



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: February 17, 2011

SUBJECT: CCZBA 666-AT-10: A request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11 D.1 concerning Special Use Permits

Introduction & Background

The Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County Case No. CCZBA-666-AT-10. The purpose of this amendment is to make clear that the County Zoning Board of Appeals and/or the County Board may grant a waiver of Special Use Permit requirements, including those for wind farms, as part of the Special Use Permit approval process.

The proposed amendment would clarify that the requirements for specific special use permits found in Subsection 6.1 of the Champaign County Zoning Ordinance which exceed the applicable district requirements found in Subsection 5.3 in either amount or kind are subject to waiver by the Zoning Board of Appeals or by the County Board. The district requirements in Subsection 5.3 include minimum lot size, maximum height, required setbacks, and maximum lot coverage. The requirements for specific special uses include regulations such as a ban on a crematory being located within 100 feet of any residential district or use and that an enclosed kennel shall not permit animals to be kept outside. City Council should review the proposed amendment to determine what impact it will have on the City, and whether to protest.

If adopted, the following changes would be made to the Champaign County Zoning Ordinance:

6.1 Standard for SPECIAL USES

The standards listed in this Subsection ~~for specific SPECIAL USES~~ which exceed the applicable DISTRICT standards in Section 5.3, in either amount or kind, and which are not specifically required under another COUNTY ordinance, state regulation, federal

regulation, or other authoritative body having jurisdiction, to the extent that they exceed the standards of the DISTRICT, in either amount or kind, shall be considered standard conditions which the BOARD or GOVERNING BODY is authorized to waive upon application as provided in Section 9.1.11 on an individual basis.

9.1.11 D. Conditions

1. Any other provision of this ordinance notwithstanding, the BOARD or GOVERNING BODY, in granting any SPECIAL USE, may waive upon application any standard or requirement for the specific SPECIAL USE enumerated in Section 6.1.3 ~~Schedule of Requirements and Standard Conditions~~ Standards for Special Uses, to the extent that they exceed the minimum standards of the DISTRICT, in either amount or kind, except for any state or federal regulation incorporated by reference, upon finding that such waiver is in accordance with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.

The proposed amendments came about as a result of comments received during a recent zoning case that indicated confusion regarding the two sections listed above.

Zoning Case 634-AT-08 added Section 6.1.4 to the zoning ordinance creating wind farm regulations. During the public hearing for this case, testimony was given that indicated uncertainty whether the regulations for wind farms could be waived by the Zoning Board of Appeals (ZBA) during the special use permit process. This arises from the reference to Section 6.1.3 Schedule of Requirements and Standard Conditions, a table of special uses and the regulations associated with them. When the wind farm regulations were adopted, they were not added to the special use table in Section 6.1.3, but added as a separate subsection, Subsection 6.1.4. According to John Hall, Champaign County Zoning Administrator, the intent of the ordinance was that wind farm regulations could be waived as part of the special use process, just as any other regulation stipulated in the section on specific special uses.

The proposed text amendment is intended to be a *clarification* of and not a *change* to existing regulations. Therefore, the proposed amendment would have no substantive impact on the City.

Issues and Discussion

City of Urbana Policies

Champaign County’s proposed Zoning Ordinance should be reviewed for consistency with the City of Urbana’s *2005 Comprehensive Plan*. Specifically, Urbana’s comprehensive plan includes the following pertinent goals and objectives:

Goal 17.0 Minimize incompatible land uses.

Objective 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

Objective 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

Objective 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

Objective 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

The proposed changes appear to be generally consistent with these goals and objectives.

Zoning Impacts

The proposed County text amendment would not change how zoning or land use development decisions are made within the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area, but would help the County in administration of its Zoning Ordinance.

Summary of Staff Findings

1. Champaign County Zoning Case No. CCZBA 666-AT-10 would make clear that the County Zoning Board of Appeals and/or the County Board may grant a waiver of Special Use Permit requirements, including those for wind farms, as part of the Special Use Permit approval process.
2. The proposed zoning ordinance text amendment would revise Subsection 6.1 and paragraph 9.1.11 D.1 to clarify that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to waiver by the County Zoning Board of Appeals or the County Board;
3. The proposed zoning ordinance text amendment is generally consistent with the City of Urbana's 2005 *Comprehensive Plan's* goals and objectives;
4. The proposed text amendment is a clarification of existing regulations and would not change how zoning or land use development decisions are made within the City's one-

and-one-half mile extra-territorial jurisdictional (ETJ) area, but would help the County in administration of its Zoning Ordinance.

Options

In CCZBA Case No. 666-AT-10, City Council has the following options:

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

Recommendation

At their February 10, 2011 meeting, the Urbana Plan Commission voted five ayes and zero nays to forward this case to the City Council with a recommendation to **defeat a resolution of protest** for the proposed text amendment based upon the findings summarized above.

Exhibits: Memorandum to the Champaign County ZBA, March 19, 2010

cc: John Hall, Champaign County Zoning Administrator

RESOLUTION NO.2011-02-005R

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

(Request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance by revising subsection 6.1 and paragraph 9.1.11 D.1)

Plan Case No. CCZBA 666-AT-10

WHEREAS, the Champaign County Zoning Administrator has petitioned the County of Champaign for a zoning text amendment to the Champaign County Zoning Ordinance in Champaign County ZBA Case No. 666-AT-10 to amend Subsection 6.1 and paragraph 9.1.11 D.1 to clarify that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to waiver by the Zoning Board of Appeals or County Board; 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-AT-10: A request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11 D.1"; and

WHEREAS, said amendment is generally consistent with the City of Urbana's 2005 Comprehensive Plan's goals and objectives; and

WHEREAS, said amendment is a clarification of existing County regulations and would not affect zoning or land use development decisions within the City's one-and-one-half mile extra-territorial jurisdictional (ETJ) area; and

WHEREAS, the Urbana Plan Commission, after considering matters pertaining to said Petition at their meeting of February 10, 2011, has recommended by a vote of ___ ayes to ___ nays 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 in 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 adopt a Resolution of Protest against the proposed text amendment as presented in CCZBA-666-AT-10.

Section 3. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of this Resolution of Protest with the County Clerk of the County of Champaign, and to mail a certified copy of this resolution to the Petitioner, Mr. John Hall at 1776 East Washington, Urbana, Illinois 61801 and to the State's Attorney for Champaign County and Attorney for the Petitioner, at the Champaign County Courthouse, Urbana, Illinois, 61801.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Laurel Lunt Prussing, Mayor

Champaign
County
Department of



CASE NO. 666-AT-10

SUPPLEMENTAL MEMORANDUM

December 30, 2010

Petitioner: **Zoning Administrator**

Prepared by: **John Hall**
Zoning Administrator

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

(217) 384-3708

Request: **Amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11 D.1. to clarify that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to waiver by the Zoning Board of Appeals or County Board.**

STATUS

This case was continued from the December 16, 2010, meeting because the petitioner requested that a vote not be taken until a full Board was present.

The attached Finding of Fact was approved at that meeting but it has subsequently been updated to reflect the current memorandum and the January 6, 2010, meeting date and corrections have been made to the Documents of Record. The Finding of Fact should be approved again.

ATTACHMENT

A Finding of Fact As Approved on December 16, 2010 (with updates & corrections)

AS APPROVED ON DECEMBER 16, 2010 (WITH UPDATES & CORRECTIONS)

666-AT-10

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: *{RECOMMEND ENACTMENT / RECOMMEND DENIAL}*

Date: January 6, 2011

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11 D.1. to clarify that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to waiver by the Zoning Board of Appeals or County Board.

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 25, 2010; July 15, 2010; September 16, 2010; October 14, 2010; December 16, 2010; and January 6, 2011**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
 - A. In Zoning Case 634-AT-08 Part A (adding wind farm requirements), item 15 of the amendment gave the County Board the authority to waive any standard condition and since site reclamation is a necessary component of wind farm decommissioning, item 13 made the necessary change to allow the County Board to waive site reclamation.
 - B. Subsection 6.1 and Paragraph 9.1.11 D.1. define standard conditions and establish the ability of the ZBA and County Board to waive them based on certain findings.
 - C. Comments were received during the public hearing for Zoning Case 658-AT-09 asserting that the more correct interpretation of these two parts of the Zoning Ordinance is that only standard conditions which have the same kind of requirements in Section 5.3 are subject to waiver.
 - D. Those comments indicate that disagreement is likely and it would be best to eliminate any cause for disagreement or confusion.

Underline text indicates evidence to be added.

~~Strikeout~~ text indicates evidence to be removed.

3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

GENERALLY REGARDING THE EXISTING ZONING REGULATIONS

4. Existing Zoning regulations regarding the proposed amendment are as follows:
- A. Subsection 6.1 and Subparagraph 9.1.11 D.1. establish standard conditions and their being subject to waiver as follows:
- (1) Subsection 6.1 states:
- The standards listed for specific SPECIAL USES which exceed the applicable DISTRICT standards in Section 5.3 and which are not specifically required under another COUNTY ordinance, state regulation, federal regulation, or other authoritative body having jurisdiction, to the extent that they exceed the standards of the DISTRICT, shall be considered standard conditions which the BOARD is authorized to waive upon application as provided in Section 9.1.11 on an individual basis.
- (2) Subparagraph 9.1.11 D.1. states:
- An other provision of this ordinance notwithstanding, the BOARD, in granting any SPECIAL USE, may waive upon application any standard or requirement for the specific SPECIAL USE enumerated in Section 6.1.3 Schedule of Requirements and Standard Conditions, to the extent that they exceed the minimum standards of the DISTRICT, except for any state or federal regulation incorporated by reference, upon finding that such waiver is in accordance with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.
- B. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
- (1) "BOARD" shall mean the Zoning Board of Appeals of the COUNTY
- (2) "GOVERNING BODY" shall mean the County Board of Champaign County, Illinois.
- (3) "SPECIAL CONDITION" is a condition for the establishment of the SPECIAL USE.

SUMMARY OF THE PROPOSED AMENDMENT

5. The proposed amendment is summarized here as it will appear in the Zoning Ordinance, as follows (Underline and ~~strikeout~~ text indicate changes from the current Ordinance):
- A. Revised Subsection 6.1 will appear as follows:

Underline text indicates evidence to be added.
~~Strikeout~~ text indicates evidence to be removed.

ITEM 5. CONTINUED

6.1 Standard for SPECIAL USES

The standards listed in this Subsection ~~for specific SPECIAL USES~~ which exceed the applicable DISTRICT standards in Section 5.3, in either amount or kind, and which are not specifically required under another COUNTY ordinance, state regulation, federal regulation, or other authoritative body having jurisdiction, to the extent that they exceed the standards of the DISTRICT, in either amount or kind, shall be considered standard conditions which the BOARD or GOVERNING BODY is authorized to waive upon application as provided in Section 9.1.11 on an individual basis.

- B. Revised Subsection 9.1.11 D.1 will appear as follows:
1. Any other provision of this ordinance notwithstanding, the BOARD or GOVERNING BODY, in granting any SPECIAL USE, may waive upon application any standard or requirement for the specific SPECIAL USE enumerated in Section 6.1.3 ~~Schedule of Requirements and Standard Conditions~~ Standards for Special Uses, to the extent that they exceed the minimum standards of the DISTRICT, in either amount or kind, except for any state or federal regulation incorporated by reference, upon finding that such waiver is in accordance with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

6. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

- B. The LRMP defines Goals, Objectives, and Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal

Underline text indicates evidence to be added.
~~Strikeout~~ text indicates evidence to be removed.

ITEM 6. CONTINUED

- (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”
- D. LRMP Objective 1.1 is entitled “Guidance on Land Resource Management Decisions”, and states, “Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.”
- E. Goal 1 of the LRMP is relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions (see Item 6.D. above), but is otherwise not relevant to the proposed amendment.

REGARDING OTHER GOALS

7. LRMP Goal 2 is entitled “Governmental Coordination” and does not appear to be relevant to the proposed amendment.
8. LRMP Goal 3 is entitled “Prosperity” and does not appear to be relevant to the proposed amendment.
9. LRMP Goal 4 is entitled “Agriculture” and does not appear to be relevant to the proposed amendment.
10. LRMP Goal 5 is entitled “Urban Land Use” and does not appear to be relevant to the proposed amendment.
11. LRMP Goal 6 is entitled “Public Health and Public Safety” and does not appear to be relevant to the proposed amendment.
12. LRMP Goal 7 is entitled “Transportation” and does not appear to be relevant to the proposed amendment.
13. LRMP Goal 8 is entitled “Natural Resources” and does not appear to be relevant to the proposed amendment.
14. LRMP Goal 9 is entitled “Energy Conservation” and does not appear to be relevant to the proposed amendment.

Underline text indicates evidence to be added.
~~Strikeout~~ text indicates evidence to be removed.

15. LRMP Goal 10 is entitled “Cultural Amenities” and does not appear to be relevant to the proposed amendment.

REGARDING OTHER RELEVANT EVIDENCE

16. Regarding other relevant evidence:
- A. When the Zoning Ordinance was adopted on October 10, 1973, Section 6.1 was the “Schedule of Area, Height, and Location Regulations for Specific SPECIAL USES.”
 - B. Zoning Case 855-AT-93 renumbered Section 6.1 to 6.1.3, renamed it to the “Schedule of Requirements and Standard Conditions,” and granted the Zoning Board of Appeals the power to waive standard conditions for Special Uses. In that case the ZBA made several relevant findings, as follows:
 - (1) Item 17 in the Finding of Fact for Case 855-AT-93 states, “The public hearing process for Special Use Permits provides for due process for all interested parties.”
 - (2) Item 18 in the Finding of Fact for Case 855-AT-93 states, “Permitting the Zoning Board of Appeals to waive special standards to the extent they exceed the applicable standards of the district will ease the review of Special Use cases and eliminate the filing of parallel variance cases.”
 - C. In granting a waiver the Board is required to make two findings, as follows:
 - (1) That such waiver is in accordance with the general purpose and intent of the Zoning Ordinance; and
 - (2) That such waiver will not be injurious to the neighborhood, or to the public health, safety, and welfare.
 - (3) These two findings are essentially the same as two of the required criteria for variances found in subparagraph 9.1.9 C.1.d. and 9.1.9 C.1.e.
 - D. Regarding petitioners’ ability to seek relief from unreasonable requirements of the Zoning Ordinance:
 - (1) If the Board’s ability to grant waivers was reduced to only those standard conditions with equivalent requirements in Section 5.3, as suggested by comments received during Zoning Case 658-AT-09, all other standard conditions would still be subject to variance, and a petitioner’s ability to seek relief from unreasonable standard conditions would be largely unchanged.

Underline text indicates evidence to be added.
~~Strikeout~~ text indicates evidence to be removed.

ITEM 16.D. CONTINUED

- (2) However, in a Special Use Permit case where variances from multiple standard conditions were required, a petitioner would be required to pay Zoning Case Filing Fees for the Special Use Permit and for the parallel Variance case. Time spent in the public hearing for that case would also increase as the ZBA and County Board would be required to consider the Special Use Permit and all required Variances separately.
 - (3) In the case of County Board Special Use Permits for wind farms, state statute gives the County Board the right to approve certain variances if they so choose.
 - (4) The State's Attorney has determined that in regard to County Board Special Use Permits, waivers of standard conditions are subject to protest by affected townships with plan commissions.
- E. Regarding the intent of Subsection 6.1 and subparagraph 9.1.11 D.1:
- (1) Subsection 6.1 and subparagraph 9.1.11 D.1. grant the ZBA and County Board the ability to grant waivers of standard conditions which, "...are not specifically required under another COUNTY ordinance, state regulation, federal regulation, or other authoritative body having jurisdiction..."
 - (2) Section 5.3 of the Zoning Ordinance is entitled "Schedule of Area, Height, and Placement Regulations by District," and establishes requirements for minimum lot area, maximum lot area (for lots in the CR, AG-1, and AG-2 Zoning Districts), minimum average lot width, maximum height of principal and accessory structures (in feet and stories), front setback from street centerlines, front yard, side yard, rear yard, and maximum lot coverage.
 - (3) Other COUNTY ordinances, state regulations, federal regulations, and other authoritative bodies having jurisdiction do not, in general, enact requirements regarding area, height, and placement of structures.
 - (4) The clause quoted in Item 16.E.(1) above is unnecessary if the intent of Subsection 6.1 and subparagraph 9.1.11 D.1 was to grant the ZBA and County Board the ability to grant waivers of only those standard conditions with equivalent requirements in Section 5.3.
- F. The practice of the Zoning Board of Appeals in the 17 years since Zoning Case 855-AT-93 was adopted has been to view all standard conditions as subject to waiver.
- G. Easing the review of special use permit cases and eliminating the filing of parallel variance cases will help keep the costs of the County zoning program lower than it would be otherwise and reduce the application costs to applicants and leave applicants more freedom and flexibility in developing their special use.

Underline text indicates evidence to be added.
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DOCUMENTS OF RECORD

1. Memo to the Champaign County Board Committee of the Whole, dated, February 22, 2010, regarding direction to Zoning Administrator regarding a necessary zoning ordinance text amendment to conduct a proposed Zoning Ordinance text amendment clarifying standard conditions and clarifying wind farm shadow flicker requirements
2. Application for Text Amendment from Zoning Administrator, dated March 3, 2010
3. Preliminary Memorandum for Case 666-AT-10, dated March 19, 2010, with attachments:
 - A Draft Proposed Change to Subsection 6.1 and subparagraph 9.1.11 D.1.
 - B Approved Finding of Fact for Zoning Case 855-AT-93
 - C Draft Finding of Fact for Case 666-AT-10
4. Supplemental Memorandum for Case 666-AT-10, dated March 25, 2010
5. Written statement submitted by Herb Schildt on March 25, 2010
6. Supplemental Memorandum for Case 666-AT-10, dated July 9, 2010
7. Supplemental Memorandum for Case 666-AT-10, dated July 9, 2010, (should be September 16, 2010) with attachment:
 - A Letter from Herbert Schildt, Chairman of the Newcomb Township Plan Commission, dated September 13, 2010
8. Supplemental Memorandum for Case 666-AT-10, dated October 8, 2010
9. Supplemental Memorandum for Case 666-AT-10, dated October 14, 2010, with attachment:
 - A Revised Draft Finding of Fact and Final Determination for Case 666-AT-10
10. Supplemental Memorandum for Case 666-AT-10, dated December 10, 2010
11. Supplemental Memorandum for Case 666-AT-10, dated December 16, 2010, with attachments:
 - A Draft Proposed Change to Subsection 6.1 and subparagraph 9.1.11 D.1.
 - B Legal advertisement for Case 634-AT-08
 - C Reformatted Section 6.1 (included separately)
 - D Excerpt of the approved minutes for the April 13, 2009, ELUC meeting regarding Case 634-AT-08
12. Supplemental Memorandum for Case 666-AT-10, dated December 30, 2010, with attachments:
 - A Finding of Fact As Approved on December 16, 2010 (with updates & corrections)

Underline text indicates evidence to be added.
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FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 666-AT-10** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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~~Strikeout~~ text indicates evidence to be removed.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: February 10, 2011

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Jane Burris, Tyler Fitch, Lew Hopkins, Bernadine Stake, Marilyn Upah-Bant

MEMBERS EXCUSED: Andrew Fell, Ben Grosser, Dannie Otto, Michael Pollock

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner II; Teri Andel, Planning Secretary

OTHERS PRESENT: Corey Addison, Rodolfo Barcenas, Eric Van Buskirk, Latonya Hazelwood, Latonya Jones, Jean McManis, Jourdan Nash, Katie Romack, Gabriel Wright

NEW BUSINESS

Case No. CCZBA-666-AT-10: A request by the Champaign County Zoning Administrator to amend the Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11D.1 concerning Special Use Permits.

Robert Myers, Planning Manager, presented this case to the Plan Commission. He related the purpose of the proposed County text amendment, which is to allow some specific conditions for particular Special Uses, including for wind farms, to be waived by the County Board at the time of the approval of the Special Use Permit. Certain special uses have requirements which are “above and beyond” the standard conditions. For example some Special Uses require a six-foot fence be installed around the entire site. Mr. Myers sees this as not really affecting the City because under state law wind farms are not even allowed in the City’s 1.5-mile extraterritorial jurisdiction anyway.

Ms. Stake asked if City staff would want the same ability for waivers of standard conditions for wind turbines in the City of Urbana. Mr. Myers replied that the City has a different wind turbine process. Our wind ordinance is set up differently, so he would not see where it would be useful.

Ms. Upah-Bant understood that there cannot be a wind turbine constructed within a mile and a half of the City's limits, is this correct? Mr. Myers said yes. That's the case under both the Illinois Municipal Code and in the Illinois County Code.

Ms. Upah-Bant moved that the Plan Commission forward Case No. CCZBA-666-AT-10 to the City Council with a recommendation to defeat a resolution of protest. Ms. Stake seconded the motion. Roll call was as follows:

Ms. Stake	-	Yes	Ms. Upah-Bant	-	Yes
Ms. Burris	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes			

The motion was approved by unanimous vote.