

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **July 12, 2012**  
Time: **7:00 P.M.**  
Place: **Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING  
FROM WASHINGTON STREET PARKING  
LOT AFTER 4:30 PM.  
Use Northeast parking lot via Lierman Ave.  
and enter building through Northeast  
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at  
(217) 384-3708*

**EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM**

## AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes

**Note: The full ZBA packet is now available  
on-line at: [www.co.champaign.il.us](http://www.co.champaign.il.us).**

5. Continued Public Hearings

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

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

6. New Public Hearings

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

7. Continued Text Amendment Public Hearings:

**Case 710-AT-12** Petitioner: Zoning Administrator *(For discussion only if time allows)*  
Request: Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows:  
**Part A.** Revise the Land Evaluation (LE) part as follows:  
1. Revise all soil information to match the corresponding information in the *Soil Survey of Champaign County, Illinois* 2003 edition.  
2. Revise all existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop Productivity Rating for Illinois Soils* published August 2000 by the University of Illinois College of Agricultural, Consumer and Environmental Sciences Office of Research.  
3. Delete the 9 existing Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture Value Groups with Relative LE ranging from 100 to 0.

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
**NOTICE OF REGULAR MEETING**  
**JULY 12, 2012**

**Part B.** Revise the Site Assessment (SA) part as follows:

1. Add definitions for “agriculture”; “agricultural production”; “animal units”; “best prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal use”; and “subject site”.
2. Delete SA Factors A.2.; A.3; B.2.; B.3; C.2; D.2.; D.3.; E.1.; E.2.; E.3.; E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.
3. Revise SA Factor A.1. to be new Factor 8; Factor B.1. to be new Factor 7.; Factor C.1. to be new Factor 5.; Factor D.1. to be new Factor 1.; and revise scoring guidance for each revised Factor, as described in the legal advertisement.
4. Add new SA Factors 2a; 2b. 2c; 3; 4; 6; 9; 10; and scoring guidance for each new Factor, as described in the legal advertisement.

**Part C.** Revise the Rating for Protection as described in the legal advertisement.

**Part D.** Revise the general text and reformat.

Case 711-AT-12 Petitioner: Zoning Administrator *(For discussion only if time allows)*

Request: Amend the Champaign County Zoning Ordinance as follows:

**Part A.** In Section 3, revise the definition of “best prime farmland” as follows:

- a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land Evaluation rating of 91 or higher”; and
- b) add “prime farmland soils that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and
- c) add “soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System”; and
- d) add “Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils”.

**Part B.** Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST PRIME FARMLAND”

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

Case 685-AT-11 Petitioner: Zoning Administrator *(For discussion only if time allows)*

Request: Amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay district as follows:

- (1) Require that each proposed residential lot shall have an area equal to the minimum required lot area in the zoning district that is not in the Special Flood Hazard Area;
- (2) Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation;
- (3) Require a minimum driveway separation between driveways in the same development;
- (4) Require minimum driveway standards for any residential lot on which a dwelling may be more than 140 feet from a public street;
- (5) Require for any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results;
- (6) Require for any proposed RRO in a high probability area as defined in the Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response;
- (7) Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.

8. Staff Report

9. Other Business

A. Review of Docket

B. June, 2012 Monthly Report

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

11. Adjournment

# CASE NO. 699-AM-11

## SUPPLEMENTAL MEMORANDUM

July 6, 2012

Petitioners: L.A. Gourmet Catering, LLC

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708

Site Area: **10 acres**

Time Schedule for Development: **Post Zoning Approval (Approximately 1 year)**

Prepared by: **Andy Kass**  
Associate Planner

**John Hall**  
Zoning Administrator

**Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related zoning case 700-S-11.**

**Location: A 10 acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E, Champaign.**

---

### *STATUS*

This case was continued from the June 14, 2012, public hearing. New evidence and revisions have been made to the Finding of Fact and Final Determination.

---

### **COORDINATION WITH CASE 700-S-11**

There are items between Cases 699-AM-11 and 700-S-11 that are similar and overlap one another. Coordination between related items in these cases is necessary in order to be consistent when making a final determination on both cases. The following items in the Summary of Evidence for Case 700-S-11: Items 9.F.(2), 9.F.(7), and 10.C.(12) should be coordinated with Item 14.B (Objective 4.2) in the Finding of Fact for Case 699-AM-11. These items should be coordinated together because they relate to compatibility with agriculture.

### **CONCERNS ABOUT AN ISLAND OF AG-2 ZONING**

Board members rightly have concerns about "spot zoning". However, it is important to understand that the Zoning Ordinance does not limit the AG-2 District to only areas within one and one-half miles of existing communities.

The Zoning Map has always had locations where the AG-2 District extends more than one and one-half miles from an existing municipality. The subject property is two miles from the City of Champaign and the AG-2 District that is already north of Hensley Road was authorized by the County Board when that location was two miles outside of the City of Champaign. There are also a few other locations where the AG-2 District has been authorized more than one and one-half miles from a municipality.

---

Concerns about rezoning a single lot to AG-2 are more warranted when the distance of that location from the nearest municipality exceeds the extent of the existing AG-2 District on the Zoning Map.

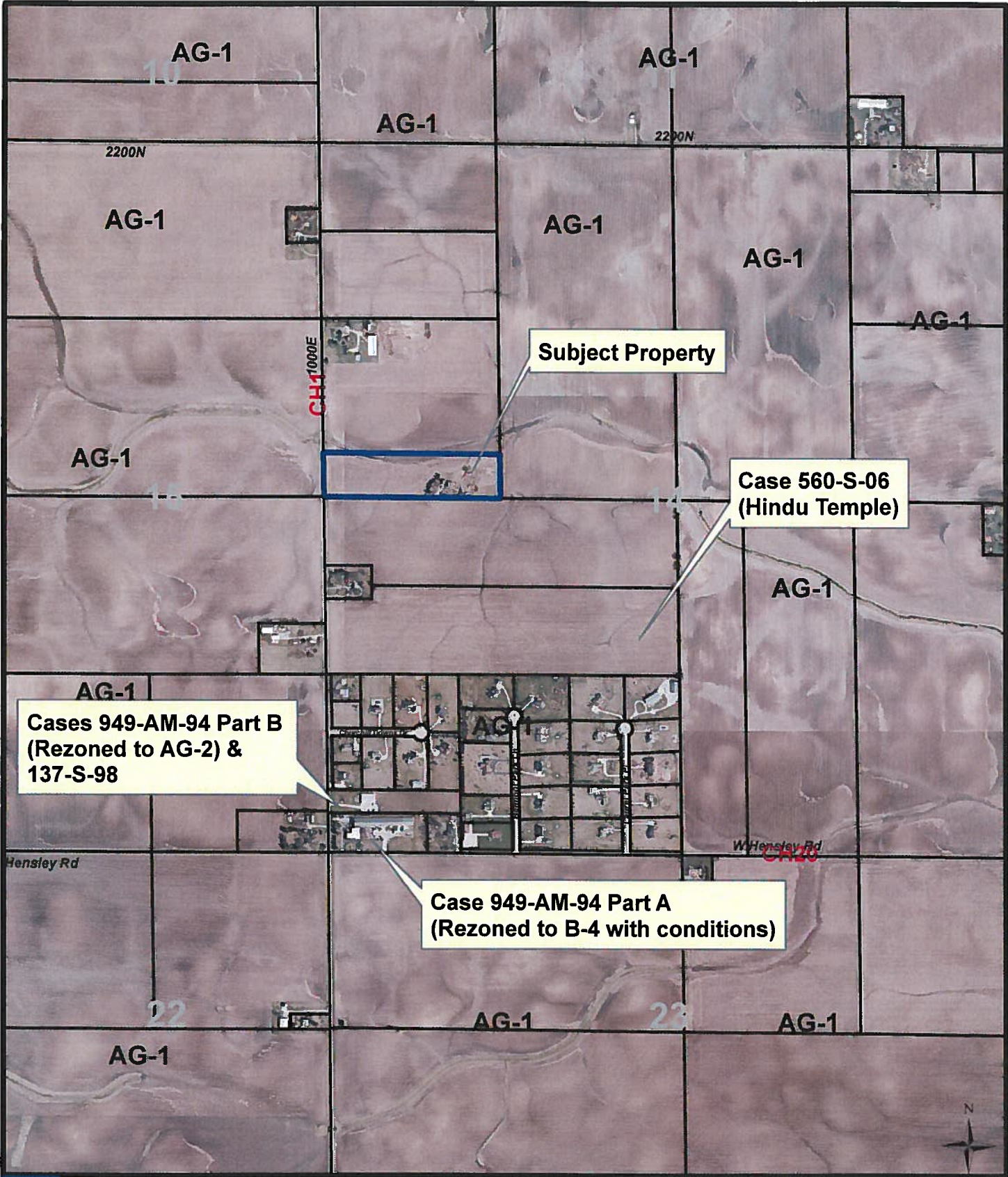
The previous instances of authorizing the AG-2 District more than one and one-half miles from a municipality do not obligate the Board to recommend approval of this request but nothing in either the Zoning Ordinance or the Land Resource Management Plan prevents this rezoning from being fairly considered.

**ATTACHMENTS**

- A Zoning Map
- B Excerpt of June 14, 2012 draft minutes (included separately)
- C LRMP Appendix of Defined Terms (included separately and only with ZBA member packet)
- D Finding of Fact and Final Determination (included separately)



Attachment A: Zoning Map  
Case 699-AM-11 & 700-S-11  
July 6, 2012



 Subject Property

1 inch = 1,000 feet

**REVISED DRAFT**

**699-AM-11**

**FINDING OF FACT  
AND FINAL DETERMINATION  
of**

**Champaign County Zoning Board of Appeals**

---

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

Date: **July 12, 2012**

Petitioners: **L.A. Gourmet, LLC**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related zoning case 700-S-11.**

---

**Table of Contents**

<b>Finding of Fact.....</b>	<b>2-26</b>
<b>Documents of Record .....</b>	<b>27-29</b>
<b>Case 699-AM-11 Summary Finding of Fact .....</b>	<b>30</b>
<b>Case 699-AM-11 Final Determination.....</b>	<b>31</b>

## FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 29, 2012, April 26, 2012, ~~and June 14, 2012,~~ and July 12, 2012,** the Zoning Board of Appeals of Champaign County finds that:

- \*1. The petitioner L.A. Gourmet, LLC is owned by Lauren and Annie Murray, 2607 CR 1000E, Champaign. The petitioner's father, John Murray owns the subject property.

(Note: asterisk indicates items of evidence that are identical to evidence in Case 700-S-11)

- \*2. Regarding the subject property where the special use is proposed to be located:
  - A. The subject property is a 10 acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E, Champaign. Part of the subject property has an existing home on it and part of the subject property is used for agricultural production and consists of best prime farmland.
- \*3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning and is 2 miles from the City of Champaign. The subject property is in Hensley Township, which has a planning commission. Townships with a planning commission are notified of all map amendments and they have protest rights on such cases. The Hensley Township Planning Commission has provided the following comments:
  - A. At the March 29, 2012, public hearing Mr. Ben McCall, speaking on behalf of the Hensley Township Plan Commission objected to the proposed map amendment. Mr. McCall's testimony is summarized as follows:
    - (1) The Hensley Township Plan Commission is concerned about the impacts the proposed special use in related Special Use Case 700-S-11 will have on drainage.
    - (2) Traffic impacts cause by the proposed special use in related Special Use Case 700-S-11 were understated and vehicles traveling at 55 miles per hour and slowing down to turn into the subject property will lead to more accidents.
    - (3) There is no justification for rezoning subject property from AG-1 to AG-2 other than the desire of the owner to use the property for a purpose that is not allowed in the AG-1 zoning district.
    - (4) The rezoning of the subject property is inappropriate considering the general intent of the zoning districts for the following reasons:
      - (a) Rezoning the parcel from AG-1 would facilitate the mixture of urban and rural uses that the zoning ordinance intends to prevent;



- (b) Rezoning the parcel to AG-2 would enable scattered indiscriminate urban development; and
  - (c) The AG-2 district is generally located in areas near urban areas, but the subject property is not near an urban area or within 1.5 miles of an urban area.
- (5) The proposed rezoning is incompatible with the stated purposes of the zoning ordinance for the following reasons:
- (a) The proposed use of the subject property is incompatible with the surrounding area because it is not allowed in the AG-1 district;
  - (b) Rezoning the subject property would enable a haphazard and unplanned intrusion into rural Hensley Township;
  - (c) Rezoning the subject property would encourage non-contiguous development in a rural area; and
  - (d) Rezoning the subject property would discourage the preservation of the agricultural belt around the Champaign-Urbana area by encouraging an urban use in an agricultural area.

4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated:

**“Current ordinance has property desired listed as agriculture use only. We would like to use as business/agricultural area.”**

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

**“There is 330 feet frontage between property and road. Property located on main road (Mattis/Dewey-Fisher RD). There would be no full time employees at facility.”**

\*6. Regarding the site plan for the proposed Special Use in related Case 700-S-11:

A. The site plan received March 2, 2012, April 17, 2012, June 11, 2012, and revised on July 3, 2012, shows the entirety of the subject property and includes the following:

(1) The existing 2,500 square feet home authorized in Zoning Use Permit 178-85-01 and attached garage authorized in Zoning Use Permit 345-87-01.

(2) A proposed event center which is approximately 11,300 square feet in area including approximately 8,256 square feet in meeting space. (\*Note square footage of the building is an approximation based on scale measurements, exact building dimensions have yet to be provided by the petitioner).



*REVISED DRAFT*

- (3) Parking areas to accommodate up to 84 parking spaces and overflow parking in grassed areas west of designated parking areas that can accommodate 97 additional parking spaces.
- (4) A 24' × 50' loading berth.
- (5) The proposed location of the septic field in the southeast corner.
- (6) Screening along the northern edges of the designated and overflow parking areas and on the western edge of the overflow parking area.
- (7) Various landscaping features including detention ponds, rock retaining walls, and trees.
- (8) The location of the dry fire hydrant immediately south of the concrete turn-about.
- (9) The location of the KNOX Box on the proposed event center.
- (10) The location of the Stop sign at the exit of the property as recommended by CUUATS.
- (11) The location of the light at the entrance as recommended by CUUATS.
- (12) The location of the entrance warning sign as recommended by CUUATS.
- (13) The location of an illuminated L.A. Gourmet sign.
- (14) An indication that all site and exterior building lighting will utilize full horizontal cutoff fixtures and comply with Section 6.1.2.

*GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY*

\*6-7. Land use and zoning on the subject property and in the vicinity are as follows:

- A. The subject property is currently zoned AG-1 Agriculture and is in use as a residential property with some of the subject property used for row-crop agricultural production. The purpose of the rezoning is to allow for an event center proposed as a Special Use in related Case 700-S-11.
- B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
  - (1) Land on the north is in agriculture production except for one single-family dwelling.
  - (2) Land on the south is in agricultural production and there is one single-family dwelling to the south.

- (3) Land east of the subject property is in agricultural production.
- (4) Land west of the subject property is in agricultural production.

7.8. Previous zoning cases in the vicinity are the following:

- A. Case 560-S-06 was a Special Use Permit for a Temple and Cultural Center in the AG-1 District that was approved by the ZBA on May 31, 2007. This is on a property less than one-quarter of a mile immediately south of the subject property.
- B. Case 949-AM-94 was a two-part rezoning authorized on November 29, 1994. At the time of the rezoning the land was two miles from the City of Champaign boundary. The rezoning consisted of the following:
  - (1) Part A. A rezoning of 5.0 acres from AG-1 to Conditional (limited) B-4 to authorize reuse of the former Thoro-Bred Seed facilities in the Northeast corner of the intersection of County Highway 1 and Hensley Road (CR 2100N).
  - (2) Part B. A rezoning of 3.9 acres from AG-1 to AG-2. This parcel was located adjacent to the north side of the parcel in Part A.
- C. Case 137-S-98 was a special use permit for a soil testing service on the land rezoned to AG-2 in Part B of Case 949-AM-94.

***GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS***

8.9. Regarding the existing and proposed zoning districts:

- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
  - (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
  - (2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICUTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
- B. Regarding the general locations of the existing and proposed zoning districts:
  - (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.

**REVISED DRAFT**

- (2) The AG-2 is generally located in areas close to urban areas although in Somer Township the AG-2 district is as far as 3 miles from the City of Urbana and as far as 1.75 miles from the City of Champaign.
- (3) The subject property is 2 miles from the City of Champaign.
- (4) As described in the Zoning Ordinance the AG-2 District is intended generally for application to areas within one and one-half miles of existing municipalities.
- (5) The Zoning Map has always contained locations of the AG-2 District that are more than one and one-half miles from existing municipalities.
- (6) Approximately one-half mile south of the subject property is a 3.9 acre tract that was zoned AG-2 in 1994 when the tract was two miles from the City of Champaign.

C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:

- (1) There are 10 types of uses authorized by right in the AG-1 District and there are 13 types of uses authorized by right in the AG-2 District:
  - (a) The following 11 uses are authorized by right in the AG-1 District:
    - Single family dwelling;
    - Subdivisions of three lots or less;
    - Agriculture;
    - Roadside Stand operated by Farm Operator;
    - Minor Rural Specialty Business;
    - Plant Nursery;
    - Township Highway Maintenance Garage;
    - Christmas Tree Sales Lot;
    - Off-premises sign within 660 feet of interstate highway;
    - Off-premises sign along federal highway except interstate highways; and
    - Temporary Uses
  - (b) The following additional uses are also authorized by right in the AG-2 District:
    - Country club or golf course;
    - Commercial Breeding Facility;
- (2) The uses authorized by right in the AG-2 district should be compatible with adjacent AG-1 uses.
- (3) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District and 76 types of uses authorized by SUP in the AG-2 District:
  - (a) The following 42 uses may be authorized by SUP in the AG-1 District:
    - Hotel with no more than 15 lodging units;

- Residential PLANNED UNIT DEVELOPMENT;
- SUBDIVISION totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS (County Board SUP);
- Major RURAL SPECIALTY BUSINESS;
- Artificial lake of 1 or more acres;
- Mineral extraction, Quarrying, topsoil removal, and allied activities;
- Elementary School, Junior High School, or High School;
- Church, Temple or church related Temporary Uses on church Property;
- Municipal or Government Building;
- Township Highway Maintenance Garage;
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
- Penal or correctional institution;
- Police station or fire station;
- Library, museum or gallery;
- Public park or recreational facility;
- Sewage disposal plant or lagoon;
- Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
- Radio or Television Station;
- Electrical Substation;
- Telephone Exchange;
- RESIDENTIAL AIRPORTS;
- RESTRICTED LANDING AREAS;
- HELIPORT-RESTRICTED LANDING AREAS;
- Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
- Livestock Sales Facility and Stockyards;
- Slaughter Houses;
- Grain Storage Elevator and Bins;
- Riding Stable;
- Commercial Fishing Lake;
- Cemetery or Crematory;
- Pet Cemetery;
- Kennel;
- Veterinary Hospital;
- Off-premises sign farther than 660 feet from an interstate highway;
- Contractors Facilities with no outdoor operations or storage;
- Contractors Facilities with outdoor operations and/or storage;
- Small Scale Metal Fabricating Shop;
- Gas Turbine Peaker;



**REVISED DRAFT**

- BIG WIND TURBINE TOWER (1-3 turbines);
  - WIND FARM (County Board SUP)
  - Sawmills Planing Mills, and related activities; and
  - Pre-Existing Industrial Uses (existing prior to October 10, 1973)
- (b) Except for a WIND FARM the same uses may also be authorized by SUP in the AG-2 District. The following additional uses may also be authorized by SUP in the AG-2 District:
- DWELLING, TWO-FAMILY;
  - Home for the aged;
  - NURSING HOME;
  - TRAVEL TRAILER Camp;
  - Commercial greenhouse;
  - Greenhouse (not exceeding 1,000 square feet)
  - Garden Shop;
  - Water Treatment Plant;
  - Public Fairgrounds;
  - MOTOR BUS station
  - Truck Terminal;
  - Railroad Yards and Freight Terminals;
  - AIRPORT;
  - HELIPORT/HELISTOPS;
  - Mortuary or Funeral Home;
  - Roadside Produce Sales Stand;
  - Feed and Grain (sales only);
  - Artist Studio;
  - Antique Sales and Service;
  - Amusement Park;
  - Resort or Organized Camp;
  - Bait Sales;
  - Country Club Clubhouse;
  - Lodge or private club;
  - Outdoor commercial recreational enterprise (except amusement park);
  - Private Indoor Recreational Development;
  - Public Camp or picnic area;
  - Seasonal hunting or fishing lodge;
  - Stadium or coliseum;
  - THEATER, OUTDOOR;
  - Aviation sales, service or storage;
  - Self-Storage Warehouses, not providing heat and utilities to individual units;

- LANDSCAPE WASTE PROCESSING FACILITIES;
  - Wood Fabricating Shop and Related Activities;
- (4) Any proposed Special Use Permit can be evaluated on a case by case for compatibility with adjacent AG-1 uses.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

~~9-10.~~ 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 Polices 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

(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.”

**REGARDING LRMP GOALS & POLICIES**

~~10-11.~~ LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

**Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but is otherwise ***NOT RELEVANT*** to the proposed rezoning.

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

~~11-12.~~ LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

**Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.**

Goal 2 has two objectives and three policies. The proposed amendment is *NOT RELEVANT* to Goal 2.

~~12-13.~~ LRMP Goal 3 is entitled “Prosperity” and states as follows:

**Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.**

Goal 3 has three objectives and no policies. The proposed amendment *PARTIALLY ACHIEVES* Goal 3 for the following reason:

A. The three objectives are as follows:

- (1) Objective 3.1 is entitled “Business Climate” and states, Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
- (2) Objective 3.2 is entitled “Efficient County Administration” and states, “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
- (3) Objective 3.3 is entitled “County Economic Development Policy” and states, “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRPM.”

B. Although the proposed rezoning is *NOT DIRECTLY RELEVANT* to any of these objectives, ~~the proposed rezoning,~~ the Petitioner’s are a local business and are proposing a venue that they claim is not available in Champaign County and therefore the proposed rezoning can be said to *PARTIALLY ACHIEVE* Goal 3.

~~13-14.~~ LRMP Goal 4 is entitled “Agriculture” and states as follows:

**Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.**

Goal 4 has 9 objectives and 22 policies. The proposed amendment should *{HELP ACHIEVE / NOT HELP ACHIEVE}* Goal 4 for the following reasons:

A. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states, “Champaign County will strive to minimize the fragmentation of the County’s agricultural land

bas and conserve farmland, generally applying more stringent development standards on *best prime farmland*.”

The proposed rezoning *ACHIEVES* Objective 4.1 because of the following:

- (1) Objective 4.1 has nine policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9 are not relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, “Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil, and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”

The proposed rezoning *ACHIEVES* Policy 4.1.1 because the subject property is only partially in agricultural production and the site of the proposed building is not in agricultural production.

- (3) Policy 4.1.6 states, “Provided that the use, design, site and location are consistent with County policies regarding:
  - i. suitability of the site for the proposed use;
  - ii. adequacy of infrastructure and public services for the proposed use;
  - iii. minimizing conflict with agriculture;
  - iv. minimizing the conversion of farmland; and
  - v. minimizing the disturbance of natural areas,

then,

- a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 2998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) on *best prime farmland*, the County may authorize non-residential discretionary development; or
- c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.”



**REVISED DRAFT**

The proposed rezoning *{ACHIEVES / DOES NOT ACHIEVE}* Policy 4.1.6 for the following reasons:

- (a) The land is best prime farmland and consists of Drummer silty clay soil that has a Land Evaluation score of 98 and Wyanet silt loam that has a Land Evaluation Score of 65, Dana silt loam that has a Land Evaluation Score of 87, and Raub silt loam that has a Land Evaluation Score of 87 and the average Land Evaluation score is approximately 88.
- (b) The proposed use requires a Special Use Permit in the AG-2 Agriculture District, which allows consideration of site suitability, adequacy of public infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas as part of the criterion regarding, “injurious to public health, safety, and welfare.”
- (c) Achievement of Policy 4.1.6 requires achievement of related Objectives 4.2 and 4.3.

A. B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed rezoning *{ACHIEVES / DOES NOT ACHIEVE}* Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed rezoning *{ACHIEVES / DOES NOT ACHIEVE}* Policy 4.2.1 for the following reason: because based on the evidence, the proposed Event Center *{WILL/WILL NOT}* interfere with agricultural operations and is a service which is not currently available in Champaign County and therefore *{IS / IS NOT}* a service better provided in a rural area than in an urban area as follows:

- (a) The proposed Event Center will provide an atmosphere that the Petitioner’s claim is not available in an urban setting.
- (a) The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- (b) A written statement submitted by the petitioners on February 9, 2012, can be summarized as follows:

- i. The proposed Event Center will provide an atmosphere that is not available in an urban setting.
- ii. LA Gourmet Catering is the elite catering company of Champaign County and has grown 25% each of the last five years.
- iii. LA Gourmet Catering has been a part of over a thousand events but has had to turn down countless events because there was not a local venue available. This year alone the company moved 18 events outside of Champaign County.
- iv. There is unmet demand for a local space that embraces the Midwest.
- v. Clients looking for a retreat type venue include Pioneer Hibred, Ehler Brothers Fertilizer, Farm Bureau, Carle, Horizon Hobbies, Kraft, and the University of Illinois.
- vi. The subject property is close to town but maintains a country retreat feel and the intention is for the development to fit into the agricultural surroundings.

(b)(c) At the April 26, 2012, public hearing petitioner Lauren Murray-Miller testified, and is summarized as follows:

- i. Her family settled on the family farm only a few miles away from the subject property over 130 years ago and it was her grandfather and father that chose to forgo other opportunities to carry on the family farm.
- ii. It was at a young age that she and her siblings learned the hard work ethic and entrepreneurial spirit and are proud to be tied tightly to their farming roots. She and her sister Anne opened the company as a career to work on by themselves and give them the opportunity have employees that they can call family and clients that they can call friends and received an award from the University of Illinois College of ACES for Outstanding Young Alumni.
- iii. They have not submitted this proposal haphazardly and have done research and taken steps necessary to make sure that this is a feasible project.

(e)(d) At the April 26, 2012, public hearing the following people spoke in favor of the proposed Special Use and rezoning and their testimony is summarized as follows:

- i. Lisa Kesler stated that she lives one-quarter mile away from the subject property and has known Lauren and Anne Murray their entire lives and has watched them work very hard since the day the graduated. Both sides

**REVISED DRAFT**

of the girls family have farmed in Hensley and Condit Townships for several generations therefore it comes as no surprise that they have always made the needs and tastes of the rural community a top priority in their business. She has no reservations regarding the proposed project.

- ii. Chris Wallace stated that she and her husband live directly north of the L.A. Gourmet kitchen and has lived there prior to the conception of the business. The business has been a good neighbor and there has been no noticeable disruption in their lives and L.A. Gourmet is probably the largest employer in Condit Township. She does not believe that the event center will create problems for local agriculture in the area because the girls grew up on a farm and are fully aware of dust, odors, pesticides, and anhydrous applications.
- iii. Catherine Ehler stated that she farms land north and east of the subject property and knowing the history of the Murray family she believes that the girls will be good neighbors because they know the farming business better than probably most other people understand it and she supports the proposal and looks forward to its completion.
- iv. Bernard Hammel stated that he has lived in the area for 79 years and that he is in support of the project.

~~(d)~~(e) At the April 26, 2012, public hearing Eric Bussell, realtor for Keller-Williams Realty, testified and is summarized as follows:

- i. Approximately one year ago Anne and Lauren Murray contacted him to assist them in finding a location for their proposed event center and one year later they were unable to accomplish that.
- ii. They visited many buildings and properties and another real estate broker was brought in to help in the search.
- iii. The argument that there are other buildings out there to suit the needs of the business is not true because the general market does not provide for the needs of L.A. Gourmet and the need in the community for an event center such as this is strong.
- iv. The Clearview Subdivision is not appealing for the business because a unique wedding experience would be difficult to achieve there with the other anticipated commercial buildings.

- \*~~(e)~~(f) At the April 26, 2012, public hearing neighbor Peggy Anderson testified that she does have concerns regarding the compatibility of the proposed use with surrounding agriculture.
- \*~~(f)~~(g) At the April 26, 2012, public hearing Gwedoline Wilson testified, and is summarized as follows:
- i.* She owns and operates Nuptiae Wedding and Event Planning and has been in the business for 9 years and is spoke in favor of the proposed Special Use.
  - ii.* She has worked with many local families to plan events that are special to each individual and more than half of the wedding plans have a budget of over \$44,000.
  - iii.* The wedding industry is very important to area businesses and a successful event center can impact the local economy not only through vending but also through hotel rooms, transportation, formal wear, rental companies, and specialty vendors because they employ many people.
  - iv.* There is a need for an event center such as the one proposed because few venues offer such a truly unique and rural setting and it is simply unattainable within the city limits. The event center will be especially appealing to rural families planning for special occasions and the picturesque nature.
- \*~~(g)~~(h) Letters of support regarding Case 699-AM-11 and 700-S-11 have been received from the following:
- i.* Roger and Marilyn Babb, 2126 CR 1100E, Champaign, received April 23, 2012.
  - ii.* Kevin Babb, 2126 CR 1100E, Champaign, received April 23, 2012.
  - iii.* Gene Warner, 1006 Churchill Downs Drive, Champaign, received April 23, 2012.
  - iv.* Mark J. Kesler, received April 24, 2012.
  - v.* Ron, Rich, Bernie, and Steve Hammond, received April 24, 2012.
  - vi.* Don and Lois Wood, 2283 CR 1100E, Champaign, received April 24, 2012.
  - vii.* Thomas R. Ramage, President, Parkland College, 2400 W. Bradley Ave, Champaign, received April 24, 2012.
  - viii.* Elizabeth Collins, received April 24, 2012.
  - ix.* Terri Kirby, Horizon Hobby, 4105 Fieldstone Road, Champaign, received April 25, 2012.
  - x.* John and Vicky Tedlock, 467 CR 2600N, Mahomet, received April 25, 2012.
  - xi.* Alex Ruggieri, Sperry Van Ness-Ramshaw Real Estate, 505 W. University Ave, Champaign, received April 25, 2012.



*REVISED DRAFT*

- \*(i) At the June 14, 2012, public hearing petitioner, Anne Murray submitted a petition signed by those in support of the proposed special use. The following people signed the petition:
- i. Donald and Lois Wood, 2283 CR 1100E, Champaign
  - ii. Catherine Ehler, 1078 CR 2200N, Champaign
  - iii. Tim Morrissey, 2218 CR 100E, Champaign
  - iv. John and Betty Murray, 3801 Clubhouse #300, Champaign
  - v. Donna Kesler, 4107 West Hensley Road, Champaign
  - vi. Thelma turner, 1709 South Division Street Apt. 36, Mahomet
  - vii. James and Mary Gannaway, 4006 North Prospect, Champaign
  - viii. Helen Hoffman, 1701 Willow View Road, Urbana
  - ix. Paul Wilson, 3135 Prospect Avenue, Champaign
  - x. Richard Schrock, 997 CR 2400N, Champaign
  - xi. Philip and Myra Francis, 4613 North Mattis Avenue, Champaign
  - xii. Charles Hansens, 862 CR 2800N, Dewey
  - xiii. Doug Hansens, 2822 CR 800E, Dewey
  - xiv. Robert Furtney, 2308 CR 900E, Champaign
  - xv. Ronald Hammel, 3814 North Mattis Avenue, Champaign
  - xvi. Richard Hammel, 4708 North Mattis Avenue, Champaign
  - xvii. Helen Carmien, 2329 CR 1000E, Champaign
  - xviii. Charles Ehler, 2230 CR 900E, Champaign
  - xix. Kurt Kesler, 3307 CR 1100E, Rantoul
  - xx. Lyle and Paulette Brock, 5111 North Duncan Road, Champaign
  - xxi. Jacob Kesler, 1038 CR 2850, Rantoul
  - xxii. John and Deanna Alexander, 2508 CR 900E, Champaign
  - xxiii. Chuck Sharp, 2392 CR 1300E, Champaign
  - xxiv. Don Sharp, 2392 CR 1300E, Champaign
  - xxv. James E. Goss, P.O.A. Clinton C. Atkins Estate, 2805 South Boulder Drive, Urbana
  - xxvi. Don and Cathy Vincent, 995 CR 2400N, Champaign
  - xxvii. Lisa Kesler, 1801 West Hensley Road, Champaign
  - xxviii. Roger and Marilyn Babb, 2126 CR 1100E, Champaign
  - xix. Kevin Babb, 913 Matthews Lane, Fisher
  - xxx. Louis Hansens, 2267 CR 1000E, Champaign
  - xxxi. John Murray, 2607 CR 1000E Champaign
  - xxxii. Esther Lindsey, 4908 Lindsey Road, Champaign
  - xxxiii. Richard Alexander, 2231 CR 1000E, Champaign
  - xxxiv. Gene Warner, 1006 Churchill Downs Drive, Champaign
  - xxxv. Ryan and Amylynn Heiser, 2140 CR 750E, Champaign

- (2) Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:
- a. is a type that does not negatively affect agricultural activities; or
  - b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
  - c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”

The proposed rezoning *{ACHIEVES / DOES NOT ACHIEVE}* Policy 4.2.2 for the following reasons: because based on the evidence, the proposed event center *{DOES / DOES NOT}* negatively affect agricultural activities, or *{IS / IS NOT}* located and designed to minimize exposure to negative effects of agricultural activities, and *{WILL / WILL NOT}* interfere with agricultural activities as follows:

- (a) Trees will be planted on the subject property to screen the parking areas from view of neighboring properties and to provide a buffer between agricultural activities and the activities of the property, but this screening could shade nearby farmland.
- (b) The traffic produced by the proposed use will be an increase in traffic, but its impact will be minimal as reported in the Traffic Impact Analysis received May 16, 2012 from the Champaign-Urbana Urbanized Traffic Study (CUUATS).
- (c) Agricultural drainage should not be affected because a special condition has been proposed in related Case 700-S-11 to protect and mitigate any impact this development may have on agricultural drainage tile.
- (d) The proposed Event Center will primarily be sited on land that is not in crop production and the remainder of the development will take a minimal amount of land out of crop production.
- \*(e) At the April 26, 2012, public hearing neighbor Peggy Anderson testified that she does have concerns regarding the compatibility of the proposed use with surrounding agriculture.
- \*(f) At the April 26, 2012, public hearing the following people spoke in favor of the proposed Special Use and rezoning and their testimony is summarized as follows:
  - i. Lisa Kesler stated that she lives one-quarter mile away from the subject property and has known Lauren and Anne Murray their entire lives and has watched them work very hard since the day the graduated. Both sides of the girls family have farmed in Hensley and Condit Townships for

**REVISED DRAFT**

several generations therefore it comes as no surprise that they have always made the needs and tastes of the rural community a top priority in their business. She has no reservations regarding the proposed project.

- ii. Chris Wallace stated that she and her husband live directly north of the L.A. Gourmet kitchen and has lived there prior to the conception of the business. The business has been a good neighbor and there has been no noticeable disruption in their lives and L.A. Gourmet is probably the largest employer in Condit Township. She does not believe that the event center will create problems for local agriculture in the area because the girls grew up on a farm and are fully aware of dust, odors, pesticides, and anhydrous applications.
- iii. Catherine Ehler stated that she farms land north and east of the subject property and knowing the history of the Murray family she believes that the girls will be good neighbors because they know the farming business better than probably most other people understand it and she supports the proposal and looks forward to its completion.

- (3) Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning *ACHIEVES* Policy 4.2.3 for the following reason:

- (a) The Petitioner’s understand that this is a rural area where agricultural activities take place.
- (b) A special condition has been proposed to ensure that any subsequent owner recognize the rights of agricultural activities.

- (4) Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed rezoning *ACHIEVES* Policy 4.2.4 for the following reason:

- (a) There will be adequate space between the proposed use and adjacent agriculture uses.

- B. C.** Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states, “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed rezoning *ACHIEVES* Objective 4.3 because of the following:

- (1) Policy 4.3.1 does not apply because the subject property is best prime farmland.
- (2) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.**

The proposed rezoning *ACHIEVES* Policy 4.3.2 for the following reasons:

- (a) The land is best prime farmland and consists of Drummer silty clay soil that has a Land Evaluation score of 98 and Wyand silt loam that has a Land Evaluation Score of 65, Dana silt loam that has a Land Evaluation Score of 87, and Raub silt loam that has a Land Evaluation Score of 87 and the average Land Evaluation score is approximately 88.
  - (b) While most of the subject property has been in agricultural production, much of the area for the proposed event center has not.
  - (c) The subject property fronts and has access to County Highway 1/CR 1000E. The Traffic Impact Analysis conducted by CUUATS, received May 16, 2012, indicates that the proposed use will have minimal impact on the road network. CUUATS made suggestions for safety measures and a special condition in related Case 700-S-11 will implement those suggestions.
  - (d) Agricultural drainage should not be affected because a special condition has been proposed in related Case 700-S-11 to protect and mitigate any impact this development may have on agricultural drainage tile.
  - (e) The subject property is not served by sanitary sewer, but a new septic system is proposed to be installed in the southeast corner of the subject property to serve the proposed event center. The Petitioner’s have received a permit for the septic system from the Champaign County Health Department.
- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed rezoning *ACHIEVES* Policy 4.3.3 for the following reason:

- (a) The subject property is located approximately 8 miles from the Thomasboro Fire Protection District Station. The fire protection district was notified of the case and comments have been received and a special condition has been proposed in related Case 700-S-11 to implement the recommendations of the Thomasboro Fire Protection District.
- (b) The subject property is approximately 2 miles from the City of Champaign.



*REVISED DRAFT*

- (4) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning *ACHIEVES* Policy 4.3.4 for the following reason:

- (a) The subject property has access to County Highway 1/CR 1000E. County Highway 1/CR 1000E is a two-lane highway that has adequate capacity for the proposed use.
- (b) The Traffic Impact Analysis conducted by CUUATS, received May 16, 2012, indicates that the proposed use will have minimal impact on the road network. CUUATS made suggestions for safety measures and a special condition in related Case 700-S-11 will implement those suggestions.
- (c) Agricultural drainage should not be affected because a special condition has been proposed in related Case 700-S-11 to protect and mitigate any impact this development may have on agricultural drainage tile.

~~14.15.~~ LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

**Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.**

LRMP Goal 5 is entitled “Urban Land Use” and is relevant to the proposed rezoning because the subject property is proposed to be rezoned B-4 General Business. Goal 5 states, “Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.”

The proposed amendment *ACHIEVES* Goal 5 because of the following:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed rezoning *ACHIEVES* Objective 5.1 because of the following:

- (1) Objective 5.1 includes nine subsidiary policies. Policies 5.1.2, 5.1.3, 5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 do not appear to be relevant to the proposed amendment.
- (2) Policy 5.1.1 states, “The County will encourage new urban development to occur within the boundaries of incorporated municipalities.

The proposed rezoning *CONFORMS* to Policy 5.1.1 because of the following:

- (a) The subject property is not served by sanitary sewer.

- (b) The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
- (d) The proposed use is not urban development because the proposed use generates no process-related wastewater and can be very adequately served by an onsite septic system.
- (e) The AG-2 District contains many uses that can be considered urban development as defined by the LRMP such as a stadium or coliseum and any use which generates a substantial wastewater load.

B. Objective 5.2 is entitled, “Natural Resources Stewardship” and states, “When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”

The proposed amendment *ACHIEVES* Objective 5.2 because of the following:

- (1) **Policy 5.2.1 states, “The County will encourage the reuse and redevelopment of older and vacant properties within urban land when feasible.”**

The proposed rezoning *CONFORMS* to Policy 5.2.1 because of the following:

- (a) The petitioners have indicated that they have been searching for a suitable property in Champaign County for two years and have not found a suitable property.
- (b) The proposed use is not urban development based on the discussion of Policy 5.1.1.

15.16. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

**Champaign County will ensure protection of the public health and public safety in land resource management decisions.**

Goal 6 has 4 objectives and 7 policies. The proposed amendment should *HELP ACHIEVE* Goal 6 for the following reasons:

A. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”

The proposed rezoning *ACHIEVES* Objective 6.1 because of the following:

- (1) **Policy 6.1.2 states, “The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public**

**REVISED DRAFT**

**health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.”**

The proposed rezoning *ACHIEVES* Policy 6.1.2 for the following reasons:

(a) The Petitioner’s have received a permit for a wastewater system from the Champaign County Health Department. The design of the system should not create nuisance conditions and should not endanger public health.

**(2) Policy 6.1.3 states, “The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.”**

The proposed rezoning *ACHIEVES* Policy 6.1.3 for the following reason:

(a) All outdoor lighting proposed will comply with exterior lighting requirements in Section 6.1.2 of the *Zoning Ordinance*.

B. Objective 6.3 entitled “Development Standards” states, “Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.”

The proposed rezoning *ACHIEVES* Objective 6.3 because of the following:

(1) A special condition of approval has been proposed in related Case 700-S-11 to ensure that the proposed Event Center will comply with applicable building codes.

~~16.17.~~ LRMP Goal 7 is entitled “Transportation” and states as follows:

**Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.**

Goal 7 has 2 objectives and 7 policies. The proposed amendment is *ACHIEVES* Goal 7 for the following reason:

A. Objective 7.1 is entitled “Traffic Impact Analysis” and states, “Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”

The proposed rezoning *ACHIEVES* Objective 7.1 because of the following:

(1) Policy 7.1.1 states, **“The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.”**

The proposed rezoning *ACHIEVES* Policy 7.1.1 for the following reasons:

(a) The proposed Event Center will accommodate up to 400 people and the site plan includes 84 parking spaces. ~~Traffic entering and exiting the subject property before and after an event could cause a significant increase in traffic on CR~~

~~1000E/County Highway 1. Although this increase may be significant at times, events at maximum capacity will not take place on a daily basis, therefore increases in traffic will likely be sporadic.~~

- (b) The Traffic Impact Analysis (TIA) received May 16, 2012, conducted by the Champaign-Urbana Urbanized Transportation Study made recommendations regarding traffic safety in the area of the subject property, the recommendations are as follows:
- i.* Because the proposed event center will have minimal impact on traffic flow, no capacity or traffic operational improvements are necessary for the study roadway segment or the four study intersections (Bloomington Road, Olympian Drive, Ford Harris Road, and Hensley Road).
  - ii.* A stop sign on the event center driveway with due consideration for proper sight distance. This is required by a special condition in Case 700-S-11.
  - iii.* Lighting at the entrance to the subject property. This lighting shall only be operated during event times and fully comply with the lighting requirements of Section 6.1.2. This is required by a special condition in Case 700-S-11.
  - iv.* Way finding signage shall be placed a minimum of 200 feet in advance of the entrance to the subject property. This is required by a special condition in Case 700-S-11.
  - v.* All signage shall be placed in accordance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) guidelines.

~~17-18.~~ LRMP Goal 8 is entitled “Natural Resources” and states as follows:

**Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.**

The proposed amendment is *NOT RELEVANT* Goal 8 because it will not be harmful to natural resources.

~~18-19.~~ LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

**Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.**

The proposed amendment is *NOT RELEVANT* to Goal 9 because the proposed amendment does not address energy efficiency or the use of renewable energy sources.

19-20. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

**Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.**

Goal 10 is *NOT RELEVANT* to the proposed amendment.

**GENERALLY REGARDING THE LaSalle Factors**

20-21. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

**A. LaSalle factor: The existing uses and zoning of nearby property.**

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

**Table 1: Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Residential ----- Agriculture	AG-1 Agriculture
North	Agriculture ----- Residential	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture ----- Residential	AG-1 Agriculture

**B. LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.**

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.



(3) In regards to the value of the subject property it also is not clear if the requested map amendment would have any effect.

C. ***LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.

D. ***LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**

The gain to the public of the proposed rezoning is positive because the proposed amendment would allow the Petitioner's to provide a venue that is not available in Champaign County. Currently, the hardship imposed on the Petitioner's is minimal. The Petitioner's understand they could not operate a Private Indoor Recreation Development as a Special Use under its current zoning.

E. ***LaSalle* factor: The suitability of the subject property for the zoned purposes.**

The subject property is suitable for the current zoned purposes. Currently, a portion of the property is used for agricultural production and will continue to be used for agricultural production if the proposed rezoning is approved.

In regards to the proposed zoned purposes, the suitability of the subject property for the proposed use will be determined in each case and therefore the final determination will be consistent with this fact.

F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**

The AG-1 District was planned in 1973 and thus was intended to protect areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural uses. Currently, the subject property is not vacant. A single-family home exists on the property with another portion being used a farmland. 1973 and 2008 aerial photos were compared and it appears that the land cover in 1973 exists today on the subject property aside from the home which was constructed on the property in the mid 1980s. In addition, the single family homes to the north and south appear in the 1973 aerial photography.

G. ***Sinclair* factor: The need and demand for the use.**

The proposed use, if rezoned is an Event Center for the Petitioner's catering business. The need and demand for the use is to provide a rural event center in Champaign County, which the Petitioners claim is not available in the area and events have had had to be moved outside of the area to accommodate customers wishes.

H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**

The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan. The Petitioner's will be taking minimal, if any agricultural land out of production.

**REGARDING SPECIAL CONDITIONS OF APPROVAL**

~~21.~~ 22. Proposed Special Conditions of Approval:

A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

**Conformance with policy 4.2.3.**

**DOCUMENTS OF RECORD**

1. Special Use Permit Application received on November 10, 2011, with attachments:
  - A Letter of Intent
  - B Sketches of location, existing use, and proposed use
2. Petition for Zoning Map Amendment signed by Lauren and Anne Murray received on November 10, 2011, with attachments:
  - A Letter of Intent
  - B Sketches of location, existing use, and proposed use
3. Site Plan, Building Plan, and Exterior Drawings received on February 9, 2012
4. Letter of Intent received February 9, 2012
5. Septic System Permit and Application received February 9, 2012
6. On-site Soil Evaluation for Septic Filter Field received February 13, 2012
7. Revised Site Plan received February 13, 2012
8. Revised Site Plan received March 2, 2012
9. Preliminary Memorandum for Case 700-S-11 dated March 23, 2012, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan (Proposed Development) received March 2, 2012
  - C Building plans and drawings received February 9, 2012
  - D Stormwater Drainage Plan
  - E Septic System Plan
  - F Letter of Intent received February 9, 2012
  - G Draft Summary of Evidence, Finding of Fact, and Final Determination
10. Preliminary Memorandum for Case 699-AM-11 dated March 23, 2012, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Draft Finding of Fact, and Final Determination
11. Supplemental Memorandum for Case 700-S-11 dated March 29, 2012, with attachment:
  - A letter from Don Wauthier received March 27, 2012
12. Special Report from the Hensley Township Plan Commission submitted by Mr. Ben McCall at the March 29, 2012, public hearing.
13. Revised site plan received April 17, 2012

14. Supplemental Memorandum for Case 700-S-11 dated April 20, 2012 with attachments:
  - A Revised site plan received April 17, 2012
  - B County Highway 1 Crash Location and Severity Map 2007-2011
  - C County Highway 1 5-Year Crash Information Map
  - D Revised Summary of Evidence, Finding of Fact, and Final Determination
  
15. Supplemental Memorandum for Case 699-AM-11 dated April 20, 2012, with attachment:
  - A Revised Finding of Fact and Final Determination
  
16. Scope of Services from the Champaign County Regional Planning Commission received April 23, 2012
  
17. Supplemental Memorandum for Case 700-S-11 dated April 26, 2012, with attachments:
  - A Traffic Accident Information for County Highway 1
  - B Scope of Services
  - C Letters of Support from the following:
    1. Roger and Marilyn Babb, 2126 CR 1100E, Champaign
    2. Kevin Babb, 2126 CR 1100E, Champaign
    3. Gene Warner, 1006 Churchill Downs Drive, Champaign
    4. Mark J. Kesler
    5. Ron, Rich, Bernie, and Steve Hammond
    6. Don and Lois Wood, 2283 CR 1100E, Champaign
    7. Thomas R. Ramage, President, Parkland College, 2400 W. Bradley Ave, Champaign
    8. Elizabeth Collins
    9. Terri Kirby, Horizon Hobby, 4105 Fieldstone Road, Champaign
    10. John and Vicky Tedlock, 467 CR 2600N, Mahomet
    11. Alex Ruggieri, Sperry Van Ness-Ramshaw Real Estate, 505 W. University Ave, Champaign
  
18. Traffic Impact Analysis prepared by the Champaign-Urbana Urbanized Area Transportation Study (CUUATS), received May 16, 2012
  
19. Supplemental Memorandum for Case 700-S-11 dated June 8, 2012, with attachments:
  - A Approved minutes from the April 26, 2012, public hearing for Case 699-AM-11 and 700-S-11
  - B Traffic Impact Analysis
  - C NRCS Dry Hydrant Information and Standard Details
  - D Site Distance Map
  - E Revised Summary of Evidence, Finding of Fact, and Final Determination
  
20. Supplemental Memorandum for Case 699-AM-11 dated June 8, 2012, with attachments:
  - A Approved Minutes from the April 26, 2012, public hearing for Cases 699-AM-11 and 700-S-11
  - B Revised Finding of Fact, and Final Determination
  
21. Revised Site Plan received June 11, 2012

22. Supplemental memorandum for Case 700-S-11 dated June 14, 2012, with attachments:
  - A Annotated Site Plan
23. Supplemental Memorandum for Case 699-AM-11 dated June 14, 2012, with attachments:
  - A Comparison of AG-2 District in Somer Township with Proposed AG-2 District
23. Petition in support of the proposed Special Use submitted by Annie Murray on June 14, 2012
24. Written statement submitted by Phil Kesler on June 14, 2012
25. Written statement submitted by Birgit McCall on June 14, 2012
26. Written statement submitted by Ben McCall on June 14, 2012
27. CUUATS response to Birgit McCall testimony received June 19, 2012
28. Email dated June 19, 2012 from Annie Murray
29. Revised Site plan received June 26, 2012
30. Revised Site plan received June 28, 2012
31. Revised Site Plan received July 3, 2012
32. Supplemental Memorandum for Case 700-S-11 dated July 6, 2012, with attachments:
  - A Revised Site Plan received July 3, 2012
  - B Petition of support submitted on June 14, 2012, by Annie Murray
  - C CUUATS response to June 14, 2012 testimony of Birgit McCall
  - D Summary of Evidence, Finding of Fact, and Final Determination
33. Supplemental Memorandum for Case 699-AM-11 dated July 6, 2012, with attachments:
  - A Zoning Map
  - B Excerpt of June 14, 2012 draft minutes
  - C LRMP Appendix of Defined Terms
  - D Finding of Fact and Final Determination
34. LRMP Goals, Policies, Objectives, and Appendix of Defined Terms



**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 29, 2012, April 26, 2012, ~~and June 14, 2012,~~ and July 12, 2012,** the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment *{WILL / WILL NOT}* **HELP ACHIEVE** the Land Resource Management Plan because:
  - A. The proposed Zoning Ordinance map amendment *{WILL / WILL NOT}* **HELP ACHIEVE** the following LRMP goals:
    - 3, 4, 5, 6, and 7
  - B. The proposed Zoning Ordinance map amendment *{WILL / WILL NOT IMPEDE}* the achievement of the other LRMP goals.
2. The proposed Zoning Ordinance map amendment *{IS / IS NOT}* consistent with the *LaSalle* and *Sinclair* factors.

**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 699-AM-11** 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

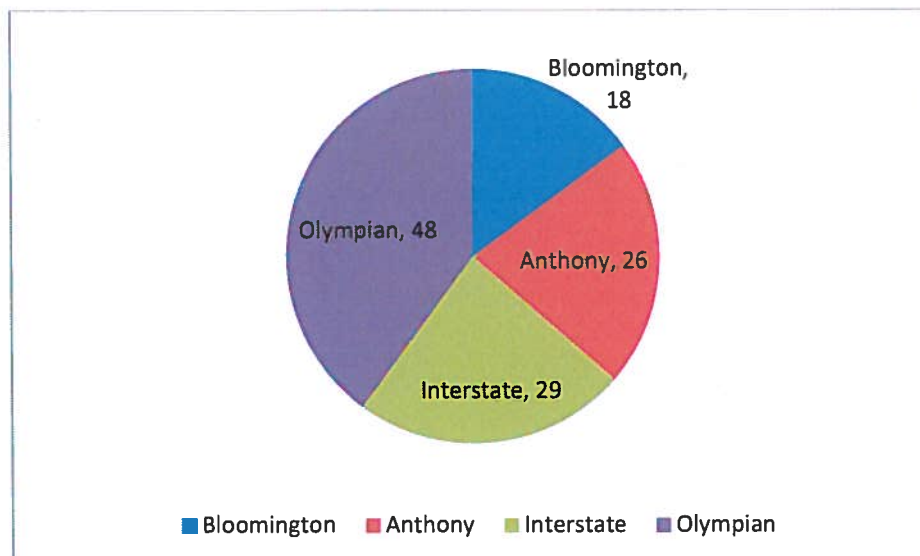
Date

## CUUATS Staff's Response to Written Testimony of Ms. Birgit McCall

CUUATS staff would like to thank Ms. Birgit McCall for her comments on the Traffic Impact Analysis (TIA) performed for the proposed LA Gourmet Event Center on CHWY 1. CUUATS staff has the following response regarding the comments and concerns raised by Ms. McCall.

1. **Safety Analysis:** A comprehensive crash analysis was performed as part of the TIA as CUUATS staff considers safety as the first priority for any traffic related study. CUUATS staff found Ms. McCall's analysis calculations and statements to be incorrect. Figure 1 shows the percentages of injury and fatal crashes for each of the roadway segments. Labels in Figure 1 are consistent with labels shown in figures in Ms. McCall's written testimony.

Figure 1: Percentages of Injury and Fatal Crashes for Roadway Segment



CUUATS staff believes Ms. McCall's analysis involved numbers from the "Injuries" column of Table 4 of the report. This column showed the total number of injuries due the crashes at each roadway segment. It did not represent crash frequency. For example, in one crash more than one person may receive injuries.

2. **Traffic Safety and Traffic Growth Estimation:** Traffic growth estimation for the proposed development was aimed to get the worst possible condition. Such worst possible condition was based on adding numerous factors of safety during the traffic volumes estimation process. These include:
  - a. An event in the event center is highly unlikely to coincide with the typical peak hour traffic between 4:30PM and 5:30PM on a typical weekday. The Event Center staff

informed CUUATS staff that the biggest events will be hosted during weekends, and that during weekdays, smaller events may take place and those events should generally start after 5PM. However, staff still added the maximum possible trips generated from the proposed Event Center with the weekday peak hour traffic to analyze the worst condition.

- b. An event at the event center would generally last more than an hour. So, most of the incoming traffic to the event center should not be leaving the center within the same hour of their arrival. But, for the worst condition analysis, staff assumed that all of the 235 vehicles attracted to the event center would be leaving the center during the same peak hour of analysis.
- c. Traffic generated to/from the temple was added with the peak hour traffic volume calculation even though big temple events would generally take place on weekends (based on staff's communication with the local Hindu community).

Thus, Ms. McCall's emphasis on traffic volume tripling during peak time would not be an appropriate point to emphasize. It is certain that there would be an increase in traffic volumes for new developments. This increase should be considered more like an overall increase on a daily basis. The 24-Hr traffic volume on County Highway 1 north of Olympian Drive is 4,238 (collected in 2011). The proposed new Event Center would increase 24-Hr traffic volume by 470 or 11% (If you assume that the biggest events taking place on weekdays). **So, while discussing an increase in traffic volume for traffic safety analysis, an 11% possible increase should be considered instead of emphasizing on "tripling of traffic volumes during peak hour".** The following table shows the crashes occurred during the weekday evening peak period (4:30PM to 6:00PM) on the segment of CHWY 1 north of Olympian Drive to the proposed site.

**Table 1: Crash During Weekday Peak Hours**

Date	Day	Time	Crash Type	Severity Level	Total Injured
9/7/2006	Thursday	16:50	Turning	B Injury	3
11/30/2007	Friday	17:37	Angle	C Injury	1

As can be seen in Table 1 only 2 crashes (8% of the total crashes) occurred during the weekday peak period. Traffic crashes can occur any time of the day.

- 3. **Intersection Level of Service and Delay Calculations:** For any Traffic Impact Analysis intersection and roadway traffic operational level of service calculations are based on the Highway Capacity Manual, a national standard followed by all the federal, state, and local agencies. CUUATS staff built a traffic simulation network for this TIA and for intersection analysis, where all the approaches were multiplied by a factor (commonly known as the Peak Hour Factor) to identify the worst possible condition. Peak Hour Factor (PHF), identifies the worst 15-minutes interval during the peak hour and assumes that this condition would prevail during the whole hour of

analysis. Table 2 shows actual peak hour traffic volume and factored traffic volume data (which was used for operational analysis) on different approaches of the County Highway 1/Hensley Road intersection.

**Table 2: Actual and Factored Peak Hour Traffic Volumes**

<b>Approach</b>	<b>Actual Traffic Volume</b>	<b>Factored Traffic Volume</b>
Northbound	277	300
Southbound	105	144
Eastbound	24	40
Westbound	52	96

As can be seen in Table 2, minor approach traffic volumes (on Hensley Road) were almost doubled for the analysis purpose. In reality, vehicles on Hensley Road approaches would never experience a delay increase of 764%.

**4. Speed and Sight Distance Calculations**

In the TIA report a free flow speed of 52 mph was mentioned as part of the operational analysis of the roadway segment. This free flow speed is a function of total traffic volume, roadway lane width, and shoulder width. Free flow speed calculation was based on the Highway Capacity Manual’s guidelines. CUUATS staff checked stopping sight distance requirement for County Highway 1 and details can be found in Table 3. All the calculations were based on American Association of State Highway and Transportation Officials (AASHTO) standards and guidelines.

**Table 3: Sight Distance Calculations**

<b>Design Speed (mph)</b>	<b>Brake Reaction Distance (ft)</b>	<b>Braking Distance (ft)</b>	<b>Stopping Sight Distance (ft)</b>	
			<b>Calculated (ft)</b>	<b>Design (ft)</b>
55	202.1	290.3	492.4	495

As can be seen in Table 3, stopping sight distance for the study roadway segment would be 495 feet. CUUATS staff did not find any issues related to stopping sight distance for the proposed development as the sight distance requirement is well within the available distance.



CUUATS staff recommended way finding signs for installation on the roadside to assist motorists. It was mentioned in the report that a way finding sign should be placed at a **minimum distance** of 200 feet in advance of the proposed site's access point. This **minimum distance** requirement recommendation was based on the guidelines provided in the Manual of Uniform Traffic Control Devices (MUTCD). CUUATS staff would recommend the Champaign County Highway Department to install way finding signs at a distance at least 0.5 miles in advance of important sites (e.g., Temple, Proposed Event Center).

Once again, CUUATS staff would like to thank Ms. McCall for her comments. Details on CUUATS projects on transportation planning, traffic engineering, traffic safety, and travel demand modeling can be found at:

<http://www.ccrpc.org/transportation/index.php>

# CASE NO. 700-S-11

## SUPPLEMENTAL MEMORANDUM

July 6, 2012

Champaign  
County

Department of

**PLANNING &  
ZONING**

Brookens

Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708

Petitioner: **L.A. Gourmet Catering, LLC**

Site Area: **10 acres**

Time Schedule for Development:

**Post Zoning Approval (Approximately  
1 year)**

Prepared by: **Andy Kass**  
Associate Planner

**John Hall**  
Zoning Administrator

Request: **The construction and use of an Event Center as a "Private Indoor Recreational Development" as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning case 699-AM-11**

Location: **A 10 acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E, Champaign.**

---

### STATUS

This case was continued from the June 14, 2012, public hearing. The petitioner's have submitted a revised site plan. New evidence and revisions have been added to the Summary of Evidence.

---

### REVISED SITE PLAN

A revised site plan was received on July 3, 2012. There are two changes in the site plan: The first change is that the overflow parking area has been moved from along the driveway to areas west of the designated parking area. These overflow areas can accommodate up to an additional 97 parking spaces, which brings the number of total parking spaces to 177 and all spaces are screened. The second change is that the screening for the parking areas has been moved off of the north property line for the most part and out of the "floodplain" of the drainage ditch.

### CUUATS REPLY TO PUBLIC HEARING COMMENTS

Following the June 14, 2012, public hearing the written comments submitted by Birgit McCall were forwarded to the Champaign Urbana Urbanized Area Transportation Study (CUUATS) for CUUATS staff review. CUUATS staff has provided a written reply (see attached) that can be summarized as follows:

- **The worst-case assumptions made in the TIA were not realistic and exaggerated any possible actual traffic impact.** The assumptions made in the TIA regarding traffic generation to and from the proposed Event Center were valid assumptions but greatly exaggerated any possible traffic impact for the following reasons:
  - The worst case assumption that the 235 vehicles arrive and depart the proposed Event Center property in one hour (see p. 8 the TIA) was not realistic because if the event lasts just an hour the arrival and departure of vehicles will take additional time.

- 
- The same worst case assumption that the 124 vehicles arrive and depart the Hindu Temple property within the same peak evening hour was also unrealistic for much the same reasons as for the proposed Event Center.
  - Other assumptions were also used in the analysis of Level of Service (LOS) for the intersection of CH1 (Mattis Avenue) and Hensley Road. The resulting delays for the minor approaches are highly unlikely to occur as this represents a “worst case” condition that just won’t happen.
  - **Relative to the safety analysis, the anticipated increase in traffic volume caused by the proposed Event Center is approximately 11%.** The CUUATS Staff Response received June 19, 2012, states that the most accurate characterization of the anticipated increase in daily traffic on CH1 resulting from the proposed Event Center is to compare the anticipated 470 additional vehicles to and from the Event Center during a typical day under the worst-case assumptions, to the 24-hour traffic volume on CH1 north of Olympian Drive which was 4,238 AADT in the most recent traffic count which was in 2011. Based on that comparison, the anticipated increase in traffic caused by the Event Center on an average daily basis is about 11%.
  - **No safety impacts are anticipated from the relatively small increase in traffic volume caused by the proposed Event Center.**
  - **The required stopping sight distance for the driveway entrance onto CH1 is well within the available distance.** The CUUATS Staff Response explains that there is adequate stopping sight distance for a design speed of 55 miles per hour which is the posted speed limit on County Highway 1. The 200 feet separation of the recommended warning sign from the driveway entrance was only a minimum.

Extensive new evidence has been added to the Summary of Evidence for Case 700-S-11 (see item 8.C.(6)) that should prevent misunderstanding of the basic findings in the TIA.

## **PRESERVING THE ESSENTIAL CHARACTER OF THE DISTRICT**

One of the requirements for any Special Use is that the proposed special use preserve the essential character of the district. If approved the proposed Event Center will be surrounded by the AG-1 District which is a district in which “event center” is not authorized and the question arises as to whether a Special Use in the AG-2 District can preserve the essential character of the surrounding AG-1 District? It is entirely possible, as follows:

1. The related Case 699-AM-11 has established that the location of the subject property does not exceed the proximity to municipalities of the current AG-2 District on the Zoning Map and nothing in either the Zoning Ordinance or the Land Resource Management Plan prevents the rezoning from being fairly considered. Therefore, at this location, it is consistent with both the Zoning Ordinance and the Land Resource Management Plan that the AG-2 District may be authorized and surrounded by the AG-1 District.

- 
2. The Ordinance states that the AG-2 District is intended "...to preserve the agricultural nature within areas which are predominately vacant..." and the essential character of the AG-1 District is agricultural. And as reviewed in Case 699-AM-11 the "by-right" uses authorized in the AG-1 District are essentially the same as those authorized in the AG-2 District. Therefore the two districts are inherently compatible.
  
  3. Any proposed Special Use in the AG-2 District must be evaluated for compatibility with the adjacent uses, regardless of the adjacent District. In this instance the evidence that is relevant to the Special Use Findings of Fact in Case 700-S-11 is the same evidence that is relevant to the Map Amendment Findings of Fact in Case 699-AM-11 and "compatibility" is considered in each case.

### **COORDINATION WITH CASE 699-AM-11**

There are items between Cases 699-AM-11 and 700-S-11 that are similar and overlap one another. Coordination between related items in these cases is necessary in order to be consistent when making a final determination on both cases. The following items in the Summary of Evidence for Case 700-S-11: Items 9.F.(2), 9.F.(7), and 10.C.(12) should be coordinated with Item 14.B (Objective 4.2) in the Finding of Fact for Case 699-AM-11. These items should be coordinated together because they relate to compatibility with agriculture.

### **ATTACHMENTS**

- A Revised Site Plan received July 3, 2012
- B Petition of support submitted on June 14, 2012, by Annie Murray
- C CUUATS response to June 14, 2012 testimony of Birgit McCall (included separately)
- D Summary of Evidence, Finding of Fact, and Final Determination (included separately)



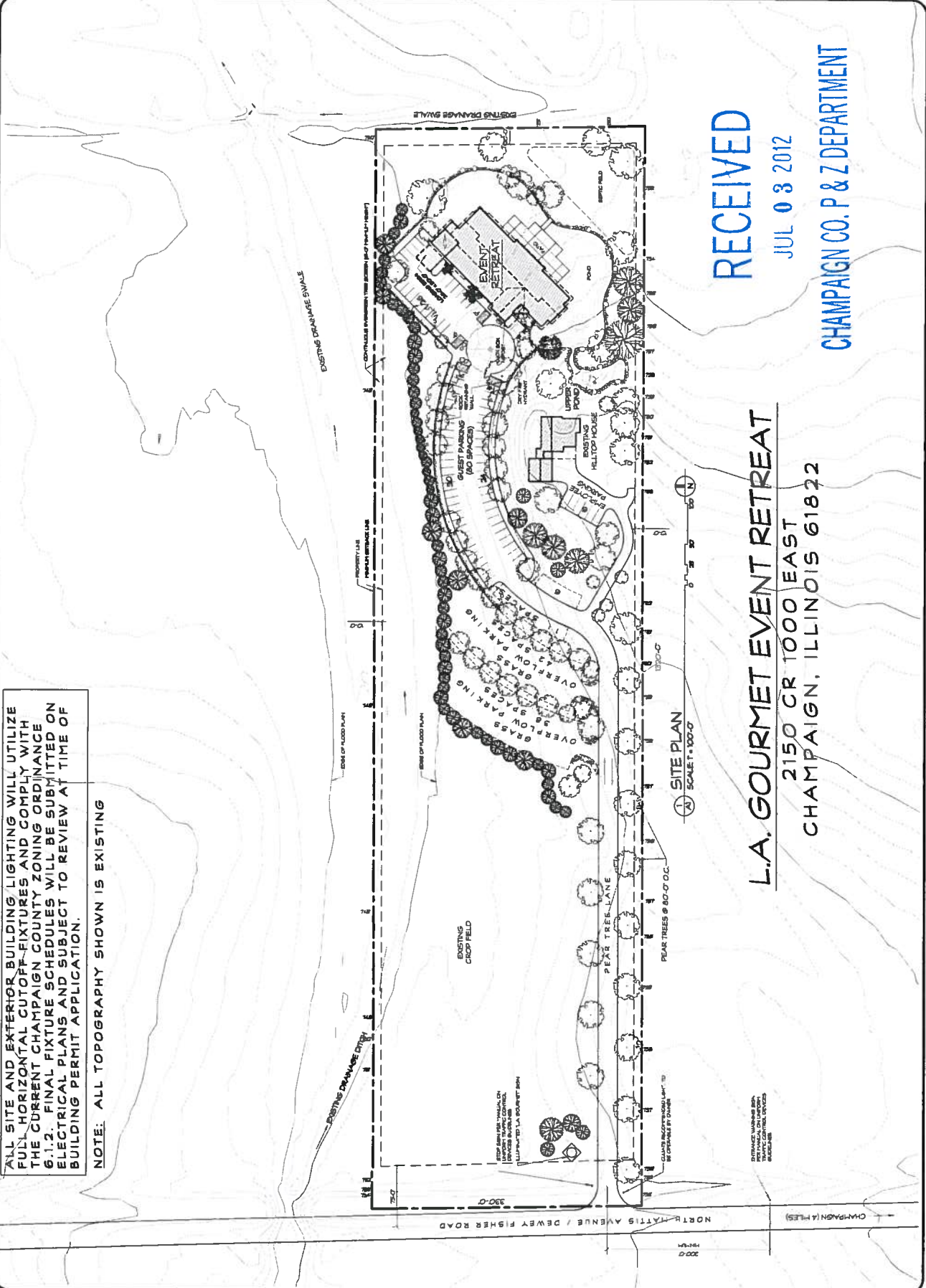
ALL SITE AND EXTERIOR BUILDING LIGHTING WILL UTILIZE FULL HORIZONTAL CUTOFF FIXTURES AND COMPLY WITH THE CURRENT CHAMPAIGN COUNTY ZONING ORDINANCE 6.1.2. FINAL FIXTURE SCHEDULES WILL BE SUBMITTED ON ELECTRICAL PLANS AND SUBJECT TO REVIEW AT TIME OF BUILDING PERMIT APPLICATION.

NOTE: ALL TOPOGRAPHY SHOWN IS EXISTING

**SITE PLAN**  
**L.A. GOURMET EVENT RETREAT**  
 2150 CR 1000 EAST  
 CHAMPAIGN, ILLINOIS 61822



**Orthorwick Architects**  
 010



**RECEIVED**

JUL 03 2012

CHAMPAIGN CO. P & Z DEPARTMENT

**L.A. GOURMET EVENT RETREAT**

2150 CR 1000 EAST  
 CHAMPAIGN, ILLINOIS 61822

(A) SITE PLAN  
 SCALE 1" = 100'-0"

DAVID M. SMITH  
 PROFESSIONAL ENGINEER  
 STATE OF ILLINOIS  
 NO. 1212

07/03/12  
 1106

DATE  
 07/03/12  
 1106

DATE  
 07/03/12  
 1106



Master

Submitted by Anne Murray  
at 6-14-12 public hearing  
(DOR)

I am farmer and/or landowner in Hensley Township, Champaign County, Il. in support of the LA  
Gourmet project in section 14. I am also opposed to a Hensley Township protest of the project to  
the county board.

Signature	Printed Name	Address	Date
<i>Donald D. Wood</i>	Donald D. Wood	2283CR 1100 East Champaign IL 61822-5112	5/4/12
<i>Loy Dewood</i>	Loy I Wood	2283CR 1100 East Champaign	5/4/12
<i>Catharine J. Ehler</i>	Catharine J. Ehler	1078 CR 2200 North Champaign	5/4/2012
<i>Jim Murray</i>	TIM MORASSEY	2218 Cr 1100E Champaign	5/4/2012
<i>Betty Wilson Murray</i>	JOHN MURRAY	3801 CLYBHOUSE #300 CHAMPAIGN IL	5/4/2012
<i>Donna J. Kester</i>	Betty Wilson Murray	3801 Clubhouse #300 Champaign	5/4/2012
<i>Helma Turner</i>	Donna J. Kester	4107 W. Hensley Rd. Champaign 1709 S DIVISION ST, Apt 36 Champaign, MAhomet	5/4/2012
<i>Mary L. Gannaway</i>	THELMA TURNER	4006 N. PROSPECT, CHAMPAIGN, IL 61822	5/8/2012
<i>James H. Gannaway</i>	MARY L. GANNAWAY	4006 N. PROSPECT, CHAMPAIGN, IL 61822	5/8/2012
<i>Helen Hoffmann</i>	JAMES H. GANNAWAY	1701 Willowview Rd, Urbana, IL 61801	5-8-2012
	Helen Hoffmann		

I am farmer and/or landowner in Hensley Township, Champaign County, Il. in support of the LA Gourmet project in section 14. I am also opposed to a Hensley Township protest of the project to the county board.

Signature	Printed Name	Address	Date
<i>Paul G. Wilson</i>	Paul G. Wilson	3135 Prospect Ave, Champaign, IL 61822	5-4-12
<i>Richard A. Schrock</i>	Richard A. Schrock	997 CR 2400 N. Champaign, IL 61822	5-4-12
<i>Myra Francis</i>	Myra Francis	4613 N. Mattis Ave.	5/4/12
<i>Philip Francis</i>	Philip Francis	" "	"
<i>Charles Hansen</i>	Charles Hansen	862 CR 2800 N Dewey, IL 61840	5/4/12
<i>Doug Hansen</i>	Doug Hansen	2822 CR 800 E Dewey, IL 61840	5/4/12
<i>Robert E. Furtney</i>	Robert E. Furtney	2308 C.R. 900 E. Champaign 61822	5-4-12
<i>Ronald Hermsel</i>	Ronald Hermsel	3814 N Wallis Ave	5-4-12
<i>Richard Hermsel</i>	Richard Hermsel	4708 N Mattis	5/4/12
<i>Allen F. Carnien</i>	Allen F. Carnien	2329 CR 1000 E Champaign, IL	5-5-12
<i>James L. Eaker</i>	James L. Eaker	2230 CR 900 E	5-5-12





I am farmer and/or landowner in Hensley Township, Champaign County, IL. in support of the LA Gourmet project in section 14. I am also opposed to a Hensley Township protest of the project to the county board.

Signature	Printed Name	Address	Date
	Kurt Kesler	3307 C.R. 1100E, Rantoul, IL	5/5/12
	Kyle Brock	5111 N Duncan Rd, Champaign	5/5/12
	Paulette Brock	5111 N. Duncan Rd, Champaign	5/5/12
	Jacob Kesler	1038 CR 2850N, Rantoul	05/05/2012
	John W. Alexander	2508 C.O. Rd 900E	5/5/2012
	Deanna Alexander	2508 CR 900E Champaign IL 61822	5/5/12
	Chuck Sharp	2392 C Rd 1300E Champaign	5/5/2012
	Don Sharp	2392 C Rd 1300E Champaign	5-5-2012
	James E. Boss POA	2805 S. Boulder Dr, Urbana, IL 61802	5/7/2012
	Don Vincent	995CR 2400N Champaign IL 61822	05/07/2012
	Cathy Vincent	995 CR 2400 N Champaign, IL 61822	5/7/2012

I am farmer and/or landowner in Hensley Township, Champaign County, IL. in support of the LA Gourmet project in section 14. I am also opposed to a Hensley Township protest of the project to the county board.

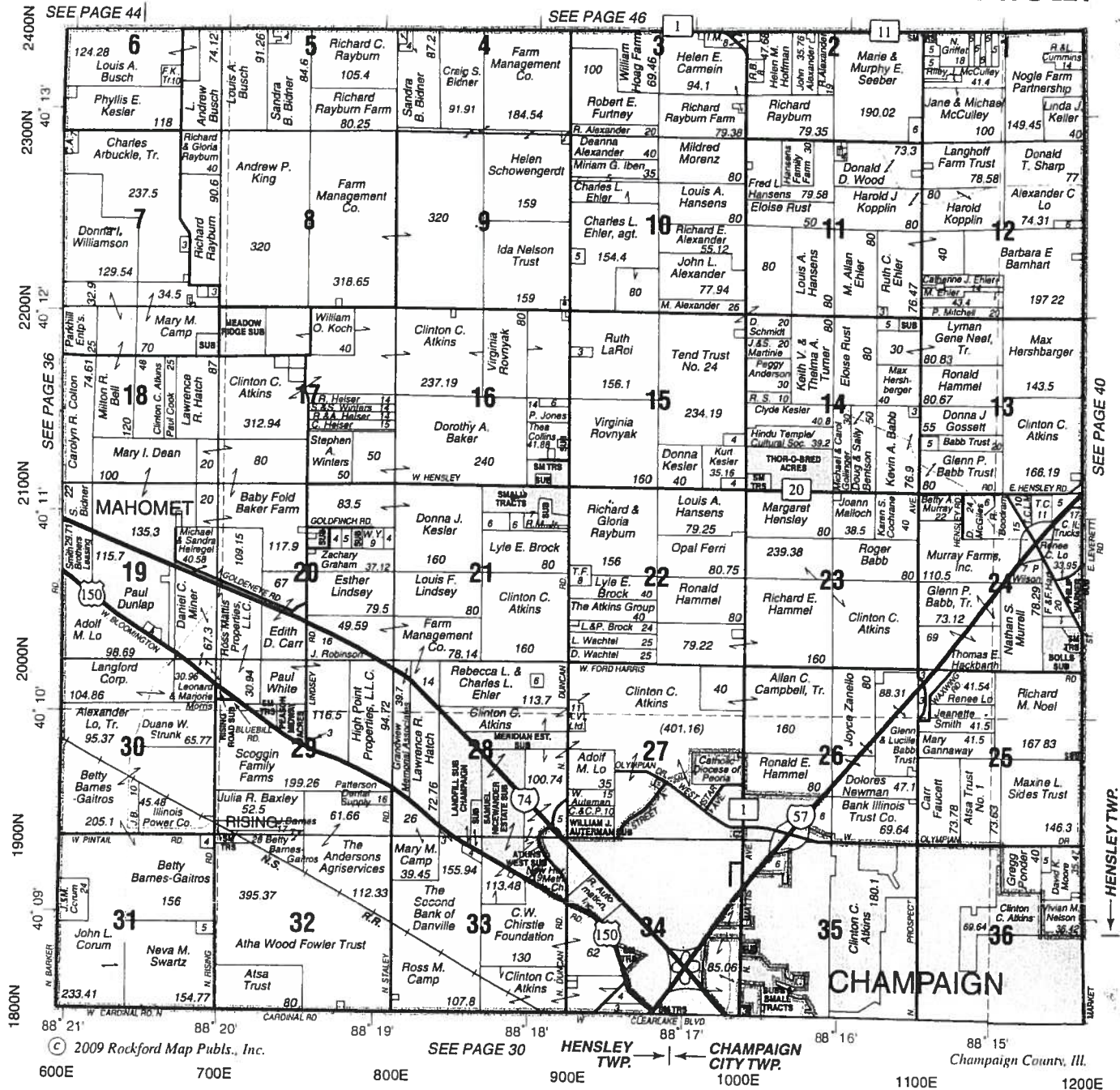
Signature	Printed Name	Address	Date
<i>Lisa Kesver</i>	LISA KESVER	1801 W. HENSLEY RD.	5-4-12
<i>Roger Babb</i>	Roger BABB	2126 CR 1100E CHAMPAIGN	5-4-12
<i>Kevin Babb</i>	Kevin Babb	913 Mathews Ln Fisher	5-5-12
<i>Marilyn Babb</i>	Marilyn Babb	2126 CR 1100E CHAMPAIGN	5-5-12
<i>Louis A. Nansens</i>	LOUIS A. NANSENS	2267 CR. 1000E Champaign	5-5-12
<i>John G Murray</i>	John G Murray	2607 CR 1000E Champaign	5-7-12
<i>Esther L. Ambrey</i>	Esther Lindsey	4908 Sunday Rd	5-8-12

I am farmer and/or landowner in Hensley Township, Champaign County, IL. in support of the LA Gourmet project in section 14. I am also opposed to a Hensley Township protest of the project to the county board.

Signature	Printed Name	Address	Date
	RICHARD ALEXANDER	2231 County Rd 1000E	May 4
	GENE WARNER	1006 Churchiee Dozens Dr. Champaign, May 8	
	Amylynn Heiser	2140 CR 750E, Champaign, IL 61827	May 8
	RYAN HEISER	2140 CR 750 E, CHAMPAIGN, IL 61827	5/8/2018



HENSLEY NORTHWEST PART CHAMPAIGN CITY T.20N.-R.8E.



© 2009 Rockford Map Pubs., Inc.

SEE PAGE 30

SEE PAGE 46

SEE PAGE 40

HENSLEY TWP.

CHAMPAIGN CITY TWP.

Champaign County, Ill.



# Rising Farmers Grain

3412 NORTH RISING ROAD - CHAMPAIGN, ILLINOIS 61822

Fax: (217) 356-2567

ELEVATORS AT:

Rising - 356-2615 — Bondville - 863-2000

Mahomet - 586-3801



**REVISED DRAFT**

**700-S-11**

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

---

Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: July 12, 2012

Petitioners: L.A. Gourmet Catering, LLC

Request: Authorize the following on land in the AG-2 Agriculture Zoning District:

The construction and use of an Event Center as a “Private Indoor Recreational Development” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning case 699-AM-11

---

**Table of Contents**

General Application Information .....	2-5
Specific Ordinance Requirements .....	5-8
Special Use Evidence .....	8-46
Documents of Record .....	47-49
Case 700-S-11 Finding of Fact.....	50-52
Case 700-S-11 Final Determination .....	53

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 29, 2012, April 26, 2012, and June 14, 2012, and July 12, 2012**, the Zoning Board of Appeals of Champaign County finds that:

- \*1. The petitioner L.A. Gourmet, LLC is owned by Lauren and Annie Murray, 2607 CR 1000E, Champaign. The petitioner's father, John Murray owns the subject property.

(Note: asterisk indicates items of evidence that are identical to evidence in Case 699-AM-11)

- \*2. Regarding the subject property where the special use is proposed to be located:
  - A. The subject property is a 10 acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E, Champaign. Part of the subject property has an existing home on it and part of the subject property is used for agricultural production and consists of best prime farmland.
- \*3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning and is 2 miles from the City of Champaign. The subject property is in Hensley Township, which has a planning commission. Townships with a planning commission are notified of all map amendments and they have protest rights on such cases. The Hensley Township Planning Commission has provided the following comments:
  - A. At the March 29, 2012, public hearing Mr. Ben McCall, speaking on behalf of the Hensley Township Plan Commission objected to the proposed map amendment. Mr. McCall's testimony is summarized as follows:
    - (1) The Hensley Township Plan Commission is concerned about the impacts the proposed special use in related Special Use Case 700-S-11 will have on drainage.
    - (2) Traffic impacts cause by the proposed special use in related Special Use Case 700-S-11 were understated and vehicles traveling at 55 miles per hour and slowing down to turn into the subject property will lead to more accidents.
    - (3) There is no justification for rezoning subject property from AG-1 to AG-2 other than the desire of the owner to use the property for a purpose that is not allowed in the AG-1 zoning district.
    - (4) The rezoning of the subject property is inappropriate considering the general intent of the zoning districts for the following reasons:
      - (a) Rezoning the parcel from AG-1 would facilitate the mixture of urban and rural uses that the zoning ordinance intends to prevent;

- (b) Rezoning the parcel to AG-2 would enable scattered indiscriminate urban development; and
  - (c) The AG-2 district is generally located in areas near urban areas, but the subject property is not near an urban area or within 1.5 miles of an urban area.
- (5) The proposed rezoning is incompatible with the stated purposes of the zoning ordinance for the following reasons:
- (a) The proposed use of the subject property is incompatible with the surrounding area because it is not allowed in the AG-1 district;
  - (b) Rezoning the subject property would enable a haphazard and unplanned intrusion into rural Hensley Township;
  - (c) Rezoning the subject property would encourage non-contiguous development in a rural area; and
  - (d) Rezoning the subject property would discourage the preservation of the agricultural belt around the Champaign-Urbana area by encouraging an urban use in an agricultural area.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

- \*4. Land use and zoning on the subject property and in the vicinity are as follows:
- A. The subject property is currently zoned AG-1 Agriculture and is in use as a residential property with some of the subject property used for row-crop agricultural production.
  - B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
    - (1) Land on the north is in agriculture production except for one single-family dwelling.
    - (2) Land on the south is in agricultural production and there is one single-family dwelling to the south.
    - (3) Land east of the subject property is in agricultural production.
    - (4) Land west of the subject property is in agricultural production.

*GENERALLY REGARDING THE PROPOSED SPECIAL USE*

5. Regarding site plan and operations of the proposed Event Center:
  - A. The site plan received March 2, 2012, and April 17, 2012, ~~and revised on June 11, 2012,~~ and revised on July 3, 2012, shows the entirety of the subject property and includes the following:
    - (1) The existing 2,500 square feet home authorized in Zoning Use Permit 178-85-01 and attached garage authorized in Zoning Use Permit 345-87-01.
    - (2) A proposed event center which is approximately 11,300 square feet in area including approximately 8,256 square feet in meeting space. (\*Note square footage of the building is an approximation based on scale measurements, exact building dimensions have yet to be provided by the petitioner).
    - (3) Parking areas to accommodate up to 84 parking spaces and overflow parking in the grassed area along the lane areas west of designated parking areas that can accommodate 97 additional parking spaces.
    - (4) A 24' × 50' loading berth.
    - (5) The proposed location of the septic field in the southeast corner.
    - (6) Screening along the north property line and along the north side of the parking area the northern edges of the designated and overflow parking areas and on the western edge of the overflow parking area.
    - (7) Various landscaping features including detention ponds, rock retaining walls, and trees.
    - (8) The location of the dry fire hydrant immediately south of the concrete turn-about.
    - (9) The location of the KNOX Box on the proposed event center.
    - (10) The location of the Stop sign at the exit of the property as recommended by CUUATS.
    - (11) The location of the light at the entrance as recommended by CUUATS.
    - (12) The location of the entrance warning sign as recommended by CUUATS.
    - (13) The location of an illuminated L.A. Gourmet sign.

- (14) An indication that all site and exterior building lighting will utilize full horizontal cutoff fixtures and comply with Section 6.1.2.
- B. Information regarding the operations of L.A. Gourmet Catering has been provided by the petitioners in a written statement received February 9, 2012, and is summarized as follows:
- (1) Lauren and Anne Murray own L.A. Gourmet Catering, LLC.
  - (2) The business was established six years ago.
  - (3) The existing catering business has provided service to over 1,000 events and is located at 2607 CR 1000E, Champaign.
  - (4) In the past year the petitioners have been forced to move 18 events outside of Champaign County because there ~~is not an event center similar to what the~~ Petitioners are proposing available in Champaign County is unmet demand for a local space that embraces the Midwest.
  - (5) Clients looking for a retreat type venue include Pioneer Hibred, Ehler Brothers Fertilizer, Farm Bureau, Carle, Horizon Hobbies, Kraft, and the University of Illinois.
  - (6) L.A. Gourmet Catering is the elite catering company of Champaign County and has grown 25% each of the last five years.
  - ~~(5)~~(7) The catering business will not be operated on the subject property nor will food be prepared on site. The Petitioners will continue to conduct business activities and prepare food at their kitchen and office at 2607 CR 1000E, Champaign.
- C. In an email dated June 19, 2012, Anne Murray indicated that they grow some of their own herbs and vegetables for use in their business activities and on the subject property they intend to utilize space available to grow fresh herbs and vegetables.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a Private Indoor Recreational Development as a Special Use in the AG-2 Agriculture Zoning District in the *Zoning Ordinance*:
- A. Section 5.2 authorizes RESIDENTIAL RECOVERY CENTER as a Special Use in the AG-2, R-3, and R-4 Zoning District.
  - B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:

*REVISED DRAFT*

- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
    - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
    - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
    - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
    - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
    - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
  - (2) Subsection 6.1.3 does not establish standard conditions for Private Indoor Recreational Developments.
- C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
  - (2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
  - (3) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
  - ~~(5)~~(4) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
  - ~~(6)~~(5) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.



- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare;
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
    - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
    - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
  - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
    - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
    - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction

*REVISED DRAFT*

- (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
  
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

***GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION***

- 7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
  - A. The Petitioner has testified on the application, **“This atmosphere cannot be obtained in town or even on the edge of town. We have searched in Champaign-Urbana for two years for a facility that would suit our clients’ needs. After five years in the catering business and doing extensive market research we see a need for this type of business plan. The outdoor atmosphere and the feel of seclusion on this property would take ten to twenty years to develop on bare ground. Horizon Hobby, Pioneer, Carle, and the U of I are going out of state to hold retreats and conference that we could host in our county. Similar business from outside the area would be attracted to the area.”**
  
  - B. A written statement submitted by the petitioners on February 9, 2012, can be summarized as follows:
    - (1) The proposed Event Center will provide an atmosphere that is not available in an urban setting.
  
    - (2) LA Gourmet Catering is the elite catering company of Champaign County and has grown 25% each of the last five years.
  
    - (3) LA Gourmet Catering has been a part of over a thousand events but has had to turn down countless events because there was not a local venue available. This year alone the company moved 18 events outside of Champaign County.
  
    - (4) There is unmet demand for a local space that embraces the Midwest.
  
    - (5) Clients looking for a retreat type venue include Pioneer Hibred, Ehler Brothers Fertilizer, Farm Bureau, Carle, Horizon Hobbies, Kraft, and the University of Illinois.
  
    - (6) The subject property is close to town but maintains a country retreat feel and the intention is for the development to fit into the agricultural surroundings.

- ~~B.~~ C. The subject property is zoned AG-1 Agriculture, but the Petitioners have filed an application to rezone the property from its AG-1 designation to an AG-2 designation in related Case 699-AM-11.
- ~~C.~~ D. The subject property has frontage on and is accessed from a county highway which will provide good access to the property.
- ~~D.~~ E. The subject property is located 2 miles from the City of Champaign
- ~~E.~~ F. At the March 29, 2012, public hearing Mr. Ben McCall in his personal testimony testified that the proposed special use is not necessary on the subject property because there are other options which would be more contiguous to other development.
- ~~F.~~ G. At the April 26, 2012, public hearing petitioner Lauren Murray-Miller testified, and is summarized as follows:
- (1) Her family settled on the family farm only a few miles away from the subject property over 130 years ago and their mother's family farm is only a few miles north of the Murray Farm and it was her grandfather and father that chose to forgo other opportunities to carry on the family farm.
  - (2) It was at a young age that she and her siblings learned the hard work ethic and entrepreneurial spirit and are proud to be tied tightly to their farming roots. She and her sister Anne opened the company as a career to work on by themselves and give them the opportunity have employees that they can call family and clients that they can call friends and received an award from the University of Illinois College of ACES for Outstanding Young Alumni.
  - (3) They have not submitted this proposal haphazardly and have done research and taken steps necessary to make sure that this is a feasible project.
- ~~G.~~ H. At the April 26, 2012, public hearing Gwedoline Wilson's testimony is summarized as follows:
- (1) She owns and operates Nuptiae Wedding and Event Planning and has been in the business for 9 years and is spoke in favor of the proposed Special Use.
  - (2) She has worked with many local families to plan events that are special to each individual and more than half of the wedding plans have a budget of over \$44,000.
  - (3) The wedding industry is very important to area businesses and a successful event center can impact the local economy not only through vending but also through hotel rooms, transportation, formal wear, rental companies, and specialty vendors because they employ many people.

*REVISED DRAFT*

- (4) There is a need for an event center such as the one proposed because few venues offer such a truly unique and rural setting and it is simply unattainable within the city limits. The event center will be especially appealing to rural families planning for special occasions and the picturesque nature.

H. I. At the April 26, 2012, public hearing Eric Bussell, realtor for Keller-Williams Realty, testified and his testimony is summarized as follows:

- (1) Approximately one year ago Anne and Lauren Murray contacted him to assist them in finding a location for their proposed event center and one year later they were unable to accomplish that.
- (2) They visited many buildings and properties and another real estate broker was brought in to help in the search.
- (3) The argument that there are other buildings out there to suit the needs of the business is not true because the general market does not provide for the needs of L.A. Gourmet and the need in the community for an event center such as this is strong.
- (4) The Clearview Subdivision is not appealing for the business because a unique wedding experience would be difficult to achieve there with the other anticipated commercial buildings.

***GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE***

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
  - A. The Petitioner has testified on the application, **“We are working with an architect that will ensure all regulations are included in the plans.”**
  - B. Regarding surface drainage:
    - (1) A Drainage Review of New Event Retreat & Parking Lot Expansion by Bryan K. Bradshaw dated February 9, 2012, can be summarized as follows:
      - (a) The surface flow of the property is generally to the north towards and agricultural waterway which flows easterly outletting at the Saline Branch Drainage Ditch.

- (b) The proposed event center and associated parking would create approximately 1.2 acres of impervious area within the development 3 acre watershed area.
  - (c) Low impact design practices will be utilized such as bioswales and infiltration strips.
  - (d) A two-tier detention pond is proposed for the site located south, north, and east of the proposed event center.
- (2) Berns, Clancy, and Associates, an engineering firm who reviewed the proposed drainage plan for feasibility and evaluated drainage calculations for the County, reported in a letter dated March 26, 2012, as follows:
- (a) The concept drainage plan appears to be feasible to construct in a manner that will comply with the stormwater management ordinance.
  - (b) The proposed compensatory storage area along the surface waterway should minimize any impacts caused by the placement of a portion of the proposed development site within the informal “floodplain” of the surface waterway.
  - (c) Storage volumes and discharge rates of the concept stormwater management system appear to comply at the conceptual level with requirements of the stormwater management ordinance.
  - (d) If the drainage system is properly designed and constructed there should not be any adverse impacts to adjacent property
  - (e) The proposed development will increase the total volume of runoff from the site, but it would likely result in an increase from the approximate 2.75 square mile watershed of less than 1%.
  - (f) The proposed tree screening along the north property line would be located in within the flood flow area of the adjacent surface drainage waterway. The planting of the trees in this location would result in debris collecting and blocking the waterway and would hinder the flow of stormwater runoff (Note: the screening was relocated).
- (3) At the March 29, 2012, public hearing Mr. Jack (John) Murray, testified regarding drainage on the subject property. His testimony is summarized as follows:
- (a) He and Joe Irle (drainage district commissioner) located and mapped all of

**REVISED DRAFT**

the existing drainage tiles.

- (b) There are some tiles that will need to be relocated because of the proposed ponds, but the ponds will slow the flow of water.
- C. The subject property is accessed from CR 1000E/County Highway 1 on the west side of the property. Regarding the general traffic conditions on CR 1000E/County Highway 1 at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The Illinois Department of Transportation (IDOT) measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The AADT of CR 1000E/County Highway 1 is indicated as 3,850 AADT.
  - (2) CR 1000E/County Highway 1 is a Collector Street as indicated in the Champaign County Zoning Ordinance.
  - (3) Pavement width in front of the subject property is approximately 30 feet.
  - (4) The County Engineer has been notified of this case.
  - (5) Regarding the proposed special ~~uses~~ use and the anticipated traffic impacts:
    - (a) The proposed Event Center includes parking spaces for 84 vehicles.
    - (b) The proposed Event Center will accommodate up to 400 people.
    - (c) Although this increase may be significant at times, events at maximum capacity will not take place every day on the subject property, therefore the increase in traffic will likely be sporadic.
    - (d) In an email dated April 18, 2012, Rita Morocoima-Black, CUUATS Transportation Planning Manager recommended that a Traffic Impact Analysis (TIA) is warranted due to safety concerns. Jeff Blue, County Engineer also agreed that a TIA was warranted. And the ZBA requested a TIA at the April 26, 2012, public hearing.
  - (6) At the April 26, 2012, public hearing Mr. Ben McCall's testimony regarding traffic can be summarized as follows:
    - (a) The entrance to the proposed event center is approximately 275 yards from the planned Hindu Temple and Cultural Center and he believes that there is a significant likelihood of an overlapping of highly attended activities at the two properties. Having two very high use properties on a high speed two



lane road will create numerous issues with traffic especially since both of the locations have relatively poor visibility for people leaving the properties.

- (b) It is likely that most people leaving the subject property will try to return to town by turning left out of the subject property to go south. A right turn will navigate traffic onto alternate routes which are narrow secondary township roads which are low volume and contain slow moving farm equipment, bicycle riders, walkers, runners, and hazardous road conditions during the winter months.

~~(7) The Traffic Impact Analysis (TIA) received May 16, 2012, conducted by the Champaign Urbana Urbanized Transportation Study made recommendations regarding traffic safety in the area of the subject property, the recommendations are as follows:~~

- ~~(a) Because the proposed event center will have minimal impact on traffic flow, no capacity or traffic operational improvements are necessary for the study roadway segment or the four study intersections (Bloomington Road, Olympian Drive, Ford Harris Road, and Hensley Road).~~
- ~~(b) A stop sign on the event center driveway with due consideration for proper sight distance.~~
- ~~(c) Lighting at the entrance to the subject property. This lighting shall only be operated during event times and fully comply with the lighting requirements of Section 6.1.2.~~
- ~~(d) Way finding signage shall be placed a minimum of 200 feet in advance of the entrance to the subject property.~~
- ~~(e) All signage shall be placed in accordance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) guidelines.~~
- ~~(f) A special condition has been proposed to ensure that the recommendations from CUUATS are implemented.~~

(7) Regarding the Traffic Impact Analysis (TIA) prepared by the Champaign Urbana Urbanized Transportation Study (CUUATS) received May 16, 2012:

(a) Regarding the traffic data used in the TIA:

- i. Traffic volume is maximized during the weekday evening (PM) hour and analyzing the weekday evening (PM) peak hour traffic would represent the worst possible case scenario for traffic impact analysis.

**REVISED DRAFT**

- ii. The study area for the TIA was defined as the roadway from the Mattis Avenue and Bloomington Road intersection along Mattis Avenue and County Highway 1 (CH1) to the site of the proposed event center approximately one-half mile north of the intersection of CH1 and Hensley Road/County Highway 20.
  - iii. 24-hour traffic counts were last conducted in June 2011.
  - iv. Intersection traffic turning volume data was collected along CH1 and at key intersections around the site of the proposed event center. Turning movement data was collected during a typical evening peak period from 4:30PM to 6:00PM at the intersections of Mattis Avenue and Bloomington Road; and Mattis Avenue and Olympian Drive; and CH1 (Mattis Avenue) and Hensley Road.
  - v. Historical crash data on CH1 was also analyzed.
  - vi. Traffic data used for operational and capacity analysis should never be used to safety analysis purposes because there are a number of other factors that attribute to safety issues such as pavement width, shoulder width, and curve radius.
- (b) Regarding the assumptions made in the TIA regarding traffic generation to and from the proposed Event Center:
- i. On page 8 the TIA states that trip generation was based on the worst case assumption that the proposed Event Center has a 400 person event on a weekday evening during the peak hour and 235 vehicles arrive and depart the property in that peak hour.
  - ii. On page 10 the TIA states that the worst-case “future build out” assumptions for the nearby Hindu Temple site (Case 460-S-06) that is currently under construction, included full occupancy of the Temple with 124 vehicles (the number of permanent and overflow parking spaces) arriving and departing the property during the same evening peak hour.
  - iii. A CUUATS Staff Response received June 19, 2012, states that the trip generation assumptions in the TIA were very conservative because of the following:
    - The petitioners have testified that peak use of the facility is expected to be on the weekends rather than weekdays and the TIA assumed a peak use of the facility during the weekday evening peak traffic hour on CH1 (Mattis Avenue); and

- The worst case assumption that the 235 vehicles arrive and depart the proposed Event Center property in one hour was valid as a worst-case TIA scenario but not realistic because if the event lasts just an hour the arrival and departure of vehicles will take additional time; and
  - The same worst-case assumption that the 124 vehicles arrive and depart the Hindu Temple property within the same peak evening hour was also valid as a worst-case TIA scenario but unrealistic for much the same reasons as for the proposed Event Center.
- (c) A safety (crash) analysis for CH1 discussed on pages 5 through 7 of the TIA and can be summarized as follows:
- i.* The crash analysis included data from 2006 through 2010. Table 3 on page 5 of the TIA indicates the following:
    - 50 crashes occurred in the roadway segment from Bloomington Road to Anthony Drive.
    - 27 crashes occurred in the roadway segment from Anthony Drive to Interstate Drive.
    - 28 crashes occurred in the roadway segment from Interstate Drive to Olympian Drive.
    - 25 crashes occurred in the roadway segment from Olympian Drive to the Project Site (Proposed Event Center). A CUUATS Staff Response received June 19, 2012, explained that 2 of these 25 crashes occurred during the weekday evening peak period of 4:30PM to 6:00PM.
  - ii.* Crash severity and injuries are summarized in Table 4 on page 5 of the TIA. A CUUATS Staff Response received June 19, 2012, explained that more than one injury may occur in each crash. The crash analysis in the TIA can be summarized as follows:
    - 9 of the 50 crashes (about 18%) in the roadway segment from Bloomington Road to Anthony Drive resulted in a total of 10 injuries.
    - 7 of the 27 crashes (about 26%) in the roadway segment from Anthony Drive to Interstate Drive resulted in a total 10 injuries.

**REVISED DRAFT**

- 8 of the 28 crashes (about 29%) in the roadway segment from Interstate Drive to Olympian Drive resulted in a total of 12 injuries.
  - 12 of the 25 crashes (about 48%) in the roadway segment from Olympian Drive to the Project Site (Proposed Event Center) resulted in a total of 19 injuries and one fatality.
- iii.* As reviewed in a CUUATS Staff Response received June 19, 2012, the only direct comparison that can be made between the safety analysis and the capacity analysis is the estimated 11% increase in the average daily traffic of 4,238 AADT as measured in the most recent traffic count which was in 2011.
- (d) The anticipated increase in traffic on CH1 (Mattis Avenue) caused by the proposed Event Center is discussed on page 10 of the TIA and in Table 9 Existing and Build-Out Peak Hour Traffic at Study Intersections, and can be summarized as follows:
- i.* The peak hour traffic on CH1 at the Hensley Road intersection, including the anticipated worst case peak hour traffic from the Hindu Temple (Case 460-S-06) that is under construction, including turning movements but not including east-west through traffic, is 1,010 vehicles.
  - ii.* The anticipated increase in peak hour traffic on CH1 resulting from the proposed Event Center and based on the worst case assumptions, is an additional 470 vehicles during the peak hour which is an increase of about 46% over the total of the existing peak hour traffic on CH1 at the Hensley Road intersection and the anticipated worst-case peak hour traffic from the Hindu Temple that is under construction.
  - iii.* A CUUATS Staff Response received June 19, 2012, states that the most accurate characterization of the anticipated increase in daily traffic on CH1 resulting from the proposed Event Center is to compare the anticipated 470 additional vehicles to and from the Event Center during a typical day under the worst-case assumptions, to the 24-hour traffic volume on CH1 north of Olympian Drive which was 4,238 AADT in the most recent traffic count which was in 2011. Based on that comparison, the anticipated increase in traffic caused by the Event Center on an average daily basis is about 11%.

- (e) The impacts at relevant street intersections from the anticipated increase in traffic on CH1 caused by the proposed Event Center is analyzed in the Intersection Level of Service Analysis beginning on page 10 of the TIA and can be summarized as follows:
- i. The relevant intersections were analyzed using computer software in accordance with guidelines of the Highway Capacity Manual.
  - ii. Figure 3 in the TIA indicates that all traffic for the proposed Event Center was assumed to come from the south.
  - iii. Level of Service (LOS) "D" is considered acceptable for intersections in an urban area and corresponds to as much as a 35 second delay at an un-signalized intersection or a 55 second delay at a signalized intersection.
  - iv. High delays are usually expected on minor roadway approaches when intersecting with an arterial highway but may only arise during the evening peak hour and may last for only a short period of time.
  - v. The Level of Service (LOS) for the intersection of CH1 (Mattis Avenue) and Hensley Road for the intersection overall drops from LOS A to LOS B but on the eastbound and westbound approaches the Level of Service will drop from a LOS B (as much as a 15 second delay) to LOS F ( a delay greater than 50 seconds). Such delay for the minor approaches are highly unlikely to occur as this represents the worst possible condition.
  - vi. A CUUATS Staff Response received June 19, 2012, states that in the TIA the eastbound and westbound traffic volumes were almost doubled for the traffic operational purpose using the standard Peak Hour Factor formula but the traffic on Hensley Road should never see an increase of 764% in the length of delay at this intersection even though that was the increase predicted by the software and included in Table 12 on page 12 of the TIA.
  - vii. The major signalized intersections (Olympian Drive, Interstate Drive, and Bloomington Road) are not significantly impacted by the anticipated traffic increase caused by the Event Center.
- (f) The impacts on relevant roadway segments from the anticipated increase in traffic on CH1 caused by the proposed Event Center is discussed in the Roadway Segment Analysis beginning on page 12 of the TIA and can be summarized as follows:

*REVISED DRAFT*

- i. The Level of Service (LOS) for the roadway segment from Olympian Drive to the proposed Event Center was analyzed using the LOS criterion established by the Highway Capacity Manual (HCM). The HCM guideline based on lane width, shoulder width, and access points per mile established a free flow speed estimated to be 52 miles per hour. Actual speeds on the highway may be greater. The LOS based on Average Travel Speed and the Percent Time Spent Following was calculated to be LOS "B".
  - ii. Based on the existing traffic volume and the free flow speed determined above, the roadway segment from Olympian Drive to the proposed Event Center functions under an acceptable Level of Service and the traffic increase anticipated from the proposed Event Center is not expected to significantly impact the Level of Service.
- (g) The overall conclusion and recommendations of the TIA can be summarized as follows:
- i. The anticipated increase in traffic on CH1 caused by the proposed Event Center does not significantly affect the roadway traffic conditions on CH1 nor the Level of Service of the intersection at CH1 and Hensley Road.
  - ii. Because of the relatively low amount of southbound traffic on CH1 and the lack of conflicting traffic movements, a right turn lane is not required for the proposed Event Center. Most of the anticipated traffic to the proposed Event Center is expected to come from the south and therefore a southbound turn lane on CH1 is also not required.
  - iii. A stop sign is recommended at the driveway intersection with CH1 and be placed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD)
  - iv. Lighting is also recommended at the driveway intersection with CH1.
  - v. Advance information signs should be provided on CH1 to make drivers aware of the location of the proposed Event Center. The signs should be placed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) guidelines but not less than 200 feet from the driveway entrance.



- (h) Regarding the visibility of the driveway entrance to traffic on CH1 and whether or not there is adequate stopping sight distance, a CUUATS Staff Response received June 19, 2012, explained that there is adequate stopping sight distance for a design speed of 55 miles per hour which is the posted speed limit on County Highway 1.
- (i) A special condition has been proposed to ensure that the recommendations from CUUATS are implemented.
- (8) There is a vertical curve (hill) on CR 1000E/County Highway 1 near the subject property. Regarding visibility concerns related to this vertical curve:
- (a) The relevant geometric standards for traffic visibility are found in the *Manual of Administrative Policies of The Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. The “minimum stopping sight distance” is determined by design speed and varies as follows:
- A design speed of 30 miles per hour requires a minimum distance of 200 feet.
  - A design speed of 40 miles per hour requires a minimum sight distance of 275 feet.
  - A design speed of 50 miles per hour requires a minimum sight distance of 400 feet.
  - A design speed of 60 miles per hour requires a minimum sight distance of 525 feet.
  - A design speed of 70 miles per hour requires a minimum sight distance of 625 feet.
- (b) The speed limit on CR 1000E/County Highway 1 is 55 miles per hour.
- (c) The existing driveway entrance appears to be located such that a vehicle entering or exiting the driveway is visible to at a distance of 550-600 feet from an automobile traveling north over the crest of the vertical curve (hill) and may have minimum stopping sight distance for a speed of 55 miles per hour. A CUUATS Staff Response received June 19, 2012, explained that there is adequate stopping sight distance for a design speed of 55 miles per hour which is the posted speed limit on County Highway 1.
- (d) Design and construction of the driveway entrance is a critical component of traffic safety. No specific information has been provided about driveway construction other than as indicated on the site plan.
- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Thomasboro Fire Protection District and is located approximately 8

**REVISED DRAFT**

road miles from the fire station. In an email dated March 31, 2012, Paul Cundiff, Fire Chief for the Thomasboro Fire Protection District provided comments regarding the proposed use:

- (1) The owner should install a KNOX box on the building for fire department access.
  - (2) The owner should install a monitored fire alarm system within the building.
  - (3) Provide an all access defibrillator in the public space.
  - (4) Install a Dry Hydrant that is accessible at all times within 8 feet of a hard surfaced road or parking area.
  - (5) A Special Condition of Approval has been proposed to ensure that the Special Use meets the requests of the fire protection district.
- E. The subject property is not located within a Special Flood Hazard Area.
- F. Regarding outdoor lighting on the subject property, the Petitioner has indicated to Staff that they intend to fully comply with lighting requirements and have scrapped the original lighting plan to provide uplighting on trees and other features.
- G. Regarding wastewater treatment and disposal on the subject property:
- (1) The Petitioner's have applied for and received a private sewage disposal permit, No 12-008-19 from the Champaign County Public Health Department.
  - (2) The proposed site plan received March 2, 2012, indicates that the proposed septic field is to be located in the southeast corner of the subject property.
  - (3) A soil characterization report evaluating the soils for use in a septic system for the proposed Event Center was prepared by Roger Windhorn received February 13, 2012, and can be summarized as follows:
    - (a) Three holes within the proposed seepage filter field were examined to a depth of 60 inches. Hole 1 was on the south, Hole 2, on the east, and Hole 3 on the north.
    - (b) All three holes have layers in the upper or middle part of the subsoil that have a moderately slow permeability rate due to clay content greater than 35% or weak soil structure.
    - (c) The soils on the subject property consist of a Loess parent material, 1 percent slopes.

- (d) The natural soils on the subject property have a seasonal high water table, typically in early spring or late fall. The field tile lines in the surrounding farm fields have reduced the depth and length of seasonal water table effect on this site.
  - (e) Mr. Windhorn suggests that all construction traffic stay off of the proposed septic site to minimize soil compaction.
  - (f) A special condition is proposed to ensure that the site of the septic system does not become compacted.
- (3) The soil characterization report is consistent with the pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, that is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). Drummer silty loam, (soil map unit 152A) soil is rated as having “low” suitability for subsurface soil absorption wastewater systems (septic tank leach fields) and requiring corrective measures generally of subsurface drainage or fill.
- (4) A description of the proposed septic system to serve the proposed Event Center was written by Jeff Jackson and received on February 9, 2012 and can be summarized as follows:
- (a) The septic system would be designed to serve the Event Center and would be sized for 2,000 gallons of water per day.
  - (b) The septic system proposed by Mr. Jackson consists of 2 - 1,500 gallon septic tanks that would discharge into a 4,500 square feet seepage bed.
  - (c) A curtain drain will surround the seepage bed and a pump chamber will discharge to a detention pond.
  - (d) A special condition has been proposed to ensure that the septic system is designed and installed as what was approved by the Champaign county Health Department.
- I. Regarding parking for the proposed Event Center, the proposed parking exceeds the minimum requirements of the Zoning Ordinance as reviewed in Item 9.
- J. Regarding food sanitation and public health considerations related to the proposed Special Use:

*REVISED DRAFT*

- (1) The Event Center Floor Plan received February 9, 2012, indicates a kitchen in the proposed Event Center.
- (2) A special condition is proposed to ensure ongoing compliance with Health Code.

K. Regarding life safety considerations related to the proposed Special Use:

- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
  - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
  - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
  - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
  - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
  - (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
  - (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required. There is no information regarding the cost of the pole

barn that is used to house the farm dinners in inclement weather, so it is unclear if that will trigger the requirements of the IEBA.

- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
  - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
  - (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
  - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:
    - i.* International Building Code;
    - ii.* International Existing Building Code; and
    - iii.* International Property Maintenance Code
  - (b) The 2008 of later edition of the National Electrical Code NFPA 70.
- O. At the March 29, 2012, public hearing neighbor Judy Swartzendruber expressed her concerns regarding the proposed Special Use and they can be summarized as follows:
- (1) Water runoff from the subject property could cause problems for neighbors because the swale which runs along the north property line has caused flooding on downstream properties in the past.

*REVISED DRAFT*

- (2) The added traffic will add additional traffic to a heavily traveled road and will result in increase traffic noise. Additionally, if there were to be 400 people at the event center and 500 people at the Hindu Temple there would be traffic issues.
  - (3) The proposed entrance to the property is at a very low point and not visible to oncoming traffic from either direction and is an area where snow drifts in the winter time.
  - (4) If trucks are delivering items to the Hindu Temple and to the proposed event center it will cause additional deterioration to the Dewey-Fisher Road which may lead to it being widened.
- P. At the March 29, 2012, public hearing neighbor Peggy Anderson expressed her concerns regarding the proposed Special Use and they can be summarized as follows:
- (1) The subject property slopes down toward her land and her concern is additional water runoff if the proposed use is granted.
  - (2) Her son currently resides on the property directly north of the subject property and he would like to be able to enjoy the country atmosphere and not be distracted by lighting, noise, and septic issues.
- Q. At the April 26, 2012, public hearing the following people spoke in favor of the proposed Special Use and rezoning and their testimony is summarized as follows:
- (1) Lisa Kesler stated that she lives one-quarter mile away from the subject property and has known Lauren and Anne Murray their entire lives and has watched them work very hard since the day the graduated. Both sides of the girls family have farmed in Hensley and Condit Townships for several generations therefore it comes as no surprise that they have always made the needs and tastes of the rural community a top priority in their business. She has no reservations regarding the proposed project.
  - (2) Chris Wallace stated that she and her husband live directly north of the L.A. Gourmet kitchen and has lived there prior to the conception of the business. The business has been a good neighbor and there has been no noticeable disruption in their lives and L.A. Gourmet is probably the largest employer in Condit Township. She does not believe that the event center will create problems for local agriculture in the area because the girls grew up on a farm and are fully aware of dust, odors, pesticides, and anhydrous applications.
  - (3) Catherine Ehler stated that she farms land north and east of the subject property and knowing the history of the Murray family she believes that the girls will be good neighbors because they know the farming business better that probably most other



people understand it and she supports the proposal and looks forward to its completion.

- (4) Bernard Hammel stated that he has lived in the area for 79 years and that he is in support of the project.
- R. At the April 26, 2012, public hearing neighbor Peggy Anderson testified that she does have concerns regarding the compatibility of the proposed use with surrounding agriculture.
- \*S. The Department of Planning and Zoning has received letters of support regarding Case 699-AM-11 and 700-S-11 from the following:
- (1) Roger and Marilyn Babb, 2126 CR 1100E, Champaign, received April 23, 2012.
  - (2) Kevin Babb, 2126 CR 1100E, Champaign, received April 23, 2012.
  - (3) Gene Warner, 1006 Churchill Downs Drive, Champaign, received April 23, 2012.
  - (4) Mark J. Kesler, received April 24, 2012.
  - (5) Ron, Rich, Bernie, and Steve Hammond, received April 24, 2012.
  - (6) Don and Lois Wood, 2283 CR 1100E, Champaign, received April 24, 2012.
  - (7) Thomas R. Ramage, President, Parkland College, 2400 W. Bradley Ave, Champaign, received April 24, 2012.
  - (8) Elizabeth Collins, received April 24, 2012.
  - (9) Terri Kirby, Horizon Hobby, 4105 Fieldstone Road, Champaign, received April 25, 2012.
  - (10) John and Vicky Tedlock, 467 CR 2600N, Mahomet, received April 25, 2012.
  - (11) Alex Ruggieri, Sperry Van Ness-Ramshaw Real Estate, 505 W. University Ave, Champaign, received April 25, 2012.
- \*T. At the June 14, 2012, public hearing petitioner, Anne Murray submitted a petition signed by those in support of the proposed special use. The following people signed the petition:
- (1) Donald and Lois Wood, 2283 CR 1100E, Champaign
  - (2) Catherine Ehler, 1078 CR 2200N, Champaign
  - (3) Tim Morrissey, 2218 CR 100E, Champaign
  - (4) John and Betty Murray, 3801 Clubhouse #300, Champaign
  - (5) Donna Kesler, 4107 West Hensley Road, Champaign
  - (6) Thelma turner, 1709 South Division Street Apt. 36, Mahomet
  - (7) James and Mary Gannaway, 4006 North Prospect, Champaign

**REVISED DRAFT**

- (8) Helen Hoffman, 1701 Willow View Road, Urbana
- (9) Paul Wilson, 3135 Prospect Avenue, Champaign
- (10) Richard Schrock, 997 CR 2400N, Champaign
- (11) Philip and Myra Francis, 4613 North Mattis Avenue, Champaign
- (12) Charles Hansens, 862 CR 2800N, Dewey
- (13) Doug Hansens, 2822 CR 800E, Dewey
- (14) Robert Furtney, 2308 CR 900E, Champaign
- (15) Ronald Hammel, 3814 North Mattis Avenue, Champaign
- (16) Richard Hammel, 4708 North Mattis Avenue, Champaign
- (17) Helen Carmien, 2329 CR 1000E, Champaign
- (18) Charles Ehler, 2230 CR 900E, Champaign
- (19) Kurt Kesler, 3307 CR 1100E, Rantoul
- (20) Lyle and Paulette Brock, 5111 North Duncan Road, Champaign
- (21) Jacob Kesler, 1038 CR 2850, Rantoul
- (22) John and Deanna Alexander, 2508 CR 900E, Champaign
- (23) Chuck Sharp, 2392 CR 1300E, Champaign
- (24) Don Sharp, 2392 CR 1300E, Champaign
- (25) James E. Goss, P.O.A. Clinton C. Atkins Estate, 2805 South Boulder Drive, Urbana
- (26) Don and Cathy Vincent, 995 CR 2400N, Champaign
- (27) Lisa Kesler, 1801 West Hensley Road, Champaign
- (28) Roger and Marilyn Babb, 2126 CR 1100E, Champaign
- (29) Kevin Babb, 913 Matthews Lane, Fisher
- (30) Louis Hansens, 2267 CR 1000E, Champaign
- (31) John Murray, 2607 CR 1000E Champaign
- (32) Esther Lindsey, 4908 Lindsey Road, Champaign
- (33) Richard Alexander, 2231 CR 1000E, Champaign
- (34) Gene Warner, 1006 Churchill Downs Drive, Champaign
- (35) Ryan and Amylynn Heiser, 2140 CR 750E, Champaign

- U. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

**GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT**

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:

- A. The Petitioner has testified on the application: **The applicant did not indicate a response to this question.**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Regarding the proposed special use:
  - (2) A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning District and by right in the B-2, B-3, and B-4 Zoning District.
  - (3) Regarding parking on the subject property for the proposed Event Center:
    - (a) Paragraph 7.4.1 C.3.b.i. requires that places of public assembly including assembly halls, exhibition halls, convention halls, and other enclosed STRUCTURES shall provide one parking space for each five seats provided for patrons use or at least one parking space for each 200 square feet of floor area, whichever requires the greater number of parking spaces.
    - (b) There is a proposed maximum of 400 people in the Event Center and dividing 400 by 5 seats equals 80 parking spaces which is the greater number compared to 56 which is a result of dividing 11,300 square feet by 200 square feet.
    - (c) The site plan received on March 2, 2012, indicates 84 proposed parking spaces. 80 regular spaces and 4 handicap accessible spaces. The revised site plan received on July 3, 2012, indicates overflow parking areas capable of accommodating 97 additional parking spaces to the west of the designated parking areas for a total parking capacity of 177 parking spaces.
    - (d) Paragraph 7.4.1 C.4.a. requires SCREENS for parking for commercial ESTABLISHMENTS. ~~including a church or school or dormitory.~~

Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a Type B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.

Paragraph 4.3.3 H. identifies a Type A SCREEN as a decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the

**REVISED DRAFT**

highest adjacent grade and a Type B SCREEN as an opaque fence or wall with a minimum HEIGHT of four feet as measured from the highest adjacent grade.

The proposed parking on the north side of the subject property is within 100 feet of the building restriction line of a property containing a dwelling. Screening is required and shown on the site plan for ~~any of the proposed new parking spaces~~ the designated parking and overflow parking areas located on the north side of the subject property.

- (e) At the April 26, 2012, neighbor Peggy Anderson testified that she had spoken to other caterers and that they indicated the ~~proposed~~ 84 parking spaces that were proposed at that time were insufficient for a facility with a capacity of 400 people.
- (4) The Zoning Ordinance allows for the loss of some best prime farmland, but limits that amount through the maximum lot size allowed on best prime farmland, as follows:
- (1) Any by-right (RRO-exempt) lots on best prime farmland created from tracts that were at least 12 acres in area on January 1, 1998 must be three acres or less in area.
- (2) Any lots within an RRO District located on best prime farmland must be two acres or less in area.
- (3) Any lot greater than 35 acres in area and “remainder area lots” are exempt from the three acre maximum lot size. “Remainder area lots” are the areas left over after by-right development has taken place on a property and no use that requires a Zoning Use Permit is allowed on “remainder area lots.”
- (4) The subject property is exempt from maximum lot size requirements since it is less than 12 acres in area and was created prior to January 1, 1998. The petitioners could create two by-right lots on this property at any size they wish.
- C. Regarding compliance with the *Stormwater Management Policy*:
- (1) Paragraph 4.3A.2. of the Stormwater Management Policy exempts the first 10,000 square feet of impervious area relative to what existed on 2/20/03.
- (2) The proposed site plan received on March 2, 2012, indicates three types of increases in impervious area as follows (A special condition has been proposed to ensure compliance with the stormwater management ordinance):

- (a) The proposed Event Center will be impervious area and is indicated with an overall building footprint of approximately 11,300 square feet.
  - (b) The site plan indicates an addition of 84 parking spaces but the increase in the parking of area is not dimensioned. The Zoning Ordinance requires parking spaces to be a minimum of 9 feet wide by 20 feet long. Using a scale approximately 25,317 square feet of parking area is proposed on the subject property.
  - (c) Sidewalks and detention basins are also proposed on the subject property, but are not dimension on the site plan.
  - (d) In a letter from Bryan Bradshaw received February 9, 2012 Mr. Bradshaw indicates that the total increase in impervious surface will be approximately 1.2 acres.
- (3) Berns, Clancy, and Associates, an engineering firm who reviewed the proposed drainage plan for feasibility and evaluated drainage calculations for the County, reported in a letter dated March 26, 2012, as follows:
- (a) The concept drainage plan appears to be feasible to construct in a manner that will comply with the stormwater management ordinance.
  - (b) The proposed compensatory storage area along the surface waterway should minimize any impacts caused by the placement of a portion of the proposed development site within the informal “flood plain” of the surface waterway.
  - (c) Storage volumes and discharge rates of the concept stormwater management system appear to comply at the conceptual level with requirements of the stormwater management ordinance.
  - (d) If the drainage system is properly designed and constructed there should not be any adverse impacts to adjacent property
  - (e) The proposed development will increase the total volume of runoff from the site, but it would likely result in an increase from the approximate 2.75 square mile watershed of less than 1%.
  - (f) The proposed tree screening along the north property line would be located in within the flood flow area of the adjacent surface drainage waterway. The planting of the trees in this location would result in debris

**REVISED DRAFT**

collecting and blocking the waterway and would hinder the flow of stormwater runoff (Note: the screening was relocated).

- D. Regarding the Special Flood Hazard Areas Ordinance, no part of the subject property is located in the Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
  - (1) Private Indoor Recreational Development is permitted by Special Use Permit in the AG-2 Agriculture Zoning District
  - (2) The proposed use ~~will not~~ **{WILL/ WILL NOT}** hinder agricultural production on adjacent properties and agricultural production will still occur onsite.
  - (3) The visual character of the subject property will not be changed much because of the following:
    - (a) The proposed building is clustered with the existing home.
    - (b) The parking area will be screened.
    - (c) Agricultural production will still occur onsite in the same general area that has been under production.
  - (4) There will be no significant traffic impacts because of the following:
    - (a) There will be no significant traffic impacts in general based on the Traffic Impact Analysis (TIA) received May 16, 2012, and the proposed special conditions based on the recommendations of the TIA.
    - (b) Additionally, there will be no significant impact on agricultural traffic because at this location two miles from the City of Champaign there is presumably not much agricultural traffic on County Highway 1 other than hauling grain to market and since the Traffic Impact Analysis (TIA) received May 16, 2012, found no significant impact on traffic in general there will be no significant impact on grain hauling traffic.
  - (5) There will be no significant drainage impacts because the proposed special use will comply with the Stormwater Management Policy based on the drainage review letter dated March 26, 2012.



- (6) There will no significant impact on public health and safety because of the following:
- (a) Special conditions have been proposed to ensure implementation of the recommendations of the Thomasboro Fire Protection District.
  - (b) The County Health Department has already approved the proposed septic system.
  - (c) The proposed building will comply with the International Building Code as required by Public Act 96-704.
- (4)(7) Currently, the subject property is zoned AG-1 Agriculture and the Petitioner's have requested to rezone the subject property to AG-2 Agriculture in related Case 699-AM-11. Regarding the whether or not the proposed special use will preserve the essential character of the surrounding AG-1 District:
- (a) As reviewed in Case 699-AM-11 the types of uses authorized by right in the AG-1 District are nearly identical to the by-right uses in the AG-2 District and any proposed Special Use on this property should be evaluated for compatibility with the adjacent AG-1 uses.
  - (b) Compatibility of the proposed special use with surrounding agriculture was evaluated in related case 699-AM-11 under review of Land Resource Management Plan Objective 4.2 regarding interference with agricultural operations and the Zoning Board of Appeals found the proposed special use *{WILL/ WILL NOT}* interfere with agricultural operations.
  - (c) The proposed special use will have no significant impact on traffic, drainage, public health or safety, or visual character of the surrounding AG-1 District.
  - (d) The subject property is located on County Highway 1 approximately one-half mile from the intersection with County Highway 20. Land use and zoning in the immediate neighborhood area of the subject property is as follows:
    - i.* Land immediately to the north, south, east, and west is in agricultural production and zoned AG-1 Agriculture.
    - ii.* The subject property is approximately one-quarter of a mile from Thor-O-Bred Acres Subdivision which is a 30 lot residential subdivision.
    - iii.* In the northeast corner of the intersection and bordered on two sides by the Thor-O-Bred Acres Subdivision is a 4.7 acre B-4 General Business Zoning District with a multi-tenant commercial building

**REVISED DRAFT**

and a 3.9 acre AG-2 Agriculture Zoning District with a soil testing service.

- (e) Regarding the Thor-O-Bred Acres subdivision that is approximately one-quarter of a mile to the proposed Special Use:
- i. Thor-O-Bred Acres is a 30 lot subdivision on 70 acres and averages 2.41 acres per lot.
  - ii. Thor-O-Bred Acres was approved by the County Board in Subdivision Case 113-94 on April 19, 1994.
  - iii. The subdivision plat for Thor-O-Bred Acres contained a statement certifying that only seven of the lots had known soil characteristics that were suit able for private septic disposal systems.
  - iv. The soils underlying Thor-O-Bred Acres are best prime farmland soils with an average Land Evaluation of greater than 85.
  - v. The Champaign County Zoning Ordinance was amended in Ordinance 595 (Case 177-AT-99) on June 22, 1999, to require rezoning to Rural Residential Overlay Zoning District for subdivisions involving the creation of more than three lots. Thor-O-Bred Acres is nonconforming with respect to the Rural Residential Overlay District and if it were platted today it would require rezoning to that Overlay District. If it were developed today it would not comply with the maximum lot size requirement of 2.00 acres for RRO amendments that is established by Footnote 13 to Section 5.3 of the Ordinance. Also, Land Use Regulatory Policies are relevant to map amendment zoning cases. Land Use Regulatory Policy 1.2 states that on best prime farmland development will be permitted only if land is well suited to it and the land is used in the most efficient way consistent with other County policies. The known soil characteristics for Thor-O-Bred Acres Subdivision would be an issue in an RRO map amendment.
  - vi. All existing homes in Thor-O-Bred Acres Subdivision were constructed by the end of 2000 at a time when churches and temples were authorized by right in the AG-1 Zoning District. Churches and temples were not required to receive Special Use Permit approval until the County Board approved Ordinance No. 660 (Case 341-AT-02) on August 20, 2002.

- (8) Nuisance effects of the proposed Special Use are addressed by the proposed conditions for screening of parking and the protection of existing drainage patterns and drainage systems.
- (9) Public safety of the proposed Special Use is addressed by the proposed conditions for driveway approval, septic system, building code requirements, traffic safety requirements, fire protection district requests, and handicapped accessibility requirements.
- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
- H. At the April 26, 2012, public hearing Mr. Ben McCall testified that he does not feel the proposed use is compatible with the surrounding area because there are uses authorized in the AG-1 district such as a concentrated animal feeding operation that would have an apparent conflict with the proposed use.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE**

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
  - A. A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning District and by right in the B-2, B-3, and B-4 Zoning District.
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

Currently, the subject property is zoned AG-1 Agriculture and the Petitioner's have requested to rezone the subject property to AG-2 Agriculture in related Case 699-AM-11. The *Zoning Ordinance* states that the AG-2 District is generally for areas within one and one-half miles of existing communities, this is not always the case. The AG-2 District is as far as 3 miles from the City of Urbana and as far as 1.75

**REVISED DRAFT**

miles from the City of Champaign. ~~The subject property is 2 miles from the City of Champaign.~~

- (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

~~The uses authorized by Special Use Permit by-right in the AG-1 Agriculture and AG-2 Agriculture Zoning Districts are nearly identical. A Private Indoor Recreational Development is one of the special uses authorized in the AG-2 District and not the AG-1 District.~~

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

- (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
- (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
- (b) A Special Condition has been proposed to ensure that the proposed event center will comply with a building code.
- (c) Paul Cundiff, Fire Chief for the Thomasboro Fire Protection District provided comments regarding the proposed use:
- i.* The owner should install a KNOX box on the building for fire department access.
  - ii.* The owner should install a monitored fire alarm system within the building.
  - iii.* Provide an all access defibrillator in the public space.
  - iv.* Install a Dry Hydrant that is accessible at all times within 8 feet of a hard surfaced road or parking area.
  - v.* A Special Condition of Approval has been proposed to ensure that the Petitioner's provide the proper measures for safety.

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
- (a) The existing home on the subject property has been used as a single-family home since the mid 1980s. The special use permit for the Event Center should have no affect on property value.
  - (b) It is not clear whether or not the proposed Event Center will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general. An event center is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and an event center. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties there should be no significant effect on the value of nearby properties.
  - (c) In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. If the Special Use Permit is denied the property could continue to be used as best prime farmland for agricultural purposes or could be divided into a total of three by-right residential building lots including the lot for the existing home.
  - (d) Currently, the subject property is zoned AG-1 Agriculture and the Petitioner's have requested to rezone the subject property to AG-2 Agriculture in related Case 699-AM-11.
  - (e) As reviewed in Case 699-AM-11 the types of uses authorized by right in the AG-1 District are nearly identical to the by right uses in the AG-2 District and any proposed Special Use on this property should be evaluated for compatibility with the adjacent AG-1 uses.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
- (a) The proposed Event Center requires 84 new parking spaces. ~~and will only be a minor increase to traffic on CR 1000E / County Highway 1. However, a Traffic Impact Analysis is warranted due to safety concerns.~~
  - (b) A Traffic Impact Analysis conducted by the Champaign-Urbana Urbanized Transportation Study (CUUATS) was received on May 16, 2012, and it concluded that the proposed event center will not have a significant impact on traffic in the area.

**REVISED DRAFT**

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
  - (a) The proposed Event Center is not less than 10,000 square feet increase in impervious area and the Champaign County Stormwater Management Policy does require stormwater detention for an increase of more than 10,000 square feet.
  - (b) Berns, Clancy, and Associates, an engineering firm reviewed the proposed drainage plan for feasibility and evaluated drainage calculations and found that the proposed drainage plan is feasible and should not have any adverse impacts on neighboring properties.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
  - (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the



ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES. Currently, the subject property is zoned AG-1 Agriculture and the Petitioner's have requested to rezone the subject property to AG-2 Agriculture in related Case 699-AM-11 as follows:
- (a) ~~Currently, the subject property is zoned AG-1 Agriculture and the Petitioner's have requested to rezone the subject property to AG-2 Agriculture in related Case 699-AM-11.~~
- (b)(a) The proposed use will be taking a minimal amount of land out of agricultural production.
- (b) The subject property is 2 miles from the ~~subject property~~ the City of Champaign.
- (c) As reviewed in Case 699-AM-11 the types of uses authorized by right in the AG-1 District are nearly identical to the by right uses in the AG-2 District and any proposed Special Use on this property should be evaluated for compatibility with the adjacent AG-1 uses.
- (d) As described in the Zoning Ordinance the AG-2 District is intended generally for application to areas within one and one-half miles of existing municipalities.
- (e) The Zoning Map has always contained locations of the AG-2 District that are more than one and one-half miles from existing municipalities.

**REVISED DRAFT**

(f) Approximately one-half mile south of the subject property is a 3.9 acre tract that was zoned AG-2 in 1994 when the tract was two miles from the City of Champaign.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features other than best prime farmland and there are no natural features other than best prime farmland in the vicinity of the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

Currently, the subject property is zoned AG-1 Agriculture and the Petitioner's have requested to rezone the subject property to AG-2 Agriculture in related Case 699-AM-11 and the proposed use is rural.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

- (a) Currently, the subject property is zoned AG-1 Agriculture and the Petitioner's have requested to rezone the subject property to AG-2 Agriculture in related Case 699-AM-11.
- (b) The proposed use will be taking a minimal amount of land out of agricultural production and *{WILL / WILL NOT}* be a disturbance to agriculture activities (Note: This should be coordinated with evidence in Case 699-AM-11).
- (c) As reviewed in Case 699-AM-11 the types of uses authorized by right in the AG-1 District are nearly identical to the by right uses in the AG-2 District and any proposed Special Use on this property should be evaluated for compatibility with the adjacent AG-1 uses.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:

- A. The Petitioner has testified on the application, “**Currently, it is a vacant house. It will be occupied and the new building will be among beautiful landscape to conform to the property.**”
- B. The existing home and attached garage are not nonconforming uses. The home was authorized by Zoning Use Permit No. 178-85-01 and the attached garage was authorized by Zoning Use Permit 345-87-01.

*GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL*

- 12. Regarding proposed special conditions of approval:
  - A. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

**That the drainage improvements conform to the requirements of the Stormwater Management Policy.**

- B. **Regarding State of Illinois accessibility requirements:**
  - (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the proposed Event Center will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**
  - (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

The special conditions stated above are required to ensure the following:

**That the proposed Special Use meets applicable state codes for handicap accessibility.**

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed Event Center until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or**

*REVISED DRAFT*

later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.

The special conditions stated above are required to ensure the following:

**That the proposed structure is safe and built to current standards.**

- D. All onsite foodservice shall be in compliance at all times with the Champaign County Health Ordinance.**

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

**That foodservice for the proposed ~~Residential Recovery~~ Event Center is consistent with County requirements and the testimony in the public hearing and that compliance is enforceable.**

- E. The proposed parking area for the proposed Event Center shall comply with the Champaign County Zoning Ordinance requirements for screening from adjacent residences and Residential Districts.**

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

**That all parts of the proposed ~~Residential Recovery~~ Event Center are consistent with the Ordinance and that compliance is enforceable.**

- F. All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

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

**That the proposed Special Use is in on-going compliance with all applicable County requirements.**

- G. The following condition will ensure that the recommendation of Roger Windhorn (soil surveyor) regarding compaction of the septic site and that the septic system is built as was approved by the Champaign County Health Department are a requirement for a Zoning Use Permit:**

- (1) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property as recommended by the Roger Windhorn.**

- (2) **The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Zoning Use Permit for the Event Center.**
- (3) **The Zoning Use Permit Application for the construction and establishment of the proposed SPECIAL USE shall include the following:**
  - (a) **A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
  - (b) **The site plan for the Zoning Use Permit Application shall indicate the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (4) **A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to issuance of a Zoning Compliance Certificate for the proposed SPECIAL USE.**

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

**The area of the proposed septic system does not become compacted in order to prevent a reduction in permeability of the soil and that the septic system is in compliance with the Champaign County Health Department.**

**H. Regarding compliance with the Champaign County Stormwater Management Policy:**

- (1) Paragraph 7.2 B. of the Champaign County Stormwater Management Policy requires that if no easement exists for existing agricultural drainage tile an easement shall be granted for access and maintenance. The following condition will require that an easement be granted if there is no easement for existing agricultural drainage tile on the property:

**The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation that the petitioner has filed with the Recorder of Deeds a tile access and maintenance easement with a width of 40 feet for any underground tile in the developed portion of the property**

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

**The Special Use Permit is in compliance with the Stormwater Management Policy.**

*REVISED DRAFT*

- (2) Paragraph 7.2 C. of the Champaign County Stormwater Management Policy requires that all agricultural drainage tile located underneath areas that will be developed shall be replaced with non-perforated conduit to prevent root blockage provided that drainage district tile may remain with the approval of the drainage district. Trees are proposed as a screen near the agricultural drainage tile on the north edge of the property. The following conditions will require documentation of investigations to identify if tile are present and additional safeguards for any tiles encountered during construction on the subject property:
- (1) **The Zoning Administrator shall not authorize any Zoning Use Permit on the subject property until the following has occurred:**
- (a) **Subsurface investigations intended to identify underground drain tile are conducted at least 50 feet on either side of the suspected centerline of tiles indicated on the approved site plan and in a manner and to a depth below ground as recommended by the Champaign County Soil and Water Conservation District.**
  - (b) **Written notice identifying the proposed date for subsurface investigation has been to the Zoning Administrator at least one week prior to the investigation.**
  - (c) **If any underground drain tiles are encountered during the subsurface investigation the course of each tile across the subject property shall be established by additional investigation in consultation with the Champaign County Soil and Water Conservation District.**
  - (d) **Documentation and certification of all subsurface investigations by an Illinois Professional Engineer shall be provided to the Zoning Administrator.**
  - (e) **When full and complete excavation of tile clearly indicates that the tile does not serve any upstream areas other than the subject property and certifications to that effect are made in writing by an Illinois Professional Engineer and the excavations are inspected by the Zoning Administrator, such tile may be removed and capped at the point at which the tile enters the developed area.**
  - (f) **Any proposed construction on the subject property shall either be located so as to avoid any identified underground drain tile**



or the identified underground drain tile shall be relocated to avoid the proposed construction.

- (g) Any relocation of underground drain tile shall meet the requirements of the Champaign County Stormwater Management Policy and shall be certified by an Illinois Professional Engineer. Relocated tile shall be non-perforated conduit to prevent root blockage provided that the petitioner may install new underground drainage tile to serve the subject property so long as cleanout manholes are provided at the point of connection to the existing underground drain tile.
  - (h) As-built drawings shall be provided of any relocated underground drain tile and shall be approved by the Zoning Administrator prior to approval of a Zoning Use Permit Application on the subject property. Any relocated drain tile must be inspected by the Zoning Administrator prior to backfilling.
- (2) If any underground drain tile is encountered during construction the applicant must do the following:
- (a) Construction shall cease until the course of each tile across the subject property is established by additional investigation and construction shall not recommence until authorized by the Zoning Administrator except that construction that does not implicate the tile may continue.
  - (b) The Zoning Administrator shall be notified within 48 hours or the next business day.
  - (c) Any tile that is encountered during construction must be relocated or rerouted in conformance with the Champaign County Stormwater Management Policy unless the proposed construction is modified to avoid the tile. Any modification of the construction to avoid the tile shall be indicated on a revised site plan approved by the Zoning Administrator. Relocated tile shall be non-perforated conduit to prevent root blockage. Conformance of any tile relocation with the Stormwater Management Policy shall be certified by an Illinois Professional Engineer.
  - (d) As-built drawings shall be provided of any relocated underground drain tile and shall be approved by the Zoning

**REVISED DRAFT**

**Administrator prior to approval of a Zoning Use Permit Application on the subject property. Any relocated drain tile must be inspected by the Zoning Administrator prior to backfilling.**

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

**Possible field tiles on the subject property are identified prior to development and adequately protected and that any possible tiles that are discovered during construction are adequately protected.**

- I.** The site plan includes a vegetative screen (including evergreen trees) along the north side of the developed area. The following condition will ensure that the evergreen trees provide at least 50% of the required screen within two years of planting:

**The evergreen trees in the screening along the north property line shall be at least 2 feet 8 inches tall at the time of planting and within two years of issuance of a Zoning Compliance Certificate shall provide at least 50% of the required screen or additional plantings shall be required.**

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

**Adequate screening is provided to the parking areas and as a buffer for the adjacent property.**

- J.** The subject property fronts a County Highway. The driveway entrance and exit should be constructed of an all weather surface at a width, elevation, geometry, and materials (including culvert) as approved by the Champaign County Engineer so as to maintain safe entrance and exit conditions. The Zoning Ordinance does not require County Engineer approval of driveway access to a county highway even though County Engineer approval is required. The following conditions will ensure that the driveway access to County Highway 1 is approved by the Champaign County Engineer.

**The Driveway shall be improved as follows:**

- (1) The petitioner shall provide the County Engineer with engineering drawings of the proposed driveway entrance. In addition to the actual driveway the driveway drawings shall also include the following:**
- (a) A stop sign shall be placed on the event center driveway with due consideration for proper sight distance and shall be placed in accordance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) guidelines. The location and details of the**

**stop sign shall be included on the engineering drawings submitted to the County Engineer.**

- (b) Lighting at the entrance to the subject property shall be provided. This lighting shall only be operated during event times and fully comply with the lighting requirements of Section 6.1.2. The location of the lighting shall be included on the engineering drawings submitted to the County Engineer.**
  - (c) Way finding signage shall be placed a minimum of 200 feet in advance of the entrance to the subject property as recommended by the Traffic Impact Analysis conducted by CUUATS and detailed in the driveway drawings. All signage shall be placed in accordance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) guidelines.**
- (2) The Zoning Administrator shall not approve a Zoning Use Permit for the ~~temple building~~ proposed event center without documentation of the County Engineer's approval of the proposed driveway entrance.**
  - (3) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of the constructed driveway entrance including any necessary as-built engineering drawings.**

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

**All parking related to the Special Use Permit can safely enter and exit the subject property safely with adequate visibility and regardless of weather conditions.**

**K. Chief Paul Cundiff of the Thomasboro Fire Protection District has recommended four special conditions to ensure public safety that are in the following special condition:**

- (1) The Special Use shall include the following:**
  - (a) A KNOX box shall be installed on the building for fire department access.**
  - (b) A monitored fire alarm system shall be installed within the building.**
  - (c) An all access defibrillator shall be provided in the public space.**
  - (d) A dry hydrant shall be installed at the detention basin in a location that is within 8 feet of a hard surfaced driveway or a no parking area that is**

**REVISED DRAFT**

**built to carry the load of an emergency vehicle and is accessible at all times by a posted fire lane. The location and details of construction shall be approved in writing by the Thomasboro Fire Protection District Chief. The as-built dry hydrant shall also be approved in writing by the Thomasboro Fire Protection District Chief.**

- (2) The Fire Protection District shall approve the operation of the dry hydrant and all other items requested by the Fire Chief in writing before the Zoning Compliance Certificate authorizing occupancy can be approved by the Zoning Administrator.**
- (3) The dry hydrant shall be maintained in good working order by the landowner for the life of the special use permit.**

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

**Adequate public safety.**

**DOCUMENTS OF RECORD**

1. Special Use Permit Application received on November 10, 2011, with attachments:
  - A Letter of Intent
  - B Sketches of location, existing use, and proposed use
2. Petition for Zoning Map Amendment signed by Lauren and Anne Murray received on November 10, 2011, with attachments:
  - A Letter of Intent
  - B Sketches of location, existing use, and proposed use
3. Site Plan, Building Plan, and Exterior Drawings received on February 9, 2012
4. Letter of Intent received February 9, 2012
5. Septic System Permit and Application received February 9, 2012
6. On-site Soil Evaluation for Septic Filter Field received February 13, 2012
7. Revised Site Plan received February 13, 2012
8. Revised Site Plan received March 2, 2012
9. Preliminary Memorandum for Case 700-S-11 dated March 23, 2012, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan (Proposed Development) received March 2, 2012
  - C Building plans and drawings received February 9, 2012
  - D Stormwater Drainage Plan
  - E Septic System Plan
  - F Letter of Intent received February 9, 2012
  - G Draft Summary of Evidence, Finding of Fact, and Final Determination
10. Preliminary Memorandum for Case 699-AM-11 dated March 23, 2012, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Draft Finding of Fact, and Final Determination
11. Supplemental Memorandum for Case 700-S-11 dated March 29, 2012, with attachment:
  - A Letter from Don Wauthier received March 27, 2012
12. Special Report from the Hensley Township Plan Commission submitted by Mr. Ben McCall at the March 29, 2012, public hearing.
13. Revised site plan received April 17, 2012
14. Supplemental Memorandum for Case 700-S-11 dated April 20, 2012 with attachments:

- A Revised site plan received April 17, 2012
  - B County Highway 1 Crash Location and Severity Map 2007-2011
  - C County Highway 1 5-Year Crash Information Map
  - D Revised Summary of Evidence, Finding of Fact, and Final Determination
15. Supplemental Memorandum for Case 699-AM-11 dated April 20, 2012, with attachment:  
A Revised Finding of Fact and Final Determination
16. Scope of Services from the Champaign County Regional Planning Commission received April 23, 2012
17. Supplemental Memorandum for Case 700-S-11 dated April 26, 2012, with attachments:  
A Traffic Accident Information for County Highway 1  
B Scope of Services  
C Letters of Support from the following:  
  - 1. Roger and Marilyn Babb, 2126 CR 1100E, Champaign
  - 2. Kevin Babb, 2126 CR 1100E, Champaign
  - 3. Gene Warner, 1006 Churchill Downs Drive, Champaign
  - 4. Mark J. Kesler
  - 5. Ron, Rich, Bernie, and Steve Hammond
  - 6. Don and Lois Wood, 2283 CR 1100E, Champaign
  - 7. Thomas R. Ramage, President, Parkland College, 2400 W. Bradley Ave, Champaign
  - 8. Elizabeth Collins
  - 9. Terri Kirby, Horizon Hobby, 4105 Fieldstone Road, Champaign
  - 10. John and Vicky Tedlock, 467 CR 2600N, Mahomet
  - 11. Alex Ruggieri, Sperry Van Ness-Ramshaw Real Estate, 505 W. University Ave, Champaign
18. Traffic Impact Analysis prepared by the Champaign-Urbana Urbanized Area Transportation Study (CUUATS), received May 16, 2012
19. Supplemental Memorandum for Case 700-S-11 dated June 8, 2012, with attachments:  
A Approved minutes from the April 26, 2012, public hearing for Case 699-AM-11 and 700-S-11  
B Traffic Impact Analysis  
C NRCS Dry Hydrant Information and Standard Details  
D Site Distance Map  
E Revised Summary of Evidence, Finding of Fact, and Final Determination
20. Supplemental Memorandum for Case 699-AM-11 dated June 8, 2012, with attachments:  
A Approved Minutes from the April 26, 2012, public hearing for Cases 699-AM-11 and 700-S-11  
B Revised Finding of Fact, and Final Determination



21. Revised Site Plan received June 11, 2012
22. Supplemental memorandum for Case 700-S-11 dated June 14, 2012, with attachments:
  - A Annotated Site Plan
23. Supplemental Memorandum for Case 699-AM-11 dated June 14, 2012, with attachments:
  - A Comparison of AG-2 District in Somer Township with Proposed AG-2 District
23. Petition in support of the proposed Special Use submitted by Annie Murray on June 14, 2012
24. Written statement submitted by Phil Kesler on June 14, 2012
25. Written statement submitted by Birgit McCall on June 14, 2012
26. Written statement submitted by Ben McCall on June 14, 2012
27. CUUATS response to Birgit McCall testimony received June 19, 2012
28. Email dated June 19, 2012 from Annie Murray
29. Revised Site plan received June 26, 2012
30. Revised Site plan received June 28, 2012
31. Revised Site Plan received July 3, 2012
32. Supplemental Memorandum for Case 700-S-11 dated July 6, 2012, with attachments:
  - A Revised Site Plan received July 3, 2012
  - B Petition of support submitted on June 14, 2012, by Annie Murray
  - C CUUATS response to June 14, 2012 testimony of Birgit McCall
  - D Summary of Evidence, Finding of Fact, and Final Determination
33. Supplemental Memorandum for Case 699-AM-11 dated July 6, 2012, with attachments:
  - A Zoning Map
  - B Excerpt of June 14, 2012 draft minutes
  - C LRMP Appendix of Defined Terms
  - D Finding of Fact and Final Determination
34. LRMP Goals, Policies, Objectives, and Appendix of Defined Terms

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 700-S-11 held on **March 29, 2012, April 26, 2012, and June 14, 2012, and July 12, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit ~~*{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN {IS / IS NOT}}*~~ necessary for the public convenience at this location because:  
\_\_\_\_\_  
\_\_\_\_\_
  
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:
  - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility *{BASED ON / DESPITE}* the Traffic Impact Analysis prepared by CUUATS.  
\_\_\_\_\_  
\_\_\_\_\_
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{BASED ON / DESPITE}* the special conditions based on the recommendations of the Thomasboro Fire Department.  
\_\_\_\_\_  
\_\_\_\_\_
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because\*}*:  
\_\_\_\_\_  
\_\_\_\_\_
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{BASED ON / DESPITE}* the review of the preliminary stormwater drainage plan by the County's engineering consultant.  
\_\_\_\_\_  
\_\_\_\_\_
  - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{BASED ON / DESPITE}* the special conditions based on the recommendations of the Thomasboro Fire Department; and the requirement for building code compliance pursuant to Public Act 96-074.

- 
- 
- 
- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{BASED ON / DESPITE}* the proposed permanent parking and overflow parking areas.
- 
- 

*(Note the Board may include other relevant considerations as necessary or desirable in each case.)*

\*The Board may include additional justification if desired, but it is not required.

- 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.
- 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:
- a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes (see Finding of Fact 3a.).
  - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses (see Finding of Fact 2c.).
  - c. Public safety will be *{ADEQUATE / INADEQUATE}* (see Finding of Fact 2e.).
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:
- a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location (see Finding of Fact 1.).
  - c. 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 / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare (see Finding of Fact 2.).
  - d. 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 (see Finding of Fact 3b.).
5. The requested Special Use *{IS/ IS NOT}* an existing nonconforming use.
6. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA*

***FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED  
BELOW}***

\*The Board may include additional justification if desired, but it is not required.

**FINAL DETERMINATION**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval { *HAVE/ HAVE NOT* } been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **700-S-11** is hereby { *GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED* } to the applicants **L.A. Gourmet Catering, LLC** owned by **Anne and Lauren Murray** to authorize the construction and use of an Event Center as a “Private Indoor Recreational Development” as a Special Use subject to the approval of related rezoning Case **699-AM-11** { *SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:* }

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

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

**5.      Continued Public Hearing**

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

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

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

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

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



**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

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

2

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

9

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

11

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

22

23 Mr. Hall stated that the new Supplemental Memorandum dated June 14, 2012, for Case 700-S-11  
24 has the petitioner's revised site plan attached. He said that Mr. Kass highlighted the revisions to the site plan  
25 in yellow. He said that the plan now indicates the following exterior changes: an illuminated sign, KNOX  
26 Box location, dry fire hydrant location, and the location of the overflow parking along the lane. He said that  
27 the dry hydrant location and the KNOX Box location were concerns of Chief Cundiff, Thomasboro Fire

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

*ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12*

1 Protection District and the overflow parking was a concern of Ms. Anderson. He said that the plan indicates  
2 the following changes recommended by the County Engineer and CUUATS regarding the driveway  
3 connection with County Highway 1: a stop sign, the illuminated business sign, the light to illuminate the  
4 intersection during business hours, and the entrance warning sign which is located 200 feet south of the  
5 proposed driveway. He said that if there are questions from the Board regarding the other documents that  
6 were included in the mailing he would be happy to address those questions at this time. He noted that the  
7 cases are ready for action tonight.

8

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

10

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

13

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

17

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

19

20 Mr. Hall stated that evidently there is not enough because the Board has a request before them for ten more  
21 acres. He said that whether or not the Board would recommend a blanket rezoning for property that hasn't  
22 been requested is a different matter and he would not recommend it. He said that staff only provided the  
23 map because the property is closer to the City of Champaign than other property in the AG-2 District is from  
24 the City of Urbana. He said that they are different townships and they may have different aspirations and it  
25 is difficult to go through the records of the original zoning commissions to identify why there was so much  
26 AG-2 in Somer Township in 1973 and why there was so much less in Hensley Township. He said that the

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

*ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12*

1    municipal boundaries at this time are what they are and the boundary of AG-2 has not changed therefore in  
2    Somer Township the south side of Leverett Road has been AG-2 since 1973 and the City of Urbana has  
3    expanded from where it was in 1973 and he cannot explain the differences.

4

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

6

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

9

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

11

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

13

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

15

16    Mr. Thorsland called Philip Kesler to testify.

17

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

23

24    Mr. Kesler stated that in a letter from Gene Warner, dated April 17, 2012, Mr. Warner states in paragraph  
25    1 that he lives one-quarter mile directly south of where the building will sit and then in paragraph 3 of the  
26    same letter he stated that he is the closest house to the proposed event center. Mr. Kesler stated that in a

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1 letter from the Hammels, dated April 19, 2012, they indicated that the building will be almost one-half mile  
2 from anyone else. Mr. Kesler stated that Mr. Warner and the Hammels can't both be right and in fact,  
3 neither one of them is right. He said that his mother's house is 588 feet from the event center property at the  
4 closest point and 1,250 feet at the furthest point and both measurements are well within one-quarter mile.  
5 He said that Peggy Anderson lives even closer and Dave and Judy Swartzendruber also live within one-  
6 quarter of a mile of the property and all are closer than Mr. Warner and all live much closer than one-half  
7 mile and they all are concerned about the development of an event center.

8

9 Mr. Kesler stated that the Hammels' letter also states in paragraph 1, that they live on the Dewey-Fisher Road  
10 and the traffic is bad going and coming from work during the week, not when this facility will be used on  
11 Saturday afternoons. Mr. Kesler stated that of course the event center will be used at other times, including  
12 evening and night hours and he is sure that these men don't intend to mislead us but they are inaccurate and  
13 give a false impression and they are not alone. Mr. Kesler stated that he is using the submitted letters as  
14 examples.

15

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

25

26 Mr. Kesler stated that the southwest corner of section 14 has four commercial businesses, Thoroughbred

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1 Acres to the north, the Hindu Temple to the north of Thoroughbred Acres, his mother's house adjoining the  
2 temple property and then open fields north of that. He said that the site of the proposed event center is in the  
3 middle of those open fields therefore he must ask if that sounds like good planning and does that sound like  
4 growth in contiguous areas. He said that his community needs the Board's help in keeping Section 14 of  
5 Hensley Township from becoming a crazy quilt of different uses.

6

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

12

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

22

23 Mr. Kesler stated that the Murrays have told the Zoning Board that they do not intend to hold events in  
24 January and February but according to evidence presented at the April 26 meeting the majority of accidents  
25 occur at other times of the year. He said that certainly January and February are not the only months with  
26 bad weather and on any given day in December and March the weather can be just as bad or worse than it is

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1 in January and February. He said that the petitioners may always change their minds and decide to host  
2 events in January and February.

3  
4 Mr. Kesler stated that past meetings of the ZBA have focused on these weather related issues and the  
5 Regional Planning Commission Traffic Impact Analysis focused on traffic volumes but there is another  
6 consideration. On Friday, May 11, 2012, there was a serious accident in front of the Murray property  
7 (Accident Report S12-1515) and two people went to the hospital. He said that this was a beautiful, clear day  
8 and the accident was caused by erratic driving and one of the cars crossed the centerline. He said that this is  
9 the same kind of driving that might be expected from people leaving a wedding reception with an open bar,  
10 or for that matter, any event where liquor is served.

11  
12 Mr. Kesler stated that the L.A. Gourmet patrons are going to be entering a two lane road with fast moving  
13 cars, trucks and slow moving farm equipment with side implements. He said that farm equipment is on this  
14 road seven days a week in the spring and fall and Kraft semi-trucks are on the road seven days a week  
15 throughout the year. He said that this is already a dangerous road and now it is being proposed to add drivers  
16 who have been attending events where liquor is served. He asked the Board what they believe will happen.

17  
18 Mr. Kesler stated that he is glad that the Board has focused on public safety at these meetings and that has to  
19 be the Board's top priority but he hopes that the Board will support retaining the AG-1 zoning. He said that  
20 changing the zoning for this property is not consistent with the goals and objectives in the Champaign  
21 County Land Resource Management Plan. He said that the event center and accompanying parking lot,  
22 lights and signs and the noise and traffic will forever change the rural nature of this area.

23  
24 Mr. Thorsland asked the Board if there were any questions for Mr. Kesler and there were none.

25  
26 Mr. Thorsland asked if staff had any questions for Mr. Kesler.



**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

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

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

Mr. Thorsland called Birgit McCall to testify.

Ms. Birgit McCall, who resides at 1085 CR 2200N, Champaign, read and submitted her written testimony as a Document of Record. She said that she would like to first discuss traffic safety. She said that she felt, from a safety perspective, that the traffic study evaluated all four road segments on Mattis Avenue using the same criteria and the analysis was done as if there are four apples, when in reality there are three apples and an orange. She said that she took the numbers from the study and performed further analysis to see how safety factors differed from segment to segment.

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

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2 Ms. McCall stated that the study states that Rear End accidents far outnumber any other type of accident.  
3 However, when we pull out the segment north of Olympian, Rear End accidents drop to 14% and Turning  
4 accidents become the most common at 36%. She said that the Turning accidents are of particular concern  
5 due to the high turn volume at Hensley and Mattis (and the unknown turn volume from the Temple and  
6 subject property). The study indicates that the level of service at Hensley and Mattis will drop from a B to  
7 an F, and waiting times for westbound traffic will increase 764%. She said that this will, without doubt,  
8 cause people to make riskier decisions at that intersection out of impatience and, in turn, increase the number  
9 of accidents. She said that when we look at accident severity for the three segments south of Olympian  
10 Drive, we see that C Class accidents are the highest at 42% but north of Olympian, C Class accidents occur  
11 infrequently, with the vast majority of accidents (92%) resulting in visible or incapacitating injury or death.  
12 This is unsurprisingly due to the high speed of that segment of road while the study stated that the free flow  
13 speed is 52 mph, she cannot think of a time (unless she was towing or there was bad weather) when the  
14 traffic moved at less than 60 mph. She said that she finds that there is no mention in the study of the  
15 visibility issues at the subject property and that is a glaring oversight. She said that the site distance map  
16 included in the most recent packet indicates that there is 588 feet from the top of the hill where visibility is  
17 restored to the subject driveway. She said that using a standard formula for stopping distance, a car traveling  
18 at 60 mph on dry roadway needs 185 feet to stop and 414 feet to stop on a wet roadway. When we add in  
19 176 feet for an average two second response and braking time, those numbers become 361 and 590 feet  
20 respectfully. She said that a sign (unless it is very large) 200 feet before the entrance won't even give people  
21 enough time to stop, much less safely decelerate prior to the entrance. She said that stopping uses between  
22 64% and 101% of the available road distance, and if there is any traffic backup or slowdown approaching the  
23 entrance (which seems likely for high volume events), then there will be accidents. Using weather data from  
24 2006-2010, on average there are 11 days per month that have precipitation in the form of rain or snow.  
25  
26 Ms. McCall stated that it is her opinion that it is very clear that after looking at the accident data specifically

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1 for the segment north of Olympian that the safety finding of the CUUATS report are, at best, incomplete.

2  
3 Ms. McCall stated that she would now like to note a few personal comments. She said that after the last  
4 meeting, she attempted to clarify her thoughts on why she is opposed to the re-zoning request. She said that  
5 she phrases it this way because she is not, in general, opposed to the special use permit for a rural event  
6 center on property already zoned for such use. She said that she strongly feels that zoning should be about  
7 appropriate land use not about the people involved and that everybody should be able to get fair  
8 consideration regardless of their personal qualifications.

9  
10 Ms. McCall stated that in previous testimony, AG-2 has a specific definition, and this request, in her  
11 opinion, pretty much asks for that definition to be ignored. She said that for every exception that is approved  
12 it makes it that much easier for the next petitioner to use the earlier case as justification. If this case is  
13 approved, then anybody who wants to make a profit off of or leverage the “country experience” will have a  
14 good argument. She said that perhaps a company decides it needs tranquility for its employees to be able to  
15 work at their very best, so it buys a property in AG-1 and asks for it to be re-zoned for a small office park  
16 because they need that peace and quiet for their employees. She said that she is being a bit tongue and  
17 cheek, but the point remains. She said that it also makes it much easier for the City of Champaign to work  
18 its way up the road and increase the bureaucratic red tape for things like putting up a machine shed or  
19 building a deck and increasing our taxes too.

20  
21 Ms. McCall stated that for many of the people who have written or verbally supported the event center, it is  
22 clearly more about the petitioners than the zoning and she makes that statement for a couple of reasons. The  
23 first is that some of the people who are supporting the Murrays were opposed to the Hindu Temple because  
24 they along with 87 other residents of Hensley Township attended protest meetings or signed a petition  
25 opposing it. She said that when you take a high level view of the two projects, they are very similar in size  
26 and nature, with the event center having a more negative impact on the area due to the larger number of high

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1 volume events. The second reason is that while there is support for the event center, much of that support is  
2 from outside Hensley Township or from people who do not live in the immediate area, which she defines as  
3 Mattis between Hensley and 2200N. She said that it is very easy to support something that will not directly  
4 impact you. She said that it is really hard to stand up and oppose something that doesn't impact you and she  
5 doesn't say that just because she hates speaking in public. She said that she believes that it is impossible to  
6 not have a negative impact on the residences closes to the property and there is just no way a neighbor can  
7 have 50 or one hundred plus people over every weekend and not disturb what is otherwise a pretty tranquil  
8 area.

9

10 Ms. McCall stated that she also feels that if this request is approved it would act as a windfall for the family  
11 because AG-1 ground is significantly cheaper than ground already approved for more commercial uses and  
12 this, at some level, is unfair to others who purchased land already zoned for their intended purpose. She said  
13 that while she strongly objects to re-zoning AG-1 to AG-2, if she had to select one of the two properties  
14 owned by the Murray family as more appropriate for an event center, and she uses the term Murray family to  
15 describe any property where the tax bill goes to 2607 CR 1000E, it seems that the current location on CR  
16 1000E is far more suitable. She said that both properties are rural residences on approximately 10 acres but  
17 CR 1000E is a low volume street which would mitigate many of the safety concerns. She said that 266 acres  
18 to the north and west and the 113 acres to the south of that property are owned by the Murray family  
19 therefore no spillover drainage issues would occur and the closest and pretty much only neighbor has  
20 provided testimony in support of the event center.

21

22 Ms. McCall concluded that when she was growing up and would indicate that she needed something her  
23 father would invariably ask her if she wanted it or needed it. She said that if she indicated that she needed,  
24 which was common when she was younger, she was asked to justify why it was a need and not a want  
25 therefore she consequently became very good at differentiating between the two. She said that currently  
26 there is a petition circulating online to bring a Trader Joes to Champaign and a few thousand people have

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

*ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12*

1 signed the petition. She said that there are obviously a large number of people that would like a Trader Joes  
2 in the community and would shop there and she is one of them, however she realizes that Champaign does  
3 not need a Trader Joes and Champaign certainly does not need to rezone a piece of property to simply get  
4 one. She said that if a rezoning were the case she would oppose the rezoning and continue to drive to  
5 Chicago or Indianapolis for her Trader Joes fix and she finds that a rural event center falls into the same  
6 category. She said that there will be a great number of people who would happily use it but she believes that  
7 it is a stretch to say that it is an unmet need in the community.

8  
9 Ms. McCall thanked the Board and staff for their attention and patience in hearing her testimony.

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

12  
13 Mr. Thorsland asked if staff had any questions for Ms. McCall.

14  
15 Mr. Hall complimented Ms. McCall for her review of the traffic impact analysis. He said that Ms. McCall  
16 commented on the level of service at Hensley Road and Mattis Avenue and he believes that the level of  
17 service dropping from “B” to “F” is on the approaches from either side and not on Mattis Avenue/County  
18 Highway 1.

19  
20 Ms. McCall stated that she agrees with Mr. Hall regarding his comment about the level of service. She said  
21 that it would be someone sitting on Hensley Road attempting to make a left on to Mattis Avenue.

22  
23 Mr. Hall asked Ms. McCall if she reviewed the area where the traffic impact analysis gives the level of  
24 change for the intersection overall from “A” to “B”.

25  
26 Ms. McCall stated that she objects to some of their information.

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

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

Mr. Thorsland called Ben McCall to testify.

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

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

Mr. McCall continued with reasoning 4: no justification at all given for AG-1 to AG-2 rezoning other than the petitioners' desire to do something on the land that isn't allowed in AG-1. He said that he would take issue with the comment from staff indicating that there is not enough AG-2 land simply because there is a request to rezone a parcel of land from AG-1 to AG-2. He continued with reasoning 5: rezoning to AG-2



**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1    would fly in the face of the intent of that district. He read quotations from the Zoning Ordinance supporting  
2    item 5 as follows: “prevent scattered indiscriminate urban development;” and “located in areas close to  
3    urban areas;” and “areas within 1.5 miles of existing communities.”

4  
5    Mr. McCall continued with reasoning 6: approving the petitions would violate the basic tenet of “compact  
6    and contiguous growth” which is LRMP Goal 5. He said that hundreds of hours of citizen, elected official  
7    and staff time were spent in creating the LRMP and the Board should not disregard the goal of having  
8    compact and contiguous growth because the proposed development is neither compact or contiguous with  
9    the surrounding municipalities. He continued with reasoning 7: Despite staff’s attempts to paint this as  
10    helping to achieve LRMP Goals 3, 4, 6, and 7, it does not; and 8. the proposed use does not preserve the  
11    essential rural character of the district because nothing in the Draft Finding of Fact suggests that it does and  
12    the petitioners did not even respond to this question on the application; and 9. the proposed use is definitely  
13    not necessary for the public convenience at this location because the rural event center may be desirable to  
14    the petitioners but not necessary for the public convenience and other locations would be better suited to an  
15    event center. He said that reasoning 10 indicates that all of the closest neighbors have significant concerns  
16    and or strongly object; and 11. Approval of this request would set a dangerous precedent for easy and  
17    indiscriminate development of AG-1.

18  
19    Mr. McCall stated that he was especially shocked when he read through the Draft Finding of Fact and  
20    reviewed the *LaSalle* and *Sinclair* Factors, which is criteria set by the courts that are to be considered during  
21    zoning cases, because all of the *LaSalle* and *Sinclair* factors seemed to point to denying the petitioners,  
22    despite that the Draft Finding of Fact trying to convince them otherwise; and the *LaSalle* factor which  
23    indicates the following, “the relative gain to the public as compared to the hardship imposed on the  
24    individual property owner” should also be considered with respect to the neighbors. He said that there is a  
25    very limited gain to the public, other than the substantial gain to the petitioner, but a large hardship imposed  
26    on the neighbors.

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1

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

8

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

13

14 Mr. McCall stated that he has constructed his own findings for the Draft Finding of Fact for Case 699-AM-  
15 11 as follows: 1. The proposed Zoning Ordinance map amendment will not help achieve the Land Resource  
16 Management Plan because the proposed Zoning Ordinance map amendment will not help achieve the  
17 following LRMP goals: 5. He said that 2. The proposed Zoning Ordinance map amendment is not consistent  
18 with the *LaSalle* and *Sinclair* factors because: A. it is incompatible with the existing uses of nearby property;  
19 and B. property values of adjacent residences, which currently enjoy a tranquil rural atmosphere, would be  
20 diminished by the proposed amendment; and C. the proposed rezoning would enable a special use that would  
21 have a negative impact on public safety; and D. the relative gain to the public is minimal, whereas the  
22 rezoning would represent a substantial hardship to the adjacent property owners; and E. the subject property  
23 is unsuitable for the proposed purposes because of inadequate visibility along a busy thoroughfare; and F. the  
24 property has not been vacant so there is no reason to rezone it to enable development; G. there is no  
25 demonstrated need for the use at this particular location; and H. the use does not conform with LRMP Goal 5  
26 or the planning goals of Hensley Township.

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

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

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

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

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

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

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

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

Mr. Hall asked Mr. McCall if, unlike many others who have testified, he does not believe that the noise and odors of the agricultural district will keep people behind glass 24 hours per day.

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

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

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

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

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

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

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

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

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

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

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

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

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

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

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

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



**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2 Mr. Hall asked Mr. McCall if this was his only public safety concern for the proposed development.

3  
4 Mr. McCall stated yes. He said that with the proposed use there will be more congestion at the intersection  
5 of the Dewey-Fisher Road and Mattis Road and he believes that there may be additional accidents at that  
6 location.

7  
8 Mr. Hall asked Mr. McCall if he believes that CUUATS overlooked that intersection as well.

9  
10 Mr. McCall stated yes. He said that he is disappointed with the traffic impact analysis and he does not know  
11 if there was a time restriction or if the mandate only extends to certain issues or if they had a mind set to  
12 encourage urban development.

13  
14 Mr. Hall asked Mr. McCall if he could indicate the number of parking spaces that he believes is required for  
15 the proposed use.

16  
17 Mr. McCall stated that he is not sure that he is qualified to answer Mr. Hall's question but he does find it  
18 remarkable that the traffic impact analysis mentioned 235 vehicles for 400 people therefore the proposed 84  
19 parking spaces is inadequate. He said that the drainage issues are based on the size of the paved area  
20 therefore if that area was to be increased there will be additional drainage to be accommodated.

21  
22 Mr. Hall asked Mr. McCall if he believed that the Board should require at least 170 parking spaces.

23  
24 Mr. McCall stated that he would be more comfortable if the Board required 170 parking spaces but it is still  
25 less than what an agency which is presumably an expert recommended.

26

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1 Mr. Thorsland asked if staff had any additional questions for Mr. McCall and there were none.  
2  
3 Mr. Thorsland asked the Board if there were any questions for Mr. McCall and there were none.  
4  
5 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. McCall.  
6  
7 Mr. Thorsland called Anne Murray to the cross examination microphone.  
8  
9 Ms. Murray stated that Mr. McCall indicated that there was evidence of other property which could be  
10 utilized for the event center.  
11  
12 Mr. McCall stated that previous testimony was given indicating that the Murray family owns other property  
13 and he has discussed the case with a realtor who indicated that there are a number of other properties with  
14 houses on rural land. He said that previous testimony was given by a realtor indicating how much time was  
15 spent searching for commercial property but did not indicate that a search was performed for residential  
16 zoning with the correct zoning designation for the proposed use.  
17  
18 Ms. Murray stated that an additional realtor, who was part of the real estate team searching for properties for  
19 the proposed use, is present tonight and is available to testify regarding what type of properties were  
20 researched.  
21  
22 Mr. McCall stated that it is not his place to call for testimony. He said that Ms. Murray was called to ask  
23 him questions about his testimony and he is happy to address those questions.  
24  
25 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. McCall at this time and there  
26 was no one.

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1

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

4

5 Mr. Thorsland closed the witness register.

6

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

12

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

19

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

24

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

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

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

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

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

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

Mr. Hall stated yes. He said that the ground is best prime farmland today and will remain so on January 1, 2013.

Mr. Thorsland stated that he could re-open the witness register and call Jack Murray to testify regarding crop production.

Mr. Kass distributed copies of the LRMP Goals, Objectives and Policies to the Board.

Mr. Thorsland re-opened the witness register.

Mr. Thorsland called Jack Murray to testify.

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Mr. Jack Murray, who resides at 2607 CR 1000E, Champaign, stated that there are 3.2 acres behind the house that has grass and trees on it and has not been in crop production for 25 years. He said that all of the ground in front of this area has been in row crop and the ground west of the house will continue to be in row crop.

Ms. Capel stated that, for practical purposes, no land will be taken out of production.

Mr. Murray stated that nothing will be taken out of production for the event center. He said that there is adequate space, as indicated in the aerial photograph, from the house to the east because it has been in grass and there are approximately 40 trees existing in that area. He said that, as a farmer, he does not intend to tear out 40 trees to farm two acres.

Mr. Thorsland stated that the revised site plan indicates overflow parking in grass to the west of the house.

Mr. Murray stated that the area west of the house is currently in row crop but if additional parking area is required it would have to go near the road in front of the trees.

Mr. Thorsland stated that the row crop area would be replaced with grass.

Mr. Murray stated that if overflow parking is required then yes. He said that the area for the overflow parking is not bituminous and it would be constructed with concrete blocks so that the grass can grow up through it and will not increase the requirement for water runoff.

Mr. Thorsland stated that row crop production would be lost for every amount of grass parking that may be required.

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Mr. Murray stated yes.

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

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

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

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

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

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

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

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

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



**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

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

2

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

12

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

14

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

17

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

20

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

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

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

Mr. Thorsland called for a five minute recess.

**The Board recessed at 8:13 p.m.**  
**The Board resumed at 8:20 p.m.**

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

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

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

**EXCERPT OF DRAFT MINUTES FOR CASES 699-AM-11 & 700-S-11**

ZBA                      DRAFT                      SUBJECT TO APPROVAL                      DRAFT                      6/14/12

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

3

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

5

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

7

8 **Ms. Capel moved, seconded by Mr. Palmgren to continue Cases 699-AM-11 and 700-S-11 to the July**  
9 **12, 2012, meeting. The motion carried by voice vote.**

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

# CASE NO. 720-V-12

PRELIMINARY MEMORANDUM

July 6, 2012

Champaign  
County  
Department of

PLANNING &  
ZONING

**Petitioners:** Robert Dorsey and Elizabeth Buck

**Request:** Authorize the following in the R-2 Single Family Residence Zoning District:

Part A. Variance from Section 4.2.1G. requirement that no accessory use or structure be established prior to a main or principal use or structure.

Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet, on the following property:

**Subject Property:** Lots 4, 5, 6, 7, and 8 of Block 4 of S.H. Busey's First Addition to the Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly known as 216 East Street, Penfield.

**Site Area:** 42,900 square feet

**Time Schedule for Development:** Unknown

**Prepared by:** Andy Kass  
Associate Planner

**John Hall**  
Zoning Administrator

---

## BACKGROUND

The petitioner's property consists of five non-conforming lots of record that are divided by a 20 feet wide alley. The petitioner's dwelling is located on the western two non-conforming lots of record. Until recently there were also two dwellings on the three eastern non-conforming lots of record and several sheds including a shed over 15 feet in height that was authorized as an Administrative Variance (633-AV-06) and Zoning Use Permit 192-05-01. The petitioners recently removed the dwellings on the eastern lots (one dwelling had been damaged by fire). The petitioners now request a variance to allow a 40' x 56' shed on the eastern property that does not have a principal use or structure upon it.

The petitioners also request a variance for the shed height of 18.5 feet in lieu of the maximum required 15 feet. The petitioners have indicated that the proposed building needs to be 18.5 feet tall to allow them to store their camper in the shed.

In determining Part A of this variance the Board should consider whether this variance amounts to authorizing a shed as a principal use, which is not authorized by the Ordinance, or if this variance amounts to something less than that, in which case it may be authorized. It may be helpful for the Board to consider how the circumstances of this variance might differ from a hypothetical instance wherein the principal use (dwelling) is separated from the accessory use by a street instead of an alley.

---

## EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Residential	R-2 Single Family Residence
North	Residential	R-2 Single Family Residence
East	Residential	R-2 Single Family Residence
West	Residential	R-2 Single Family Residence
South	Residential	R-2 Single Family Residence

## PROPOSED SPECIAL CONDITION

### A. The Variance shall be deemed void if any of the following occur:

- (1) **If the petitioners sell either the current home, or the garage property to a buyer who does not also purchase the other property.**
- (2) **If at least a 20 feet length of the alley between the relevant properties is ever vacated.**
- (3) **If any building on the eastern portion of the property is ever converted to include a dwelling unit with a septic system.**

The special condition stated above are required to ensure the following:

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

### B. The garages on the subject property shall not be rented out as storage space.

The special condition stated above are required to ensure the following:

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

## ATTACHMENTS

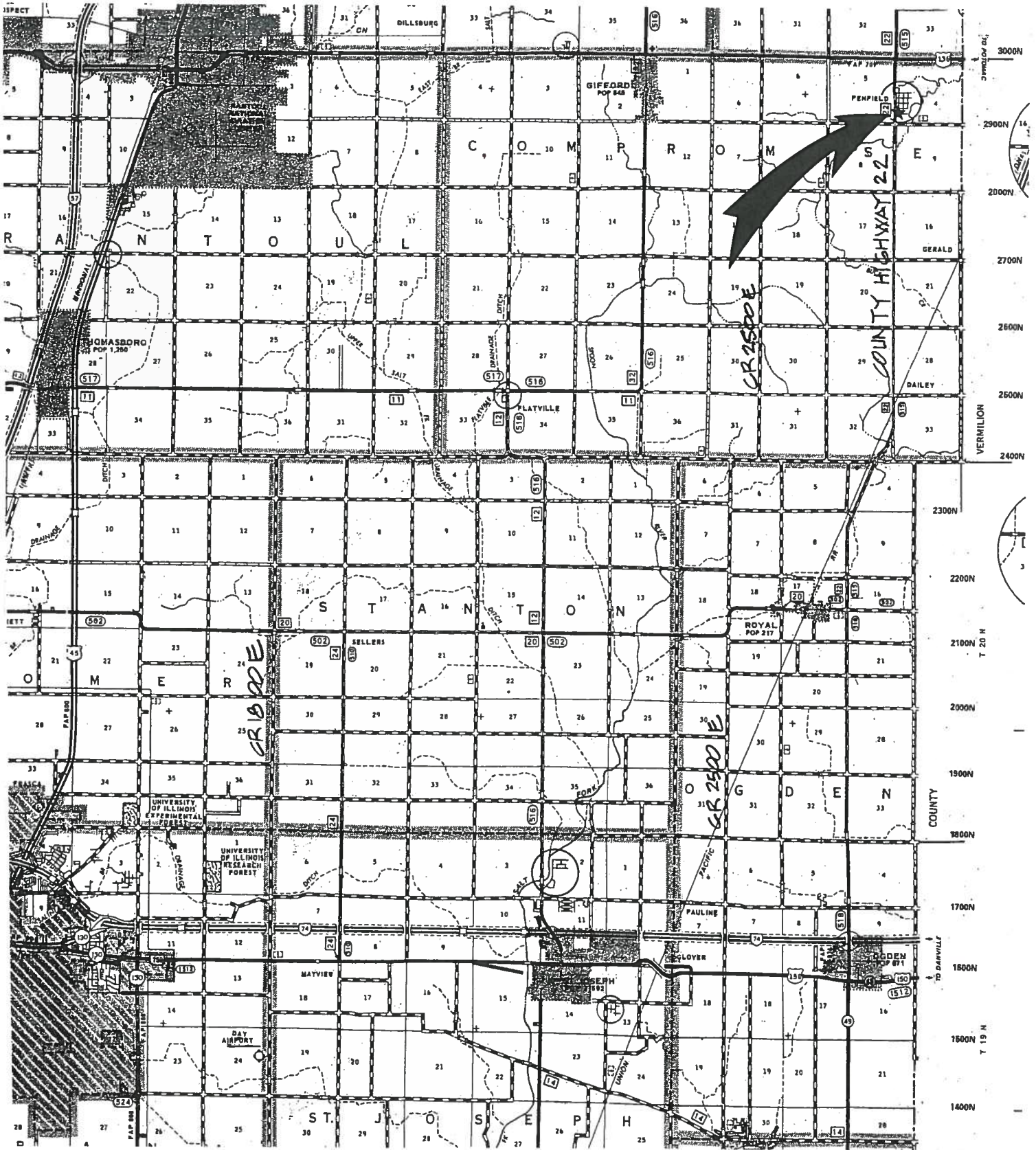
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received May 22, 2012
- C Draft Summary of Evidence, Finding of Fact, and Final Determination



# ATTACHMENT A. LOCATION MAP

Case 720-V-12

July 6, 2012



Area of Concern



Champaign  
County  
Department of  
**PLANNING &  
ZONING**



Attachment A: Land Use Map  
Case 720-V-12  
July 6, 2012



 Subject Property

1 inch = 100 feet

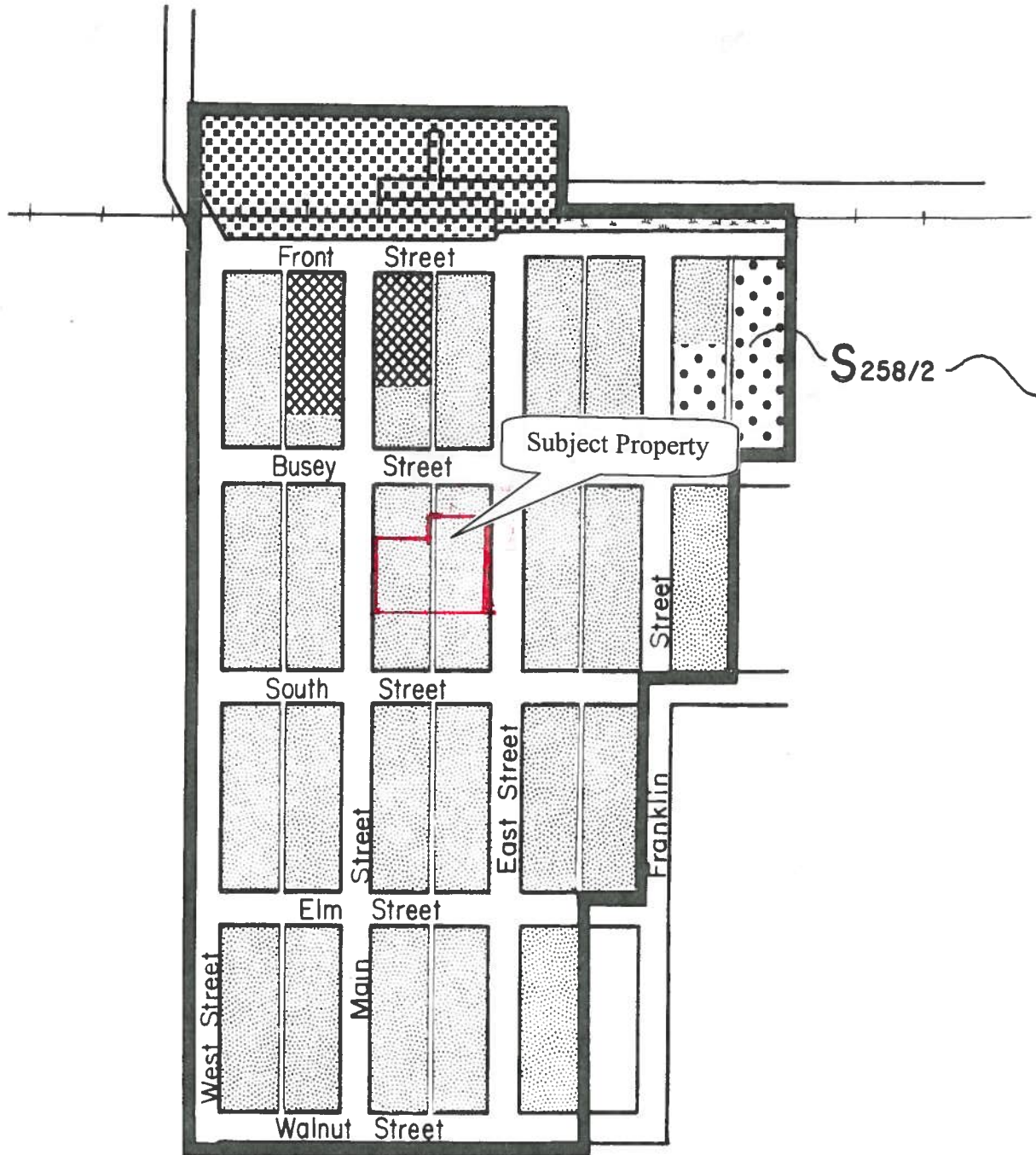




ATTACHMENT A. ZONING MAP

Case 720-V-12

July 6, 2012



PENFIELD  
(Unincorporated)

AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry
CR Conservation-Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry

NORTH  
 Champaign County  
 Department of  
**PLANNING & ZONING**

West

130 x 132

CHC Main St  
Side Walk

RECEIVED

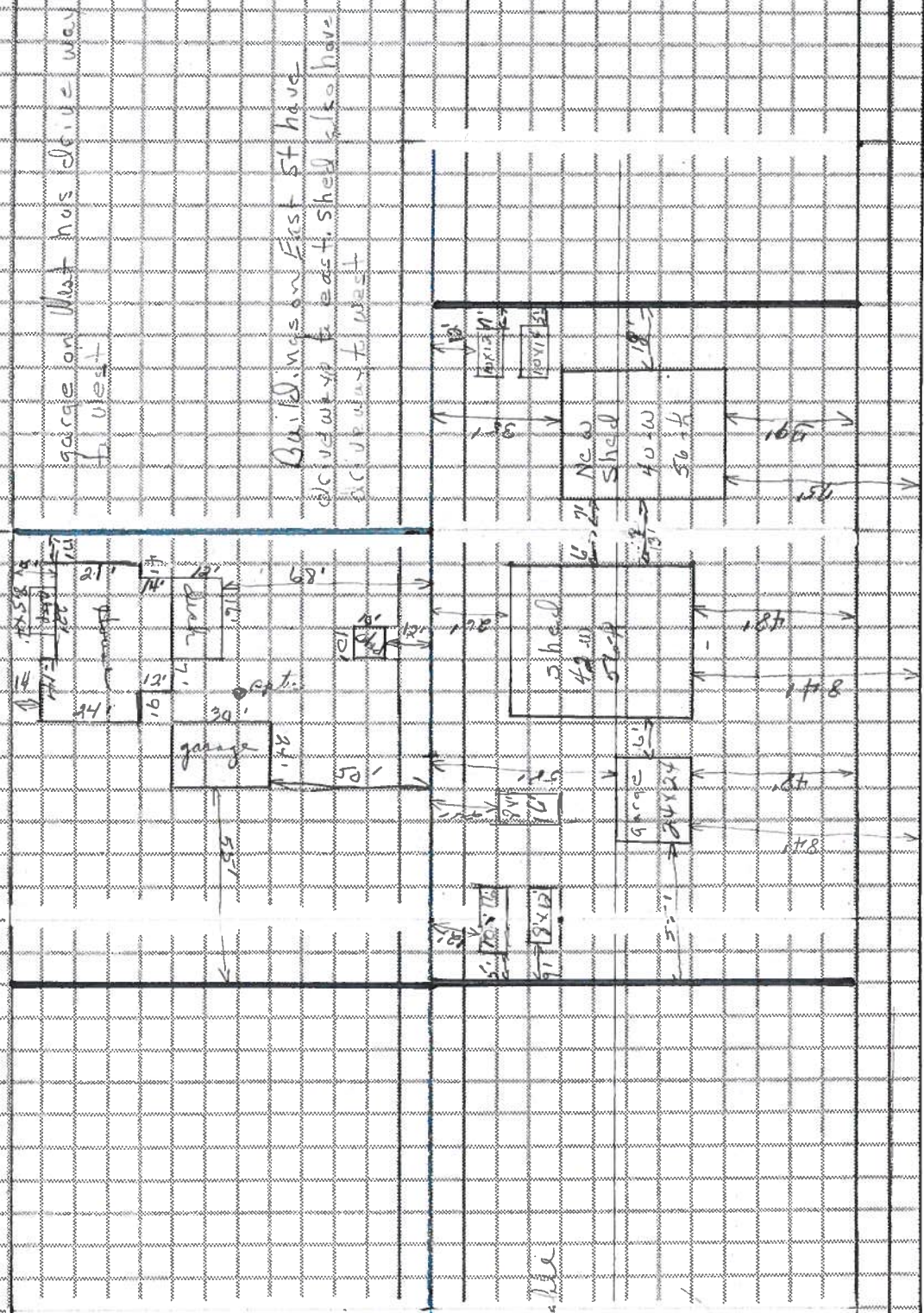
MAY 23 2012

CHAMPAIGN CO. P & Z DEPARTMENT

Attley

(5) small sheds on West lot are possible

Side Walk  
CHC East St



West



**PRELIMINARY DRAFT**

**720-V-12**

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

---

Final Determination: **{GRANTED / GRANTED WITH SPECIAL CONDITIONS/ DENIED}**

Date: **July 12, 2012**

Petitioners: **Robert Dorsey and Elizabeth Buck**

Request: Authorize the following in the R-2 Single Family Residence Zoning District:

Part A. Variance from Section 4.2.1G. requirement that no accessory use or structure be established prior to a main or principal use or structure.

Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet.

---

**Table of Contents**

<b>General Application Information .....</b>	<b>2-3</b>
<b>Requested Variance .....</b>	<b>3</b>
<b>Specific Ordinance Requirements .....</b>	<b>3-6</b>
<b>Variance Evidence .....</b>	<b>6-9</b>
<b>Documents of Record .....</b>	<b>10</b>
<b>Case 720-V-12 Findings of Fact.....</b>	<b>11-12</b>
<b>Case 720-V-12 Final Determination.....</b>	<b>13</b>

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 12, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. Elizabeth Buck owns the subject property.
2. The subject property is lots 4, 5, 6, 7, and 8 of Block 4 of S.H. Busey's First Addition to the Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly known as 216 East Street, Penfield.
3. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities do not have protest rights regarding variances, and are not notified of such cases.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

4. Regarding land use and zoning on the subject property and adjacent to it:
  - A. The subject property is zoned R-2 Single Family Residence, and is in residential use.
  - B. Land to the north of the subject property is zoned R-2 Single Family Residence, and is in residential use.
  - C. Land to the south of the subject property is zoned R-2 Single Family Residence, and is in residential use.
  - D. Land to the east of the subject property is zoned R-2 Single Family Residence, and is in residential use.
  - E. Land to the west of the subject property is zoned R-2 Single Family Residence, and is in residential use.

***GENERALLY REGARDING THE PROPOSED SITE PLAN***

5. Regarding the site plan of the subject property:
  - A. The subject property is 42,900 square feet (.98 acre) in area and consists of five non-conforming lots of record that are separated by a dedicated alley. The property is therefore actually two zoning lots. The western lot is 17,160 square feet in area. The eastern lot is 25,740 square feet in area.
  - B. The Site Plan received May 22, 2012, includes the following:
    - (1) The following has been indicated on the western lot:
      - (a) An existing house with a detached garage and shed.

- (2) The following has been indicated on the eastern lot:
  - (a) An existing 42' × 56' shed that is 16' 6½" in height and was authorized by Case 633-AV-06 and Zoning Use Permit 192-05-01.
  - (b) Five small portable sheds
  - (c) A proposed 40' × 56' shed (Parts A and B of this case).
  - (d) An existing 24' × 24' garage.
- C. The requested variance is as follows:
  - (1) Variance from Section 4.2.1G. requirement that no accessory use or structure be established prior to a main or principal use or structure.
  - (2) Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
  - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
    - (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE or the main or principal USE, either detached from or attached to the MAIN OR PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE.
    - (2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
    - (3) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
    - (4) "AREA, LOT" is the total area within the LOT LINES.
    - (5) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located. **(Note: The Ordinance does not define principal use)**



***PRELIMINARY DRAFT***

- (6) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
  - (7) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
  - (8) "LOT LINES" are the lines bounding a LOT.
  - (9) "NONCONFORMING LOT, STRUCTURE, OR USE" is a LOT, SIGN, STRUCTURE, or USE which does not conform to the regulations and standards of the DISTRICT in which it is located.
  - (10) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
  - (11) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
    - (a) MAJOR STREET: Federal or State highways
    - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
    - (c) MINOR STREET: Township roads and other local roads.
- "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (12) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
  - (13) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
  - (14) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

(15) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.

- B. Section 4.2.1 G. states: 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.
- C. Footnote 4 of Section 5.3 states”: That the maximum HEIGHT of a residential ACCESSORY BUILDING shall be 15 feet on LOTS less than one acre in area and 24 feet on LOTS one acre or more in area.
- D. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
    - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
    - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
    - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
    - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
    - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
  - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.

*PRELIMINARY DRAFT*

- E. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

*GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT*

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The petitioner has testified on the application, **“We have a home on the west side of the property. Four of the five lots join in the middle of the alley and three lots join on the east side and 2 join on the west side.”**
- B. Regarding Part A of the variance:
- (1) The subject property is 42,900 square feet (.98 acre) in area and consists of five non-conforming lots of record that are separated by a dedicated alley. The property is therefore actually two zoning lots. The western lot is approximately 17,424 square feet in area. The eastern lot is approximately 25,476 square feet in area.
- (2) These NONCONFORMING LOTS of RECORD are in common use and the alley poses no significant obstruction to that use.
- (3) Both the petitioner and the Zoning Administrator have inquired with the Township highway Commissioner about the possibility of vacating at least a 20 feet long portion of the alley and replacing that part of the alley with an easement but the Township Highway Commissioner was doubtful that the township would agree to vacate any part of the alley.
- C. Regarding Part B of the variance:
- (1) The petitioner was previously granted an Administrative Variance in Case 633-AV-06 for a shed of 16’ 6½ ” in height on the same property.

*GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE*

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The petitioner has testified on the application, **“We would have to include a minimal dwelling unit in the shed, which would double the cost. We cannot afford that and we would have no use for it. Also if the building is kept to an average height of 15 feet we wouldn’t be able to get our camper in which is the main reason for the shed.”**
- B. Regarding Part A of the variance:
- (1) Two homes once existed on the subject property. There was a home on the south side of the property where one of the petitioners lived. This home has since been

torn down. Another home existed on the property where the proposed shed is to be built, but it was damaged in a fire and was torn down after the petitioners purchased the property. The proposed new shed is to be constructed in the area where the home damaged by a fire once stood.

- (2) In order to have an accessory building on a property a principal use has to be established before an accessory use can be constructed or at the same time. If the petitioners had left one of the homes on the property the only variance necessary would be for height.
- (3) The petitioners intend to store their camper in the proposed shed and without Part A of the variance the camper will continue to be stored outdoors.

C. Regarding Part B of the variance:

- (1) Without Part B of the variance the camper would not be able to be stored in the shed because it would be too tall to fit into the shed.

***GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT***

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
  - A. The petitioner has testified on the application, **“We did not know you had to have a residence on the property to build the shed and we tore down the old house that was there.”**

***GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE***

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
  - A. The petitioner has testified on the application, **“Improves the looks of neighborhood, by letting us store our camper trailers and other items that would set outside.”**
  - B. Regarding Part A of the variance:
    - (1) Variance from Section 4.2.1G. requirements is a 100% variance.
    - (2) The requested variance is apparently not prohibited by the *Zoning Ordinance*, but this part of the variance is almost the same thing as authorizing a shed as a principal use and a “shed” or “personal storage building” is not an authorized principal use in the Section 5.2 Table of Authorized Principal Uses.

*More Evidence to be Added*

*PRELIMINARY DRAFT*

- C. Regarding Part B of the variance:
  - (1) A height of 18.5 feet for an accessory structure in lieu of the maximum height of 15 feet is 123% of the maximum allowed.
  - (2) The requested variance is not prohibited by the *Zoning Ordinance*.

***GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE***

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
  - A. The Petitioner has testified on the application that, **“Lot is in the middle of block and building would not cause any vision problem with the street, sidewalks, or driveways.”**
  - B. The Township Highway Commissioner has received notice of this variance but no comments have been received.
  - C. The Fire Protection District has been notified of this variance but no comments have been received.

***GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL***

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

The special condition stated above are required to ensure the following:

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

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

The special condition stated above are required to ensure the following:

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



**DOCUMENTS OF RECORD**

1. Variance Application received on May 22, 2012, with attachment:
  - A Site Plan

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **720-V-12** held on **July 12, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
5. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PRELIMINARY DRAFT**

6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

**FINAL DETERMINATION**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **720-V-12** is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Robert Dorsey & Elizabeth Buck** to authorize the following in the **R-2 Zoning District**:

**Part A. Variance from Section 4.2.1G. requirement that no accessory use or structure be established prior to a main or principal use or structure.**

**Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet.**

***{SUBJECT TO THE FOLLOWING CONDITION(S):}***

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

# CASE NO. 710-AT-12

SUPPLEMENTAL MEMORANDUM

July 3, 2012

Champaign  
County  
Department of

PLANNING &  
ZONING

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

(217) 384-3708

Petitioner: **Zoning Administrator**

Prepared by: **John Hall**, Zoning Administrator  
**Andrew Kass**, Associate Planner

Request: Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows\* :

**Part A. Revise the Land Evaluation (LE) part as follows:**

1. Revise all soil information to match the corresponding information in the *Soil Survey of Champaign County, Illinois 2003* edition.
2. Revise all existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils* updated January 15, 2011, by the University of Illinois College of Agricultural, Consumer and Environmental Sciences Office of Research.
3. Delete the 9 existing Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture Value Groups with Relative LE ranging from 100 to 0.

**Part B. Revise the Site Assessment (SA) part as follows:**

1. Add definitions for "agriculture"; "agricultural production"; "animal units"; "best prime farmland"; "farm dwelling"; "livestock management facility"; "non-farm dwelling"; "principal use"; and "subject site".
2. Delete SA Factors A.2.; A.3.; B.2.; B.3.; C.2; D.2.; D.3.; E.1.; E.2.; E.3.; E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.
3. Revise SA Factor A.1. to be new Factor 8. ; Factor B.1. to be new Factor 7.; Factor C.1. to be new Factor 5.; Factor D.1. to be new Factor 1.; and revise scoring guidance for each revised Factor, as described in the legal advertisement.
4. Add new SA Factors 2a; 2b; 2c; 3; 4; 6; 9; 10; and add scoring guidance for each new Factor, as described in the legal advertisement.

**Part C. Revise the Ratings for Protection, as described in the legal advertisement.**

**Part D. Revise the general text and reformat.**

**\* NOTE: the description of the Request has been simplified from the actual legal advertisement. See the attached legal advertisement**

---

## STATUS

Norman Stenzel has submitted an alternative Site Assessment part that is attached.

---

## ATTACHMENTS

(Note: all attachments are on the County website but those marked with an asterisk (\*) are not included with copies of the memorandum except for ZBA members)

A Description of Case from Legal Advertisement

B *Farm Focused Alternative LESA* submitted by Norman Stenzel on July 1, 2012





**Attachment A. Case Description from Legal Advertisement**

Case 710-AT-12

JUNE 8, 2012

---

**Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows:**

**Part A. Revise the Land Evaluation (LE) part as follows:**

- 1. Revise the existing soil map symbols; soil series names; slope; acreage and proportionate extent; land capability classification; and farmland classification to match the corresponding information in the *Soil Survey of Champaign County, Illinois* 2003 edition.**
- 2. Delete the existing Productivity Index Local and add Adjusted Soil Productivity Index based on the Crop productivity index for optimum management that is published in *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils* updated January 15, 2011, by the University of Illinois College of Agricultural, Consumer and Environmental Sciences Office of Research.**
- 3. Delete the 9 existing Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture Value Groups with Relative LE ranging from 100 to 0.**

**Part B. Revise the Site Assessment (SA) part as follows:**

- 1. Add definitions for “agriculture”; “agricultural production”; “animal units”; “best prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal use”; and “subject site”.**
- 2. Delete SA Factors A.3.; B.2.; B.3.; D.2.; D.3.; E.1.; E.2.; E.3.; E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.**
- 3. Revise SA Factor A.1. by renumbering to SA Factor 8; and changing 1.5 miles to 1.0 mile; and changing “in agricultural uses” to “with a principal use of agriculture”; and for a subject site that is Best Prime Farmland or at least 51% Prime Farmland limit the consideration to parcels and land use that existed on April 12, 2011; and increase the total points from 18 to 20; and change the assignment of points to 2 points for each 10% change from 0 to 100%; and add scoring guidance.**
- 4. Delete SA Factor A.2. “Land Use Adjacent to Site” and replace with SA Factor 4. “Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture”; and for a subject site that is Best Prime Farmland or at least 51% Prime Farmland limit the consideration to parcels and land use that existed on April 12, 2011; and increase the total points from 18 to 20; ; and change the assignment of points to 2 points for each 10% change from 0 to 100%; and add scoring guidance.**
- 5. Revise SA Factor B.1. by renumbering to SA Factor 7; and by changing 1.5 miles to 1.0 mile; and change the assignment of points to 1 point for each 10% change from 0 to 100%; and add scoring guidance.**
- 6. Revise SA Factor C.1. by renumbering to SA Factor 5; and increase the total points from 10 to 15; and by changing the assignment of points; and add scoring guidance.**

**Attachment A. Case Description from Legal Advertisement**

Case 710-AT-12

JUNE 8, 2012

- 
7. **Revise SA Factor D.1. by renumbering to SA Factor 1; and increase the total points from 8 to 10; and reduce the largest site from 100 acres to 25 acres; and change the assignment of points; and add scoring guidance.**
  8. **Add SA Factor 2a “Is the subject site Best Prime Farmland?” and assign 30 points if “yes ; and add scoring guidance.**
  9. **Add SA Factor 2b to assess for a subject site that is Best Prime Farmland, if the subject site is more than 15% of a larger parcel that existed on January 1, 2004, or if the subject site is 25 acres or more in area; and assign 10 points if “yes” ; and add scoring guidance.**
  10. **Add SA Factor 2c to assess if the subject site is not Best Prime Farmland but is at least 51% Prime Farmland; and if the subject site is larger than 25 acres or if the subject site is part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use, of more than 25 acres; and assign 10 points if “yes” ; and add scoring guidance.**
  11. **Add SA Factor 3 to assess if the subject site is located within the Contiguous Urban Growth Area identified in the Champaign County Land Resource Management Plan; and assign 40 points if “no” ; and if “yes” skip the remaining SA Factors and indicate a total SA score for only SA Factors 1,2, and 3; and add scoring guidance.**
  - \*12. **Add new SA Factor 6 to assess the highest percentage of the subject site in agricultural production in any of the last 5 years; and assign 15 points for 80% or more and fewer points for a lesser amount; and add scoring guidance.**
  - \*13. **Add new SA Factor 9 to assess the distance from the subject site to the nearest 10 non-farm dwellings and assign 20 points if more than a mile and fewer points if less than a mile; and add scoring guidance.**
  - \*14. **Add new SA Factor 10 to assess the distance from the subject site to the nearest known livestock management facility of 400 or more animal units and assign 10 points if adjacent and fewer points if there is more distance; or, if more than a mile, assess the distance to the nearest known facility with 200 to 399 animal units and assign 7 points if adjacent and fewer points if there is more distance; or, if more than a mile, assess the distance to the nearest known facility of 50 to 199 animal units, and assign 4 points if adjacent and fewer points if there is more distance and 0 points if more than a mile distant; and add scoring guidance.**
  - \*15. **Delete existing SA Factor C.2.**

**Part C Revise the Ratings for Protection as follows:**

1. **Change the scoring range for a low rating for protection from “179 or below” to “150 or below”.**
2. **Change the scoring range for a moderate rating for protection from “180 to 199” to “151 to 225”.**
3. **Change the scoring range for a high rating for protection from “200 to 219” to “226 to 250”.**

**Attachment A. Case Description from Legal Advertisement**

Case 710-AT-12

JUNE 8, 2012

---

- 4. Change the scoring range for a very high rating for protection from “220 to 300” to “251 to 300”.**

**\*Part D. Revise the general text and reformat.**

**\*These parts were added in a second legal advertisement**

RECEIVED

JUL 1 2012

CHAMPAIGN CO. P & Z DEPARTMENT

## **FARM FOCUSED ALTERNATIVE LESA**

### **Preface**

***This version of LESA is under development (proportioning points is not final), but is an adequate example of the potential of a different approach to content and format. It is offered at this stage to counter the “traditional” instruments currently in use in this county and elsewhere. Those instruments, even constructed by state governments, often embody misconceptions of purpose and content just as does the existing Champaign County LESA. For example, federal purposes include comparing two or more sites as a location for a highway or a new federal building. An instrument for those purposes is not likely to be either valid or reliable at this local level. Federal purposes are justified through legislative review not undertaken by entities such as Champaign County.***

***The content and structure of this instrument are intended to be as accessible as possible. Complexity arises in attempting to assess the site in context of its agricultural neighborhood. Yet a platt book, Google Earth, data from the U.S. Department of Agriculture, or the County Assessor’s Office can help to obtain sufficient information to complete this document.***

***The content of his version of the SA portion of LESA reflects a number of purposes: County policy and zoning grounding. Federal law indicates that a LESA should 1) help save the prime soils that are vital for national security and 2) to support the viability of agriculture both at the individual and 3) neighboring farm level as well as the 4) businesses that farmers rely upon.***

## **AN ALTERNATIVE SA COMPONENT OF LESA**

### **Part I**

#### **Construct a Schematic Map of the Agricultural Neighborhood**

**As much of the county is laid out in a mile by mile road pattern, a 3 x 3 mile square, or as near to that as road patterns allow, will be considered as an agricultural neighborhood.**

**A. If the site proposed for conversion is located with sufficient distance/space, the site should be located in the middle square. If that location is limited by distance to built environment, rivers, forest preserve or other features, locate the site in a middle square at one edge of the neighborhood or with a distribution to include the most agricultural land as possible.**

**B. The starting point for the Neighborhood map should be a topographic representation of the area in the manner of 22.02A with general flow of surface water indicated. For the following characterizations use listed icons, colors, or alpha codes. As the federal legislation establishing the LESA has one of its goals of preserving prime or special soils, the most general feature of the schematic will to plot soil patterns:**

**Map prime soils divided into best prime and prime.  
1 group of special state soils, and  
1 group of nonprime soils.**

**Other Features (nonagricultural built environment, forest preserve, zone boundaries, county edge boundary.)**

**Locate rivers, streams (RS)**

**Intermittent streams (IS)**

**Locate known drainage tiles, grass waterways, drainage ditches. (D)**

**Locate irrigated land. (I)**

**Locate terraced land. (T)**

**Locate wooded areas. (W)**

**Locate non-farm houses and farm houses. (H, FH)**

**Locate agricultural function buildings (equipment, storage and refrigerated/cooled storage), note livestock facilities, and non-ag buildings. (AB, LF, NAB)**

**Locate crop storage. (CS)**

**Locate fuel storage. (FS)**

**Locate Agricultural support in the Neighborhood and beyond (Icon-mi at the appropriate edge)--**

**Grain elevators (GE)**

**Farm Supplies**

**Seeds, including seed fields (SS)**

**Chemicals (CS)**

**Equipment/repair (ER)**

**Other (AS)**

**Identify road type for each neighborhood road--**

**Oil and chip (OC)**

**Asphalt (A)**

**Concrete (C)**



## **PART II NEIGHBORHOOD CHARACTER INVENTORY**

***This accounting is based on the presence of agricultural appurtenances in the proximate neighborhood in addition to the character of the site proposed for conversion. Total points are assigned based on empirical conditions.***

### **Neighborhood Soils Points**

***This section reflects the federal directive to preserve productive soils and to support the viability of agriculture.***

- 1. A. What percent of the 5760 acres (9 square miles) is in agricultural food/fuel crop production?**
  
- B. What percent of the 5760 acres (9 square miles) is in pasture/meadow/hayfield?**
  
- C. What percent of the 5760 acres (9 square miles) is in woodland use--woodlot, hedge row, wind break, buffer, bottom land/stream border stabilization?**
  
- D. What percent of the 5760 acres (9 square miles) has another use?**
  
- E. What percent of the 5760 acres (9 square miles) is Best Prime Soils?**
  
- F. What percent of the 5760 acres (9 square miles) is Prime Soils ?**
  
- G. What percent of the 5760 acres (9 square miles) is special state soils?**
  
- H. What percent of the 5760 acres (9 square miles) is**

**nonprime or non-special state soils?**

***Points are determined by the percentages multiplied by .01. Total points from 1A, B, C then E, and F and G point. Points from D and H are negative.***

**2A. What percent of the site was in agricultural food/fuel crop production or in a federal farm program at some time during the last 5 years?**

**B. What percent of the site is in pasture/meadow/hayfield?**

**C. What percent of the site is in woodland use--woodlot, hedge row, wind break, buffer, bottom land/stream border stabilization?**

**D. What percent of the 5760 acres (9 square miles) has another use?**

**E. What percent of the site is Best Prime Soils?**

**F. What percent of the site is Prime Soils ?**

**G. What percent of the site is special state soils?**

**H. What percent of the site is nonprime or non-special state soils?**

***Points are determined by the percentages multiplied by .01. Total points from 1A, B, C then E, and F and G point. Points from D and H are negative.***

**3. Using the standard error of percentage statistic compare 1A through H to 2A through H. Is the site similar in 5 or more comparisons to the neighborhood?**

**YES (10 points)**

**NO**

**Farm Improvement Points**

***This section reflects a consideration for the investments related to agricultural production--not only of the site proposed for conversion but also the properties reasonably considered to be potentially impacted by conversion. "Farm base of operations" is considered to be a location where equipment and farm logistical support is concentrated.***

**4. What is the number of farm base of operations locations?**

- A. 9 or more? (10 points)**
- B. 6 to 8? (9 points)**
- C. 3 to 5? (8 points)**
- D. 1 or 2? (7 points)**
- E. 0? (10 points)**

**5. What features are present in the 9 square mile Neighborhood?**

- A. Known drainage tiles, Grass waterways, Drainage ditches**
- B. Irrigated land**
- C. Terraced land**
- D. Wooded areas**
- E. Farm houses**
- F. Agricultural function buildings (equipment, storage, refrigerated/cooled storage, greenhouses and hoop structures) and livestock facilities.**
- G. Crop storage**
- H. Fuel storage.**
- I. Commercial Grain elevators**
- J. Farm Supply sources for Seeds (including seed fields), Chemicals, Equipment/repair.**
- K. Non-ag buildings.**

***One point is assigned to each example of the features that is present up to 30. Total points for items A through J. The points for K are negative.***

**6. What features are present in the parent tract?**

**A. Known drainage tiles, Grass waterways, Drainage ditches**

**B. Irrigated land**

**C. Terraced land**

**D. Wooded areas**

**E. Farm houses**

**F. Agricultural function buildings (equipment, storage, refrigerated/cooled storage, greenhouses and hoop structures) and livestock facilities.**

**G. Crop storage**

**H. Fuel storage.**

**I. Commercial Grain elevators**

**J. Farm Supply sources for Seeds (including seed fields), Chemicals, Equipment/repair.**

**K. Non-ag buildings.**

***One point is assigned to each of the features present up to 10. Total points for items A through J. The points for K are negative.***

## **Roads**

***Rural roads are often under the aegis of township road departments often with limited funds.***

**7. What proportion of Neighborhood roads are**

**A. Oil and chip ?**

**B. Asphalt ?**

**C. Concrete?**

**D. Other?**

***Points are determined by multiplying the percentage by .01. Total points for items A and B. The points for C and D are negative.***

### **PART III QUESTIONS**

***The following items reflect matters that are generally considered to be justification to allow conversion. These items are necessary but not sufficient for a final judgment. Mark responses on the score sheet provided.***

#### **Location**

**8. Does the site have a common boundary with a built environment of a town, municipality, village, unincorporated rural settlement?**

**YES (-10 points)**

**NO**

**9. Is there immediate access to sewer and water?**

**YES (-10 points)**

**NO**

**10. Does the town/municipality/village have an approved plan?**

**YES-- 10A. Is the proposed conversion in compliance with the local plan?**

**YES (-10 points. Go to #11.)**

**NO--10B. Is the proposed conversion supported by the local governing body?**

**YES (-10 points)**

**NO (Go to #11)**

**NO**

**11. What is the Zoning category of the site?**

**A. AG1 (10 points)**

**B. AG-2 (10 points)**

- C. CR (10 points)**
- D. Other (-10 points)**

**12. Is the proposed conversion specifically allowed in the Zoned Category?**

- YES (-20 points)**
- NO**

**Impact**

***A major characteristic of rural agricultural enterprise is the movement of equipment and product for row crops. (The needs of vegetable and fruit growers will be somewhat different.) Mark responses on the score sheet provided.***

**13. Does the proposed conversion add support for agriculture (Ag supplies, Ag market, product utilization)?**

- YES (-10 points)**
- NO**

**14A. Will the location of the proposed conversion increase traffic past farm bases of operations?**

- A. One base. (5 points)**
- B. Multiple bases. (10 points)**
- C. No bases.**

**14B. If item 14A response is A or B is the proposed location situated on a direct transportation route between multiple farms and point of sales? If not go to #15A?**

- YES (10 points)**
- NO**

**15A. Will the location of the proposed conversion increase traffic past crop field entry locations?**



- A. One entry. (5 points)**
- B. Multiple entries. (10 points)**
- C. No entries present.**

**15B. If item 15A response is A or B is the proposed location situated on a direct route between multiple field locations and storage or point of sales? If not go to #16.**

**YES (10 points)**

**NO**

**16. Will the location of the proposed conversion interdict known surface water flow ways or grass waterways?**

**YES (10 points)**

**NO**

**17. Does the proposed conversion include parking areas with impermeable surfaces?**

**YES (10 points)**

**NO**

**18. Does the proposed location contain or is likely (considering slope, drainage outlets, etc.) to contain portions of drainage tile systems?**

**YES (10 points)**

**NO**

**19. Will the location of the proposed conversion interdict known neighborhood tile to outlet locations?**

**YES (10 points)**

**NO**

***Find a total using the positive and negative points on the Score Sheet.***

## **INSTRUMENT DEVELOPMENT ISSUES**

- 1. An adequate tryout has not been undertaken as part of development due to my limited resources. This results in point allocations that are not tested .**
- 2. Point allocations that include open ended potentials (Items #5 and #6), while necessary to characterize Neighborhood settings result in difficulties for establishing a scale for grand total results.**
- 3. Several different formula are available for a Standard Error of Percent. I have not determined the most appropriate strategy.**
- 4. While I have included a number of features that reflect local foods, CSA, vegetable or orchard production I am not sure that they represent fetures that are both necessary and sufficient for those endeavors. For example, traffic flow may benefit some of those operations while this instrument considers increased traffic to be an impediment to row crop farming.**
- 5. Both farm oriented infrastructure and open fields are desirable but could result in contradictory questions and scoring difficulties. To avoid contradictions alternative question paths could be included.**

	A	B	C	D
1	ITEM NUMBER	POSITIVEPOINT	NEGATIVEPOINT	SUBTOTAL
2	1A		XXXXXXXXXX	XXXXXXXXXX
3	1B		XXXXXXXXXX	XXXXXXXXXX
4	1C		XXXXXXXXXX	XXXXXXXXXX
5	1D	XXXXXXXXXX		XXXXXXXXXX
6	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXX	
7	1E		XXXXXXXXXX	XXXXXXXXXX
8	1F		XXXXXXXXXX	XXXXXXXXXX
9	1G		XXXXXXXXXXXX	XXXXXXXXXX
10	1H	XXXXXXXXXX		XXXXXXXXXX
11	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXX	
12	2A		XXXXXXXXXX	XXXXXXXXXX
13	2B		XXXXXXXXXX	XXXXXXXXXX
14	2C		XXXXXXXXXX	XXXXXXXXXX
15	2D	XXXXXXXXXX		XXXXXXXXXX
16	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXX	
17	3...		XXXXXXXXXX	XXXXXXXXXX
18	XXXXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	
19	4A		XXXXXXXXXX	XXXXXXXXXX
20	4B		XXXXXXXXXX	XXXXXXXXXX
21	4C		XXXXXXXXXX	XXXXXXXXXX
22	4D		XXXXXXXXXX	XXXXXXXXXX
23	4E		XXXXXXXXXX	XXXXXXXXXX
24	XXXXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	
25	5....		XXXXXXXXXX	XXXXXXXXXX
26	XXXXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	
27	6....		XXXXXXXXXX	XXXXXXXXXX
28	XXXXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	
29	7A,B		XXXXXXXXXX	XXXXXXXXXX
30	7C,D		XXXXXXXXXX	XXXXXXXXXX
31	XXXXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	
32	8....	XXXXXXXXXX		XXXXXXXXXX
33	9.....	XXXXXXXXXX		XXXXXXXXXX
34	10A	XXXXXXXXXX		XXXXXXXXXX
35	10B		XXXXXXXXXX	XXXXXXXXXX
36	XXXXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	
37	11A,B,C		XXXXXXXXXX	XXXXXXXXXX
38	11D	XXXXXXXXXX		XXXXXXXXXX
39	XXXXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	
40	12...	XXXXXXXXXX		XXXXXXXXXX
41	XXXXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	
42	13....	XXXXXXXXXX		XXXXXXXXXX
43	14A		XXXXXXXXXX	XXXXXXXXXX
44	14B		XXXXXXXXXX	XXXXXXXXXX
45	15A		XXXXXXXXXX	XXXXXXXXXX
46	15B		XXXXXXXXXX	XXXXXXXXXX
47	16...		XXXXXXXXXX	XXXXXXXXXX
48	17...		XXXXXXXXXX	XXXXXXXXXX
49	18...		XXXXXXXXXX	XXXXXXXXXX
50	19...		XXXXXXXXXX	XXXXXXXXXX

RECEIVED  
JUL 1 2012  
CHAMPAIGN CO. P & Z DEPARTMENT

	A	B	C	D
51	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	
52	XXXXXXXXXX	XXXXXXXXXX	GrandTotal	
53				
54				
55				
56				