

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

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

**DATE: March 11, 2021**

**PLACE: ZOOM MEETING  
Jennifer Putman Meeting Room  
1776 East Washington Street  
Urbana, IL 61802**

**TIME: 6:30 p.m.**

**MEMBERS PRESENT:** *Using Zoom in Putman Meeting Room:* Ryan Elwell, Jim Randol, Larry Wood  
*Remotely via Zoom:* Tom Anderson, Lee Roberts

**MEMBERS ABSENT:** Marilyn Lee

**STAFF PRESENT:** *Using Zoom in Putman Meeting Room:* Lori Busboom, John Hall

**OTHERS PRESENT:** *Remotely via Zoom:* Ryan Donaldson, Ray Griest, Helen Weckel, Mark Weckel, Bob Waller, Kat Trotter

**1. Call to Order**

The meeting was called to order at 6:30 p.m.

**2. Roll Call and Declaration of Quorum**

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must identify themselves on Zoom.

**3. Correspondence - None**

**4. Approval of Minutes – October 29, 2020, November 12, 2020, and December 3, 2020**

Mr. Elwell entertained a motion to approve the minutes of November 12, 2020.

**Mr. Wood moved, seconded by Mr. Roberts, to approve the minutes of November 12, 2020.**

Mr. Elwell requested a roll call vote.

The vote was called as follows:

<b>Anderson – yes</b>	<b>Elwell - yes</b>	<b>Randol – yes</b>
<b>Roberts – yes</b>	<b>Wood - yes</b>	<b>Lee - absent</b>

**The motion carried.**

Mr. Elwell entertained a motion to approve the minutes of December 3, 2020.

1 **Mr. Roberts moved, seconded by Mr. Randol, to approve the minutes of December 3, 2020.**

2

3 Mr. Elwell requested a roll call vote.

4

5 The vote was called as follows:

6	<b>Anderson – yes</b>	<b>Elwell - yes</b>	<b>Randol – yes</b>
7	<b>Roberts – yes</b>	<b>Wood - yes</b>	<b>Lee - absent</b>

8

9 **The motion carried.**

10

11 Mr. Elwell entertained a motion to approve the minutes of October 29, 2020.

12

13 **Mr. Roberts moved, seconded by Mr. Wood, to approve the minutes of October 29, 2020.**

14

15 Mr. Elwell requested a roll call vote.

16

17 The vote was called as follows:

18	<b>Anderson – yes</b>	<b>Elwell - yes</b>	<b>Randol – yes</b>
19	<b>Roberts – yes</b>	<b>Wood - yes</b>	<b>Lee - absent</b>

20

21 **The motion carried.**

22

23 **5. Continued Public Hearings – None**

24

25 **6. New Public Hearings**

26

27 **Cases 002-AM-21 &003-S-21 Petitioners: Ryan and Amanda Donaldson d.b.a. D5 Holdings, LLC**  
28 **Request Case 002-AM-21: Amend the Zoning Map to change the zoning district designation from**  
29 **the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District in order to**  
30 **establish and operate the proposed Special Use in related Zoning Case 003-S-21.**

31

32 **Request Case 003-S-21: Authorize a Special Use consisting of multiple principal buildings on the**  
33 **same lot on land that is proposed to be rezoned to the B-4 General Business Zoning District from**  
34 **the current AG-2 Agriculture Zoning District in related zoning case 002-AM-21.**

35

36 **Location: A 7.05-acre tract of land in the East Half of the Northeast Quarter of the Northeast**  
37 **Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer**  
38 **Township with an address of 3804 N Cunningham Avenue, Urbana.**

39

40 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign  
41 the witness register for that public hearing. He reminded the audience that when they sign the witness  
42 register, they are signing an oath.

43

44 Mr. Elwell informed the audience that this Case is an Administrative Case and as such, the County allows  
45 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a  
46 show of hands or a verbal indication from those who would like to cross-examine, and each person will  
47 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name  
48 before asking any questions. He noted that no new testimony is to be given during the cross-examination.  
49 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-

1 examination. He asked if the petitioners would like to outline the nature of their request prior to  
2 introducing evidence.

3  
4 Ryan Donaldson, 725 North Maple, Paxton, said that he had nothing to add to the information presented.

5  
6 Mr. Elwell asked if there were any questions from the Board.

7  
8 Mr. Anderson said that this tract of land has a long history of flooding and it looks like the petitioners  
9 have taken steps to ward off these problems. Mr. Anderson asked if the petitioners would refresh his  
10 memory about the steps taken to ward off flooding.

11  
12 Ryan Donaldson said that on the east and south sides of the property there is a swale to direct that water  
13 around, and the surface water will run to a pond to be built approximately 15 feet deep and there is a tile  
14 that ties into that pond before the pond discharges into a ditch on the west side of the property. Mr.  
15 Donaldson said that where that pond sits is where it appeared that most of the water problems were. He  
16 also said that it was his understanding that water to the south is where the real problem is and the ditch  
17 backs up to this area, but the pond should alleviate a lot of that water and hopefully will even catch some  
18 water running down the other side of the road and causing problems on the other side of the road.

19  
20 Mr. Donaldson asked if there were other questions that Mr. Anderson was concerned about.

21  
22 Mr. Anderson asked what is the back-up plan in case the pond does not work out.

23  
24 Mr. Donaldson said that the pond is engineered to a 50-year event with minimal drainage, so the pond is  
25 engineered to make sure it will catch the water.

26  
27 Mr. Donaldson said that to the north of his property, there is an area that also has water issues, but that is  
28 off of his property. He said that it seems like that area is worse off than his property. Mr. Donaldson said  
29 that he has seen photos from the past when there was a major storm, and there was a lot of water sitting  
30 there. He said that a lot of that water was sitting where the pond is going to be and they believe the pond  
31 will alleviate that issue.

32  
33 Mr. Roberts asked if Mr. Donaldson will be using dirt from the pond to build up the ground where he will  
34 put the buildings.

35  
36 Mr. Donaldson said yes, they will strip the topsoil, and the building pads will be built up with the clay that  
37 comes out of the pond and then the topsoil will be brought back in.

38  
39 Mr. Roberts asked if any of the field tile runs through the area where the pond will be.

40  
41 Mr. Donaldson said he did not believe so. He said there is a 5-inch tile that runs through the property and  
42 it will be relocated as an 8-inch tile around the south side.

43  
44 Mr. Elwell asked if there were other questions from the Board.

45  
46 Mr. Randol asked if there was going to be a well to take care of all of the property.

47  
48 Mr. Donaldson said yes.

49

1 Mr. Randol asked if it would be certified to be big enough to handle all of the businesses.  
2  
3 Mr. Donaldson said it was a standard well and the water usage would be minimal, with a couple of office  
4 areas and shops without much water usage, but he could look further at any issues there may be.  
5  
6 Mr. Wood asked how close the well was to the new septic system.  
7  
8 Mr. Donaldson said the new well would be at least 100 feet from the new septic system.  
9  
10 Mr. Randol asked if the Health Department had approved the area for the septic system.  
11  
12 Mr. Donaldson said they did not have septic approval yet.  
13  
14 Mr. Elwell asked if there were other questions from the Board. Mr. Elwell asked if there were questions  
15 from the staff.  
16  
17 Mr. Elwell asked if Mr. Ray Griest wanted to cross-examine the witness.  
18  
19 Mr. Griest said that he is with the Saline Branch Drainage District. He said that the District has a drainage  
20 tile at the north end of the subject property at the intersection of Route 45 and Olympian Road. He said  
21 that the Weckels have turned in pictures of the flooding and he has seen the road ditch level full of water.  
22 He asked how the pond would discharge any water with the road ditch full of water.  
23  
24 Mr. Donaldson said that it appeared to him that the north end has issues even before the water gets to the  
25 detention basin area, at least that is his understanding from the engineer.  
26  
27 Mr. Griest agreed, but he asked that when the water backs up to cover the pond, how will the pond  
28 discharge any water.  
29  
30 Mr. Donaldson said that if there was a flood and the road ditch was full, then there may not be any  
31 discharge from the pond.  
32  
33 Mr. Griest said that as the Board can see, the flooding at this location is enormous and it is not a very good  
34 place to put a development, in his opinion.  
35  
36 Mr. Elwell asked Mr. Griest if he had other cross examination.  
37  
38 Mr. Elwell asked if anyone else wanted to cross examine the witness. Seeing no one, Mr. Elwell asked if  
39 there any follow up questions from the Board.  
40  
41 Mr. Randol said that he was concerned about the water and he hoped that the engineer had designed the  
42 pond deep enough to detain the water until the ditch water does disperse. He said he was concerned about  
43 approving something and then having the businesses get flooded out. He asked John Hall if it was possible  
44 to have the County engineer give an opinion on this.  
45  
46 Zoning Administrator John Hall said the County engineer would probably not give an opinion about this  
47 because it is not a County Highway. He said that the proposed detention basin would make drainage better  
48 in the area but it will not solve all of the problems. He said that when the water level in the ditch gets  
49 high, the basin will not drain, but as the ditch drains down, the basin will function the way it is supposed

1 to. Mr. Hall said that it is not the responsibility of the petitioners to correct the drainage problems in the  
2 area, but it is their responsibility to provide controlled detention for their development and that is what  
3 they are proposing. He said the detention basin has not been designed yet, and if the Board wants to make  
4 sure it is designed before the Board takes action, that is the Board's prerogative. Mr. Hall said that the  
5 County's consulting engineer has reviewed the basic concept and the consulting engineer thinks it is a  
6 good concept.

7  
8 Mr. Randol agreed it is a good concept and he hopes the pond is deep enough to handle the development.  
9 He said that if they are going to use the dirt from the pond to build up the land for the buildings, then he  
10 will trust the engineer.

11  
12 Mr. Elwell asked if there were any other questions from the Board.

13  
14 Mr. Anderson said that he noticed that the petitioner has a sign out there already. He asked what kind of  
15 businesses does the petitioner hope to bring in there?

16  
17 Mr. Donaldson said that they hope to bring more of a construction-based business. He said they are in the  
18 construction business and they have found it difficult to find areas to lease in town that have a shop with  
19 the higher sidewalls that can handle the needs of a construction company and with smaller offices with a  
20 larger shop. He said they are hoping that coming directly off the highway and being close to the interstate  
21 would minimize having to run semis and large equipment through town, and he hoped they could attract  
22 some construction companies to come out that way.

23  
24 Mr. Anderson asked if there would be any emergency equipment that they would have to store and that  
25 they would have to get out in a hustle.

26  
27 Mr. Donaldson said no, not in their company, but he couldn't say what a tenant might have down the road.

28  
29 Mr. Anderson asked what Mr. Donaldson would do if the property flooded.

30  
31 Mr. Donaldson said that the areas where the buildings will sit are already the high areas on the property,  
32 and they will be built up even more, so he does not foresee having any issues with water. He said that if  
33 he is putting his name on it, then he is concerned about it too. He said he does not want a flooded office  
34 or a flooded shop once a year, so they will do all they can to ensure that these buildings are built right and  
35 the complex is built right. He said he is very certain that they will not have water issues in the buildings.  
36 He said he understands that there are water issues in the area, but he feels that this pond is going to  
37 help the area and even help the area across the street. He said that hopefully the pond can catch some of  
38 the water and help out the trailer park across the street and some of the other companies in that area.

39  
40 Mr. Elwell asked if there were any other questions from the Board. Seeing none, he asked if anyone else  
41 would like to cross-examine the witness. Seeing no one, he asked if anyone else would like to testify in  
42 this case and, if so, please raise their hand.

43  
44 Mr. Elwell called on Mr. Griest, who had a hand raised in Zoom.

45  
46 Mr. Ray Griest, 1801 Cindy Lynn Street, Urbana asked if any information had been received from IDOT  
47 regarding drainage on the east side of Route 45.

48  
49 Ryan Donaldson said that he had not gotten anything back from IDOT regarding drainage.

1 Mr. Griest said that the reason he asked is that the water should run south just like it does on the west side  
2 of the road.

3  
4 Mr. Elwell asked if there were any other questions for the witness from the Board.

5  
6 Mr. Elwell asked Mr. Griest what the difference is between the 5-inch tile, towards the north of the  
7 property, compared to the proposed 8-inch tile moved to the south of the property.

8  
9 Mr. Griest said that the Saline Drainage District didn't have anything to do with those tiles. He said that  
10 their tile on the north end of the property is probably a 14-inch or 16-inch tile, but he was not sure which,  
11 and the Saline Drainage District has nothing to do with the small private tiles that belong to the adjacent  
12 landowners.

13  
14 Mr. Elwell asked if there were any other questions for the witness. Mr. Elwell thanked Mr. Griest.

15  
16 Mr. Elwell asked if anyone else would like to testify in this case.

17  
18 Mr. Elwell said he was not seeing any hands raised and asked how the Board would like to proceed.

19  
20 Mr. Elwell said that he would read the one special condition for Case 002-AM-21, and if Mr. Donaldson  
21 is in agreement with it, then he should answer in the affirmative. Mr. Elwell read at the bottom of page 29  
22 of Attachment Q:

23  
24 A. **The owners of the subject property hereby recognize and provide for the right of**  
25 **agricultural activities to continue on adjacent land consistent with the Right to Farm**  
26 **Resolution 3425 (see attached).**

27  
28 The special condition stated above is required to ensure the following:  
29 **Conformance with Land Resource Management Plan Policy 4.2.3.**

30  
31 Mr. Donaldson said that he agreed.

32  
33 John Hall suggested that before the Board went too much further, the letter from Helen Weckel should be  
34 added as a Document of Record. Mr. Elwell thanked Mr. Hall.

35  
36 Mr. Elwell asked how the Board would like to proceed. He asked if someone would like to make motion  
37 to move to the Finding of Fact for Case 002-AM-21.

38  
39 **Mr. Randol moved to accept the Summary of Evidence, the amended Documents of Record, and**  
40 **move to the Finding of Fact.**

41  
42 Mr. Wood asked if the special condition was included in that motion.

43  
44 Mr. Randol said that it was.

45  
46 **Mr. Wood seconded the motion.**

47  
48 The vote was called as follows:

49

Wood – yes  
Roberts – yes

Anderson- yes  
Elwell - yes

Randol – yes  
Lee - absent

Mr. Elwell said to Mr. Donaldson that there was not a full Board today and that four affirmative votes are necessary for the case to be granted. He asked if Mr. Donaldson wanted the Board to proceed with a vote today or continue the case to another date. Mr. Donaldson said he would like to proceed with the vote today.

Mr. Elwell read the Draft Summary Finding of Fact:

From the documents of record and the testimony and exhibits received at the public hearing conducted on March 11, 2021, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will HELP ACHIEVE the Land Resource Management Plan because:

A. Regarding Goal 3:

(1) Although the proposed rezoning is NOT DIRECTLY RELEVANT to any of the Goal 3 objectives, the proposed rezoning will allow the petitioners to establish a mixed-use development that could benefit Champaign County’s economic base.

(2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment WILL HELP ACHIEVE Goal 3 Prosperity.

B. Regarding Goal 4:

(1) It will HELP ACHIEVE Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because of the following:

a. Policy 4.1.1, which states that 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 (see Item 13.A.(1)).

b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(2)).

c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.A.(3)).

(2) It will HELP ACHIEVE Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:

- 1 a. Policy 4.2.1 requiring a proposed business in a rural area to support
- 2 agriculture or provide a service that is better provided in the rural
- 3 area (see Item 13.B.(1)).
- 4
- 5 b. Policy 4.2.2 requiring discretionary development in a rural area to
- 6 not interfere with agriculture or negatively affect rural infrastructure
- 7 (see Item 13.B.(2)).
- 8
- 9 c. Policy 4.2.3 requiring that each proposed discretionary development
- 10 explicitly recognize and provide for the right of agricultural
- 11 activities to continue on adjacent land (see Item 13.B.(3)).
- 12
- 13 d. Policy 4.2.4 requiring that all discretionary review consider whether
- 14 a buffer between existing agricultural operations and the proposed
- 15 development is necessary (see Item 13.B.(4)).
- 16
- 17 (3) It will HELP ACHIEVE Objective 4.3 requiring any discretionary
- 18 development to be on a suitable site because of the following:
- 19 a. Policy 4.3.2 requiring a discretionary development on best prime
- 20 farmland to be well-suited overall (see Item 13.C.(1)).
- 21
- 22 b. Policy 4.3.3 requiring existing public services be adequate to
- 23 support the proposed development effectively and safely without
- 24 undue public expense (see Item 13.C.(2)).
- 25
- 26 c. Policy 4.3.4 requiring existing public infrastructure be adequate to
- 27 support the proposed development effectively and safely without
- 28 undue public expense (see Item 13.C.(3)).
- 29
- 30 d. Policy 4.3.5 requiring that a business or non-residential use establish
- 31 on best prime farmland only if it serves surrounding agriculture or
- 32 is appropriate in a rural area (see Item 13.C.(4)).
- 33
- 34 (4) It will HELP ACHIEVE Objective 4.7 requiring affirmation of the
- 35 Champaign County Right to Farm Resolution (see Item 13.D.(1)).
- 36
- 37 (5) Based on achievement of the above Objectives and Policies, the proposed
- 38 map amendment will HELP ACHIEVE Goal 4 Agriculture.
- 39
- 40 C. The proposed amendment will NOT IMPEDE the following LRMP goal(s):
- 41 • Goal 1 Planning and Public Involvement
- 42 • Goal 2 Governmental Coordination
- 43 • Goal 5 Urban Land Use
- 44 • Goal 6 Public Health and Public Safety
- 45 • Goal 7 Transportation
- 46 • Goal 8 Natural Resources
- 47 • Goal 9 Energy Conservation
- 48 • Goal 10 Cultural Amenities
- 49



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D. Overall, the proposed map amendment will HELP ACHIEVE the Land Resource Management Plan.

2. The proposed Zoning Ordinance map amendment IS consistent with the *LaSalle* and *Sinclair* factors because of the following:

A. This area has a mix of land uses and the subject property has been in agricultural production for many years. All but one building has been removed from the former homestead.

B. It is impossible to establish property values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

C. The gain to the public of the proposed rezoning is positive because it will redevelop a vacant farmstead, which will be more desirable than the previous aging accessory farm structures. The public will also benefit from drainage improvements required as part of developing the subject property.

D. The ZBA has recommended that the proposed rezoning will HELP ACHIEVE Policy 4.2.1 regarding whether the proposed use is a service better provided in a rural area.

E. The ZBA has recommended that the proposed rezoning will HELP ACHIEVE the Champaign County Land Resource Management Plan.

3. The proposed Zoning Ordinance map amendment will HELP ACHIEVE the purpose of the Zoning Ordinance because:

A. Establishing the B-4 District in this location WILL help lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters because approval of the rezoning relates to Special Use Case 003-S-21, which will require a Storm Water Drainage Plan and review (Purpose 2.0 (d), see Item 21.D.).

B. Establishing the B-4 District at this location WILL help classify, regulate, and restrict the location of the uses authorized in the B-4 District (Purpose 2.0 (i), see Item 21.G.).

C. The proposed rezoning and proposed Special Use WILL NOT hinder the development of renewable energy sources (Purpose 2.0(r), see Item 21.M).

4. The proposed Zoning Ordinance map amendment is subject to the following special condition:

A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).

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

Conformance with Land Resource Management Plan Policy 4.2.3.

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Mr. Elwell said that there was already a motion on the floor and asked for a roll call vote.

The vote was called as follows:

<b>Anderson – yes</b>	<b>Randol- yes</b>	<b>Roberts – yes</b>
<b>Wood – yes</b>	<b>Elwell - yes</b>	<b>Lee - absent</b>

Mr. Elwell said the motion carried.

Mr. Elwell asked for a motion to move to the Final Determination.

**Mr. Wood moved, seconded by Mr. Roberts, to move to the Final Determination.**

The vote was called as follows:

<b>Randol – yes</b>	<b>Roberts- yes</b>	<b>Wood – yes</b>
<b>Anderson– yes</b>	<b>Elwell - yes</b>	<b>Lee - absent</b>

Mr. Elwell said the motion carried.

Mr. Elwell read the Final Determination on page 30 of 30:

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:

The Zoning Ordinance Amendment requested in **Case 002-AM-21 {BE ENACTED / NOT BE ENACTED}** by the County Board, subject to the following special condition:

- A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).

**Mr. Wood moved, seconded by Mr. Randol, that the Zoning Ordinance Amendment BE ENACTED WITH THE SPECIAL CONDITION.**

The vote was called as follows:

<b>Randol – yes</b>	<b>Roberts- yes</b>	<b>Wood – yes</b>
<b>Anderson– yes</b>	<b>Elwell - yes</b>	<b>Lee - absent</b>

Mr. Elwell said the motion carried.

Mr. Elwell said they would move to Case 003-S-21 and that he would be reading on the bottom of page 21 of 29. He told Mr. Donaldson that he would read the proposed special conditions of approval and, if Mr. Donaldson was in agreement with each special condition, he should answer in the affirmative.

Mr. Elwell read special condition A.:

- A. The Special Use is subject to the approval of Case 002-AM-21.**

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

1                   **That it is consistent with the intent of the ordinance and the ZBA**  
2                   **recommendation for Special Use.**

3  
4 Mr. Elwell asked Mr. Donaldson if he was in agreement with special condition A.

5  
6 Mr. Donaldson said that he agreed.

7  
8 Mr. Elwell read special condition B.:

9  
10           **B.     The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**  
11           **proposed construction until the petitioner has demonstrated that the proposed**  
12           **Special Use complies with the Illinois Accessibility Code.**

13  
14           The special condition stated above is required to ensure the following:

15                   **That the proposed Special Use meets applicable State requirements for**  
16                   **accessibility.**

17  
18 Mr. Elwell asked Mr. Donaldson if he was in agreement with special condition B.

19  
20 Mr. Donaldson said that he agreed.

21  
22 Mr. Elwell read special condition C.:

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

27  
28           The special condition stated above is required to ensure the following:

29                   **That the proposed uses are in compliance with the Zoning Ordinance.**

30  
31 Mr. Elwell asked Mr. Donaldson if he was in agreement with special condition C.

32  
33 Mr. Donaldson said that he agreed.

34  
35 Mr. Elwell read special condition D.:

36  
37           **D.     The Zoning Administrator shall not authorize a Zoning Compliance Certificate**  
38           **authorizing occupancy of the proposed buildings until the Zoning Administrator has**  
39           **received a certification of inspection from an Illinois Licensed Architect or other**  
40           **qualified inspector certifying that the new buildings comply with the following codes:**  
41           **(A) the 2006 or later edition of the International Building Code and (B) the 2008 or**  
42           **later edition of the National Electrical Code NFPA 70.**

43  
44           The special condition stated above is required to ensure the following:

45                   **New commercial buildings shall be in conformance with Public Act 96-704.**

46  
47 Mr. Elwell asked Mr. Donaldson if he was in agreement with special condition D.

48  
49 Mr. Donaldson said that he agreed.

1 Mr. Elwell read special condition E.:

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**E. A septic system shall be installed on the subject property in conjunction with construction, and:**

- (1) A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
- (2) The location of the proposed septic system shall be marked and staked prior to any grading or construction activities, and no construction activities or traffic shall be allowed in the area of the proposed septic system except as required to install the septic systems.**
- (3) The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

The special conditions stated above are required to ensure the following:  
**That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.**

Mr. Elwell asked Mr. Donaldson if he was in agreement with special condition E.

Mr. Donaldson said that he agreed.

Mr. Elwell read special condition F.:

**F. A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The special condition stated above is required to ensure the following:  
**That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.**

Mr. Elwell asked Mr. Donaldson if he was in agreement with special condition F.

Mr. Donaldson said that he agreed.

Mr. Elwell read special condition G.:

**G. Any future sale of the subject property may be subject to the Illinois Plat Act (765 ILCS 205/0.01 et seq.) or the Champaign County Subdivision Regulations; or the subdivision regulations of a municipality that has jurisdiction within one and one-half miles of the corporate limits.**

The special condition stated above is required to ensure the following:  
**That the subject property complies with the Zoning Ordinance.**

1 Mr. Elwell asked Mr. Donaldson if he was in agreement with special condition G.

2

3 Mr. Donaldson said that he agreed.

4

5 Mr. Elwell asked Mr. Hall if there any new Documents of Record.

6

7 Mr. Hall replied that there was the letter from Helen Weckel.

8

9 Mr. Elwell said we would add that as a Document of Record.

10

11 **Mr. Wood moved, seconded by Mr. Roberts, to accept the Summary of Evidence, amended**  
12 **Documents of Record, and the special conditions and move to the Finding of Fact.**

13

14 The vote was called as follows:

15 **Randol – yes**

**Roberts- yes**

**Wood – yes**

16 **Anderson– yes**

**Elwell - yes**

**Lee - absent**

17

18 Mr. Elwell read the Draft Finding of Fact on page 24 of 29 of Attachment R: From the documents of  
19 record and the testimony and exhibits received at the public hearing for zoning case 003-S-21 held on  
20 March 11, 2021, the Zoning Board of Appeals of Champaign County finds that:

21

22 1. The requested Special Use Permit {IS / IS NOT} necessary for the public convenience at  
23 this location because:

24

25 Mr. Wood said that it “IS” because the petitioners primarily have clients in Champaign, Urbana, Danville,  
26 and Bloomington and the subject property is adjacent to US45 North and is located about 1.3 miles north  
27 of the I-74 interchange at US 45 North (Cunningham Avenue).

28

29 Mr. Elwell said that the location would also limit larger truck traffic in town.

30

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

35 a. The street has {ADEQUATE / INADEQUATE} traffic capacity and the entrance  
36 location has {ADEQUATE / INADEQUATE} visibility.

37

38 Mr. Wood said “ADEQUATE” and “ADEQUATE”.

39

40 b. Emergency services availability is {ADEQUATE / INADEQUATE} because:

41

42 Mr. Randol said “ADEQUATE” because the subject property is located approximately 2.5 road miles  
43 from the Carroll Fire Protection District station. Notice of these zoning cases was sent to the Carroll Fire  
44 Protection District and no comments have been received.

45

46 c. The Special Use {WILL / WILL NOT} be compatible with adjacent uses because:

47

1 Mr. Wood said “WILL” because the North Cunningham Avenue/US45 North corridor has been a  
2 commercial area for many years, and most zoning cases in the area have involved rezoning to B-3 or B-4  
3 Districts and/or obtaining Special Use Permits for retail and service businesses.  
4

5 d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE}  
6 because\*:  
7

8 Mr. Randol said “ADEQUATE” because the petitioners are required to submit a Storm Water Drainage  
9 Plan and construct a detention basin on the subject property. An independent consulting engineer for the  
10 P&Z Department will complete a review of the proposed plan and basin prior to the P&Z Department  
11 approving a Zoning Use Permit for construction.  
12

13 e. Public safety will be {ADEQUATE / INADEQUATE} because:  
14

15 Mr. Wood said “ADEQUATE” because the Township Highway Commissioner, IDOT, and Carroll Fire  
16 Protection District have been notified of this case, and no comments have been received.  
17

18 f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:  
19

20 Mr. Randol said “ADEQUATE” because the proposed site plan appears to include more than enough area  
21 to accommodate all required off-street parking.  
22

23 g. The property {IS/IS NOT} WELL SUITED OVERALL for the proposed  
24 improvements because:  
25

26 Mr. Randol said “IS” because the proposed development can be safely and soundly accommodated on the  
27 subject property using simple engineering and common, easily maintained construction methods with no  
28 unacceptable negative effects on neighbors or the general public, and the site is reasonably well-suited in  
29 all respects and has no major defects.  
30

31 h. Existing public services {ARE/ARE NOT} available to support the proposed  
32 SPECIAL USE without undue public expense because:  
33

34 Mr. Wood said “ARE” because all services are in place for this property and no new public services are  
35 needed for the proposed use.  
36

37 i. Existing public infrastructure together with the proposed development {IS/IS  
38 NOT} adequate to support the proposed development effectively and safely without  
39 undue public expense because:  
40

41 Mr. Randol said “IS” because the adjacent roads have sufficient capacity to handle minimal increases in  
42 traffic volumes with no improvements necessary, and no new utilities are required for the proposed use.  
43

44 Mr. Wood said the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
45 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be  
46 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,  
47 and welfare.  
48  
49

1 3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
2 IMPOSED HEREIN, {DOES / DOES NOT} conform to the applicable regulations and  
3 standards of the DISTRICT in which it is located.  
4

5 Mr. Wood said “DOES”.

6  
7 3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
8 IMPOSED HEREIN, {DOES / DOES NOT} preserve the essential character of the  
9 DISTRICT in which it is located because:

10 a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all  
11 relevant County ordinances and codes.  
12

13 Mr. Wood said “CONFORM”.

14  
15 b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.  
16

17 Mr. Wood said “WILL”.

18  
19 c. Public safety will be {ADEQUATE / INADEQUATE}.  
20

21 Mr. Wood said “ADEQUATE” and therefore “DOES” preserve the essential character of the DISTRICT  
22 in which it is located.  
23

24 4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
25 IMPOSED HEREIN, {IS / IS NOT} in harmony with the general purpose and intent of the  
26 Ordinance because:

27 a. The Special Use is authorized in the District.  
28

29 b. The requested Special Use Permit {IS/ IS NOT} necessary for the public  
30 convenience at this location.  
31

32 Mr. Roberts said “IS”.

33  
34 c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
35 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it  
36 {WILL / WILL NOT} be injurious to the district in which it shall be located or  
37 otherwise detrimental to the public health, safety, and welfare.  
38

39 Mr. Randol said “WILL NOT”.

40  
41 d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
42 IMPOSED HEREIN, {DOES / DOES NOT} preserve the essential character of the  
43 DISTRICT in which it is located.  
44

45 Mr. Randol said “DOES” and therefore “IS” in harmony with the general purpose and intent of the  
46 Ordinance.  
47

48 **Mr. Wood moved, seconded by Mr. Randol, to approve the Finding of Fact with the special**  
49 **conditions that were approved earlier.**

1 The vote was called as follows:

2	<b>Randol – yes</b>	<b>Roberts- yes</b>	<b>Wood – yes</b>
3	<b>Anderson– yes</b>	<b>Elwell - yes</b>	<b>Lee - absent</b>

4  
5 Mr. Elwell said the motion carried.

6  
7 Mr. Elwell said to Mr. Donaldson that there was not a full Board today and that four affirmative votes are  
8 necessary for the case to be granted and he asked if Mr. Donaldson wanted the Board to proceed with the  
9 vote today or continue the case to another date. Mr. Donaldson said he would like to proceed with the  
10 vote today.

11  
12 Mr. Elwell asked for a motion to move to a Final Determination.

13  
14 **Mr. Roberts moved, seconded by Mr. Wood, to move to a Final Determination.**

15  
16 The vote was called as follows:

17	<b>Randol – yes</b>	<b>Roberts- yes</b>	<b>Wood – yes</b>
18	<b>Anderson– yes</b>	<b>Elwell - yes</b>	<b>Lee - absent</b>

19  
20 Mr. Elwell said the motion carried.

21  
22 Mr. Elwell read the Final Determination on page 28 of 29 of Attachment R:

23  
24 The Champaign County Zoning Board of Appeals finds that, based upon the application,  
25 testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for  
26 approval {HAVE/ HAVE NOT} been met, and pursuant to the authority granted by Section 9.1.6  
27 B. of the Champaign County Zoning Ordinance, determines that:

28  
29 The Special Use requested in Case 003-S-21 is hereby { GRANTED WITH SPECIAL  
30 CONDITIONS / DENIED} to the applicants, Ryan and Amanda Donaldson, d.b.a. D5 Holdings  
31 Group LLC, to authorize the following:

32  
33 Authorize a Special Use consisting of multiple principal buildings on the same lot on land  
34 that is proposed to be rezoned to the B-4 General Business Zoning District from the current  
35 AG-2 Agriculture Zoning District in related zoning case 002-AM-21.

36  
37 Subject to the following Special Conditions:

- 38 A. The Special Use is subject to the approval of Case 002-AM-21.
- 39
- 40 B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed  
41 construction until the petitioner has demonstrated that the proposed Special Use complies  
42 with the Illinois Accessibility Code.
- 43
- 44 C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the  
45 petitioner has demonstrated that any new or proposed exterior lighting on the subject  
46 property will comply with the lighting requirements of Section 6.1.2.
- 47
- 48 D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing  
49 occupancy of the proposed buildings until the Zoning Administrator has received a



certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code and (B) the 2008 or later edition of the National Electrical Code NFPA 70.

- E. A septic system shall be installed on the subject property in conjunction with construction, and:
  - (1) A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.
  - (2) The location of the proposed septic system shall be marked and staked prior to any grading or construction activities, and no construction activities or traffic shall be allowed in the area of the proposed septic system except as required to install the septic systems.
  - (3) The septic leach field shall be kept free of vehicular traffic and cannot be paved over.
- F. A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.
- G. Any future sale of the subject property may be subject to the Illinois Plat Act (765ILCS 205/0.01 et seq.) or the Champaign County Subdivision Regulations; or the subdivision regulations of a municipality that has jurisdiction within one and one-half miles of the corporate limits.

**Mr. Wood moved, seconded by Mr. Randol, that the requirements of Section 9.1.11B. for approval HAVE been met, and that the Special Use is hereby GRANTED WITH SPECIAL CONDITIONS.**

The vote was called as follows:

<b>Randol – yes</b>	<b>Roberts- yes</b>	<b>Wood – yes</b>
<b>Anderson– yes</b>	<b>Elwell - yes</b>	<b>Lee - absent</b>

Mr. Elwell said the motion carried and the Zoning Department would be in contact with Mr. Donaldson.

Mr. Donaldson thanked the Board for their time.

**7. Staff Report - None**

**8. Other Business**

**A. Review of Docket**

Mr. Wood said he would be gone the last three weeks in May and would miss both May meetings.

1 **9. Audience participation with respect to matters other than cases pending before the Board**

2

3 None

4

5 **10. Adjournment**

6

7 Mr. Elwell entertained a motion to adjourn the meeting.

8

9 **Mr. Randol moved, seconded by Mr. Wood, to adjourn the meeting.**

10

11 Mr. Elwell requested a roll call vote.

12

13 The vote was called as follows:

14 **Randol – yes**

**Roberts- yes**

**Wood – yes**

15 **Anderson– no**

**Elwell - yes**

**Lee - absent**

16

17 Mr. Elwell said the motion carried.

18

19 The meeting adjourned at 7:45 p.m.

20

21

22

23

24 Respectfully submitted,

25

26

27

28 Secretary of Zoning Board of Appeals

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