

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: August 16, 2012
Time: **6:00 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 (July 12, 2012)
5. Continued Public Hearings

Note: The full ZBA packet is now available on-line at: www.co.champaign.il.us.

Note: MEETING TIME AT 6:00 P.M.

- Case 687-AM-11** Petitioner: **Dr. Phillip Jones and Sarabeth Jones** (*No testimony to be taken*)
Request: **Amend the Zoning Map to change the zoning district designation from CR Conservation-Recreation to AG-1 Agriculture.**
Location: **An approximately 12.69 acre tract of land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR 1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**
- *Case 688-S-11** Petitioner: **Dr. Phillip Jones and Sarabeth Jones** (*No testimony to be taken*)
Request: **Authorize the construction and use of a “Heliport-Restricted Landing Area” as a Special Use on land that is proposed to be rezoned to the AG-1 Agriculture from the current CR Conservation-Recreation Zoning District in related zoning case 687-AM-11; and with a waiver of Special Use standard condition required by Section 6.1 that requires a runway safety area to be located entirely on the lot.**
Location: **An approximately 12.69 acre tract of land that is located in the North Half of the south Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR 1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**
- 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.**

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
AUGUST 16, 2012

6. New Public Hearings

- *Case 722-S-12 Petitioner: **Dr. Michael Boero**
Request: **Authorize an equine veterinary surgery clinic and performance problem evaluation facility as a "Veterinary Hospital" as a Special Use on 4.5 acres that is part of a 22 acre property previously authorized as a stable in Case 719-S-90 and located in the CR Conservation Recreation Zoning District.**
Location: **A 22 acre parcel in the West Half of the Southeast Quarter of the Southwest Quarter of Section 26 of Newcomb Township and commonly known as the home and stable at 430 CR 2500N, Mahomet.**

7. Continued Text Amendment 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.**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"

8. Staff Report

9. Other Business

- A. Review of Docket
- B. June and July 2012 Monthly Reports

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

11. Adjournment

2 **MINUTES OF REGULAR MEETING**
3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
4 **1776 E. Washington Street**
5 **Urbana, IL 61802**

7 **DATE:** July 12, 2012 **PLACE:** Lyle Shields Meeting Room
8 **TIME:** 7:00 p.m. **Urbana, IL 61802**

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

14 **MEMBERS ABSENT :** Roger Miller

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

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

35 **1. Call to Order**

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

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

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

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

48 **3. Correspondence**

DRAFT

1
2 None

3
4 **4. Approval of Minutes**

5
6 None

7
8 **5. Continued Public Hearing**

9
10 **Case 699-AM-11 Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren**
11 **Murray and landowner John Murray Request to amend the Zoning Map to change the zoning**
12 **district designation from the AG-1 Agriculture Zoning District to the AG-2, Agriculture Zoning**
13 **District in order to operate the proposed Special Use in related zoning case 700-S-11. Location: A 10**
14 **acre tract in the Southwest Quarter of the Northwest Quarter of Section 14 of Hensley Township and**
15 **commonly known as the home at 2150 CR 1000E, Champaign.**

16
17 **Case 700-S-11 Petitioner: L.A. Gourmet Catering, LLC, with owners Annie Murray, Lauren**
18 **Murray and landowner John Murray Request to authorize the construction and use of an Event**
19 **Center as a “Private Indoor Recreational Development” as a Special Use on land that is proposed to**
20 **be rezoned to the AG-2, Agriculture Zoning District from the current AG-1, Agriculture District in**
21 **related Case 699-AM-11. Location: A 10 acre tract in the Southwest Quarter of the Northwest**
22 **Quarter of Section 14 of Hensley Township and commonly known as the home at 2150 CR 1000E,**
23 **Champaign.**

24
25 Mr. Thorsland called Cases 699-AM-11 and 700-S-11 concurrently.

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

36
37 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
38 sign the witness register for that public hearing. He reminded the audience that when they sign the
39 witness register they are signing an oath.

40
41 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.

1
2 Ms. Anne Murray, who resides at 2150 CR 1000E, Champaign, and Ms. Lauren Murray-Miller, who resides
3 at 105 Meadowcreek Ct, Lexington, approached the witness stand.
4

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

29 Ms. Anne Murray stated that it is her hope that after the facts are all spelled out tonight that the ZBA
30 supports this beautiful project. She said that the room is filled with supporters because they are directly
31 affected by the decision regarding this building but for each one of the supporters there are supporters who
32 just want to see this project happen. She invited the Board to ask any of their clients, colleagues in the
33 industry, neighbors in the room, their college professors or their first grade teacher and they will tell the
34 Board that she and Lauren are perfectionists and that they stand behind all of their work because their
35 company stands for quality. She said that not only does their company stand for quality but they have an
36 unmatched desire to impress in Champaign County and this project will be no different because the building
37 will be amazing and the gardens and ponds that will surround the building will be so exquisite that the
38 building will appear to be part of the landscape. She said that this project can happen and someday she
39 hopes that the Board will be able see all of the architectural drawings and hundreds of pages of
40 documentation that became a reality and that the Board will be proud to say that they supported that project.
41 She asked the Board to remember that she and Lauren have done everything that the Board has requested and
42 they are happy and willing to continue to do what is necessary to make this project happen. She said that

1 they will work in the same manner with the same high level of excellence.
2
3 Mr. Thorsland called Mr. John Hall to testify.
4
5 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated July 12, 2012, for
6 Case 700-S-11, for the Board's review. He said that the new memorandum truly applies to both cases. He
7 said that on the back page of the memorandum is a map that was supposed to have been sent out in the
8 mailing with highlighting although the original map was submitted in black and white. He said that the
9 petitioners submitted the highlighted map to staff today and it indicates the properties owned by the people
10 who signed the Petition of Support of the Petitioners and the area indicated in red is the subject property.
11
12 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
13
14 Mr. Courson asked Mr. Hall what bearing does the Petition of Support serve for the cases. He said that it is
15 his view that the ZBA is not a political board that makes its decision because they personally do or do not
16 want a project to be approved. He said that the ZBA is required to apply an Ordinance that was approved by
17 the County Board therefore all of the signatures of support on the petition has no bearing on the Board's
18 decision.
19
20 Mr. Hall stated that it is up to each individual Board member as to what bearing the Petition of Support has
21 on the case. He said that if every parcel in Hensley Township was covered in yellow highlight it wouldn't
22 change anything other than it does give a good indication whether or not the project is seen by the larger
23 neighborhood of fitting in or not fitting in. He said that the Petition of Support does not trigger any approval
24 standard and it takes four members of the ZBA to recommend approval of the map amendment and the
25 special use.
26
27 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.
28
29 Mr. Thorsland asked the Board if there were any questions for Anne Murray or Lauren Murray-Miller.
30
31 Mr. Thorsland called Anne Murray and Lauren Murray-Miller back to the witness stand.
32
33 Mr. Thorsland asked Anne Murray where the products used in the catering business are sourced from.
34
35 Ms. Anne Murray stated that they do use various food suppliers but they also have 1/10th of an acre behind
36 the current kitchen where they grow seasonal herbs and vegetables and they have a chef that has a garden
37 that she uses fruits and vegetable from. She said that the subject property has a greenhouse on it as well and
38 their landscape plan has a place where herbs and vegetables will be grown as part of the natural landscape.
39
40 Mr. Thorsland asked if other local producers will be utilized in the project.
41

1 Ms. Anne Murray stated that the food suppliers provide local produce as well.

2
3 Mr. Thorsland asked the Board if there were any additional questions for the petitioners.

4
5 Mr. Palmgren asked Ms. Anne Murray when they purchased the subject property.

6
7 Ms. Anne Murray stated that they purchased the property in December, 2011.

8
9 Mr. Palmgren asked Ms. Anne Murray if they were familiar with the Champaign County Zoning Ordinance
10 at the time of their purchase.

11
12 Ms. Anne Murray stated yes. She said that they conducted research and it appeared that the subject property
13 would work for their proposed project because it does not hurt public safety, agricultural use and continue
14 around the property and they have a majority of the neighbor's support. She said that people desire to have a
15 gathering area for rural people and this is a place where that need can be fulfilled.

16
17 Ms. Capel asked if other than the local foods that they produce themselves are there other food suppliers that
18 they utilize that are local farmers.

19
20 Ms. Anne Murray stated that their food suppliers work with local farmers to provide the company with local
21 produce.

22
23 Ms. Capel asked what percent of the food is grown locally.

24
25 Ms. Anne Murray stated it varies on season. She said that the weather affects a lot therefore if there is a
26 drought like what we are experiencing now it is hard to obtain produce from Central Illinois right now and it
27 is not very cost effective to get dried up basil.

28
29 Mr. Thorsland asked the Board if there were any additional questions for Ms. Anne Murray or Ms. Lauren
30 Murray-Miller and there were none.

31
32 Mr. Thorsland asked if staff had any questions for Ms. Anne Murray or Ms. Lauren Murray-Miller and there
33 were none.

34
35 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Anne Murray or Ms. Lauren
36 Murray-Miller and there was no one.

37
38 Mr. Thorsland called David Swartzendruber to testify.

39
40 Mr. David Swartzendruber, who resides at 2129 CR 1000E, Champaign, stated that many of the people who
41 are in attendance tonight indicating support of the project are also his neighbors and he would like to share a
42 few of his thoughts regarding the project. He said that he and his wife moved to their current residence in

1 1992 and at the time there was only one business on the corner which was originally the old Hensley School
2 building and he was not concerned about the business because it was better than having a deteriorating
3 school building. He said that within a couple of years 70 acres of prime farmland became a housing
4 development and he and his wife had concerns about that project but it happened anyway. He said that it
5 seems that nationally, state-wide and in Champaign County, appointed and elected officials have a way of
6 making simple things not simple. He said that the question is not about Anne and Lauren and how nice they
7 are or how well they run their business and it is not about the distance that it takes to stop a car or how many
8 cars that go past the subject property during the daytime or the number of parking spaces that are proposed
9 on the lot. He said that it seems that irrelevant things become the point of discussion rather than the simple
10 fact which is that the subject property is rated as best prime farmland. He said that he attended a number of
11 meetings held by the Champaign County Regional Planning Commission regarding the Land Resource
12 Management Plan where they asked the populous about their concerns on how things are developed and the
13 two biggest issues were the loss of prime farmland and urban sprawl. He said that we have to remember
14 how absolutely valuable and limited the land is and once the land is taken out of production it is not
15 available anymore. He said that during a year like this when we are experiencing a drought and the farmers
16 are baling their corn crops you realize how valuable the land is and how if it continues to be reduced and
17 reduced eventually we will not have the productive land that we are accustomed to having.

18
19 Mr. Swartzendruber stated that rather than discussing stopping distances, drainage systems and where the
20 driveways should be located and other irrelevant items there should be discussion as to whether the project
21 fits into the neighborhood. He said that he and his wife now look out their east window to view a very ugly
22 concrete building which is the new home of the Hindu Temple which has taken the place of a beautiful
23 sunrise or a field of beans or corn. He said that the Hindu Temple does not provide any particular benefit to
24 the people who utilize the temple by its location and its location would be much better if it were closer to
25 where they live and the temple does not benefit anyone in the neighborhood and it does not fit in the
26 neighborhood. He said that the temple project was approved because other issues became more important
27 than the protection of best prime farmland. He said that he will admit that the proposed event center will be
28 less obtrusive than the Hindu Temple and that the subject property is not being farmed to the best of its
29 production but it is still AG-1 land and it should be protected and he urged the Board to consider that fact
30 rather than the other irrelevant issues.

31
32 Mr. Thorsland asked the Board if there were any questions for Mr. Swartzendruber and there were none.

33
34 Mr. Thorsland asked if staff had any questions for Mr. Swartzendruber and there were none.

35
36 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Swartzendruber.

37
38 Mr. Thorsland called Eric Bussell to the cross examination microphone.

39
40 Mr. Thorsland reminded Mr. Bussell that he can only ask Mr. Swartzendruber questions which are based on
41 his testimony and requested that Mr. Bussell not present testimony himself.

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
34
35
36
37
38
39
40
41
42

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

Mr. Swartzendruber stated no.

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

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

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

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

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

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

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

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

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

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

Mr. Swartzendruber stated yes.

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

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

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
34
35
36
37
38
39
40
41

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

Mr. Thorsland called Lisa Kesler to testify.

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

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

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

Ms. Kesler stated that tonight we have a room full of neighbors who represent several generations of farmers in Hensley Township and they all live or own farm ground within one mile of Anne Murray’s property. She said that Don and Lois Wood, the County’s largest beef producers have been farming in our township for four generations and Roger, Marilyn and Kevin Babb are raising their fourth generation now and are

1 concerned about what the future holds for them in Hensley Township. She said that the Hammel brothers,
2 Bernie, Ron, Rich and Steve and their family have been farming here for 100 years and are wondering why
3 anyone will want to buy farm ground in our township when a few of the residents will try to keep future
4 business opportunities out. She said that the Murray’s ancestors bought their first farm in Hensley Township
5 over 100 years ago and the Ehlers have farmed here just as long and the Kesler family represents four
6 generations of farmers in Hensley and Condit Townships.

7
8 Ms. Kesler stated that the farmers know about progress and change and you can’t be a farmer today if you
9 are afraid of progress. She said that her grandpa would hardly recognize today’s farm operation as being the
10 same thing he did for a living because farming changes all the time and the farmers adapt and change along
11 with it. She said that the families that are here tonight are here to say that they are not afraid of a little
12 change and progress and they welcome it when it provides an opportunity for a new generation of
13 entrepreneurs who were raised in our farming community. She said that these people who own and farm the
14 ground in Hensley Township should have a say about whom and what will provide future tax money in their
15 township and shouldn’t they be able to support a local family that they know and trust and who has been an
16 important part of the community for generations.

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

34
35 Ms. Kesler stated that most communities would be thrilled to have such a successful and highly regarded
36 business located within their borders and she is amazed that there is any opposition to this project at all. She
37 said that she hopes that the Board will consider the issues she has brought to their attention and make their
38 decision and realize that the opposing view presented by a few of the residents by no means represents the
39 opinion of the majority of the property owners in the area.

40
41 Mr. Thorsland asked if staff had any questions for Ms. Kesler and there were none.
42

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

2

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

7

8 Ms. Kesler stated that the property should not be rezoned in advance but should be reviewed on a case by
9 case basis. She said that everyone knows that accidents occur on County Highway 1 and accidents will
10 always occur on County Highway 1 but the area is very suitable for business use and she has no problem
11 with it. She said that she does not want to see a solid line of businesses up and down County Highway 1 but
12 she does support a locally owned business such as the one proposed. She said that classifying a parcel of
13 ground as farm ground served a purpose but there is also another element which is preserving the legacy of
14 farming in the area which includes entrepreneurship. She said that the nature of farming is entirely different
15 than it was 50 or 75 years ago and part of farming is being an independent business owner and that legacy
16 should be preserved as well and there are a lot of generations in our County who leave because there is no
17 place for them. She said that a business such as the one proposed is requested in our neighborhood and it is
18 a business that would fit in the neighborhood and the owners are from the neighborhood then she feels that it
19 should be allowed.

20

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

28

29 Ms. Kesler stated that the Board does have that flexibility.

30

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

33

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

35

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

37

38 Mr. Thorsland called Gene Hardwick to testify.

39

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

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
34
35
36
37
38
39
40
41
42

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

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

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

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

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

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

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

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

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

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

Mr. Hardwick stated that Mr. Collins is correct.

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

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

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

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

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

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

1 clearly more about the petitioners than the zoning and she makes that statement for a couple of reasons. The
2 first is that some of the people who are supporting the Murrays were opposed to the Hindu Temple because
3 they along with 87 other residents of Hensley Township attended protest meetings or signed a petition
4 opposing it. Ms. Ehler stated that she was one of the landowners who opposed the Hindu Temple and it was
5 not because of her respect of the Hindu work ethic or culture because her parents went to India in the early
6 60's to set up the College of Engineering and she could provide anyone a slide show on the Hindu culture if
7 they desire to see it. She said that she has respect for the Hindu culture and what the Murrays are trying to
8 do but her only contention was that when the Hindu Temple purchased 39 acres they took a good chunk of it
9 for their temple therefore taking the land out of agricultural production. She said that the decision to take the
10 ten acre plot that the Murray family wants to make into an event center, out of agricultural production was
11 made in 1984 when the strip was sold off and developed with a house and trees. She said that she wanted to
12 clarify why she opposed the Hindu Temple and why she has no problem with the proposed event center. She
13 said that the event center is a different use for land that has already been taken out of production and she
14 believes that it is a very good use.

15
16 Mr. Thorsland asked if staff had any questions for Ms. Ehler and there were none.

17
18 Mr. Thorsland asked the Board if there were any questions for Ms. Ehler and there were none.

19
20 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Ehler and there was no one.

21
22 Mr. Thorsland called John Collins to testify.

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

37
38 Mr. Thorsland asked if staff had any questions for Mr. Collins.

39
40 Mr. Hall asked Mr. Collins if he was familiar with the Champaign County Stormwater Management Policy.

41
42 Mr. Collins yes.

1

2 Mr. Hall asked Mr. Collins if he has reviewed Subsection 7.2.H. which indicates the following: All surface
3 runoff water shall exit the development in nonerosive velocities.

4

5 Mr. Collins stated that any stormwater that runs off of the property must run off of the property at the same
6 location that it did before it was developed. He said that this requirement is stated in the Illinois drainage
7 law. He said that forcing or centralizing any stormwater runoff to another location across someone else's
8 property violates the Illinois drainage law and doing so will also create an enormous erosion problem for not
9 only the adjacent property owner but also for the property which is located to the east. He said that there is a
10 concrete spillway and short section of grass but the rest of the farmland is productive farm ground.

11

12 Mr. Hall asked Mr. Collins if he believes that a complete stormwater plan designed for the construction
13 should be received and approved by this Board prior to approval of the special use permit.

14

15 Mr. Collins stated that there needs to be at least a stormwater plan that will release the same amount across
16 the same area to the adjoining property.

17

18 Mr. Hall asked Mr. Collins if he has reviewed the letter from Berns, Clancy and Associates.

19

20 Mr. Collins stated that he has copies from Berns, Clancy and Associates and Phoenix Consulting Engineers.
21 He said that the letter from Phoenix Consulting Engineers indicates that in any storm event, whether it is a
22 one year or 100 year, that peak discharge is going to be less due to the proposed plan. He said that Berns,
23 Clancy and Associates states that the proposed development will increase the total volume of runoff from the
24 site but will likely result in an increase from an approximate 2.7 square mile watershed of less than 1%. He
25 said that he will agree with the engineering study in that the amount of excess runoff that comes off of the
26 property will not affect the floodplain but what it will do is concentrate the storm water runoff to the
27 adjacent property creating erosion problems and take away productive farm ground from someone else that is
28 an adjoining neighbor.

29

30 Mr. Hall asked Mr. Collins if he does not believe that Phoenix Consulting Engineers or Berns, Clancy and
31 Associates computed adequately.

32

33 Mr. Collins stated that Berns, Clancy and Associates indicated that the concept drainage plan appears to be
34 feasible. He said that he does not want to hear that it appears to be feasible and would prefer to hear that
35 something is feasible and will not affect the neighboring properties.

36

37 Mr. Hall asked Mr. Collins if he believes that the Board should require that more engineering be completed
38 for this project.

39

40 Mr. Collins stated yes.

41

1 Mr. Thorsland asked the Board if there were any questions for Mr. Collins and there were none.
2
3 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Collins.
4
5 Mr. Thorsland called Kelly Ford to the cross examination microphone.
6
7 Ms. Kelly Ford asked Mr. Collins to indicate the nature of his experience with drainage.
8
9 Mr. Collins stated that roughly he has 30 years of experience in farm drainage to residential development and
10 public works.
11
12 Ms. Ford asked Mr. Collins to indicate his occupation.
13
14 Mr. Collins stated that he has 30 years of field experience and is currently he employed with the City of
15 Urbana as the Operation’s Manager for their Public Works Department.
16
17 Ms. Ford asked Mr. Collins if he was a licensed engineer.
18
19 Mr. Collins stated no.
20
21 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Collins.
22
23 Mr. Thorsland called Jerry Wallace to the cross examination microphone.
24
25 Mr. Jerry Wallace asked Mr. Collins if he owns the property which is adjacent to the property that he
26 referred to during his testimony.
27
28 Mr. Collins stated yes. He stated that he owns the one acre parcel that he lives upon and manages 40 acres
29 of farm ground with his father.
30
31 Mr. Wallace asked Mr. Collins if the 40 acres is the parcel that will receive the runoff from the subject
32 property.
33
34 Mr. Collins stated no but he has been in communication with the landowner to the north which is adjacent to
35 the Murray property.
36
37 Mr. Wallace stated that Mr. Collins indicated that he is concerned about water going on to a property but he
38 does not own or farm that property.
39
40 Mr. Collins stated that Mr. Wallace is correct.
41
42 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Collins and there was no one.

1

2 Mr. Thorsland called Kelly Ford to testify.

3

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

22

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

34

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

36

37 Mr. Thorsland asked the Board if there were any questions for Ms. Ford.

38

39 Mr. Courson stated that Ms. Ford indicated that when she met with her clients it appeared that they were
40 very prepared therefore her services were not required at that time. He asked Ms. Ford if it is her general
41 practice to recommend that people purchase property for business ventures that is not properly zoned for

1 such businesses.

2
3 Ms. Ford stated that she did inform her clients that she would not recommend such and her clients
4 understood that their purchase would come with some risk. She said that her clients are not before the Board
5 so that the Board feels sorry for them because they purchased the property with an intent therefore the Board
6 should allow their request but they are requesting that the Board consider the rezoning due to the issues that
7 have been raised during the public hearing process.

8
9 Mr. Courson stated that the petitioners are requesting a map amendment so that they can utilize the property.

10
11 Ms. Ford stated that her clients would have done so whether they only had a contract to purchase the
12 property or whether they had already acquired the property. She said that if her clients had not purchased the
13 property they would have the ability to terminate their contract and if they do not receive approval of the
14 map amendment then the Murray family owns a home and ten acres. She said that, if she may characterize
15 the situation, her clients are not asking that the Board should feel sorry for them because they have acquired
16 this property for a specific reason therefore since they are in a pinch the Board should approve their request.

17
18 Mr. Courson stated that he would agree with Ms. Ford's characterization of the situation.

19
20 Ms. Ford stated that her clients are indicating that they believe that their proposal is a fair use of the property
21 and that an amendment would be appropriate.

22
23 Mr. Courson asked Ms. Ford to indicate her definition of spot zoning.

24
25 Ms. Ford stated that she did not come to the meeting prepared to answer such a question.

26
27 Mr. Courson stated that Ms. Ford was very specific that the request should not be considered spot zoning.

28
29 Ms. Ford stated that if she were further out in the County and she requested a map amendment to put a more
30 dense or incompatible use on the property then that would be considered spot zoning. She asked Mr.
31 Courson why he believes that the requested map amendment constitutes spot zoning.

32
33 Mr. Thorsland stated that the discussion between Ms. Ford and Mr. Courson regarding spot zoning is not the
34 issue at hand.

35
36 Mr. Thorsland asked the Board if there were any additional questions for Ms. Ford and there were none.

37
38 Mr. Thorsland called Ben McCall to testify.

39
40 Mr. Ben McCall, who resides at 1085 CR 2200N, Champaign, stated that he resides in the northern portion
41 of Section 14 of Hensley Township and is approximately one-half mile from the subject property. He said
42 that he is speaking tonight as an individual and not as a representative of the Hensley Township Plan

1 Commission and is only testifying tonight in regard to the map amendment case.

2
3 Mr. McCall stated that throughout this case he has felt that it is fundamentally unfair to rezone a single piece
4 of property for the benefit of a developer at the expense of the surrounding property owners. He said that in
5 the July 6, 2012, Supplemental Memorandum there was a discussion about spot zoning which was a term
6 that he was unfamiliar with. He said that in the memorandum staff indicates that the Ordinance does not
7 limit AG-2 to 1.5 miles from cities, which is true, and that the zoning map has always had AG-2 more than
8 1.5 miles from the cities, which is also true but generally contiguous. He said that staff goes on to suggest
9 that there is nearby isolated AG-2, specifically the soil testing service, and implies that this makes it okay but
10 that case was clearly an infill development whereas the present case is neither infill nor contiguous to other
11 development. He said that staff goes on to say that we shouldn't worry about rezoning a single lot to AG-2 if
12 it is as close to cities as other AG-2 although he sees no basis for this claim. He said that staff correctly
13 states that previous AG-2 rezonings do not obligate the Board to approve this rezoning and he believes that
14 this is a key point to remember.

15
16 Mr. McCall stated that he looked up the term spot zoning on the web and the second link on Google was an
17 article in the *Planning Commissioners Journal* which appears to be a professional journal for the planning
18 community. He said that the article was written by an attorney with experience as an assistant city attorney
19 and as a legal counsel to a planning commission. He said that for what it is worth the author also has a
20 master's degree in Urban and Regional Planning.

21
22 Mr. McCall distributed a copy of the article titled, "Understanding Spot Zoning" to the Board as a Document
23 of Record and read the article as follows:

24 Most planning commissioners have heard the impassioned cry that a particular rezoning decision will
25 constitute an invalid spot zoning. This allegation typically arises where the community is
26 considering the rezoning of a single lot or small parcel of property held by a single owner and the
27 rezoning will permit land uses not available to the adjacent property. Because spot zoning often
28 focuses on the single parcel without considering the broader context, that is, the area and land uses
29 surrounding the parcel, it is commonly considered the antithesis of planned zoning. While rezoning
30 decisions that only affect a single parcel or small amount of land are most often the subject of spot
31 zoning claims, as opposed to rezoning of larger areas, a locality can lawfully rezone a single parcel if
32 its action is shown to be consistent with the community's land use policies. As I will discuss shortly,
33 courts look to the community's comprehensive plan or to other planning studies in determining
34 whether the rezoning is, in fact, consistent with local land use policies.

35
36 Of course, whether a particular rezoning constitutes an unlawful spot zoning depends largely upon
37 the facts surrounding the zoning decision and upon the judicial decisions of each state. However,
38 courts commonly note that the underlying question is whether the zoning decision advances the
39 health, safety, and welfare of the community. A zoning decision that merely provides for individual
40 benefit without relationship to public benefit cannot be legally supported. Where a particular zoning
41 decision is not supported by a public purpose the zoning decision is arbitrary and may be subject to

1 invalidation as unlawful spot zoning. Although courts throughout the nation differ in their specific
2 approaches when reviewing spot zoning claims the majority consider the following: 1. the size of
3 the parcel subject to rezoning; and 2. the zoning both prior to and after the local government’s
4 decision; and 3. the existing zoning and use of the adjacent properties; and 4. the benefits and
5 detriments to the landowner, neighboring property owners, and the community resulting from the
6 rezoning; and 5. the relationship between the zoning change and the local government’s stated land
7 use policies and objectives.

8
9 This last factor, the relationship of the rezoning decision to the community’s land use policies and
10 objectives, is perhaps the most important one. As a result, when a planning commission or
11 governing body initially considers a rezoning request it should determine whether the request is
12 consistent with the comprehensive or master plan. Many communities’ zoning codes also require a
13 separate planning study that examines the merits of the proposed rezoning which further ensures that
14 any rezoning is consistent with the community’s land use objectives and not a case of spot zoning.
15 The bottom line is that courts will give considerable weight to evidence that the locality’s rezoning
16 decision reflects thoughtful consideration of planning factors.

17
18 It should be noted that there is one situation where a rezoning decision that does not conform to the
19 comprehensive plan may nevertheless be upheld and that is where there is evidence showing
20 significant changes in the community since the adoption of the plan that would justify a rezoning of
21 the property. This is especially true where a review of other factors, such as benefit to the
22 community and the size of the rezoned parcel, indicate that the rezoning was not merely intended to
23 confer a benefit to the property owner.

24
25 Mr. McCall continued his individual testimony. He said that to paraphrase, spot zoning, which staff admits
26 this case represents, is almost certainly illegal unless it is clearly demonstrated to be in the public interest and
27 not just the interest of the developer and is consistent with the LRMP. He said that this proposed spot
28 zoning clearly does not provide a public benefit in the sense of advancing the health, safety, welfare of the
29 community. He said that having a wedding reception hall in a rural setting, in general, cannot be claimed to
30 be a public benefit, although perhaps a public park could but not an upscale private event center, and it is
31 even more clear that having one at this particular location does not offer a public benefit.

32
33 Mr. McCall stated that this proposed spot zoning also does not advance the goals of the LRMP and he does
34 not understand why staff felt compelled to propose arguments that it does. He said that he will examine
35 staff’s arguments one by one. He said that staff indicates that Goal 1 and Goal 2 are not relevant and he will
36 agree. He said that staff indicates that Goal 3 is not directly relevant to any of the objectives in Goal 3, but
37 for some reason goes on to say that it would partially achieve Goal 3 simply because it would benefit a local
38 business. He said that staff was correct that this Goal is not relevant and should not claim that the rezoning
39 helps achieve this goal. He said that in regards to Goal 4, Objective 4.1, this objective is to minimize the
40 fragmentation of the County’s agricultural land base. He said that staff indicates some technical arguments
41 about two of the policies in 4.1 and recommends that the rezoning achieves Objective 4.1, which makes no
42 sense. He asked how approving this rezoning can be construed to minimize the fragmentation of agricultural

1 land. He said that perhaps one can argue that approving the rezoning would not fragment agricultural land
2 very much but approving this rezoning is not the way to minimize the fragmentation. He said that denying
3 the rezoning is the way to minimize the fragmentation and approving the rezoning would impede Objective
4 4.1.

5
6 Mr. McCall stated that in regards to Goal 4, Policy 4.2.1. staff correctly points out that it is up to the Board
7 to determine whether an upscale event center is a service that is better provided in a rural area than in an
8 urban area. He said that he believes that it is not but if the Board determines that it is all this policy says is
9 that the County may authorize a development in a rural area and does not say that such development should
10 be encouraged or that it is desirable to develop rural area. He said that even if the Board determines this is a
11 service better provided in a rural area, the proposed rezoning would not “achieve” Policy 4.2.1 but rather
12 “conform” to it. He said that if the Board determines otherwise it would not conform.

13
14 Mr. McCall stated that Goal 4, Policy 4.2.3 should be “conforms” and not “achieves”. He said this is an
15 important distinction because “achieves” suggests that the rezoning is a good thing and advances the cause
16 of the LRMP. He said that “conforms” just means that it isn’t explicitly violating the LRMP. He said that
17 the same applies to Policies 4.3.2, 4.3.3. and 4.3.4 because they all “conform” and not “achieves”.

18
19 Mr. McCall stated that Goal 5, Objective 5.1 is where he finds the arguments getting even more interesting.
20 He said that this objective basically says that the County should try to ensure that most of the growth and
21 development is concentrated in and adjacent to existing population centers. He said that this objective
22 makes a lot of sense to him and he believes it represents a widely held view in both the planning community
23 and the public at large in that growth should be compact and contiguous. He said that he would like to take
24 a look at how staff uses technical arguments to recommend that rezoning a single lot to enable development
25 far from a population center achieves the goal of ensuring that most development occurs in or adjacent to
26 population centers.

27
28 Mr. McCall stated that Policy 5.1.1 stated that the County will encourage new urban development to occur
29 within the boundaries of incorporated municipalities. He said that staff indicates that an Appendix to
30 Volume 2 of the LRMP essentially defines urban development as land uses that are connected to a sewer or
31 ought to be. He said that since the proposed use will have a septic system instead of a sewer connection staff
32 believes that the proposed rezoning helps achieve the goal of the LRMP. He said that only if it were a
33 stadium or a coliseum would it be considered urban development and thereby not achieve the goal of the
34 LRMP. He said that it is his opinion that the proposed rezoning pretty clearly impedes this policy and more
35 generally Goal 5 of the LRMP by enabling non-contiguous development relatively far from existing cities.

36
37 Mr. McCall stated that Objective 5.2 indicates that new development should demonstrate good stewardship
38 of natural resources. He said that staff recommends that the proposed rezoning achieves that objective
39 because of Policy 5.2.1 which states the following: The County will encourage the reuse and redevelopment
40 of older and vacant properties within urban land when feasible. He said that staff goes on to say that the
41 petitioners had trouble finding a suitable property and that the proposed use is not urban anyway so the

1 proposed rezoning conforms to this policy and therefore somehow achieves the objective of demonstrating
2 good stewardship of natural resources. He said that it is not clear to him how this objective is relevant
3 because the property in question is a residence not a vacant or older business and would almost certainly
4 have been purchased by somebody else and used as a residence.
5

6 Mr. McCall stated that Goal 6 states that the County will ensure protection of the public health and safety in
7 land resource management decisions. He said that staff indicates that the proposed rezoning will help
8 achieve this goal because wastewater will be properly treated, outdoor lighting will comply with the
9 Ordinance and building codes will be followed. He said that this seems to conform to Goal 6 but not really
10 achieves it. He said that Goal 7 indicates that the County will coordinate land use decisions in the
11 unincorporated area with the existing and planned transportation infrastructure and services. He said that
12 staff indicates that the proposed rezoning achieves this goal because a traffic impact analysis was done. He
13 said that he would respectfully suggest that this conforms and not achieves this goal.
14

15 Mr. McCall stated that staff indicates that Goals 8, 9 and 10 are not relevant and he agrees.
16

17 Mr. McCall asked that with all of the mumbo-jumbo out of the way where does that leave us? He said that
18 everyone agrees that LRMP Goals 1, 2, 8, 9 and 10 are not relevant and it seems pretty clear that Goal 3 is
19 also not relevant. He said that this brings us to Goals 4 and 7 and it is his opinion that it's pretty clear that
20 the proposed rezoning only conforms to Goals 6 and 7, rather than achieving them, and in the most favorable
21 view it also only conforms to Objectives 4.2 and 4.3. He said that it also seems to him that it clearly
22 impedes Objective 4.1, minimizing fragmentation of agricultural land, and Goal 5, compact and contiguous
23 growth. He said that the article from the *Planning Commissioner's Journal* pretty much said that spot
24 zoning is generally found to be illegal unless it advances the health, safety and welfare of the community and
25 is consistent with the LRMP.
26

27 Mr. McCall stated that he would respectfully suggest to the Board that despite the heroic efforts of staff to
28 try to justify this rezoning request it simply does not advance the health, safety and welfare of the community
29 and it is clearly inconsistent with the LRMP. He said that it is also probably an example of illegal spot
30 zoning and the County might well be challenged in court if it approved it. He said that as he has testified
31 before it also makes no sense in terms of the intent of the Zoning Ordinance itself.
32

33 Mr. McCall stated that he would like to close with the following question: What harm would come if this
34 request is rejected and what harm would come if it is approved? He said that if it is rejected the developers
35 will be out some money for their planning costs and the traffic impact analysis. He said that he would guess
36 that they would sell the property, perhaps after dividing it into three lots as suggested by staff, and probably
37 make a profit. He said that they would then try a little harder to find a suitable location that is properly
38 zoned and would then likely start up a very successful event center there which may be a little bit less of the
39 rural character that they yearn for.
40

41 Mr. McCall stated that if it is approved, the surrounding property owners will lose that same rural character
42 that they have vested so much in over the years and they will lose the ability to enjoy the peace and

1 tranquility of the country. He said that before too long staff will be championing another development
2 adjacent to this one arguing that there is already a lot of development in this area and it is not really rural
3 anymore. He said that over time the rural character the residents moved there for, that the Hindu Temple
4 was established to appreciate, and that the current petitioners will profit from will be completely gone and
5 the area will be just another example of urban sprawl into the country.
6

7 Mr. McCall urged the Board to not simply accept the recommendation of the staff at face value but instead to
8 carefully consider whether it believes the proposed rezoning provides a public benefit and is consistent with
9 both the letter and the spirit of the LRMP. He said that the Board should err on the side of rejecting the
10 rezoning unless it is entirely convinced that approval would be in the public interest and consistent with the
11 LRMP otherwise the Board may leave the County in an indefensible legal position.
12

13 Mr. Thorsland asked if staff had any questions for Mr. McCall and there were none.
14

15 Mr. Thorsland asked the Board if there were any questions for Mr. McCall and there were none.
16

17 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. McCall and there was no one.
18

19 Mr. Thorsland called Peggy Anderson to testify.
20

21 Ms. Peggy Anderson, who resides at 2172 CR 1000E, Champaign, stated that she is the property owner to
22 the north that was alluded to during earlier testimony. She said that she is concerned about the drainage
23 because the Murray property slopes down towards her property and is one of the first points of the drainage
24 from the subject property. She said that the Berns, Clancy and Associates' engineering report contained
25 many words like "should", "could", "appears", and "if" and these words do not leave you with a wonderful
26 100% feeling of assurance. She said that things should not go wrong but just in case they do it would impact
27 her property. She said that at one time she hired Berns, Clancy and Associates to design a parking lot for a
28 group that she worked for on campus and oddly enough the drainage design did not work and had to be
29 redone therefore she is a little concerned with their findings.
30

31 Ms. Anderson stated that she is also concerned about traffic. She said that for more than one day she
32 traveled on a particular country road that had a business located upon it and she noticed a speed limit that
33 was placed around the business along the road. She said that with two different areas of possible high
34 impact traffic a speed limit might be appropriate for County Highway 1. She said that one beautiful Sunday
35 afternoon she was outside a lot on her property and she noticed that the Hindu Temple was having a
36 gathering and when she looked towards the temple the sun kept reflecting off of the vehicles which gave her
37 the feeling of living near a parking lot and not in a rural setting.
38

39 Mr. Thorsland asked if staff had any questions for Ms. Anderson and there were none.
40

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

1

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

5

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

8

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

11

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

13

14 Mr. Courson stated that the traffic analysis did not address the speed limit.

15

16 Mr. Hall stated that the traffic analysis indicated that all of the parameters were adequate for a 55 mile per
17 hour speed limit.

18

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

21

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

23

24 Mr. Thorsland asked the audience if anyone else desired to sign the witness register to present testimony
25 regarding these cases and there was no one.

26

27 Mr. Thorsland stated that he had one additional question for Anne Murray and requested that she return to
28 the witness stand.

29

30 Mr. Thorsland asked Anne Murray if she visited each of the property owners that are highlighted on the map.

31

32 Ms. Anne Murray stated yes. She said that the petition which was submitted was signed by landowners in
33 Hensley Township who support their project. She said that the landowners represent approximately 7,700
34 acres and most of those landowners are present tonight.

35

36 Mr. Thorsland stated that the point is taken that there is neighborhood support for the project but some of the
37 listed landowners on the map are not individuals but investors such as the Atkins Group.

38

39 Ms. Murray stated that Jim Goss, Director of Farm Management for the Atkins Group, would have been here
40 if he could have and they would be happy to address the Board if required.

41

42 Mr. Thorsland stated that the Board appreciates receipt of the petition of support although a petitioner could

1 submit such a record for an ice cream shop store on a particular corner but all of the petitions in the world
2 will not force approval.
3
4 Ms. Murray stated that it was important that she went out to speak to the neighbors so that they are informed
5 and supportive of a gathering place for rural clientele. She said that the landowners who signed the petition
6 are not about her family making money because the landowners are not going to make a dime off of the
7 project but they are proud to have this event center in their township and they look forward to having a place
8 to gather for rural people.
9
10 Mr. Thorsland asked if staff had any questions for Ms. Murray and there were none.
11
12 Mr. Thorsland asked the Board if there were any questions for Ms. Murray.
13
14 Mr. Courson stated that there are properties which are not highlighted on the map in Section 14 therefore he
15 assumes that those properties are not in support of the project.
16
17 Ms. Murray stated that she spoke to Jim North of American Dowell last night and he indicated support of the
18 project. She said that she did not speak to Clyde Kesler, although Phil Kesler has indicated that they are not
19 in support of the project. She said that Peggy Anderson has attended the public hearings and has voiced her
20 concerns about the project and has indicated that she is not in support.
21
22 Mr. Courson asked Ms. Murray if she spoke to a representative of the land owned by Tend Trust No. 24 in
23 Section 15.
24
25 Ms. Murray stated that she did not speak to a representative of the land owned by Tend Trust No. 24 because
26 she was not sure who to contact.
27
28 Mr. Courson stated that there are several direct neighbors who are indicated as supporting the project.
29
30 Ms. Murray asked Mr. Courson if he does not believe that it matters who does support the project.
31
32 Mr. Courson stated yes. He said that there are neighbors who are in support but there are also 14 or so who
33 are not in support.
34
35 Ms. Murray stated that the glass is either half empty or half full.
36
37 Mr. Courson stated that he does not have any issues with the proposed business or the landowners but he did
38 feel that it was important to point out that there are several landowners who are in support of the project and
39 those who oppose the project.
40
41 Mr. Thorsland asked if staff had any questions for Ms. Murray and there were none.

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
34
35
36
37
38
39
40
41
42

Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Anne Murray.

Ms. Susan Thomas asked Ms. Murray if when she was communicating with the neighbors she obtained the feeling that the neighbors believed that this would benefit the health and general welfare of the community.

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

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

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

Mr. Thorsland closed the witness register.

Mr. Thorsland called for a five minute break.

The Board recessed at 8:30 p.m.

The Board resumed at 8:37 p.m.

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

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

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

Mr. Hall stated no.

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

1

2 Mr. Thorsland directed the Board to page 9 of 31 of the Revised Finding of Fact dated July 12, 2012, for
3 Case 699-AM-11. He said that LRMP Goal 1 indicates the following: Champaign County will attain a
4 system of land resource management planning built on broad public involvement that supports effective
5 decision making by the County. He said that staff has recommended that Goal 1 is NOT RELEVANT to the
6 proposed rezoning and the Board agreed with staff's recommendation.

7

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

12

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

17

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

25

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

30

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

32

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

34

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

36

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

1 does interfere with agriculture then we need to get it on paper so that if this leads to a denial there will be a
2 clear reason why it was denied and not just that it will interfere with agriculture.

3
4 Mr. Passalacqua asked if there is any bearing to the fact that the subject property is not completely in
5 production right now. He said that his thought is that the subject property could be in production at a greater
6 level.

7
8 Mr. Hall asked Mr. Passalacqua what that has to do with Policy 4.2.1.

9
10 Mr. Passalacqua stated that he is trying to justify why the proposed special use would achieve Policy 4.2.1 if
11 not interfering with agricultural operations.

12
13 Mr. Thorsland stated that Policy 4.2.1 is about interference with other agricultural operations.

14
15 Ms. Capel stated that as far as she can see it does not interfere with other agricultural operations in Section
16 14.

17
18 Mr. Thorsland noted that this is about surrounding agriculture.

19
20 Mr. Courson stated that an example would be excess drainage onto neighboring properties or increased
21 traffic interfering with farming equipment during planting and harvest season.

22
23 Ms. Capel stated that there is a special condition indicating that the event center must conform to the
24 Champaign County Stormwater Policy.

25
26 Mr. Hall stated that the County's engineer has reviewed it and indicated that so far it looks great. He said
27 that if the Board is going to indicate that it doesn't meet the Champaign County Stormwater Policy then the
28 Board needs to tell the petitioner so that they can do more work so that it can meet the policy rather than
29 denying it because it doesn't.

30
31 Mr. Palmgren stated that the Board realizes that the rezoning is for the special use request for an event
32 center. He said that the Board is not just looking at a rezoning for the purpose of rezoning without knowing
33 that there is something else coming afterwards and has to consider that the rezoning is for a purpose.

34
35 Mr. Hall stated that if the rezoning is approved and the event center does not happen the only thing that can
36 happen without a public hearing is the same thing that can happen under the current zoning now without a
37 rezoning. He said that because the uses authorized by right in the AG-1 District are nearly identical to the by
38 right uses authorized in the AG-2 District, anything else requires a public hearing at which time the Board
39 can spend as much time or even more time analyzing that use as opposed to the event center. He said that
40 the only thing that can happen on the subject property without a public hearing is what could happen anyway
41 under current zoning because everything else requires a public hearing with perhaps a new traffic impact
42 analysis, stormwater drainage plan, a new septic system design, etc.

1

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

4

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

8

9 Mr. Palmgren agreed with Mr. Passalacqua.

10

11 Mr. Thorsland stated that the majority of the Board agrees that the proposed rezoning ACHIEVES Policy
12 4.2.1 and based on the evidence, the proposed Event Center WILL NOT interfere with agricultural
13 operations and is a service which is not currently available in Champaign County and therefore IS a service
14 better provided in a rural area than in and urban area.

15

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

20

21 Mr. Hall stated that before the Board decides Policy 4.1.6 the Board has to decide the rest of Policy 4.2.2 and
22 4.2.3 and if it meets those then it probably meets Policy 4.1.6.

23

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

29

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

35

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

40

41 Mr. Thorsland stated that Policy 4.2.3 indicates the following: The County will require that each proposed

1 discretionary development explicitly recognize and provide for the right of agricultural activities to continue
2 on adjacent land. He said that staff has recommended that the proposed rezoning ACHIEVES Policy 4.2.3.
3 He said that a special condition of approval has been proposed as follows: The owners of the subject
4 property hereby recognize and provide for the right of agricultural activities to continue on adjacent land
5 consistent with the Right to Farm Resolution 3425.
6

7 Mr. Passalacqua asked if the special condition to the subsequent owner actually limits what could happen in
8 AG-2.
9

10 Mr. Hall stated that anything that has been authorized in AG-2 could happen in AG-2.
11

12 Ms. Capel stated that there are eleven by-right uses in AG-1 and there are two more in AG-2.
13

14 Mr. Passalacqua stated that any other use would require a special use permit.
15

16 Ms. Capel stated that each one of them requires a public hearing.
17

18 The Board agreed with staff's recommendation that the proposed rezoning ACHIEVES Policy 4.2.3.
19

20 Mr. Thorsland stated that Policy 4.2.4 indicates the following: To reduce the occurrence of agricultural land
21 use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review
22 consider whether a buffer between existing agricultural operations and the proposed development is
23 necessary. He said that staff has recommended that the proposed rezoning ACHIEVES Policy 4.2.4 and the
24 Board agreed with staff's recommendation.
25

26 Mr. Thorsland stated that Policy 4.3.2 indicates the following: On best prime farmland, the County may
27 authorize a discretionary review development provided the site with proposed improvements is well-suited
28 overall for the proposed land use. He said that staff recommends that the proposed rezoning ACHIEVES
29 Policy 4.3.2 and the Board agreed with staff's recommendation.
30

31 Mr. Thorsland stated that Policy 4.3.3 indicates the following: The County may authorize a discretionary
32 review development provided that existing public services are adequate to support the proposed development
33 effectively and safely without undue public expense. He noted that there was a request made for a dry
34 hydrant by the Thomasboro Fire Department and the petitioners agreed to that request. He said that staff
35 recommends that the proposed rezoning ACHIEVES Policy 4.3.3 and the Board agreed with staff's
36 recommendation.
37

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

1

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

6

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

10

11 Ms. Capel recommended that the proposed rezoning ACHIEVES Objective 4.2 and the Board agreed with
12 Ms. Capel's recommendation.

13

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

18

19 Mr. Thorsland stated that Board will now review Goal 5.

20

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

24

25 Mr. Thorsland stated that Goal 5 indicates the following: Champaign County will encourage urban
26 development that is compact and contiguous to existing cities, villages, and existing unincorporated
27 settlements. He said that Goal 5 is relevant to the proposed rezoning because the subject property is to be
28 rezoned AG-2, Agriculture. He said that staff's recommendation is that the proposed rezoning ACHIEVES
29 Goal 5 because of the following: Objective 5.1 is entitled "Population Growth and Economic Development"
30 and indicates that Champaign County will strive to ensure that the preponderance of population growth and
31 economic development is accommodated by new urban development in or adjacent to existing population
32 centers. He said that staff recommends that the proposed rezoning ACHIEVES Objective 5.1. He said that
33 Policy 5.1.1 indicates the following: The County will encourage new urban development to occur within the
34 boundaries of incorporated municipalities. He said that staff recommends that the proposed rezoning
35 CONFORMS to Policy 5.1.1 because the subject property is not served by sanitary sewer. He said that
36 Objective 5.2 is entitled, "Natural Resources Stewardship" and indicates the following: When new urban
37 development is proposed Champaign County will encourage that such development demonstrates good
38 stewardship of natural resources. He said that staff recommends that the proposed amendment ACHIEVES
39 Objective 5.2 because of the following: Policy 5.2.1 states that the County will encourage the reuse and
40 redevelopment of older and vacant properties within urban land when feasible. He said that staff
41 recommends that the proposed rezoning CONFORMS to Policy 5.2.1.

1
2 Mr. Hall stated that CONFORMS would be a better overall recommendation for Objective 5.1. and 5.2.

3
4 Mr. Thorsland suggested that all of the ACHIEVES in Goal 5 be revised to indicate CONFORMS and the
5 Board agreed with the revision and staff's recommendation for Goal 5.

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

17
18 Mr. Thorsland stated that Policy 6.1.3 indicates that the County will seek to prevent nuisances created by
19 light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night
20 sky throughout as much of the County as possible. He said that there is a special condition on all special use
21 permits that requires full cut-off lighting as a standard and this development will be held to that same
22 standard. He said that staff recommends that the proposed rezoning ACHIEVES Policy 6.1.3. He said that
23 Objective 6.3 indicates that Champaign County will seek to ensure that all new non-agricultural construction
24 in the unincorporated area will comply with a building code by 2015. He said that a special condition of
25 approval has been proposed in related Case 700-S-11 to ensure that the proposed event center will comply
26 with applicable building codes. He said that staff recommends that the proposed rezoning ACHIEVES
27 Objective 6.3. He said that overall staff recommends that the proposed amendment should HELP ACHIEVE
28 Goal 6 although he would only recommend ACHIEVES and the Board agreed with the overall
29 recommendation.

30
31 Mr. Thorsland stated that Goal 7 indicates that Champaign County will coordinate land use decisions in the
32 unincorporated area with existing and planned transportation infrastructure and services. He said that
33 Objective 7.1 indicates that Champaign County will consider traffic impact in all land use decisions and
34 coordinate efforts with other agencies when warranted. He said that staff recommends that the proposed
35 rezoning ACHIEVES Objective 7.1 because Policy 7.1.1 indicates that the County will include traffic impact
36 analyses in discretionary review development proposals with significant traffic generation. He said that staff
37 recommends that the proposed rezoning ACHIEVES Policy 7.1.1 because a traffic impact analysis was
38 completed. He said that overall staff recommends that the proposed amendment ACHIEVES Goal 7 and the
39 Board agreed with staff's recommendation.

40
41 Ms. Capel noted that item# 17.A(1)(a) indicated that the proposed event center will accommodate up to 400
42 people and the site plan includes 84 parking spaces. She said that it was her understanding that there were

1 97 parking spaces.

2
3 Mr. Hall stated that there are 84 parking spaces with additional spaces for the overflow parking. He said that
4 staff can revise item #17.A.(1)(a) to indicate 97 overflow parking spaces.

5
6 Mr. Thorsland stated that Goal 8 indicates that Champaign County will strive to conserve and enhance the
7 County's landscape and natural resources and ensure their sustainable use. He said that staff recommends
8 that the proposed amendment is NOT RELEVANT to Goal 8 because it will not be harmful to natural
9 resources.

10
11 Mr. Thorsland stated that Goal 9 indicates that Champaign County will encourage energy conservation,
12 efficiency, and the use of renewable energy sources. He said that staff recommends that the proposed
13 amendment is NOT RELEVANT to Goal 9 because the proposed amendment does not address energy
14 efficiency or the use of renewable energy sources.

15
16 Mr. Thorsland stated that Goal 10 indicates that Champaign County will promote the development and
17 preservation of cultural amenities that contribute to a high quality of life for its citizens. He said that staff
18 recommends that the proposed amendment is NOT RELEVANT to Goal 10.

19
20 Mr. Thorsland stated that the item #22 indicates the proposed special condition of approval as follows:

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

23
24 Mr. Thorsland asked the petitioners if they agreed to the proposed special condition as read and the
25 petitioners indicated yes.

26
27 Mr. Thorsland stated that the following items should be added to the Documents of Record: 35.
28 Supplemental Memorandum for Case 700-S-11 dated July 12, 2012, with attachments; and 36. Two
29 photographs submitted by Anne and Lauren Murray on July 12, 2012; and 37. Planning Commissioners
30 Journal Article submitted by Ben McCall on July 12, 2012; and 38. Written testimony submitted by Ben
31 McCall on July 12, 2012; and 39. Written testimony submitted by Lisa Kesler on July 12, 2012.

32
33 Mr. Thorsland entertained a motion to approve the special condition.

34
35 **Ms. Capel moved, seconded by Mr. Passalacqua to approve the special condition. The motion carried**
36 **by voice vote.**

37
38 Mr. Thorsland entertained a motion to approve the Findings.

39
40 **Ms. Capel moved, seconded by Mr. Passalacqua to approve the Findings as amended. The motion**
41 **carried by voice vote.**

1
2 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Finding
3 of Fact as amended.

4
5 **Mr. Palmgren moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents of**
6 **Record and Finding of Fact as amended. The motion carried by voice vote.**

7
8 Mr. Thorsland entertained a motion to move to the final determination for Case 699-AM-11.

9
10 **Ms. Capel moved, seconded by Mr. Courson to move to the final determination for Case 699-AM-11.**
11 **The motion carried by voice vote.**

12
13 Mr. Thorsland informed the petitioners that one Board member was absent and one Board seat was vacant
14 therefore it is at their discretion to either continue Case 699-AM-11 until a full Board is present or request
15 that the present Board move forward to the Final Determination. He informed the petitioners that four
16 affirmative votes are required for approval.

17
18 The petitioners requested that Case 699-AM-11 be continued until such time when a full Board was present.

19
20 Mr. Thorsland requested a continuance date from staff for Case 699-AM-11 and 700-S-11.

21
22 Mr. Hall stated that both cases could be continued to the August 16, 2012, meeting.

23
24 **Mr. Courson moved, seconded by Ms. Capel to continue Cases 699-AM-11 and 700-S-11 to the August**
25 **16, 2012, meeting. The motion carried by voice vote.**

26
27 Mr. Hall asked the Board if they required additional information for Case 700-S-11 regarding the stormwater
28 plan.

29
30 Mr. Passalacqua stated no.

31
32
33 **6. New Public Hearings**

34
35 **Case 720-V-12 Petitioner: Robert Dorsey and Elizabeth Buck Request to authorize the following in**
36 **the R-2 Single Family Residence Zoning District: Part A. Variance from Section 4.2.1G. requirement**
37 **that no accessory use or structure be established prior to a main or principal use or structure; and**
38 **Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the**
39 **maximum 15 feet. Location: Lots 4, 5, 6, 7 and 8 of Block 4 of S.H. Busey's First Addition to the**
40 **Town of Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly**
41 **known as the dwelling at 209 Main Street, Penfield and appurtenant property at the location formerly**
42 **known as 216 East Street, Penfield.**

1

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

10

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

14

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

16

17 Ms. Elizabeth Buck , 209 Main Street, Penfield, stated that they desire to place a shed on their property. She
18 said that they own five lots which consist of three lots on one side and two on the other side of the alley.
19 She said that when they inquired about building a shed on the property they did not realize that the zoning
20 regulations require that a home be on the property. She said that at one time there was a house on the
21 property but it had been vacant for several years and rather than investing money in to the house by fixing it
22 up they had the house torn down.

23

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

25

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

27

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

29

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

32

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

36

37 Mr. Thorsland called John Hall to testify.

38

39 Mr. John Hall, Zoning Administrator, stated that until two months ago staff has never suggested that
40 someone apply for a variance from the requirement that there be a dwelling before building a shed. He said
41 that the petitioners have been trying to get this shed built for over one year and they discussed vacating the

1 alley with the Compromise Township Highway Commissioner and it is not his decision. Mr. Hall stated that
2 the Compromise Township Highway Commissioner indicated that people have tried unsuccessfully to have
3 an alley vacated in the past and personally the Highway Commissioner thought that it was a bad precedent to
4 start vacating alleys. Mr. Hall stated that he finally decided that while he would never encourage one to seek
5 a variance for an accessory building on the opposite side of the street, because those conditions are not
6 desirable, in this instance it is not across the street but across a dedicated alley that is only 14 feet wide. He
7 said that he hopes that the Board can find that the limitations that arise from the alley bisecting the property
8 are materially different than if it were a street with a 60 foot wide right of way and 20 feet of pavement and
9 cars going through it whenever they took a notion. He said that if the Board reviews the Table of
10 Authorized Uses they will not find a shed or an accessory building because they are not an authorized
11 principal use. He said that some may argue that this variance is prohibited because the Board would be
12 authorizing an accessory building as a principal use but the decision is up to the Board but he does not
13 believe this case is requesting that. He said that he does not want to make this request seem like it is a
14 simple little variance because it is not and he does not believe that the ZBA has ever been presented with as
15 complex a variance as this request. He said that the petitioners are basically requesting that they be allowed
16 to put up a new garage on their property on the other side of the alley. He said that legally the lots which are
17 located on the other side of the alley are a different zoning lot and could not be considered as part of the lot
18 area in determining the minimum lot area. He said that the Highway Commissioner was asked if a 20 foot
19 length of the alley could be vacated so that there would be a fig leaf connection or not vacate it but put in an
20 easement so that the trucks can be driven through the alley to plow snow and the Highway Commissioner
21 stated no. Mr. Hall stated that this is a serious variance that the Board need to be comfortable with and the
22 Summary of Evidence and Finding of Fact needs to be established so that when some future person, when
23 they request allowance to build a shed on the opposite side of the street from their property, will be able to
24 review this finding and know what to expect.

25
26 Mr. Passalacqua asked if the 10 x 12 structures were also storage sheds.

27
28 Ms. Buck stated yes.

29
30 Mr. Passalacqua asked Ms. Buck if the intention is to remove some of the smaller sheds once the larger shed
31 is constructed. He asked if there is a limit on the amount of sheds which are allowed on the property.

32
33 Mr. Hall stated that there is a limit on lot coverage but the petitioners are not near that limit at this point.

34
35 Mr. Thorsland asked if all of the sheds count for lot coverage.

36
37 Mr. Hall stated yes. He asked Ms. Buck if they would keep all of the sheds on the property once the larger
38 shed was constructed.

39
40 Ms. Buck stated that they would probably keep the sheds because they have invested money into them.

41
42 Mr. Thorsland read the proposed special condition as follows:

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
34
35
36
37
38
39
40
41

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; and (2) If at least a 20 feet length of the alley between the relevant properties is ever vacated; and (3) If any building on the eastern portion of the property is ever converge to include a dwelling unit with a septic system.
The special condition stated above is required to ensure the following:
That the variance is void should it not ever be necessary 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 is 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.

Ms. Buck agreed to the special condition as read.

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

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

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

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

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

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

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

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

3
4 Mr. Hall stated that staff will revise the special condition.

5
6 Mr. Thorsland asked if staff or the Board had any additional questions for Ms. Buck and there were none.

7
8 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Buck and there was no one.

9
10 Mr. Thorsland called Robert Dorsey to testify.

11
12 Mr. Robert Dorsey, who resides at 209 Main Street, Penfield, stated his wife covered everything and he had
13 no new testimony to add at this time.

14
15 Mr. Thorsland asked if staff had any questions for Mr. Dorsey and there were none.

16
17 Mr. Thorsland asked the Board if there were any questions for Mr. Dorsey and there were none.

18
19 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Dorsey and there was no one.

20
21 Mr. Thorsland called Lucy Sparks to testify.

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

34
35 Mr. Hall stated that the conditions that were proposed in the memorandum are intended to deal with a lot of
36 Ms. Sparks' concerns but the conditions will not make the building look like anything different than a huge
37 shed.

38
39 Ms. Sparks stated that the petitioners call the structure a shed but it is a huge building that is 18 feet tall and
40 there is another huge shed next to it and a double garage next to the first shed. She said that the property is
41 going to look very commercial.

42

- 1 Mr. Hall stated that the aesthetics is one of the results of a variance like this although no one is supposed to
2 be using the proposed shed for a business and he does not believe that the petitioners have that intention.
3 He said that if someone in the future they have the intention to use the shed as a business they will be
4 stopped by the County.
5
- 6 Mr. Thorsland stated that the variance will not allow the shed to be a commercial use but it won't stop
7 anyone from attempting to do something that they are not allowed to do.
8
- 9 Mr. Sparks stated that the variance will also not change the look of the shed. She asked if the property
10 values of the neighborhood will change.
11
- 12 Mr. Thorsland stated that discussion regarding property values is not the venue of this Board.
13
- 14 Mr. Hall asked if there is anything that she would suggest which would reduce the appearance of the shed
15 as a commercial building or is it just the fact that the building is large and that it is not a home.
16
- 17 Ms. Sparks stated that the building is so large that there will not be any room for a house.
18
- 19 Mr. Thorsland stated that it is common for some buildings to have an apartment inside of the building. He
20 said that an apartment inside of the building would not change the overall appearance of the building but it
21 would become a conforming structure.
22
- 23 Ms. Sparks asked if there would be continued overflow such as trailers, trucks, etc.
24
- 25 Mr. Thorsland stated that perhaps she should discuss her concerns with the property owners outside of this
26 public hearing so that she can gain answers to her questions. He asked Ms. Sparks if landscaping or
27 screening would assist her concerns about the appearance of the building.
28
- 29 Ms. Sparks stated that she is sure that it would help. She asked if the smaller sheds would remain on the
30 property.
31
- 32 Mr. Thorsland stated that Ms. Buck indicated that the sheds would remain on the property.
33
- 34 Mr. Hall stated that if the height of the building is the concern then trees would assist with that concern
35 although they do not grow overnight and it could take ten years before the trees shield the view of the
36 building. He said that the trees would be a condition therefore if the first planting died then the trees would
37 have to be replanted.
38
- 39 Mr. Thorsland asked if staff had any additional questions for Ms. Sparks and there were none.
40
- 41 Mr. Thorsland asked the Board if there were any questions for Ms. Sparks and there were none.

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
34
35
36
37
38
39
40
41
42

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

Mr. Thorsland called Renee Willcoxen to testify.

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

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

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

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

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

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

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

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

Ms. Willcoxen stated that she does have photographs to submit which indicate her concerns. She submitted

1 the photographs as Documents of Record.
2
3 Mr. Thorsland asked if staff had any questions for Ms. Willcoxon and there were none.
4
5 Mr. Thorsland asked the Board if there were any questions for Ms. Willcoxon and there were none.
6
7 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Willcoxon and there was no one.
8
9 Mr. Thorsland entertained a motion for a ten minute extension of the meeting.
10
11 **Mr. Courson moved, seconded by Mr. Passalacqua to extend the meeting to 10:10 p.m. The motion**
12 **carried by voice vote.**
13
14 Mr. Thorsland called Betty Buck and Robert Dorsey back to the witness microphone.
15
16 Mr. Passalacqua stated that from the testimony received tonight it appears that there are materials that are
17 conducive to a work environment. He asked Ms. Buck if there was a business operating in the building.
18
19 Ms. Buck stated no. She said that they want the building to store the materials that were discussed. She said
20 that she had a brick sidewalk that she removed and she has the bricks piled up and hasn't had a chance to
21 pick them up.
22
23 Mr. Passalacqua stated that he just wanted to clarify whether the materials were for personal or commercial
24 purposes.
25
26 Mr. Courson asked Ms. Buck if the existing shed is a pole barn type structure.
27
28 Ms. Buck stated yes.
29
30 Mr. Courson asked Ms. Buck if she investigated altering the existing shed to store the camper.
31
32 Ms. Buck asked Mr. Courson to clarify.
33
34 Mr. Courson stated that the existing shed's roof could be raised to accommodate the camper.
35
36 Ms. Dorsey stated that it would cost as much to raise the roof on the existing shed as it would to build a new
37 building.
38
39 Mr. Courson stated that raising the roof is a possibility and is not uncommon therefore he wondered if the
40 petitioners had investigated this option.
41

1 Mr. Thorsland stated that even if they raised the roof of the building the petitioner would still be
2 before the Board with a variance request.

3
4 Mr. Hall stated that he understands Mr. Courson's point but the petitioners would require a variance for
5 height although it would be a variance on a nonconforming structure in lieu of a new shed and it would be a
6 better variance in that regard, if it were possible.

7
8 Mr. Courson stated that raising the roof of the shed would require less insurance, fewer property taxes, etc.
9 although he understands that the petitioners require more room for storage.

10
11 Mr. Thorsland asked if staff had any additional questions for Ms. Buck or Mr. Dorsey and there were none.

12
13 Mr. Thorsland asked the Board if there were any questions for Ms. Buck or Mr. Dorsey and there were none.

14
15 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Buck or Mr. Dorsey and there was
16 no one.

17
18 Ms. Capel asked Mr. Hall if all of the small sheds are conforming.

19
20 Mr. Hall stated yes. He said that the subject property is in a residential district therefore the yards
21 requirements are less than those in the agricultural districts.

22
23 Mr. Thorsland entertained a motion for a continuance to the September 13, 2012, meeting.

24
25 **Mr. Courson moved, seconded by Mr. Palmgren to continue Case 720-V-12 to the September 13, 2012,**
26 **meeting. The motion carried by voice vote.**

27
28 Mr. Hall asked the Board if there was any information that they would like to review prior to the next public
29 hearing for this case.

30
31 Mr. Courson stated that he would like to see a plan for screening.

32
33 Mr. Thorsland stated that perhaps staff should discuss screening options with the petitioner.

34
35 Mr. Hall asked the Board if they would like to see any cost estimates regarding raising the roof of the
36 existing building.

37
38 Mr. Courson stated no, because the petitioners have indicated that they require additional storage space.

39
40 Mr. Courson asked Mr. Hall if there will be a driveway up to the shed or will it be a grassy area.

41
42 Mr. Hall stated that he assumes that there will be a driveway.

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
34
35
36
37
38
39
40
41

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

7. Continued Text Amendment Public Hearings:

Case 710-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4 as follows: 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. 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”.; and 2. Delete SA Factors A.2.; A.3.; B.2.; B.3.; C.2.; D.2.; E.1.; E.2.; E.3.; E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.; and 3. Revise SA Factor A.1. to be new Factor 8; Factor B.1. to be 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; and 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 Request to 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 and 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”

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

20
21 **8. Staff Report**

22
23 None

24
25 **9. Other Business**

26 **A. Review of Docket**

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

28
29 None

30
31 **10. Audience Participation with respect to matters other than cases pending before the Board**

32
33 None

34
35 **11. Adjournment**

36
37 Mr. Thorsland entertained a motion to adjourn the meeting.

38
39 **Mr. Courson moved, seconded by Ms. Capel to adjourn the meeting. The motion carried by voice**
40 **vote.**

41
42 The meeting adjourned at 10:08 p.m.

- 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

Respectfully submitted

Secretary of Zoning Board of Appeals

CASE NO. 687-AM-11 & 688-S-11

SUPPLEMENTAL MEMORANDUM

AUGUST 10, 2012

Champaign
County

Department of

**PLANNING &
ZONING**

Petitioners:

**Philip W. and Sarabeth F. Jones
175N CR1600E
Villa Grove, IL**

Prepared by:

Andy Kass
Associate Planner

Site Area:

Approx. 12.69 acres

Time Schedule for Development:

Immediate

John Hall
Zoning Administrator

Brookens

Administrative Center

1776 E. Washington Street

Urbana, Illinois 61802

Case 687-AM-11

(217) 384-3708

Request: Amend the Zoning Map to change the zoning district designation from CR Conservation Recreation to AG-1 Agriculture.

Case 688-S-11

Request: Authorize the construction and use of a "Heliport- Restricted Landing Area" as a Special Use on land that is proposed to be rezoned to the AG-1 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related zoning case 687-AM-11; and with a waiver of a Special Use standard condition required by Section 6.1 that requires a runway safety area to be located entirely on the lot

Location: An approximately 12.69 acre tract of land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR1600E, Villa Grove.

Location: An approximately 12.69 acre tract of land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly known as the property at 175N CR1600E, Villa Grove.

STATUS

These cases have been continued from the May 31, 2012, hearing. Staff has not received any new information regarding the intention of the petitioners, therefore a new legal notice was not placed. No new evidence is anticipated to be received at this hearing and any discussion is anticipated to be a discussion of continuance or dismissal of these cases.

CASE NO. 700-S-11

SUPPLEMENTAL MEMORANDUM

AUGUST 10, 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 July 12, 2012, public hearing. Draft minutes of that meeting are included separately for approval. The current site plan received July 3, 2012, is included for convenience.

Procedural matters related to both cases are briefly reviewed below. Note the adoption of Text Amendment Case 683-AT-11 forever changed the required Findings for Special Use Permits in the AG-1, AG-2, and CR Districts and a corrected Finding #2 is attached.

New evidence and revisions are proposed to added to the Summary of Evidence and are included below. A section regarding specific aspects of this case that should be considered when reaching a final determination in this case has been included below.

CASE 699-AM-11 FINDING OF FACT AND PROCEDURAL CONSIDERATIONS

An "As Approved" Finding of Fact for related Case 699-AM-11 has been attached. The revisions correct grammatical mistakes as well as reflect the findings of the Zoning Board of Appeals at the July 12, 2012, public hearing.

The "As Approved" Finding of Fact for related Case 699-AM-11 is "positive" and is supportive of a recommendation of "Recommend Adoption". However, the Finding of Fact was approved on a voice vote and it is not clear how many Board members actually voted for its approval.

Article 9.5 of the Bylaws requires that if fewer than 4 Board members vote to recommend approval of any case the result is the same as denial. Thus, if fewer than 4 Board members vote to recommend approval of Case 699-AM-11 it will proceed to the County Board as a "Recommendation to Deny".

Before making the Final Determination in Case 699-AM-11 the Board may want to complete and approve the Finding of Fact in this Case 700-S-11 so that it can ensure that all Findings are consistent before making a Final Determination in either case.

The Board may want to adopt the Findings in this Case on a roll call vote so as that the Board has some idea of whether or not there are four votes supportive of approval before making the actual Final Determination.

CORRECTED FORMAT FOR FINDING #2 BASED ON CASE 683-AT-11

Case 683-AT-11 was adopted on October 20, 2011, and changed the required Special Use Permit Finding #2 as follows:

2. that it 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, except that in the CR,AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements is WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed special use effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.

A revised Finding #2 is included as Attachment E. Note that the required sub-findings have been re-lettered as g., h., and i.

The subject property is "BEST PRIME FARMLAND" and the Approved Findings in Related Case 699-AM-11 have already established that the new sub-findings have been met and therefore Attachment E has been formatted as a recommendation (bold italics where relevant).

PROPOSED EVIDENCE AND REVISIONS

The Summary of Evidence has been updated where relevant to reflect the Findings in related Case 699-AM-11. See item 8.U. on p. 26; item 9.F.(2) on p. 30; item 9.F.(7)(b) on p. 31; and item 10.C.(12)(b) on p. 38.

Add the following to Item 7.D. of the Summary of Evidence:

- D. The subject property has frontage on and is accessed from a county highway which will provide good access to the property. The traffic to the proposed Special Use will not be a significant impact on County Highway 1, which is already a heavily traveled County Highway.

Add the following to Item 7. of the Summary of Evidence:

- J. The subject property is only partially in agricultural production and will stay partially in production and the site of the proposed building has not recently been in agricultural production.

Add the following to Item 7. of the Summary of Evidence:

K. The evidence in related Case 699-AM-11 established that the proposed Special Use is a service better provided in a rural area than in an urban area.

Delete the following from Item 8.K.(1)(f) of the Summary of Evidence:

- (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.~~

Add the following to Item 8.U. of the Summary of Evidence and renumber existing Item 8.U. to 8.V. as follows:

U. The Special Use will be compatible with adjacent uses because the evidence in related Case 699-AM-11 established that the proposed Event Center will not interfere with agricultural operations and the subject site is suitable for the proposed Special Use.

Add the following to Item 10.C.(9)(g) of the Summary of Evidence:

- (g) The subject property was created as a separate parcel between 1980 and 1981. The building permit was issued for the existing home on the property in 1985.

EVIDENCE RECOMMENDED FOR THE FINDING OF FACT

Regarding the first required Finding that the requested Special Use Permit is necessary for the public convenience at this location, the following evidence seems especially relevant and is recommended to be included in the Finding even if this evidence is insufficient to warrant an affirmative overall Finding (in that case perhaps with “despite”):

- **Testimony by the petitioner and others in the public hearing that indicated a need for the proposed Special Use** (see the evidence summarized under item 7.A.- I.);
- **County Highway 1 provides convenient access to the property and the added traffic will not have a significant impact** (see 8.C.(7)&(8));
- **The evidence in related Case 699-AM-11 established that the proposed Special Use is a service better provided in a rural area than in an urban area** (see 14.B.(1) in Case 699-AM-11) and the subject property is well suited overall for the proposed use (see 14.C.(1) in Case 699-AM-11).

Regarding the second required Finding that the requested Special Use Permit is so designed, located, and proposed 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 health, safety, and welfare, the following evidence seems especially relevant to this Finding (some parts were already recommended in the July 6, 2012, Draft) and is recommended to be included in the Finding even if insufficient to warrant an affirmative finding (in that case perhaps with “despite”):

- **The Traffic Impact Analysis determined that the street has adequate traffic capacity and the entrance location has adequate visibility (see 8.C.(7)&(8)).**
- **The special conditions based on the recommendations of the Thomasboro Fire Department that are related to both emergency services and public safety (see 8.D.).**
- **The evidence in related Case 699-AM-11 established that the proposed Event Center will not interfere with agricultural operations (see 14.B.(2) in Case 699-AM-11) and the subject site is well-suited for the proposed Special Use (see 14.C.(1) in Case 699-AM-11).**
- **The review of the preliminary stormwater drainage plan by the County’s engineering consultant that found that the concept drainage plan appears to be feasible to construct in a manner that will comply with the stormwater management ordinance (see 8.B.(2)).**
- **Public Act 96-074 that will require the proposed building to be constructed to meet a building code that will ensure public safety (see 8.K.(2)).**
- **The Petitioner’s having already received a private sewage disposal permit from the Champaign County Public Health Department (see 8.G.).**
- **The proposed parking areas on the site plan that includes 84 permanent parking spaces and 97 overflow parking spaces.**

Regarding the part b of the third required Finding that the requested Special Use Permit preserve the essential character of the District in which it is located, the following evidence seems especially relevant to this Finding (in addition to the standard sub-Findings a., b., and c.) and is recommended to be included in the Finding even if insufficient to warrant an affirmative finding (in that case perhaps with “despite”):

- **The Special Use will not hinder agricultural production on adjacent properties (see 9.F.(2)).**
- **The Special Use will not have a significant traffic impact (see 9.F.(4)).**
- **The Special Use will not substantially change the visual character of the subject property because the proposed building is clustered with the existing home and the parking area will be screened and agricultural production will still occur onsite in the same general area that has been under production (see 9.F.(3)).**

Regarding the fourth required Finding that the requested Special Use Permit is in harmony with the general purpose and intent of the Ordinance, the following evidence seems especially relevant to this Finding (in addition to the standard sub-Findings a., b., c., and d.) and is recommended to be included in the Finding even if insufficient to warrant an affirmative finding (in that case perhaps with “despite”):

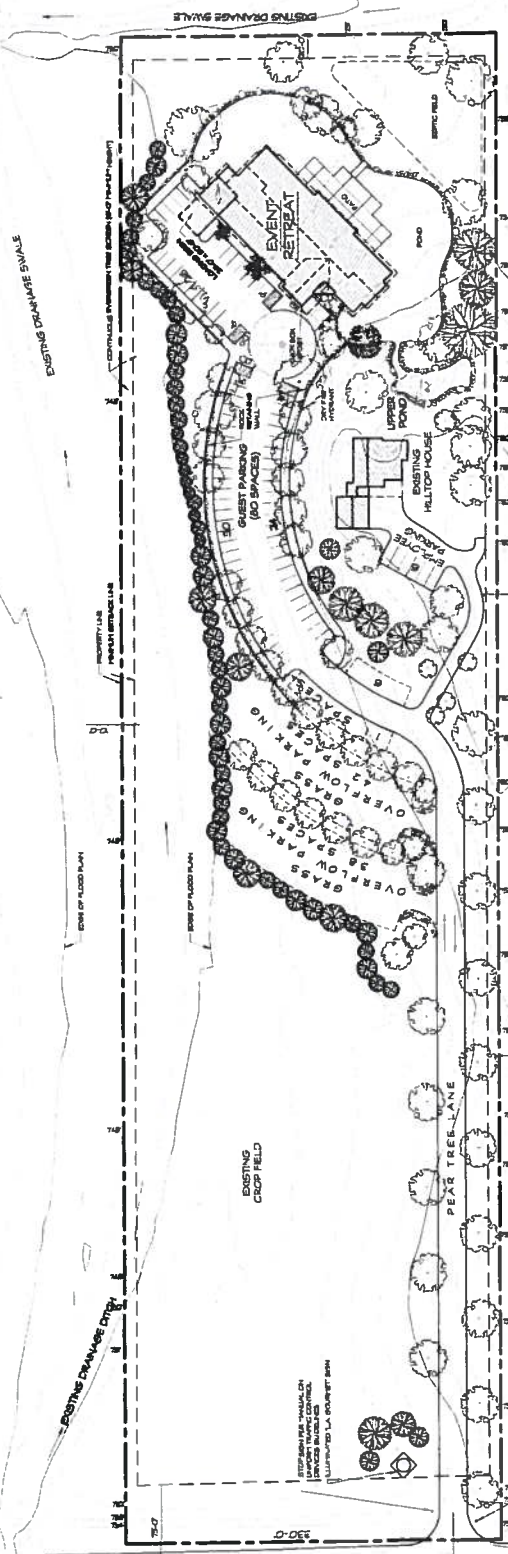
- **The requested Special Use will have no significant effect on nearby property values (10.C.(2)).**
- **The requested Special Use poses no hazard to the most productive Agricultural lands because this property has existed as a separate parcel since 1984 (10.C.(9)) and is near another AG-2 District only one-quarter mile to the south (10.C.(9)) and is well suited overall for this non-urban use (Finding 14.C.(1) of related Case 699-AM-11).**
- **The requested Special Use will retain some land in agricultural production and thereby help retain the Agricultural nature of the County (see 10.C.(12)).**

ATTACHMENTS

- A Draft minutes from July 12, 2012, ZBA meeting (included separately)
- B Revised Site Plan received July 3, 2012 (Note: there are no changes)
- C “As Approved” (no Final Determination) Finding of Fact for Case 699-AM-11 (included separately)
- D Revised Summary Revised Summary of Evidence, Finding of Fact, and Final Determination (included separately)
- E Corrected Finding #2 Incorporating Case 683-AT-11

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



① SITE PLAN
SCALE 1" = 100'-0"

L.A. GOURMET EVENT RETREAT

2150 CR 1000 EAST
CHAMPAIGN, ILLINOIS 61822

RECEIVED

JUL 03 2012

CHAMPAIGN CO. P & Z DEPARTMENT

DATE	07/03/12
NO. 1106	
PROJECT	A1
DRAWN BY	
CHECKED BY	
IN CHARGE	

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



Michael J. Hordewick
Professional Engineer
State of Illinois
No. 1212
Hordewick Architects

Attachment E. Corrected Finding #2 Incorporating Case 683-AT-11

Case 700-S-11

AUGUST 10, 2012

-
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.

And except that in the CR,AG-1, and AG-2 DISTRICTS the following additional criteria shall also apply:

- g. The property is BEST PRIME FARMLAND and the property with proposed improvements *IS WELL SUITED OVERALL.*
- h. The existing public services *ARE* available to support the proposed special use effectively and safely without undue public expense.
- i. The existing public infrastructure together with proposed improvements *IS* adequate to support the proposed development effectively and safely without undue public expense.

AS APPROVED

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

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

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, 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).

AS APPROVED

- (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

- *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.

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

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 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.

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.

AS APPROVED

- (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;

AS APPROVED

- 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

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

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)

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.

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 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.

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** 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, 2008 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*.”**

AS APPROVED

The proposed rezoning **ACHIEVES** 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 Wyonet 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.

- 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** 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** Policy 4.2.1 because based on the evidence, the proposed Event Center **WILL NOT** interfere with agricultural operations and is a service which is not currently available in Champaign County and therefore **IS** a service better provided in a rural area than in an urban area as follows:

- (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.
- *(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.
- *(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 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.

AS APPROVED

- 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.
- **(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.
- **(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.
- **(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.
- * (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.
- * (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

AS APPROVED

- 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** Policy 4.2.2 because based on the evidence, the proposed event center **DOES NOT** negatively affect agricultural activities, or **IS** located and designed to minimize exposure to negative effects of agricultural activities, and **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 they 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.
 - 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

AS APPROVED

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.

- 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 Wyandot 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.
- (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.

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 AG-2 Agriculture. 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 **CONFORMS** to 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 **CONFORMS** to 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 **CONFORMS** to 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.

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 **ACHIEVES** 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 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.

AS APPROVED

- (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.

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 **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 and overflow parking that can accommodate 97 additional parking spaces.

- (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.

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.

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.

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

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	AG-1 Agriculture
	----- Agriculture	
North	Agriculture	AG-1 Agriculture
	----- Residential	
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture
	----- Residential	

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 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

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
35. Supplemental Memorandum for Case 700-S-11 dated July 12, 2012, with attachments:
 - A Highlighted Map Illustrating Locations of Landowners in June 14, 2012, Petition of Support received July 12, 2012
36. Two photographs submitted by Anne and Lauren Murray on July 12, 2012

37. Planning Commissioners Journal Article submitted by Ben McCall on July 12, 2012
38. Written testimony submitted by Ben McCall on July 12, 2012
39. Written testimony submitted by Lisa Kesler on July 12, 2012

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, 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 HELP ACHIEVE** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the following LRMP goals:
 - 3, 4, 6, and 7
 - B. The proposed Zoning Ordinance map amendment **WILL NOT IMPEDE** the achievement of the other LRMP goals.
2. The proposed Zoning Ordinance map amendment **IS** 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

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~~ August 16, 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

	pages
General Application Information	2-5
Specific Ordinance Requirements	5-8
Special Use Evidence	8-46
Documents of Record	47-50
Case 700-S-11 Finding of Fact.....	51-53
Case 700-S-11 Final Determination	54

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, June 14, 2012, and July 12, 2012, and August 16, 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 purpose 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, 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).
 - (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.

- 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 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.
 - (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:
 - (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:

Item 6.B. (continued)

- (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.
 - (4) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
 - (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

Item 6.E.(2) (continued)

(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.

- 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.
- D. The subject property has frontage on and is accessed from a county highway which will provide good access to the property. The traffic to the proposed Special Use will not be a significant impact on County Highway 1, which is already a heavily traveled County Highway.
- E. The subject property is located 2 miles from the City of Champaign
- 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.
- 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.
- 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.

Item 7.H. (continued)

- (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.
- 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.
- J. The subject property is only partially in agricultural production and will stay partially in production and the site of the proposed building has not recently been in agricultural production.
- K. The evidence in related Case 699-AM-11 established that the proposed Special Use is a service better provided in a rural area than in an urban area.

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).

Item 8.B. (continued)

- (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 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) 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.
 - 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.

REVISED DRAFT

Item 8.C.(7) (continued)

- (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.
 - 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

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:
- 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.

REVISED DRAFT

Item 8.C.(7)(g) (continued)

- 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 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 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.

Item 8. (continued)

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:
 - (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.

REVISED DRAFT

Item 8.K.(1) (continued)

- (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.
 - (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.

Item 8. (continued)

- 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 they 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 than 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
 - (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

Item 8.T. (continued)

- (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. The Special Use will be compatible with adjacent uses because the evidence in related Case 699-AM-11 established that the proposed Event Center will not interfere with agricultural operations and the subject site is suitable for the proposed Special Use.

U.V. 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.

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 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 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 84 parking spaces that were proposed at that time were insufficient for a facility with a capacity of 400 people.

Item 9.B. (continued)

(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 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.

REVISED DRAFT

Item 9.F. (continued)

- (2) The proposed use **WILL NOT** hinder agricultural production on adjacent properties and agricultural production will still occur onsite. (from related Case 699-AM-11)
- (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.

- (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 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 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.

REVISED DRAFT

Item 9.F. (7) (continued)

- ii. The subdivision plat for Thor-O-Bred Acres contained a statement certifying that only seven of the lots had known soil characteristics that were suitable 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 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.

REVISED DRAFT

Item 10.B.(2) (continued)

The uses authorized by-right in the AG-1 Agriculture and AG-2 Agriculture Zoning Districts are nearly identical.

- 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.
 - (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.
- (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.

REVISED DRAFT

Item 10.C. (continued)

- (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) The proposed use will be taking a minimal amount of land out of agricultural production.
 - (b) The subject property is 2 miles from the 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.
 - (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. 3
 - (g) The subject property was created as a separate parcel between 1980 and 1981. The building permit was issued for the existing home on the property in 1985.
- (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.

REVISED DRAFT

Item 10.C. (continued)

- (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 NOT** be a disturbance to agriculture activities. (from related 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 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.

Item 12. (continued)

- 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 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 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.

- (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

Item 12.H.(2) (continued)

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 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.**

Item 12.H.(2) (continued)

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 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 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**

Item 12.K. (1)(d)(continued)

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

Documents of Record (continued)

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

Documents of Record (continued)

35. Supplemental Memorandum for Case 700-S-11 dated July 12, 2012, with attachments:
A Highlighted Map Illustrating Locations of Landowners in June 14, 2012, Petition of
Support received July 12, 2012
36. Two photographs submitted by Anne and Lauren Murray on July 12, 2012
37. Planning Commissioners Journal Article submitted by Ben McCall on July 12, 2012
38. Written testimony submitted by Ben McCall on July 12, 2012
39. Written testimony submitted by Lisa Kesler on July 12, 2012

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, June 14, 2012, and July 12, 2012, and August 16, 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

CASE NO. 722-S-12

PRELIMINARY MEMORANDUM

AUGUST 10, 2012

Petitioners: **Dr. Michael Boero**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: **4.5 acres**

Time Schedule for Development:
Currently in Operation

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: **Authorize an equine veterinary surgery clinic and performance problem evaluation facility as a "Veterinary Hospital" as a Special Use on 4.5 acres that is part of a 22 acre property previously authorized as a stable in Case 719-S-90 and located in the CR Conservation Recreation Zoning District.**

Location: **A 22 acre parcel in the West Half of the Southeast Quarter of the Southwest Quarter of Section 26 of Newcomb Township and commonly known as the home and stable at 430 CR 2500N, Mahomet.**

BACKGROUND

Dr. Michael Boero requests a Special Use Permit for an equine surgery clinic and performance evaluation facility on a property which was the subject of Special Use Permit Case 719-S-90 for a 16-stall horse stable which was authorized by Zoning Use Permit 283-90-01. The horse stable is no longer in operation and the former stable has been converted into an equine surgery clinic. The petitioner has been operating the surgical clinic where he performs surgery on horses for approximately ten years. The surgical clinic includes an operating area, small laboratory area, office, bathroom, and 5 stalls are available for horses to occupy after treatment. The petitioner has indicated to staff that most of the treatment consists of same-day surgery, but occasionally a horse may need to be kept overnight. The clinic has one full time employee and three part time employees. Dr. Boero is the only veterinary at the clinic.

There is an existing home that was authorized by Zoning Use Permit 268-90-02 on the property that is proposed to be occupied by a caretaker who will watch over the property and take care of the horses on nights and weekends. Eventually the existing home is proposed to be converted into an office and the office in the surgical clinic will be converted into a dedicated veterinary laboratory. The petitioner also proposes a 75' x 100' indoor arena which will be used to evaluate horses. In addition there is a detached garage that was authorized by Zoning Use Permit 139-95-02 and a 30' x 54' hay barn on the subject property. The petitioner has also indicated that on occasion the facilities may be used for teaching purposes.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, a municipality with zoning and is located 2 miles from the City of Champaign.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	CR Conservation-Recreation
	----- Veterinary Surgical Clinic	
North	Residential	CR Conservation-Recreation
East	Agriculture	CR Conservation-Recreation
	----- Residential	
West	Residential	CR Conservation-Recreation
South	Residential	CR Conservation-Recreation

PROPOSED SPECIAL CONDITIONS

- A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the petitioner has provided documentation of registration of the composting operation and compliance with the Illinois EPA or submitted documentation indicating that the composting operation does not need to be registered.**

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

That the composting practices are conducted pursuant to the regulations of the Illinois Environmental Protection Agency guidelines.

- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the petitioner has verified that the proposed Special Use complies with the Illinois Accessibility Code or the petitioner submits documentation from the Illinois Capital Development Board verifying that the proposed use does not have to comply with the Illinois Accessibility Code.**

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

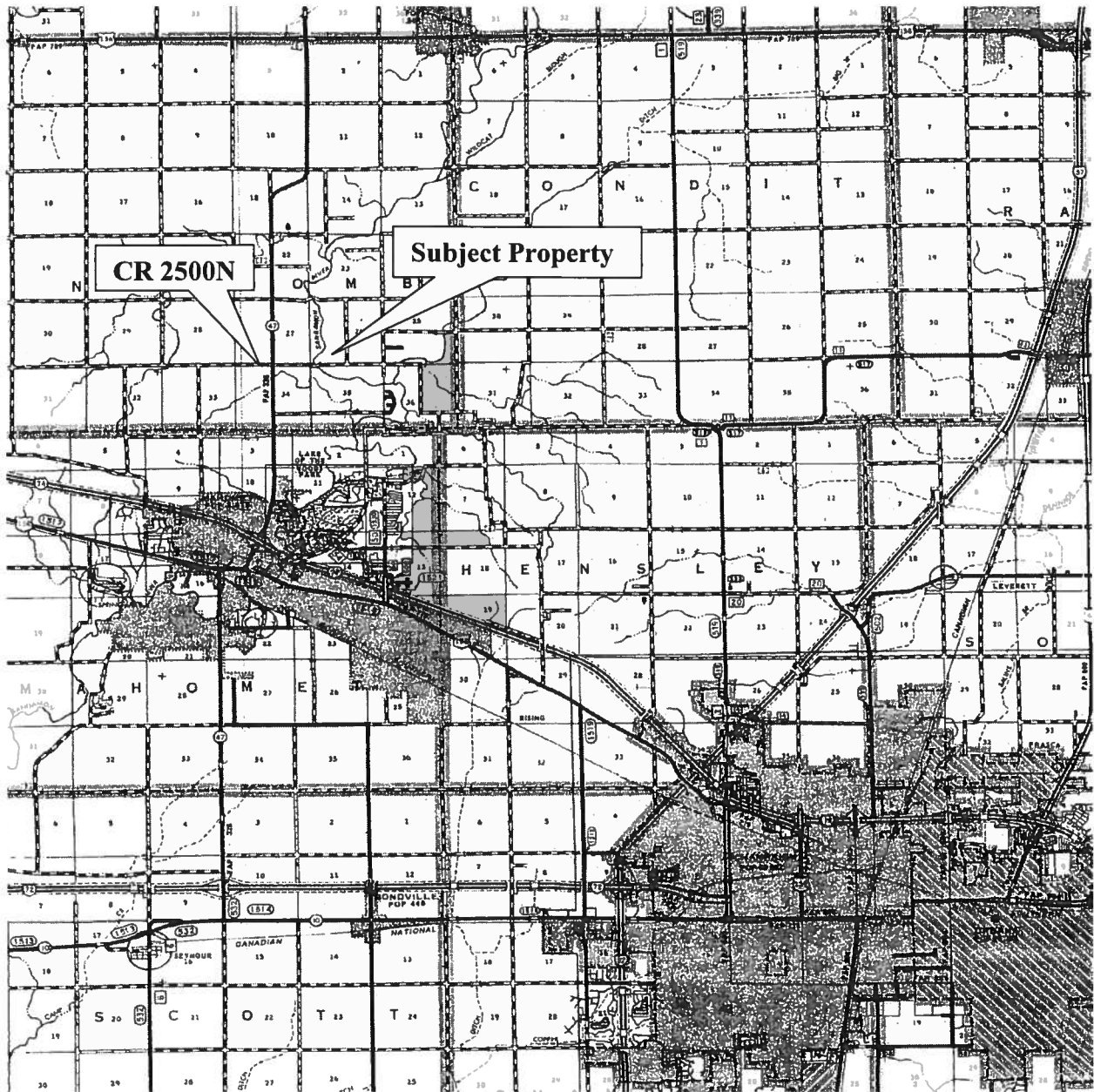
That the proposed Special Use meets applicable state requirements for accessibility.

ATTACHMENTS

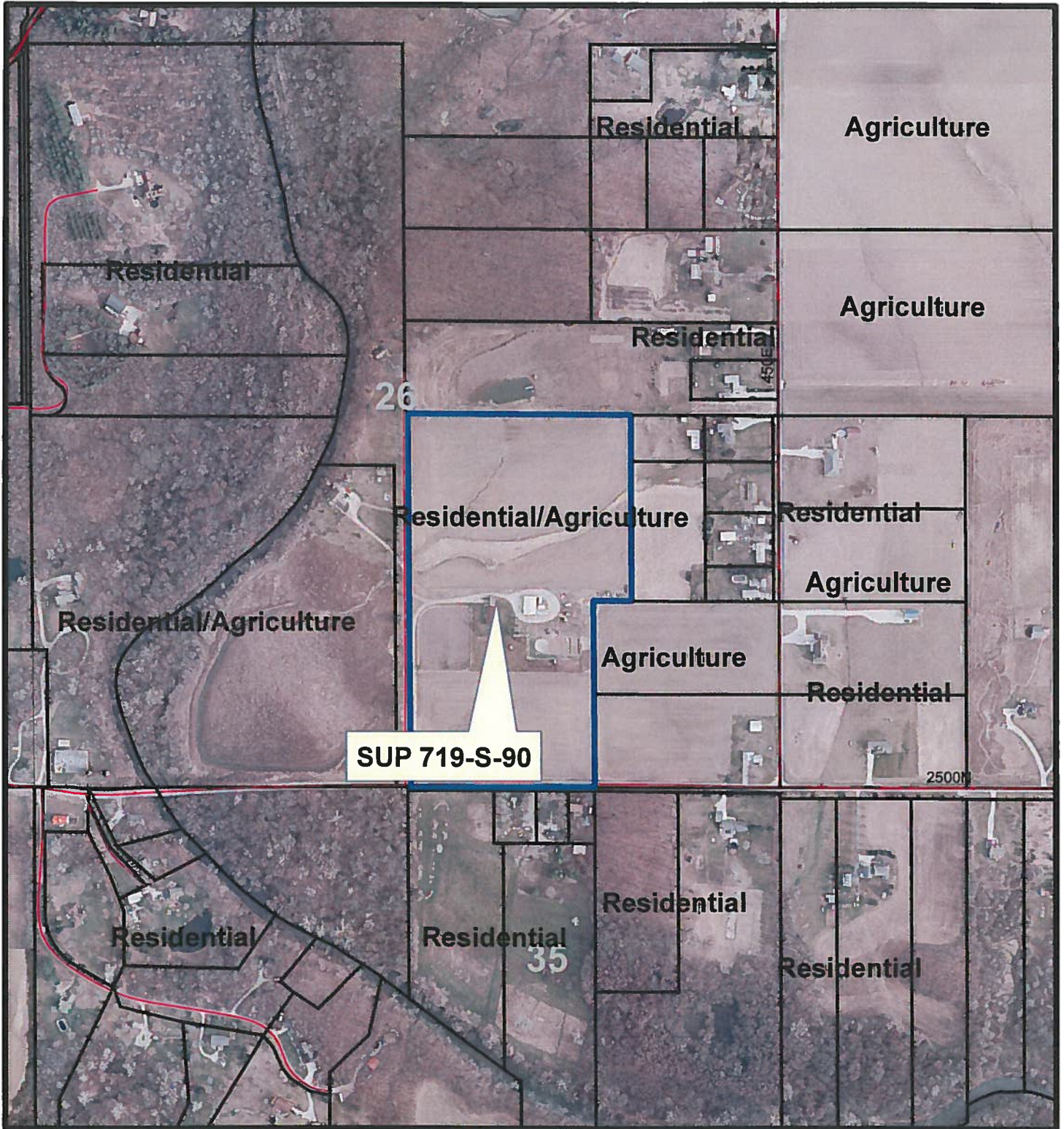
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan
- C Annotated Site Plan
- D Draft Summary of Evidence, Finding of Fact, and Final Determination (attached separately)

ATTACHMENT A. LOCATION MAP

Case 722-S-12
August 10, 2012



**Attachment A: Land Use Map
Case: 722-S-12
August 10, 2012**



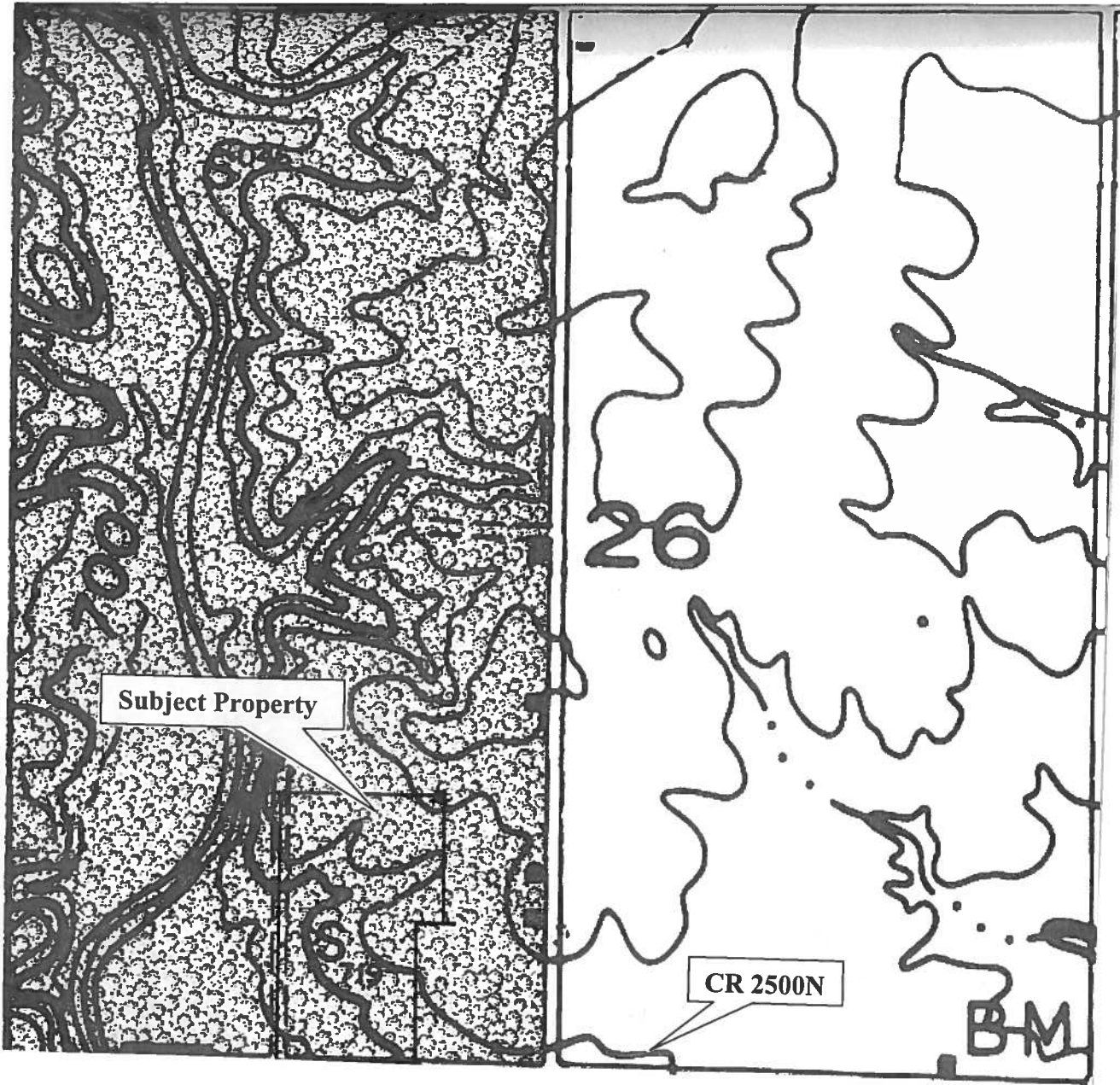
 Subject Property

1 inch = 500 feet



ATTACHMENT A. ZONING MAP

Case: 722-S-12
August 10, 2012



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH Champaign County Department of PLANNING & ZONING
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	

RECEIVED

JUN 04 2012

CHAMPAIGN CO. P & Z DEPARTMENT



RECEIVED

JUN 04 2012

CHAMPAIGN CO. P & Z DEPARTMENT

8-9-2012
by AK

Annotated Site Plan



DRAFT

722-S-12

**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: August 16, 2012

Petitioners: Michael Boero

Request: Authorize an equine veterinary surgery clinic and performance problem evaluation facility as a "Veterinary Hospital" as a Special Use on 4.5 acres that is part of a 22 acre property previously authorized as a stable in Case 719-S-90 and located in the CR Conservation Recreation Zoning District.

Table of Contents

General Application Information	2-3
Specific Ordinance Requirements	3-6
Special Use Evidence	6-16
Documents of Record	17
Case 722-S-12 Finding of Fact.....	18-20
Case 722-S-12 Final Determination	21

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 16, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Michael Boero, 426 CR 2500N, Mahomet, owns the subject property.
2. The subject property is a 22 acre parcel in the West Half of the Southeast Quarter of the Southwest Quarter of Section 26 of Newcomb Township and commonly known as the home and stable at 430 CR 2500N, Mahomet.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet, a municipality with zoning. In addition, Newcomb Township has a plan commission.

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 CR Conservation-Recreation and is residential use and for operation of the existing equine surgery clinic and was previously authorized as a Special Use as a riding stable in Case 719-S-90. The home on the subject property was authorized by Zoning Use Permit 268-90-02. The detached garage on the property was authorized by Zoning Use Permit 139-95-02. The surgical clinic and former riding stable was authorized by Zoning Use Permit 283-90-01.
 - B. Land on the north, south, east, and west of the subject property is also zoned CR Conservation-Recreation and is in use as follows:
 - (1) Land on the north is in residential use.
 - (2) Land on the south is in residential use.
 - (3) Land east of the subject property is in agricultural production and residential use.
 - (4) Land west of the subject property is in residential use.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding site plan and operations of the equine surgery facility:
 - A. The site plan received June 4, 2012, includes the following:
 - (1) A 40' × 60' shed which houses the surgical center and a possible addition.
 - (2) A 30' × 54' hay barn.
 - (3) 2 portable sheds.

- (4) An existing home and garage.
- (5) A possible 75' × 100' indoor area.
- (6) A possible machine shed.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for a VETERINARY HOSPITAL as a Special Use in the CR Conservation-Recreation Zoning District in the *Zoning Ordinance*:
 - A. VETERINARY HOSPITAL is authorized as a Special Use in the CR, AG-1, AG-2, B-3, and B-5 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:
 - (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 establishes the following standard conditions for a VETERINARY HOSPITAL:
 - (a) Enclosed Veterinary Hospitals shall not permit animals to be kept either temporarily or permanently outside the hospital buildings.

DRAFT

- (b) One single family dwelling may be permitted on the site provided it is for occupancy by the owner or employee of the veterinary hospital.
 - (c) Veterinary hospitals where animals are kept temporarily outside of the KENNEL shall adhere to the following requirements:
 - i. Provide a 6' wire mesh fence to encompass outdoor animal exercise and/or training areas.
 - ii. Any outdoor animal exercise, training and/or animal waste disposal facility area shall be no less than 200' from any adjacent residential or business district.
- 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) "KENNEL" is a LOT or PREMISES on which six or more dogs or six or more cats (or any combination thereof) at least six months of age are kept, boarded, bred, or retained for compensation; or a LOT or PREMISES on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation.
 - (3) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
 - (4) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (5) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
 - (6) "STRUCTURE, ATTACHED" is a STRUCTURE connected to another STRUCTURE.
 - (7) "STRUCTURE, DETACHED" is a STRUCTURE not connected to another STRUCTURE.
 - (8) "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.

- (9) “VETERINARY HOSPITAL” is a place where animals or pets are given medical or surgical treatment by a licensed veterinarian. Use as a KENNEL shall be limited to short term boarding and shall only be incidental to a veterinary hospital use.
- 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 except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (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
 - (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, **“Large animal surgery, and especially equine surgery is a specialty practice in veterinary medicine. Consequently, veterinarians offering these services are relatively few in number and demand for services is high. When an animal is in need of surgery or other treatment it is important to get an accurate diagnosis and timely treatment or surgery to maintain function or correct a potentially debilitating condition. Thus, the services provided can result in the preservation of animals of significant monetary value. Members of the public who have animals in need of surgery will contact the facility. The subject site is approximately ½ mile east of Route 47 on TR 2500N, which is a location that makes the site convenient and accessible for individuals bringing their animals in need of surgery to Doctor Boero.”**

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, **“The current equine surgical use includes an indoor surgical suite, 2 recovery stalls, an office, a small lab and five holding stalls. Animals are held for at most a few days, or in some rare cases a week, for medical treatment or surgery; however, 95 percent of the cases are same-day surgery, with less than 5 percent of the animals staying overnight. The applicant is not the primary care veterinarian for most of his clients, immunization and preventive health care are best handled by their regular veterinarian who is more familiar with their local situation and needs. The exception to that is tetanus which must be current for surgical procedures or wounds. Because of the relatively few animals treated and their short stays manure accumulation is minimal. It is anticipated that most of the manure will be odorlessly composed onsite and unused manure will be hauled off as necessary. It should be noted that a special use permit in the AG-1, Agriculture Zoning District was approved May 24, 1990 (Case 704-S-90). The subject property for this special use permit was located in Section 15 of Newcomb Township, approximately 3 miles northwest of this property. The burden that a riding stable would impose would be significantly greater than the burden imposed by this facility. More importantly, this site is currently subject to a special use permit granted on July 20, 1990 (Case 719-S-90) for a 16 stall barn with lighted indoor and outdoor arena. The previously granted permit appears to impose a significantly greater burden than the burden imposed by the subject facility currently and under this newly applied for special use, since the applicant will not continue the public stable operation.”**
- B. Regarding surface drainage, the subject property drains to the southeast. Surface runoff should not increase substantially since the petitioner will be adding little to no impervious area to what already exists.
- C. The subject property is accessed from CR 2500N on the south side of the property. Regarding the general traffic conditions on CR 2500N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The Annual Average Daily Traffic (AADT) for CR 2500N in front of the subject property is 1,000 AADT.
 - (2) CR 2500N is a Minor Street as indicated in the Champaign County Zoning Ordinance.
 - (3) Pavement width in front of the subject property is approximately 24 feet.

DRAFT

- (4) The Township Highway Commissioner has been notified of this case.
 - (5) Regarding the proposed special use and the anticipated traffic impacts, a traffic increase is not expected to the subject property. Presumably there will be less traffic to the subject property than the previously authorized horse stable since the proposed Special Use will not house as many horses.
- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Cornbelt Fire Protection District and is located approximately 4 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- E. Part of the subject property is located in Zone A of the mapped floodplain. No part of the proposed Special Use is located within the mapped floodplain.
- F. Regarding outdoor lighting on the subject property, no outdoor lighting has been indicated on the site plan.
- G. Regarding wastewater treatment and disposal on the subject property:
- (1) The building which houses the surgical clinic is serviced by the same wastewater system that services the existing home on the subject property.
 - (2) There is one bathroom in the surgical clinic.
- 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.
 - (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:

DRAFT

- (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. 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 location is zoned conservation recreation and the proposed use is similar to livestock related agricultural uses and should not change the character of the area. The proposed use will be located on a approximately 4.49 acre lot, which is part of a larger 22 acre tract. The remaining portion of the property has a residential dwelling as well as land that will be used as a hay field or planted in row crops. Part of the site is located in Zone A, which comprises a 100-year flood plain; however, the petitioner anticipates no development within that area. The standard security lighting is currently provided by Ameren and water will be provided by a private well and onsite sewage system is being used and will be regulated by the Illinois Department of Public Health under the Illinois Well Code and the Illinois Private Sewage Disposal and Licensing Code. The site is located in a rural area, surrounded by farm land on three sides. A 50 foot wide strip containing a drive going back to Riverview retreat owned by the Champaign County Forest Preserve is approximately 200 feet west of the site. South of the site approximately 379 feet of farm ground buffers 2500N. Single family residences are located south of the site across TR 2500N. Single family residents are also located along TR 400N, but a significant expanse of farmland separates the site from the non-site residences.”**

- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Veterinary Hospital is authorized as a Special Use in the CR, AG-1, AG-2, B-3, and B-5 Districts.
 - (2) Regarding compliance with the standard conditions for a Veterinary Hospital:
 - (a) The proposed use is not subject to the standard conditions because the hospital buildings are enclosed and no animals will be kept outside of the hospital buildings, it is not within 200' feet of a residential or business DISTRICT, and dogs or cats will not be kept on the premises.
 - (3) All structures meet setback and front, side and rear yard requirements.
 - (4) Regarding parking on the subject property:
 - (a) Paragraph 7.4.1 C.1.g. requires Animal Hospitals, CLINICS, and offices of physicians: one PARKING SPACE for each employee plus three PARKING SPACES for each staff or visiting physician.
 - (b) The proposed Special Use employs one full time employee, 3 part time employees, and one physician. A total of 7 parking spaces are required. The site plan has not indicated parking, but there is adequate area for parking.
 - (5) Regarding loading berths on the subject property:
 - (a) Paragraph 7.4.2 C.5. requires two 10' × 40' loading berths for commercial establishments establishing 10 – 24,999 square feet of floor area.
 - (b) No loading berths have been indicated on the site plan, but there is adequate area for the loading berths.
- C. Regarding compliance with the *Stormwater Management Policy*:
- (1) The proposed special use is exempt from the *Stormwater Management Policy* because the property is 22 acres and 4.3(A)(5) of the *Stormwater Management Policy* allows 3.52 acres of impervious area on a 22 acre site. The proposed additions to the property if built are less than 3.52 acres.
- D. Regarding the Special Flood Hazard Areas Ordinance, a portion of the property is located in Zone A of the mapped floodplain. No part of the operations of the proposed Special Use will take place within the floodplain. The portion of the property that is located within the floodplain consists primarily of the access land to the subject property.
- E. Regarding the Subdivision Regulations, the subject property is located in the Village of Mahomet subdivision jurisdiction, no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the CR Conservation-Recreation Zoning District:

- (1) Veterinary Hospital is authorized as a Special Use in the CR, AG-1, AG-2, B-3, and B-5 Districts.
- 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.

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. Veterinary Hospital is authorized as a Special Use in the CR, AG-1, AG-2, B-3, and B-5 Districts.
 - 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 CR District and states as follows (capitalized words are defined in the Ordinance):

The CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
 - (2) The types of uses authorized in the CR District are in fact the types of uses that have been determined to be acceptable in the CR 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.
 - 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.
- (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 shed in which the surgery clinic occupies was authorized as a Special Use in Case 719-S-90 for the operation of a horse stable and the requested Special Use Permit should not decrease the value of nearby properties.
- (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) No significant increase in traffic is anticipated as a result of the requested Special Use Permit.
- (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) Stormwater runoff from the property onto adjacent properties should not be an issue and the proposed Special Use complies with the *Stormwater Management Policy*.
 - (b) A portion of the subject property is located in the special flood hazard area, but no building or area of operations of the proposed Special Use are located within the floodplain.
- (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

DRAFT

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.

The proposed use does not intend to take any agricultural land out of production and is a service to the rural community.

- (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.

- (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.

The proposed use is a service to the rural community and is not an urban land use.

- (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.

The proposed use is a service to the rural community and is not an urban land use.

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: **“The property is an existing non-conforming use; however, it should be noted that this site was granted a special use permit on August 9, 1990, and that use contributed to a significantly greater burden by allowing a barn housing 16 horses, with the horses being boarded and kept onsite for extended periods of time. The proposed special use significantly reduces the number of horses and the amount of time the horses remain on the property, making the special use more compatible with the surroundings.”**
- B. The subject property and the use are not a non-conforming use since they were not established prior to October 1973, but obtaining the Special Use permit for the proposed use would bring the existing surgical clinic into compliance.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the petitioner has provided documentation of registration of the composting operation and compliance with the Illinois EPA or submitted documentation indicating that the composting operation does not need to be registered.**

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

That the composting practices are conducted pursuant to the regulations of the Illinois Environmental Protection Agency guidelines.

- B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the petitioner has verified that the proposed Special Use complies with the Illinois Accessibility Code or the petitioner submits documentation from the Illinois Capital Development Board verifying that the proposed use does not have to comply with the Illinois Accessibility Code.**

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

That the proposed Special Use meets applicable state requirements for accessibility.

DOCUMENTS OF RECORD

1. Special Use Permit application signed by Michael Antoline (Attorney) received June 4, 2012, with attachments:
 - A Plat of Survey
 - B Aerial Photo
 - C Site Plan
 - D Large Aerial Photo
 - E Letter of Intent

2. Preliminary Memorandum dated August 10, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan
 - C Annotated Site Plan
 - D Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 722-S-12 held on **August 16, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{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.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:

 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:

 - g. The property *{IS/IS NOT}* SUITED OVERALL for the proposed improvements *{because*}*:

 - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense*{because*}*:

- i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*: _____
-

(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.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
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.
 - 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.
 - 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.
5. The requested Special Use *{IS/ IS NOT}* an existing nonconforming use and the requested Special Use Permit *{WILL/ WILL NOT}* make the existing use more compatible with its surroundings *{because: *}*
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 **722-S-12** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED }* to the applicant to **Michael Boero** to authorize an equine veterinary surgery clinic and performance problem evaluation facility as a “Veterinary Hospital” as a Special Use on 4.5 acres that is part of a 22 acre property previously authorized as a stable in Case 719-S-90 and located in the CR Conservation Recreation Zoning District *{ 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

CASE NO. 710-AT-12

SUPPLEMENTAL MEMORANDUM
August 10, 2012

Champaign
County
Department of

PLANNING &
ZONING

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 additional written example of two types of "branched" LESA (see attached).

With the gracious help of Susan Monte of the RPC, Existing and Draft LESA scores were calculated for the Thorsland property and are reviewed below. Scores for the Capel farm will be available at the meeting.

LESA Analysis For Thorsland-Haynes Property

The four contiguous parcels owned by Eric Thorsland and Lisa Haynes in Section 26 of Newcomb Township were analyzed to determine best prime farmland status and overall LESA rating for both the existing and Draft LESA. The results are as follows:

- **LE and Best Prime Farmland.** The property consists of four separate but contiguous parcels that consist of varying amounts of Xenia silt loam and Drummer silty clay loam as follows:
 - The northern most 20 acre parcel is basically half Drummer and half Xenia.
 - The middle 10 acre parcel consists of about 17% Drummer and 83% Xenia.
 - The 6.95 acre parcel with the home is 14.9% Drummer and 85.1% Xenia.
 - The 1.3 acre parcel with a second home is all Xenia.
 - Overall, the current LE score is 85.13 and the entire property is best prime farmland. The Draft LE score is 87 but the overall percentage of Drummer soil (AVG2) is about 31% and the entire property is still best prime farmland.

- **Site Assessment.** The comparative scoresheet reveals the following about the property:
 - As reviewed above, this property is best prime farmland and totals more than 25 acres.
 - This property is less than a mile from the Village of Mahomet but is not located in the CUGA;
 - Most (97.3%) of the land within a one mile radius is zoned AG-1, AG-2, or CR but only 58% of that land is in agricultural use. See the attached map for SA Factor 8.
 - Less than half (47.4%) of the site perimeter borders parcels with a principal use of agriculture.
 - The entire property has 10 or more non-farm dwellings that border it.
 - There is a known 400 or more animal unit livestock management facility within .9 mile of the property.
 - Total SA for the existing LESA is 102 points and the Draft LESA totals 149 points.

- **Level of Protection.** The total LESA score for both the existing LESA and Draft LESA are as follows:
 - The total score for the existing LESA is 187 points which is a mid-range “Moderate” level of protection under the existing LESA.
 - The total score for the Draft LESA is 236 points which is a mid-range “High” level of protection under the Draft LESA. Note that the Draft LESA score is about 26% higher than the existing LESA.

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 Written statement submitted by Norman Stenzel on August 9, 2012
- C Comparative scoresheet for Thorsland-Haynes property
- D Map of SA Factor 8 analysis for Thorsland-Haynes property (included separately)

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**

John Hall

From: norman stenzel [norman_stenzel@excite.com]
Sent: Thursday, August 09, 2012 8:18 AM
To: John Hall
Subject: Attachment
Attachments: BranchedSA.pdf

John,

As I mentioned at the last ZBA meeting, it is possible to use a branching approach to allow the inclusion of local foods issues in the LESA. I indicated that I would provide some examples of the possibilities.

Attached is an example of how branching might be applied to a LESA. Please include the following attachment in the mailing to ZBA as a representation of my testimony.

Thanks,

Norman

RECEIVED

AUG - 9 2012

CHAMPAIGN CO. P & Z DEPARTMENT

INTRODUCTION

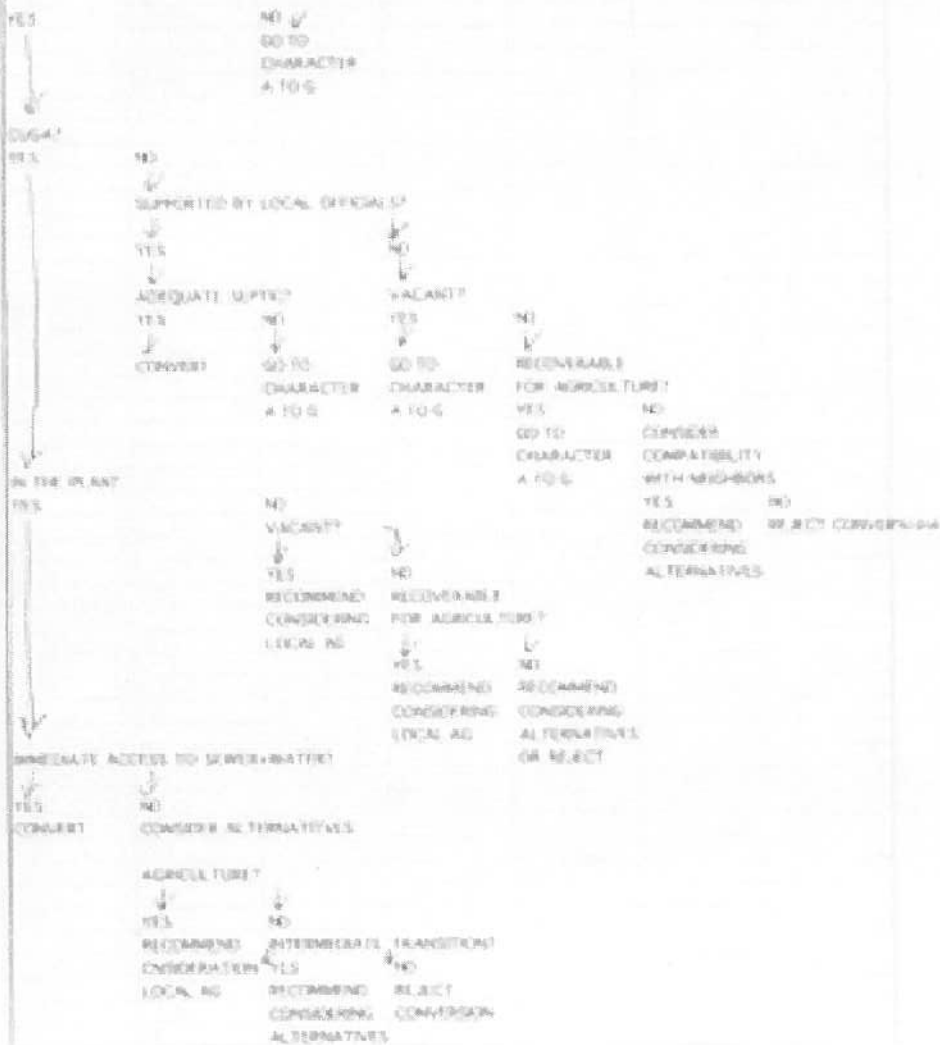
While attending meetings of the LESA Committee, I worked on the development of a variety of different approaches to the SA component.

This material includes two possible approaches to a branched approach. The first part is a decision tree that attempts to account for the influence of the CUGA and the County policy of “compact and contiguous”.

The design of the instrument was an attempt to define a parcel through proportions that can be assigned to practices and conditions. In addition, it attempted to account for the different functions of farm ground not accounted for in the proposed LESA. Farms utilize land for other purpose than crops. It was an attempt to allow for the different land related farming practices supporting the viability of agriculture in general. something not recognized in the proposed LESA. For example “lesser” soils may serve well for pasture. A function that may well provide income for the farm but not considered in the present SA materials.

DECISION TREE TO DETERMINE RELEVANT MATERIAL AND NECESSARY/DEFICIENT FEATURES

COMPACT AND CONTIGUOUS?



It is possible to assign a total number of points to be divided into portions reflecting the percent of land in each use, A-G.

Characterize the proposed site and its parent tract. What proportion of the tract is...

A. ... open agricultural field or or hayfield ? Total percent:

Percent soil class:

Best Prime

Prime

Special

Enhanced (organic, etc.)

Other

Percent agricultural use for past x years

1-4

5-9

10 or more

Percent drainage

Tile likely

Ditch

Grass waterway

Stream

Percent neighboring use

agriculture

agricultural buisness

non-agricultural business

residential

other

Percent associated infrastructure

irregation

contour consideration

fenced

Percent perennial hay cover

alfalfa

orchard grass

clover

other

B. Percent wooded:

windbreak

property/neighbor buffer

soil retention--slope, flood plain, stream bank

woodlot/fruit crop production

shading for pasture, specialty crop

C. Percent pasture:

Topography

slope/hilly

stream

Soil

Best Prime

Prime

Special

Enhanced (organic or other augmentation, etc.)

Other

Infrastructure

Animal shelter

well water supply

rain water supply

D. Percent farm building location:

sheds/steel buildings

grain bins

fuel tanks

cold storage

residence

livestock buildings

E. Percent agricultural support business?

elevators

scales

canning facility

aggregation/processing facility

supply/chemicals, seeds, etc.

equipment source

ag marketing outlet

F. Percent mixed use?

non-agricultural uses allowed in ag zones

G. Percent in non-agricultural use?

residential

retail/wholesale business

factory, distribution/trucking

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	12	*SEE MAP 8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none) 58%	12
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	8	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none) 47.4%	10
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	Nothing Exactly Comparable (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points 97.3%	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none) 97.3%	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	Nothing Comparable	

Comparative Score Sheet for Test Site #Thorsland-Haynes

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points .8 Mi	6	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	5
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	4	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	10
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	6	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	6	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	∅	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)		
F. Environmental Impact of Proposed Use and Zoning Change					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	2	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable		

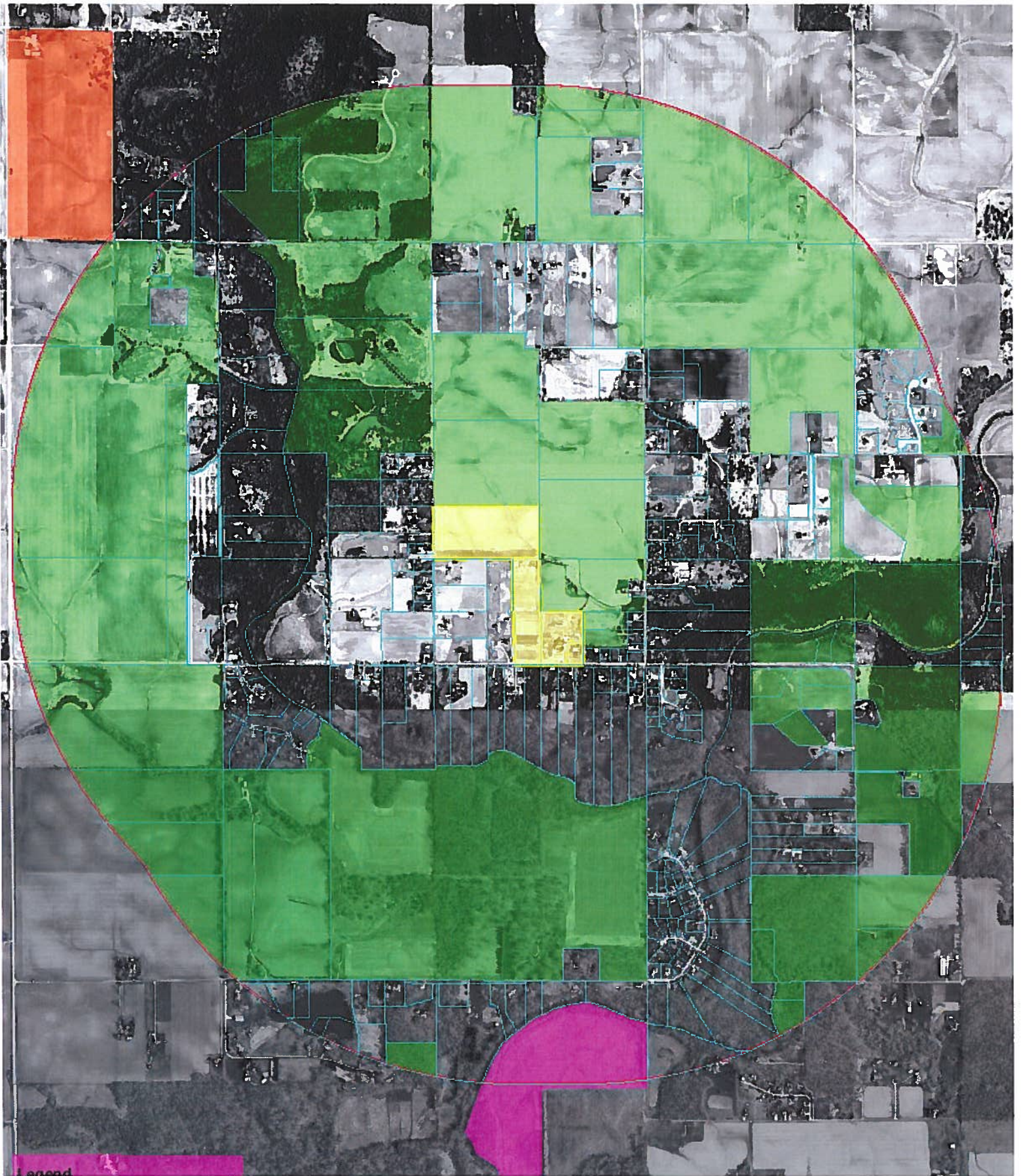
Comparative Score Sheet for Test Site #Thorsland-Haynes

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	10
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site 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 since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	
Nothing Comparable (but see Factors B.3. and E.1., E.2.,E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors		
	Score		Score	
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	15	
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	0	
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? <i>.9milk</i> Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	7	
	Total SA	102	Total SA	149
	Total LE	85	Total LE	87
	Total LESA	187	Total LESA	236
Assessing a Site for Agricultural Viability		Rating for Protection		
220-300	Very High Rating for Protection	251-300	Very High Rating for Protection	
200-219	High Rating for Protection	226-250	High Rating for Protection	
180-199	Moderate Rating for Protection	151-225	Moderate Rating for Protection	
179 or below	Low Rating for Protection	150 or below	Low Rating for Protection	



- Legend**
- Known LMF 400 AU or Greater
 - qualifying ag parcels²
 - parcels > or = 35 acres selection
 - Thorsland Parcels
 - Municipal Boundary

SA Factor 8 Thorsland

**58 % Agriculture Principal Land Use
within 1 mile of Subject Site**

Map Prepared 8/9/2012