



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

**m e m o r a n d u m**

**TO:** Bruce K. Walden, Chief Administrative Officer

**FROM:** Elizabeth H. Tyler, AICP, Director

**DATE:** November 3, 2005

**SUBJECT:** CCZBA-517-AT-05: Request by Champaign County Zoning Administrator to amend both Section 4.2.1 H.1. and Section 8 of the Champaign County Zoning Ordinance to allow a lot to have access to a public street by means of an easement of access provided that both the lot and the easement of access were created in a plat of subdivision that was duly approved between May 17, 1977, and February 18, 1997, and subsequently recorded and that the lot meets all other dimensional and geometric standards established by this Ordinance

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**Description**

The Champaign County Zoning Administrator is requesting an amendment to the Champaign County Zoning Ordinance to allow for easements of access rather than direct public street access without the need for variances for lots created in subdivisions that were platted between May 17, 1977 and February 18, 1997 and which meet certain other conditions. During the period in question, Champaign County allowed lots in subdivisions to attain access via an easement of access rather than direct public street access. The proposed Zoning Ordinance amendment would “grandfather” lots that were created under these circumstances as long as the following additional conditions are met: the easement of access is clearly shown on the plat; no more than four (4) lots in the same subdivision are serviced by the easement of access; the easement of access does not extend more than 1,100 feet from the public street right-of-way; a private covenant providing for maintenance of the easement of access has been duly recorded; the easement of access contains an all weather pavement consisting of at least six inches of compacted gravel and has a width of at least 20 feet; and a means of turnaround is provided to accommodate emergency service vehicles.

**Background**

The County Zoning Administrator is proposing this amendment as an accommodation for property owners who prepared plats of subdivision during the 20-year time period, but then may find that they are not in conformance with the County's Zoning regulations. Further background information and discussion regarding the proposed amendment is provided in the attached Champaign County Department of Planning & Zoning Preliminary Memorandum, dated August 19, 2005. County staff have also submitted copies of subdivision plats where easements of access were approved.

The proposed text amendment is of interest to the City of Urbana as it may affect subdivision, zoning and land use development decisions within the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area. The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction in this area. It is important that there be consistency between these two jurisdictions to the extent that certain regulations may overlap. Additionally, development within this area may abut development within the corporate limits of the City or may eventually be annexed into the City's corporate limits. By State law, the City has an obligation to review zoning decisions within its ETJ area for consistency with the City's comprehensive plan. A municipal protest of the proposed amendment enforces a three-fourths super majority of affirmative votes for approval of the request at the County Board.

Since preparation of the Plan Commission memorandum on this case, County staff have verified that the submitted plats comprise the total extent of the subdivisions that would be subject to the amendment. None of these subdivisions are located within the City's current or expected future extra-territorial jurisdiction area. (See attached e-mail from John Hall to Elizabeth Tyler).

## **Issues**

Section 21-36 of the Urbana Subdivision and Land Development Code requires that each buildable lot within a new development shall be adjacent to a public street and that all streets shall be properly integrated with the existing and proposed system of streets and thoroughfares established in the Comprehensive Plan. Private streets may be permitted only in a Planned Unit Development or Mobile Home Park and are to be maintained by the developer or other entity. The Comprehensive Plan includes a number of policies aimed at improving accessibility and connectivity of development to multiple transportation modes.

Direct access to a public street is a critical land development principle that is necessary to provide for a functional network of road connections and to ensure that roads are maintained in passable and safe condition. Public street access is also critical to ensure proper fire protection and emergency access. Rural subdivisions in some locations do not provide sufficient means for road maintenance and emergency access. This can lead to maintenance and responsibility disputes between neighbors, periods of inaccessibility due to storms or flooding, and impaired fire and emergency access. The City of Urbana would consider a waiver from the requirement to have access from a public street only in very unusual circumstances and only if all waiver standards are met.

To the extent that the proposed text amendment may affect subdivisions and developments that are within the City's extra-territorial jurisdictional area, situations could occur that would present a conflict between compliance with the County's Zoning Ordinance and the City's Subdivision and Land Development Code. As noted above, County staff have verified that there are no plats that would be affected by this amendment located within either Urbana or Somer townships. Therefore, it is reasonable to conclude that the amendment will have no impact upon the current or expected future extra-territorial planning and development jurisdiction of the City of Urbana.

The proposed text amendment was discussed by the Urbana Plan Commission at their meeting on October 20, 2005. Following discussion, the Plan Commission voted 6-2 to recommend that the Urbana City Council defeat a resolution of protest for the proposed text amendment.

### **Summary of Findings**

1. The proposed text amendment would recognize certain subdivision plats that were duly recorded in Champaign County during the period of May 17, 1977 and February 18, 1997 and which provided for easements of access to lots rather than direct access to a public street, as currently required.
2. The proposed text amendment would include additional conditions to minimize impacts on public health and safety for the subject lots, including limitation on the number of lots to be served by the easement of access, limitation on the length of the easement of access, requirement for a minimum width of the easement, requirement for a minimum surfacing of the easement of access, and requirement for recording of maintenance responsibilities for the easement of access.
3. The City of Urbana Subdivision and Land Development Code requires that each buildable lot within a new development shall be adjacent to a public street and that all streets shall be properly integrated with the existing and proposed system of streets and thoroughfares established in the Comprehensive Plan.
4. The proposed text amendment is not consistent with the Urbana Subdivision and Land Development Regulations and Comprehensive Plan Goals and Objectives. However, none of the affected plats exist within our now current or potential future extra-territorial jurisdictional area.

### **Options**

In CCZBA Case #517-AT-05, the City Council may:

- a. Defeat a resolution of protest for the proposed text amendment.
- b. Defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendment.

- c. Adopt a resolution of protest for the proposed text amendment.

## **Recommendation**

Based on the findings summarized above, the Plan Commission recommended that the City Council **defeat a resolution of protest** for the proposed text amendment. Staff concurs with this recommendation.

### Attachments:

- 1) Resolution of Protest
- 2) Letter to Municipalities from John Hall, Champaign County Department of Planning & Zoning
- 3) Champaign County Department of Planning and Zoning, Preliminary Memorandum, August 19, 2005
- 4) Relevant Plats of Subdivision Provided by the Champaign County Department of Planning and Zoning
- 5) E-mail communication from John Hall to Elizabeth Tyler and Matt Wempe

c: John Hall, Champaign County Planning and Zoning

ehtyler/CZBA cases/cc.cczba517-AT-05.doc

RESOLUTION NO. 2005-11-021R

**A RESOLUTION OF PROTEST AGAINST A PROPOSED TEXT AMENDMENT TO THE CHAMPAIGN  
COUNTY ZONING ORDINANCE**

(Text Amendment to Allow Access to Public Streets by Means of an  
Easement of Access for Subdivisions Created  
and Recorded Between May 17, 1977  
and February 18, 1997 Subject to Certain Conditions - Plan Case  
CCZBA-517-AT-05)

WHEREAS, the Champaign County Zoning Administrator, has petitioned the County of Champaign for an amendment to the text of the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 517-AT-05 with respect to the following: to allow a lot to have access to a public street by means of an easement of access provided that both the lot and the easement of access were created in a plat of subdivision that was duly approved between May 17, 1977, and February 18, 1997, and subsequently recorded and that the lot meets all other dimensional and geometric standards established by the Champaign County Ordinance and subject to certain other conditions; and

WHEREAS, said amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-517-AT-05: Text Amendment to Allow Access to Public Streets by Means of an Easement of Access for Subdivisions Created and Recorded Between May 17, 1977 and February 18, 1997, Subject to Certain Conditions"; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said Petition at their meeting of October 20, 2005, has recommended by a vote of 6 to 2 that the Urbana City Council defeat a resolution of protest against the proposed text amendment to the Champaign County Zoning Ordinance; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendment is not detrimental to the best interests of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby defeat a Resolution of Protest against the proposed text amendment as presented in CCZBA-517-AT-05.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

*To discuss at  
8/15/05 CD/engr  
Meeting*

AUG 11 2005

August 10, 2005

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Champaign County Municipalities and Villages with Comprehensive Plans (see list)  
Champaign County Villages with zoning (see list)  
Champaign County Townships with Plan Commissions (see list)

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

RE: Champaign County Zoning Ordinance Text Amendment **Case 517-AT-05**

(217) 384-3708  
FAX (217) 328-2426

To Whom It May Concern:

The Champaign County Zoning Administrator has proposed a text amendment to the Champaign County Zoning Ordinance that can be summarized as follows:

Amend both Section 4.2.1 H. 1. and Section 8 to allow a lot to have access to a public street by means of an easement of access provided that both the lot and the easement of access were created in a plat of subdivision that was duly approved between May 17, 1977, and February 18, 1997, and subsequently recorded and provided that the lot meets all other dimensional and geometric standards established by the Ordinance.

This proposed text amendment is Champaign County Zoning Case 517-AT-05. The need for this text amendment was demonstrated by a recent Zoning Use Permit Application to construct a home on a lot in a Plat of Subdivision that was approved in 1995. Conditions of approval for that permit should allow construction to proceed unhindered but resolution of Case 517-AT-05 is necessary to meet the conditions of approval.

The public hearing for this case will be held at the Champaign County Zoning Board of Appeals meeting on **Thursday, August 25, 2005, at 7:00 p.m.** prevailing time at Meeting Room One, Brookens Administrative Center, 1776 E. Washington Street, Urbana, Illinois. The hearing may be continued and reconvened at a later time.

The proposed schedule of public hearings and meetings for Case 517-AT-05 are as follows:

Public hearing for Case 517-AT-05 opens at the Champaign County Zoning Board of Appeals (ZBA) (final action is also anticipated)	<b>Thursday, August 25, 2005</b>
Environment and Land Use Committee of the Champaign County Board begins consideration of the ZBA's recommendation	<b>Monday, September 12, 2005</b>
Environment and Land Use Committee makes a recommendation to the Champaign County Board	<b>Tuesday, October 11, 2005</b>
Champaign county Board makes a final determination in Case 517-AT-05	<b>Thursday, October 20, 2005</b>

**Notification of Public Hearing for Text Amendment to the Champaign County Zoning Ordinance**  
Case 517-AT-05  
AUGUST 10, 2005

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Each jurisdiction receiving a notice of this proposed text amendment has protest rights against text amendments to the Champaign County Zoning Ordinance. A protest must be signed and acknowledged by the relevant authority and filed with the Champaign County Clerk prior to close of business (normally 4:30 PM) on the day of the County Board meeting. In the event of a protest, a three-fourths majority of the County Board will be required to approve the text amendment instead of a simple majority.

If you have questions or comments about this proposed amendment or County regulations in general, please do not hesitate to contact me at (217) 384-3708.

Sincerely,



**John Hall**  
Associate Planner

**LIST OF JURISDICTIONS**

Marilyn Banks, City Clerk, City of Champaign, 102 North Neil Street, Champaign IL 61820  
Bruce Knight, Planning Director, City of Champaign, 102 North Neil Street, Champaign IL 61820  
Phyllis D. Clark, City Clerk, City of Urbana, 400 South Vine Street, Urbana IL 61801  
Elizabeth Tyler, Community Development Director, City of Urbana, 400 South Vine Street, Urbana IL 61801

Susanne Sullivan, Village Clerk, Village of Bondville, 510 South Walnut, Bondville IL 61815  
Karl Kennicker, Village President, Village of Bondville, 510 South Walnut, Bondville IL 61815  
Milt Kelly, Village President, Village of Fisher, POB 100, Fisher IL 61843  
Donald C. Frye, Village Clerk, Village of Rantoul, 333 South Tanner, Rantoul IL 61866  
Dan Culkin, Village of Rantoul, 333 South Tanner, Rantoul IL 61866  
Cheryl Sproul, Village Clerk, Village of Mahomet, POB 259, Mahomet IL 61853  
Terry Legner, Village Administrator, Village of Mahomet, POB 259, Mahomet IL 61853  
Lori Frerichs, Village Clerk, Village of Ogden, POB 159, Ogden IL 61859  
Mayor Jack Reidner, Village of Ogden, POB 159, Ogden IL 61859  
Richard Miller, Village Clerk, Village of Philo, POB 72, Philo IL 61864  
Craig Eckert, Village President, Village of Philo, POB 72, Philo IL 61864  
Billie Jean Krueger, Village Clerk, Village of Savoy, POB 256, Savoy IL 61874  
Richard Helton, Village Administrator, Village of Savoy, POB 256, Savoy IL 61874  
Mayor B.J. Hackler, Village of St. Joseph, POB 716, St. Joseph IL 61873  
Janet Akers, Village Clerk, Village of Sidney, POB 387, Sidney IL 61877



**Notification of Public Hearing for Text Amendment to the Champaign County Zoning Ordinance**  
Case 517-AT-05  
AUGUST 10, 2005

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**LIST OF JURISDICTIONS (continued)**

Janet M. Brown, Village President, Village of Sidney, POB 387, Sidney IL 61877  
Joan Hall, Village Clerk, Village of Thomasboro, POB 488, Thomasboro IL 61878  
Lionel A. Grilo, Village President, Village of Thomasboro, POB 488, Thomasboro IL 61878  
Carla Chapman, Village Clerk, Village of Tolono, POB 667, Tolono IL 61880  
Greg Cler, Village President, Village of Tolono, POB 667, Tolono IL 61880

Mayor John Cutsinger, Village of Allerton, POB 85, Allerton IL 61810  
Linda Ward, Village Clerk, Village of Broadlands, POB 50, Broadlands IL 61816  
Charles Lyle Loman, Trustee, Village of Broadlands, POB 50, Broadlands IL 61816  
Cynthia M. Duden, Village Clerk, Village of Gifford, POB 392, Gifford IL 61847  
Terrance Glazik, Village President, Village of Gifford, POB 392, Gifford IL 61847  
Barbara Humer, Village Clerk, Village of Homer, 101 North Main Street, Homer IL 61849  
David K. Lucas, Village President, Village of Homer, 101 North Main Street, Homer IL 61849  
James A. Brewer, Village Clerk, Village of Ivesdale, POB 109, Ivesdale IL 61851  
Bernard J. Ablinger, Village President, Village of Ivesdale, POB 109, Ivesdale IL 61851  
Sandra Langley, Village Clerk, Village of Ludlow, POB 177, Ludlow IL 60949  
Pete Walker, Village President, Village of Ludlow, POB 177, Ludlow IL 60949  
Mary Beth Henry, Village Clerk, Village of Pesotum, POB 200, Pesotum IL 61863  
Scott P. Morris, Village President, Village of Pesotum, POB 200, Pesotum IL 61863  
Debra Franzen, Village Clerk, Village of Royal, POB 9, Royal IL 61871  
Robert J. Vilven, Village President, Village of Royal, POB 9, Royal IL 61871  
Teresa Spence, Village Clerk, Village of Sadorus, POB 109, Sadorus IL 61872  
John W. Wood, Village President, Village of Sadorus, POB 109, Sadorus IL 61872  
Jackie Athey, City Clerk, City of Villa Grove, 612 Front Street, Villa Grove IL 61956  
Ron Hunt, City President, City of Villa Grove, 612 Front Street, Villa Grove IL 61956

George Malloch, Chair, Hensley Township Plan Commission, 1309 West Hensley Road, Champaign IL 61822  
Lowell Osterbur, Supervisor, Hensley Township, 2115 CR1200E, Champaign 61822  
Herbert Schildt, Chair, Newcomb Township Plan Commission, 398 CR2500N, Mahomet IL 61853  
Ronald Menaugh, Supervisor, Newcomb Township, 355 CR2700N, Mahomet IL 61853  
John Jay, Supervisor, Mahomet Township, 704 East Franklin, Mahomet IL 61853  
Russell H. Taylor, Chair, Mahomet Township Plan Commission, POB 100, Mahomet IL 61853  
Brian Schurter, Attorney, Hensley, Stanton, Compromise, and Rantoul Plan Commissions, 425 East Champaign Avenue, Rantoul IL 61866  
Darrell Uken, Stanton Township Supervisor, 2146 CR210, St. Joseph IL 61873  
Michael Babb, Compromise Township Supervisor, 2635 CR270, Penfield IL 61862  
James A. Rusk, Rantoul Township Supervisor, 607 East Sangamon, Rantoul IL 61866

# CASE NO. 517-AT-05

PRELIMINARY MEMORANDUM

August 19, 2005

Copy

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Petitioner: **Zoning Administrator**

Request: **Amend both Section 4.2.1 H. 1. and Section 8 to allow a lot to have access to a public street by means of an easement of access provided that both the lot and the easement of access were created in a plat of subdivision that was duly approved between May 17, 1977, and February 18, 1997, and subsequently recorded and that the lot meets all other dimensional and geometric standards established by this Ordinance.**

Brookens

Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

Prepared by: **John Hall**  
Associate Planner

(217) 384-3708

FAX (217) 328-2426

## BACKGROUND

Recently a Zoning Use Permit Application was received on a lot that was created by a Plat of Subdivision that was approved by the Champaign County Board on March 21, 1995. In 1995 the *Champaign County Zoning Ordinance* still allowed lots to have access to a public street by means of an easement of access and in that Plat of Subdivision the only means of access to each lot was by a shared easement of access. The *Zoning Ordinance* was amended on February 17, 1997, with the adoption of Ordinance No. 527 (Case 055-AT-96) which prohibited the use of easements of access as the only means of access. The adoption of Ordinance No. 527 made any lots that gained access via an easement a nonconforming lot. The lot in the Zoning Use Permit Application and the adjacent lot with which it shared the easement of access had in fact remained under the ownership of the subdivider until very recently and thus neither nonconforming lot could be used separately without a variance.

The subdivider was understandably upset when told that the lots that had been lawfully created in March of 1995 had been rendered nonconforming in February of 1997. The Zoning Use Permit was eventually authorized subject to conditions including applications for variance for each lot. The Zoning Administrator saw some merit to the argument that subdividers that comply with all requirements have an expectation that their lots will remain good lots and so this amendment has been proposed.

## PROPOSED AMENDMENT

Champaign County has invested much time and effort to ensure that each new lot has direct access to a public street. The problems that result when homes are constructed without adequate access to public streets are well documented and any amendment that begins to accept anything less than direct access to a public street (even in previous platted subdivisions) must be carefully considered so as not to add to the problems that still exist in some areas.

The proposed amendment has been tailored to accommodate all previous County approved plat of subdivisions in terms of the number of lots per easement of access and the overall length of easement. The list of requirements are quite long given the limited scope of the proposed amendment but these requirements are the minimum required to prevent a recurrence of problems and overall are a lesser requirement than what is currently required for a private accessway (see attached for private accessway requirements).

A new subparagraph 3 is proposed to be added to paragraph 4.2.1 H. (the existing paragraph is attached) as follows:

3. However, subparagraphs 4.2.1 H. 1. and 2. and Section 8 notwithstanding, a USE or CONSTRUCTION may be authorized on any LOT in a plat of subdivision that has ACCESS to a public STREET by means of an easement of access provided as follows:
  - (a) the lot was created by a plat of subdivision that was duly approved between May 17, 1977, and February 18, 1997, and subsequently recorded and has not since been vacated; and
  - (b) the easement of access was established or identified in the duly approved and recorded plat of subdivision as the means of ACCESS to a public STREET for that lot and no more than three other lots in the same subdivision; and
  - (c) the easement of access does not extend more than 1,100 feet from where it connects to a public STREET right of way; and
  - (d) a private covenant providing for maintenance of the easement of access has been filed with the Champaign County Recorder of Deeds; and
  - (e) the easement of access contains an all weather pavement consisting of at least six inches of compacted gravel situated between the STREET and the LOT and with a minimum pavement width of 20 feet; and
  - (f) a means of turnaround shall be provided of adequate dimension to accommodate fire protection and emergency service vehicles and shall consist of a hammerhead (or three point) turnaround or the equivalent with a minimum backup length of 40 feet; and
  - (f) the lot meets all other dimensional and geometric standards established by this Ordinance.

If there in fact are lots with easements of access that exceed the number of lots sharing an easement (four) or the length of easement (1,100 feet) then a variance will be required.

The thickness and width of pavement comes from recent experience in variance cases for lots with easements of access but that were outside of platted subdivisions. The width of 20 feet is somewhat arbitrary and could be somewhat less but probably not less than 16 feet. The proposed width of 20 feet is reported to be the minimum width recommended by the National Fire Protection Association (NFPA) but there is no formal documentation available at this time.

The proposed amendment has no effect on nonconforming lots outside of platted subdivisions. Nonconforming lots that were in separate ownership on February 17, 1997 (the date of adoption of Ordinance No. 527), will continue to be good zoning lots (whether in platted subdivisions or not) and are not affected by this amendment. However, nonconforming lots that are outside of platted subdivisions and that were not in separate ownership on February 17, 1997, will still require a variance to be used separately.

A Finding of Fact should be available at the meeting.

## ATTACHMENT

A Paragraph 4.2.1 H. from the *Champaign County Zoning Ordinance*

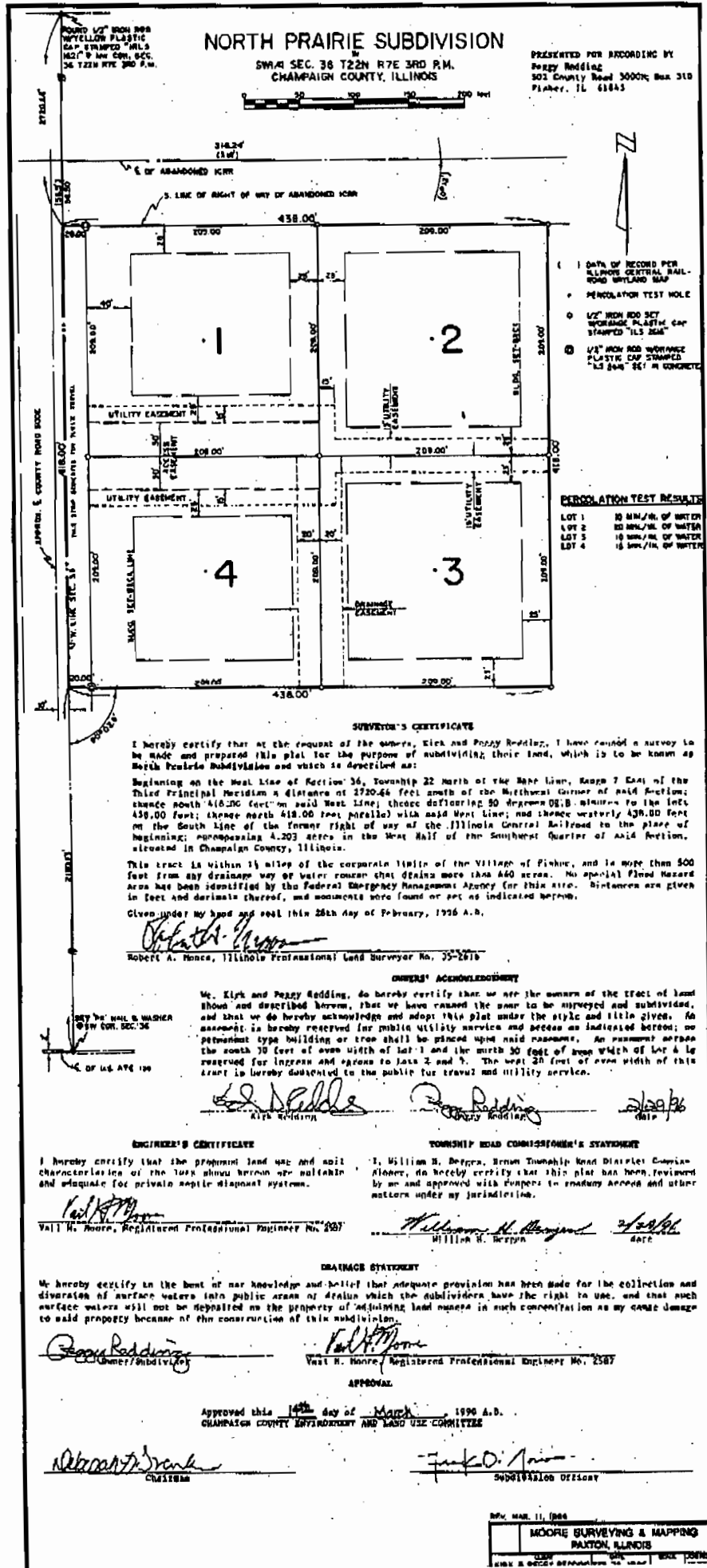
*Champaign County, Illinois  
Zoning Ordinance*

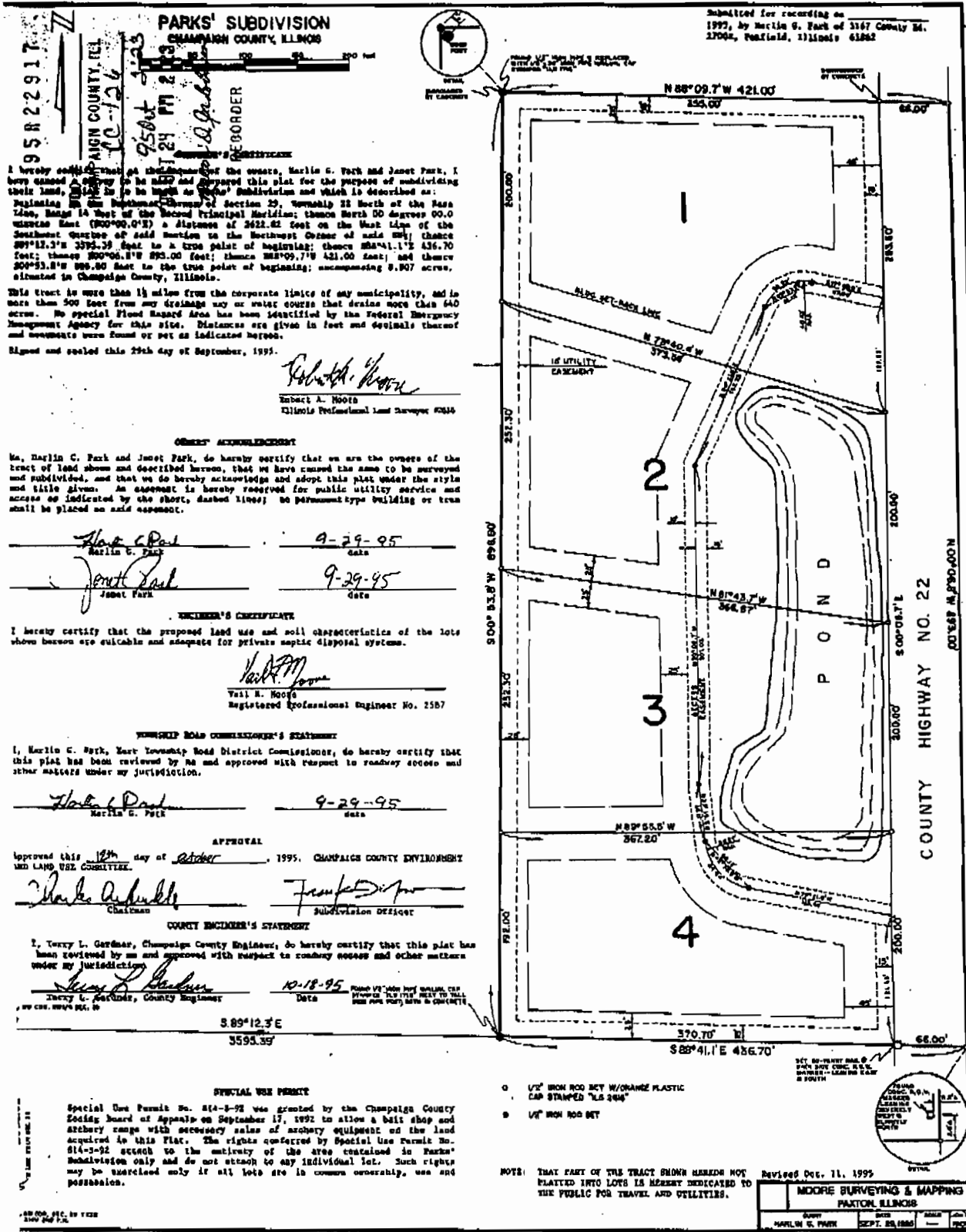
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**SECTION 4.2.1 CONSTRUCTION AND USE - CONTINUED**

- i. For **STRUCTURES** in the Business or Industrial Districts the required minimum depth of such **OPEN SPACE** shall be determined by doubling the required **SIDE YARD** in the **DISTRICT** in which the **LOT** or parcel is located.
  - ii. The minimum depth of such **OPEN SPACE**, for the purpose of these standards, shall be measured at the closest point between **BUILDINGS** including any projecting eave, balcony, canopy, awning, or other similar projection.
  - iii. Single Family, Two-Family, Multiple Family or institutional **BUILDINGS** shall be located on the **LOT** in conformance to the provisions of Section 4.2.2C.
  
- G. No **ACCESSORY USE** shall be established prior to the establishment of the main or principal **USE**, and no **ACCESSORY STRUCTURE** shall be **CONSTRUCTED**, erected, **ALTERED**, remodeled, extended, or moved prior to the establishment or **CONSTRUCTION** of the **MAIN** or **PRINCIPAL STRUCTURE** except those **ACCESSORY USES** and **STRUCTURES** of a temporary nature required for the establishment of the main or principal **USE**, or for the **CONSTRUCTION** of the **MAIN** or **PRINCIPAL STRUCTURE**.
  
- H. No **STRUCTURE** shall be **CONSTRUCTED** nor **USE** established upon or moved to a **LOT** which does not:
  1. Abut and have **ACCESS** to a public **STREET RIGHT-OF-WAY** for a distance of no less than 20 feet at a point at which the **LOT** has the right of **ACCESS** to the **STREET**; or
  2. Abut a **PRIVATE ACCESSWAY** providing **ACCESS** to a public **STREET** provided that such **PRIVATE ACCESSWAY**:
    - a. is established by a duly approved and recorded plat of subdivision;
    - b. abuts a public **STREET RIGHT-OF-WAY** and provides **ACCESS** at a point at which it has the right of **ACCESS**; and
    - c. is certified, by an Illinois Licensed Professional Engineer to meet all the minimum standards for public **STREETS** of the applicable municipal or **COUNTY** subdivision regulations, as applied by the subdivision authority, including any waivers therefrom, except that such **PRIVATE ACCESSWAY** shall, at a minimum, conform to all of the standards required for public **STREETS** in the *Champaign County Subdivision Ordinance*.

~~Copy note~~  
Plats  
Affected





Submitted for recording on  
 1995, by Marlin G. Park of 3167 County Rd.  
 27002, Pontiac, Illinois 61862

**PARKS' SUBDIVISION**  
 CHAMPAIGN COUNTY, ILLINOIS

95R22917  
 CHAMPAIGN COUNTY, ILL.  
 CC-126  
 9504  
 24 PM 213  
 RE BORDER  
 B. Hoops

I, Terry L. Gardner, County Engineer, do hereby certify that the survey, Marlin G. Park and Janet Park, I have caused to be made and approved this plat for the purpose of subdividing their land, and that the same may be used as a subdivision and which is described as:  
 Beginning at the Northwest Corner of Section 23, Township 22 North of the Base Line, Range 14 West of the Second Principal Meridian; thence North 00 degrees 00.0 minutes East (90°00.0' E) a distance of 3622.82 feet to the West Line of the Southeast Quarter of said Section to the Northwest Corner of said quarter; thence S89°12.3' W 3393.35 feet to a true point of beginning; thence S84°41.1' E 436.70 feet; thence S00°00.0' W 292.00 feet; thence S88°09.7' W 421.00 feet; and thence S00°00.0' W 292.00 feet to the true point of beginning; encompassing 9.907 acres, situated in Champaign County, Illinois.

This tract is more than 1/4 mile from the corporate limits of any municipality, and is more than 500 feet from any drainage way or water course that drains more than 640 acres. No special Flood Hazard Area has been identified by the Federal Emergency Management Agency for this site. Distances are given in feet and decimals thereof and movements were found or set as indicated hereon.

Signed and sealed this 29th day of September, 1995.

*Robert A. Hoops*  
 Robert A. Hoops  
 Illinois Professional Land Surveyor #2044

**OWNER'S ACKNOWLEDGMENT**

We, Marlin G. Park and Janet Park, do hereby certify that we are the owners of the tract of land shown and described hereon, that we have caused the same to be surveyed and subdivided, and that we do hereby acknowledge and adopt this plat under the style and title given. An easement is hereby reserved for public utility service and access as indicated by the short, dashed lines; no permanent type building or tract shall be placed on said easement.

*Marlin G. Park* 9-29-95  
 Marlin G. Park date  
*Janet Park* 9-29-95  
 Janet Park date

**ENGINEER'S CERTIFICATE**

I hereby certify that the proposed land use and soil characteristics of the lots shown hereon are suitable and adequate for private septic disposal systems.

*Robert A. Hoops*  
 Robert A. Hoops  
 Registered Professional Engineer No. 2587

**TOWNSHIP ROAD COMMISSIONER'S STATEMENT**

I, Marlin G. Park, East Township Road District Commissioner, do hereby certify that this plat has been reviewed by me and approved with respect to roadway access and other matters under my jurisdiction.

*Marlin G. Park* 9-29-95  
 Marlin G. Park date

**APPROVAL**

Approved this 29th day of October, 1995. CHAMPAIGN COUNTY ENVIRONMENT AND LAND USE COMMITTEE.

*Charles A. DeBelle* Chairman  
*Frank D. ...* Subdivision Designer

**COUNTY ENGINEER'S STATEMENT**

I, Terry L. Gardner, Champaign County Engineer, do hereby certify that this plat has been reviewed by me and approved with respect to roadway access and other matters under my jurisdiction.

*Terry L. Gardner* 10-18-95  
 Terry L. Gardner, County Engineer Date

S.89°12.3'E  
 3593.35'

S88°41.1'E 426.70'

**SPECIAL USE PERMIT**

Special Use Permit No. 814-3-92 was granted by the Champaign County Zoning Board of Appeals on September 17, 1992 to allow a bait shop and archery range with accessory sales of archery equipment on the land acquired in this Plat. The rights conferred by Special Use Permit No. 814-3-92 attach to the entirety of the area contained in Parks' Subdivision only and do not attach to any individual lot. Such rights may be exercised only if all lots are in common ownership, use and possession.

1/2" IRON ROD SET W/ORANGE PLASTIC CAP STAMPED "LS 204"

1/2" IRON ROD SET

NOTE: THAT PART OF THE TRACT SHOWN HEREON NOT PLATTED INTO LOTS IS HEREBY DEDICATED TO THE PUBLIC FOR TRAVEL AND UTILITIES.

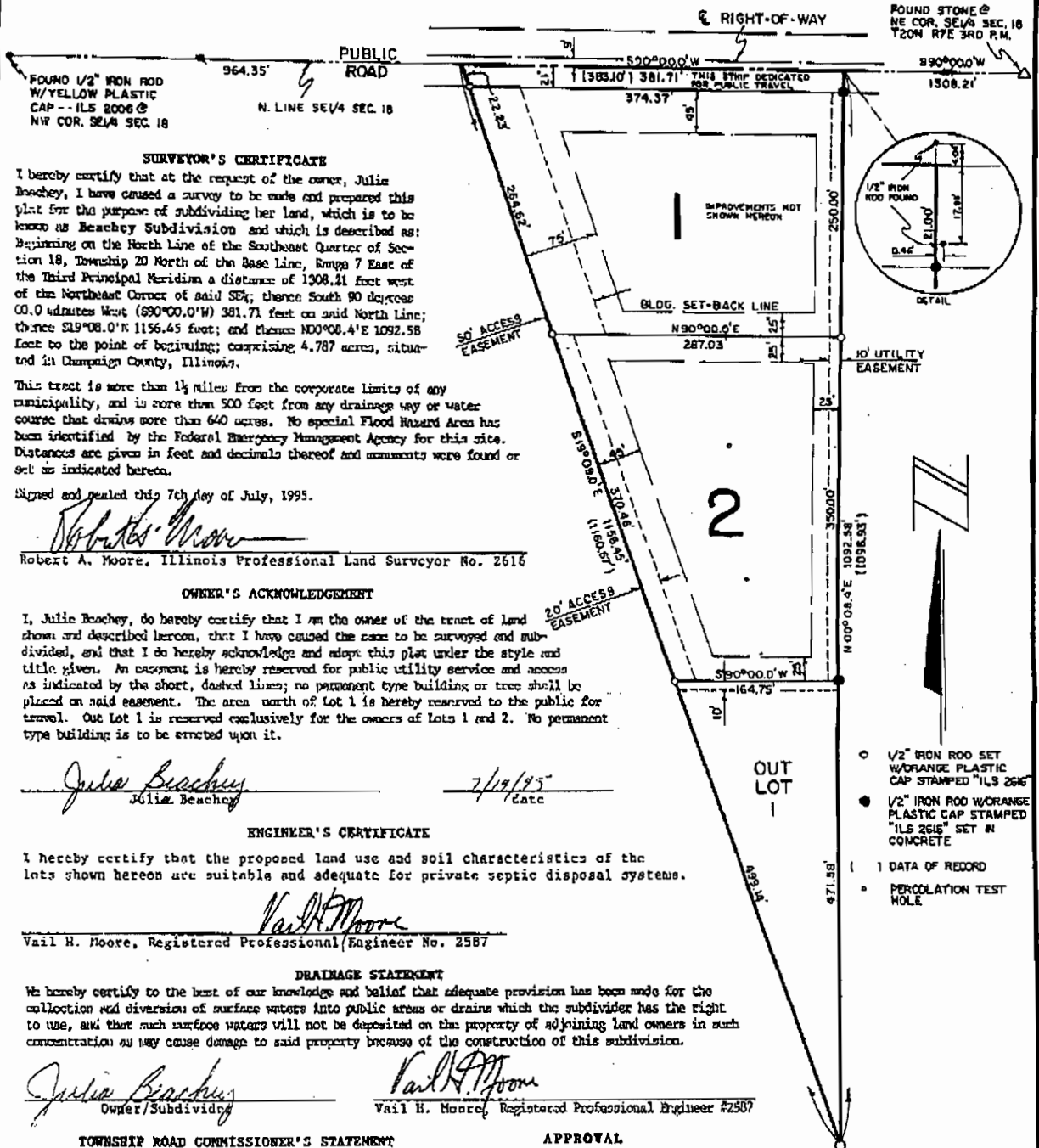
Revised Oct. 11, 1995

**MOORE SURVEYING & MAPPING**  
 PONTIAC, ILLINOIS

DATE: SEPT. 29, 1995

Submitted for recording on 1995, by Julie Beachey of 73 County Rd. 2150N, Mahomet, Illinois 61853

BEACHEY SUBDIVISION  
CHAMPAIGN COUNTY, ILLINOIS



SURVEYOR'S CERTIFICATE

I hereby certify that at the request of the owner, Julie Beachey, I have caused a survey to be made and prepared this plat for the purpose of subdividing her land, which is to be known as Beachey Subdivision and which is described as: Beginning on the North Line of the Southeast Quarter of Section 18, Township 20 North of the Base Line, Range 7 East of the Third Principal Meridian a distance of 1308.21 feet west of the Northeast Corner of said SE $\frac{1}{4}$ ; thence South 90 degrees 00.0 minutes West (S90°00.0'W) 381.71 feet on said North Line; thence S19°08.0'W 1156.45 feet; and thence N00°00.4'E 1092.58 feet to the point of beginning; comprising 4.787 acres, situated in Champaign County, Illinois.

This tract is more than 1/4 mile from the corporate limits of any municipality, and is more than 500 feet from any drainage way or water course that drains more than 640 acres. No special Flood Hazard Area has been identified by the Federal Emergency Management Agency for this site. Distances are given in feet and decimals thereof and monuments were found or set as indicated hereon.

Signed and sealed this 7th day of July, 1995.

*Robert A. Moore*  
Robert A. Moore, Illinois Professional Land Surveyor No. 2616

OWNER'S ACKNOWLEDGEMENT

I, Julie Beachey, do hereby certify that I am the owner of the tract of land shown and described hereon, that I have caused the same to be surveyed and subdivided, and that I do hereby acknowledge and adopt this plat under the style and title given. An easement is hereby reserved for public utility service and access as indicated by the short, dashed lines; no permanent type building or tree shall be placed on said easement. The area north of Lot 1 is hereby reserved to the public for travel. Out Lot 1 is reserved exclusively for the owners of Lots 1 and 2. No permanent type building is to be erected upon it.

*Julie Beachey* 7/14/95  
Julie Beachey date

ENGINEER'S CERTIFICATE

I hereby certify that the proposed land use and soil characteristics of the lots shown hereon are suitable and adequate for private septic disposal systems.

*Vail H. Moore*  
Vail H. Moore, Registered Professional Engineer No. 2587

DRAINAGE STATEMENT

We hereby certify to the best of our knowledge and belief that adequate provision has been made for the collection and diversion of surface waters into public sewers or drains which the subdivider has the right to use, and that such surface waters will not be deposited on the property of adjoining land owners in such concentration as may cause damage to said property because of the construction of this subdivision.

*Julie Beachey* *Vail H. Moore*  
Owner/Subdivider Vail H. Moore, Registered Professional Engineer #2587

TOWNSHIP ROAD COMMISSIONER'S STATEMENT

I, Chris Donitz, Mahomet Township Road District Commissioner, do hereby certify that this plat has been reviewed by me and approved with respect to roadway access and other matters under my jurisdiction.

*Chris Donitz* 7-12-95  
Chris Donitz date

APPROVAL

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1995. CHAMPAIGN COUNTY ENVIRONMENT AND LAND USE COMMISSIONERS.

\_\_\_\_\_  
Chairman  
\_\_\_\_\_  
Subdivision Officer

PERCOLATION TEST RESULTS

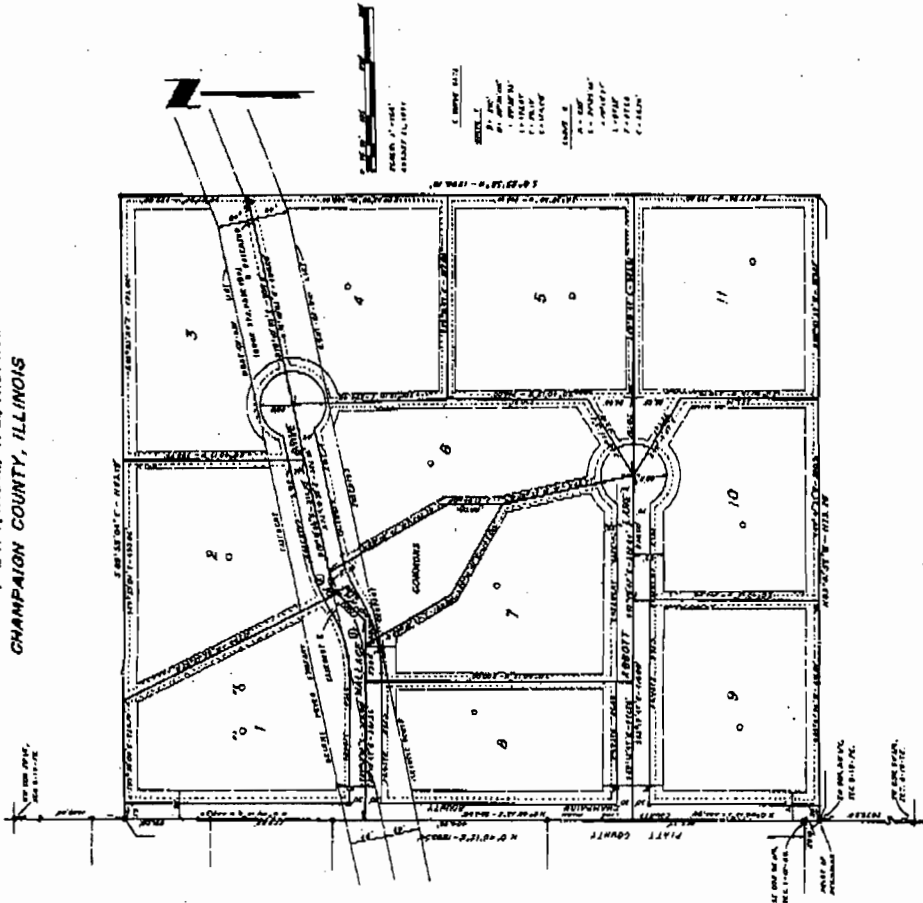
Re-filled lower 6" of north hole drained in 100 minutes.  
South hole not re-filled. Initial filling had not drained in two hours.

Doc. No. 95 R 16971  
OK. CC Pg. 107  
RECORDED 8-17-95

AS APPROVED & RECORDED.

MOORE SURVEYING & MAPPING PAXTON, ILLINOIS			
CLIENT JULIE BEACHEY	DATE JULY 3, 1995	SCALE	LOT NO. 1848

**FINAL PLAN - SPRING CREEK SUBDIVISION  
IN NW 1/4, SEC. 6, T.19N., R.7E., 3RD. PM  
CHAMPAIGN COUNTY, ILLINOIS**



**RECORVED**  
SEP 1 2005  
CHAMPAIGN COUNTY CLERK'S OFFICE

**TABLE OF CORRECTIONS**

LINE NO.	FROM	TO	REASON	AMOUNT	CORRECTED VALUE
1	2.3'	2.3'		0.00	2.3'
2	2.3'	2.3'		0.00	2.3'
3	3.30'	3.30'		0.00	3.30'
4	3.30'	3.30'		0.00	3.30'
5	3.30'	3.30'		0.00	3.30'
6	3.30'	3.30'		0.00	3.30'
7	3.30'	3.30'		0.00	3.30'
8	3.30'	3.30'		0.00	3.30'
9	3.30'	3.30'		0.00	3.30'
10	3.30'	3.30'		0.00	3.30'
11	3.30'	3.30'		0.00	3.30'

NOTE: All lines of corners, by 1000. All corners shown are correct unless shown otherwise.

- LEGEND**
- Easement
  - Right-of-Way
  - ▲ Survey Monument
  - Property Line, not line
  - Private Street Common Line
  - Easement, 20' Right-of-Way
  - Utility Easement Line
  - 10' Power Co. Easement Line

**NOTICE OF PUBLIC HEARING**

1. The undersigned, Attorney at Law, has been duly appointed by the Board of Supervisors of Champaign County, Illinois, to conduct a public hearing on the above-captioned subdivision. The hearing will be held on the 10th day of September, 2005, at 10:00 A.M. at the County Clerk's Office, Champaign County, Illinois. Any person desiring to object to the subdivision should appear at the hearing and state the grounds of objection.

**STATE OF ILLINOIS**  
**COUNTY OF CHAMPAIGN**  
 I, \_\_\_\_\_, Clerk of said County, do hereby certify that the above and foregoing is a true and correct copy of the original of the same as the same appears of record in my office. Witness my hand and the seal of said County at Champaign, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

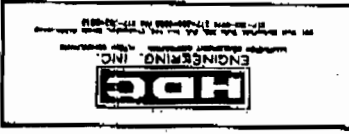
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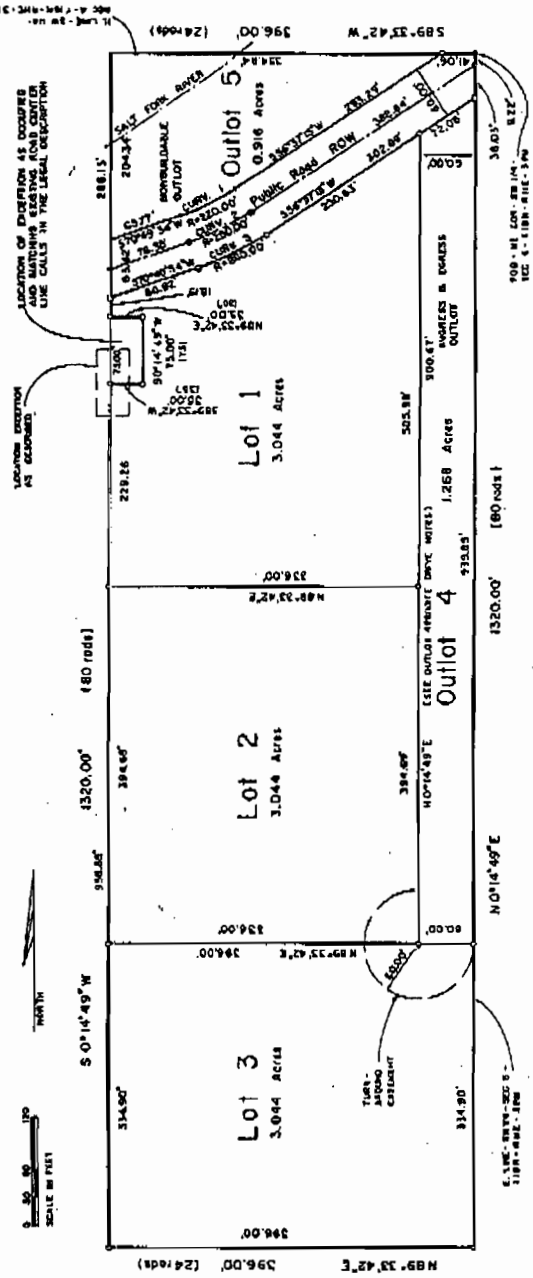
FINAL PLAT

Table with 2 columns: Date, Description

Sheet 1 of 1

DAVISON SUBDIVISION CHAMPAIGN COUNTY, ILLINOIS

Surveyor: James A. Decker, State of Illinois, No. 1198, Exp. 12/31/06



STATE OF ILLINOIS COUNTY OF CHAMPAIGN

1. That J. Phillip being a duly qualified and licensed Surveyor, State of Illinois, and the duly sworn and duly qualified and licensed Surveyor of the County of Champaign, Illinois, do hereby certify that the above described land is the land of the State of Illinois...

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COPY OF RECORDED PLAT 12/18/90



LOCATION

NOTES

1. The plat is subject to all liens and mortgages recorded in the following manner, to wit: as recorded with the Public Surveyor, Champaign County, Illinois, on the following dates:...

Table with columns: Date, Description, Amount

2. The plat is subject to all liens and mortgages recorded in the following manner, to wit: as recorded with the Public Surveyor, Champaign County, Illinois, on the following dates:...

EXHIBIT A

Table with columns: Chain Length, Chain Reading

LEGEND

- 0 IRON PIN FOUND
O IRON PIN SET
O IRON PIN CONCRETE SET
--- BOUNDARY OF SUBDIVISION
- - - - - EASEMENT FOR UTILITIES
C 1 BOUNDARY OF RECORD

# M. & R. DREWS SUBDIVISION

A Part of  
 The North One-half of the Northeast Quarter  
 of  
 Section 21, Township 20 North, Range 8 East  
 of the  
 Third Principal Meridian  
 in  
 Champaign County, Illinois

### SUBJECT MATTER

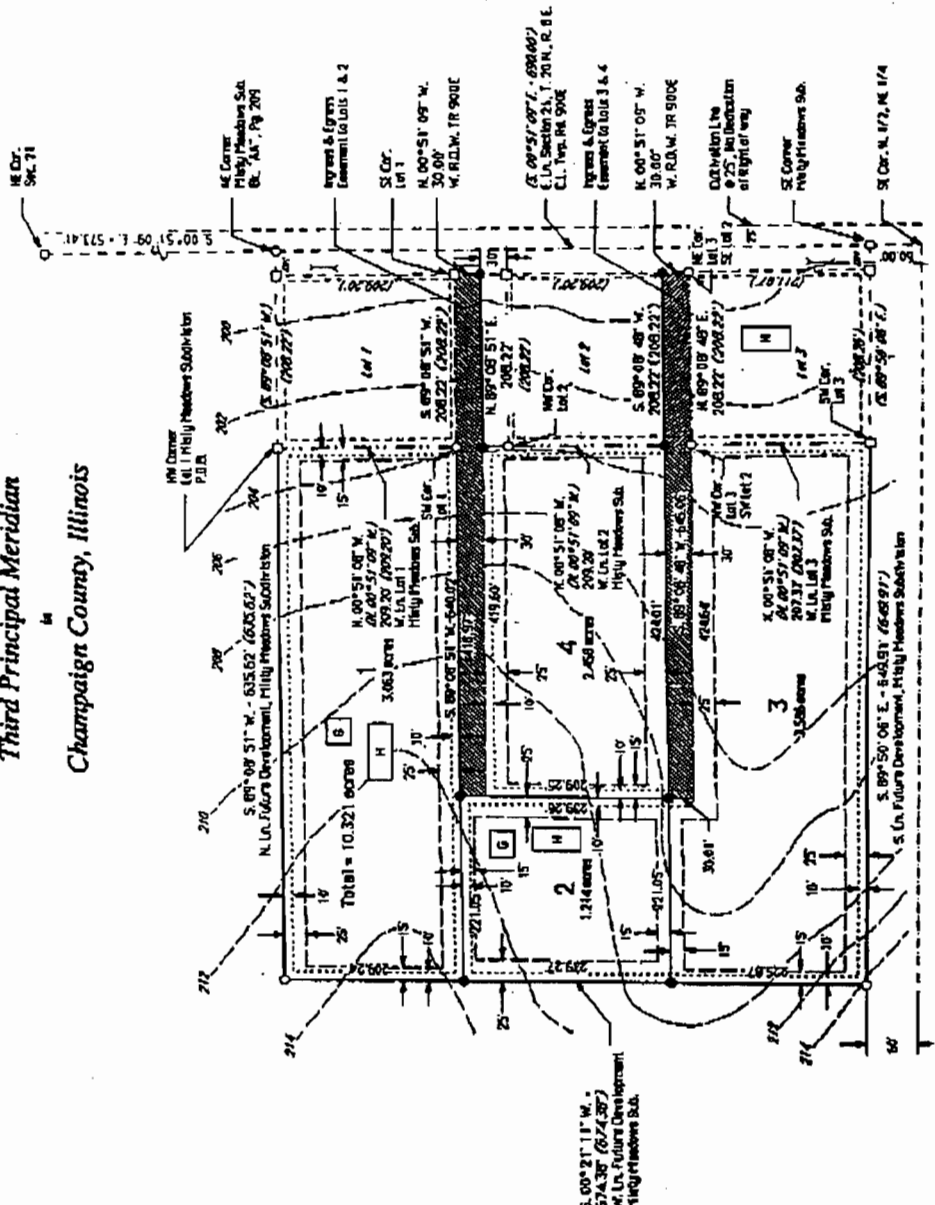
1. Rex A. Greenfield, duly registered at No. 172 of the Third Principal Meridian, Champaign County, Illinois, has made a survey of the tract of land described in Section 21, Township 20 North, Range 8 East, Champaign County, Illinois, as set out in the attached plat.

2. The tract of land being a part of the North 1/2 of the Northeast Quarter of Section 21, Township 20 North, Range 8 East, Champaign County, Illinois, is divided into 10 lots, as shown on the attached plat.

3. The lots are described as follows: Lot 1, 3.063 acres; Lot 2, 2.458 acres; Lot 3, 3.558 acres; Lot 4, 2.458 acres; Lot 5, 3.063 acres; Lot 6, 2.458 acres; Lot 7, 3.063 acres; Lot 8, 2.458 acres; Lot 9, 3.063 acres; Lot 10, 2.458 acres.

4. The lots are bounded as follows: North by the North 1/2 of the Northeast Quarter of Section 21, Township 20 North, Range 8 East, Champaign County, Illinois; East by the East 1/2 of the Northeast Quarter of Section 21, Township 20 North, Range 8 East, Champaign County, Illinois; South by the South 1/2 of the Northeast Quarter of Section 21, Township 20 North, Range 8 East, Champaign County, Illinois; West by the West 1/2 of the Northeast Quarter of Section 21, Township 20 North, Range 8 East, Champaign County, Illinois.

1. All utility easements shown on this plat are as shown on the attached plat.
2. All easements and rights are shown as shown on the attached plat.
3. The lots are shown as shown on the attached plat.
4. All lot area measurements are as shown on the attached plat.
5. All bearings are as shown on the attached plat.
6. All dimensions are as shown on the attached plat.
7. The above described documents are as shown on the attached plat.



DESIGNER ON THE ATTACHED PLAT  
 I AND I REQUEST THE FOLLOWING  
 TITLE OF CHAMPAIGN COUNTY.  
 RECORD HAS ALREADY BEEN  
 WAS SUBMITTED WITH MUST  
 INFORMATION WAS SUBMITTED  
 PERMITTED ON SUBDIVISION ONLY

HAVE WE ARE THE SITE OWNERS OF THE LAND DESCRIBED IN THE  
 D.

1-26-95  
 DATE  
 1-26-95  
 DATE

PROVED AND THE COUNTY ENTIREMENT AND LAND USE COMMISSION  
 OR CONSIDERATION. THIS IS BEING APPROVAL OF THE FINAL

CHAMPAIGN  
 SECRETARY

1-26-95  
 TOWNSHIP HIGHWAY COMMISSIONER  
 APPROVED WITH RESPECT TO ROADWAY ACCESS AND OTHER

1-26-95  
 AD. 10 95

**FINAL PLAT**  
OF  
**FRIEDERICH SUBDIVISION**

CHAMPAIGN COUNTY, ILLINOIS  
A part of the Northwest Quarter of Section 22, and a part of the Southwest Quarter of Section 15 all in Township 21 North, Range 7 East of the Third P.M.

CURVEY/DEVELOPER  
ZIMAN CONSTRUCTION ROAD INC.  
MARGHET, N. 61851

ENGINEER/SURVEYOR  
JAC DESIGN/DEVELOP, INC.  
CHAMPAIGN, N. 61851-4140



**LEGEND**

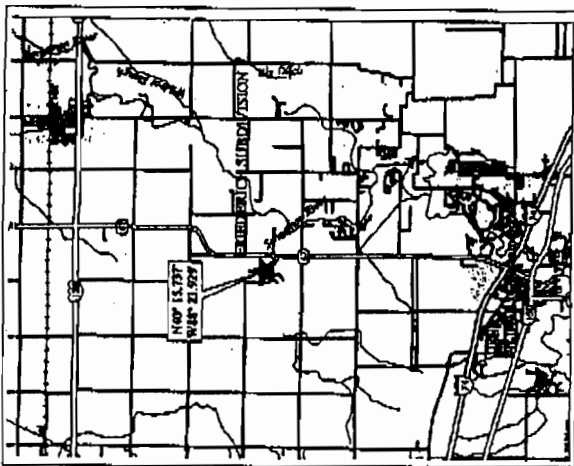
- BOUNDARY OF TRACT AS SHOWN MARK JAC
- BOUNDARY OF FRIEDERICH SUBDIVISION
- LOT LINE
- LARGEST LOT
- POINTS & CORNER CHANGING AREA
- DIVISION OF RECORD
- DIVISION AS SHOWN
- W/IDE CORNER
- ROAD PER ROAD
- ROAD PER SET

COUNTY COMMISSIONER AND LAND USE COMMITTEE  
Approved this 27th day of August, 1999 AD  
DeWitt County Commission and Land Use Committee

NOTARY PUBLIC  
Approved this 27th day of August, 1999 AD  
DeWitt County, Illinois

CERTIFICATE OF COUNTY CLERK  
I, County Clerk, do hereby certify that this plat is a true and correct copy of the original plat as recorded in the County Clerk's Office, DeWitt County, Illinois.

THIS IS A SUBDIVISION OF A TRACT OF LAND SHOWN BY RECORD A PLAT, UNDER PREVIOUS PLAT, AND APPROVED BY THE BOARD OF CHAMPAIGN COUNTY IN CASE NO. 10401717, BOOK 104, PAGE 102, RECORDED IN THE COUNTY CLERK'S OFFICE, DEWITT COUNTY, ILLINOIS, ON JANUARY 17, 1998.



LOCATION MAP

STATE OF ILLINOIS  
COUNTY OF CHAMPAIGN

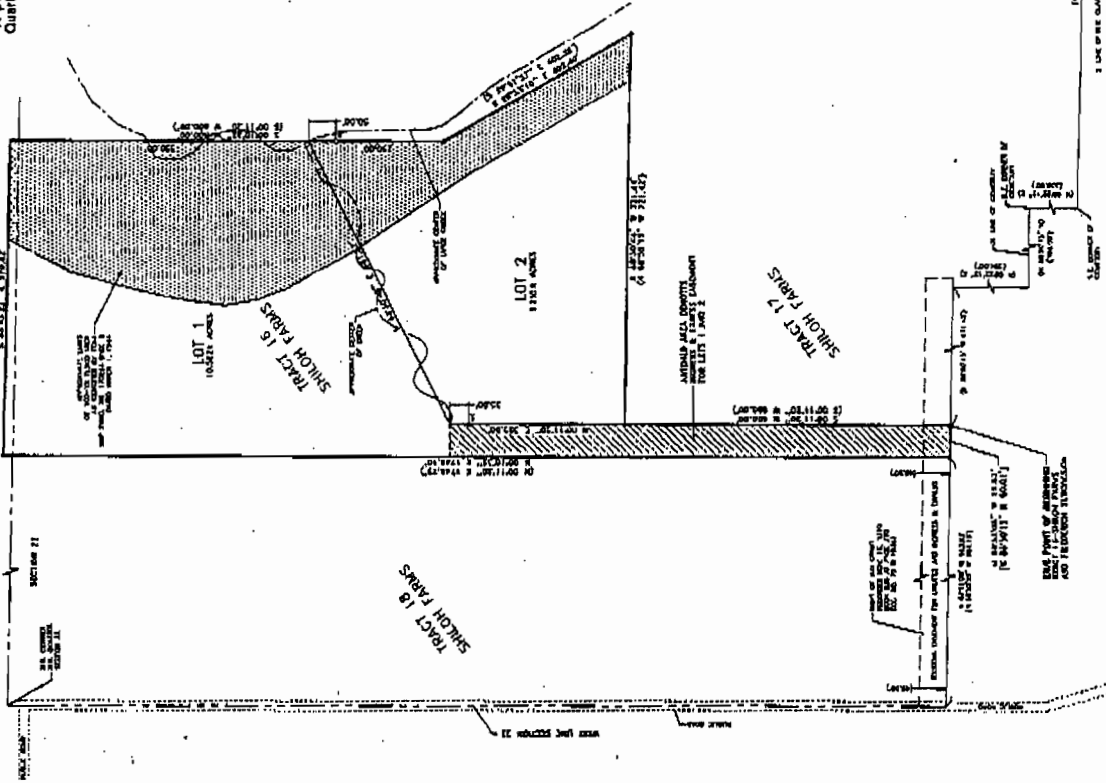
CHAMPAIGN COUNTY COMMISSIONER  
I, Robert A. Barry, being Personally and Legally Qualified, do hereby certify that this plat is a true and correct copy of the original plat as recorded in the County Clerk's Office, DeWitt County, Illinois, on August 27, 1999 AD.

Notary Public  
Approved this 27th day of August, 1999 AD  
DeWitt County, Illinois

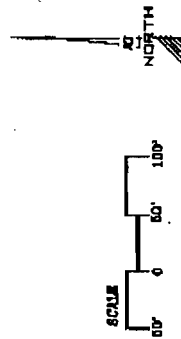
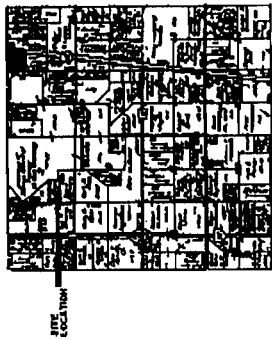
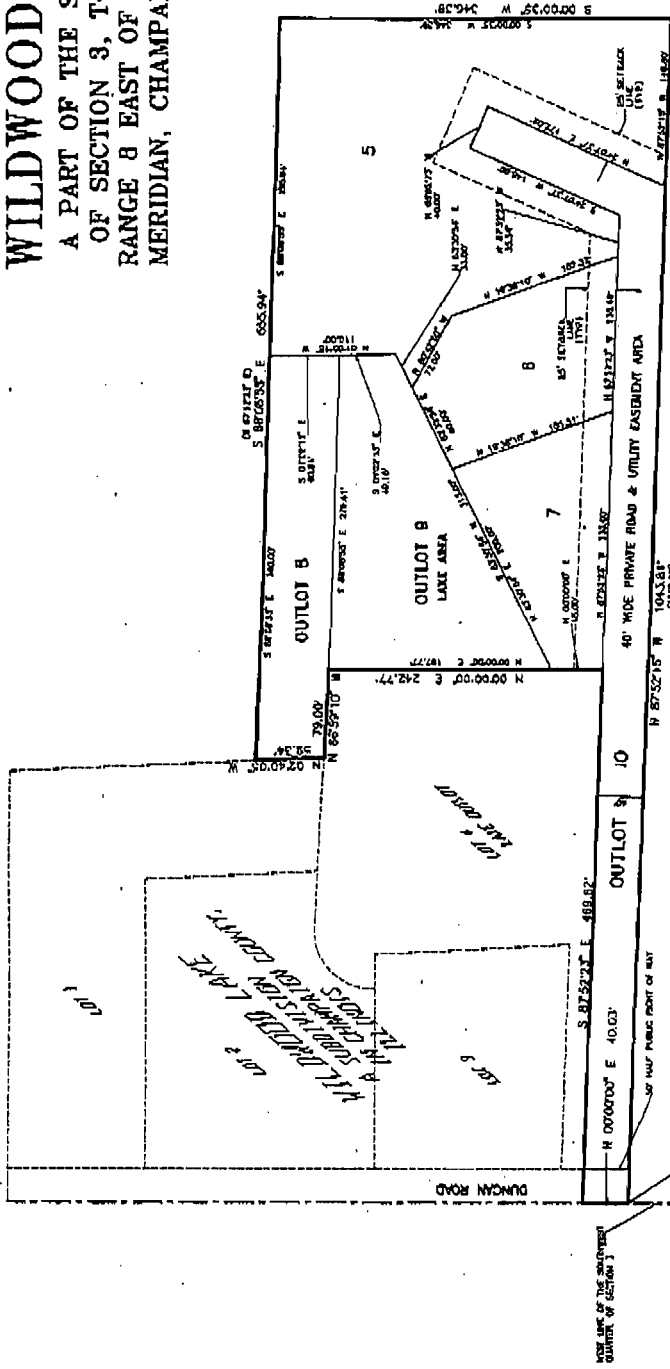
DeWitt County Clerk  
Approved this 27th day of August, 1999 AD  
DeWitt County, Illinois



PREPARED FOR RECORD BY JAC DESIGN/DEVELOP, INC.



**THE FINAL PLAT**  
**WILDWOOD LAKE 2ND**  
 A PART OF THE SOUTHWEST QUARTER  
 OF SECTION 3, TOWNSHIP 18 NORTH,  
 RANGE 8 EAST OF THE THIRD PRINCIPAL  
 MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS



Surveyor's certificate  
 I, Matthew J. Smith, being duly sworn, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Illinois. My commission expires on the 31st day of August, 2006. My office is located at 1305 South Mattis Avenue, Champaign, Illinois 61821.

STATE OF ILLINOIS  
 COUNTY OF CHAMPAIGN

Surveyor's certificate  
 I, Matthew J. Smith, being duly sworn, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Illinois. My commission expires on the 31st day of August, 2006. My office is located at 1305 South Mattis Avenue, Champaign, Illinois 61821.

COUNTY ENGINEERS AND LAND USE COMMITTEE  
 Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 1983  
 By: \_\_\_\_\_  
 Secretary  
 COUNTY ENGINEERS AND LAND USE COMMITTEE  
 Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 1983  
 By: \_\_\_\_\_  
 Secretary

**Altech Consultants, Inc.**  
 1305 SOUTH MATTIS AVENUE  
 CHAMPAIGN, ILLINOIS 61821  
 PH. (217) 368-0563  
 FAX (217) 358-0678  
 SURVEYING ENGINEERING PLANNING

WILDWOOD LAKE 2ND  
 FINAL PLAT



---

**From:** John Hall [jhall@ccrpc.org]  
**Sent:** Wednesday, October 19, 2005 5:00 PM  
**To:** Tyler, Elizabeth; Wempe, Matt  
**Cc:** jroseman@ccrpc.org  
**Subject:** City memo of 10/14/05 on County zoning Case 517-AT-05

Regarding the Summary of Staff Findings in the subject memo, it is not clear to me how the proposed amendment is inconsistent with any municipal plan or land division/ development regulations. Any existing legal zoning lot that comes within a municipal e.t.j but that is not proposed to be changed would surely always remain a legal zoning lot until such time as the lot lines are proposed to be changed.

Also, the **only County approved** plats of subdivision authorized with easement by access have been provided to the City staff and there are none within the City's ETJ area. Thus, the proposed amendment would only be applicable to lots approved in a plat of subdivision by the City. Are there any?

Further, the proposed amendment **clearly** would not make illegal nonconforming zoning lots into legal zoning lots. For example, the proposed amendment is not applicable to the lots that do not front on a public street in an area that I understand is called "Holcomb (sp?) Woods". The problem lots in this area that I am familiar with were not created by plat of subdivision and so the proposed amendment is not applicable to these lots. If you believe that the amendment would make these lots legal we need to discuss this because that is not the intent and I do not see how it could result.

The proposed amendment also does not apply to land division after 2/18/97.

Please call if you think I have overlooked something in regards to the actual effect of the proposed amendment.

**John Hall**  
Associate Planner

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:**        **October 20, 2005**  
**TIME:**        **7:30 P.M.**  
**PLACE:**       **Urbana City Building**  
                  **400 South Vine Street**  
                  **Urbana, IL 61801**

---

**MEMBERS PRESENT:**     Lew Hopkins, Ben Grosser, Randy Kangas, Michael Pollock, Bernadine Stake, Marilyn Upah-Bant, James Ward, Don White

**MEMBERS EXCUSED:**     Laurie Goscha

**STAFF PRESENT:**        Elizabeth Tyler, Director of Community Development Services; Robert Myers, Planning Manager; Matt Wempe, Planner I; Paul Lindahl, Planner I; Teri Andel, Secretary

**OTHERS PRESENT:**     Carol Ammons, Mother Mary Brooks, Dorothy Carter, Leonard and Faye Christmon, Phyllis Clark, Almada Davis, Levi Dinkla, John Green, Lorean Howard, Ruby Hunt, Samuel and Frankie Johnson, Adam Judeh, Ibrahim Odeh, Bob Leach, Michael Lehman, Robert Lewis, Donna McKinley, Janice Mitchell, Jerry Moreland, Beverly Napper, Andrew O’Baill, Del Owens, Lawrence Owens, Hayward and Virginia Patterson, Melvin Peoples, Ivan Ruiz, Emma Shelton, Doretha Simmons, Jennifer Tatum, Susan Taylor, Mary Thomas, Patrick Thompson, Asa Walker, Navarn Welch, Betty Williams, Joseph Wilson

---

**CCZBA-517-AT-05 – Request by Champaign County Zoning Administrator to amend sections of the County Zoning Ordinance to allow a lot to have access to a public street by means of an easement of access provided that both the lot and the easement of access were created in a plat of subdivision and subsequently recorded and that the lot meets all other dimensional and geometric standards established by this Ordinance.**

Ms. Tyler presented the case to the Plan Commission. She mentioned that she had received an update by talking to Champaign County staff earlier in the day. She explained the purpose of the text amendment to the Champaign County Zoning Ordinance, which was to recognize plats that were created during the twenty year time period between 1977 and 1997, where the County did allow access to lots by easement of access rather than frontage on a public street. The practice has been to

require variances for construction on these lots. The Zoning Administrator of Champaign County would like to grandfather these lots essentially and not require the variances.

She stated that the City of Urbana reviews Champaign County text amendments to their Zoning Ordinance, because they could affect the City's Extra Territorial Jurisdiction (ETJ). We also look at the text amendments for consistency with the City's Comprehensive Plan and compatibility and consistency with the City's zoning regulations.

In this case, City staff was concerned because our Subdivision Ordinance does require that any new lot be adjacent to a public street. This is only waived in very rare circumstances, because it is an important principle of planning that we allow for lot access to public streets rather than allow for situations where neighbors sharing a drive can dispute over maintenance and access.

Ms. Tyler pointed out that all of the plats, which are attached to the County staff memorandum, are not anywhere close to the City's limits. She stated that the City's jurisdiction would not be affected by this amendment. Therefore, staff's recommendation was revised from that written in the staff report to be as follows:

*Based on the findings summarized in the written staff report, and subject to additional information that may be provided by Champaign County, staff recommended that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest for the proposed text amendment.*

Mr. White inquired if Holcomb Woods qualified since it was never platted as a subdivision. Ms. Tyler stated that it was not platted under these circumstances, so the proposed text amendment would not change the status quo for Holcomb Woods.

Mr. White commented that he had a problem with this text amendment, because he felt that people should still need to get a variance. The text amendment would allow some things that eventually would become problematic. Mr. Pollock added that although the text amendment would not affect any properties within the City's ETJ, the ETJ changes. It will continue to move outwards. There may be things done two years, five years or ten years from now that are outside of the City's current ETJ that will become within the ETJ, and we may in fact inherit some things that we do not want as a result of this.

Ms. Tyler stated that she did not believe that the text amendment represented good planning or subdivision practice. However, it does represent a pocket in time. The County's current regulations would not allow any plats with these configurations. The text amendment is strictly for the plats created during the twenty years between 1977 and 1997. When rural residents on these plats want to do construction and because they do not have access to a public street, they need to obtain a variance. Mr. White asked what was wrong with the process. Ms. Tyler stated that the Champaign County Zoning Administrator felt that the process was burdensome. The Champaign County Zoning Administrator believed that it was unfair to the property owners who believed they had a duly platted legal lot. When it came time to build, the property owners found that they were not compliant.

Mr. Grosser stated that he agreed that this situation did not represent good planning, but he wanted to reserve the City's right to protest for larger issues that directly impacted the City. Therefore, he moved that the Plan Commission forward this case to the City Council with a recommendation to defeat a resolution of protest absent the condition listed in the written staff report. Mr. Ward seconded the motion. The roll call was as follows:

Mr. Kangas	-	No	Mr. Pollock	-	Yes
Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Mr. Ward	-	Yes	Mr. White	-	No
Mr. Grosser	-	Yes	Mr. Hopkins	-	Yes

The motion was passed by a vote of 6 ayes to 2 nays. The case will go before the City Council on November 7, 2005.