

Table Summarizing Most Salient Evidence Relevant To Special Use Permit Criteria and Map Amendment Findings in Cases 687-AM-11 and 688-S-11

SUP Criteria	Map Amendment Consideration	Evidence
<p>1. The requested Special Use Permit <i>IS / IS NOT</i> necessary for the public convenience at this location because:</p>	<p>“Necessary for public convenience” is not specifically considered in a map amendment but is similar to one of the LaSalle and Sinclair factors:</p> <p>21.G. <i>Sinclair</i> factor: The need and demand for the use.</p>	<p>Evidence for item 7. In Case 688-S-11 can be summarized as follows:</p> <ul style="list-style-type: none"> ● The majority of the farmland that the Petitioner owns is in Douglas County where the petitioner’s helicopter is currently based but that land is divided by a road and a river and does not have adequate length for an RLA ● <u>The petitioner testified at the June 16, 2011, public hearing that he purchased the 15 acres of land in 2009</u> ● <u>The proposed runway for the RLA will take about 3.7 acres of land that had previously been in agricultural production out of agricultural production</u> ● The petitioner has provided public safety assistance free of charge to both Douglas and Champaign counties ● Letters of support have been received from the Douglas County and Champaign County Sheriffs stating that having both fixed wing and helicopter assets available provides additional public safety benefit to both counties ● Having the RLA at this location will save the petitioner one-half hour when helping provide emergency assistance ● Public safety assistance is not required by the proposed special use permit

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<p>2. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} is so designed, located, and proposed to be operated so that it {WILL NOT / WILL} be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:</p>		
<p>a. The street has {ADEQUATE / INADEQUATE} traffic capacity and the entrance location has {ADEQUATE / INADEQUATE} visibility.</p>	<p>Item 14.C. (4): <u>will HELP ACHIEVE</u> Policy 4.3.4 regarding public infrastructure</p>	<p>There is no evidence indicating the street does not have adequate traffic capacity (see item 8.D. in Case 688-S-11).</p>
<p>b. Emergency services availability is {ADEQUATE / INADEQUATE} {because¹}</p>	<p>Item 14.C.(3): <u>will HELP ACHIEVE</u> Policy 4.3.3 regarding public services</p>	<p>There is no evidence indicating that emergency services availability is inadequate (see item 8.E. in Case 688-S-11).</p>
<p>c. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant County ordinances and codes.</p>		<p>The requested Special Use Permit does conform to the applicable regulations and standard of the DISTRICT subject to the requested waiver.</p>
<p>d. The Special Use {WILL / WILL NOT} be compatible with adjacent uses {because¹}:</p>		<p><i>Note: the following evidence may be related more to compatibility than suitability; underlined is new evidence proposed to be added.</i></p> <p>Evidence for item 8.S. In Case 688-S-11 can be summarized as follows:</p> <p>The subject site {IS / IS NOT} suitable because of the proximity to the nearest dwelling for the proposed RLA based on the following:</p> <ul style="list-style-type: none"> • The proposed RLA Runway Safety Area is approximately 142.65 feet south of the nearest dwelling which is the existing house at 177 CR1600E, Villa Grove (see item 8.S.(1) in 688-S-11); and

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<p>Item 2.d. (continued)</p> <p>e. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} <i>{because¹}</i></p> <p>f. Public safety will be {ADEQUATE / INADEQUATE} <i>{because¹}</i></p> <p>h. The provisions for parking will be {ADEQUATE / INADEQUATE} <i>{because¹}</i></p>	<p>Map Amendment Consideration</p> <p>See policy 4.3.3 above.</p> <p>NA</p>	<p>Evidence</p> <ul style="list-style-type: none"> • <i>The separation to the nearest dwelling is only about 11% of the typical separation for other comparable Champaign County RLAs that were reviewed and which are in the AG-1 District (see 8.S.(7) in Case 688-S-11); and</i> • <i>The hangar is proposed to be 185 feet from the RLA (see 8.S.(2) in Case 688-S-11;</i> • <i>there have been conflicting opinions from real estate professionals about the impact that the proposed RLA may have on adjacent property values(see 8.Q. in Case 688-S-11; and</i> • <i>(Note: consider adding as new 8.Q.(4) in Case 688-S-11)</i> <i>There has been one real estate appraisal consulting report prepared by James H. Webster & Associates, Ltd. regarding the affects of the RLA on the market value of property at 175CR1600E, and while there were no comparables available for comparison and no published literature for reference, the consultant concluded based on his experience that the RLA will not have a negative impact on real estate values in the neighborhood.</i> <p>There is no evidence indicating that drainage is inadequate.</p> <p>There is no evidence indicating that public safety will be inadequate.</p> <p>There is no evidence indicating that parking is inadequate. See item 9.B.(2) in Case 688-S-11.</p>

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<p>Add the following under item 2.:</p> <p>i. <u>The Special Use {WILL / WILL NOT} be injurious to the district {because}:</u></p>	<p>Item 8.A.(2):</p> <p>The proposed rezoning will {HELP ACHIEVE / NOT HELP ACHIEVE/ PREVENT ACHIEVEMENT OF} Policy 8.5.1 because it will HELP ACHIEVE Policy 8.5.1 if only the “by-right” uses in the zoning districts are considered but it will {HELP ACHIEVE / NOT HELP ACHIEVE / PREVENT ACHIEVEMENT OF} Policy 8.5.1 if the proposed Special Use in Case 688-S-11 (Restricted Landing Area) is considered because of the following:</p> <p>See next column for a summary and add relevant evidence to item 18.A.(2); policies 8.5.2 and 8.6.2 are similar (see items 18.A.(2) and 18.B. in Case 687-AM-11)</p>	<p><i>Note: the following evidence may be related more to being injurious to the district than to suitability; add relevant new evidence (bold italics) to item 8. T. and the Finding of Fact for either case.</i></p> <p>Evidence for item 8. T. In Case 688-S-11 can be summarized as follows:</p> <p>The subject site {IS / IS NOT} suitable for the proposed RLA based on the following:</p> <ul style="list-style-type: none"> ● <i>The construction of the hangar will destroy a .617 acre wooded portion of the CR District; and the petitioner has already planted 1,009 trees on the subject property; and</i> <ul style="list-style-type: none"> <i>i. no special condition is warranted to mitigate this small loss of woodland.</i> -OR- <i>ii. improving the remaining wooded area could mitigate the loss of the existing habitat if done properly according to the Property Management Plan received March 22, 2013.</i> -OR- <i>iii. no special condition can adequately mitigate this unnecessary impact to the existing wooded part of the CR District. (Note: consider adding whichever alternative is selected to item 18.A.(2)(g) and item 8.T(1)(a).)</i> <ul style="list-style-type: none"> ● The west 275 feet of the area proposed for rezoning and 1.7 acres of the remaining CR District at the west end of the proposed RLA totals <i>about 2.5 acres of the CR District which are not currently wooded and will be underneath the “Approach Area” required by IDOT and vegetation in this area cannot be allowed to penetrate the imaginary plane of the Approach Area and must be maintained between 0</i>

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Item 2.i. (continued)		<p><i>feet at the end of the runway and 46 feet tall above the runway at the west end of the petitioner's property but this portion of the property hasn't been wooded since 1973 and</i></p> <p><i>i. no special condition is warranted because there is no loss of woodland to mitigate;</i></p> <p>-OR-</p> <p><i>ii. the height restrictions limiting height of vegetation may be mitigated by planting suitable native plant species to provide useful wildlife habitat according to the Property Management Plan received March 22, 2013.</i></p> <ul style="list-style-type: none"> ● <i>The west Approach Area of the proposed RLA will reduce the allowable height of trees by as much as 34 feet in 3.90 acres of wooded area in the CR District and the Petitioner testified at the August 11, 2011, public hearing that the trees will not be damaged, touched, or violated in any way during the use of the proposed RLA; and</i> <ul style="list-style-type: none"> <i>i. a special condition has been included that prohibits landscape or tree maintenance in this area.</i> <p>-OR-</p> <ul style="list-style-type: none"> <i>ii. the overwhelming weight of the evidence is that native trees in the existing woodland will penetrate the Approach Area and it is better to not establish the RLA in the first place. (Note: consider adding whichever alternative is selected to item 18.A.(2)(i) and item 8.T(1)(c).)</i>
		<ul style="list-style-type: none"> ● Neighbors opposed to the RLA have testified about their concerns for the existing wildlife and vegetation of the area and the loss of views of the natural and scenic area that have been destroyed by the wall of dirt topped by tall weeds and thistle and the view will be depreciated even further by the

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Item 2.i. (continued)		<ul style="list-style-type: none"> ● sound of planes and helicopters. ● Letters of support have been received from seven individuals including the sheriffs of Douglas County and Champaign County; the former Champaign County ESDA Director; and three individuals who live on adjacent property located on the west side of the East Branch of the Embarrass River. ● Letters of opposition have been received from four area neighbors including two parties who live on adjacent land to the north. ● A petition of opposition was submitted at the August 11, 2011, public hearing signed by 33 households (later reduced to 32) in opposition to the proposed rezoning in related Case 687-AM-11. The petition reads as follows: We, the undersigned oppose the rezoning in order to protect the existing neighborhoods in the area, preserve the property values of the homes in the existing residential neighborhoods, protect the wildlife, farm, and domestic animals in the area, preserve the scenic value as stated in the Zoning Code as one of the purposes of the Conservation-Recreation classification, protect the safety and welfare of those traveling along Route 130 and protect the safety and welfare of the homeowners in the existing neighborhoods.
3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT} conform to the applicable regulations and standards of the DISTRICT in which it is located.	"Conformance to regulations" is not specifically considered in a map amendment.	The requested Special Use Permit does conform to the applicable regulations and standard of the DISTRICT subject to the requested waiver. See Item 9.B in Case 688-S-11.

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SUP Criteria	Map Amendment Consideration	Evidence
<p>3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT} preserve the essential character of the DISTRICT in which it is located because:</p> <p>a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant County ordinances and codes.</p>	<p>See above.</p>	<p>See above.</p>
<p>b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.</p>	<p>See above.</p>	<p>See above.</p>
<p>c. Public safety will be {ADEQUATE / INADEQUATE}.</p>	<p>See above.</p>	<p>See above.</p>
	<p>“Essential character” of the District is not specifically considered in a map amendment but can be very similar to suitability. Item 14.C.(1) considers “suitability” of the site:</p> <p>The proposed rezoning will {HELP ACHIEVE / NOT HELP ACHIEVE / PREVENT ACHIEVEMENT OF} Policy 4.3.1 because it will HELP ACHIEVE Policy 4.3.1 if only the “by-right” uses in the zoning districts are considered but it will {HELP ACHIEVE / NOT HELP ACHIEVE / PREVENT ACHIEVEMENT OF} Policy 4.3.1 if the proposed Special Use in Case 688-S-11 (Restricted Landing Area) is considered because of the following:</p> <p>(Note: The following is proposed as new item 14.C.(1)(b)(x.)</p> <p>ix. <u>About 38% of the area proposed for rezoning (5,124 acres of the 13.67 acres) is at least “highly suited” to the CR District based on the compatibility of the proposed Special Use Permit with the CR District and changing the Zoning District will change the essential character of the CR District, as follows:</u></p> <ul style="list-style-type: none"> • The .671 acres of existing wooded CR District where the hangar is proposed that is “very highly suited” to the CR District; and 	

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<p>Item 3. c. (continued)</p>	<p>Map Amendment Consideration</p> <ul style="list-style-type: none"> ● The 3.926 acres of existing CR District that is not wooded but is (1) located near enough to the existing wooded CR District such that the mature trees will likely penetrate the west Approach Area; and (2) located at or below the Base Flood Elevation which makes it susceptible to flooding and is therefore <u>"highly suited"</u> to the CR District; and ● About .953 acres of land within a 230 feet radius of the adjacent dwelling located at 177CR1600E that <u>"highly suited"</u> to the CR District based on <u>compatibility of proposed Special Use Permit with the dwelling.</u> <p>(Note: The following is proposed as new item 14.C.(1)(b)x.)</p> <p>x. <u>The Champaign County Soil and Water Conservation District Natural Resource Report indicated that the property has two soil types that have severe ponding characteristics and that the site is subject to flooding and would not be usable as a landing site when flooded.</u></p>	<p>Evidence</p>

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<p>4. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance because:</p> <p>a. The Special Use is authorized in the District.</p>		
<p>b. The requested Special Use Permit {IS / IS NOT} necessary for the public convenience at this location.</p>	See above	See above
<p>c. The requested Special Use Permit is so designed, located, and proposed to be operated so that it {WILL / WILL NOT} be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.</p>	See above	See above
<p>d. The requested Special Use Permit {DOES / DOES NOT} preserve the essential character of the DISTRICT in which it is located.</p>	See above	See above
<p>e. The requested Special Use Permit {DOES HELP / DOES NOT HELP} achieve the purpose of the <u>Zoning Ordinance</u>.</p>	<p>Item 23. in Case 687-AM-11 reviews the Purpose statements in the Ordinance that may be at issue and can be summarized as follows:</p> <p>The proposed Zoning Ordinance map amendment will {HELP ACHIEVE / PREVENT ACHIEVEMENT OF} the purpose of the Zoning Ordinance because:</p> <ul style="list-style-type: none"> ● The proposed map amendment is either fully consistent with or will not impede the achievement of 10 of the 18 Purpose statements. ● The proposed map amendment {DOES / DOES NOT} secure adequate light, pure air, and safety from fire and other dangers (Purpose 2.0 (a)); see Item 23.A.). 	<p>Item 10.C. in Case 688-S-11 reviews similar evidence (with a required decision).</p> <p>Similar evidence (with a required decision) is at item 10.C.(1) in Case 688-S-11.</p>

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SUP Criteria	Map Amendment Consideration	Evidence
Item 4. e. (continued)	<ul style="list-style-type: none"> The proposed map amendment {DOES/DOES NOT} conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY (Purpose 2.0 (b)); see Item 23.B.). The proposed map amendment {DOES/DOES NOT} promote the public health, safety, comfort, morals, and general welfare (Purpose 2.0 (e)); see Item 23.E.). The proposed map amendment {DOES/DOES NOT} protect natural features such as forested areas and watercourses (Purpose 2.0 (o)); see Item 23.O.). 	<p>Similar evidence (with a required decision) is at Item 10.C.(2) in Case 688-S-11.</p> <p>Similar evidence (with a required decision) is at Item 10.C.(5) in Case 688-S-11.</p> <p>Similar evidence (with a required decision) is at Item 10.C.(10) in Case 688-S-11.</p> <p>Similar evidence (with a required decision) is at Item 10.C.(7) in Case 688-S-11.</p>
	<ul style="list-style-type: none"> The proposed map amendment {DOES/DOES NOT} do the following: <ul style="list-style-type: none"> it adequately restricts the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified land USES (Purpose 2.0 (i)); see Item 23.I.); and it is consistent with the existing division of the COUNTY into DISTRICTS and different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, and other classification as may be deemed best suited to carry out the purpose of the ordinance (Purpose 2.0 (j)); see Item 23.J.); and it is consistent with the regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform (Purpose 2.0 (k)); see Item 23.K.); and it is consistent in its prohibition on USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT. (Purposes 2.0 (l)); see Item 23.L.). 	<p>Same as above</p> <p>Same as above</p> <p>Same as above</p>