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2
3 **MINUTES OF REGULAR MEETING**

4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 **1776 E. Washington Street**

6 **Urbana, IL 61802**

7
8
9 **DATE: June 14, 2012**

PLACE: Lyle Shield's Meeting Room

1776 East Washington Street

Urbana, IL 61802

10
11 **TIME: 7:00 p.m.**

12
13 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad
14 Passalacqua

15
16 **MEMBERS ABSENT :** Roger Miller

17
18 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass, Susan Monte (County Planner for
19 RPC)

20
21 **COUNTY BOARD MEMBERS PRESENT:** Al Kurtz, Pattsi Petrie, Steve Moser

22
23 **OTHERS PRESENT :** Annie Murray, Norman Stenzel, Deb Griest, Lauren Murray-Miller, Patti
24 Murray, Jack Murray, Hal Barnhart, Sara Kellems, Shaina Kolzow, Ben
25 McCall, Birgit McCall, Paige Kirby, Teresa Kirby, Melissa Doll, Nancy
26 Bussell, Catharine Ehler, Brenda Keith, Peggy Anderson, Phillip Kesler

27
28
29 **1. Call to Order**

30
31 The meeting was called to at 7:00 p.m.

32
33 **2. Roll Call and Declaration of Quorum**

34
35 The roll was called and a quorum declared present with one member absent and one vacant Board seat.

36
37 **3. Correspondence**

38
39 None

40
41 **4. Approval of Minutes**

42
43 None

44
45 **5. Continued Public Hearing**

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1
2 **Case 699-AM-11** Petitioner: **L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren**
3 **Murray and landowner John Murray Request to amend the Zoning Map to change the zoning**
4 **district designation from the AG-1 Agriculture Zoning District to the AG-2, Agriculture Zoning**
5 **District in order to operate the proposed Special Use in related zoning case 700-S-11. Location: A 10**
6 **acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and**
7 **commonly known as the home at 2150 CR 1000E, Champaign.**
8

9 **Case 700-S-11** Petitioner: **L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren**
10 **Murray and landowner John Murray Request to authorize the construction and use of an Event**
11 **Center as a “Private Indoor Recreational Development” as a Special Use on land that is proposed to**
12 **be rezoned to the AG-2, Agriculture Zoning District from the current AG-1, Agriculture District in**
13 **related Case 699-AM-11. Location: A 10 acre tract in the Southwest Quarter of the Northwest**
14 **Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E,**
15 **Champaign.**
16

17 Mr. Thorsland called Cases 699-AM-11 and 700-S-11 concurrently.
18

19 Mr. Thorsland informed the audience that Case 700-S-11 is an Administrative Case and as such the County
20 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
21 show of hands for those who would like to cross examine and each person will be called upon. He requested
22 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
23 that those who desire to cross examine are not required to sign the witness register but are requested to
24 clearly state their name before asking any questions. He noted that no new testimony is to be given during
25 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
26 exempt from cross examination.
27

28 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
29 sign the witness register for that public hearing. He reminded the audience that when they sign the
30 witness register they are signing an oath.
31

32 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.
33

34 Ms. Anne Murray, who resides at 2150 CR 1000E, Champaign stated that her family has spoken to most of
35 the farmers in Hensley Township and they signed a petition in support of their requests. She said that all of
36 the farmers who signed the petition were willing to attend the meeting and if the Board would appreciate
37 their attendance she will contact each one to let them know the time and date of the next meeting. Ms.
38 Murray submitted the petition with 44 signatures in support of the map amendment and special use requests
39 as a Document of Record.
40

41 Mr. Thorsland called Mr. John Hall to testify.

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2 Mr. Hall, Zoning Administrator, distributed a new Supplemental Memorandum for Case 699-AM-11 and
3 Case 700-S-11. He said that the Supplemental Memorandum dated June 14, 2012 for Case 699-AM-11 has
4 a side by side zoning map of Somer Township and Hensley Townships. He said that the maps are at the
5 same scale and matched up as well as possible given that no section in any township on the zoning map
6 matches the height or width of any other section in other township. He said that the new memorandum for
7 Case 699-AM-11 points out that the subject property is less than two and one-quarter miles from the City of
8 Champaign and the AG-2 District in Somer Township reaches out as far as two and one-quarter miles from
9 the City of Urbana. He said that at the first public hearing for Case 699-AM-11 the full size zoning map was
10 available for the Board's review although Mr. Kass, Associate Planner, discovered that legible prints of the
11 zoning maps were available for distribution to the Board for their personal review.

12
13 Mr. Hall stated that the new Supplemental Memorandum dated June 14, 2012, for Case 700-S-11
14 has the petitioner's revised site plan attached. He said that Mr. Kass highlighted the revisions to the site plan
15 in yellow. He said that the plan now indicates the following exterior changes: an illuminated sign, KNOX
16 Box location, dry fire hydrant location, and the location of the overflow parking along the lane. He said that
17 the dry hydrant location and the KNOX Box location were concerns of Chief Cundiff, Thomasboro Fire
18 Protection District and the overflow parking was a concern of Ms. Anderson. He said that the plan indicates
19 the following changes recommended by the County Engineer and CUUATS regarding the driveway
20 connection with County Highway 1: a stop sign, the illuminated business sign, the light to illuminate the
21 intersection during business hours, and the entrance warning sign which is located 200 feet south of the
22 proposed driveway. He said that if there are questions from the Board regarding the other documents that
23 were included in the mailing he would be happy to address those questions at this time. He noted that the
24 cases are ready for action tonight.

25
26 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

27
28 Mr. Courson asked if it is his opinion that more AG-2 should be extended out to the subject property in this
29 portion of the County.

30
31 Mr. Hall stated that staff provided the map because staff believes it is relevant but that is not to say that the
32 Board should automatically rezone thousands of acres from AG-1 to AG-2. He said that it is relevant when
33 someone within that distance requests AG-2 zoning.

34
35 Mr. Courson asked Mr. Hall if he does not feel that there is enough AG-2 in this section of the County.

36
37 Mr. Hall stated that evidently there is not enough because the Board has a request before them for ten more
38 acres. He said that whether or not the Board would recommend a blanket rezoning for property that hasn't

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1 been requested is a different matter and he would not recommend it. He said that staff only provided the
2 map because the property is closer to the City of Champaign than other property in the AG-2 District is from
3 the City of Urbana. He said that they are different townships and they may have different aspirations and it
4 is difficult to go through the records of the original zoning commissions to identify why there was so much
5 AG-2 in Somer Township in 1973 and why there was so much less in Hensley Township. He said that the
6 municipal boundaries at this time are what they are and the boundary of AG-2 has not changed therefore in
7 Somer Township the south side of Leverett Road has been AG-2 since 1973 and the City of Urbana has
8 expanded from where it was in 1973 and he cannot explain the differences.
9

10 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.
11

12 Mr. Thorsland asked Ms. Murray if she had any further information to add at this time and she indicated that
13 she did not.
14

15 Mr. Thorsland asked the Board if there were any questions for Ms. Murray and there were none.
16

17 Mr. Thorsland asked if staff had any questions for Ms. Murray and there were none.
18

19 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Murray and there was no one.
20

21 Mr. Thorsland called Philip Kesler to testify.
22

23 Mr. Philip Kesler, who resides at 1402 E. Woodberry, Mahomet, read and submitted his written testimony as
24 a Document of Record. Mr. Kesler stated that he resides at 1402 E. Woodberry in Mahomet and his mother,
25 Mary Ann Kesler, lives in the first house south of the proposed event center. He said that he would like to
26 talk about both the zoning case and the proposed event center but first he would like to examine some of the
27 past testimony and supporting documents that have been provided.
28

29 Mr. Kesler stated that in a letter from Gene Warner, dated April 17, 2012, Mr. Warner states in paragraph
30 1 that he lives one-quarter mile directly south of where the building will sit and then in paragraph 3 of the
31 same letter he stated that he is the closest house to the proposed event center. Mr. Kesler stated that in a
32 letter from the Hammels, dated April 19, 2012, they indicated that the building will be almost one-half mile
33 from anyone else. Mr. Kesler stated that Mr. Warner and the Hammels can't both be right and in fact,
34 neither one of them is right. He said that his mother's house is 588 feet from the event center property at the
35 closest point and 1,250 feet at the furthest point and both measurements are well within one-quarter mile.
36 He said that Peggy Anderson lives even closer and Dave and Judy Swartzendruber also live within one-
37 quarter of a mile of the property and all are closer than Mr. Warner and all live much closer than one-half
38 mile and they all are concerned about the development of an event center.
39

40 Mr. Kesler stated that the Hammels' letter also states in paragraph 1, that they live on the Dewey-Fisher Road
41 and the traffic is bad going and coming from work during the week, not when this facility will be used on

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1 Saturday afternoons. Mr. Kesler stated that of course the event center will be used at other times, including
2 evening and night hours and he is sure that these men don't intend to mislead us but they are inaccurate and
3 give a false impression and they are not alone. Mr. Kesler stated that he is using the submitted letters as
4 examples.

5
6 Mr. Kesler stated that what he really wants to talk about is zoning and public safety. He said that the
7 Champaign County Land Resource Management Plan prepared by the Champaign County Regional Planning
8 Commission states in Goal 4, "Champaign County will protect the long term viability of agriculture in
9 Champaign County its land resource base." The LRMP continues to say in Objective 4.1, "Champaign
10 County will strive to minimize the fragmentation of the County's agricultural land base and conserve
11 farmland, generally applying more stringent development standards on best prime farmland." Mr. Kesler
12 stated that he didn't see this objective in the Revised Draft Finding of Fact, but he believes that it should be
13 included and this is a perfect opportunity to support this objective in practice. He said that all of the sections
14 surrounding Section 14 of Hensley Township are agricultural and most of Section 14 is agricultural.

15
16 Mr. Kesler stated that the southwest corner of section 14 has four commercial businesses, Thoroughbred
17 Acres to the north, the Hindu Temple to the north of Thoroughbred Acres, his mother's house adjoining the
18 temple property and then open fields north of that. He said that the site of the proposed event center is in the
19 middle of those open fields therefore he must ask if that sounds like good planning and does that sound like
20 growth in contiguous areas. He said that his community needs the Board's help in keeping Section 14 of
21 Hensley Township from becoming a crazy quilt of different uses.

22
23 Mr. Kesler stated that the Regional Planning Commission Traffic Impact Analysis recommends a light at the
24 entrance to the event center and advance information signs which will change the landscape from a rural area
25 to a business district. He said that the site plan for the event center shows the landscaping crossing the
26 property line. He said that farmers are used to hedge rows and whatever mother nature grows in the fence
27 line but why would a landscape design be created to infringe on to the neighbor's property.

28
29 Mr. Kesler stated that the site plan for the event center contains 84 parking places for a facility with a
30 capacity of 400 which meets the minimum legal requirement in Champaign County of five people per car but
31 as a practical matter it is inadequate. He asked what if only 320 people were using the facility but one-
32 quarter came two per car, one-quarter came three per car, one quarter came four per car and one-quarter
33 came five per car. He said that parking would be required for 103 cars and it is easy to imagine other real
34 world scenarios where even more parking spaces would be required. If using the average figures used by the
35 Regional Planning Commission in the Traffic Impact Analysis (i.e. an event of 200 people and 1.7 people
36 per car) then 118 parking spaces would be required. Mr. Kesler stated that there is no on-street parking on
37 the Dewey-Fisher Road and when there is overflow parking you run the risk of fire lanes being blocked.

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1 Mr. Kesler stated that the Murrays have told the Zoning Board that they do not intend to hold events in
2 January and February but according to evidence presented at the April 26 meeting the majority of accidents
3 occur at other times of the year. He said that certainly January and February are not the only months with
4 bad weather and on any given day in December and March the weather can be just as bad as or worse than it
5 is in January and February. He said that the petitioners may always change their minds and decide to host
6 events in January and February.

7
8 Mr. Kesler stated that past meetings of the ZBA have focused on these weather related issues and the
9 Regional Planning Commission Traffic Impact Analysis focused on traffic volumes but there is another
10 consideration. On Friday, May 11, 2012, there was a serious accident in front of the Murray property
11 (Accident Report S12-1515) and two people went to the hospital. He said that this was a beautiful, clear day
12 and the accident was caused by erratic driving and one of the cars crossed the centerline. He said that this is
13 the same kind of driving that might be expected from people leaving a wedding reception with an open bar,
14 or for that matter, any event where liquor is served.

15
16 Mr. Kesler stated that the L.A. Gourmet patrons are going to be entering a two lane road with fast moving
17 cars, trucks and slow moving farm equipment with side implements. He said that farm equipment is on this
18 road seven days a week in the spring and fall and Kraft semi-trucks are on the road seven days a week
19 throughout the year. He said that this is already a dangerous road and now it is being proposed to add drivers
20 who have been attending events where liquor is served. He asked the Board what they believe will happen.

21
22 Mr. Kesler stated that he is glad that the Board has focused on public safety at these meetings and that has to
23 be the Board's top priority but he hopes that the Board will support retaining the AG-1 zoning. He said that
24 changing the zoning for this property is not consistent with the goals and objectives in the Champaign
25 County Land Resource Management Plan. He said that the event center and accompanying parking lot,
26 lights and signs and the noise and traffic will forever change the rural nature of this area.

27
28 Mr. Thorsland asked the Board if there were any questions for Mr. Kesler and there were none.

29
30 Mr. Thorsland asked if staff had any questions for Mr. Kesler.

31
32 Mr. Hall thanked Mr. Kesler for pointing out the omission of Objective 4.1. He asked Mr. Kesler if
33 Objective 4.1 was the only missing objective that was missing when he reviewed the LRMP.

34
35 Mr. Kesler stated Objective 4.1 was the one that he felt was most pertinent to the case.

36
37 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Kesler and there was no one.

38
39 Mr. Thorsland called Birgit McCall to testify.

40
41 Ms. Birgit McCall, who resides at 1085 CR 2200N, Champaign, read and submitted her written testimony as

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1 a Document of Record. She said that she would like to first discuss traffic safety. She said that she felt, from
2 a safety perspective, that the traffic study evaluated all four road segments on Mattis Avenue using the same
3 criteria and the analysis was done as if there are four apples, when in reality there are three apples and an
4 orange. She said that she took the numbers from the study and performed further analysis to see how safety
5 factors differed from segment to segment.
6

7 Ms. McCall stated that she first looked at total accidents by road segment and she then re-ran those numbers
8 and only included accidents with injuries. She said that even though Mattis North of Olympian had the
9 smallest number of overall accidents (19%), it had the highest number of accidents with injury of all the road
10 segments and in fact, it has a 50% higher rate of accident with injury than the next lower segment.
11 Furthermore, when each accident is considered individually, an accident north of Olympian will result in an
12 injury 75% of the time, a full 77% more often than any of the other road segments. She said that the effect
13 of traffic volume on accident frequency is about twice as great as all other factors combined. Since the study
14 states that traffic volume is expected to as much as triple during peak times, it is almost certain that the
15 proposed development will lead to more accidents, and most of these will involve injuries.
16

17 Ms. McCall stated that the study states that Rear End accidents far outnumber any other type of accident.
18 However, when we pull out the segment north of Olympian, Rear End accidents drop to 14% and Turning
19 accidents become the most common at 36%. She said that the Turning accidents are of particular concern
20 due to the high turn volume at Hensley and Mattis (and the unknown turn volume from the Temple and
21 subject property). The study indicates that the level of service at Hensley and Mattis will drop from a B to
22 an F, and waiting times for westbound traffic will increase 764%. She said that this will, without doubt,
23 cause people to make riskier decisions at that intersection out of impatience and, in turn, increase the number
24 of accidents. She said that when we look at accident severity for the three segments south of Olympian
25 Drive, we see that C Class accidents are the highest at 42% but north of Olympian, C Class accidents occur
26 infrequently, with the vast majority of accidents (92%) resulting in visible or incapacitating injury or death.
27 This is unsurprisingly due to the high speed of that segment of road while the study stated that the free flow
28 speed is 52 mph, she cannot think of a time (unless she was towing or there was bad weather) when the
29 traffic moved at less than 60 mph. She said that she finds that there is no mention in the study of the
30 visibility issues at the subject property and that is a glaring oversight. She said that the site distance map
31 included in the most recent packet indicates that there is 588 feet from the top of the hill where visibility is
32 restored to the subject driveway. She said that using a standard formula for stopping distance, a car traveling
33 at 60 mph on dry roadway needs 185 feet to stop and 414 feet to stop on a wet roadway. When we add in
34 176 feet for an average two second response and braking time, those numbers become 361 and 590 feet
35 respectfully. She said that a sign (unless it is very large) 200 feet before the entrance won't even give people
36 enough time to stop, much less safely decelerate prior to the entrance. She said that stopping uses between
37 64% and 101% of the available road distance, and if there is any traffic backup or slowdown approaching the
38 entrance (which seems likely for high volume events), then there will be accidents. Using weather data from

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1 2006-2010, on average there are 11 days per month that have precipitation in the form of rain or snow.

2
3 Ms. McCall stated that it is her opinion that it is very clear that after looking at the accident data specifically
4 for the segment north of Olympian that the safety finding of the CUUATS report are, at best, incomplete.

5
6 Ms. McCall stated that she would now like to note a few personal comments. She said that after the last
7 meeting, she attempted to clarify her thoughts on why she is opposed to the re-zoning request. She said that
8 she phrases it this way because she is not, in general, opposed to the special use permit for a rural event
9 center on property already zoned for such use. She said that she strongly feels that zoning should be about
10 appropriate land use not about the people involved and that everybody should be able to get fair
11 consideration regardless of their personal qualifications.

12
13 Ms. McCall stated that in previous testimony, AG-2 has a specific definition, and this request, in her
14 opinion, pretty much asks for that definition to be ignored. She said that for every exception that is approved
15 it makes it that much easier for the next petitioner to use the earlier case as justification. If this case is
16 approved, then anybody who wants to make a profit off of or leverage the “country experience” will have a
17 good argument. She said that perhaps a company decides it needs tranquility for its employees to be able to
18 work at their very best, so it buys a property in AG-1 and asks for it to be re-zoned for a small office park
19 because they need that peace and quiet for their employees. She said that she is being a bit tongue and
20 cheek, but the point remains. She said that it also makes it much easier for the City of Champaign to work
21 its way up the road and increase the bureaucratic red tape for things like putting up a machine shed or
22 building a deck and increasing our taxes too.

23
24 Ms. McCall stated that for many of the people who have written or verbally supported the event center, it is
25 clearly more about the petitioners than the zoning and she makes that statement for a couple of reasons. The
26 first is that some of the people who are supporting the Murrays were opposed to the Hindu Temple because
27 they along with 87 other residents of Hensley Township attended protest meetings or signed a petition
28 opposing it. She said that when you take a high level view of the two projects, they are very similar in size
29 and nature, with the event center having a more negative impact on the area due to the larger number of high
30 volume events. The second reason is that while there is support for the event center, much of that support is
31 from outside Hensley Township or from people who do not live in the immediate area, which she defines as
32 Mattis between Hensley and 2200N. She said that it is very easy to support something that will not directly
33 impact you. She said that it is really hard to stand up and oppose something that doesn't impact you and she
34 doesn't say that just because she hates speaking in public. She said that she believes that it is impossible to
35 not have a negative impact on the residences closes to the property and there is just no way a neighbor can
36 have 50 or one hundred plus people over every weekend and not disturb what is otherwise a pretty tranquil
37 area.

38
39 Ms. McCall stated that she also feels that if this request is approved it would act as a windfall for the family
40 because AG-1 ground is significantly cheaper than ground already approved for more commercial uses and
41 this, at some level, is unfair to others who purchased land already zoned for their intended purpose. She said

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1 that while she strongly objects to re-zoning AG-1 to AG-2, if she had to select one of the two properties
2 owned by the Murray family as more appropriate for an event center, and she uses the term Murray family to
3 describe any property where the tax bill goes to 2607 CR 1000E, it seems that the current location on CR
4 1000E is far more suitable. She said that both properties are rural residences on approximately 10 acres but
5 CR 1000E is a low volume street which would mitigate many of the safety concerns. She said that 266 acres
6 to the north and west and the 113 acres to the south of that property are owned by the Murray family
7 therefore no spillover drainage issues would occur and the closest and pretty much only neighbor has
8 provided testimony in support of the event center.
9

10 Ms. McCall concluded that when she was growing up and would indicate that she needed something her
11 father would invariably ask her if she wanted it or needed it. She said that if she indicated that she needed,
12 which was common when she was younger, she was asked to justify why it was a need and not a want
13 therefore she consequently became very good at differentiating between the two. She said that currently
14 there is a petition circulating online to bring a Trader Joes to Champaign and a few thousand people have
15 signed the petition. She said that there are obviously a large number of people that would like a Trader Joes
16 in the community and would shop there and she is one of them, however she realizes that Champaign does
17 not need a Trader Joes and Champaign certainly does not need to rezone a piece of property to simply get
18 one. She said that if a rezoning were the case she would oppose the rezoning and continue to drive to
19 Chicago or Indianapolis for her Trader Joes fix and she finds that a rural event center falls into the same
20 category. She said that there will be a great number of people who would happily use it but she believes that
21 it is a stretch to say that it is an unmet need in the community.
22

23 Ms. McCall thanked the Board and staff for their attention and patience in hearing her testimony.
24

25 Mr. Thorsland asked the Board if there were any questions for Ms. McCall and there were none.
26

27 Mr. Thorsland asked if staff had any questions for Ms. McCall.
28

29 Mr. Hall complimented Ms. McCall for her review of the traffic impact analysis. He said that Ms. McCall
30 commented on the level of service at Hensley Road and Mattis Avenue and he believes that the level of
31 service dropping from "B" to "F" is on the approaches from either side and not on Mattis Avenue/County
32 Highway 1.
33

34 Ms. McCall stated that she agrees with Mr. Hall regarding his comment about the level of service. She said
35 that it would be someone sitting on Hensley Road attempting to make a left on to Mattis Avenue.
36

37 Mr. Hall asked Ms. McCall if she reviewed the area where the traffic impact analysis gives the level of
38 change for the intersection overall from "A" to "B".

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Ms. McCall stated that she objects to some of their information.

Mr. Thorsland asked the audience if anyone desired to cross examine Ms. McCall and there was no one.

Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony regarding Cases 699-AM-11 and 700-S-11.

Mr. Thorsland called Ben McCall to testify.

Mr. Ben McCall, who resides at 1085 CR 2200N, Champaign, stated that he resides in Section 14 of Hensley Township which is the section where the event center is proposed. He said that he is testifying at tonight's hearing as an individual and not as a member of the Hensley Township Plan Commission.

Mr. McCall stated that he has testified before regarding these cases and before tonight's meeting he reviewed the draft Finding of Fact and all of the other documents that have been submitted. He said that after this review he created a list of major reasons why the petitions should be denied. He reviewed the list as follows: 1. hazard to public safety, increased accidents due to inadequate stopping distance and more traffic; and 2. increased traffic delays, based on CUUATS Traffic Impact Analysis; and 3. Inadequate parking, based on CUUATS Traffic Impact Analysis expecting between 200 and 235 parking places for peak events although there are only 84 paved parking spaces proposed. He said that tonight the Board was informed that additional parking will be available in the grassy area therefore he would suppose that there will be 150 grassy parking spaces and only 84 paved parking spaces.

Mr. McCall continued with reasoning 4: no justification at all given for AG-1 to AG-2 rezoning other than the petitioners' desire to do something on the land that isn't allowed in AG-1. He said that he would take issue with the comment from staff indicating that there is not enough AG-2 land simply because there is a request to rezone a parcel of land from AG-1 to AG-2. He continued with reasoning 5: rezoning to AG-2 would fly in the face of the intent of that district. He read quotations from the Zoning Ordinance supporting item 5 as follows: "prevent scattered indiscriminate urban development;" and "located in areas close to urban areas;" and "areas within 1.5 miles of existing communities."

Mr. McCall continued with reasoning 6: approving the petitions would violate the basic tenet of "compact and contiguous growth" which is LRMP Goal 5. He said that hundreds of hours of citizen, elected official and staff time were spent in creating the LRMP and the Board should not disregard the goal of having compact and contiguous growth because the proposed development is neither compact nor contiguous with the surrounding municipalities. He continued with reasoning 7: Despite staff's attempts to paint this as helping to achieve LRMP Goals 3, 4, 6, and 7, it does not; and 8. the proposed use does not preserve the essential rural character of the district because nothing in the Draft Finding of Fact suggests that it does and the petitioners did not even respond to this question on the application; and 9. the proposed use is definitely not necessary for the public convenience at this location because the rural event center may be desirable to

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1 the petitioners but not necessary for the public convenience and other locations would be better suited to an
2 event center. He said that reasoning 10 indicates that all of the closest neighbors have significant concerns
3 and or strongly object; and 11. Approval of this request would set a dangerous precedent for easy and
4 indiscriminate development of AG-1.

5
6 Mr. McCall stated that he was especially shocked when he read through the Draft Finding of Fact and
7 reviewed the *LaSalle* and *Sinclair* Factors, which is criteria set by the courts that are to be considered during
8 zoning cases, because all of the *LaSalle* and *Sinclair* factors seemed to point to denying the petitioners,
9 despite that the Draft Finding of Fact trying to convince them otherwise; and the *LaSalle* factor which
10 indicates the following, “the relative gain to the public as compared to the hardship imposed on the
11 individual property owner” should also be considered with respect to the neighbors. He said that there is a
12 very limited gain to the public, other than the substantial gain to the petitioner, but a large hardship imposed
13 on the neighbors.

14
15 Mr. McCall stated that in order to appear fair he reviewed the Draft Finding of Fact to see if there were any
16 reasons to approve the petitions because he has not heard any compelling reasons to do so. He said that he
17 has only heard the petitioner’s desire to do something that is not allowed by zoning on the land they recently
18 purchased for this. He said that the perceived demand for a new event center in the County, or the perceived
19 quality of the petitioner’s catering business, should not impact zoning decisions on an individual parcel of
20 land.

21
22 Mr. McCall stated that it is his opinion, that the Draft Finding of Fact is heavily biased in favor of the
23 petitioners because every opportunity seems to have been taken to find ways that the proposed development
24 might conceivably be construed to meet some technical requirement. He said that the Draft Finding of Fact
25 does not strike him as an objective weighing of the arguments for and against the case.

26
27 Mr. McCall stated that he has constructed his own findings for the Draft Finding of Fact for Case 699-AM-
28 11 as follows: 1. The proposed Zoning Ordinance map amendment will not help achieve the Land Resource
29 Management Plan because the proposed Zoning Ordinance map amendment will not help achieve the
30 following LRMP goals: 5. He said that 2. The proposed Zoning Ordinance map amendment is not consistent
31 with the *LaSalle* and *Sinclair* factors because: A. it is incompatible with the existing uses of nearby property;
32 and B. property values of adjacent residences, which currently enjoy a tranquil rural atmosphere, would be
33 diminished by the proposed amendment; and C. the proposed rezoning would enable a special use that would
34 have a negative impact on public safety; and D. the relative gain to the public is minimal, whereas the
35 rezoning would represent a substantial hardship to the adjacent property owners; and E. the subject property
36 is unsuitable for the proposed purposes because of inadequate visibility along a busy thoroughfare; and F. the
37 property has not been vacant so there is no reason to rezone it to enable development; G. there is no
38 demonstrated need for the use at this particular location; and H. the use does not conform with LRMP Goal 5

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1 or the planning goals of Hensley Township.

2
3 Mr. McCall stated that he also constructed his own findings for the Draft Finding of Fact for Case 700-S-11
4 as follows: 1. The requested Special Use Permit is not necessary for the public convenience at this location
5 because: (a) there is no established need for a rural event center, even if there is demand for an additional
6 event center in the County; and (b) other locations are available that could be considered for an event center
7 so that this property is not uniquely suitable. He said that in regard to finding 2.c.: The Special Use will not
8 be compatible with adjacent uses because a busy event center is incompatible with the rural character of the
9 surrounding residential and agricultural uses. He said that in regard to finding 2.e.: Public safety will be
10 inadequate because of additional accidents due to the insufficient stopping distance between the top of the
11 hill south of the property and the driveway. He said that in regard to finding 2.f.: The provisions for parking
12 will be inadequate because CUUATS has determined that 200-235 vehicle trips will be generated per event
13 while only 84 parking places would be available. He said that in regard to finding 3.b.: The requested
14 Special Use Permit does not preserve the essential character of the district in which it is located because: b.
15 the Special Use will not be compatible with adjacent uses; and c. Public safety will be inadequate. He said
16 that in regard to finding 4.: The requested Special Use Permit is not in harmony with the general purpose and
17 intent of the Ordinance because: b. The requested Special Use Permit is not necessary for the public
18 convenience at this location; and c. The requested Special Use Permit is so designed, located, and proposed
19 to be operated so that it will be injurious to the district in which it shall be located or otherwise detrimental
20 to the public health, safety, and welfare; and d. The requested Special Use Permit does not preserve the
21 essential character of the district in which it is located.

22
23 Mr. McCall submitted his written testimony as a Document of Record for both cases.

24
25 Mr. Thorsland asked the Board if there were any questions for Mr. McCall and there were none.

26
27 Mr. Thorsland asked if staff had any questions for Mr. McCall.

28
29 Mr. Hall asked Mr. McCall to give specific examples how the event center does not preserve the essential
30 rural character of the district.

31
32 Mr. McCall stated that the surrounding district is mainly a rural, agricultural and residential area and the
33 event center will bring a lot of traffic and noise.

34
35 Mr. Hall asked Mr. McCall what type of noise will be created by the event center.

36
37 Mr. McCall stated that it is reasonable to expect that when people are entering and exiting the facility after a
38 wonderful event that noise will be created. He said that there is a large patio included on the plan and it is
39 entirely likely that events will be moved outside.

40
41 Mr. Hall asked Mr. McCall if, unlike many others who have testified, he does not believe that the noise and

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1 odors of the agricultural district will keep people behind glass 24 hours per day.

2
3 Mr. McCall stated that he does live in this area and there certainly are aspects of agricultural life that any
4 event would find unpleasant but it would be a mis-characterization to indicate that these aspects occur 24
5 hours per day, seven days per week. He said that people do have to transit between the event center and their
6 parking space. He said that it would be unreasonable to indicate that there would be no noise at all generated
7 by the proposed event center. He said that he would challenge anyone to prove how this particular use
8 would preserve the essential character of the district.

9
10 Mr. Hall stated that he finds that to be a challenge in each and every map amendment or special use permit.
11 He said that if the authors of the Zoning Ordinance did not believe that a use of this type would not preserve
12 the essential character of the district then he wonders why they would allow it in the first place.

13
14 Mr. McCall stated that the proposed use is not allowed because it is not allowed in AG-1 and in order to
15 accommodate the use the zoning map has to be amended. He said that he cannot think of a better argument
16 in favor of his case.

17
18 Mr. Hall stated that Mr. McCall refers to LRMP Goal 5 which is in regards to urban land use and the LRMP
19 defines urban land use as land use that is connected to sewer and water. He said that he has never considered
20 a land use that is specifically authorized in an agriculture district to be an urban land use. He asked Mr.
21 McCall if he finds this consistent with the LRMP.

22
23 Mr. McCall stated that he has to admit that he is not an expert on the definitions of urban land use in the
24 LRMP however the intent of the LRMP is to encourage compact and contiguous growth and discourage
25 scattered and indiscriminant growth.

26
27 Mr. Hall stated that if Mr. McCall read the LRMP and the definitions he would find that that is indeed what
28 it is intended to do for urban development.

29
30 Mr. McCall stated that if these types of uses are continually allowed then very quickly this will be an urban
31 area and that is not consistent with the character of the district.

32
33 Mr. Hall stated that he was unhappy to discover that Mr. McCall did not have a specific comment about
34 LRMP Goal 4 even though he made some statements that he is unhappy with staff's analysis of Goal 4. Mr.
35 Hall stated that he is always open to new evidence that he may have overlooked and would be happy to walk
36 down staff's recommendations for the policies under Goal 4 and see what evidence could be added to make
37 it a more objective analysis. He said that anything that Mr. McCall may have to offer would be appreciated.

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1 Mr. McCall stated that he has not invested the time to do a point by point rebuttal of the entire Draft Finding
2 of Fact but if it would be useful for the Board then he would be happy to do so but it would take a lot of time
3 to go through to rebut point by point where he feels that staff's interpretation is clearly biased in favor of the
4 petitioner.

5
6 Mr. Hall stated that since Mr. McCall has indicated that staff's recommendations are heavily biased it
7 wouldn't appear to take much time.

8
9 Mr. McCall stated that it will take time to go through all of the details because it is 40 page document.

10
11 Mr. Hall stated Mr. McCall's comments on the Draft Finding of Fact for Case 700-S-11 that public safety
12 would be inadequate because of additional accidents due to insufficient stopping distance between the top of
13 the hill south of the property and the driveway. He asked Mr. McCall if he believes that this issue was
14 overlooked by staff and CUUATS.

15
16 Mr. McCall stated yes because there was no mention of that issue.

17
18 Mr. Hall asked Mr. McCall if he disagrees with the stopping distances indicated in the *I.D.O.T. Local Road*
19 *Manual*.

20
21 Mr. McCall stated that those stopping distances provided design guidelines for particular assumed speeds
22 and did not take into account the possibility that there might be traffic backed up in advance of the driveway.
23 He said that if there is an event with 200 cars arriving at the same time it is likely that a few cars may be
24 decelerating when approaching the driveway and those decelerating vehicles will not be visible from a long
25 distance away and only once someone crests the hill will they be able to see them therefore not having the
26 full 580 feet. He said that he believes that CUUATS totally glossed over the issue.

27
28 Mr. Hall asked Mr. McCall if this was his only public safety concern for the proposed development.

29
30 Mr. McCall stated yes. He said that with the proposed use there will be more congestion at the intersection
31 of the Dewey-Fisher Road and Mattis Road and he believes that there may be additional accidents at that
32 location.

33
34 Mr. Hall asked Mr. McCall if he believes that CUUATS overlooked that intersection as well.

35
36 Mr. McCall stated yes. He said that he is disappointed with the traffic impact analysis and he does not know
37 if there was a time restriction or if the mandate only extends to certain issues or if they had a mind set to
38 encourage urban development.

39
40 Mr. Hall asked Mr. McCall if he could indicate the number of parking spaces that he believes is required for
41 the proposed use.

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1
2 Mr. McCall stated that he is not sure that he is qualified to answer Mr. Hall's question but he does find it
3 remarkable that the traffic impact analysis mentioned 235 vehicles for 400 people therefore the proposed 84
4 parking spaces is inadequate. He said that the drainage issues are based on the size of the paved area
5 therefore if that area was to be increased there will be additional drainage to be accommodated.
6
7 Mr. Hall asked Mr. McCall if he believed that the Board should require at least 170 parking spaces.
8
9 Mr. McCall stated that he would be more comfortable if the Board required 170 parking spaces but it is still
10 less than what an agency which is presumably an expert recommended.
11
12 Mr. Thorsland asked if staff had any additional questions for Mr. McCall and there were none.
13
14 Mr. Thorsland asked the Board if there were any questions for Mr. McCall and there were none.
15
16 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. McCall.
17
18 Mr. Thorsland called Anne Murray to the cross examination microphone.
19
20 Ms. Murray stated that Mr. McCall indicated that there was evidence of other property which could be
21 utilized for the event center.
22
23 Mr. McCall stated that previous testimony was given indicating that the Murray family owns other property
24 and he has discussed the case with a realtor who indicated that there are a number of other properties with
25 houses on rural land. He said that previous testimony was given by a realtor indicating how much time was
26 spent searching for commercial property but did not indicate that a search was performed for residential
27 zoning with the correct zoning designation for the proposed use.
28
29 Ms. Murray stated that an additional realtor, who was part of the real estate team searching for properties for
30 the proposed use, is present tonight and is available to testify regarding what type of properties were
31 researched.
32
33 Mr. McCall stated that it is not his place to call for testimony. He said that Ms. Murray was called to ask
34 him questions about his testimony and he is happy to address those questions.
35
36 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. McCall at this time and there
37 was no one.
38

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1 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
2 regarding Cases 699-AM-11 and 700-S-11 and there was no one.

3
4 Mr. Thorsland closed the witness register.

5
6 Mr. Thorsland stated that Mr. Kesler's concern regarding Objective 4.1 should be added to item #13 on page
7 9 of 24 of the Summary of Evidence for Case 699-AM-11. He said that the following text should be added
8 as follows: Objective 4.1 states, "Champaign County will strive to minimize the fragmentation of the
9 County's agricultural land base and conserve farmland, generally applying more stringent development
10 standards on best prime farmland."

11
12 Mr. Hall stated that staff was remiss in not distributing a full set of goals, objectives and policies to the
13 Board. He said that this error was not intentional and normally the Board does receive a full copy of the
14 goals and policies with every map amendment. He said that the only reason why he is mentioning it tonight
15 is because he has not committed the goals, objectives and policies to his memory and he does not recall if
16 there are any policies under objective 4.1. He said that he is uncomfortable in not having a full set of the
17 LRMP Goals and Policies in the Documents of Record.

18
19 Mr. Courson stated that he would like to have the opportunity to review the LRMP Goals and Policies. He
20 said that his biggest issue with the proposed rezoning to AG-2 is that there will be one small parcel in the
21 middle of AG-1. He asked if AG-2 is the best zoning for the proposed use of the property or if there is a
22 different zoning classification that could be a better fit.

23
24 Mr. Thorsland stated that Objective 4.1 should be added to the Summary of Evidence and the LRMP Goals
25 and Policies should be added to the Documents of Record.

26
27 Mr. Passalacqua stated that he would like to review the districts to consider if this use would fall into a
28 different district that would be more limited for future use.

29
30 Mr. Hall stated that there is nothing more limiting than AG-2 and for this use at this location the AG-2
31 district is the district that would achieve the goals and policies the best. He said that he is open to any
32 evidence that may have been overlooked to prove contrary.

33
34 Mr. Passalacqua asked Mr. Hall if the farm ground is currently in production.

35
36 Mr. Hall stated that most of it has been during the past few years although the area which is proposed for
37 development has not been in production.

38
39 Mr. Passalacqua asked if overall the ground is best prime farmland.

40
41 Mr. Hall stated yes. He said that the ground is best prime farmland today and will remain so on January 1,

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1 2013.
2
3 Mr. Thorsland stated that he could re-open the witness register and call Jack Murray to testify regarding crop
4 production.
5
6 Mr. Kass distributed copies of the LRMP Goals, Objectives and Policies to the Board.
7
8 Mr. Thorsland re-opened the witness register.
9
10 Mr. Thorsland called Jack Murray to testify.
11
12 Mr. Jack Murray, who resides at 2607 CR 1000E, Champaign, stated that there are 3.2 acres behind the
13 house that has grass and trees on it and has not been in crop production for 25 years. He said that all of the
14 ground in front of this area has been in row crop and the ground west of the house will continue to be in row
15 crop.
16
17 Ms. Capel stated that, for practical purposes, no land will be taken out of production.
18
19 Mr. Murray stated that nothing will be taken out of production for the event center. He said that there is
20 adequate space, as indicated in the aerial photograph, from the house to the east because it has been in grass
21 and there are approximately 40 trees existing in that area. He said that, as a farmer, he does not intend to tear
22 out 40 trees to farm two acres.
23
24 Mr. Thorsland stated that the revised site plan indicates overflow parking in grass to the west of the house.
25
26 Mr. Murray stated that the area west of the house is currently in row crop but if additional parking area is
27 required it would have to go near the road in front of the trees.
28
29 Mr. Thorsland stated that the row crop area would be replaced with grass.
30
31 Mr. Murray stated that if overflow parking is required then yes. He said that the area for the overflow
32 parking is not bituminous and it would be constructed with concrete blocks so that the grass can grow up
33 through it and will not increase the requirement for water runoff.
34
35 Mr. Thorsland stated that row crop production would be lost for every amount of grass parking that may be
36 required.
37
38 Mr. Murray stated yes.

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1
2 Mr. Courson asked Mr. Murray if he was planning to plant row crop right up to the proposed driveway.

3
4 Mr. Murray stated yes. He said that the proposed driveway has been shifted 60 feet north.

5
6 Mr. Courson stated that the proposed driveway will take row crop out of production.

7
8 Mr. Murray stated yes, but the existing driveway will be torn out and planted with row crop.

9
10 Mr. Courson asked Mr. Murray if he would plant row crop between trees that are 50 feet apart.

11
12 Mr. Murray stated yes. He said that the planting of the trees is not in the near future and he was waiting on
13 CUUATS for the placement of the driveway, which will be relocated 60 feet to the north. He said that there
14 is a four foot drop-off from the Kesler property onto the driveway therefore it is not serviceable as it
15 currently exists and it has to be moved whether it is farmed or not. He said that if the trees were planted
16 farm ground would be lost to make the driveway serviceable because as it exists currently it is not fit for a
17 residence.

18
19 Mr. Thorsland asked the Board if there were any questions for Mr. Murray and there were none.

20
21 Mr. Thorsland asked if staff had any questions for Mr. Murray and there were none.

22
23 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Murray and there were none.

24
25 Mr. Thorsland asked Mr. Hall if he desired to add any information regarding Objective 4.1.

26
27 Mr. Hall stated that staff discussed Objective 4.1 which has nine policies and those policies are in regards to
28 by-right development and the proposed use is not by-right development but discretionary. He said that
29 including Objective 4.1 and discussion regarding it is relevant. He said that Policy 4.1.6.b is probably the
30 only policy that will have any bearing on the case. He said that Policy 4.1.6.b discusses that on best prime
31 farmland the County may authorize non-residential discretionary development. He said that Policy 4.1.6.b is
32 relevant but it does not set any standard other than it indicates that the County may authorize it. He said that
33 he does believe that Objective 4.1 is relevant and relevant evidence can be added to the Summary of
34 Evidence. He said that the Board should include the LRMP Goals, Objectives and Policies as a Document of
35 Record and the Board should review the LRMP prior to the next public hearing.

36
37 Mr. Palmgren stated that he would appreciate additional time to review the LRMP.

38
39 Mr. Thorsland asked the Board if they would like move through some of the distributed information or
40 would the Board rather review the information and move through it all at one time.

41

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1 Mr. Thorsland noted the phrase “Temple” and “Residential Recovery Center” appears in the Summary of
2 Evidence and the Supplemental Memorandums therefore staff should review those documents for revision.

3
4 Ms. Capel stated that she also noticed a few required editing revisions. She said that Item 10.C.(9)(b) on
5 page 27 of 40 of the Revised Summary of Evidence for Case 700-S-11 should be revised to read as follows:
6 The proposed use will be taking a minimal amount of land out of agricultural production. The subject
7 property is two miles from the City of Champaign. She said that Item 16 on page 17 of 24 of the Revised
8 Finding of Fact for Case 699-AM-11 should be revised to read as follows: Goal 7 has 2 objectives and 7
9 policies. The proposed amendment achieves Goal 7 for the following reason.

10
11 Mr. Thorsland stated that if the case is continued the Board should notify staff regarding any additional
12 revisions to the distributed information. He said that the difficulty for staff is that each time a case is
13 continued there are several new cases to follow. He said that since one Board member has voiced that he
14 would like additional time to review the distributed documentation it would be appropriate to continue the
15 case to a later date.

16
17 Mr. Hall stated that staff would appreciate a little more lead time if the Board believes that staff has
18 completely misjudged a map amendment case therefore he would appreciate any comments or suggestions
19 from the Board as to how the Finding of Fact needs to be revised prior to the next public hearing.

20
21 Mr. Thorsland called for a five minute recess.

22
23 **The Board recessed at 8:13 p.m.**

24 **The Board resumed at 8:20 p.m.**

25
26 Mr. Thorsland stated that there were corrections and additional items discussed for both cases. He said that
27 there are some members who may want to take some more time to review the LRMP Goals, Objectives, and
28 Policies therefore he would appreciate a preference from the Board regarding moving forward tonight or
29 continuing the case.

30
31 Ms. Capel stated that she would appreciate a continuance date so that the Board can fully review the LRMP
32 Goals, Objectives and Policies.

33
34 Mr. Passalacqua, Mr. Courson and Mr. Palmgren agreed with Ms. Capel.

35
36 Mr. Thorsland stated that staff would appreciate notification of any corrections or deletions prior to the next
37 public hearing. He requested a continuance date for both cases.

38

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1 Mr. Hall stated that Cases 699-AM-11 and 700-S-12 could be continued to the July 12, 2012, meeting.

2
3 Mr. Thorsland entertained a motion to continue Cases 699-AM-11 and 700-S-11 to July 12, 2012, meeting.

4
5 **Ms. Capel moved, seconded by Mr. Palmgren to continue Cases 699-AM-11 and 700-S-11 to the July**
6 **12, 2012, meeting. The motion carried by voice vote.**

7
8 6. New Public Hearings

9
10 **Case 710-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
11 **Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA)**
12 **System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4 as follows:**
13 **Part A. Revise the Land Evaluation (LE) part as follows: 1. Revise all soil information to match the**
14 **corresponding information in the *Soil Survey of Champaign County, Illinois* 2003 edition. 2. Revise all**
15 **existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop***
16 ***Productivity Rating for Illinois Soils* published August 2000 by the University of Illinois College of**
17 **Agricultural, Consumer and Environmental Sciences Office of Research. 3. Delete the 9 existing**
18 **Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture**
19 **Value Groups with Relative LE ranging from 100 to 0. Part B. Revise the Site Assessment (SA) part**
20 **as follows: 1. Add definitions for “agriculture”; “agricultural production”; “animal units”; “best**
21 **prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal**
22 **use”; and “subject site”.; and 2. Delete SA Factors A.2.; A.3.; B.2.; B.3.; C.2.; D.2.; E.1.; E.2.; E.3.;**
23 **E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.; and 3. Revise SA Factor A.1. to be new Factor 8; Factor B.1. to be**
24 **new Factor 7; Factor C.1. to be new Factor 5; Factor D.1. to be new Factor 1; and revise scoring**
25 **guidance for each revised Factor, as described in the legal advertisement; and 4. Add new SA Factors**
26 **2a.; 2b.; 2c.; 3.; 4.; 6.; 9.; 10.; and scoring guidance for each new Factor, as described in the legal**
27 **advertisement. Part C. Revise the Rating for Protection as described in the legal advertisement. Part**
28 **D. Revise the general text and reformat.**

29
30 **Case 711-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
31 **Ordinance as follows: Part A. In Section 3, revise the definition of “best prime farmland” as follows:**
32 **a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land**
33 **Evaluation rating of 91 or higher”; and b) add “prime farmland soils and under optimum**
34 **management have 91% to 100% of the highest soil productivities in Champaign County, on average,**
35 **as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and c) add “soils**
36 **identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation**
37 **and Site Assessment (LESA) System”; and d) add “Any development site that includes a significant**
38 **amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3**
39 **and/or 4 soils:. Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score**
40 **greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and**
41 **replace with “is made up of soils that are BEST PRIME FARMLAND” Part C. Revise paragraph**

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1 **5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s**
2 **Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST**
3 **PRIME FARMLAND”**

4
5 Mr. Thorsland called Cases 710-AM-12 and 711-AM-12 concurrently.

6
7 Mr. Hall distributed a new Supplemental Memorandum dated June 14, 2012, to the Board for review. He
8 said that the memorandum includes two documents from the LESA Update Committee library and Draft
9 evidence proposed for the Finding of Fact. He said that the first attachment, October 4, 2011, Land
10 Evaluation Update Memorandum to the LESA Update Committee, includes comments from K.R. Olson, one
11 of the co-authors of Bulletin 810 and Bulletin 811. He said that the second attachment to the June 14, 2012,
12 Supplemental Memorandum is the LE Calculation Recommendation to LESA Update Committee from
13 Kevin Donoho, LESA Update Committee Member and District Conservationist for the USDA/NRCS
14 Champaign Field Office.

15
16 Mr. Hall distributed a Preliminary Memorandum for Case 711-AT-12 dated June 14, 2012, to the Board for
17 review. He said that since Cases 710-AT-12 and 711-AT-12 are related every document for one case will be
18 a Document of Record in the other case. He said that the Preliminary Memorandum for Case 711-AT-12
19 reviews some background issues with the current definition of best prime farmland. He said that because the
20 definition of best prime farmland is based on averaging the LE has to average to 85 or above. He said that
21 when there is a mix of soils with an LE or relative value of 100 with soils in ag value groups 5 through 8
22 those relative values range from 70 down to 41. He said that obviously there are some combinations where a
23 significant amount of LE 100 soils could be used that would not be considered as best prime farmland and
24 those percentages range from 25% to 73%. He said that there is one proviso on these kinds of estimates in
25 that not all soils occur in all locations and it is not clear that there are that many instances of an ag value
26 group 8 soil being next to an ag value group 1 soil but he is not familiar with the soil survey therefore at this
27 point he is raising it as an issue.

28
29 Mr. Hall stated that the other issue with the definition of best prime farmland is that the way that the existing
30 LESA was constructed the ag value group that has a relative value of 85 includes soils that go down to
31 approximately 82% of the ag value group 1 soils in productivity. He said that means there could be a farmer
32 whose soils are below LE 85 but these soils could be considered best prime farmland. He said that the ag
33 value groups in the existing LESA were constructed too broadly to use them as an indicator of best prime
34 farmland. He said that in the recommendation of the LESA Update Committee most of the ag value groups
35 don’t have more than a range of 4 points for the productivity index amongst the soils and some have as many
36 as 5 and the current LESA generally has a point spread of at least 10 in each ag value group. He said that
37 such a wide spread was not inappropriate because every other LESA that he has reviewed to date has a
38 similar point spread for the ag value groups therefore it is not wrong but he does not know that if it is

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1 appropriate for the way that Champaign County has elected to use the LE values.

2
3 Mr. Hall stated that the LESA Update Committee also looked at how many acres of soils are identified as
4 best prime farmland just in those ag value groups and as a planner he would generally try to achieve a level
5 of regulation wherein the regulations are imposed on the minimum amount of land that achieves the goal that
6 you are trying to achieve. He said that it is his view that the existing definition is a little too broad and the
7 LESA Committee has made a recommendation that results with less land being identified as best prime
8 farmland but provides a higher level of protection because it goes down to as little as 10% of the soil on any
9 site and if there is only 10% that is ag value group 1, 2, 3 or 4 and it is part of a development then the entire
10 development is best prime farmland.

11
12 Mr. Hall stated that his goal is not to enter every document from the LESA Update Committee into this
13 public hearing as a Document of Record but only those that are significant or critical to the decision.

14
15 Ms. Capel stated that in regards to the 10% it would be pretty easy to re-draw a development and drop a
16 couple of acres to drop the rating.

17
18 Mr. Hall stated that he would argue that this is what our regulatory system is trying to encourage. He said
19 that there were comments received at the LESA Update Committee meetings indicating that the decision on
20 a given development should be based on the entire parent tract rather than the area that is proposed for
21 development and there are some jurisdictions that do that but he does not believe that such matches typical
22 values of Champaign County residents.

23
24 Ms. Capel stated that she does not believe that it matches the values that the County has expressed as well.

25
26 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

27
28 Mr. Hall stated that he is trying to get all of the evidence in front of the Board because there is a lot of inter-
29 relation between the proposed LESA Update, proposed Best Prime Farmland, and site factors in LESA and
30 in order to be able to make a good decision on either part of these cases the Board has to have gone through
31 the evidence for each entire case. He said that it is true that he is rushing because he wants to get all of the
32 information before the Board so that they can consider it but he is not rushing the Board's decision. He said
33 that he does believe that the Board is under a deadline for these cases and that the ZBA needs to do its
34 utmost to get these cases back to the County Board no later than September which will give the County
35 Board sufficient time to consider these cases and make a decision before the November election.

36
37 Mr. Thorsland reminded the audience that anyone who desires to testify in these cases must sign the witness
38 register by which they solemnly swear that the evidence that they present will be the truth, the whole truth,
39 and nothing but the truth, SO HELP ME GOD. He asked the audience if anyone desired to sign the witness
40 register at this time.

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1 Mr. Thorsland called Norman Stenzel.

2
3 Mr. Norman Stenzel, who resides at 545A CR 1900N, Champaign, stated that he has attended all but one of
4 the LESA Committee meetings. He said that the LESA update was an interesting process although
5 unfortunately the product is flawed. He said that if an instrument such as the LESA is intended for public
6 use there must be concern regarding validity and reliability. He said that valid instruments do what they are
7 intended to do and reliable instruments do it consistently and one person who rates the property from time to
8 time should be reliable and comparable and different people doing the same thing should be comparable. He
9 said that he contends that the flaws in the instrument which relate to validity will impair the ability of the
10 instrument to be used for reliability.

11
12 Mr. Stenzel stated that one of flaws of the LESA is that it does not take into account the setting or the zones
13 for the instrument therefore some of the questions included in the questionnaire asks the rater to look at ten
14 houses. He said that if an AG-1 zone abuts an AG-2 zone the houses in the AG-2 zone can be counted
15 against the AG-1 zone use. He said that the AG-1 zone should not be influenced in this way but in using the
16 instrument it is. He said that item #1 of the new SA portion of the LESA considers the size of the site under
17 consideration. He said that the rationale for selecting 25 acres for a full amount of points is the
18 preponderance of row crop agriculture. He said that this is not a good idea because if someone uses the land
19 for agriculture in general and not just for row crop agriculture and the definition of agriculture use by the
20 LESA Committee could give the possibility of having community support of agriculture. He said that the
21 community support may not be for 25 acres although it may be very useful and more productive as far as
22 economic output than row crop agriculture therefore the new LESA counts against the small farm. He said
23 that an orchard may not be 25 acres but it is an important agricultural use.

24
25 Mr. Stenzel stated that item #2 addresses best prime soils. He said that one of the things that the Federal
26 legislation considers during the whole process of developing a LESA is to preserve prime farmland, not
27 super-prime farmland. He said that the Federal government decided that a LESA should be established
28 nationwide to preserve prime farmland and the LESA that is before the Board tonight does not do that and
29 only tries to create a "super" category. He said that the annexation of "super" category land by the cities is
30 not stopped by the use of this instrument therefore in this respect the instrument fails.

31
32 Mr. Stenzel stated that item #2.b. uses 15% of a larger parcel indicating more than 25 acres as "best prime."
33 He said that as a result of item #2.b.(1) even "super prime" farmland gets zero points therefore the LESA is
34 not valid. He said that item #3 relates to the CUGA, Contiguous Urban Growth Area. He said that the
35 County still has some legitimate influence in attempting to speak to the preservation of good soils or prime
36 farmland within a CUGA area although the County has decided to not contest those types of things. He said
37 that when he spoke to the LESA Committee he indicated that the instrument should be a conscience and it
38 should tell cities that it is believed that a use of "prime" or "super prime" farmland within their CUGA

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1 should be compact and contiguous. He said that the CUGA's extend beyond the boundaries of cities and the
2 instrument should be used as a conscience, and it is not.

3
4 Mr. Stenzel stated that item #4 addresses the perimeter in agriculture. He said that if we are talking about
5 community based agriculture there might be plots of land that are incredibly surrounded by suburbs or
6 housing development. He said that the use of this micro-measurement of perimeter could go against small
7 plots of the land that could be used for agricultural production. He said that the LESA does not do much for
8 preserving "prime" farmland but gives the County an excuse not to preserve "prime" farmland. He said that
9 the LESA discusses that a farm dwelling should be on 35 acres but there was no data presented to the LESA
10 Committee that indicated what the average farm dwelling size in the County was. He said that he does not
11 know how 35 acres could be used to identify the houses in the country that are classified as farm dwellings
12 because he knows several farm dwellings that don't meet that standard. He said that if there is ever a use of
13 the instrument that is close to a farm dwelling that is less than 35 acres that farmer will have to let someone
14 know that they are a farm and not to be counted the preservation of farmland. He said that this places the
15 burden on the individual rather than the County to come up with a correct classification.

16
17 Mr. Stenzel stated that item #5 discusses the distance to city or village limits. He said that there are many
18 towns within the County that have grain elevators and farm suppliers and it would be a benefit to be close to
19 those types of services therefore it is a distorted idea of protecting farmland. He said that item #6b discusses
20 the percentage of the site in production. He said that there is no mention of Federal Conservation programs
21 in the distinction of the use of the land. He said that item #7 discusses the percentage of land zoned AG-1,
22 AG-2 or CR. He said that each of the zone types are rural classifications and it should not make much
23 difference about the use of the land in AG-1. He said that there are extended uses under AG-2 and if the two
24 zones are close to each other the use of AG-2 should not count against what happens in AG-1.

25
26 Mr. Stenzel stated that item #8 goes back to the idea of land that might be encapsulated by rural or suburban
27 development and the percentage of land that is within one mile of the subject site. He said item #10
28 indicates that ten houses could occur if a farm is close to a rural unincorporated village in Champaign
29 County therefore points would be counted against if in regards to "best prime" farmland. He said that the
30 LESA does not make a distinction or exception in its instructions therefore farmland that is close to an AG-2
31 area more housing could occur. He said that what is happening in the AG-2 should count against AG-1.

32
33 Mr. Stenzel stated that item #10 discusses Livestock Management Facilities. He said that they were told
34 during the LESA Committee meetings that there are only four major livestock facilities in Champaign
35 County and that they are spread throughout the County. He said that if the livestock facilities are not close to
36 each other it means that there is a lot of land that is not close to the livestock facilities as well therefore a lot
37 of land could miss out on the ten points that it could receive to determine its appropriate use. He said that
38 the site selection is not a realistic test of what the new instrument might be given. Mr. Stenzel stated that
39 reliability has supposedly been tested by the Committee by using test sites which were a selected number of
40 sites which are large parcels of land and are not typical of the kind of sites that would come before the ZBA.
41 He said that the test sites were used over and over again and the Committee was informed that the LESA is

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1 working. He said that the only data that he saw out of all of this was after the first test when they tried to use
2 a correlation matrix to take a look at how the instrument did and there were quite a few items that simply
3 overlapped and there was no discrimination between one site to another. He said that Mr. Hall's tactics in
4 applying the new LESA will be one thing and a new Administrator in applying the LESA will be different
5 thing therefore it is not a reliable instrument to use over time.

6
7 Mr. Thorsland asked the Board if there were any questions for Mr. Stenzel.

8
9 Ms. Capel asked Mr. Stenzel, from his prospective, what does the new LESA accomplish.

10
11 Mr. Stenzel stated that the instrument, as it is, does not accomplish what it is supposed to accomplish and
12 what it is supposed to accomplish is to identify prime farmland that should be preserved and, according the
13 Federal guidelines, support the existence of successful farming.

14
15 Ms. Capel asked Mr. Stenzel what the new LESA does accomplish.

16
17 Mr. Stenzel stated that if the new LESA is used it will tend to be ignored.

18
19 Ms. Capel stated that during Mr. Stenzel's opening comments he indicated that the new LESA may well
20 accomplish the opposite of preservation of farmland.

21
22 Mr. Stenzel stated that because he claims that the new LESA is not valid in the general ways that he has
23 indicated it does not do the job of preserving best prime farmland. He said that he has constructed an
24 alternative LESA which he will submit to staff for distribution to the Board at a later date. He said that his
25 alternative LESA looks very different than the recommended LESA. He said that one of things that he
26 suggests is that the impact on neighbors should be taken into account. He said that we should look at the
27 agricultural neighborhood and what the relationship of the site has with the agricultural neighborhood and
28 what the impact of converting that site would do to the agricultural neighborhood. He said that the previous
29 case had testimony regarding the increase in traffic that would be incurred in spite of the fact that the area is
30 still a large agricultural area on best prime farmland. He said that one of the things that was not mentioned
31 during that testimony was what happens when agricultural equipment is moving on the road during the
32 increased traffic that is anticipated. He said that the agricultural equipment is getting larger and some of it
33 takes up two lanes of traffic during transport from one field to another. He said that if grain is being hauled
34 the trucks are moving very swiftly back and forth to the elevators causing an additional increase in traffic
35 during those seasonal times.

36
37 Mr. Thorsland asked the Board if there were any additional questions for Mr. Stenzel and there were none.

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1 Mr. Thorsland asked if staff had any questions for Mr. Stenzel and there were none.

2
3 Mr. Thorsland called Debra Griest to testify.

4
5 Ms. Debra Griest, who resides at 1802 Cindy Lynn, Urbana, stated that she was honored to serve at the
6 request of the County Board as the Chairman of the committee to update the Site Assessment (SA) factors
7 and subsequently the Land Evaluation (LE) scoring for the Land Evaluation and Site Assessment (LESA)
8 tool. She said that the County Board appointed a group of well qualified and very hard working individuals
9 who possessed a significant breath of knowledge relevant to the use and impact of the LESA tool.

10
11 Ms. Griest stated that it is important to note that these individuals represented a variety of interests. She said
12 that they held true to the principles of updating the LESA tool to align the current land management
13 principles and appropriate uses in Champaign County while holding as an overarching objective of
14 reasonable farmland protection and preservation. She said that they received public input and Mr. Stenzel
15 did attend all but one meeting to speak about the proposed LESA. She said that the public input that was
16 received was from opposing positions and opinions as well as input from the Farm Bureau and other citizens
17 who chose to join in with the Committee during these discussions. She said that although they significantly
18 exceeded their original timeline she believes that the Committee provided a reasonable update
19 recommendation within the time and economic resources available. She said that the recommendation has
20 been forwarded to the ZBA from the County Board and is the subject of tonight's public hearings.

21
22 Ms. Griest stated that it is important to note that the committee had many active discussions that included
23 vetting a wide range of alternatives. She said that the committee members worked hard to update the
24 proposed LESA tool to 1) adhere to the governing laws, 2) be easily understandable by the general public,
25 and 3) be consistent and objective as a assessment instrument.

26
27 Ms. Griest stated that it is also important to note that the LESA tool is one of several tools intended to assist
28 public bodies in making land use decisions. She said that it is expected by our update committee that the
29 LESA tool be used in conjunction with the Champaign County Zoning Ordinance, Champaign County
30 Subdivision Regulations, and Champaign County Stormwater Management Policy. She said that as past
31 Chair of the Champaign County Zoning Board of Appeals she fully understands that the ZBA depends upon
32 the LESA tool as a fundamental building block in its land use recommendations.

33
34 Ms. Griest stated that she will be the first to acknowledge that no tool has the ability to be perfect and that all
35 farmland is important, however, she believes that the LESA proposal in front of the ZBA is reasonable,
36 effective, and will provide Champaign County officials a systematic and objective tool to use in rating a site
37 or parcel in terms of its agricultural importance for protection.

38
39 Ms. Griest encouraged the Board to critically review the proposed revisions and listen to the public
40 testimony with an open mind. She further encouraged the Board to approve and recommend these changes
41 and forward them back to the County Board with a recommendation for approval.

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Ms. Griest stated that she listened to Mr. Stenzel’s testimony tonight and, even though her comments are not included in her prepared statement, she must inform the Board that she disagrees both personally and as a LESA Committee member with some if not all of Mr. Stenzel’s statements.

She thanked the Board for the opportunity to speak and indicated that she was available to answer any questions that the Board may have.

Ms. Griest submitted her written testimony as a Document of Record.

Mr. Thorsland asked the Board if there were any questions for Ms. Griest and there were none.

Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony regarding Cases 710-AT-11 or 711-AT-12 and there was no one.

Mr. Thorsland stated that the ZBA has been given a large red binder tonight which includes a lot of materials for review.

Ms. Capel stated that the Board has been given a lot of information therefore for the purpose of reviewing all of the information where is the best place to start.

Mr. Hall recommended that for Case 710-AT-12 the Board begin with the June 14, 2012, Supplemental Memorandum, Attachment B. which lists seven items of evidence that he has proposed for the Finding of Fact. He said that the Board has all of the documents that are mentioned in the seven items of evidence and he has tried to make it easy for the Board to go back to those attachments and to the LESA Committee website. He said that the Board should do its own reading on what has been done so that when this goes to the County Board and the same comments are received that have been received tonight the County Board can look at the Finding of Fact and realize that the factors of the LESA update have been put together using the same methodology as the existing LESA although it used new productivity information, a different way of organizing agricultural value groups so that there is a smaller spread of productivity in each group, and it was reviewed by both the USDA/NRCS District Conservationist as well as the USDA/NRCS Soil Scientist and they both felt that the new LESA was reasonable. He said that as Ms. Griest pointed out the Committee did not forward the ZBA a perfect instrument but an instrument that will work and will be effective. He said that the Board should review Attachment D of the Supplemental Memorandum dated June 14, 2012, for Case 710-AT-12 and review the other distributed documentation.

Mr. Hall said that in regards to best prime farmland, the Board should read the four pages in tonight’s memorandum for Case 711-AT-12 and read the memorandum that went to the County Board reviewing the

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1 table that summarizes the differences. He said that he believes that by the next hearing the Board will have
2 all they need to know about best prime farmland. He said that the Site Assessment Factors will be reduced
3 from 22 to 10 focusing on the importance of agriculture and agriculture viability although unfortunately there
4 is no single reference that the Board can turn to that will tell us what those nine magic things are. He said
5 that the Board must review the factors themselves and decide if the size of the property has anything to do
6 with how important it is. He said that the proposed SA Factors do not just talk about best prime farmland
7 but also about prime farmland and he has not found another LESA in the state that distinguishes between
8 productivity in the site assessment. He said that he believes that whether or not there are ten non-farm
9 homes within one mile of the subject site is a great indicator as to where land would best be saved for
10 agriculture. He said that he will leave it up to the Board's judgment to decide how often livestock
11 management facilities come up in zoning cases because they are out there everywhere and to ignore them, as
12 our current LESA does, is a disservice. He said that there is a lot of data but none of the information is over
13 anyone's head and he will try to boil it all down as much as he can but currently the Board has everything
14 that they need. He said that the notebook includes a section on the test sites and before the case comes back
15 to the ZBA the Board will receive the side by side score sheets of the existing LESA and the proposed
16 update so that the Board can see for themselves how the points have changed between the two score sheets.
17 He said that he knows for a fact that it is easy to drive by a property where there is livestock and not see it
18 but he knows what happens at a public hearing because the Board and staff are held to a very high standard
19 and what goes out as a LESA rating in the Preliminary Memorandum is always subject to review. He
20 encouraged the Board to look at the LESA factors as they do in every case because it is something for the
21 public to review and comment on in the public hearing. He said that he does want the Board to see how the
22 points on a property changed from one scoresheet to another. He said that he does not believe that the cases
23 will be ready for action at the next meeting but the Board will have everything that they need. He said that
24 based on his experiences with the LESA committee you can think about this material for a very long time
25 and still not have it perfect but you will have a reasonable and effective LESA.

26
27 Mr. Hall noted that other county LESA's have been included in the notebook although if one of the members
28 finds another effective LESA then he would appreciate it if they would share it with everyone and enter it as
29 a Document of Record.

30
31 Mr. Thorsland stated that the cases have already been placed on the docket for the next meeting.

32
33 7. Staff Report

34
35 Mr. Hall stated that it is amazing how different 2012 is from 2011. He said that 50% more cases have been
36 docketed for this year and this Board has completed twice as many cases so far this year and the Board still
37 has more cases pending than what it did last year at this time. He said that because of the economic situation
38 a lot of people are coming in with things that require a decision yesterday and so far the waiting time is not
39 too bad but he is already looking for dates to schedule special meetings. He said that the Board has been
40 through one period when there was a backlog of cases which is not good because it gives a bad image and it
41 is hurtful to the economy in its own way.

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Ms. Capel asked Mr. Hall if the fiscal year ends on December 31st.

Mr. Hall stated no, the fiscal year ends on November 30th. He said that staff has cut back the budget so much over the past few years that when the economy comes back and staff gets more demand the department does not have enough resources. He said that the budget is not the Board's problem but if he begins requesting additional meetings the Board should ask whether there are enough resources to pay for that meeting.

Mr. Passalacqua asked Mr. Hall if applications had been submitted for the vacant ZBA seat.

Mr. Hall stated no.

- 8. Other Business
 - A. Review of Docket

Mr. Thorsland stated that staff previously reviewed the docket with the Board. He said that the June 28th meeting will be a very busy meeting and the entire Board is expected to be present.

- B. May 2012 Monthly Report

Mr. Hall distributed the May 2012 Monthly Report to the Board for review.

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

None

- 10. Adjournment

The meeting adjourned at 9:25 p.m.

Respectfully submitted

ZBA

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1 Secretary of Zoning Board of Appeals
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