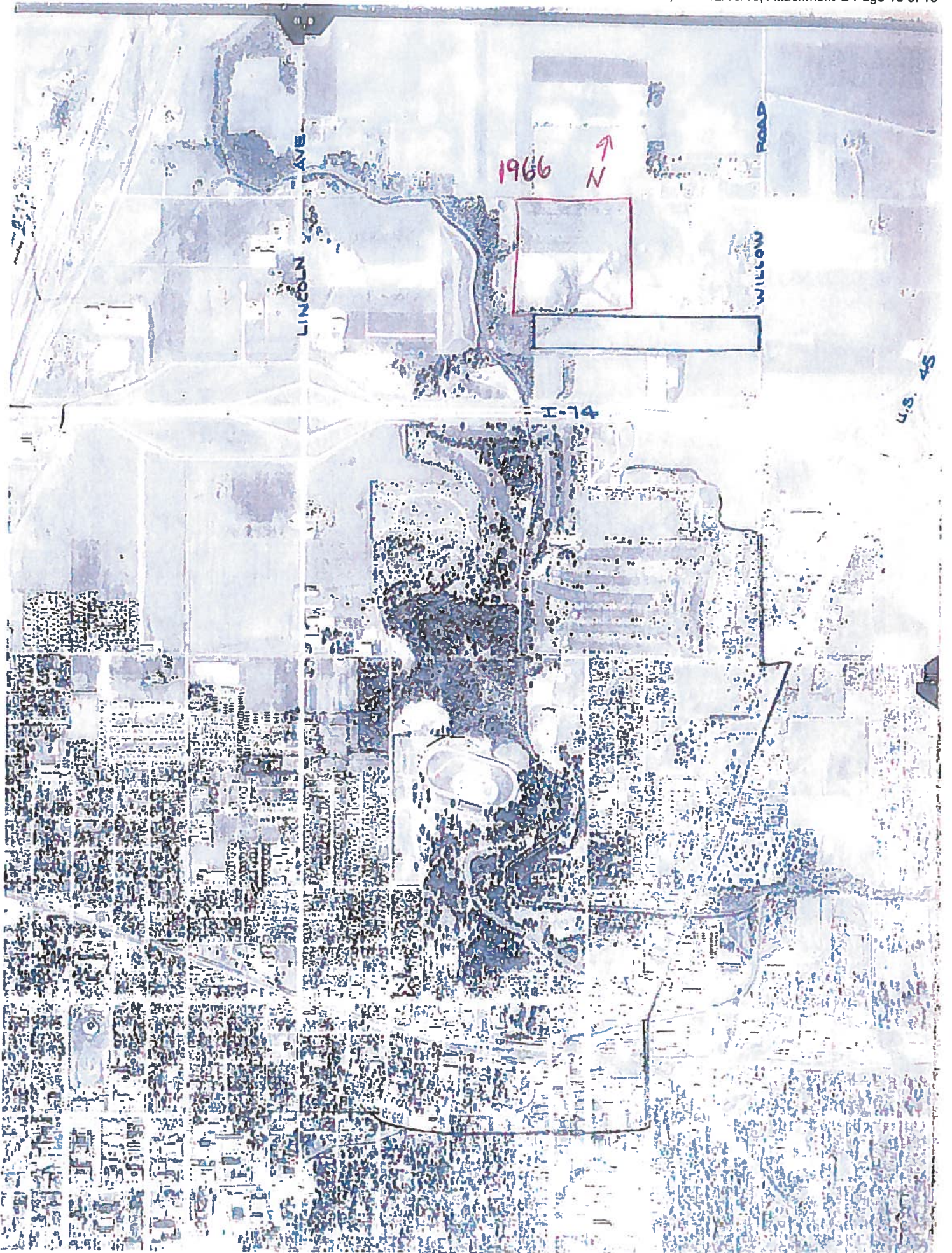
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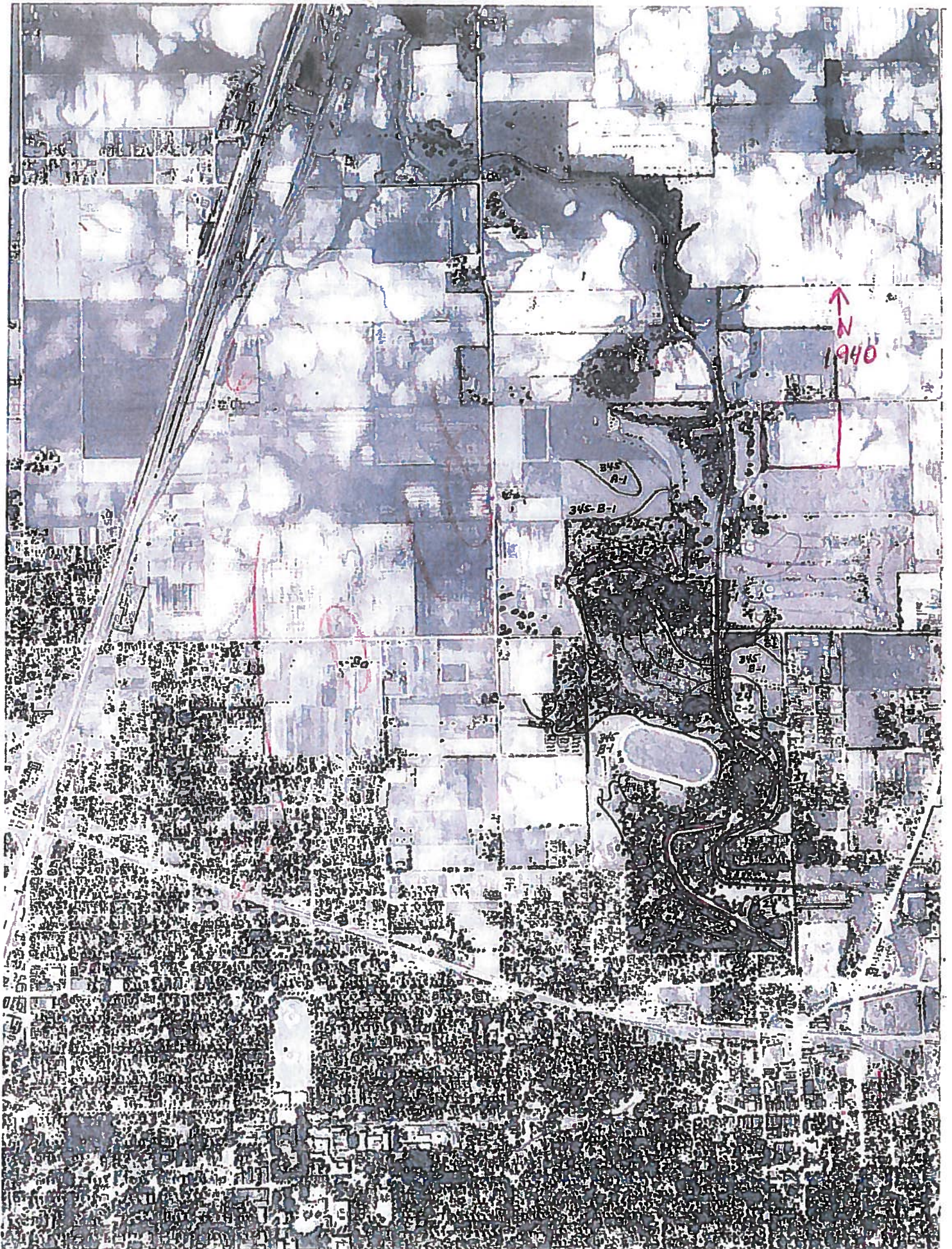
▭ Blue: Band_3











Waiver Addresses & Distances

Case 818-S-15
December 17, 2015



818-S-15 Images



Example separation between two dwellings in Phase II (Part C waiver)



Example separation between two dwellings in Phase II (Part C waiver)

818-S-15 Images



Example separation between two dwellings in Phase II (SUP Part C waiver)



Duplexes (SUP Parts A & B)

75'

WOODS EDGE DEVELOPMENT, INC.
URBANA, ILLINOIS

TYPICAL SITE PLAN FOR MANUFACTURED HOME

SCALE: 1" = 10'

DRAWN BY JSN

5' set back

CONCRETE PATIO

TYPICAL

1456 SQ. FT.

MANUFACTURED HOME

PATIO

SIDEWALK

TYPICAL

576 SQ. FT.

DETACHED GARAGE

1'6" H 7' OH DOOR

5' set back

105'

25'-0" set back

PATIO

CONCRETE

DRIVEWAY

20'-0"

RECEIVED

OCT 08 2015

CHAMPAIGN CO. P & Z DEPARTMENT

Duplex Site Plan

Case 818-S-15
December 10, 2015

Note: Duplex site boundaries are approximate based on aerial photography



Champaign County
Department of
PLANNING &
ZONING

PRELIMINARY DRAFT 12/03/15

818-S-15

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: ***{GRANTED/GRANTED WITH SPECIAL CONDITIONS/DENIED}***

Date: ***{December 10, 2015}***

Petitioners: Dennis Ohnstad and John North, d.b.a. Woods Edge Development, Inc.

Authorize the following as a Special Use Permit in the R-5 Manufactured Home Park Zoning District:

Part A: The expansion of a Manufactured Home Park to include four previously constructed manufactured dwelling units that were not included in the original authorization for the Woods Edge Manufactured Home Park approved on March 9, 1989 under Special Use Case 652-S-88.

Part B: A waiver for a minimum setback (yard) of 0 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for the four previously constructed manufactured dwelling units in Phase 2 of Woods Edge that are also the subject of Part A of the requested Special Use Permit:

Request:

297A Apple Tree Dr
297B Apple Tree Dr
299A Apple Tree Dr
299B Apple Tree Dr

Part C: A waiver for a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for the previously constructed manufactured dwelling units in Phase 2 of Woods Edge:

844 Peach Tree St
845 Peach Tree St
846 Peach Tree St
847 Peach Tree St
849 Peach Tree St
855 Peach Tree St

PRELIMINARY DRAFT 12/03/15

- 857 Peach Tree St
- 861 Peach Tree St
- 863 Peach Tree St
- 864 Peach Tree St
- 865 Peach Tree St
- 866 Peach Tree St
- 867 Peach Tree St
- 869 Peach Tree St
- 870 Peach Tree St
- 871 Peach Tree St
- 872 Peach Tree St
- 874 Peach Tree St
- 876 Peach Tree St
- 877 Peach Tree St
- 879 Peach Tree St
- 338 Plum Tree Dr
- 340 Plum Tree Dr

Part D: A waiver for a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for all manufactured home sites in future Phase 3 of Woods Edge.

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PRELIMINARY DRAFT 12/03/15**Case 818-S-15
Page 3 of 27****SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 10, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Dennis Ohnstad and John North, d.b.a. Woods Edge Development Inc., own the subject property.
2. The subject property is a 42.09 acre tract in the Northwest Quarter of Section 5, Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township with an address of 202 Apple Tree Drive, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.
 - B. The subject property is located within Urbana Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned R-5 Manufactured Home Park. Land use is residential.
 - B. Land to the north of the subject property is zoned I-1 Light Industrial and is in use as Frasca Airport.
 - C. Land to the east of the subject property is zoned AG-2 and R-5, and is residential in use.
 - D. Land to the south of the subject property is within the City of Urbana, zoned IN-1 Light Industrial/Office, and is agricultural in use.
 - E. Land on the west of the subject property is owned by the Petitioners, zoned Conservation-Recreation and in use as a recreation area and a smaller maintenance/storage/yard waste area.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan of the proposed Special Use:
 - A. Woods Edge Manufactured Home Park was divided into four phases within the 42 acre subject property. The Overall Site Plan received October 8, 2015 was the same Overall Site Plan approved under Special Use Permit Case #652-S-88, approved March 9, 1989. The Overall Site Plan indicates the following:

PRELIMINARY DRAFT 12/03/15

- (1) The Initial Phase of Woods Edge constructed prior to the adoption of the Zoning Ordinance on October 10, 1973 included 97 manufactured home sites.
- (2) Phase One Expansion of Woods Edge included 44 sites approved under Permit 113-91-01.
- (3) Phase Two Expansion included 42 sites constructed in the mid 1990's; this phase was not approved by the Zoning Department due to an oversight on the part of Woods Edge Development.
 - a. 23 of the 42 sites have less than the required side yard setback between them, which are the subject of Part C of the proposed waiver.
- (4) Two duplexes were constructed during Phase 2 Expansion, but they are located in the Initial Phase (southwest area) of the property.
 - a. The duplexes were constructed without a permit and are the subject of Part A of the proposed Special Use because they were never included in the original Special Use Case # 652-S-88.
 - b. The duplexes are also the subject of Part B of the proposed waiver because the required separation distance between manufactured homes was nullified when they were constructed as duplex units.
- (5) Phase Three Expansion has not been constructed and is not planned for the near future. It will include approximately 50 sites.

B. Regarding the Typical Manufactured Home Site Plan:

- (1) The approved Typical Manufactured Home Site Plan for Case 652-S-88 indicates the following:
 - a. 50 feet by 100 feet manufactured home site;
 - b. 14 feet by 76 feet manufactured home;
 - c. 8 feet by 20 feet patio;
 - d. 15 feet by 20 feet parking area;
 - e. 2 feet by 30 feet sidewalk between the parking area and the patio; and
 - f. 10 feet side and rear yard setbacks.
- (2) The proposed Typical Manufactured Home Site Plan for Phase II of Woods Edge indicates the following:
 - a. 75 feet by 105 feet manufactured home site;
 - b. 1456 square feet manufactured home;

PRELIMINARY DRAFT 12/03/15**Case 818-S-15
Page 5 of 27**

- c. 20 feet wide concrete driveway;
 - d. 576 square feet detached garage;
 - e. two patios, no measurements provided;
 - f. sidewalk between the driveway and the entrance to the home;
 - g. 5 feet side yard setbacks;
 - h. 25 feet front yard setback; and
 - i. no measurement given for rear yard setback, but would be in compliance with state and county requirements.
- (3) The approved Typical Manufactured Home Site Plan for Case 652-S-88 is in compliance with the state regulations and the Champaign County Zoning Ordinance.
- (4) The proposed Typical Manufactured Home Site Plan for Phase II of Woods Edge is in compliance with the State regulations but has a side yard setback that is 5 feet in lieu of the required 10 feet as per the Champaign County Zoning Ordinance.
- C. The 12 acre lot west of Woods Edge is also owned by the petitioners but is not part of the requested Special Use Permit. It has historically been an advertised amenity for use by Woods Edge residents only. Its CR Conservation-Recreation Zoning does not allow a Manufactured Home Park and thus does not allow uses that are specifically for Manufactured Home Parks such as a recreational amenity.
- (1) In order to be in compliance with the Zoning Ordinance, the owners would either need to make it a public park, which is allowed by-right in the CR District, rezone the property to R-5, or remove that recreational use when marketing Woods Edge.
 - (2) The owners did not find the public park option feasible because it would bring undesirable liability issues. It was believed that a rezoning might be undesirable because it would reduce the CR acreage in the County and the City of Urbana might protest.
 - (3) The Zoning Administrator has determined that Mr. Ohnstad and Mr. North could make the recreation area compliant by removing it from all Woods Edge marketing materials and making its use by invitation only as a private property with a natural area.
- D. A 2,000 square foot area south of the 12 acres is used as a yard waste storage/maintenance/recreational vehicle storage area that can be accessed by Woods Edge residents.

PRELIMINARY DRAFT 12/03/15

- E. The following Zoning Use Permit was issued for the subject property:
- (1) ZUPA 113-91-01 for the 44 sites in Phase One Expansion.
- F. Special conditions for the subject property from Case 652-S-88 have varying degrees of achievement:
- (1) That the MHP be built and operated in accordance with the site plan prepared by John M. Neary Associates as revised on December 2, 1988 until such time that the public requires use of the dedicated right-of-way for Illini Airport Road. At this time the lots shall be re-configured and improvements made in accordance with the alternate site plan prepared by John M. Neary Associates and dated March 1, 1989 (partially achieved – proposed waivers differ from approved Site Plan).
 - (2) That the petitioners develop the recreation areas in accordance with the guidelines established in Attachment 1 (partially achieved; see Attachment D of this packet).
 - (3) The parking area indicated on the drawing for a typical mobile home pad be enlarged to 18 feet by 20 feet (achieved).
 - (4) An easement of access for use of Fern Street in Loral Mobile Home Park be recorded prior to issuance of a Zoning Use Permit for Phase I (achieved).
 - (5) The emergency access to Fern Street be improved with an all-weather surface approved by the County Highway Department. Such improvement shall be completed as part of the Phase II construction (achieved).
 - (6) The petitioner submit a detailed engineering plan for the temporary basin prior to issuance of a Zoning Use Permit for Phase I and detailed engineering plans for the permanent detention basin prior to issuance of a Zoning Use Permit for Phase II. Such plans shall be reviewed with written approval by the Champaign County Superintendent of Highways (achieved).
 - (7) The petitioner record such documents as are necessary to ensure the future right-of-way dedication for the extension of Illini Airport Road prior to issuance of a Zoning Use Permit for Phase I. The documents shall encompass an area equivalent to the area shown on the “Woods Edge Mobile Home Park Expansion, Proposed Alternate Illini Airport Road ROW Extension” prepared by John M Neary, dated March 1, 1989. Such documents shall be approved by the Champaign County States Attorney’s Office prior to being recorded (achieved).
 - (8) A revised legal description for the area shown on the site plan be submitted (achieved).

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6. Regarding the requested Special Use in the R-5 Manufactured Home Park Zoning District:
- A. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "DWELLING" is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
 - (2) "DWELLING, SINGLE FAMILY" is a DWELLING containing one DWELLING UNIT.
 - (3) "DWELLING, TWO-FAMILY" is a DWELLING containing two DWELLING UNITS with one DWELLING UNIT arranged on the same story or in stories above the other DWELLING UNIT.
 - (4) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.

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- (5) “MANUFACTURED HOME” is a factory assembled DWELLING UNIT designed and constructed to be transported in one or more parts by truck or by towing on wheels temporarily or permanently attached to its frame. This definition shall include mobile homes and modular homes or housing units and shall exclude MOTOR VEHICLES and TRAVEL TRAILERS.
- (6) “MANUFACTURED HOME PARK” is a designated contiguous parcel of land planned and improved for the placement of five or more MANUFACTURED HOMES.
- (7) “MANUFACTURED HOME SITE” is a designated parcel of land in a MANUFACTURED HOME PARK intended for the placement of an individual MANUFACTURED HOME, for the exclusive use of its occupants.
- (8) “MANUFACTURED HOME STAND” is that part of an individual MANUFACTURED HOME SITE which has been constructed for the placement of a MANUFACTURED HOME.
- (9) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (10) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (11) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (12) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (13) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- (14) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.

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- (15) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- C. Paragraph 6.2.2E2. states "Every MANUFACTURED HOME shall maintain the following minimum SETBACKS from the boundaries of its MANUFACTURED HOME SITE:
- a. The minimum distance between the MANUFACTURED HOME and the MANUFACTURED HOME SITE boundary adjacent to PRIVATE ACCESSWAYS or roads shall be 15 feet.
 - b. The minimum distance between the entrance side of the MANUFACTURED HOME and the MANUFACTURED HOME SITE boundary shall be 20 feet.
 - c. All other SETBACKS shall be a minimum of 10 feet."
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements is WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

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- (6) That the SPECIAL USE Permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).
- D. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
- a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
- a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- E. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioners testified on the application, **“The current setbacks allow for more open space utilization and affordability.”**
 - B. There are over 180 dwelling units in Woods Edge, most of which are occupied.

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GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“Expansion Phase 1 and 2 have been completed for 20 years and has created no complaints or health/safety problems. It offered affordable housing for dozens of families.”**
 - B. Regarding traffic, the following evidence is provided:
 - (1) The subject property is at the end of Airport Road, approximately one mile west of US 45 North.
 - (2) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2012 in the vicinity of the subject property. Airport Road west of US 45 North had an ADT of 1,300.
 - (3) The City of Urbana Comprehensive Plan indicates potential expansion of Airport Road to the west, on the north side of Woods Edge. On March 27, 1989, the Petitioners dedicated right of way within the property for the westward expansion of Airport Road if it becomes necessary. Significant traffic increases would be expected if Airport Road eventually connects Lincoln Avenue and US 45 North; however, there are no significant increases expected due to additional development of Woods Edge itself.
 - (4) The Urbana Township Road Commissioner has been notified of this case, but no comments have been received.
 - C. Regarding fire protection on the subject property, the subject property is located within the Eastern Prairie Fire Protection District. The FPD is aware of the Fern Street emergency access to Woods Edge from Loral Park, and has a key to the gate. However, the FPD was not aware that Loral Park residents have blocked the emergency entrance with vehicles and other items. The Fire Chief has been notified of this case but no comments have been received.
 - D. No part of the subject property is located within the mapped floodplain. However, the adjacent 12 acre tract, also owned by the Petitioners and used by Woods Edge residents for yard waste disposal, is partially within the floodplain.
 - E. The subject property is not considered BEST PRIME FARMLAND. The soils on the subject property consist of Sabina silt loam 236A, Birkbeck silt loam 233B, Russell silt loam 322C2, Drummer silty clay loam 152A, and Senachwine silt loam 618D2 and 618E2. The property has an average LE of 82.

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- (1) The property has not been used for agricultural production since the 1970s.
 - (2) Phase 3 Future Expansion, if it occurs, will not change the use of the property.
- F. Regarding outdoor lighting on the subject property, no lighting was indicated on the proposed site plan.
- G. Regarding wastewater treatment and disposal on the subject property: Woods Edge is connected to public sewers.
- H. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - d. Compliance with the Code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes, the use conforms to the R-5 Manufactured Home guidelines.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Expansion of Manufactured Home Parks is allowed in the R-5 Manufactured Home Park Zoning District with a Special Use Permit.
 - (2) 23 of the 42 sites in Phase 2 Expansion and the two duplex buildings have side yards less than the minimum requirement of 10 feet as per Subsection 6.2. of the *Zoning Ordinance*.
 - (3) The proposed site plan complies with all other setback requirements.
 - (4) Regarding parking on the subject property: all Manufactured Home Sites in Woods Edge are in compliance by having two spaces per site.
 - (5) Each site in the proposed Phase 3 Expansion is proposed to have minimum side yards of 5 feet in lieu of the 10 feet required per Subsection 6.2.2E.
 - C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
 - (1) A stormwater detention analysis and review was completed and approved in 1995.
 - (2) An as-built review of the detention basin was not performed; however, based on most recent information, the Zoning Administrator determined on September 23, 2015 that the property has sufficient retention capacity.
 - D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain. However, the adjacent 12 acre tract, also owned by the Petitioners and used by Woods Edge residents for yard waste disposal, is partially within the floodplain.
 - E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction and the subject property is in compliance.
 - F. Regarding the requirement that the Special Use preserve the essential character of the R-5 Manufactured Home Park Zoning District:
 - (1) Manufactured homes in Manufactured Home Parks are acceptable and permitted uses in the R-5 District.

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- (2) The 2,000 square feet maintenance area has been determined to be *de minimis* by the Zoning Administrator.
 - (3) The visual character of the subject property will not change.
 - (4) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.
- G. Regarding the *Illinois Mobile Home Park Act* (210 ILCS 115):
- (1) Section 9.3 states “There shall be an open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home.”
 - (2) The Champaign County Zoning Ordinance has a more stringent requirement for setbacks than the Illinois Code, and the more stringent code takes precedence.
 - (3) There is no regulation in the *Illinois Mobile Home Park Act* or in the *Champaign County Zoning Ordinance* that prohibits a duplex manufactured home.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
- A. Subsection 5.1.8 of the *Zoning Ordinance* states the general intent of the R-5 Manufactured Home Park and states as follows (capitalized words are defined in the Ordinance):
- (1) The R-5, MANUFACTURED HOME Park DISTRICT is intended to accommodate MANUFACTURED HOME PARKS and their associated USES in a medium density housing environment.
 - (2) The types of uses authorized in the R-5 District are in fact the types of uses that have been determined to be acceptable in the R-5 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- B. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the *Zoning Ordinance*:
- (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

The setback waiver seeks to utilize the minimum standard adopted by the State of Illinois for Manufactured Home Parks. The State’s regulations refer to the Office of the State Fire Marshal for fire safety in mobile home parks, as does the *Champaign County Zoning Ordinance*. Section 21 of *Illinois Mobile Home Park Act* (210 ILCS 115) states “the Department shall enforce the provisions of this Act and the rules and regulations adopted pursuant thereto affecting health, sanitation, water supply,

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sewage, garbage, fire safety, and waste disposal, and the Department shall inspect, at least once each year, each mobile home park and all the accommodations and facilities therewith.”

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:

The requested Special Use Permit should not decrease the value of nearby properties.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:

The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

The proposed development on the subject property is within the capacity of storm water detention for the property.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

- a. These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance.

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- b. The proposed site plan follows the less stringent Illinois Mobile Home Park Act (210 ILCS 115), which has similar intent to the *Champaign County Zoning Ordinance* regarding side yard setbacks.
 - c. The Petitioners stated they were not aware of the more stringent setback requirement of 10 feet between each home and site boundary indicated in the *Champaign County Zoning Ordinance*.
 - d. The setback requirements for Manufactured Home Parks have been a part of the Zoning Ordinance since its adoption on October 10, 1973.
- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The Petitioners seek to bring two existing duplex manufactured homes into compliance by applying for a Special Use Permit. They also seek waivers for setbacks between manufactured homes in order to bring the property into full compliance.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
- a. The property is residential, located in a residential area.
 - b. The proposed use will not take any agricultural land out of production.

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- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed use will not require the development of public utilities or transportation facilities.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

- a. The property is residential, located in a residential area.
- b. The proposed use will not take any agricultural land out of production.
- c. The proposed use will maintain the character of the existing community.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: “N/A”
 - B. The existing use on the property is a conforming use.

GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS

12. Regarding the necessary waivers of standard conditions:
- A. Regarding Part B of the proposed waivers, for a minimum setback (yard) of 0 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for two duplex manufactured homes with a total of 4 dwellings in Woods Edge:

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- (1) There is no regulation in the *Illinois Mobile Home Park Act* or in the *Champaign County Zoning Ordinance* that prohibits a duplex manufactured home.
- B. Regarding Part C of the proposed waivers, for a the minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary for 23 dwellings in the Phase 2 existing manufactured home sites:
 - (1) The manufactured home sites were constructed based on the *Illinois Mobile Home Park Act* (210 ILCS 115), which states “There shall be an open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home.”
 - (2) The Petitioners stated they were not aware of the more stringent setback requirement of 10 feet between each home and site boundary indicated in the *Champaign County Zoning Ordinance*.
- C. Regarding Part D of the proposed waivers, for a the minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary for all manufactured home sites in future Phase 3 of Woods Edge:
 - (1) The Petitioners originally planned for a specific density of housing units within Woods Edge that assumed a side yard setback of 5 feet.
 - (2) The manufactured home sites were constructed based on the *Illinois Mobile Home Park Act* (210 ILCS 115), which states “There shall be an open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home.”
 - (3) The Petitioners stated they were not aware of the more stringent setback requirement of 10 feet between each home and site boundary indicated in the *Champaign County Zoning Ordinance*.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
 - A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special condition stated above is required to ensure the following:

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- B. **That the petitioners develop the recreation areas in accordance with the guidelines established in Special Use Case 652-S-88.**

The special condition stated above is required to ensure the following:

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That the Special Conditions are completed from the Special Use Case that approved the development of Woods Edge Manufactured Home Park.

- C. That the petitioners ensure that the emergency access on Fern Street remains unobstructed on both sides of the locked gate.**

The special condition stated above is required to ensure the following:

That emergency access that was a condition of Special Use Permit 652-S-88 functions as intended.

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received October 8, 2015, with attachments:
 - A Site Plan received October 8, 2015
 - B Typical Manufactured Home Site for Woods Edge received October 8, 2015
 - C Legal description

2. Natural Resource Report prepared by Champaign County Soil and Water Conservation District, received November 2, 2015

3. Preliminary Memorandum dated October 7, 2015 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Approved Typical Manufactured Home Site Plan for Case 652-S-88
 - C Approved Overall Site Plan for Case 652-S-88
 - D Attachment 1 Guidelines for Recreation Areas from Case 652-S-88
 - E Final Determination for Case 652-S-88
 - F Proposed Site Plan received October 8, 2015
 - G Natural Resource Report prepared by Champaign County Soil and Water Conservation District, received November 2, 2015
 - H Map of proposed waivers in Phase II
 - I Site Images Packet
 - J Typical Existing Phase II Manufactured Home Site Plan received October 8, 2015
 - K Existing Duplex Site Plan
 - L Draft Summary of Evidence, Finding of Fact, and Final Determination

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FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **818-S-15** held on **December 10, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: _____
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*: _____
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*: _____
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*: _____
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*: _____
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*: _____
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*: _____
 - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because*}*: _____
 - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*: _____

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.

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- b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
- a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS NOT* an existing nonconforming use.
6. **SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:**
- A. Regarding Part B, the waiver of Section 6.2.2E of the Zoning Ordinance that requires a **minimum setback (yard) of 0 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary for two duplex buildings:**
 - (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because _____
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because _____
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because _____
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because _____
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because _____

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- B. Regarding Part C, the waiver of Section 6.2.2E of the Zoning Ordinance that requires a **minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary for 23 sites in the Phase 2 Expansion:**
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because _____
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because _____
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because _____
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because _____
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because _____
- C. Regarding Part D, the waiver of Section 6.2.2E of the Zoning Ordinance that requires a **minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary for future Phase 3 Expansion:**
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because _____
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because _____
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because _____
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because _____

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- (5) The requested waiver **{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because _____

{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:

- A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special condition stated above is required to ensure the following:

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- B. **That the petitioners develop the recreation areas in accordance with the guidelines established in Special Use Case 652-S-88.**

The special condition stated above is required to ensure the following:

That the Special Conditions are completed from the Special Use Case that approved the development of Woods Edge Manufactured Home Park.

- C. **That the petitioners ensure that the emergency access on Fern Street remains unobstructed on both sides of the locked gate.**

The special condition stated above is required to ensure the following:

That emergency access that was a condition of Special Use Permit 652-S-88 functions as intended.

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FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **818-S-15** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants Dennis Ohnstad and John North, d.b.a. Woods Edge Development, to authorize the following:

Part A: Authorize the expansion of a Manufactured Home Park to include four previously constructed manufactured dwelling units that were not included in the original authorization for the Woods Edge Manufactured Home Park approved on March 9, 1989 under Special Use Case 652-S-88.

SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS FOR MANUFACTURED HOME PARKS:

Part B: A waiver for a minimum setback (yard) of 0 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for the four previously constructed manufactured dwelling units in Phase 2 of Woods Edge that are also the subject of Part A of the requested Special Use Permit:

297A Apple Tree Dr
297B Apple Tree Dr
299A Apple Tree Dr
299B Apple Tree Dr

Part C: A waiver for a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for the previously constructed manufactured dwelling units in Phase 2 of Woods Edge:

844 Peach Tree St
845 Peach Tree St
846 Peach Tree St
847 Peach Tree St
849 Peach Tree St
855 Peach Tree St
857 Peach Tree St
861 Peach Tree St
863 Peach Tree St

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864 Peach Tree St
865 Peach Tree St
866 Peach Tree St
867 Peach Tree St
869 Peach Tree St
870 Peach Tree St
871 Peach Tree St
872 Peach Tree St
874 Peach Tree St
876 Peach Tree St
877 Peach Tree St
879 Peach Tree St
338 Plum Tree Dr
340 Plum Tree Dr

Part D: A waiver for a minimum setback (yard) of 5 feet in lieu of 10 feet between the manufactured home and the manufactured home site boundary, as per Section 6.2.2E of the Zoning Ordinance for all manufactured home sites in future Phase 3 of Woods Edge.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioners have demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special condition stated above is required to ensure the following:

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- B. **That the petitioners develop the recreation areas in accordance with the guidelines established in Special Use Case 652-S-88.**

The special condition stated above is required to ensure the following:

That the Special Conditions are completed from the Special Use Case that approved the development of Woods Edge Manufactured Home Park.

- C. **That the petitioners ensure that the emergency access on Fern Street remains unobstructed on both sides of the locked gate.**

The special condition stated above is required to ensure the following:

That emergency access that was a condition of Special Use Permit 652-S-88 functions as intended.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 819-AT-15

PRELIMINARY MEMORANDUM

December 4, 2015

Petitioner: **Zoning Administrator** Prepared by: **John Hall**, Zoning Administrator

Request:

Amend the Zoning Ordinance as follows:

- A. In Section 4.2.1 C. add “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to Section 5.2.”
 - B. In Section 5.2, add “HOSPITAL” as a Special Use Permit in the CR District and add a footnote stating that “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to the standard conditions in Section 6.1.3.”
 - C. In Section 5.2, add “Medical and Dental CLINIC” as a Special Use Permit in the CR District and make the Special Use Permit subject to the same footnote as for HOSPITAL in the CR District.
 - D. In Section 6.1.3 add “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, as an additional principal USE or additional principal STRUCTURE on a Public Fairgrounds in the CR District” and require no minimum fencing; require the minimum LOT AREA, Width, Maximum HEIGHT, and Required Yards to be the same as in the CR Zoning DISTRICT; and add the following special provisions:
 1. The Public Fairgrounds must have been an established use at the subject location on October 10, 1973.
 2. Traffic impacts shall be considered.
 3. Site design, land management, and storm water management designs and practices shall provide effective site drainage; meet or exceed state and federal water quality standards; protect downstream drainage patterns; minimize impacts on adjacent properties; provide for stream flows that support healthy aquatic ecosystems; and, wherever possible, preserve existing habitat and enhance degraded habitat.
 4. A Public Fair must continue to be held at the Public Fairgrounds or the Special Use Permit shall become void.
-

BACKGROUND

This public hearing was authorized by the Champaign County Board's Environment and Land Use Committee (ELUC) at their November 5, 2015, meeting. See the attached memorandum.

PROPOSED AMENDMENT

An annotated version of the proposed amendment is included as Attachment B. Note that the amendment as proposed in Attachment B differs from the description that was included with the 10/26/15 ELUC memorandum as follows:

- The standard condition for minimum lot area has been increased to 20 acres which is the same as that for a Fairground. As a practical matter, the Fairground requirement will be the controlling condition but this change should eliminate any confusion related to different minimum required areas.
- The standard conditions for required side yard and rear yard have been increased to 40 feet which is the same as that for a "Public HOSPITAL" in all other zoning districts. This change simply makes the required side yard and rear yard for "hospital" consistent in every zoning district. Recall that the minimum required yards define that portion of a lot where a building may be placed and therefore, on any proposed special use permit any fairground building will be more restricted in location than any hospital or medical clinic building.

Also note that "medical and dental CLINIC" is not authorized as a special use permit in any district and so there are no standard conditions for a "medical and dental CLINIC".

The changes made to the amendment as proposed in Attachment B are more restrictive than the amendment that was described in the legal advertisement which will result in less overall change to the Zoning Ordinance than was advertised and thus there is no need to republish the legal advertisement.

CONFORMANCE WITH LAND RESOURCE MANAGEMENT PLAN

A Finding of Fact may be available at the meeting and that Finding will assess conformance with the Champaign County Land Resource Management Plan (LRMP) Land Use Goals, Objectives, and Policies. The LRMP Goals, Objectives, and Policies have been included separately as Attachment C.

It is anticipated that this text amendment will most directly affect the achievement of Goal 8 Natural Resources and, in particular, the achievement of Objectives 8.4, 8.5, and 8.6. Note that the proposed standard condition item #3 is an amalgam of those three Objectives.

ATTACHMENTS

- A ELUC Memorandum dated October 26, 2015**
- B Proposed Amendment (Annotated)**
- C Champaign County Land Resource Management Plan Land Use Goals, Objectives, and Policies (included separately)**

Champaign County
Department of

**PLANNING &
ZONING**

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**

Date: **October 26, 2015**

RE: **Proposed Zoning Ordinance Text Amendment**

Requested Action:

Authorize a Public Hearing to Amend the Champaign County Zoning Ordinance to add "Hospital and/ or Medical Clinic" as an Additional Principal Use at a Fairgrounds

Background

The Champaign County Fair Association was granted a Special Use Permit for the Fairgrounds by the Zoning Board of Appeals in Case 962-S-94 on March 16, 1995. The use of the Fairgrounds parking areas by Carle Hospital and/or Carle Clinic on a daily basis had already been established by that time even though there is no mention of Carle's use in the records of Case 962-S-94. Most significantly, the Carle "pick-up stations" (the bus waiting enclosures) in the Fairgrounds parking lot were authorized in the Phase 3 Parking Plans that were approved by the Zoning Administrator on May 5, 1994. As constructed, the pick-up stations meet the Zoning Ordinance definition of "buildings" but are only used by Carle's employees and patients.

The Champaign County Fair Association desires to expand the paved parking area on the Fairgrounds and the proposed new parking expansion will be used by both the Fair Association and Carle and a new Special Use Permit is required. However, any new Special Use Permit for the Fairgrounds has to clearly provide for Carle's ongoing use of the Fairgrounds as a "second principal use" and the Zoning Ordinance does not currently allow a second principal use on Public Fairgrounds.

Proposed Text Amendment

The proposed text amendment (see attached) is intended to allow for a Hospital and/or Medical Clinic to be an additional principal use and/or principal structure on a Public Fairgrounds as a Special Use Permit. The intent is that a new Special Use Permit for the Champaign County Fair Association would also include Carle's activities.

Special conditions have been proposed to limit the applicability of this amendment only to Public Fairgrounds that were in existence when the Zoning Ordinance was adopted on October 10, 1973, and that continue to remain in operation as a Public Fairgrounds, and to specifically address issues that will be of particular concern in the anticipated Special Use Permit for the Champaign County Fair Association Fairgrounds.

If ELUC authorizes the text amendment at the November 5, 2015, Committee meeting the public hearing for the text amendment is expected to open at a Special Meeting of the Zoning Board of Appeals that has been scheduled for December 3, 2015. It is hoped that the ZBA recommendation for the text amendment may be available for Committee review at the March 2016 ELUC meeting (or possibly February 2016) with a final Committee recommendation to the County Board no later than April 2016 and County Board approval also no later than April 2016.

ATTACHMENT

Amend the Zoning Ordinance as follows:

- A. In Section 4.2.1 C. add “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to Section 5.2.”
- B. In Section 5.2, add “HOSPITAL” as a Special Use Permit in the CR District and add a footnote stating that “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to the standard conditions in Section 6.1.3.”
- C. In Section 5.2, add “Medical and Dental CLINIC” as a Special Use Permit in the CR District and make the Special Use Permit subject to the same footnote as for HOSPITAL in the CR District.
- D. In Section 6.1.3 add “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, as an additional principal USE or additional principal STRUCTURE on a Public Fairgrounds in the CR District” and require no minimum fencing; require the minimum LOT AREA, Width, Maximum HEIGHT, and Required Yards to be the same as in the CR Zoning DISTRICT; and add the following special provisions:
 - 1. The Public Fairgrounds must have been an established use at the subject location on October 10, 1973.
 - 2. Traffic impacts shall be considered.
 - 3. Site design, land management, and storm water management designs and practices shall provide effective site drainage; meet or exceed state and federal water quality standards; protect downstream drainage patterns; minimize impacts on adjacent properties; provide for stream flows that support healthy aquatic ecosystems; and, wherever possible, preserve existing habitat and enhance degraded habitat.
 - 4. A Public Fair must continue to be held at the Public Fairgrounds or the Special Use Permit shall become void.

Attachment B. Proposed Amendment (Annotated)

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1. Add new subparagraph 4.2.1 C. 4. to read as follows:

4.2.1 CONSTRUCTION and USE

- C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:
1. Mortuary or funeral home may be authorized as a Special Use Permit in the AG-2, Agriculture Zoning District, when it is on a lot under common management with a cemetery.
 2. Up to three BIG WIND TURBINE TOWERS may be authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in the AG-1 Agriculture and AG-2 Agriculture DISTRICTS.
 3. RESIDENTIAL RECOVERY CENTER may be authorized as a SPECIAL USE Permit in the AG-2, Agriculture Zoning DISTRICT in accordance with Section 5.2.
 4. HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to Section 5.2.

Attachment B. Proposed Amendment (Annotated)

Case 819-AT-15

DECEMBER 4, 2015

2. **Revise Section 5.2 by revising “HOSPITAL” and “Medical and Dental CLINIC” and adding a new footnote to read as follows:**

Section 5.2 Table of Authorized Principal USES

Principal USES	Zoning DISTRICTS														
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Public and Quasi-Public Facilities															
Public Fairgrounds	S		S											S	S
HOSPITAL	<u>S²²</u>						S	S				S	S		
Business Uses: Personal Services															
Medical and Dental CLINIC	<u>S²²</u>														

Footnotes

22. HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to the standard conditions in Section 6.1.3.

Attachment B. Proposed Amendment (Annotated)

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3. **Revise Section 6.1.3 by adding a new special use and revising Public HOSPITAL as follows:**

SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (Feet)	Feet	Stories	Front Setback from STREET Centerline ²					
						STREET Classification			SIDE	REAR	
MAJOR	COLLECTOR	MINOR									
Fairground	6' wire mesh	20	(1)	(1)	(1)	100	100	100	50	50	
<u>HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, as an additional principal USE or additional principal STRUCTURE on a Public Fairgrounds in the CR District</u>	NR	20	(1)	(1)	(1)	(1)	(1)	(1)	40	40	*See below
<ol style="list-style-type: none"> 1. <u>The Public Fairgrounds must have been an established use at the subject location on October 10, 1973.</u> 2. <u>Traffic impacts shall be considered.</u> 3. <u>Site design, land management, and storm water management designs and practices shall provide effective site drainage; meet or exceed state and federal water quality standards; protect downstream drainage patterns; minimize impacts on adjacent properties; provide for stream flows that support healthy aquatic ecosystems; and, wherever possible, preserve existing habitat and enhance degraded habitat.</u> 4. <u>A Public Fair must continue to be held at the Public Fairgrounds or the Special Use Permit shall become void.</u> 											
Public HOSPITAL (other than in the CR District)	NR	5	(1)	(1)	(1)	(1)	(1)	(1)	40	40	

Footnotes

1. Standard same as applicable zoning DISTRICT.
2. In no case, however, shall the FRONT YARD, measured from the nearest RIGHT-OF-WAY line, be less than 35' from a MAJOR STREET, 30' from a COLLECTOR STREET, or 25' from a MINOR STREET. Where 25% or more of the LOTS within a BLOCK, such LOTS abutting STREETS other than federal of state highways, were occupied by MAIN or PRINCIPAL STRUCTURES prior to the effective date of this ordinance, the average of the SETBACK LINES of such STRUCTURES shall be the minimum SETBACK LINE of the remaining vacant LOTS within such BLOCK except where the public health, safety, comfort, morals, or welfare are endangered.
3. Other standards shall be in accordance with the "State of Illinois Environmental Protection Agency Solid Waste Rules and Regulations," effective July 27, 1973.
4. Applications for sewage disposal facilities shall include plans for such facilities prepared by a registered professional engineer. All plans shall include assurance that the proposed facilities will not be subject to flooding, will not contaminate ground water resources, and any other assurances that may be required by the BOARD. All sewage disposal facilities shall be constructed in accordance with the rules and regulations of the State of Illinois and this ordinance.
5. Industrial Pre-existing USES must make application to obtain SPECIAL USE status.

Attachment B. Proposed Amendment (Annotated)

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6. The specific location and area to be enclosed by required fencing shall be determined by the Zoning Board of Appeals.



GOALS, OBJECTIVES AND POLICIES

The Goals, Objectives and Policies section details the County's land use and resource management aspirations and outlines how they can be achieved. Goals, objectives and policies are created based on input from the Existing Conditions and Trends section, public comments, examples from other communities, and best planning practices. For purposes of this document, the following definitions were used:

- Goal: an ideal future condition to which the community aspires
- Objective: a tangible, measurable outcome leading to the achievement of a goal
- Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

Background

Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies. The process of finalizing this superseding document occurred over 15 months, and included:

- Research - A sampling of other communities' land use and resource management goals, objectives and policies were collected and analyzed for their relevance to Champaign County's needs.
- Evaluation – Existing Champaign County land use goals and policies were evaluated for their relevance and for what might need to be revised to make them timely.
- Comment – Input from public workshops held in April 2008, a survey of key township and municipal officials, and interviews regarding local adopted municipal comprehensive plans and recent land use development trends provided guidance and perspectives for developing the goals, objectives and policies.
- Development - A draft set of statements for review by the LRMP Steering Committee was created.
- Discussion – In a series of 25 meetings, the LRMP Steering Committee finalized the Goals, Objectives and Policies. Discussion then moved to the Champaign County Board's Environment and Land Use Committee for further revision and approval. All meetings had public involvement opportunities to further guide the final set of statements.

The result of this inclusive and public process is a set of ten goals, 42 objectives, and 100 policies which are intended to guide the Champaign County Board as it manages issues and resources related to land resource management in Champaign County. The Goals, Objectives and Policies are guiding principles rather than regulatory requirements, and are subject to review and amendment by the Champaign County Board as it enacts any legislative decisions or action relating to land resource management in the future.

The specific intent, language, and terminology of the objectives and policies are used to provide clarity and guidance for any related future regulatory changes considered by the County Board. The level of specificity documented is not intended to be binding, but is intended to provide examples of how the LRMP Goals could be addressed and implemented by future county boards.

In May of each year, the County Board adopts the Annual Budget Process Resolution establishing the parameters for the ensuing fiscal year budget. Based on the budgetary guidelines established by the Annual Budget Process Resolution, the Regional Planning Commission planning staff shall present, in June of each year, to the Environment and Land Use Committee (ELUC), options for a work plan for the ensuing fiscal year. The options presented shall be based upon the LRMP and the annual budgetary guidelines as stated above, and shall be submitted for the review and ultimate recommendation for approval by ELUC. ELUC shall establish the priorities to be accomplished in the annual work plan, and recommend approval of that work plan to the County Board no later than the September Meeting of the County Board each year.

The following Purpose Statement introduces the proposed LRMP Goals, Objectives and Policies:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 1 Planning and Public Involvement

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 Objectives**Objective 2.1 Local and Regional Coordination**

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies**Objective 2.1 Local and Regional Coordination**

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 Objectives**Objective 3.1 Business Climate**

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 Objectives**Objective 4.1 Agricultural Land Fragmentation and Conservation**

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a

reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

- a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
- c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

Policy 4.3.5

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

Objective 4.4 Regulations for Rural Residential *Discretionary Review*

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

Champaign County will encourage *urban development* that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 5.1.5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2.2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and

- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Natural Resources

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Policy 8.2.1

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 Objectives**Objective 9.1 Reduce Greenhouse Gases**

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies**Objective 9.1 Reduce Greenhouse Gases**

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 Objective**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

APPENDIX

DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

urban land

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

Generally, land use that is connected and served by a public sanitary sewer system.