

**MINUTES OF REGULAR MEETING**

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**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street**

**Urbana, IL 61802**

**DATE: July 12, 2012**

**PLACE: Lyle Shields Meeting Room  
1776 East Washington Street**

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

**Urbana, IL 61802**

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

**MEMBERS ABSENT :** Roger Miller

**STAFF PRESENT :** Connie Berry, John Hall, Lori Busboom

**OTHERS PRESENT :** Esther Lindsey, Joan Hardwick, Gene Hardwick, Aly Jackson, Roger Jackson, Susan Thomas, Norman Stenzel, Susan Carr, Roganne Murray, Mike Murray, Jason Watson, Birgit McCall, Ben McCall, Angela Wyatt, Ben Miller, Adam Sharp, Jacob Kesler, Ryann Kesler, Lauren Valentino, Mary L. Gannaway, Brett Leevy, Jeremy Leevy, Aaron Elzy, Roger Babb, Marilyn Babb, John Collins, Elizabeth Buck, Robert Dorsey, Rhonda Kesler, Kurt Kesler, Maggie Kirby, Renee Willcoxon, Lucy Sparks, Chris Murray, Peggy Anderson, Anne Murray, Nina Johnson, Celeste Eichelberger, Donna Kesler, Melissa Doll, Lisa Kesler, Lois Wood, Donald Wood, Kelli Tedlock, Catharine Ehler, Kevin Babb, Betty Murray, John Murray, Terri Kirby, Aaron Zuercher, Jerry Wallace, Chris Wallace, Shaina Kolzow, Judy Swartzendruber, David Swartzendruber, Linden Warfel, Chris Lehman, Brenda Keith, Connie Arnold, Mary Keith Stocks, Nancy Bussell, Leonard Stocks, Eric Bussell, Emille Kieke, Jane Kieke, Page Kirby, Lauren Miller-Murray, Jack Murray, Patty Murray, Rodney Kieke

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**1. Call to Order**

The meeting was called to order at 7:01 p.m.

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

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

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

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**3. Correspondence**

None

**4. Approval of Minutes**

None

**5. Continued Public Hearing**

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

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

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

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

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

4  
5 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.

6  
7 Ms. Anne Murray, who resides at 2150 CR 1000E, Champaign, and Ms. Lauren Murray-Miller, who resides  
8 at 105 Meadowcreek Ct, Lexington, approached the witness stand.

9  
10 Ms. Anne Murray submitted a photograph of the subject property as well as an aerial photograph of the  
11 subject property with an overlay indicating the location of the proposed special use on the subject property as  
12 Documents of Record. She said that the photograph indicating the subject property, minus the overlay, was  
13 taken from the northeast corner of her yard and the event center would be built in the northeast corner where  
14 the flowers are located. She said that she and her sister would like to thank the Board for their consideration  
15 and the time that they have invested for the review of this project. She said that it has been a long seven  
16 months on their part as well as on the part of the Board and staff. She said that she hopes that the facts and  
17 materials that have been submitted by experts will speak for themselves. She said that there are a lot of  
18 people in attendance tonight that may not choose to take up the Board's time by speaking and there are some  
19 that will speak to the Board but they all have something in common which is that they all believe in the  
20 proposed project. She said that the people in attendance support the project and are behind it 100% and in  
21 each zoning case she is sure that the Board takes away something that they have learned and there have  
22 certainly been many lessons that she and Lauren have learned during this process. She said that the one  
23 lesson that she and Lauren have been reminded of time and time again is to treat their neighbor as they  
24 would want to be treated. She said that it gives her chills how the neighbors have supported them time and  
25 time again by opening up their doors to listen to the plans so that they truly understand what they want to do  
26 and they support them. She said that the neighbors have signed petitions, attended numerous meetings on  
27 their behalf, written letters, prayed for them and opened up their doors as many times as they need to so that  
28 this project will happen and it is humbling and amazing and tonight is no different. Ms. Anne Murray  
29 requested that the Board look around the meeting room and view everyone who supports the project and she  
30 and her sister cannot help but be overwhelmed at the number of people who support them. She said that  
31 each one of the people that are present tonight are directly affected by the Board's decision tonight and they  
32 stand behind them and they will continue to stand behind them.

33  
34 Ms. Anne Murray stated that it is her hope that after the facts are all spelled out tonight that the ZBA  
35 supports this beautiful project. She said that the room is filled with supporters because they are directly  
36 affected by the decision regarding this building but for each one of the supporters there are supporters who  
37 just want to see this project happen. She invited the Board to ask any of their clients, colleagues in the  
38 industry, neighbors in the room, their college professors or their first grade teacher and they will tell the  
39 Board that she and Lauren are perfectionists and that they stand behind all of their work because their

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1 company stands for quality. She said that not only does their company stand for quality but they have an  
2 unmatched desire to impress in Champaign County and this project will be no different because the building  
3 will be amazing and the gardens and ponds that will surround the building will be so exquisite that the  
4 building will appear to be part of the landscape. She said that this project can happen and someday she  
5 hopes that the Board will be able see all of the architectural drawings and hundreds of pages of  
6 documentation that became a reality and that the Board will be proud to say that they supported that project.  
7 She asked the Board to remember that she and Lauren have done everything that the Board has requested and  
8 they are happy and willing to continue to do what is necessary to make this project happen. She said that  
9 they will work in the same manner with the same high level of excellence.

10  
11 Mr. Thorsland called Mr. John Hall to testify.

12  
13 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated July 12, 2012, for  
14 Case 700-S-11, for the Board's review. He said that the new memorandum truly applies to both cases. He  
15 said that on the back page of the memorandum is a map that was supposed to have been sent out in the  
16 mailing with highlighting although the original map was submitted in black and white. He said that the  
17 petitioners submitted the highlighted map to staff today and it indicates the properties owned by the people  
18 who signed the Petition of Support of the Petitioners and the area indicated in red is the subject property.

19  
20 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

21  
22 Mr. Courson asked Mr. Hall what bearing does the Petition of Support serve for the cases. He said that it is  
23 his view that the ZBA is not a political board that makes its decision because they personally do or do not  
24 want a project to be approved. He said that the ZBA is required to apply an Ordinance that was approved by  
25 the County Board therefore all of the signatures of support on the petition has no bearing on the Board's  
26 decision.

27  
28 Mr. Hall stated that it is up to each individual Board member as to what bearing the Petition of Support has  
29 on the case. He said that if every parcel in Hensley Township was covered in yellow highlight it wouldn't  
30 change anything other than it does give a good indication whether or not the project is seen by the larger  
31 neighborhood of fitting in or not fitting in. He said that the Petition of Support does not trigger any approval  
32 standard and it takes four members of the ZBA to recommend approval of the map amendment and the  
33 special use.

34  
35 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.

36  
37 Mr. Thorsland asked the Board if there were any questions for Anne Murray or Lauren Murray-Miller.

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- 1 Mr. Thorsland called Anne Murray and Lauren Murray-Miller back to the witness stand.  
2  
3 Mr. Thorsland asked Anne Murray where the products used in the catering business are sourced from.  
4  
5 Ms. Anne Murray stated that they do use various food suppliers but they also have 1/10<sup>th</sup> of an acre behind  
6 the current kitchen where they grow seasonal herbs and vegetables and they have a chef that has a garden  
7 that she uses fruits and vegetable from. She said that the subject property has a greenhouse on it as well and  
8 their landscape plan has a place where herbs and vegetables will be grown as part of the natural landscape.  
9  
10 Mr. Thorsland asked if other local producers will be utilized in the project.  
11  
12 Ms. Anne Murray stated that the food suppliers provide local produce as well.  
13  
14 Mr. Thorsland asked the Board if there were any additional questions for the petitioners.  
15  
16 Mr. Palmgren asked Ms. Anne Murray when they purchased the subject property.  
17  
18 Ms. Anne Murray stated that they purchased the property in December, 2011.  
19  
20 Mr. Palmgren asked Ms. Anne Murray if they were familiar with the Champaign County Zoning Ordinance  
21 at the time of their purchase.  
22  
23 Ms. Anne Murray stated yes. She said that they conducted research and it appeared that the subject property  
24 would work for their proposed project because it does not hurt public safety, agricultural use and continue  
25 around the property and they have a majority of the neighbor's support. She said that people desire to have a  
26 gathering area for rural people and this is a place where that need can be fulfilled.  
27  
28 Ms. Capel asked if other than the local foods that they produce themselves are there other food suppliers that  
29 they utilize that are local farmers.  
30  
31 Ms. Anne Murray stated that their food suppliers work with local farmers to provide the company with local  
32 produce.  
33  
34 Ms. Capel asked what percent of the food is grown locally.  
35  
36 Ms. Anne Murray stated it varies on season. She said that the weather affects a lot therefore if there is a  
37 drought like what we are experiencing now it is hard to obtain produce from Central Illinois right now and it  
38 is not very cost effective to get dried up basil.  
39

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1 Mr. Thorsland asked the Board if there were any additional questions for Ms. Anne Murray or Ms. Lauren  
2 Murray-Miller and there were none.

3  
4 Mr. Thorsland asked if staff had any questions for Ms. Anne Murray or Ms. Lauren Murray-Miller and there  
5 were none.

6  
7 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Anne Murray or Ms. Lauren  
8 Murray-Miller and there was no one.

9  
10 Mr. Thorsland called David Swartzendruber to testify.

11  
12 Mr. David Swartzendruber, who resides at 2129 CR 1000E, Champaign, stated that many of the people who  
13 are in attendance tonight indicating support of the project are also his neighbors and he would like to share a  
14 few of his thoughts regarding the project. He said that he and his wife moved to their current residence in  
15 1992 and at the time there was only one business on the corner which was originally the old Hensley School  
16 building and he was not concerned about the business because it was better than having a deteriorating  
17 school building. He said that within a couple of years 70 acres of prime farmland became a housing  
18 development and he and his wife had concerns about that project but it happened anyway. He said that it  
19 seems that nationally, state-wide and in Champaign County, appointed and elected officials have a way of  
20 making simple things not simple. He said that the question is not about Anne and Lauren and how nice they  
21 are or how well they run their business and it is not about the distance that it takes to stop a car or how many  
22 cars that go past the subject property during the daytime or the number of parking spaces that are proposed  
23 on the lot. He said that it seems that irrelevant things become the point of discussion rather than the simple  
24 fact which is that the subject property is rated as best prime farmland. He said that he attended a number of  
25 meetings held by the Champaign County Regional Planning Commission regarding the Land Resource  
26 Management Plan where they asked the populous about their concerns on how things are developed and the  
27 two biggest issues were the loss of prime farmland and urban sprawl. He said that we have to remember  
28 how absolutely valuable and limited the land is and once the land is taken out of production it is not  
29 available anymore. He said that during a year like this when we are experiencing a drought and the farmers  
30 are baling their corn crops you realize how valuable the land is and how if it continues to be reduced and  
31 reduced eventually we will not have the productive land that we are accustomed to having.

32  
33 Mr. Swartzendruber stated that rather than discussing stopping distances, drainage systems and where the  
34 driveways should be located and other irrelevant items there should be discussion as to whether the project  
35 fits into the neighborhood. He said that he and his wife now look out their east window to view a very ugly  
36 concrete building which is the new home of the Hindu Temple which has taken the place of a beautiful  
37 sunrise or a field of beans or corn. He said that the Hindu Temple does not provide any particular benefit to  
38 the people who utilize the temple by its location and its location would be much better if it were closer to

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1 where they live and the temple does not benefit anyone in the neighborhood and it does not fit in the  
2 neighborhood. He said that the temple project was approved because other issues became more important  
3 than the protection of best prime farmland. He said that he will admit that the proposed event center will be  
4 less obtrusive than the Hindu Temple and that the subject property is not being farmed to the best of its  
5 production but it is still AG-1 land and it should be protected and he urged the Board to consider that fact  
6 rather than the other irrelevant issues.

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

9  
10 Mr. Thorsland asked if staff had any questions for Mr. Swartzendruber and there were none.

11  
12 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Swartzendruber.

13  
14 Mr. Thorsland called Eric Bussell to the cross examination microphone.

15  
16 Mr. Thorsland reminded Mr. Bussell that he can only ask Mr. Swartzendruber questions which are based on  
17 his testimony and requested that Mr. Bussell not present testimony himself.

18  
19 Mr. Eric Bussell asked Mr. Swartzendruber if he was a farmer.

20  
21 Mr. Swartzendruber stated no.

22  
23 Mr. Bussell asked Mr. Swartzendruber to indicate where he lives.

24  
25 Mr. Swartzendruber stated that he resides at 2129 CR 1000E which is approximately one-eighth of a mile  
26 south of the subject property.

27  
28 Mr. Bussell asked Mr. Swartzendruber how many acres he resides upon.

29  
30 Mr. Thorsland reminded Mr. Bussell that he can only ask Mr. Swartzendruber questions based on his  
31 testimony.

32  
33 Mr. Swartzendruber stated that he owns approximately four acres which was an existing farmstead and they  
34 have no intentions to change the property. He said that they desired to live in the country but it is becoming  
35 less rural all of the time.

36  
37 Mr. Bussell stated that Mr. Swartzendruber's testimony indicated that he is concerned that the proposed  
38 project will take away farm ground that is in production.

39

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1 Mr. Swartzendruber stated that he did indicate such and he realizes that the subject property is not fully  
2 farmed and does have a house on it but rezoning could cause a domino effect. He said that if you change the  
3 zoning for one then it will make it easier for another to request the same in the area.

4  
5 Mr. Bussell asked Mr. Swartzendruber if it is fair to assume that his concern may be that the message that  
6 the rezoning could create would impact the neighborhood.

7  
8 Mr. Swartzendruber stated yes, he is concerned about the future.

9  
10 Mr. Bussell asked Mr. Swartzendruber if he is aware that the subject property is not taking farmland out of  
11 production.

12  
13 Mr. Swartzendruber stated yes.

14  
15 Mr. Bussell stated that Mr. Swartzendruber's testimony indicated that the proposed project does not fit the  
16 neighborhood. Mr. Bussell asked Mr. Swartzendruber if large shed like structures are unusual in Hensley  
17 Township.

18  
19 Mr. Swartzendruber stated that large sheds are not uncommon because directly across the section is a new  
20 home and farm shed with extremely bright lights which are on all night long.

21  
22 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Swartzendruber and there was  
23 no one.

24  
25 Mr. Thorsland called Lisa Kesler to testify.

26  
27 Ms. Lisa Kesler, who resides at 1801 W. Hensley Rd, Champaign, read a written statement and submitted  
28 the statement as a Document of Record. Ms. Kesler stated that her residence is located at the northwest  
29 corner of the intersection of Hensley and the Dewey-Fisher Road therefore she is approximately one-third of  
30 a mile south of the subject property. She said that living in Hensley Township is a choice that comes with a  
31 few trade-offs due to its unique location. She said that there are other locations in the County that are quieter,  
32 more peaceful, less traffic and fewer neighbors but she chose to live in the home that she resides in currently  
33 because it is her grandparent's farm. She said that her residence is close to Champaign, the county highway  
34 is always clear in the winter and it is easy to get out for the daily commute. She said that living in the  
35 neighborhood is a trade-off and yes it is busier and more congested but there are also a lot of conveniences  
36 that you do not have when you live further out in the rural areas.

37  
38 Ms. Kesler stated that another thing that is special about living in Hensley Township is that it is adjacent to



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1 the City of Champaign corporate limits. She said that there are other townships which are also adjacent to  
2 the corporate limits of the City of Champaign but Hensley Township has the county highway which runs  
3 through the township and two interstates which intersect within its borders therefore it will always be a  
4 desirable location for businesses and that fact will probably never change. She said that it is the  
5 responsibility of the residents of Hensley Township and the Hensley Township Board to be open to any new  
6 business that approaches us and wants to be located here and to give them due respect and take an honest  
7 look at what their goals are, especially when the business owners come from within our own community.  
8

9 Ms. Kesler stated that she would also like to point out that when you grow up on a farm in Champaign  
10 County you learn a lot more than how to put corn and soybeans in the ground. She said that you also learn  
11 how to be self-employed and independent and run your own business. She said that you learn the kind of  
12 work ethic and dedication it takes to succeed and today's farmers are raising a new generation of  
13 entrepreneurs. She said that some of them will take what they have learned from their parent's example and  
14 go into farming and some will apply what they have learned to start a different kind of business. She said  
15 that either way, what they are doing is a direct outcome of being raised by independent, self-employed  
16 farmers. She said that regardless of whether or not these young men and women choose agriculture or  
17 another type of business she wants them to know that they will be welcome here in the township and the  
18 county where they were raised and will not be sent away and told that their business isn't wanted here.  
19

20 Ms. Kesler stated that tonight we have a room full of neighbors who represent several generations of farmers  
21 in Hensley Township and they all live or own farm ground within one mile of Anne Murray's property. She  
22 said that Don and Lois Wood, the County's largest beef producers have been farming in our township for  
23 four generations and Roger, Marilyn and Kevin Babb are raising their fourth generation now and are  
24 concerned about what the future holds for them in Hensley Township. She said that the Hammel brothers,  
25 Bernie, Ron, Rich and Steve and their family have been farming here for 100 years and are wondering why  
26 anyone will want to buy farm ground in our township when a few of the residents will try to keep future  
27 business opportunities out. She said that the Murray's ancestors bought their first farm in Hensley Township  
28 over 100 years ago and the Ehlers have farmed here just as long and the Kesler family represents four  
29 generations of farmers in Hensley and Condit Townships.  
30

31 Ms. Kesler stated that the farmers know about progress and change and you can't be a farmer today if you  
32 are afraid of progress. She said that her grandpa would hardly recognize today's farm operation as being the  
33 same thing he did for a living because farming changes all the time and the farmers adapt and change along  
34 with it. She said that the families that are here tonight are here to say that they are not afraid of a little  
35 change and progress and they welcome it when it provides an opportunity for a new generation of  
36 entrepreneurs who were raised in our farming community. She said that these people who own and farm the  
37 ground in Hensley Township should have a say about whom and what will provide future tax money in their  
38 township and shouldn't they be able to support a local family that they know and trust and who has been an  
39 important part of the community for generations.

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2 Ms. Kesler stated that not only is this catering company owned by women who were raised on a Champaign  
3 County farm but it also meets all the criteria any community would look for when welcoming a new  
4 business. She said that the company is already established with a proven track record and it will provide  
5 jobs to residents of the County and tax revenue to the Township. She said that the company will not take  
6 any farm ground out of production and the owner will live on the property which means one less car on the  
7 road adding to the morning and afternoon commuter traffic. She said that there are a lot of other benefits to  
8 having the owner on site. She said that the building is well designed and attractive and is made of natural  
9 materials and will be situated back away from the road in a nicely landscaped setting which represents a  
10 huge improvement to a property that had been somewhat neglected. She said that the company will provide  
11 a needed service to the community and she has checked around and it is true that there are many weekends  
12 when every single venue in town is booked and young couples have to go someplace else to find a location  
13 for their wedding reception, which takes business outside of our County. She said that having another venue  
14 available here means more events can be held in our county bringing in guests from out of town and who  
15 will stay in our hotels, eat at our restaurants and shop in our stores. She said that the business is owned by a  
16 local resident which is something that she thinks should be given a high priority for all the reasons that she  
17 has already stated.

18  
19 Ms. Kesler stated that most communities would be thrilled to have such a successful and highly regarded  
20 business located within their borders and she is amazed that there is any opposition to this project at all. She  
21 said that she hopes that the Board will consider the issues she has brought to their attention and make their  
22 decision and realize that the opposing view presented by a few of the residents by no means represents the  
23 opinion of the majority of the property owners in the area.

24  
25 Mr. Thorsland asked if staff had any questions for Ms. Kesler and there were none.

26  
27 Mr. Thorsland asked the Board if there were any questions for Ms. Kesler.

28  
29 Mr. Courson stated Ms. Kesler commented that Hensley Township is unique and we should allow businesses  
30 to come into the township. He asked Ms. Kesler if she would support a larger rezoning of property in  
31 Hensley Township that would allow businesses to come into Hensley Township and not have to come to  
32 meetings for approval like this meeting tonight.

33  
34 Ms. Kesler stated that the property should not be rezoned in advance but should be reviewed on a case by  
35 case basis. She said that everyone knows that accidents occur on County Highway 1 and accidents will  
36 always occur on County Highway 1 but the area is very suitable for business use and she has no problem  
37 with it. She said that she does not want to see a solid line of businesses up and down County Highway 1 but  
38 she does support a locally owned business such as the one proposed. She said that classifying a parcel of

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1 ground as farm ground served a purpose but there is also another element which is preserving the legacy of  
2 farming in the area which includes entrepreneurship. She said that the nature of farming is entirely different  
3 than it was 50 or 75 years ago and part of farming is being an independent business owner and that legacy  
4 should be preserved as well and there are a lot of generations in our County who leave because there is no  
5 place for them. She said that a business such as the one proposed is requested in our neighborhood and it is  
6 a business that would fit in the neighborhood and the owners are from the neighborhood then she feels that it  
7 should be allowed.

8  
9 Mr. Courson stated that there is nothing in the Ordinance that gives more weight to people who live in  
10 Champaign County and in the area. He said that the Ordinance gives no bearing on where you are from and  
11 it is not taken into consideration. He said that people will believe that the Board is for or against the  
12 proposed event center but the biggest issue that he sees is allowing spot zoning to allow a business on a  
13 property that would not be allowed unless the zoning was changed. He said that he does not feel that the  
14 County should have this designation of land if someone wants to do a business in this district and can simply  
15 request to have it rezoned to allow it.

16  
17 Ms. Kesler stated that the Board does have that flexibility.

18  
19 Mr. Courson stated that the ZBA makes a recommendation and the case is forwarded to the County Board.  
20 He said that the process is very detailed and it is not an automatic approval.

21  
22 Mr. Thorsland asked the Board if there were any additional questions for Ms. Kesler and there were none.

23  
24 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Kesler and there was no one.

25  
26 Mr. Thorsland called Gene Hardwick to testify.

27  
28 Mr. Gene Hardwick, Architect for the project, stated that he is available for any questions regarding the  
29 architecture or plans that have been submitted for the proposed event center.

30  
31 Mr. Thorsland asked the Board if there were any questions for Mr. Hardwick and there were none.

32  
33 Mr. Thorsland asked if staff had any questions for Mr. Hardwick and there were none.

34  
35 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hardwick.

36  
37 Mr. Thorsland called Mr. John Collins to the cross examination microphone.

38  
39 Mr. Thorsland reminded Mr. Collins that he can only ask Mr. Hardwick questions based on his testimony.

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Mr. John Collins stated that he would like to ask Mr. Hardwick about the plan.

Mr. Thorsland stated that Mr. Hardwick did not testify about the plan and only indicated that he was available if there were any questions. He said that he will allow Mr. Hardwick to answer any questions at his comfort.

Mr. Collins stated that the proposed plans indicate that there are basically three acres of land, which includes a home, and approximately one and one-half acres of impervious surface will be added to the property.

Mr. Hardwick asked Mr. Collins if he was referring to the parking area.

Mr. Collins stated that he is indicating the parking, the event center and the pond. He said that when the pond is full up to its discharge level it too is an impervious surface because it will no longer absorb water.

Mr. Hardwick stated that Mr. Collins is correct.

Mr. Collins stated that the 15 inch storm sewer will discharge across the property line across another resident to adjacent farmland.

Mr. Hardwick stated that it discharges into the existing waterway. He asked Mr. Collins if he is familiar with the subject property.

Mr. Collins stated that he is very familiar with the property.

Mr. Thorsland stated that Mr. Hardwick can answer any questions he desires but he is not required to do so because the site plan is a Document of Record and there are conditions regarding Stormwater Management.

Mr. Hardwick stated that he is not the expert regarding the stormwater retention but he will try to explain the detention basin very simply. He said that the basin does not discharge any more water but simply holds the water so that there is not an excess amount. He said that it is basically holding the water in the pond and allowing it to stay there during a big rain.

Mr. Collins stated that he has thirty years of drainage experience.

Mr. Thorsland informed Mr. Collins that he is now presenting testimony and in order to do so he must sign the witness register and present his testimony when he is called upon but not during cross examination of Mr. Hardwick.

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1  
2 Mr. Collins asked Mr. Hardwick if he sees any ramifications of forcing all of the stormwater from the  
3 impervious area out a 15" tile to adjacent farm ground.  
4  
5 Mr. Hardwick stated that the idea is to slow it down.  
6  
7 Mr. Thorsland reminded Mr. Collins again that he is presenting testimony.  
8  
9 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Hardwick.  
10  
11 Mr. Passalacqua asked Mr. Hardwick if the grass area of the overflow parking will be constructed of any  
12 type of textile. He said that grass is not always a great parking spot.  
13  
14 Mr. Hardwick stated that the grass area is for overflow parking and they feel that the proposed parking will  
15 be adequate for most events and that the overflow parking will receive very minimal use. He said that if the  
16 grass proves to not hold up then the area may require some sort of paving. He said that they had hoped to  
17 use a new fiberglass product called "Grass Pave" and it used to be made out of concrete but unfortunately in  
18 our climate the summers are too hot and the grass is killed out however the fiberglass product is a lot thinner  
19 and provides the same support for the vehicles and does not burn out the grass. He said that it was hoped to  
20 pave the center strip of the proposed parking area and use the "Grass Pave" for the parking spaces so that the  
21 surface would be more permeable.  
22  
23 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Hardwick and there  
24 were none.  
25  
26 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Hardwick and there was no  
27 one.  
28  
29 Mr. Thorsland called Catharine Ehler to testify.  
30  
31 Ms. Catharine Ehler, who resides at 1078 CR 2200N, Champaign, stated that she lives in Section 11 in  
32 Hensley Township which abuts Section 14 and she owns a farm in Section 12. She said that she is offended  
33 by the testimony that was given at the June 14, 2012, public hearing by Ms. Birgit McCall. Ms. Ehler stated  
34 that Line 21 on Page 10 of the Excerpt of Draft Minutes for Cases 699-AM-11 & 700-S-11 reads as follows:  
35 Ms. McCall stated that for many of the people who have written or verbally supported the event center, it is  
36 clearly more about the petitioners than the zoning and she makes that statement for a couple of reasons. The  
37 first is that some of the people who are supporting the Murrays were opposed to the Hindu Temple because  
38 they along with 87 other residents of Hensley Township attended protest meetings or signed a petition  
39 opposing it. Ms. Ehler stated that she was one of the landowners who opposed the Hindu Temple and it was

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1 not because of her respect of the Hindu work ethic or culture because her parents went to India in the early  
2 60's to set up the College of Engineering and she could provide anyone a slide show on the Hindu culture if  
3 they desire to see it. She said that she has respect for the Hindu culture and what the Murrays are trying to  
4 do but her only contention was that when the Hindu Temple purchased 39 acres they took a good chunk of it  
5 for their temple therefore taking the land out of agricultural production. She said that the decision to take the  
6 ten acre plot that the Murray family wants to make into an event center, out of agricultural production was  
7 made in 1984 when the strip was sold off and developed with a house and trees. She said that she wanted to  
8 clarify why she opposed the Hindu Temple and why she has no problem with the proposed event center. She  
9 said that the event center is a different use for land that has already been taken out of production and she  
10 believes that it is a very good use.

11

12 Mr. Thorsland asked if staff had any questions for Ms. Ehler and there were none.

13

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

15

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

17

18 Mr. Thorsland called John Collins to testify.

19

20 Mr. John Collins, who resides at 893 CR 2125N, Champaign, stated that he is not present tonight to argue  
21 the public safety aspects, number of accidents or whether or not this development is needed but he is going  
22 to argue about some of the drainage concerns that the Hensley Township Board and the Hensley Township  
23 Plan Commission have regarding the proposed development. He said that anytime a parcel of ground with  
24 impervious surface receives a one inch rain a good portion will absorb into the ground and some of it will  
25 eventually run off. He said that if a three acre parcel of ground which predominately flows to the north  
26 receives an inch of rain, in its existing condition, some of the rain will absorb and some of it will gently flow  
27 to the north to the existing waterway. He said that if one and one-half acres is taken out of the three acre  
28 parcel and is made impervious and receives a one inch rain that is forced through a 15 inch storm water tile  
29 to someone else's property erosion problems will be created. He said that he has not seen an erosion  
30 construction plan and has only seen a 15 inch storm sewer that outlets to an existing adjacent property with  
31 productive farmland. He said that the drainage issues need to be addressed before any final decisions are  
32 made for this development.

33

34 Mr. Thorsland asked if staff had any questions for Mr. Collins.

35

36 Mr. Hall asked Mr. Collins if he was familiar with the Champaign County Stormwater Management Policy.

37

38 Mr. Collins yes.

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1  
2 Mr. Hall asked Mr. Collins if he has reviewed Subsection 7.2.H. which indicates the following: All surface  
3 runoff water shall exit the development in nonerosive velocities.  
4  
5 Mr. Collins stated that any stormwater that runs off of the property must run off of the property at the same  
6 location that it did before it was developed. He said that this requirement is stated in the Illinois drainage  
7 law. He said that forcing or centralizing any stormwater runoff to another location across someone else's  
8 property violates the Illinois drainage law and doing so will also create an enormous erosion problem for not  
9 only the adjacent property owner but also for the property which is located to the east. He said that there is a  
10 concrete spillway and short section of grass but the rest of the farmland is productive farm ground.  
11  
12 Mr. Hall asked Mr. Collins if he believes that a complete stormwater plan designed for the construction  
13 should be received and approved by this Board prior to approval of the special use permit.  
14  
15 Mr. Collins stated that there needs to be at least a stormwater plan that will release the same amount across  
16 the same area to the adjoining property.  
17  
18 Mr. Hall asked Mr. Collins if he has reviewed the letter from Berns, Clancy and Associates.  
19  
20 Mr. Collins stated that he has copies from Berns, Clancy and Associates and Phoenix Consulting Engineers.  
21 He said that the letter from Phoenix Consulting Engineers indicates that in any storm event, whether it is a  
22 one year or 100 year, that peak discharge is going to be less due to the proposed plan. He said that Berns,  
23 Clancy and Associates states that the proposed development will increase the total volume of runoff from the  
24 site but will likely result in an increase from an approximate 2.7 square mile watershed of less than 1%. He  
25 said that he will agree with the engineering study in that the amount of excess runoff that comes off of the  
26 property will not affect the floodplain but what it will do is concentrate the storm water runoff to the  
27 adjacent property creating erosion problems and take away productive farm ground from someone else that is  
28 an adjoining neighbor.  
29  
30 Mr. Hall asked Mr. Collins if he does not believe that Phoenix Consulting Engineers or Berns, Clancy and  
31 Associates computed adequately.  
32  
33 Mr. Collins stated that Berns, Clancy and Associates indicated that the concept drainage plan appears to be  
34 feasible. He said that he does not want to hear that it appears to be feasible and would prefer to hear that  
35 something is feasible and will not affect the neighboring properties.  
36  
37 Mr. Hall asked Mr. Collins if he believes that the Board should require that more engineering be completed  
38 for this project.  
39

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1 Mr. Collins stated yes.  
2  
3 Mr. Thorsland asked the Board if there were any questions for Mr. Collins and there were none.  
4  
5 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Collins.  
6  
7 Mr. Thorsland called Kelly Ford to the cross examination microphone.  
8  
9 Ms. Kelly Ford asked Mr. Collins to indicate the nature of his experience with drainage.  
10  
11 Mr. Collins stated that roughly he has 30 years of experience in farm drainage to residential development and  
12 public works.  
13  
14 Ms. Ford asked Mr. Collins to indicate his occupation.  
15  
16 Mr. Collins stated that he has 30 years of field experience and is currently he employed with the City of  
17 Urbana as the Operation's Manager for their Public Works Department.  
18  
19 Ms. Ford asked Mr. Collins if he was a licensed engineer.  
20  
21 Mr. Collins stated no.  
22  
23 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Collins.  
24  
25 Mr. Thorsland called Jerry Wallace to the cross examination microphone.  
26  
27 Mr. Jerry Wallace asked Mr. Collins if he owns the property which is adjacent to the property that he  
28 referred to during his testimony.  
29  
30 Mr. Collins stated yes. He stated that he owns the one acre parcel that he lives upon and manages 40 acres  
31 of farm ground with his father.  
32  
33 Mr. Wallace asked Mr. Collins if the 40 acres is the parcel that will receive the runoff from the subject  
34 property.  
35  
36 Mr. Collins stated no but he has been in communication with the landowner to the north which is adjacent to  
37 the Murray property.  
38



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1 Mr. Wallace stated that Mr. Collins indicated that he is concerned about water going on to a property but he  
2 does not own or farm that property.

3  
4 Mr. Collins stated that Mr. Wallace is correct.

5  
6 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Collins and there was no one.

7  
8 Mr. Thorsland called Kelly Ford to testify.

9  
10 Ms. Kelly Ford, attorney for the Murray family, stated that she was called by the Murrays several months ago  
11 to see if she was interested in helping them with this project and during her typical checklist of what she  
12 would look for in terms of what she could possibly do for them she was surprised at how organized the  
13 petitioners were. She said that Anne and Lauren Murray had taken all of the steps that she would initially  
14 take to counsel clients. Ms. Ford stated that she originally informed the Murrays that they did not need her  
15 services but they could call her if things went bad during the public hearing process and now here we are.  
16 She said that she has reviewed the case and is still confused why they are where they are today because it  
17 appears that during each step of the process Anne and Lauren have complied. She said that the petitioners  
18 have provided the requested materials and have probably gone over and beyond what is required. She said  
19 that the petitioners have provided the requested drainage studies and they paid for the CUUATS traffic  
20 analysis and at every turn they have tried to respond to any concerns that have been raised by the public. She  
21 said that rezoning a property of this nature is a serious matter and the petitioners have been conscience of  
22 their neighbor's concerns. She said that the AG-1 District's list of uses is very broad and the AG-2 only  
23 stretches the uses a bit further and there have been comments that the requested rezoning could be  
24 considered spot zoning. She said that if the Board would review the zoning map as a whole it could be said  
25 that a lot of spot zoning has occurred in the County but the fact that the subject property is within two miles  
26 of the City of Champaign's boundary and the proximity to other properties which are not zoned AG-1  
27 confirms that it would not be spot zoning.

28  
29 Ms. Ford stated that the important thing that the Board should be considering is whether or not the Finding  
30 of Facts meets the criteria. She said that the Board has to ask itself if the requested map amendment will  
31 achieve the Land Resource Management Plan because of the proposed criteria and it does. She asked the  
32 Board, that at this point with everything that has been provided, what have her clients not provided or failed  
33 to answer that would give the Board concern. She said that in reviewing the materials her clients have  
34 responded to every concern professionally and in detail therefore she is at a loss as to what may be missing at  
35 this point. She said that if there is something that her clients have missed or presents concern to the Board  
36 she would appreciate notification so that they can be addressed. She said that everyone can question the  
37 traffic study and the engineering reports but the fact of the matter is that the people who prepared the  
38 information are professionals and they believe that these items are in concert with what has been requested  
39 by the County.

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1  
2 Mr. Thorsland asked if staff had any questions for Ms. Ford and there were none.  
3  
4 Mr. Thorsland asked the Board if there were any questions for Ms. Ford.  
5  
6 Mr. Courson stated that Ms. Ford indicated that when she met with her clients it appeared that they were  
7 very prepared therefore her services were not required at that time. He asked Ms. Ford if it is her general  
8 practice to recommend that people purchase property for business ventures that is not properly zoned for  
9 such businesses.  
10  
11 Ms. Ford stated that she did inform her clients that she would not recommend such and her clients  
12 understood that their purchase would come with some risk. She said that her clients are not before the Board  
13 so that the Board feels sorry for them because they purchased the property with an intent therefore the Board  
14 should allow their request but they are requesting that the Board consider the rezoning due to the issues that  
15 have been raised during the public hearing process.  
16  
17 Mr. Courson stated that the petitioners are requesting a map amendment so that they can utilize the property.  
18  
19 Ms. Ford stated that her clients would have done so whether they only had a contract to purchase the  
20 property or whether they had already acquired the property. She said that if her clients had not purchased the  
21 property they would have the ability to terminate their contract and if they do not receive approval of the  
22 map amendment then the Murray family owns a home and ten acres. She said that, if she may characterize  
23 the situation, her clients are not asking that the Board should feel sorry for them because they have acquired  
24 this property for a specific reason therefore since they are in a pinch the Board should approve their request.  
25  
26 Mr. Courson stated that he would agree with Ms. Ford's characterization of the situation.  
27  
28 Ms. Ford stated that her clients are indicating that they believe that their proposal is a fair use of the property  
29 and that an amendment would be appropriate.  
30  
31 Mr. Courson asked Ms. Ford to indicate her definition of spot zoning.  
32  
33 Ms. Ford stated that she did not come to the meeting prepared to answer such a question.  
34  
35 Mr. Courson stated that Ms. Ford was very specific that the request should not be considered spot zoning.  
36  
37 Ms. Ford stated that if she were further out in the County and she requested a map amendment to put a more  
38 dense or incompatible use on the property then that would be considered spot zoning. She asked Mr.

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1 Courson why he believes that the requested map amendment constitutes spot zoning.

2

3 Mr. Thorsland stated that the discussion between Ms. Ford and Mr. Courson regarding spot zoning is not the  
4 issue at hand.

5

6 Mr. Thorsland asked the Board if there were any additional questions for Ms. Ford and there were none.

7

8 Mr. Thorsland called Ben McCall to testify.

9

10 Mr. Ben McCall, who resides at 1085 CR 2200N, Champaign, stated that he resides in the northern portion  
11 of Section 14 of Hensley Township and is approximately one-half mile from the subject property. He said  
12 that he is speaking tonight as an individual and not as a representative of the Hensley Township Plan  
13 Commission and is only testifying tonight in regard to the map amendment case.

14

15 Mr. McCall stated that throughout this case he has felt that it is fundamentally unfair to rezone a single piece  
16 of property for the benefit of a developer at the expense of the surrounding property owners. He said that in  
17 the July 6, 2012, Supplemental Memorandum there was a discussion about spot zoning which was a term  
18 that he was unfamiliar with. He said that in the memorandum staff indicates that the Ordinance does not  
19 limit AG-2 to 1.5 miles from cities, which is true, and that the zoning map has always had AG-2 more than  
20 1.5 miles from the cities, which is also true but generally contiguous. He said that staff goes on to suggest  
21 that there is nearby isolated AG-2, specifically the soil testing service, and implies that this makes it okay but  
22 that case was clearly an infill development whereas the present case is neither infill nor contiguous to other  
23 development. He said that staff goes on to say that we shouldn't worry about rezoning a single lot to AG-2 if  
24 it is as close to cities as other AG-2 although he sees no basis for this claim. He said that staff correctly  
25 states that previous AG-2 rezonings do not obligate the Board to approve this rezoning and he believes that  
26 this is a key point to remember.

27

28 Mr. McCall stated that he looked up the term spot zoning on the web and the second link on Google was an  
29 article in the *Planning Commissioners Journal* which appears to be a professional journal for the planning  
30 community. He said that the article was written by an attorney with experience as an assistant city attorney  
31 and as a legal counsel to a planning commission. He said that for what it is worth the author also has a  
32 master's degree in Urban and Regional Planning.

33

34 Mr. McCall distributed a copy of the article titled, "Understanding Spot Zoning" to the Board as a Document  
35 of Record and read the article as follows:

36 Most planning commissioners have heard the impassioned cry that a particular rezoning decision will  
37 constitute an invalid spot zoning. This allegation typically arises where the community is  
38 considering the rezoning of a single lot or small parcel of property held by a single owner and the  
39 rezoning will permit land uses not available to the adjacent property. Because spot zoning often

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1 focuses on the single parcel without considering the broader context, that is, the area and land uses  
2 surrounding the parcel, it is commonly considered the antithesis of planned zoning. While rezoning  
3 decisions that only affect a single parcel or small amount of land are most often the subject of spot  
4 zoning claims, as opposed to rezoning of larger areas, a locality can lawfully rezone a single parcel if  
5 its action is shown to be consistent with the community's land use policies. As I will discuss shortly,  
6 courts look to the community's comprehensive plan or to other planning studies in determining  
7 whether the rezoning is, in fact, consistent with local land use policies.  
8

9 Of course, whether a particular rezoning constitutes an unlawful spot zoning depends largely upon  
10 the facts surrounding the zoning decision and upon the judicial decisions of each state. However,  
11 courts commonly note that the underlying question is whether the zoning decision advances the  
12 health, safety, and welfare of the community. A zoning decision that merely provides for individual  
13 benefit without relationship to public benefit cannot be legally supported. Where a particular zoning  
14 decision is not supported by a public purpose the zoning decision is arbitrary and may be subject to  
15 invalidation as unlawful spot zoning. Although courts throughout the nation differ in their specific  
16 approaches when reviewing spot zoning claims the majority consider the following: 1. the size of  
17 the parcel subject to rezoning; and 2. the zoning both prior to and after the local government's  
18 decision; and 3. the existing zoning and use of the adjacent properties; and 4. the benefits and  
19 detriments to the landowner, neighboring property owners, and the community resulting from the  
20 rezoning; and 5. the relationship between the zoning change and the local government's stated land  
21 use policies and objectives.  
22

23 This last factor, the relationship of the rezoning decision to the community's land use policies and  
24 objectives, is perhaps the most important one. As a result, when a planning commission or  
25 governing body initially considers a rezoning request it should determine whether the request is  
26 consistent with the comprehensive or master plan. Many communities' zoning codes also require a  
27 separate planning study that examines the merits of the proposed rezoning which further ensures that  
28 any rezoning is consistent with the community's land use objectives and not a case of spot zoning.  
29 The bottom line is that courts will give considerable weight to evidence that the locality's rezoning  
30 decision reflects thoughtful consideration of planning factors.  
31

32 It should be noted that there is one situation where a rezoning decision that does not conform to the  
33 comprehensive plan may nevertheless be upheld and that is where there is evidence showing  
34 significant changes in the community since the adoption of the plan that would justify a rezoning of  
35 the property. This is especially true where a review of other factors, such as benefit to the  
36 community and the size of the rezoned parcel, indicate that the rezoning was not merely intended to  
37 confer a benefit to the property owner.  
38

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1 Mr. McCall continued his individual testimony. He said that to paraphrase, spot zoning, which staff admits  
2 this case represents, is almost certainly illegal unless it is clearly demonstrated to be in the public interest and  
3 not just the interest of the developer and is consistent with the LRMP. He said that this proposed spot  
4 zoning clearly does not provide a public benefit in the sense of advancing the health, safety, welfare of the  
5 community. He said that having a wedding reception hall in a rural setting, in general, cannot be claimed to  
6 be a public benefit, although perhaps a public park could but not an upscale private event center, and it is  
7 even more clear that having one at this particular location does not offer a public benefit.

8  
9 Mr. McCall stated that this proposed spot zoning also does not advance the goals of the LRMP and he does  
10 not understand why staff felt compelled to propose arguments that it does. He said that he will examine  
11 staff's arguments one by one. He said that staff indicates that Goal 1 and Goal 2 are not relevant and he will  
12 agree. He said that staff indicates that Goal 3 is not directly relevant to any of the objectives in Goal 3, but  
13 for some reason goes on to say that it would partially achieve Goal 3 simply because it would benefit a local  
14 business. He said that staff was correct that this Goal is not relevant and should not claim that the rezoning  
15 helps achieve this goal. He said that in regards to Goal 4, Objective 4.1, this objective is to minimize the  
16 fragmentation of the County's agricultural land base. He said that staff indicates some technical arguments  
17 about two of the policies in 4.1 and recommends that the rezoning achieves Objective 4.1, which makes no  
18 sense. He asked how approving this rezoning can be construed to minimize the fragmentation of agricultural  
19 land. He said that perhaps one can argue that approving the rezoning would not fragment agricultural land  
20 very much but approving this rezoning is not the way to minimize the fragmentation. He said that denying  
21 the rezoning is the way to minimize the fragmentation and approving the rezoning would impede Objective  
22 4.1.

23  
24 Mr. McCall stated that in regards to Goal 4, Policy 4.2.1. staff correctly points out that it is up to the Board  
25 to determine whether an upscale event center is a service that is better provided in a rural area than in an  
26 urban area. He said that he believes that it is not but if the Board determines that it is all this policy says is  
27 that the County may authorize a development in a rural area and does not say that such development should  
28 be encouraged or that it is desirable to develop rural area. He said that even if the Board determines this is a  
29 service better provided in a rural area, the proposed rezoning would not "achieve" Policy 4.2.1 but rather  
30 "conform" to it. He said that if the Board determines otherwise it would not conform.

31  
32 Mr. McCall stated that Goal 4, Policy 4.2.3 should be "conforms" and not "achieves". He said this is an  
33 important distinction because "achieves" suggests that the rezoning is a good thing and advances the cause  
34 of the LRMP. He said that "conforms" just means that it isn't explicitly violating the LRMP. He said that  
35 the same applies to Policies 4.3.2, 4.3.3. and 4.3.4 because they all "conform" and not "achieves".

36  
37 Mr. McCall stated that Goal 5, Objective 5.1 is where he finds the arguments getting even more interesting.  
38 He said that this objective basically says that the County should try to ensure that most of the growth and  
39 development is concentrated in and adjacent to existing population centers. He said that this objective

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1 makes a lot of sense to him and he believes it represents a widely held view in both the planning community  
2 and the public at large in that growth should be compact and contiguous. He said that he would like to take  
3 a look at how staff uses technical arguments to recommend that rezoning a single lot to enable development  
4 far from a population center achieves the goal of ensuring that most development occurs in or adjacent to  
5 population centers.  
6

7 Mr. McCall stated that Policy 5.1.1 stated that the County will encourage new urban development to occur  
8 within the boundaries of incorporated municipalities. He said that staff indicates that an Appendix to  
9 Volume 2 of the LRMP essentially defines urban development as land uses that are connected to a sewer or  
10 ought to be. He said that since the proposed use will have a septic system instead of a sewer connection staff  
11 believes that the proposed rezoning helps achieve the goal of the LRMP. He said that only if it were a  
12 stadium or a coliseum would it be considered urban development and thereby not achieve the goal of the  
13 LRMP. He said that it is his opinion that the proposed rezoning pretty clearly impedes this policy and more  
14 generally Goal 5 of the LRMP by enabling non-contiguous development relatively far from existing cities.  
15

16 Mr. McCall stated that Objective 5.2 indicates that new development should demonstrate good stewardship  
17 of natural resources. He said that staff recommends that the proposed rezoning achieves that objective  
18 because of Policy 5.2.1 which states the following: The County will encourage the reuse and redevelopment  
19 of older and vacant properties within urban land when feasible. He said that staff goes on to say that the  
20 petitioners had trouble finding a suitable property and that the proposed use is not urban anyway so the  
21 proposed rezoning conforms to this policy and therefore somehow achieves the objective of demonstrating  
22 good stewardship of natural resources. He said that it is not clear to him how this objective is relevant  
23 because the property in question is a residence not a vacant or older business and would almost certainly  
24 have been purchased by somebody else and used as a residence.  
25

26 Mr. McCall stated that Goal 6 states that the County will ensure protection of the public health and safety in  
27 land resource management decisions. He said that staff indicates that the proposed rezoning will help  
28 achieve this goal because wastewater will be properly treated, outdoor lighting will comply with the  
29 Ordinance and building codes will be followed. He said that this seems to conform to Goal 6 but not really  
30 achieves it. He said that Goal 7 indicates that the County will coordinate land use decisions in the  
31 unincorporated area with the existing and planned transportation infrastructure and services. He said that  
32 staff indicates that the proposed rezoning achieves this goal because a traffic impact analysis was done. He  
33 said that he would respectfully suggest that this conforms and not achieves this goal.  
34

35 Mr. McCall stated that staff indicates that Goals 8, 9 and 10 are not relevant and he agrees.  
36

37 Mr. McCall asked that with all of the mumbo-jumbo out of the way where does that leave us? He said that  
38 everyone agrees that LRMP Goals 1, 2, 8, 9 and 10 are not relevant and it seems pretty clear that Goal 3 is

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1 also not relevant. He said that this brings us to Goals 4 and 7 and it is his opinion that it's pretty clear that  
2 the proposed rezoning only conforms to Goals 6 and 7, rather than achieving them, and in the most favorable  
3 view it also only conforms to Objectives 4.2 and 4.3. He said that it also seems to him that it clearly  
4 impedes Objective 4.1, minimizing fragmentation of agricultural land, and Goal 5, compact and contiguous  
5 growth. He said that the article from the *Planning Commissioner's Journal* pretty much said that spot  
6 zoning is generally found to be illegal unless it advances the health, safety and welfare of the community and  
7 is consistent with the LRMP.

8  
9 Mr. McCall stated that he would respectfully suggest to the Board that despite the heroic efforts of staff to  
10 try to justify this rezoning request it simply does not advance the health, safety and welfare of the community  
11 and it is clearly inconsistent with the LRMP. He said that it is also probably an example of illegal spot  
12 zoning and the County might well be challenged in court if it approved it. He said that as he has testified  
13 before it also makes no sense in terms of the intent of the Zoning Ordinance itself.

14  
15 Mr. McCall stated that he would like to close with the following question: What harm would come if this  
16 request is rejected and what harm would come if it is approved? He said that if it is rejected the developers  
17 will be out some money for their planning costs and the traffic impact analysis. He said that he would guess  
18 that they would sell the property, perhaps after dividing it into three lots as suggested by staff, and probably  
19 make a profit. He said that they would then try a little harder to find a suitable location that is properly  
20 zoned and would then likely start up a very successful event center there which may be a little bit less of the  
21 rural character that they yearn for.

22  
23 Mr. McCall stated that if it is approved, the surrounding property owners will lose that same rural character  
24 that they have vested so much in over the years and they will lose the ability to enjoy the peace and  
25 tranquility of the country. He said that before too long staff will be championing another development  
26 adjacent to this one arguing that there is already a lot of development in this area and it is not really rural  
27 anymore. He said that over time the rural character the residents moved there for, that the Hindu Temple  
28 was established to appreciate, and that the current petitioners will profit from will be completely gone and  
29 the area will be just another example of urban sprawl into the country.

30  
31 Mr. McCall urged the Board to not simply accept the recommendation of the staff at face value but instead to  
32 carefully consider whether it believes the proposed rezoning provides a public benefit and is consistent with  
33 both the letter and the spirit of the LRMP. He said that the Board should err on the side of rejecting the  
34 rezoning unless it is entirely convinced that approval would be in the public interest and consistent with the  
35 LRMP otherwise the Board may leave the County in an indefensible legal position.

36  
37 Mr. Thorsland asked if staff had any questions for Mr. McCall and there were none.

38  
39 Mr. Thorsland asked the Board if there were any questions for Mr. McCall and there were none.

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

Mr. Thorsland called Peggy Anderson to testify.

Ms. Peggy Anderson, who resides at 2172 CR 1000E, Champaign, stated that she is the property owner to the north that was alluded to during earlier testimony. She said that she is concerned about the drainage because the Murray property slopes down towards her property and is one of the first points of the drainage from the subject property. She said that the Berns, Clancy and Associates' engineering report contained many words like "should", "could", "appears", and "if" and these words do not leave you with a wonderful 100% feeling of assurance. She said that things should not go wrong but just in case they do it would impact her property. She said that at one time she hired Berns, Clancy and Associates to design a parking lot for a group that she worked for on campus and oddly enough the drainage design did not work and had to be redone therefore she is a little concerned with their findings.

Ms. Anderson stated that she is also concerned about traffic. She said that for more than one day she traveled on a particular country road that had a business located upon it and she noticed a speed limit that was placed around the business along the road. She said that with two different areas of possible high impact traffic a speed limit might be appropriate for County Highway 1. She said that one beautiful Sunday afternoon she was outside a lot on her property and she noticed that the Hindu Temple was having a gathering and when she looked towards the temple the sun kept reflecting off of the vehicles which gave her the feeling of living near a parking lot and not in a rural setting.

Mr. Thorsland asked if staff had any questions for Ms. Anderson and there were none.

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

Mr. Courson commented that he specifically requested that the County consider reducing the speed limit in this area during the traffic impact analysis. He asked if his request was ignored or if it just fell through the cracks.

Mr. Hall stated that the posted speed limit in the area is 55 miles per hour. He said that a speed limit cannot be lowered just because someone requests it.

Mr. Courson stated that he was informed that a reduced speed limit would have to be examined during the traffic study and he requested that a speed reduction be considered in this location.

Mr. Hall stated that the traffic analysis did not see any need for a speed reduction.



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1  
2 Mr. Courson stated that the traffic analysis did not address the speed limit.  
3  
4 Mr. Hall stated that the traffic analysis indicated that all of the parameters were adequate for a 55 mile per  
5 hour speed limit.  
6  
7 Mr. Thorsland asked the Board and staff if there were any further questions for Ms. Anderson and there were  
8 none.  
9  
10 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Anderson and there was no one.  
11  
12 Mr. Thorsland asked the audience if anyone else desired to sign the witness register to present testimony  
13 regarding these cases and there was no one.  
14  
15 Mr. Thorsland stated that he had one additional question for Anne Murray and requested that she return to  
16 the witness stand.  
17  
18 Mr. Thorsland asked Anne Murray if she visited each of the property owners that are highlighted on the map.  
19  
20 Ms. Anne Murray stated yes. She said that the petition which was submitted was signed by landowners in  
21 Hensley Township who support their project. She said that the landowners represent approximately 7,700  
22 acres and most of those landowners are present tonight.  
23  
24 Mr. Thorsland stated that the point is taken that there is neighborhood support for the project but some of the  
25 listed landowners on the map are not individuals but investors such as the Atkins Group.  
26  
27 Ms. Murray stated that Jim Goss, Director of Farm Management for the Atkins Group, would have been here  
28 if he could have and they would be happy to address the Board if required.  
29  
30 Mr. Thorsland stated that the Board appreciates receipt of the petition of support although a petitioner could  
31 submit such a record for an ice cream shop store on a particular corner but all of the petitions in the world  
32 will not force approval.  
33  
34 Ms. Murray stated that it was important that she went out to speak to the neighbors so that they are informed  
35 and supportive of a gathering place for rural clientele. She said that the landowners who signed the petition  
36 are not about her family making money because the landowners are not going to make a dime off of the  
37 project but they are proud to have this event center in their township and they look forward to having a place  
38 to gather for rural people.  
39

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- 1 Mr. Thorsland asked if staff had any questions for Ms. Murray and there were none.  
2
- 3 Mr. Thorsland asked the Board if there were any questions for Ms. Murray.  
4
- 5 Mr. Courson stated that there are properties which are not highlighted on the map in Section 14 therefore he  
6 assumes that those properties are not in support of the project.  
7
- 8 Ms. Murray stated that she spoke to Jim North of American Dowell last night and he indicated support of the  
9 project. She said that she did not speak to Clyde Kesler, although Phil Kesler has indicated that they are not  
10 in support of the project. She said that Peggy Anderson has attended the public hearings and has voiced her  
11 concerns about the project and has indicated that she is not in support.  
12
- 13 Mr. Courson asked Ms. Murray if she spoke to a representative of the land owned by Tend Trust No. 24 in  
14 Section 15.  
15
- 16 Ms. Murray stated that she did not speak to a representative of the land owned by Tend Trust No. 24 because  
17 she was not sure who to contact.  
18
- 19 Mr. Courson stated that there are several direct neighbors who are indicated as supporting the project.  
20
- 21 Ms. Murray asked Mr. Courson if he does not believe that it matters who does support the project.  
22
- 23 Mr. Courson stated yes. He said that there are neighbors who are in support but there are also 14 or so who  
24 are not in support.  
25
- 26 Ms. Murray stated that the glass is either half empty or half full.  
27
- 28 Mr. Courson stated that he does not have any issues with the proposed business or the landowners but he did  
29 feel that it was important to point out that there are several landowners who are in support of the project and  
30 those who oppose the project.  
31
- 32 Mr. Thorsland asked if staff had any questions for Ms. Murray and there were none.  
33
- 34 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Anne Murray.  
35
- 36 Ms. Susan Thomas asked Ms. Murray if when she was communicating with the neighbors she obtained the  
37 feeling that the neighbors believed that this would benefit the health and general welfare of the community.  
38

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1 Ms. Murray stated that all of the neighbors that she spoke with understood that they have done everything  
2 possible to comply with the County's requirements. She said that the Murray family also farms in the  
3 community therefore they respect their neighbors and they want the same level of comfort that their  
4 neighbors have about what happens around them.

5  
6 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Murray and there was no one.

7  
8 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony  
9 regarding Case 699-AM-11 or 700-S-11 and there was no one.

10  
11 Mr. Thorsland closed the witness register.

12  
13 Mr. Thorsland called for a five minute break.

14  
15 **The Board recessed at 8:30 p.m.**

16 **The Board resumed at 8:37 p.m.**

17  
18 Mr. Thorsland entertained a motion to rearrange the agenda to continue Cases 710-AT-12, 711-AT-12 and  
19 685-AT-11 to the July 26, 2012, meeting.

20  
21 **Ms. Capel moved, seconded by Mr. Passalacqua to continue Cases 710-AT-12, 711-AT-12 and 685-**  
22 **AT-11 to the July 26, 2012, meeting. The motion carried by voice vote.**

23  
24 Mr. Thorsland stated that the Board will now work through the Finding of Fact for Case 699-AM-11. He  
25 asked staff if there was any witness that they would like to recall prior to continuing on to the Finding of  
26 Fact.

27  
28 Mr. Hall stated no.

29  
30 Mr. Courson noted that there are 42 types of uses allowed in the AG-1 district by special use permit and  
31 there are 76 types of uses allowed in AG-2 therefore 34 new uses will be added to the subject property if it is  
32 rezoned from AG-1 to AG-2. He said that should the subject property be rezoned and the Murrays, for some  
33 unforeseen reason, decide to not construct the event center, everything that is listed under AG-2 could be  
34 proposed on the subject property by special use. He said that just because the Board could possibly approve  
35 the rezoning for this one use does not mean that, in the future, anything else on this list could not be  
36 proposed at this location.

37  
38 Mr. Thorsland directed the Board to page 9 of 31 of the Revised Finding of Fact dated July 12, 2012, for  
39 Case 699-AM-11. He said that LRMP Goal 1 indicates the following: Champaign County will attain a

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1 system of land resource management planning built on broad public involvement that supports effective  
2 decision making by the County. He said that staff has recommended that Goal 1 is NOT RELEVANT to the  
3 proposed rezoning and the Board agreed with staff's recommendation.

4  
5 Mr. Thorsland stated that LRMP Goal 2 indicates the following: Champaign County will collaboratively  
6 formulate land resource and development policy with other units of government in areas of overlapping land  
7 use planning jurisdiction. He said that staff has recommended that Goal 2 is NOT RELEVANT to the  
8 proposed rezoning and the Board agreed with staff's recommendation.

9  
10 Mr. Thorsland stated that LRMP Goal 3 is indicates the following: Champaign County will encourage  
11 economic growth and development to ensure prosperity for its residents and the region. He said that staff  
12 has recommended that Goal 3 PARTIALLY ACHIEVES Goal 3 and the Board agreed with staff's  
13 recommendation.

14  
15 Mr. Thorsland stated that LRMP Goal 4 indicates the following: Champaign County will protect the long  
16 term viability of agriculture in Champaign County and its land resource base. He said that the Board is  
17 required to make a decision whether the map amendment should HELP ACHIEVE or NOT HELP  
18 ACHIEVE Goal 4. He said that the Board will begin with Policy 4.2.1 which states the following: The  
19 County may authorize a proposed business or other non-residential discretionary review development in a  
20 rural area if the proposed development supports agriculture or involves a product or service that is better  
21 provided in a rural area than in an urban area.

22  
23 Mr. Thorsland stated that the proposed rezoning ACHIEVES Policy 4.2.1 based on the evidence, the  
24 proposed Event Center WILL NOT interfere with agricultural operations and is a service which is not  
25 currently available in Champaign County and therefore IS a service better provided in a rural area than in and  
26 urban area.

27  
28 Mr. Courson stated that he does not agree with Mr. Thorsland's recommendation for Policy 4.2.1.

29  
30 Mr. Passalacqua stated that he also does not agree with Mr. Thorsland's recommendation for Policy 4.2.1.

31  
32 Mr. Palmgren stated that he too does not agree with Mr. Thorsland's recommendation for Policy 4.2.1.

33  
34 Mr. Hall encouraged the Board to be as specific as possible by either specifying why it will achieve Policy  
35 4.2.1 unless it will interfere with agricultural operations and if the Board believes that it does he encouraged  
36 the Board specify how it interferes. He said that if the Board believes that there is other relevant information  
37 then he would appreciate it if the Board would indicate that. He said that he does not know a lot that can be  
38 done with Policy 4.2.1 because if it doesn't interfere with agriculture then it achieves Policy 4.2.1 and if it

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- 1 does interfere with agriculture then we need to get it on paper so that if this leads to a denial there will be a
- 2 clear reason why it was denied and not just that it will interfere with agriculture.
- 3
- 4 Mr. Passalacqua asked if there is any bearing to the fact that the subject property is not completely in
- 5 production right now. He said that his thought is that the subject property could be in production at a greater
- 6 level.
- 7
- 8 Mr. Hall asked Mr. Passalacqua what that has to do with Policy 4.2.1.
- 9
- 10 Mr. Passalacqua stated that he is trying to justify why the proposed special use would achieve Policy 4.2.1 if
- 11 not interfering with agricultural operations.
- 12
- 13 Mr. Thorsland stated that Policy 4.2.1 is about interference with other agricultural operations.
- 14
- 15 Ms. Capel stated that as far as she can see it does not interfere with other agricultural operations in Section
- 16 14.
- 17
- 18 Mr. Thorsland noted that this is about surrounding agriculture.
- 19
- 20 Mr. Courson stated that an example would be excess drainage onto neighboring properties or increased
- 21 traffic interfering with farming equipment during planting and harvest season.
- 22
- 23 Ms. Capel stated that there is a special condition indicating that the event center must conform to the
- 24 Champaign County Stormwater Policy.
- 25
- 26 Mr. Hall stated that the County's engineer has reviewed it and indicated that so far it looks great. He said
- 27 that if the Board is going to indicate that it doesn't meet the Champaign County Stormwater Policy then the
- 28 Board needs to tell the petitioner so that they can do more work so that it can meet the policy rather than
- 29 denying it because it doesn't.
- 30
- 31 Mr. Palmgren stated that the Board realizes that the rezoning is for the special use request for an event
- 32 center. He said that the Board is not just looking at a rezoning for the purpose of rezoning without knowing
- 33 that there is something else coming afterwards and has to consider that the rezoning is for a purpose.
- 34
- 35 Mr. Hall stated that if the rezoning is approved and the event center does not happen the only thing that can
- 36 happen without a public hearing is the same thing that can happen under the current zoning now without a
- 37 rezoning. He said that because the uses authorized by right in the AG-1 District are nearly identical to the by
- 38 right uses authorized in the AG-2 District, anything else requires a public hearing at which time the Board
- 39 can spend as much time or even more time analyzing that use as opposed to the event center. He said that

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1 the only thing that can happen on the subject property without a public hearing is what could happen anyway  
2 under current zoning because everything else requires a public hearing with perhaps a new traffic impact  
3 analysis, stormwater drainage plan, a new septic system design, etc.

4  
5 Mr. Thorsland asked if Mr. Courson, Mr. Passalacqua and Mr. Palmgren desired to adjust their input on  
6 Policy 4.2.1 as to whether it ACHIEVES or not.

7  
8 Mr. Passalacqua stated that he agrees with Mr. Thorsland's original indication that the proposed rezoning  
9 ACHIEVES Policy 4.2.1, and WILL NOT interfere with agricultural operations and therefore IS a service  
10 better provided in a rural area than in an urban area.

11  
12 Mr. Palmgren agreed with Mr. Passalacqua.

13  
14 Mr. Thorsland stated that the majority of the Board agrees that the proposed rezoning ACHIEVES Policy  
15 4.2.1 and based on the evidence, the proposed Event Center WILL NOT interfere with agricultural  
16 operations and is a service which is not currently available in Champaign County and therefore IS a service  
17 better provided in a rural area than in and urban area.

18  
19 Mr. Thorsland stated that Policy 4.1.6 states the following: Provided that the use, design, site and location  
20 are consistent with County policies regarding: i. suitability of the site for the proposed use; and ii. adequacy  
21 of infrastructure and public services for the proposed uses; and iii. minimizing conflict with agriculture; and  
22 iv. minimizing the conversion of farmland and v. minimizing the disturbance of natural areas.

23  
24 Mr. Hall stated that before the Board decides Policy 4.1.6 the Board has to decide the rest of Policy 4.2.2 and  
25 4.2.3 and if it meets those then it probably meets Policy 4.1.6.

26  
27 Mr. Thorsland stated that Policy 4.2.2 indicates the following: The County may authorize discretionary  
28 review development in a rural area if the proposed development: a. is a type that does not negatively affect  
29 agricultural activities; or b. is located and designed to minimize exposure to any negative affect caused by  
30 agricultural activities; and c. will not interfere with agricultural activities or damage or negatively affect the  
31 operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.

32  
33 Mr. Hall stated that when the petitioners moved the trees from the property line, from a staff level, the  
34 concern about shading neighboring property went away. He said that staff recommends that subparagraph  
35 (a) be revised as follows: trees will be planted on the subject property to screen the parking areas from view  
36 of neighboring properties and to provide a buffer between agricultural activities and the activities of the  
37 property and the screening should not shade nearby farmland.

ZBA

1 Mr. Capel stated that the proposed rezoning ACHIEVES Policy 4.2.2 because based on the evidence, the  
2 proposed event center DOES NOT negatively affect agricultural activities, or IS located and designed to  
3 minimize exposure to negative effects of agricultural activities, and WILL NOT interfere with agricultural  
4 activities and the Board agreed with Ms. Capel's recommendation.  
5

6 Mr. Thorsland stated that Policy 4.2.3 indicates the following: The County will require that each proposed  
7 discretionary development explicitly recognize and provide for the right of agricultural activities to continue  
8 on adjacent land. He said that staff has recommended that the proposed rezoning ACHIEVES Policy 4.2.3.  
9 He said that a special condition of approval has been proposed as follows: The owners of the subject  
10 property hereby recognize and provide for the right of agricultural activities to continue on adjacent land  
11 consistent with the Right to Farm Resolution 3425.  
12

13 Mr. Passalacqua asked if the special condition to the subsequent owner actually limits what could happen in  
14 AG-2.  
15

16 Mr. Hall stated that anything that has been authorized in AG-2 could happen in AG-2.  
17

18 Ms. Capel stated that there are eleven by-right uses in AG-1 and there are two more in AG-2.  
19

20 Mr. Passalacqua stated that any other use would require a special use permit.  
21

22 Ms. Capel stated that each one of them requires a public hearing.  
23

24 The Board agreed with staff's recommendation that the proposed rezoning ACHIEVES Policy 4.2.3.  
25

26 Mr. Thorsland stated that Policy 4.2.4 indicates the following: To reduce the occurrence of agricultural land  
27 use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review  
28 consider whether a buffer between existing agricultural operations and the proposed development is  
29 necessary. He said that staff has recommended that the proposed rezoning ACHIEVES Policy 4.2.4 and the  
30 Board agreed with staff's recommendation.  
31

32 Mr. Thorsland stated that Policy 4.3.2 indicates the following: On best prime farmland, the County may  
33 authorize a discretionary review development provided the site with proposed improvements is well-suited  
34 overall for the proposed land use. He said that staff recommends that the proposed rezoning ACHIEVES  
35 Policy 4.3.2 and the Board agreed with staff's recommendation.  
36

37 Mr. Thorsland stated that Policy 4.3.3 indicates the following: The County may authorize a discretionary  
38 review development provided that existing public services are adequate to support the proposed development  
39 effectively and safely without undue public expense. He noted that there was a request made for a dry

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1 hydrant by the Thomasboro Fire Department and the petitioners agreed to that request. He said that staff  
2 recommends that the proposed rezoning ACHIEVES Policy 4.3.3 and the Board agreed with staff's  
3 recommendation.

4  
5 Mr. Thorsland stated that Policy 4.3.4. indicates the following: The County may authorize a discretionary  
6 review development provided that existing public infrastructure, together with proposed improvements, is  
7 adequate to support the proposed development effectively and safely without undue public expense. He said  
8 that staff recommends that the proposed rezoning ACHIEVES Policy 4.3.4 and the Board agreed with staff's  
9 recommendation.

10  
11 Mr. Thorsland stated that the Board should now return to page 12 of 31 and determine if the proposed  
12 rezoning ACHIEVES or DOES NOT ACHIEVE Policy 4.1.6. He said that Policy 4.1.6. has to do with being  
13 consistent with the County's policies. He suggested that the proposed rezoning ACHIEVES Policy 4.1.6 and  
14 the Board agreed with Mr. Thorsland's recommendation.

15  
16 Mr. Thorsland stated that Board needs to determine if the proposed rezoning ACHIEVES or DOES NOT  
17 ACHIEVE Objective 4.2. He said that Objective 4.2 indicates the following: Champaign County will  
18 require that each discretionary review development will not interfere with agricultural operations.

19  
20 Ms. Capel recommended that the proposed rezoning ACHIEVES Objective 4.2 and the Board agreed with  
21 Ms. Capel's recommendation.

22  
23 Mr. Thorsland stated that Objective 4.3 indicates the following: Champaign County will require that each  
24 discretionary review development is located on a suitable site. He said that staff recommends that the  
25 proposed rezoning ACHIEVES Objective 4.3 and because of all of the other ACHIEVES the Board finds  
26 that it HELPS ACHIEVE Goal 4.

27  
28 Mr. Thorsland stated that Board will now review Goal 5.

29  
30 Ms. Capel requested that the Board review the LRMP definition of Urban Land Use before proceeding to  
31 any recommendations. She said that the LRMP defines Urban Land Use as follows: generally land use that  
32 is connected to and served by a public sanitary sewer system.

33  
34 Mr. Thorsland stated that Goal 5 indicates the following: Champaign County will encourage urban  
35 development that is compact and contiguous to existing cities, villages, and existing unincorporated  
36 settlements. He said that Goal 5 is relevant to the proposed rezoning because the subject property is to be  
37 rezoned AG-2, Agriculture. He said that staff's recommendation is that the proposed rezoning ACHIEVES  
38 Goal 5 because of the following: Objective 5.1 is entitled "Population Growth and Economic Development"



## ZBA

1 and indicates that Champaign County will strive to ensure that the preponderance of population growth and  
2 economic development is accommodated by new urban development in or adjacent to existing population  
3 centers. He said that staff recommends that the proposed rezoning ACHIEVES Objective 5.1. He said that  
4 Policy 5.1.1 indicates the following: The County will encourage new urban development to occur within the  
5 boundaries of incorporated municipalities. He said that staff recommends that the proposed rezoning  
6 CONFORMS to Policy 5.1.1 because the subject property is not served by sanitary sewer. He said that  
7 Objective 5.2 is entitled, "Natural Resources Stewardship" and indicates the following: When new urban  
8 development is proposed Champaign County will encourage that such development demonstrates good  
9 stewardship of natural resources. He said that staff recommends that the proposed amendment ACHIEVES  
10 Objective 5.2 because of the following: Policy 5.2.1 states that the County will encourage the reuse and  
11 redevelopment of older and vacant properties within urban land when feasible. He said that staff  
12 recommends that the proposed rezoning CONFORMS to Policy 5.2.1.

13  
14 Mr. Hall stated that CONFORMS would be a better overall recommendation for Objective 5.1. and 5.2.

15  
16 Mr. Thorsland suggested that all of the ACHIEVES in Goal 5 be revised to indicate CONFORMS and the  
17 Board agreed with the revision and staff's recommendation for Goal 5.

18  
19 Mr. Thorsland stated that Goal 6 is entitled "Public Health and Safety" and indicates the following:  
20 Champaign County will ensure protection of the public health and public safety in land resource  
21 management decisions. He said that Goal 6 has 4 objectives and 7 policies. He said that Objective 6.1  
22 indicates the following: Champaign County will seek to ensure that development in unincorporated areas of  
23 the County does not endanger public health or safety. He said that staff recommends that the proposed  
24 rezoning ACHIEVES Objective 6.1. because Policy 6.1.2 states that the County will ensure that the proposed  
25 wastewater disposal and treatment systems of discretionary development will not endanger public health,  
26 create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality. He said  
27 that staff recommends that the proposed rezoning ACHIEVES Policy 6.1.2 because the petitioner's have  
28 received a permit for a wastewater system from the Champaign County Health Department.

29  
30 Mr. Thorsland stated that Policy 6.1.3 indicates that the County will seek to prevent nuisances created by  
31 light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night  
32 sky throughout as much of the County as possible. He said that there is a special condition on all special use  
33 permits that requires full cut-off lighting as a standard and this development will be held to that same  
34 standard. He said that staff recommends that the proposed rezoning ACHIEVES Policy 6.1.3. He said that  
35 Objective 6.3 indicates that Champaign County will seek to ensure that all new non-agricultural construction  
36 in the unincorporated area will comply with a building code by 2015. He said that a special condition of  
37 approval has been proposed in related Case 700-S-11 to ensure that the proposed event center will comply  
38 with applicable building codes. He said that staff recommends that the proposed rezoning ACHIEVES  
39 Objective 6.3. He said that overall staff recommends that the proposed amendment should HELP ACHIEVE

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1 Goal 6 although he would only recommend ACHIEVES and the Board agreed with the overall  
2 recommendation.

3  
4 Mr. Thorsland stated that Goal 7 indicates that Champaign County will coordinate land use decisions in the  
5 unincorporated area with existing and planned transportation infrastructure and services. He said that  
6 Objective 7.1 indicates that Champaign County will consider traffic impact in all land use decisions and  
7 coordinate efforts with other agencies when warranted. He said that staff recommends that the proposed  
8 rezoning ACHIEVES Objective 7.1 because Policy 7.1.1 indicates that the County will include traffic impact  
9 analyses in discretionary review development proposals with significant traffic generation. He said that staff  
10 recommends that the proposed rezoning ACHIEVES Policy 7.1.1 because a traffic impact analysis was  
11 completed. He said that overall staff recommends that the proposed amendment ACHIEVES Goal 7 and the  
12 Board agreed with staff's recommendation.

13  
14 Ms. Capel noted that item# 17.A(1)(a) indicated that the proposed event center will accommodate up to 400  
15 people and the site plan includes 84 parking spaces. She said that it was her understanding that there were  
16 97 parking spaces.

17  
18 Mr. Hall stated that there are 84 parking spaces with additional spaces for the overflow parking. He said that  
19 staff can revise item #17.A.(1)(a) to indicate 97 overflow parking spaces.

20  
21 Mr. Thorsland stated that Goal 8 indicates that Champaign County will strive to conserve and enhance the  
22 County's landscape and natural resources and ensure their sustainable use. He said that staff recommends  
23 that the proposed amendment is NOT RELEVANT to Goal 8 because it will not be harmful to natural  
24 resources.

25  
26 Mr. Thorsland stated that Goal 9 indicates that Champaign County will encourage energy conservation,  
27 efficiency, and the use of renewable energy sources. He said that staff recommends that the proposed  
28 amendment is NOT RELEVANT to Goal 9 because the proposed amendment does not address energy  
29 efficiency or the use of renewable energy sources.

30  
31 Mr. Thorsland stated that Goal 10 indicates that Champaign County will promote the development and  
32 preservation of cultural amenities that contribute to a high quality of life for its citizens. He said that staff  
33 recommends that the proposed amendment is NOT RELEVANT to Goal 10.

34  
35 Mr. Thorsland stated that the item #22 indicates the proposed special condition of approval as follows:  
36 **The owners of the subject property hereby recognize and provide for the right of agricultural**  
37 **activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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1 Mr. Thorsland asked the petitioners if they agreed to the proposed special condition as read and the  
2 petitioners indicated yes.

3  
4 Mr. Thorsland stated that the following items should be added to the Documents of Record: 35.  
5 Supplemental Memorandum for Case 700-S-11 dated July 12, 2012, with attachments; and 36. Two  
6 photographs submitted by Anne and Lauren Murray on July 12, 2012; and 37. Planning Commissioners  
7 Journal Article submitted by Ben McCall on July 12, 2012; and 38. Written testimony submitted by Ben  
8 McCall on July 12, 2012; and 39. Written testimony submitted by Lisa Kesler on July 12, 2012.

9  
10 Mr. Thorsland entertained a motion to approve the special condition.

11  
12 **Ms. Capel moved, seconded by Mr. Passalacqua to approve the special condition. The motion carried**  
13 **by voice vote.**

14  
15 Mr. Thorsland entertained a motion to approve the Findings.

16  
17 **Ms. Capel moved, seconded by Mr. Passalacqua to approve the Findings as amended. The motion**  
18 **carried by voice vote.**

19  
20 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Finding  
21 of Fact as amended.

22  
23 **Mr. Palmgren moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents of**  
24 **Record and Finding of Fact as amended. The motion carried by voice vote.**

25  
26 Mr. Thorsland entertained a motion to move to the final determination for Case 699-AM-11.

27  
28 **Ms. Capel moved, seconded by Mr. Courson to move to the final determination for Case 699-AM-11.**  
29 **The motion carried by voice vote.**

30  
31 Mr. Thorsland informed the petitioners that one Board member was absent and one Board seat was vacant  
32 therefore it is at their discretion to either continue Case 699-AM-11 until a full Board is present or request  
33 that the present Board move forward to the Final Determination. He informed the petitioners that four  
34 affirmative votes are required for approval.

35  
36 The petitioners requested that Case 699-AM-11 be continued until such time when a full Board was present.

37  
38 Mr. Thorsland requested a continuance date from staff for Case 699-AM-11 and 700-S-11.

39

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1 Mr. Hall stated that both cases could be continued to the August 16, 2012, meeting.

2  
3 **Mr. Courson moved, seconded by Ms. Capel to continue Cases 699-AM-11 and 700-S-11 to the August**  
4 **16, 2012, meeting. The motion carried by voice vote.**

5  
6 Mr. Hall asked the Board if they required additional information for Case 700-S-11 regarding the stormwater  
7 plan.

8  
9 Mr. Passalacqua stated no.

10  
11  
12 **6. New Public Hearings**

13  
14 **Case 720-V-12 Petitioner: Robert Dorsey and Elizabeth Buck Request to authorize the following in**  
15 **the R-2 Single Family Residence Zoning District: Part A. Variance from Section 4.2.1G. requirement**  
16 **that no accessory use or structure be established prior to a main or principal use or structure; and**  
17 **Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the**  
18 **maximum 15 feet. Location: Lots 4, 5, 6, 7 and 8 of Block 4 of S.H. Busey's First Addition to the**  
19 **Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly**  
20 **known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly**  
21 **known as 216 East Street, Penfield.**

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

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

35  
36 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.

37  
38 Ms. Elizabeth Buck , 209 Main Street, Penfield, stated that they desire to place a shed on their property. She

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1 said that they own five lots which consist of three lots on one side and two on the other side of the alley.  
2 She said that when they inquired about building a shed on the property they did not realize that the zoning  
3 regulations require that a home be on the property. She said that at one time there was a house on the  
4 property but it had been vacant for several years and rather than investing money in to the house by fixing it  
5 up they had the house torn down.

6  
7 Mr. Thorsland asked if staff or the Board had any questions for Ms. Buck.

8  
9 Mr. Hall asked Ms. Buck if they tore down the other house to clean up the property.

10  
11 Ms. Buck stated that the old house that burned was torn down and cleaned up prior to their purchase.

12  
13 Mr. Passalacqua asked Ms. Buck if the shed which is on the property currently received a variance for  
14 height. He said that it appears that there are two sheds on the lot currently.

15  
16 Ms. Buck stated yes. She said that the one lot is empty and the other two lots to the south have a shed and  
17 garage on them. She said that they purchased a camper which will not fit in the shed because it is too tall  
18 and they have equipment and supplies which need to be put inside.

19  
20 Mr. Thorsland called John Hall to testify.

21  
22 Mr. John Hall, Zoning Administrator, stated that until two months ago staff has never suggested that  
23 someone apply for a variance from the requirement that there be a dwelling before building a shed. He said  
24 that the petitioners have been trying to get this shed built for over one year and they discussed vacating the  
25 alley with the Compromise Township Highway Commissioner and it is not his decision. Mr. Hall stated that  
26 the Compromise Township Highway Commissioner indicated that people have tried unsuccessfully to have  
27 an alley vacated in the past and personally the Highway Commissioner thought that it was a bad precedent to  
28 start vacating alleys. Mr. Hall stated that he finally decided that while he would never encourage one to seek  
29 a variance for an accessory building on the opposite side of the street, because those conditions are not  
30 desirable, in this instance it is not across the street but across a dedicated alley that is only 14 feet wide. He  
31 said that he hopes that the Board can find that the limitations that arise from the alley bisecting the property  
32 are materially different than if it were a street with a 60 foot wide right of way and 20 feet of pavement and  
33 cars going through it whenever they took a notion. He said that if the Board reviews the Table of  
34 Authorized Uses they will not find a shed or an accessory building because they are not an authorized  
35 principal use. He said that some may argue that this variance is prohibited because the Board would be  
36 authorizing an accessory building as a principal use but the decision is up to the Board but he does not  
37 believe this case is requesting that. He said that he does not want to make this request seem like it is a  
38 simple little variance because it is not and he does not believe that the ZBA has ever been presented with as  
39 complex a variance as this request. He said that the petitioners are basically requesting that they be allowed

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1 to put up a new garage on their property on the other side of the alley. He said that legally the lots which are  
2 located on the other side of the alley are a different zoning lot and could not be considered as part of the lot  
3 area in determining the minimum lot area. He said that the Highway Commissioner was asked if a 20 foot  
4 length of the alley could be vacated so that there would be a fig leaf connection or not vacate it but put in an  
5 easement so that the trucks can be driven through the alley to plow snow and the Highway Commissioner  
6 stated no. Mr. Hall stated that this is a serious variance that the Board need to be comfortable with and the  
7 Summary of Evidence and Finding of Fact needs to be established so that when some future person, when  
8 they request allowance to build a shed on the opposite side of the street from their property, will be able to  
9 review this finding and know what to expect.

10  
11 Mr. Passalacqua asked if the 10 x 12 structures were also storage sheds.

12  
13 Ms. Buck stated yes.

14  
15 Mr. Passalacqua asked Ms. Buck if the intention is to remove some of the smaller sheds once the larger shed  
16 is constructed. He asked if there is a limit on the amount of sheds which are allowed on the property.

17  
18 Mr. Hall stated that there is a limit on lot coverage but the petitioners are not near that limit at this point.

19  
20 Mr. Thorsland asked if all of the sheds count for lot coverage.

21  
22 Mr. Hall stated yes. He asked Ms. Buck if they would keep all of the sheds on the property once the larger  
23 shed was constructed.

24  
25 Ms. Buck stated that they would probably keep the sheds because they have invested money into them.

26  
27 Mr. Thorsland read the proposed special condition as follows:

- 28       **A. The Variance shall be deemed void if any of the following occur: (1) If the petitioners**  
29       **sell either the current home, or the garage property to a buyer who does not also**  
30       **purchase the other property; and (2) If at least a 20 feet length of the alley between the**  
31       **relevant properties is ever vacated; and (3) If any building on the eastern portion of the**  
32       **property is ever converge to include a dwelling unit with a septic system.**

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

34       **That the variance is void should it not ever be necessary and ensures that the properties**  
35       **will be in common ownership.**

- 36  
37       **B. The garages on the subject property shall not be rented out as storage space.**

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

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**That the storage buildings on the subject property do not become warehouses of any kind, which are not authorized in the R-2 Zoning District.**

Ms. Buck agreed to the special condition as read.

Mr. Hall stated that if the petitioners do find someone in the future who is interested in purchasing the property to the east and someone else purchasing the property to the west to place a house upon then that would be an allowed sale. He said that the condition needs to provide for such a situation and the best way to end this finally would be for someone to put a house on the east side.

Ms. Buck stated that if they both pass away their kids could still have the option to sell the properties.

Mr. Hall stated that in the event that the kids could find a buyer for one part and then the other then that would be fine if they placed a house on the lot with the shed.

Ms. Capel stated that if homes were not placed on the lots with the accessory buildings then the entire property would have to be sold and used as the Buck's intend to use the property currently.

Mr. Thorsland stated that a provision should be included in the condition that would allow for concurrent sale of the two properties provided that the one lot includes a principal use.

Mr. Courson asked how such a condition would be enforced so that a potential buyer would be aware of the special condition. He said that if the current owners passed away and the property was sold off as four pieces of property to two different buyers they could come before the Board claiming ignorance.

Mr. Hall stated that the Board could require that a miscellaneous document be filed with the Recorder of Deeds but he believes that in a small setting like Penfield that people will find out and if a house is not placed on the property then it is a violation.

Mr. Thorsland stated that with the minimal recording fee that would be charged he would be in favor of recording a miscellaneous document.

Mr. Hall stated that staff will revise the special condition.

Mr. Thorsland asked if staff or the Board had any additional questions for Ms. Buck and there were none.

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

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1 Mr. Thorsland called Robert Dorsey to testify.

2

3 Mr. Robert Dorsey, who resides at 209 Main Street, Penfield, stated his wife covered everything and he had  
4 no new testimony to add at this time.

5

6 Mr. Thorsland asked if staff had any questions for Mr. Dorsey and there were none.

7

8 Mr. Thorsland asked the Board if there were any questions for Mr. Dorsey and there were none.

9

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

11

12 Mr. Thorsland called Lucy Sparks to testify.

13

14 Ms. Lucy Sparks, who resides at 202 Busey, Penfield, stated that her home is next door to the subject  
15 property. She said that her son-in-law owns her residence and when he received his letter he requested that  
16 she attend the meeting to ask questions about the request. She said that the subject property is behind  
17 Sandy Curtis' house and not the Buck's house and the shed will be so large that a home cannot be built on  
18 the same lot. She said that if the shed is constructed there will be a double garage and two sheds which will  
19 compromise the integrity of the neighborhood because it will appear commercial. She asked if the property  
20 could be sold to someone for a commercial use or could the property be used for commercial use. She said  
21 that her son-in-law is concerned that the shed might reduce the property values or increase the taxes of the  
22 neighborhood because it would appear commercial. She said that she has lived at her residence since 1976  
23 and people move to Penfield because it is very nurturing and everyone knows everyone else and she is  
24 concerned about how the shed may change the nurturing appeal of the neighborhood.

25

26 Mr. Hall stated that the conditions that were proposed in the memorandum are intended to deal with a lot of  
27 Ms. Sparks' concerns but the conditions will not make the building look like anything different than a huge  
28 shed.

29

30 Ms. Sparks stated that the petitioners call the structure a shed but it is a huge building that is 18 feet tall and  
31 there is another huge shed next to it and a double garage next to the first shed. She said that the property is  
32 going to look very commercial.

33

34 Mr. Hall stated that the aesthetics is one of the results of a variance like this although no one is supposed to  
35 be using the proposed shed for a business and he does not believe that the petitioners have that intention.  
36 He said that if someone in the future they have the intention to use the shed as a business they will be  
37 stopped by the County.

38



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- 1 Mr. Thorsland stated that the variance will not allow the shed to be a commercial use but it won't stop  
2 anyone from attempting to do something that they are not allowed to do.  
3
- 4 Mr. Sparks stated that the variance will also not change the look of the shed. She asked if the property  
5 values of the neighborhood will change.  
6
- 7 Mr. Thorsland stated that discussion regarding property values is not the venue of this Board.  
8
- 9 Mr. Hall asked if there is anything that she would suggest which would reduce the appearance of the shed  
10 as a commercial building or is it just the fact that the building is large and that it is not a home.  
11
- 12 Ms. Sparks stated that the building is so large that there will not be any room for a house.  
13
- 14 Mr. Thorsland stated that it is common for some buildings to have an apartment inside of the building. He  
15 said that an apartment inside of the building would not change the overall appearance of the building but it  
16 would become a conforming structure.  
17
- 18 Ms. Sparks asked if there would be continued overflow such as trailers, trucks, etc.  
19
- 20 Mr. Thorsland stated that perhaps she should discuss her concerns with the property owners outside of this  
21 public hearing so that she can gain answers to her questions. He asked Ms. Sparks if landscaping or  
22 screening would assist her concerns about the appearance of the building.  
23
- 24 Ms. Sparks stated that she is sure that it would help. She asked if the smaller sheds would remain on the  
25 property.  
26
- 27 Mr. Thorsland stated that Ms. Buck indicated that the sheds would remain on the property.  
28
- 29 Mr. Hall stated that if the height of the building is the concern then trees would assist with that concern  
30 although they do not grow overnight and it could take ten years before the trees shield the view of the  
31 building. He said that the trees would be a condition therefore if the first planting died then the trees would  
32 have to be replanted.  
33
- 34 Mr. Thorsland asked if staff had any additional questions for Ms. Sparks and there were none.  
35
- 36 Mr. Thorsland asked the Board if there were any questions for Ms. Sparks and there were none.  
37
- 38 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Sparks and there was no one.  
39

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1 Mr. Thorsland called Renee Willcoxen to testify.

2

3 Ms. Renee Willcoxen, who resides at 121 East Street, Penfield, stated that she lives on the corner of Main  
4 Street and East Street. She said that she can see the subject property and the existing structures from her  
5 yard. She said that she and her husband have done extensive improvements to their home and they have put  
6 their entire life savings into their property. She said that she does not like the existing sheds that are already  
7 on the subject property. She said that there is a total of five sheds that can be seen from the alley as well as  
8 the large utility shed and the double car garage. She said that no one lives on the south side of the property  
9 that can contest. She said that one of the properties across the street is for sale and the other is anticipating  
10 moving. She said that she does not want to cause any bad feelings between herself and her neighbors but  
11 she does not want to see another large shed on the subject property. She said that her mother receives letters  
12 about property in town that she owns regarding its condition and they are attempting to clean it up. She  
13 said that she has put over \$60,000 into her own property to improve it therefore she is concerned about the  
14 properties that are around her.

15

16 Ms. Willcoxen stated that the petitioners have a lot of bricks, sand and tractors on the subject property and  
17 she is concerned that once this proposed shed is constructed the petitioners may ask for even something  
18 more. She said that she is sure that if this was her property someone would probably be at the microphone  
19 requesting the same things. She asked when the requests will end for this property. She said that from  
20 where the petitioner's house is located they have a row of trees that block the view of the sheds but when  
21 she walks out her front door she can see the sheds.

22

23 Mr. Thorsland asked if staff had any questions for Ms. Willcoxen.

24

25 Mr. Hall asked Ms. Willcoxen if the planting of more trees to obscure the view of the shed would help her  
26 concerns.

27

28 Ms. Willcoxen stated that the planting of trees would help but those trees would have to be planted along the  
29 west side of East Street.

30

31 Mr. Thorsland asked Ms. Willcoxen if the trees were required would it help screen the property from her  
32 view.

33

34 Ms. Willcoxen stated that if the trees blocked her view of the subject property then yes.

35

36 Mr. Courson informed Ms. Willcoxen that photographs would assist the Board in understanding her  
37 concerns.

38

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- 1 Ms. Willcoxon stated that she does have photographs to submit which indicate her concerns. She submitted  
2 the photographs as Documents of Record.  
3
- 4 Mr. Thorsland asked if staff had any questions for Ms. Willcoxon and there were none.  
5
- 6 Mr. Thorsland asked the Board if there were any questions for Ms. Willcoxon and there were none.  
7
- 8 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Willcoxon and there was no one.  
9
- 10 Mr. Thorsland entertained a motion for a ten minute extension of the meeting.  
11
- 12 **Mr. Courson moved, seconded by Mr. Passalacqua to extend the meeting to 10:10 p.m. The motion**  
13 **carried by voice vote.**  
14
- 15 Mr. Thorsland called Betty Buck and Robert Dorsey back to the witness microphone.  
16
- 17 Mr. Passalacqua stated that from the testimony received tonight it appears that there are materials that are  
18 conducive to a work environment. He asked Ms. Buck if there was a business operating in the building.  
19
- 20 Ms. Buck stated no. She said that they want the building to store the materials that were discussed. She said  
21 that she had a brick sidewalk that she removed and she has the bricks piled up and hasn't had a chance to  
22 pick them up.  
23
- 24 Mr. Passalacqua stated that he just wanted to clarify whether the materials were for personal or commercial  
25 purposes.  
26
- 27 Mr. Courson asked Ms. Buck if the existing shed is a pole barn type structure.  
28
- 29 Ms. Buck stated yes.  
30
- 31 Mr. Courson asked Ms. Buck if she investigated altering the existing shed to store the camper.  
32
- 33 Ms. Buck asked Mr. Courson to clarify.  
34
- 35 Mr. Courson stated that the existing shed's roof could be raised to accommodate the camper.  
36
- 37 Ms. Dorsey stated that it would cost as much to raise the roof on the existing shed as it would to build a new  
38 building.  
39

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- 1 Mr. Courson stated that raising the roof is a possibility and is not uncommon therefore he wondered if the  
2 petitioners had investigated this option.  
3
- 4 Mr. Thorsland stated that even if they raised the roof of the building the petitioner would still be  
5 before the Board with a variance request.  
6
- 7 Mr. Hall stated that he understands Mr. Courson's point but the petitioners would require a variance for  
8 height although it would be a variance on a nonconforming structure in lieu of a new shed and it would be a  
9 better variance in that regard, if it were possible.  
10
- 11 Mr. Courson stated that raising the roof of the shed would require less insurance, fewer property taxes, etc.  
12 although he understands that the petitioners require more room for storage.  
13
- 14 Mr. Thorsland asked if staff had any additional questions for Ms. Buck or Mr. Dorsey and there were none.  
15
- 16 Mr. Thorsland asked the Board if there were any questions for Ms. Buck or Mr. Dorsey and there were none.  
17
- 18 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Buck or Mr. Dorsey and there was  
19 no one.  
20
- 21 Ms. Capel asked Mr. Hall if all of the small sheds are conforming.  
22
- 23 Mr. Hall stated yes. He said that the subject property is in a residential district therefore the yards  
24 requirements are less than those in the agricultural districts.  
25
- 26 Mr. Thorsland entertained a motion for a continuance to the September 13, 2012, meeting.  
27
- 28 **Mr. Courson moved, seconded by Mr. Palmgren to continue Case 720-V-12 to the September 13, 2012,**  
29 **meeting. The motion carried by voice vote.**  
30
- 31 Mr. Hall asked the Board if there was any information that they would like to review prior to the next public  
32 hearing for this case.  
33
- 34 Mr. Courson stated that he would like to see a plan for screening.  
35
- 36 Mr. Thorsland stated that perhaps staff should discuss screening options with the petitioner.  
37
- 38 Mr. Hall asked the Board if they would like to see any cost estimates regarding raising the roof of the

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1 existing building.

2  
3 Mr. Courson stated no, because the petitioners have indicated that they require additional storage space.

4  
5 Mr. Courson asked Mr. Hall if there will be a driveway up to the shed or will it be a grassy area.

6  
7 Mr. Hall stated that he assumes that there will be a driveway.

8  
9 Mr. Dorsey stated that there will be a driveway off of Main Street.

10  
11 **7. Continued Text Amendment Public Hearings:**

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

30  
31  
32  
33 **Case 711-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance as follows: Part A. In Section 3, revise the definition of “best prime farmland” as follows:**  
34 **a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land**  
35 **Evaluation rating of 91 or higher”; and b) add “prime farmland soils and under optimum**  
36 **management have 91% to 100% of the highest soil productivities in Champaign County, on average,**  
37 **as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and c) add “soils**  
38 **identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation**  
39

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1 and Site Assessment (LESA) System”; and d) add “Any development site that includes a significant  
 2 amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3  
 3 and/or 4 soils:. Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score  
 4 greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and  
 5 replace with “is made up of soils that are BEST PRIME FARMLAND” Part C. Revise paragraph  
 6 5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s  
 7 Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST  
 8 PRIME FARMLAND”  
 9

10 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**  
 11 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**  
 12 **for any County Board approved special use permit for a Rural Residential Development in the Rural**  
 13 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**  
 14 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**  
 15 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**  
 16 **more than two proposed lots that are each less than five acres in area or any RRO that does not**  
 17 **comply with the standard condition for minimum driveway separation; (3) require a minimum**  
 18 **driveway separation between driveways in the same development; (4) require minimum driveway**  
 19 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**  
 20 **(5) require for any proposed residential lot not served by a public water supply system and that is**  
 21 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**  
 22 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**  
 23 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**  
 24 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**  
 25 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**  
 26 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**  
 27 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**  
 28 **the agency response.**  
 29

30 **8. Staff Report**

31  
32 None  
33

34 **9. Other Business**

35 **A. Review of Docket**

36 **B. June, 2012 Monthly Report**

37  
38 None

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

None

**11. Adjournment**

Mr. Thorsland entertained a motion to adjourn the meeting.

**Mr. Courson moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice vote.**

The meeting adjourned at 10:08 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

ZBA //

*DRAFT SUBJECT TO APPROVAL DRAFT*

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