

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: June 25, 2015  
Time: **6:30 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
5. Continued Public Hearings

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

**Note Time: 6:30 p.m.**

Petitioner: **Joyce Hudson d.b.a. Hudson Farm Weddings and Events, LLC**

**Case 799-AM-15:** 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 800-S-15 and subject to the requested variance in related case 801-V-15.

**\*Case 800-S-15:** Part A. Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” 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 799-AM-15 and subject to the requested variance in related zoning case 801-V-15.

Part B. Authorize the following waiver to the standard conditions of the “Outdoor Commercial Recreational Enterprise” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
**NOTICE OF REGULAR MEETING**  
**JUNE 25, 2015**

- \*Case 801-V-15:** ~~A variance from Section 7.1.2.E.4.c.(1) of the Zoning Ordinance that requires onsite parking to allow off-premises parking on the shoulder of County Road 1800 East during special events held at the proposed Private Indoor Recreational Facility that is also the subject of related cases 799-AM-15 and 800-S-15.~~

**NOTE: VARIANCE NOT NEEDED DUE TO REVISED SITE PLAN.**

Location: A 3.67 acre tract in Urbana Township in the Northeast Quarter of the Southeast Quarter of Section 25 of Township 19N, Range 9E of the Third Principal Meridian and commonly known as the farmstead located at 1341 CR 1800E, Urbana.

6. New Public Hearings

**Case 804-AM-15** Petitioner: **Kimberly Young, DBA Quick Leasing Inc.**

Request: **Amend the Zoning Map to change the zoning district designation from the I-1 Light Industry Zoning District to the B-4 General Business Zoning District in order to operate a diesel truck maintenance facility with truck sales.**

Location: **A 6 acre tract in part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 20N, Range 8E in Hensley Township and commonly known as 309 West Hensley Road, Champaign.**

7. Staff Report

8. Other Business

A. Review of Docket

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

10. Adjournment

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**\* Administrative Hearing. Cross Examination allowed.**

**CASE NO. 799-AM-15, 800-S-15, 801-V-15**  
**SUPPLEMENTAL MEMORANDUM #4**

June 17, 2015

**Petitioner:** Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC

**Case 799-AM-15**

**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 800-S-15 and subject to the requested variance in related zoning Case 801-V-15.

**Case 800-S-15**

**Request:** Part A. Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" 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 799-AM-15 and subject to the requested variance in related zoning case 801-V-15, on the subject property described below.

Part B. Authorize the following waiver to the standard conditions of the "Outdoor Commercial Recreational Enterprise" special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

**Case 801-V-15**

**Request:** ~~A variance from Section 7.1.2.E.4.c.(1) of the Zoning Ordinance that requires onsite parking to allow off premises parking on the shoulder of County Road 1800 East during special events held at the proposed Private Indoor Recreational Facility that is also the subject of related cases 799-AM-15 and 800-S-15. Note: Variance not needed due to revised site plan.~~

**Location:** A tract in Urbana Township in the Northeast Quarter of the Southeast Quarter of Section 25 of Township 19N, Range 9 East of the Third Principal Meridian and commonly known as the farmstead located at 1341 CR 1800 E, Urbana.

**Site Area:** 3.67 acres

**Time Schedule for Development:** Already in limited use

**Prepared by:** Susan Chavarria  
Senior Planner

**John Hall**  
Zoning Administrator

## STATUS

At the May 28, 2015 ZBA meeting, two items were requested of the Petitioner:

- A revised site plan of the property, including measurements, with:
  - all structures
  - 68 on-site parking spaces
  - location of the proposed septic system elements and septic field
  - any accessibility features that will be installed as per recommendations by Doug Gamble
- A floor plan of the Wedding Barn and corrected floor plan of the Farm Shed Hall, including measurements.

On June 15, 2015 the Zoning Department received the documents mentioned above. On June 16, 2015, Mrs. Hudson emailed Susan Chavarria with revised documents that only differed from the June 15<sup>th</sup> version by adding annotations to the same drawings. The June 16, 2015 map and plans are attached as the official proposed site plan.

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## REVISED SITE PLAN

The revised site plan indicates the following items:

- Measurements for Wedding Barn and Farm Shed Hall;
- South parking area with 66 spaces – The inclusion of the 66 parking spaces on-site makes a variance for on-street parking unnecessary; Case 801-V-15 is no longer required.
- Accessible parking with 2 spaces - The petitioner's agent, Thomas Drysdale, indicates in his attached email that Doug Gamble, Accessibility Specialist with the State of Illinois Capital Development Board, said that the location of the accessible parking spaces at the west end of the Farm Shed Hall is not a problem. Note that the Illinois Accessibility Code requires a minimum of 3 accessible parking spaces for facilities that provide 51 to 75 off-street parking spaces (*IAC 400.310(c)*).
- Accessible sidewalk between Wedding Barn and Farm Shed Hall;
- Septic system location, still in discussion with the Health Department; and
- Port-a-potty location, still in discussion with the Health Department.

## SANITARY WASTE DISPOSAL

Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined that Hudson Farm needs to have a septic system installed that will serve 225 people every day of the year. Mrs. Hudson and her attorney, Thomas Drysdale, seek a different decision from these agencies considering they only have about 20 events per year, and most of the events do not reach 225 guests. Note on the revised Site Plan received June 16, 2015 that both port-a-potties and a septic system are indicated because this has not yet been resolved.

## REVISED SUMMARY OF EVIDENCE

Attachments C and D are the revised Finding of Fact and Summary of Evidence for Cases 799-AM-15 and 800-S-15, respectively, dated June 17, 2015, with various revisions noted by underline for additions and strikethrough for deletions. Highlights include:

- The proposed removal of off-street parking; the Petitioner has agreed to set aside a parking area on the south end of the property with 66 parking spaces, indicated on the Revised Site Plan received June 16, 2015.
- New proposed Special Conditions related to sanitary waste disposal and compliance with State and County regulations.

## POSSIBLE SPECIAL CONDITIONS RELATED TO CHANGE OF OWNERSHIP

The Zoning Administrator recommends consideration of several special conditions that would apply in the case that the proposed Special Use Permit was to ever come under different ownership:

- **Events at the Special Use Permit shall not be held daily during any week (i.e., on each day of the week) during the planting season (mid-April to the end of May) or during the harvest season (mid-September through November) and all events during these agriculturally important periods shall be coordinated with nearby farmers.**

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

**To ensure that should the proposed special use (particularly under different ownership) continues to respect the needs of nearby farmers.**

- **The Special Use Permit shall be void upon the receipt by the Zoning Administrator of written complaints about interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland frontage on CR1800E between Windsor Road (CR1400N) and CR1250N, during any one planting season (mid-April to the end of May) or during any one harvest season (mid-September through November).**

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

**To provide a means of enforcement and accountability if the proposed special use (particularly under different ownership) does not adequately respect the needs of nearby farmers.**

- **No events shall be held at the Special Use Permit during months other than the months of April, May, June, July, August, September, October, and November.**

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

**To ensure that operation of the proposed special use (particularly under different ownership) is consistent with the testimony given in the public hearing.**

**ATTACHMENTS**

- A Email from Joyce Hudson with attachments, all received June 16, 2015:
- Revised Site Plan
  - Revised Floor Plan of Farm Shed Hall
  - Revised Floor Plan of Wedding Barn received June 16, 2015
  - Detail of south parking area for 66 spaces, titled "Area #1" and detail of two accessible parking spaces, titled "Area #2"; both are indicated on Revised Site Plan
- B Email from Thomas Drysdale received June 16, 2015 regarding accessible parking
- C Revised, annotated Finding of Fact for 799-AM-15 dated June 17, 2015
- D Revised, annotated Summary of Evidence for 800-S-15 dated June 17, 2015
- E Excerpt of draft minutes from the May 28, 2015 ZBA meeting

**Susan Chavarria**

---

**From:** Hudson, Joyce A. <Joyce.A.Hudson@supervalu.com>  
**Sent:** Tuesday, June 16, 2015 10:31 AM  
**To:** Susan Chavarria; thomas@hhlawoff.com  
**Subject:** Drawings for June 25th meeting  
**Attachments:** 2015061610224960.pdf; 2015061610191150.pdf; 2015061610191082.pdf; 2015061610190911.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Susan,

I dropped these draws off yesterday afternoon. I looked them over again last night and found a couple items missing. On the second attachment 2015061610191150, the preparer made a note of power poles, which I crossed off. There is no power poles in the west end of the shed. Jeff Cross said that it was fine as he remembered a pole or two back there. It is the pole the sliding door rolls on, he said he knew we were fine and the disability parking would work fine in this area.

If you have any further questions please let us know,

Joyce

Joyce Hudson  
Routing Supervisor

**SUPERVALU** | Champaign & W.Newell Distribution Centers  
Office: 217.384.2796 | Fax: 217.384.2677  
[Joyce.a.hudson@supervalu.com](mailto:Joyce.a.hudson@supervalu.com)

RECEIVED

JUN 16 2015

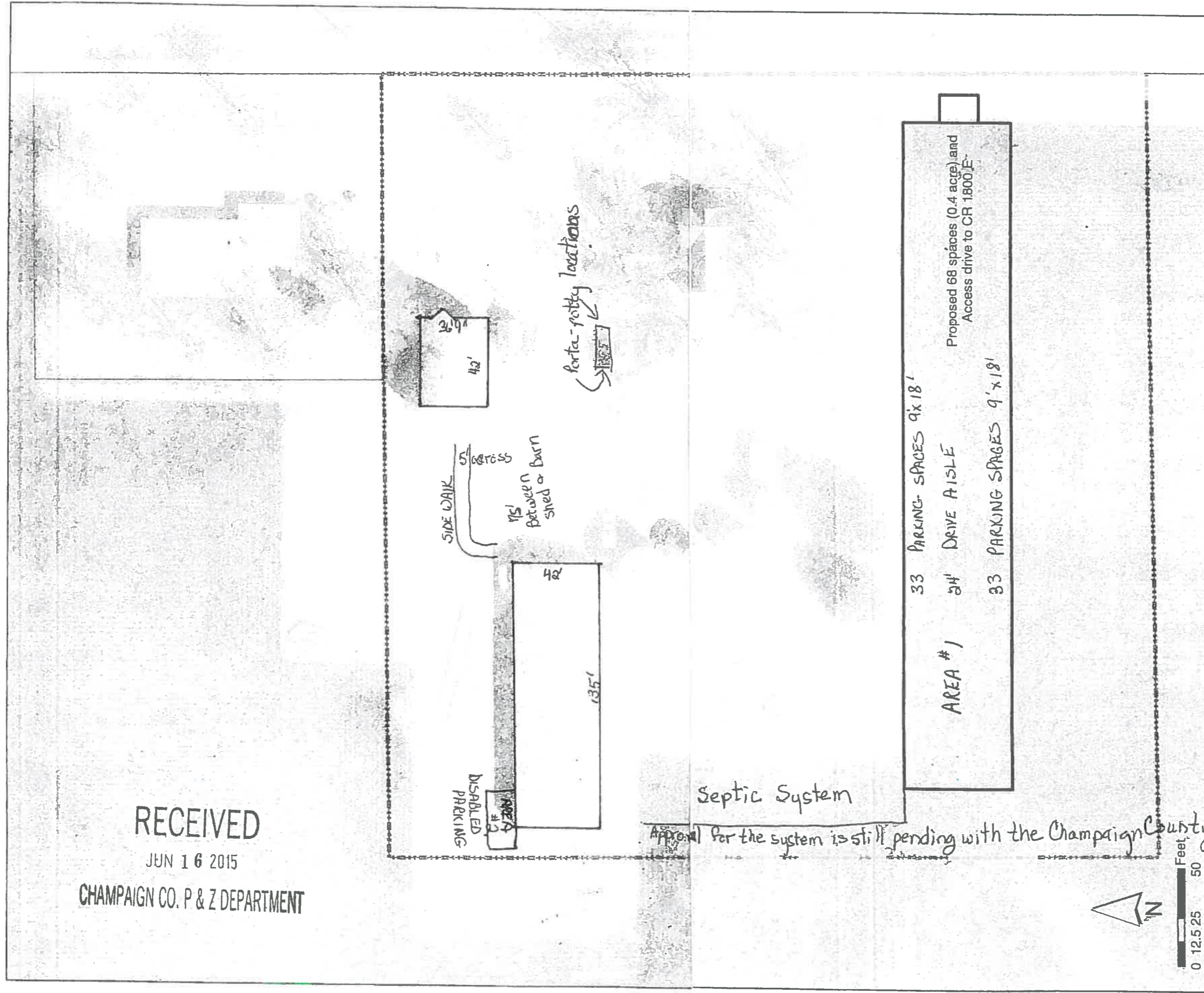
CHAMPAIGN CO. P & Z DEPARTMENT





# Site Plan

Cases 799-AM-15, 800-S-15, and 801-V-15



RECEIVED  
 JUN 16 2015  
 CHAMPAIGN CO. P & Z DEPARTMENT

Approval for the system is still pending with the Champaign County Health Department

0 12.5 25 50 Feet

↑ N

Preparer  
 Joyce Hudson  
 1341 C.R. 1800E  
 Urbana, IL  
 61802  
 6-14-15

RECEIVED  
 JUN 16 2015  
 CHAMPAIGN CO. P & Z DEPARTMENT



RECEIVED

JUN 16 2015

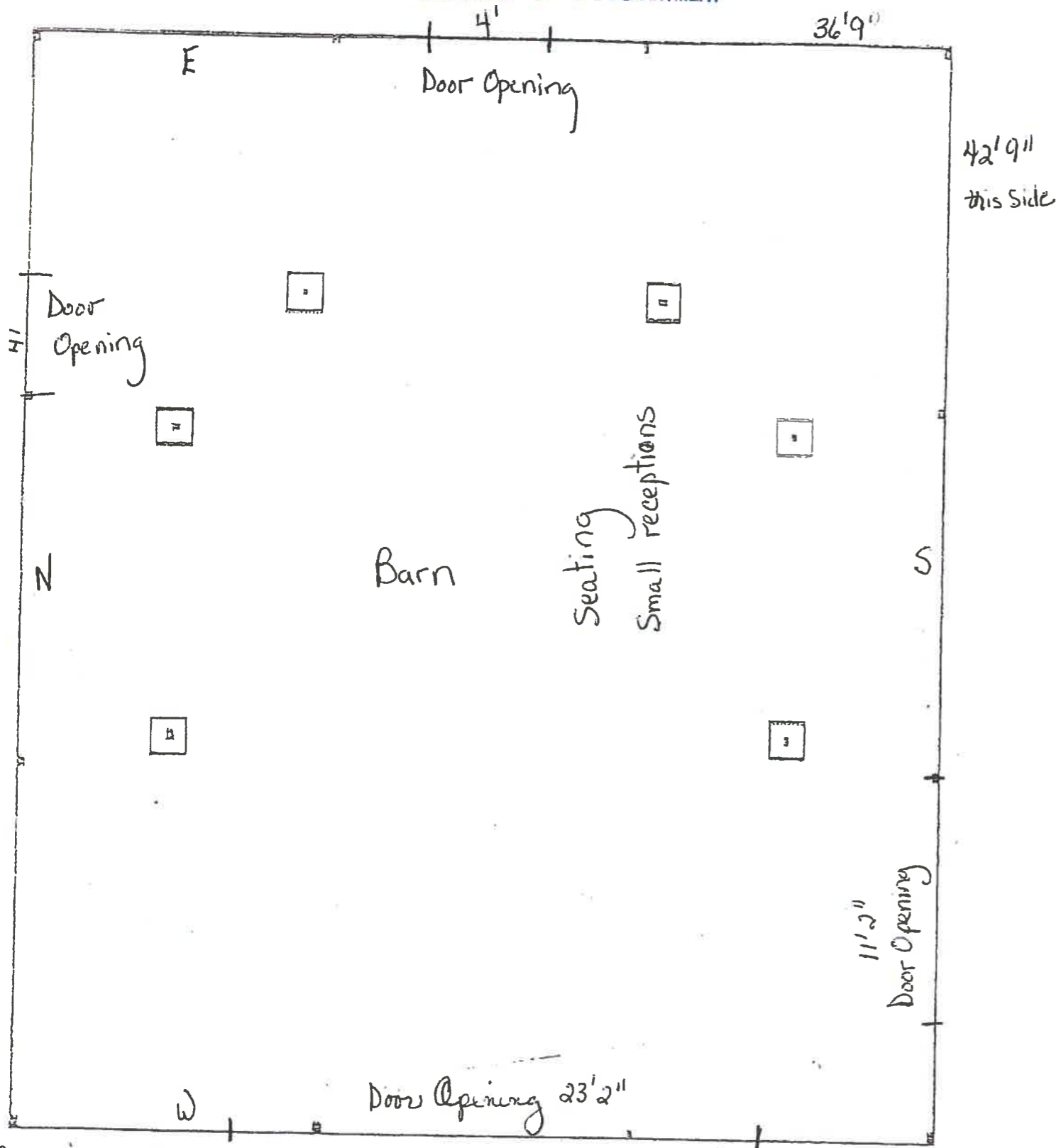
CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

Cases 789-AM-15/800-S-15, ZBA 06/25/15, Attachment A Page 4 of 5

JUN 16 2015

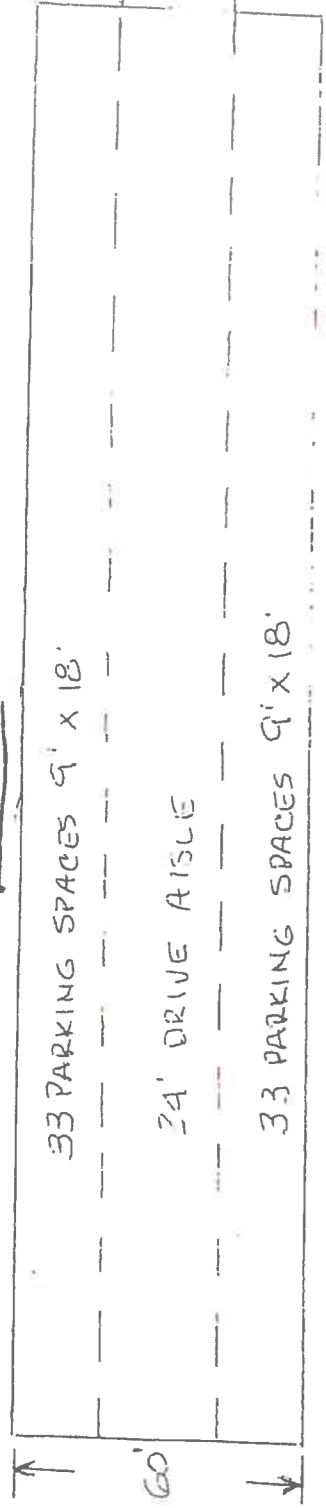
CHAMPAIGN CO. P & Z DEPARTMENT



Prepared: Joyce Hudson  
1341 C.R. 1800E  
Urbana, IL 61802  
6-14-15

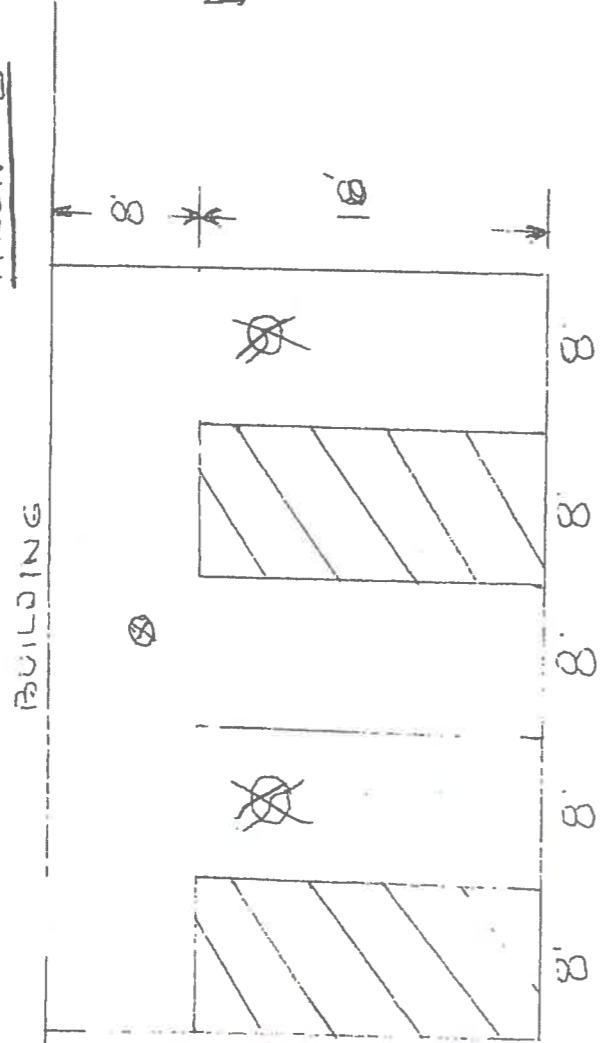
36'9"  
This side

AREA #1



ROAD

AREA #2



NOTE

⊗ Power Pole - NO Power Pole

Disabled Parking

Cross Equipment  
 Jeff Cross - Preparer  
 3515 S Cottonwood Rd  
 Urbana, IL 61802  
 Date - 6-3-15



RECEIVED

JUN 16 2015

CHAMPAIGN CO. P & Z DEPARTMENT

**Susan Chavarria**

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**From:** Thomas Drysdale <thomas@hhlawoff.com>  
**Sent:** Tuesday, June 16, 2015 10:54 AM  
**To:** Susan Chavarria; 'Hudson, Joyce A.'  
**Subject:** RE: Drawings for June 25th meeting

I informed Doug of the proposed spots when we talked in relation to the locations. He mentioned no problem with this. This is why we had the discussion regarding the hard surface between the shed and the barn, because that was his only concern about the distance.

-Tom

---

**From:** Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]  
**Sent:** Tuesday, June 16, 2015 10:36 AM  
**To:** 'Hudson, Joyce A.'; [thomas@hhlawoff.com](mailto:thomas@hhlawoff.com)  
**Subject:** RE: Drawings for June 25th meeting

Thanks Joyce. Did Doug Gamble have any statement about the proposed accessible parking being so far from the wedding barn?

Susan

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**From:** Hudson, Joyce A. [<mailto:Joyce.A.Hudson@supervalu.com>]  
**Sent:** Tuesday, June 16, 2015 10:31 AM  
**To:** Susan Chavarria; [thomas@hhlawoff.com](mailto:thomas@hhlawoff.com)  
**Subject:** Drawings for June 25th meeting

Susan,

I dropped these draws off yesterday afternoon. I looked them over again last night and found a couple items missing. On the second attachment 2015061610191150, the preparer made a note of power poles, which I crossed off. There is no power poles in the west end of the shed. Jeff Cross said that it was fine as he remembered a pole or two back there. It is the pole the sliding door rolls on, he said he knew we were fine and the disability parking would work fine in this area.

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*DRAFT 06/17/15*

799-AM-15

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

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

Date: *{June 25, 2015}*

Petitioners: **Joyce Hudson d.b.a. Hudson Farm Wedding & Events 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 800-S-15 and subject to the requested variance in related Zoning Case 801-V-15.**

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 16, 2015, May 28, 2015, and June 25, 2015**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 800-S-15)

- \*1. The Petitioner Joyce Hudson and husband Cecil Hudson own the subject property.
- \*2. The subject property is a 3.67 acre tract of land in the Northeast Quarter of the Southwest Quarter of Section 25 of Urbana Township and commonly known as the farmstead located at 1341 CR 1800 East, Urbana, Illinois.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana but the City is located more than 1½ miles from the subject property.
  - \*B. The subject property is located within Urbana Township, which does not have a Planning Commission.
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: **“Present ordinance only allows farming. Change would allow farming along with agricultural themed weddings and events to take place by Special Use Permit.”**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: **“The primary Agricultural nature of the farm will remain completely intact and preserved, allowing the use to remain predominantly agricultural.”**

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

- \*6. Land use and zoning on the subject property and in the vicinity are as follows:
  - \*A. The subject property is a 3.67 acre tract and is currently zoned AG-1 Agriculture.
  - \* 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 with one single-family dwelling.
    - \*(2) Land on the east, west, and south is in agricultural production.
- \*7. Regarding the site plan and proposed operations of the subject property:



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- \*A. The site plan received December 12, 2014 consists of an aerial photograph with labeled buildings, and a separate floor plan for the "Farm Shed Hall". The documents indicate the following existing and proposed improvements:
- \* (1) Existing buildings shown on the aerial photograph include:
    - \*a. A residence that was constructed prior to adoption of the Zoning Ordinance on October 10, 1973;
    - \*b. A 43 feet by 37 feet barn to the north of the residence;
    - \*c. A 43 feet by 135 feet "Farm Shed Hall" on the northwest corner of the property;
    - \*d. A detached garage, no measurements provided, adjacent to the northwest corner of the residence;
    - \*e. A small shed, no measurements provided, adjacent to four silos near the center of the property;
    - \*f. A well to the west of the residence; and
    - \*g. A septic field south of the Farm Shed Hall.
  - \* (2) In a letter received December 12, 2014, the Petitioner provided more details about the proposed use and improvements:
    - \*a. In the Farm Shed Hall, the petitioner proposes adding restrooms, an accessible ramp for the restrooms, and a concrete apron that is proposed to be an accessible vehicle drop-off.
  - \* (3) In an email received March 6, 2015, the Petitioner's agent, Thomas Drysdale, sent a sketch for the plumbing plans in the main hall. The plan includes:
    - \*a. One men's restroom with two stalls;
    - \*b. One women's restroom with four stalls;
    - \*c. One unisex accessible restroom with one stall.
  - \* (4) In an email received March 18, 2015, the Petitioner's agent, Thomas Drysdale, stated "Information regarding the septic system will be provided. The plans to move forward with the septic system have been placed on hold." Mr. Drysdale was advised by the Zoning Department on March 18, 2015, that "the new restrooms may require a larger septic system than what is currently available" and that they should contact the Champaign County Health Department to determine what improvements may need to be made.

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- \* (5) No on-site parking is proposed other than for the required accessible parking spaces. A variance has been requested in related Case 801-V-15 to allow off-premises parking on the western shoulder of County Road 1800 East for all non-accessible parking instead of requiring on-site parking.

\*B. In her letter of 12/10/14 the petitioner stated the following regarding the type of events, frequency of occurrence, and typical attendance:

\* (1) Hudson Farm Wedding and Events hosts weddings primarily. Regarding the weddings that are hosted:

\*a. In 2015 there will be 15 weddings.

\*b. Most weddings are in May, June, September, and October, and are usually on a Saturday.

\*c. Weddings generally begin around 3:00 or 4:00pm and finish at midnight.

\*d. The maximum attendance is 225.

\*e. Liquor is supplied by Minneci's Catering.

\*f. Clients book their own food caterer.

\* (2) Other events that Hudson Farm Wedding and Events host include the following:

\*a. A murder mystery

\*b. A couple of mid-week "Ladies Night Out" events with no more than 30 attendees per event.

\*c. Fraternity barn dances have also been held but it is doubtful that any of these will be hosted in 2015 because the weddings are booked in advance for the same dates.

(3) The plan is to host events only from April to November.

\*C. At the May 28, 2015 public hearing, the Petitioner's agent, Thomas Drysdale distributed two handouts:

\* (1) A copy of the "Alternative Parking Layouts" created by zoning staff for the April 16, 2015 public hearing, as the Petitioner's proposed parking plan indicating 68 spaces in the tillable area on the south end of the property; and

\* (2) A seating chart for the Wedding Barn which he submitted as the Floor Plan.

\*D. A Revised Site Plan received June 16, 2015 indicates the following:

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- \* (1) Measurements for Wedding Barn and Farm Shed Hall;
- \* (2) South parking area with 66 spaces;
- \* (3) Accessible parking with 2 spaces;
- \* (4) Accessible 5' wide sidewalk between Wedding Barn and Farm Shed Hall;
- \* (5) Septic system location, still in discussion with the Health Department; and
- \* (6) Port-a-potty location, still in discussion with the Health Department.

\*E. There are no previous Zoning Use Permits on the subject property.

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

- \*8. 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.
  - 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.
    - (2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
    - (3) The subject property is 2 miles from the City of Urbana.
    - (4) The Zoning Map has always contained locations of the AG-2 District that are more than one and one-half miles from existing municipalities.
  - 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 11 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:

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- a. All 11 uses authorized by right in the AG-1 District are also authorized by right in the AG-2 District:
    - (a) Single family dwelling;
    - (b) Subdivisions totaling three lots or less;
    - (c) Agriculture, including customary accessory uses;
    - (d) Roadside stand operated by farm operator;
    - (e) Minor rural specialty business;
    - (f) Plant nursery;
    - (g) Township Highway maintenance garage;
    - (h) Christmas tree sales lot;
    - (i) Off-premises sign within 660 feet of the edge of the right-of-way of an interstate highway;
    - (j) Off-premises sign along federal highways except interstate highways; and
    - (k) Temporary uses.
  
  - b. The following two uses are authorized by right in the AG-2 District and not at all in the AG-1 District:
    - (a) Country club or golf course, and
    - (b) Commercial breeding facility.
  
  - c. There are no uses that are authorized by right in the AG-2 District but require a Special Use Permit in the AG-1 District.
- (2) There are 53 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 11 uses authorized by right in the AG-2 District, see above) and 35 types of uses authorized by SUP in the AG-2 District:
- a. The following 42 uses may be authorized by SUP in the both the AG-1 District and AG-2 District:
    - (a) Hotel – no more than 15 lodging units;
    - (b) Residential Planned Unit Development;
    - (c) Subdivisions totaling more than three lots or with new streets or private accessways (SUP requires approval by County Board);
    - (d) Major rural specialty business;
    - (e) Artificial lake of 1 or more acres;
    - (f) Mineral extraction, quarrying, topsoil removal and allied activities;
    - (g) Elementary school, Jr. High school, or High school;
    - (h) Church, temple, or church related temporary uses on church property;
    - (i) Municipal or government building;
    - (j) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
    - (k) Penal or correctional institution;
    - (l) Police station or fire station;
    - (m) Library, museum or gallery;

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- a. All 11 uses authorized by right in the AG-1 District are also authorized by right in the AG-2 District:
    - (a) Single family dwelling;
    - (b) Subdivisions totaling three lots or less;
    - (c) Agriculture, including customary accessory uses;
    - (d) Roadside stand operated by farm operator;
    - (e) Minor rural specialty business;
    - (f) Plant nursery;
    - (g) Township Highway maintenance garage;
    - (h) Christmas tree sales lot;
    - (i) Off-premises sign within 660 feet of the edge of the right-of-way of an interstate highway;
    - (j) Off-premises sign along federal highways except interstate highways; and
    - (k) Temporary uses.
  
  - b. The following two uses are authorized by right in the AG-2 District and not at all in the AG-1 District:
    - (a) Country club or golf course, and
    - (b) Commercial breeding facility.
  
  - c. There are no uses that are authorized by right in the AG-2 District but require a Special Use Permit in the AG-1 District.
- (2) There are 53 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 11 uses authorized by right in the AG-2 District, see above) and 35 types of uses authorized by SUP in the AG-2 District:
- a. The following 42 uses may be authorized by SUP in the both the AG-1 District and AG-2 District:
    - (a) Hotel – no more than 15 lodging units;
    - (b) Residential Planned Unit Development;
    - (c) Subdivisions totaling more than three lots or with new streets or private accessways (SUP requires approval by County Board);
    - (d) Major rural specialty business;
    - (e) Artificial lake of 1 or more acres;
    - (f) Mineral extraction, quarrying, topsoil removal and allied activities;
    - (g) Elementary school, Jr. High school, or High school;
    - (h) Church, temple, or church related temporary uses on church property;
    - (i) Municipal or government building;
    - (j) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
    - (k) Penal or correctional institution;
    - (l) Police station or fire station;
    - (m) Library, museum or gallery;

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- (n) Public park or recreational facility;
  - (o) Sewage disposal plant or lagoon;
  - (p) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
  - (q) Radio or television station;
  - (r) Electrical substation;
  - (s) Telephone exchange;
  - (t) Residential airports;
  - (u) Restricted landing areas;
  - (v) Heliport-restricted landing areas;
  - (w) Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer;
  - (x) Livestock sales facility and stockyards;
  - (y) Slaughter houses;
  - (z) Grain storage elevator and bins;
  - (aa) Riding stable;
  - (bb) Commercial fishing lake;
  - (cc) Cemetery or crematory;
  - (dd) Pet cemetery;
  - (ee) Kennel;
  - (ff) Veterinary hospital;
  - (gg) Off-premises sign beyond 660 feet of the edge of the right-of-way of an interstate highway;
  - (hh) Contractors facilities (with no outdoor storage nor outdoor operations);
  - (ii) Contractors facilities with outdoor storage and/or outdoor operations;
  - (jj) Agricultural drainage contractor facility with no outdoor storage and/or outdoor operations;
  - (kk) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations;
  - (ll) Small scale metal fabricating shop;
  - (mm) Gas turbine peaker;
  - (nn) Big wind turbine tower (1-3 big wind turbine towers);
  - (oo) Sawmills and planing mills, and related activities; and
  - (pp) Pre-existing industrial uses (existing prior to October 10, 1973).
- b. The following use may be authorized by Special Use Permit in the AG-1 District and not at all in the AG-2 District:
- (1) Wind Farm (requires SUP approval by County Board).
- c. The following 35 uses may be authorized by SUP in the AG-2 District and not at all in the AG-1 District:
- (a) Two family dwelling;
  - (b) Home for the aged;
  - (c) Nursing home;

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- (d) Travel trailer camp;
- (e) Commercial greenhouse;
- (f) Greenhouse (not exceeding 1,000 square feet);
- (g) Garden shop;
- (h) Water treatment plant;
- (i) Public fairgrounds;
- (j) Motor bus station;
- (k) Truck terminal;
- (l) Railroad yards and freight terminals;
- (m) Airport;
- (n) Heliport/helistops;
- (o) Mortuary or funeral home;
- (p) Roadside produce sales stand;
- (q) Feed and grain (sales only);
- (r) Artist studio;
- (s) Residential recovery center;
- (t) Antique sales and service;
- (u) Amusement park;
- (v) Resort or organized camp;
- (w) Bait sales;
- (x) Country club clubhouse;
- (y) Lodge or private club;
- (z) Outdoor commercial recreational enterprise (except amusement park);
- (aa) Private indoor recreational development;
- (bb) Public camp or picnic area;
- (cc) Seasonal hunting or fishing lodge;
- (dd) Stadium or coliseum;
- (ee) Outdoor theatre;
- (ff) Aviation sales, service or storage;
- (gg) Self-storage warehouses, not providing heat/utilities to individual units;
- (hh) Landscape waste processing facilities; and
- (ii) Wood fabricating shop and related activities.

- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses.

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

9. 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:

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

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

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

10. LRMP Goal 1 is entitled “Planning and Public Involvement” and states:

**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 the proposed rezoning will **NOT IMPEDE** the achievement of Goal 1.

11. LRMP Goal 2 is entitled “Governmental Coordination” and states:

**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 will **NOT IMPEDE** the achievement of Goal 2.

12. LRMP Goal 3 is entitled “Prosperity” and states:

**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 **WILL HELP ACHIEVE** Goal 3 for the following reasons:



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- A. The three objectives are:
- (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 LRMP.”
- B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the Petitioner to continue holding events on the subject property with proper zoning and to continue to serve residents of Champaign County and therefore the proposed rezoning can be said to **HELP ACHIEVE** Goal 3.

13. LRMP Goal 4 is entitled “Agriculture” and states:

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

The proposed rezoning will **HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9 do not appear to be 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 will **HELP ACHIEVE** Policy 4.1.1 because the revised Site Plan received June 16, 2015 will remove less than one-half acre from production in order to create off-site parking for the events center.

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- (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, 1998 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.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.6 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of Catlin silt loam, Drummer silty clay loam, and Flanagan silt loam, and would have an average LE of approximately 96.
- b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland.
- c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1, Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
- e. There are no relevant policies having to do with minimizing the conversion of farmland but the proposed development ~~will take no best prime farmland land out~~ |

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~~of production as per the revised Site Plan received June 16, 2015 will remove less than one-half acre from production.~~

- f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.

- 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 will **HELP ACHIEVE** Objective 4.2 because of the following:

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

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- 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. The proposed development in related Cases 800-S-15 ~~and 801-V-15~~ **DOES NOT** support agriculture.
- c. Regarding whether the proposed development in related Cases 800-S-15 ~~and 801-V-15~~ **IS** a service better provided in a rural area:
- (a) The Petitioner has testified on the application in related Case 800-S-15 as follows:
- **“The property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.”**
  - **“Farming and agriculture will continue on the land. The weddings and events will take place in the existing barn and shed, leaving the traditional agricultural nature of the land intact.”**
- (b) ~~The proposed Special Use Permit will host agricultural themed weddings and events which rely on and benefit from agricultural surroundings. As originally proposed by the Petitioner, all parking is proposed to be in the street right of way and so it is not clear that that this service is better provided in a rural area than in an urban area due to the higher speed that~~

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rural traffic generally travels as compared to urban traffic and the need to move large machinery and/ or haul grain on the rural roads.

(c) The proposed Special Use Permit repurposes an existing barn and a farm shed and does not include any new buildings.

(d) The proposed Special Use Permit is primarily intended to be used on weekends during April to November.

(e) The subject property is only two miles from the City of Urbana and is located on a public road that has adequate traffic capacity.

d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

(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 will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

a. The proposed use of the subject property is **NOT NEGATIVELY AFFECTED** by agricultural activities because it will host agricultural themed weddings and events which rely on and benefit from the agricultural surroundings.

b. Regarding whether the proposed development in related Cases 800-S-15 and ~~801-V-15~~ **{WILL /WILL NOT}** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:

(a) The proposed events center is sited on land that is not in crop production; the proposed 66 parking spaces will take less than half of an acre out of crop production.

(b) Agricultural drainage should not be affected.

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(c) The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.

c. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

d. No complaints or concerns have been received from nearby farmers or neighbors during the public hearing.

e. A petition in support of a variance to allow on-street parking was signed by 26 neighbors.

f. Steve Moser, 1860 CR 1400N, Urbana testified in support of the proposed Special Use Permit at the April, 16, 2015 public hearing.

(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 will **HELP ACHIEVE** Policy 4.2.3 for the following reasons:

a. The Petitioner understands that this is a rural area where agricultural activities take place and desires the agricultural setting for her business.

b. A special condition has been proposed to ensure that any subsequent owner recognizes 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 will **HELP ACHIEVE** Policy 4.2.4 for the following reasons:

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- a. The use on the subject property is intended to benefit from the adjacent agricultural activities and a buffer between the use and nearby agriculture is not warranted.

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 will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **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 will **HELP ACHIEVE** Policy 4.3.2 because the proposed site **IS WELL SUITED OVERALL** for the development proposed in related Cases 800-S-15 and 801-V-15 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of Catlin silt loam, Drummer silty clay loam, and Flanagan silt loam, and has an average LE of approximately 96.
- b. The revised Site Plan received June 16, 2015 indicates new off street parking on the south end of the property. The new parking will remove less than one-half acre from agricultural production. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. As originally proposed by the Petitioner, all parking is proposed to be in the street right of way and so it is not clear that that this site is well suited overall for the proposed land use. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal; however, because the parking is proposed to be in the street right of way, the parking could interfere with the movement of large farm machinery and the hauling of grain and create safety problems especially after dark.
- c. The subject property is not served by sanitary sewer and changes need to be made to the existing septic system or a new septic system is needed and it is not yet clear if the necessary improvements can be made. The subject property residence has a septic system.
- d. The proposed events center is sited on land that is not in crop production; parking for the facility will take less than one-half acre out of agricultural production.
- e. Agricultural drainage should not be affected.
- f. The proposed Special Use Permit repurposes an existing barn and a farm shed and does not include any new buildings.

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g. The subject property is only two miles from the City of Urbana and is located on a public road that has adequate traffic capacity.

h. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

- (2) **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 *{WILL/ WILL NOT}* **HELP ACHIEVE** Policy 4.3.3 for the following reasons:

- a. The subject property is located approximately 7 miles from the Philo Fire Protection District Station. The FPD Chief was notified of this case on April 1, 2015 and no comments were received. A second notice requesting comments was sent to the Chief on May 19, 2015 and no comments have been received as of June 16, 2015.
- b. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

- (3) **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 will **HELP ACHIEVE** Policy 4.3.4 for the following reasons:

- a. The revised Site Plan received June 16, 2015 indicates new off street parking on the south end of the property. The proposed change from on-street parking will reduce the burden on the adjacent roadway infrastructure including the paved area and roadside grass ditch. As originally proposed by the Petitioner in related Cases 800 S 15 and 801 V 15, all parking is proposed to be in the street right of way and so it is not clear that that the street is wide enough to accommodate on-street parking of this nature in addition to the farm traffic.

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- b. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- (4) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a) **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
- b) **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed rezoning *{WILL / WILL NOT}* HELP ACHIEVE Policy 4.3.5 for the following reasons:

- a. The proposed use in related Cases 800-S-15 ~~and 801-V-15~~ **DOES NOT** serve surrounding agricultural land uses or an important public need.
- b. Regarding whether the proposed development in related Cases 800-S-15 ~~and 801-V-15~~ **IS** otherwise appropriate in a rural area:
- (a) The events center hosts agricultural themed weddings and events which rely on and benefit from the agricultural surroundings.
- (b) The proposed events center is sited on land that is not in crop production.
- (c) The Petitioner has testified on the application in related Case 800-S-15 as follows:
- **“The property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.”**
  - **“Farming and agriculture will continue on the land. The weddings and events will take place in the existing barn and shed, leaving the traditional agricultural nature of the land intact.”**
- (d) The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all



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~~parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.~~

- (e) The subject property is located about 2 miles southeast of the City of Urbana and is about 0.6 mile south of Windsor Road (CR1400N).
- c. Regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

14. 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.**

Goal 5 has 3 objectives and 15 policies. The proposed amendment *{CONFORMS / DOES NOT CONFORM}* 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 / DOES NOT CONFORM}* 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

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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.

- c. 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 but the proposed use is not urban development because the proposed use generates no process-related wastewater. The subject property residence has a septic system, and the Petitioner has applied for a permit to construct a septic system sufficient to support a 225 person capacity events center.
- d. Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined that Hudson Farm needs to have a septic system installed that will serve 225 people every day of the year. Mrs. Hudson and her attorney, Thomas Drysdale, seek a different decision from these agencies considering they only have about 20 events per year, and most of the events do not reach 225 guests. Note on the revised Site Plan received June 16, 2015 that both port-a-potties and a septic system are indicated because this has not yet been resolved.
- e. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

15. 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 will **HELP ACHIEVE** Goal 6 for the following reasons:

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

The proposed rezoning will **HELP ACHIEVE** 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.”**

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The proposed rezoning will **HELP ACHIEVE** Policy 6.1.2 for the following reasons:

- a. The subject property residence has a septic system, and the Petitioner has applied for a permit to construct a septic system sufficient to support a 225 person capacity events center. Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined that Hudson Farm needs to have a septic system installed that will serve 225 people every day of the year. Mrs. Hudson and her attorney, Thomas Drysdale, seek a different decision from these agencies considering they only have about 20 events per year, and most of the events do not reach 225 guests. Note on the revised Site Plan received June 16, 2015 that both port-a-potties and a septic system are indicated because this has not yet been resolved. The subject property is not served by sanitary sewer and changes need to be made to the existing septic system or a new septic system is needed and it is not yet clear if the necessary improvements can be made.
- b. Any proposed Special Use Permit can be evaluated on a case by case for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

16. 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 will **HELP ACHIEVE** Goal 7 for the following reasons:

- A. Objective 7.1 states, "Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted."

The proposed rezoning will **HELP ACHIEVE** 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 **{WILL/ WILL NOT} CONFORM** to Policy 7.1.1 because:

- a. The proposed Event Center will accommodate up to ~~400~~ 225 people and the Zoning Ordinance requires at least ~~80~~ 45 parking spaces.
- b. The subject property fronts the west side of CR 1800 East. As reviewed in related Case 800-S-15 regarding the general traffic conditions on CR 1800 East at this

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location and the level of existing traffic and the likely increase from the proposed Special Use:

- (a) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. CR 1800 East had an ADT of 100 near the subject property. It should be noted that the ADT count was taken prior to Hudson Farm opening a special events center.
- (b) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are no paved shoulders on this part of CR 1800 East, but there is approximately 8 feet of relatively flat grassy area on either side of the road.
- (c) The pavement surface of CR 1800 E in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a maximum recommended traffic volume of no more than 250 ADT.
- (d) The subject property is located about 2 miles southeast of the City of Urbana and is about 0.6 mile south of Windsor Road (CR1400N) which is heavily traveled.

c. The revised Site Plan received June 16, 2015 indicates new off street parking on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal however, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.

d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

B. The proposed amendment **WILL NOT IMPEDE** the achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.

17. 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 **WILL NOT IMPEDE** the achievement of Goal 8.

18. 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 **WILL NOT IMPEDE** the achievement of Goal 9.

19. 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.**

The proposed amendment **WILL NOT IMPEDE** the achievement of Goal 10.

**GENERALLY REGARDING THE LASALLE FACTORS**

20. 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 nearby properties.

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

Direction	Land Use	Zoning
Onsite	Agriculture, Residential	AG-1 Agriculture (Proposed rezoning to AG-2)
North	Agriculture, Residential	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture

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West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

- B. LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:
- (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) This area is primarily an agricultural area and the subject property has been a farmstead for decades.
  - (3) In regards to the value of nearby residential properties, the requested map amendment ~~would~~ **should not** have any effect. Regarding the effect on nearby properties:
    - a. The traffic generated by the proposed use in related Cases 800-S-15 ~~and 801-V-15~~ will generally occur on weekends and the overall impact could be minimal. The revised Site Plan received June 16, 2015 indicates new off street parking on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.
    - b. The only other residence within one-half mile of the subject property is the adjacent dwelling that is owned by a close family member.
    - c. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- 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.** Regarding this factor:
- (1) There has been no evidence submitted regarding property values.
  - (2) This area is primarily an agricultural area and the subject property has been a farmstead for decades.
  - ~~(3) The Petitioner started renovations for the Events Center and hosting special events without contacting the Zoning Office; initial communication with the Zoning Office would have provided appropriate direction to the Petitioner prior to making those renovations.~~

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- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural land uses and activities. The revised Site Plan received June 16, 2015 indicates new off street parking on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.
  - (2) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.** Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- 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.** Regarding this factor:
- (1) The subject property is occupied and in agricultural use as zoned AG-1.
  - (2) This area is primarily an agricultural area and the subject property has been a farmstead for decades.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) In the application for related Zoning Case 800-S-15, the Petitioner testified that “**the property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.**” and “**it should be noted that the Champaign County Visitor’s Center would like Hudson Farms to be a stop on their summer tour of large events. The Visitor’s Center would like to serve their dinner at Hudson Farms.**”
  - (2) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
  - (3) In the review of Policy 4.3.5 the ZBA has recommended the following:

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- a. The proposed use **DOES NOT** serve surrounding agricultural land uses or an important public need.
  - b. The proposed development **IS** otherwise appropriate in a rural area.
- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.** The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- I. Overall, the proposed map amendment **IS CONSISTENT** with the LaSalle and Sinclair factors.

**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

21. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.  
  
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. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.  
  
The proposed rezoning **WILL** conserve the value of real estate throughout the COUNTY, based on the following:
    - (1) It is not clear whether or not the proposed rezoning 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.
    - (2) The proposed rezoning could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
      - a. 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



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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.

- b. The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The new parking will remove less than one-half acre from agricultural production. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.

- (3) In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
- a. The subject property has been a farmstead for decades and if the rezoning is denied it can continue to be used as a farmstead or as simply a single family residence.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed rezoning **WILL** lessen and avoid congestion in the public streets as follows:

- (1) Probable traffic impacts are reviewed under Policy 7.1.1. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.
- (2) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

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The proposed construction on the subject property will not trigger the need for stormwater management and there are no known drainage problems on the subject property.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed rezoning **WILL** promote the public health, safety, comfort, morals, and general welfare as follows:

- (1) 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.
- (2) 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.

- F. 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.

- G. 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 any problematic conditions.

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- H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed rezoning **WILL** protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses as follows:

- (1) The proposed Special Use in related Case 800-S-15 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- (2) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.

- J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use in related Case 800-S-15 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

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As per the revised Site Plan received June 16, 2015, the proposed use will remove less than one-half acre from production. The proposed use will not take any land out of production.

- M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources.

***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 of the Land Resource Management Plan.**

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**DOCUMENTS OF RECORD**

1. Application for Map Amendment received February 13, 2015, with attachments:
  - A Warranty Deed
  - B Completed Improvements budget estimate
  - C Future Improvements budget estimate
  - D Aerial photograph of subject property received December 12, 2014
2. Application for Special Use Permit received February 13, 2015, with attachments:
  - A Warranty Deed
3. Application for Variance Permit received February 13, 2015, with attachments:
  - A Warranty Deed
  - B Tax Map of subject property and surrounding area
  - C Section of Urbana Quadrangle Map showing subject property and surrounding area
4. ["Hitchin" Post: Urbana Family has turned barn into wedding hot spot](#) by Melissa Merli, News Gazette, October 12, 2014
5. Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District
6. Letter from Joyce Hudson dated December 10, 2014 with attachments:
  - A Buildings descriptions
  - B Aerial with buildings labels
  - C Floor plan of Farm Shed Hall proposed improvements
7. Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
  - A Sketch of plumbing plans
  - B Soil evaluation (digital file did not arrive completely, requested new copy)
  - C Petition regarding parking along CR 1800 E for special events
8. Email from Agent Thomas Drysdale received March 18, 2015
9. On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
10. Preliminary Memorandum dated April 9, 2015 for Cases 799-AM-15, 800-S-15, and 801-V-15, with attachments:
  - A Case Maps (Location, Land Use, Zoning, Parking Example, Alternative Parking Layouts)
  - B LRMP Land Use Goals, Objectives, and Policies
  - C LRMP Appendix of Defined Terms
  - D Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District

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- E On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
  - F Letter from Joyce Hudson dated December 10, 2014 with attachments:
    - Buildings descriptions
    - Aerial with buildings labels
    - Floor plan of Farm Shed Hall proposed improvements
  - G Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
    - Sketch of plumbing plans
    - Soil evaluation (digital file did not arrive completely, requested new copy)
    - Petition regarding parking along CR 1800 E for special events
  - H Email from Agent Thomas Drysdale received March 18, 2015
  - I Site Visit Photos
  - J Summary of Evidence, Finding of Fact, and Final Determination for Case 799-AM-15
  - K Summary of Evidence, Finding of Fact, and Final Determination for Case 800-S-15
  - L Summary of Evidence, Finding of Fact, and Final Determination for Case 801-V-15
11. Supplemental Memo #1 dated April 9, 2015, with attachments:
- A Email from Thomas Drysdale received 4/9/15 with attachments:
    - Email from Joyce Hudson regarding outdoor lighting received 4/9/15
    - Floor Plan for Bathroom Renovation, signed by Licensed Architect to be in compliance with the Environmental Barriers Act and Illinois Accessibility Code, received 4/9/15
12. Email from Joyce Hudson received April 14, 2015
13. Supplemental Memo #2 dated April 16, 2015, with attachments:
- A “Hitchin’ Post: Urbana Family has turned barn into wedding hot spot” by Melissa Merli, News Gazette, October 12, 2014
  - B Email from Joyce Hudson received April 14, 2015
  - C Revised Case Maps: “Parking Example” and “Alternative Parking Layouts”
14. Supplemental Memo #3 dated May 20, 2015 with attachments:
- A Draft minutes from April 16, 2015 public hearing
15. Handouts from Petitioner’s Agent, Attorney Thomas Drysdale, submitted as a Site Plan for the property and Floor Plan for the Wedding Barn, received during May 28, 2015 public hearing
16. Email from Joyce Hudson with attachments, all received June 16, 2015.:
- Revised Site Plan
  - Revised Floor Plan of Farm Shed Hall
  - Revised Floor Plan of Wedding Barn received June 16, 2015
  - Detail of south parking area for 66 spaces, titled “Area #1” and detail of two accessible parking spaces, titled “Area #2”; both are indicated on Revised Site Plan

17. Email from Thomas Drysdale received June 16, 2015 regarding accessible parking
18. Revised, annotated Finding of Fact for 799-AM-15 dated June 17, 2015
19. Revised, annotated Summary of Evidence for 800-S-15 dated June 17, 2015
20. Excerpt of draft minutes from the May 28, 2015 ZBA meeting
21. Supplemental Memo #4 dated June 17, 2015 with attachments:
  - A. Email from Joyce Hudson with attachments, all received June 16, 2015.:
    - Revised Site Plan
    - Revised Floor Plan of Farm Shed Hall
    - Revised Floor Plan of Wedding Barn received June 16, 2015
    - Detail of south parking area for 66 spaces, titled "Area #1" and detail of two accessible parking spaces, titled "Area #2"; both are indicated on Revised Site Plan
  - B. Email from Thomas Drysdale received June 16, 2015 regarding accessible parking
  - C. Revised, annotated Finding of Fact for 799-AM-15 dated June 17, 2015
  - D. Revised, annotated Summary of Evidence for 800-S-15 dated June 17, 2015
  - E. Excerpt of draft minutes from the May 28, 2015 ZBA meeting

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**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 16, 2015, May 28, 2015, and June 25, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment **{WILL/WILL NOT} HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 3:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
    - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.
  - B. Regarding Goal 4:
    - (1) It **{WILL / WILL NOT} HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
      - a. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 13.C.(4)).
      - b. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
      - c. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).
      - d. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
    - (2) It **{WILL / WILL NOT} HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
      - a. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(4)).



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- b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(3)).
  - c. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(2)).
  - d. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.B.(1)).
- (3) It **{WILL / WILL NOT} HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
- a. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(3)).
  - b. Policy 4.1.1, which states that 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 (see Item 13.A.(2)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 5:
- (1) The proposed amendment **{CONFORMS / DOES NOT CONFORM}** to Goal 5 because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
    - a. Policy 5.1.1 requiring that the County will encourage new urban development to occur within the boundaries of incorporated municipalities (see Item 14.A.(2)).
  - (2) Based on achievement of the above Objective and Policy, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 5 Urban Land Use.
- D. Regarding Goal 6:
- (1) The proposed amendment **{CONFORMS / DOES NOT CONFORM}** to Goal 6 because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
    - a. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger

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public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 15.A.(2)).

(2) Based on achievement of the above Objective and Policy, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 6 Public Health and Safety.

E. Regarding Goal 7:

(1) The proposed amendment **{CONFORMS / DOES NOT CONFORM}** to Goal 7 because it **{WILL / WILL NOT} HELP ACHIEVE** the following:

a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation.

(2) Based on achievement of the above Objective and Policy, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 7 Transportation.

F. The proposed amendment **WILL NOT IMPEDE** the following LRMP goal(s):

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 8 Natural Resources
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

G. Overall, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** the Land Resource Management Plan.

2. The proposed Zoning Ordinance map amendment **{IS/IS NOT}** consistent with the *LaSalle* and *Sinclair* factors because of the following:

A. This area is primarily an agricultural area and the subject property has been a farmstead for decades.

B. It is impossible to establish property values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

C. There has been no evidence submitted regarding property values. This area is primarily an agricultural area and the subject property has been a farmstead for decades.

D. The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural land uses and activities. ~~However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.~~

E. The subject property is occupied and in agricultural use as zoned AG-1.

- F. The ZBA has recommended that the proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **{IS / IS NOT}** a service better provided in a rural area.
  - G. The ZBA has recommended that the proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment **{WILL / WILL NOT} HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the special use as originally proposed by the Petitioner, which requires rezoning to AG-2, **{WILL / WILL NOT}** lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).
  - B. Establishing the AG-2 District at this location will help classify, regulate, and restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i) see Item 21.G.).
  - C. Establishing the AG-2 District in this location **{WILL / WILL NOT}** help protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0 (n) Item 21.I).
  - D. Establishing the AG-2 District at this location will maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).
  - E. The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

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**FINAL DETERMINATION**

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

The Zoning Ordinance Amendment requested in **Case 799-AM-15** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



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**800-S-15**

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

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

Date: *{June 25, 2015}*

Petitioners: Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC

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

Part A. Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” 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 799-AM-15.

Part B. Authorize the following waiver to the standard conditions of the “Outdoor Commercial Recreational Enterprise” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

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## SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 16, 2015, May 28, 2015, and June 25, 2015** the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 799-AM-15)

- \*1. The Petitioner Joyce Hudson and husband Cecil Hudson own the subject property.
- \*2. The subject property is a 3.67 acre tract of land in the Northeast Quarter of the Southwest Quarter of Section 25 of Urbana Township and commonly known as the farmstead located at 1341 CR 1800 East, Urbana, Illinois.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana but the City is located more than 1½ miles from the subject property.
  - \*B. The subject property is located within Urbana Township, which does not have a Planning 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 a 3.67 acre tract and is currently zoned AG-1 Agriculture but is proposed to be rezoned to AG-2 Agriculture in related Case 799-AM-15.
  - \* 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 with one single-family dwelling.
    - \*(2) Land on the east, west, and south is in agricultural production.

### *GENERALLY REGARDING THE PROPOSED SPECIAL USE*

- \*5. Regarding the site plan and operations of the proposed Special Use:
  - \*A. The site plan received December 12, 2014 consists of an aerial photograph with labeled buildings, and a separate floor plan for the "Farm Shed Hall". The documents indicate the following existing and proposed improvements:
    - \*(1) Existing buildings shown on the aerial photograph include:
      - \*a. A residence that was constructed prior to adoption of the Zoning Ordinance on October 10, 1973;
      - \*b. A 43 feet by 37 feet barn to the north of the residence;

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- \*c. A 43 feet by 135 feet "Farm Shed Hall" on the northwest corner of the property;
  - \*d. A detached garage, no measurements provided, adjacent to the northwest corner of the residence;
  - \*e. A small shed, no measurements provided, adjacent to four silos near the center of the property;
  - \*f. A well to the west of the residence; and
  - \*g. A septic field south of the Farm Shed Hall.
- \* (2) In a letter received December 12, 2014, the Petitioner provided more details about the proposed use and improvements:
- \*a. In the Farm Shed Hall, the petitioner proposes adding restrooms, an accessible ramp for the restrooms, and a concrete apron that is proposed to be an accessible vehicle drop-off.
- \* (3) In an email received March 6, 2015, the Petitioner's agent, Thomas Drysdale, sent a sketch for the plumbing plans in the main hall. The plan includes:
- \*a. One men's restroom with two stalls;
  - \*b. One women's restroom with four stalls;
  - \*c. One unisex accessible restroom with one stall.
- \* (4) In an email received March 8, 2015, the Petitioner's agent, Thomas Drysdale, stated "Information regarding the septic system will be provided. The plans to move forward with the septic system have been placed on hold." Mr. Drysdale was advised by the Zoning Department on March 18, 2015, that "the new restrooms may require a larger septic system than what is currently available" and that they should contact the Champaign Urbana Public Health Department to determine what improvements may need to be made.
- \* (5) ~~As originally proposed, no on-site parking is proposed other than for the required accessible parking spaces, but onsite parking was added in the Revised Site Plan received June 16, 2015. A variance has been requested in related Case 801-V-15 to allow off premises parking on the western shoulder of County Road 1800 East for all non-accessible parking instead of requiring on-site parking.~~
- \*B. In her letter of 12/10/14 the petitioner stated the following regarding the type of events, frequency of occurrence, and typical attendance:
- \* (1) Hudson Farm Wedding and Events primarily hosts weddings. Regarding the weddings that are hosted:
    - \*a. In 2015 there will be 15 weddings.



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\*b. Most weddings are in May, June, September, and October, and are usually on Saturdays.

\*c. Weddings generally begin around 3:00 or 4:00pm and finish at midnight.

\*d. The maximum attendance is 225.

\*e. Liquor is supplied by Minneci's Catering.

\*f. Clients book their own food caterer.

\* (2) Other events that Hudson Farm Wedding and Events host include the following:

\*a. A murder mystery;

\*b. A couple of mid-week "Ladies Night Out" events with no more than 30 attendees per event; and

\*c. Fraternity barn dances have also been held but it is doubtful that any of these will be hosted in 2015 because the weddings are booked in advance for the same dates.

(3) The plan is to host events only from April to November.

\*C. At the May 28, 2015 public hearing, the Petitioner's agent, Thomas Drysdale distributed two handouts:

\* (1) A copy of the "Alternative Parking Layouts" created by zoning staff for the April 16, 2015 public hearing, as the Petitioner's proposed parking plan indicating 68 spaces in the tillable area on the south end of the property; and

\* (2) A seating chart for the Wedding Barn which he submitted as the Floor Plan.

D. A Revised Site Plan received June 16, 2015 indicates the following:

(1) Measurements for Wedding Barn and Farm Shed Hall;

(2) South parking area with 66 spaces;

(3) Accessible parking with 2 spaces;

(4) Accessible 5' wide sidewalk between Wedding Barn and Farm Shed Hall;

(5) Septic system location, still in discussion with the Health Department; and

(6) Port-a-potty location, still in discussion with the Health Department.

\*E. There are no previous Zoning Use Permits on the subject property.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a "Private Indoor Recreational Development" in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
  - A. 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 Outdoor Commercial Recreational Enterprise:
      - a. A separation distance of 200 feet between any R DISTRICT or residential or INSTITUTIONAL USE.
  - B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
    - (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.

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- (2) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (3) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
- (4) "ALTERATION" is any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or any movement of a STRUCTURE from one location or position to another.
- (5) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System 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*. Best Prime Farmland consists of the following:
  - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
  - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
  - c. 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 as determined by the Champaign County LESA system.
- (6) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.

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- (7) "BUILDING, DETACHED" is a BUILDING having no walls in common with other BUILDINGS.
- (8) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (9) "DWELLING" is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (10) "ESTABLISHMENT" is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (11) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (12) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (13) "SIGN" is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (14) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (15) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (16) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
  - (a) MAJOR STREET: Federal or State highways.
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.
- (17) "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.

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- (18) "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.
- (19) "SUITED OVERALL" is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
  - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
  - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
  - d. Necessary infrastructure is in place or provided by the proposed development; and
  - e. Available public services are adequate to support the proposed development effectively and safely.
- (20) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
- C. 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.

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- (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.
- D. 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/ 5-1209) 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.
- E. 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, **“The property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.”**

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

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

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, ***“Farming and agriculture will continue on the land. The weddings and events will take place in the existing barn and shed, leaving the traditional agricultural nature of the land intact.”***
  - B. Regarding surface drainage:
    - (1) The Champaign County Soil and Water Conservation District Natural Resource Report received March 9, 2015 states “The site is the top of a hill, water now travels off the site in all directions. The site has a great deal of crop field between the site and any water source.”
    - (2) The Report does not identify any concerns related to surface drainage for the proposed special use.
  - C. As proposed, the Special Use will ***NOT BE INJURIOUS*** in regards to the effects on traffic, as follows:
    - (1) The subject property fronts the west side of CR 1800 East. Regarding the general traffic conditions on CR 1800 East at this location and the level of existing traffic and the likely increase from the proposed Special Use:
      - a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. CR 1800 East had an ADT of 100 near the subject property. It should be noted that the ADT count was taken prior to Hudson Farm opening a special events center.
      - b. The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are no paved shoulders on this part of CR 1800 East, but there is approximately 8 feet of relatively flat grassy area on either side of the road.
      - c. The pavement surface of CR 1800 E in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a maximum recommended traffic volume of no more than 250 ADT.

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- d. The subject property is located about 2 miles southeast of the City of Urbana and is about 0.6 mile south of Windsor Road (CR1400N).
- (2) The Township Highway Commissioner has been notified of this case and ~~no comments have been received~~ he has no issues with the proposed Special Use with the caveat that the Township assumes no liability for any on-street parking along 1800 East.
- (3) The revised Site Plan received June 16, 2015 indicates a new parking lot with 66 spaces and an access drive to CR 1800 East on the south side of the property in lieu of the on-street parking originally proposed. This change removes the need for a Variance for off-site parking in related Case 801-V-15. The Petitioner has indicated that all wedding guests are asked to park along the west side of CR 1800 East rather than on the property, which is the topic of related Case 801-V-15. Regarding the proposed variance:
- a. ~~Wedding events are the primary type of event at this venue, and there are 15 scheduled for 2015 as of December 2014.~~
- b. ~~The petitioner estimates that the proposed Farm Shed Hall improvements will allow for 400 guests. Assuming the Zoning Ordinance minimum requirement of one parking space per 5 seats in the facility, there would need to be space for 80 vehicles along CR 1800 East.~~
- c. ~~Assuming 20 feet of space for each vehicle, a full capacity event could create a line of vehicles extending 1,600 feet or more along CR 1800 East.~~
- d. ~~The Petitioner has indicated that by recommendation of the Champaign County Sheriff's Office, signs have been purchased stating "Cars Parked on Shoulder Ahead" which they intend to post during events.~~
- e. ~~The Petitioner states that neighbors on CR 1800 East do not object to guests parking along the road and neighbors and supporters of Hudson Farm Wedding & Events LLC have signed a petition stating they do not take issue with event related roadside parking.~~
- f. ~~The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain as well as simply cause a safety problem due to obstruction of the roadway shoulder by parked vehicles and the use of the street pavement for pedestrians to walk to and from the vehicles, including after dark.~~
- g. ~~The proposed on-street parking is not consistent with several relevant policies in the Champaign County Land Resource Management Plan, as follows:~~



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- (a) ~~Regarding Policy 4.2.1, the proposed development **IS NOT** a service better provided in a rural area because the petitioner proposes to use on-street parking.~~
- (b) ~~Regarding Policy 4.2.2, the proposed development **WILL** interfere with agricultural activities or damage or negatively impact the operation of *rural* roads.~~
- (c) ~~Regarding Policy 4.3.2, the proposed site **IS NOT WELL SUITED OVERALL** for the development because the petitioner has proposed on-street parking.~~
- (d) ~~Regarding Policy 4.3.4 the proposed development **WILL NOT HELP ACHIEVE** Policy 4.3.4 because the street is not wide enough to accommodate on-street parking of this nature in addition to the farm traffic.~~

(4) ~~Based on the information above regarding the proposed on-street parking, the Special Use as proposed is designed, located, and operated so that it **WILL BE INJURIOUS** to the District.~~

- D. Regarding fire protection on the subject property, the subject property is located approximately 7 miles from the Philo Fire Protection District station. The FPD Chief was notified of this case on April 1, 2015 and no comments were received. A second notice requesting comments was sent to the Chief on May 19, 2015 and no comments have been received as of June 16, 2015.
- E. No part of the subject property is located within a mapped floodplain.
- F. The subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of Catlin silt loam, Drummer silty clay loam, and Flanagan silt loam, and has an average LE of approximately 96.
- G. Regarding outdoor lighting on the subject property:
  - (1) In an email received April 9, 2015 the Petitioner provided location and specifications for the full-cutoff lighting installed on the subject property.
- H. Regarding wastewater treatment and disposal on the subject property:
  - (1) The subject property residence has a septic system. The subject property is not served by sanitary sewer; it is possible that changes need to be made to the existing septic system or a new septic system is needed and it is not yet clear if the necessary improvements can be made.
  - (2) Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined

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that Hudson Farm needs to have a septic system installed that will serve 225 people every day of the year. Mrs. Hudson and her attorney, Thomas Drysdale, seek a different decision from these agencies considering they only have about 20 events per year, and most of the events do not reach 225 guests. Note on the revised Site Plan received June 16, 2015 that both port-a-potties and a septic system are indicated because this has not yet been resolved.

~~(2) The Petitioner indicated in their letter dated December 10, 2014 that they are consulting with plumbers regarding the septic system needed to install a few bathrooms.~~

~~(3) Any new septic system or change to the existing septic system must be approved by the Champaign County Health Department. A special condition has been proposed to ensure compliance with this requirement but feasibility of any required septic system change should be established during the public hearing.~~

I. 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.

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- 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.

J. No complaints or concerns have been received from nearby farmers or neighbors during the public hearing.

K. A petition in support of a variance to allow on-street parking was signed by 26 neighbors.

L. Steve Moser, 1860 CR 1400N, Urbana testified in support of the proposed Special Use Permit at the April, 16, 2015 public hearing.

M. 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

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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: **“Yes. The proposed use will not affect the agricultural activities on the land. The weddings and events held will be secondary to the primary farming business.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) 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.
  - (2) An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts.
  - (3) Regarding the requirement that the proposed Special Use be separated by 200 feet from the nearest residential use:
    - a. The barn that was previously used for agriculture is now being used for special events. It has been on the property for many years, and conforms to Zoning Ordinance yard and setback requirements except when used as an events center.
    - b. The barn is approximately 50 feet from the neighboring residence to the north, which is the reason for requesting Part B of the Special Use. The neighboring property is owned by the Petitioner’s mother-in-law.
  - (4) 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. Regarding the number of required onsite parking spaces:
      - (a) There is a proposed capacity of ~~400~~225 people in the Farm Shed Hall; by dividing ~~400~~225 by 5 seats it equals ~~80~~45 parking spaces, which is the greater number compared to 29 spaces, which is a result of dividing 5,805 square feet by 200 square feet.
      - (b) At the April 16, 2015 public hearing, the Petitioner and Board concurred that the property should provide 68 off-street parking spaces, which is the highest number of vehicles the Petitioner has counted during any one event to date.  
It is not clear if the wedding barn could also be in use at the same time as the Farm Shed Hall in which case the required number of

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~~parking spaces could be greater than 400. Evidence regarding this possibility should be obtained in the public hearing.~~

- c. ~~The revised Site Plan received June 16, 2015 indicates a new parking lot with 66 spaces on the south side of the property in lieu of the on-street parking originally proposed. This change removes the need for a Variance for off-site parking in related Case 801-V-15. The Petitioner seeks a Variance to provide only roadside (off premises) parking in related Case 801-V-15. Note that if Case 801-V-15 is either denied or withdrawn by the Petitioner, a new site plan with onsite parking will be required in order for this Special Use to be approved.~~

- C. Regarding compliance with the *Stormwater Management Policy*:
- (1) The property is in compliance with the Stormwater Management Policy.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
- (1) A Private Indoor Recreational Development may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
  - (2) An Outdoor Commercial Recreational Enterprise may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
  - (3) The proposed use will not hinder agricultural production and agricultural production will still occur onsite.
- G. Currently, the subject property is zoned AG-1 Agriculture and the Petitioner has requested to rezone the property to AG-2 Agriculture in related Case 799-AM-15. Regarding whether or not the proposed Special Use will preserve the essential Character of the surrounding AG-1 District:
- (1) As reviewed in Case 799-AM-15, the types of uses authorized by right in the AG-1 DISTRICT are the same as by-right uses in the AG-2 DISTRICT. However, a Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise is only authorized as a Special Use in the AG-2 District and not the AG-1 District. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent AG-1 uses.
  - (2) ~~Compatibility of the proposed Special Use and the proposed rezoning with surrounding agriculture is evaluated in related Case 799-AM-15 under review of Land Resource Management Plan Objective 4.2 regarding interference with~~

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~~agricultural operations. The proposed Special Use *WILL* interfere with agricultural operations because as proposed by the Petitioner, all parking except for the accessible parking spaces, is proposed to be in the street right of way and even though the traffic generated by the proposed use will generally occur on weekends it could interfere with the movement of large farm machinery and the hauling of grain and create serious safety problems.~~

- (3) The subject property is located on CR 1800 East. Land use and zoning in the immediate area of the subject property are as follows:
- \*a. Land on the north, south, east, and west of the subject property is zoned AG-1 Agriculture and is in use as follows:
    - \*(a) Land on the north is in agriculture production with one single-family dwelling.
    - \*(b) Land on the east, west, and south is in agricultural production.
- H. 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 be 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. An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts. Note that the Outdoor Commercial Recreational Enterprise and the Private Indoor Recreational Development are actually the same proposed use and not separate uses which would not be permissible on a lot in the AG-1 District.
  - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.2 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

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application to areas within one and one-half miles of existing communities in the COUNTY.

- (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.

D. The proposed Special Use Permit ~~IS/IS NOT~~ in harmony with the general purpose of the Zoning Ordinance, as follows:

- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

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 zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed Special Use **WILL** conserve the value of real estate throughout the COUNTY, based on the following:

- a. It is not clear whether or not the proposed special use 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.
- b. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
- (a) 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.
- (b) The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The new parking will remove less than one-half acre from agricultural production. The proposed change from on-street parking will reduce

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~~interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.~~

- 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. Regarding the effect on the value of the subject property:
- (a) The subject property has been a farmstead for decades and if the rezoning is denied it can continue to be used as a farmstead or as simply a single family residence.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use **WILL** lessen and avoid congestion in the public streets, as follows:

- a. Probable traffic impacts are reviewed under Policy 7.1.1. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed construction on the subject property will not trigger the need for stormwater management and there are no known drainage problems on the subject property.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed Special Use **WILL** promote the public health, safety, comfort, morals, and general welfare as follows:

- 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.



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- 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.
- c. Special Conditions have been approved to ensure that any sanitary waste system installed for the events center complies with the Illinois Private Sewage Disposal Code (77 IAC 905) and the Champaign County Health Ordinance.
- d. A Special Condition has been approved to ensure that food preparation or the construction of any food preparation area or kitchen is not authorized with this Special Use Permit.

- (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 any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent

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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.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed Special Use **WILL NOT** subject the most productive agricultural lands to haphazard and unplanned intrusions of urban uses as follows:

- a. The proposed special use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- b. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect 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 zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

As per the revised Site Plan received June 16, 2015 the proposed use will remove less than one-half acre from production.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed Special Use will not hinder the development of renewable energy sources.

**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: N/A
  - B. The existing use on the property is not a nonconforming use.

**GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS**

12. Regarding the necessary waivers of standard conditions:
- A. Waive the standard condition of Section 6.1.3 of the Zoning Ordinance: that requires a separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:
    - (1) The nearest residential structure is owned by a close family member who is aware of the proposed special use and has no objections to the special events center or its proximity.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

13. Regarding proposed special conditions of approval:
- A. **The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:**
    - ~~(1) The Petitioner shall apply for a Health Department Permit for the required septic system changes within two weeks of receiving a final determination by the County Board in related Case 799-AM-15; and~~
    - (1) **The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 799-AM-15; and**
    - (2) **A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 799-AM-15 except that a**

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septic system may be constructed at a later time provided that a new Change of Use Permit is applied for at that time; and

- (3) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.

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

**The ongoing operations may continue but will comply with all special conditions by a date certain.**

B. The following condition will ensure that ~~the any new~~ septic system is built as approved by the Champaign County Health Department and documented with a Change of Use Permit as a requirement for a Zoning Use Permit:

- (1) The area proposed for any new the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property.
- (2) The Zoning Administrator shall verify that the area proposed for any new the septic system is identified, marked off, and protected from compaction prior to approval of the Change of Use Permit documenting the new septic system.
- (3) The Change of Use Permit Application ~~for documenting~~ the construction and establishment of the new septic system ~~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 Change of 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~~ use of the new septic system.

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

**Any changes to the septic system are in compliance with the Champaign County Health Department.**

C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial

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**Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies 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.**

- D. 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 ongoing compliance with all applicable County requirements.**

- E. No parking shall occur in the public street right of way.**

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

**That the proposed Special Use is not injurious to the neighborhood.**

- F. All disposal of human wastes from the proposed special use permit shall be in compliance with the Illinois Private Sewage Disposal Code (77 IAC 905) and the Champaign County Health Ordinance.**

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

**To protect public health.**

- G. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

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

**To protect public health.**

- H. There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**

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

**A clear understanding that there are no limits on the number of events or limits on when events may occur.**

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**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received February 13, 2015, with attachments:
  - A Warranty Deed
2. Application for Map Amendment received February 13, 2015, with attachments:
  - A Warranty Deed
  - B Completed Improvements budget estimate
  - C Future Improvements budget estimate
  - D Aerial photograph of subject property received December 12, 2014
3. Application for Variance Permit received February 13, 2015, with attachments:
  - A Warranty Deed
  - B Tax Map of subject property and surrounding area
  - C Section of Urbana Quadrangle Map showing subject property and surrounding area
4. ["Hitchin' Post: Urbana Family has turned barn into wedding hot spot" by Melissa Merli, News Gazette, October 12, 2014](#)
5. Letter from Joyce Hudson dated December 10, 2014, received December 12, 2014 with attachments:
  - A Buildings descriptions
  - B Aerial with buildings labels
  - C Floor plan of Farm Shed Hall proposed improvements
6. Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
  - A Sketch of plumbing plans
  - B Soil evaluation (digital file did not arrive completely, requested new copy)
  - C Petition regarding parking along CR 1800 E for special events
7. [Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District](#)
8. Email from Agent Thomas Drysdale received March 18, 2015
9. On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
10. Preliminary Memorandum dated April 9, 2015 for Cases 799-AM-15, 800-S-15, and 801-V-15, with attachments:
  - A Case Maps (Location, Land Use, Zoning, Parking Example, Alternative Parking Layouts)
  - B LRMP Land Use Goals, Objectives, and Policies
  - C LRMP Appendix of Defined Terms
  - D Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District

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- E On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
- F Letter from Joyce Hudson dated December 10, 2014 with attachments:  
Buildings descriptions  
Aerial with buildings labels  
Floor plan of Farm Shed Hall proposed improvements
- G Email from Agent Thomas Drysdale received March 6, 2015 with attachments:  
Sketch of plumbing plans  
Soil evaluation (digital file did not arrive completely, requested new copy)  
Petition regarding parking along CR 1800 E for special events
- H Email from Agent Thomas Drysdale received March 18, 2015
- I Site Visit Photos
- J Summary of Evidence, Finding of Fact, and Final Determination for Case 799-AM-15
- K Summary of Evidence, Finding of Fact, and Final Determination for Case 800-S-15
- L Summary of Evidence, Finding of Fact, and Final Determination for Case 801-V-15
11. Supplemental Memo #1 dated April 9, 2015, with attachments:  
A Email from Thomas Drysdale received 4/9/15 with attachments:  
  - Email from Joyce Hudson regarding outdoor lighting received 4/9/15
  - Floor Plan for Bathroom Renovation, signed by Licensed Architect to be in compliance with the Environmental Barriers Act and Illinois Accessibility Code, received 4/9/15
12. Email from Joyce Hudson received April 14, 2015
13. Supplemental Memo #2 dated April 16, 2015, with attachments:  
A “Hitchin’ Post: Urbana Family has turned barn into wedding hot spot” by Melissa Merli, News Gazette, October 12, 2014  
B Email from Joyce Hudson received April 14, 2015  
C Revised Case Maps: “Parking Example” and “Alternative Parking Layouts”
14. Supplemental Memo #3 dated May 20, 2015 with attachments:  
A Draft minutes from April 16, 2015 public hearing
15. Handouts from Petitioner’s Agent, Attorney Thomas Drysdale, submitted as a Site Plan for the property and Floor Plan for the Wedding Barn, received during May 28, 2015 public hearing
16. Email from Joyce Hudson with attachments, all received June 16, 2015,:  
  - Revised Site Plan
  - Revised Floor Plan of Farm Shed Hall
  - Revised Floor Plan of Wedding Barn received June 16, 2015
  - Detail of south parking area for 66 spaces, titled “Area #1” and detail of two accessible parking spaces, titled “Area #2”; both are indicated on Revised Site Plan
17. Email from Thomas Drysdale received June 16, 2015 regarding accessible parking

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18. Revised, annotated Finding of Fact for 799-AM-15 dated June 17, 2015
19. Revised, annotated Summary of Evidence for 800-S-15 dated June 17, 2015
20. Excerpt of draft minutes from the May 28, 2015 ZBA meeting
21. Supplemental Memo #4 dated June 17, 2015 with attachments:
  - A Email from Joyce Hudson with attachments, all received June 16, 2015.:
    - Revised Site Plan
    - Revised Floor Plan of Farm Shed Hall
    - Revised Floor Plan of Wedding Barn received June 16, 2015
    - Detail of south parking area for 66 spaces, titled "Area #1" and detail of two accessible parking spaces, titled "Area #2"; both are indicated on Revised Site Plan
  - B Email from Thomas Drysdale received June 16, 2015 regarding accessible parking
  - C Revised, annotated Finding of Fact for 799-AM-15 dated June 17, 2015
  - D Revised, annotated Summary of Evidence for 800-S-15 dated June 17, 2015
  - E Excerpt of draft minutes from the May 28, 2015 ZBA meeting



**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 800-S-15 held on April 16, 2015, May 28, 2015 and June 25, 2015 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}* WELL 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 NOT* an existing nonconforming use.
  
- 6. ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***
  - A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance: that requires a **separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:**
    - (1) The waiver *{IS / IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL / WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because \_\_\_\_\_  
\_\_\_\_\_
    - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because \_\_\_\_\_
    - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because \_\_\_\_\_  
\_\_\_\_\_

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(4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because \_\_\_\_\_  
\_\_\_\_\_

(5) The requested waiver *SUBJECT TO THE PROPOSED SPECIAL CONDITION {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because \_\_\_\_\_  
\_\_\_\_\_

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

A. The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:

~~(1) The Petitioner shall apply for a Health Department Permit for the required septic system changes within two weeks of receiving a final determination by the County Board in related Case 799-AM-15; and~~

(1) The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 799-AM-15; and

(2) A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 799-AM-15 except that a new septic system may be constructed at a later time provided that a new Change of Use Permit is applied for at that time; and

(3) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.

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

The ongoing operations may continue but will comply with all special conditions by a date certain.

B. The following condition will ensure that ~~the any new~~ septic system is built as approved by the Champaign County Health Department and documented with a Change of Use Permit as a requirement for a Zoning Use Permit:

(1) The area proposed for ~~any new~~ the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property.

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- (2) The Zoning Administrator shall verify that the area proposed for any newthe septic system is identified, marked off, and protected from compaction prior to approval of the Change of Use Permit documenting the new septic system.
- (3) The Change of Use Permit Application ~~for documenting~~ the construction and establishment of the new septic system ~~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 Change of 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~~use of the new septic system.

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

**Any changes to the septic system are in compliance with the Champaign County Health Department.**

- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies 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.**

- D. 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 ongoing compliance with all applicable County requirements.**

- E. No parking shall occur in the public street right of way.

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

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**That the proposed Special Use is not injurious to the neighborhood.**

- F. All disposal of human wastes from the proposed special use permit shall be in compliance with the Illinois Private Sewage Disposal Code (77 IAC 905) and the Champaign County Health Ordinance.**

The special condition stated above is required to ensure the following:  
**To protect public health.**

- G. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

The special condition stated above is required to ensure the following:  
**To protect public health.**

- H. There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**

The special condition stated above is required to ensure the following:  
**A clear understanding that there are no limits on the number of events or limits on when events may occur.**

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

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## 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 800-S-15 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant Joyce Hudson d.b.a. Hudson Farm Wedding and Events LLC, to authorize the following 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 799-AM-15:

Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise"

### *SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:*

- A. Waiver of the standard condition in Section 6.1.3 that requires a separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

### *{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }*

- A. The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:
  - ~~(1) The Petitioner shall apply for a Health Department Permit for the required septic system changes within two weeks of receiving a final determination by the County Board in related Case 799-AM-15; and~~
  - (1) The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 799-AM-15; and
  - (2) A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 799-AM-15 except that a new septic system may be constructed at a later time provided that a new Change of Use Permit is applied for at that time; and
  - (3) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.

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

The ongoing operations may continue but will comply with all special conditions by a date certain.

- B. The following condition will ensure that ~~the any new~~ septic system is built as approved by the Champaign County Health Department and documented with a Change of Use Permit as a requirement for a Zoning Use Permit:
- (1) The area proposed for ~~any new~~ the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property.
  - (2) The Zoning Administrator shall verify that the area proposed for ~~any new~~ the septic system is identified, marked off, and protected from compaction prior to approval of the Change of Use Permit documenting the new septic system.
  - (3) The Change of Use Permit Application ~~for documenting~~ the construction and establishment of the new septic system ~~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 Change of 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~~ use of the new septic system.

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

Any changes to the septic system are in compliance with the Champaign County Health Department.

- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies 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.

- D. 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.

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

**That the proposed Special Use is in ongoing compliance with all applicable County requirements.**

- E. **No parking shall occur in the public street right of way.**

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

**That the proposed Special Use is not injurious to the neighborhood.**

- F. **All disposal of human wastes from the proposed special use permit shall be in compliance with the Illinois Private Sewage Disposal Code (77 IAC 905) and the Champaign County Health Ordinance.**

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

**To protect public health.**

- G. **This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

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

**To protect public health.**

- H. **There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**

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

**A clear understanding that there are no limits on the number of events or limits on when events may occur.**

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

SIGNED:

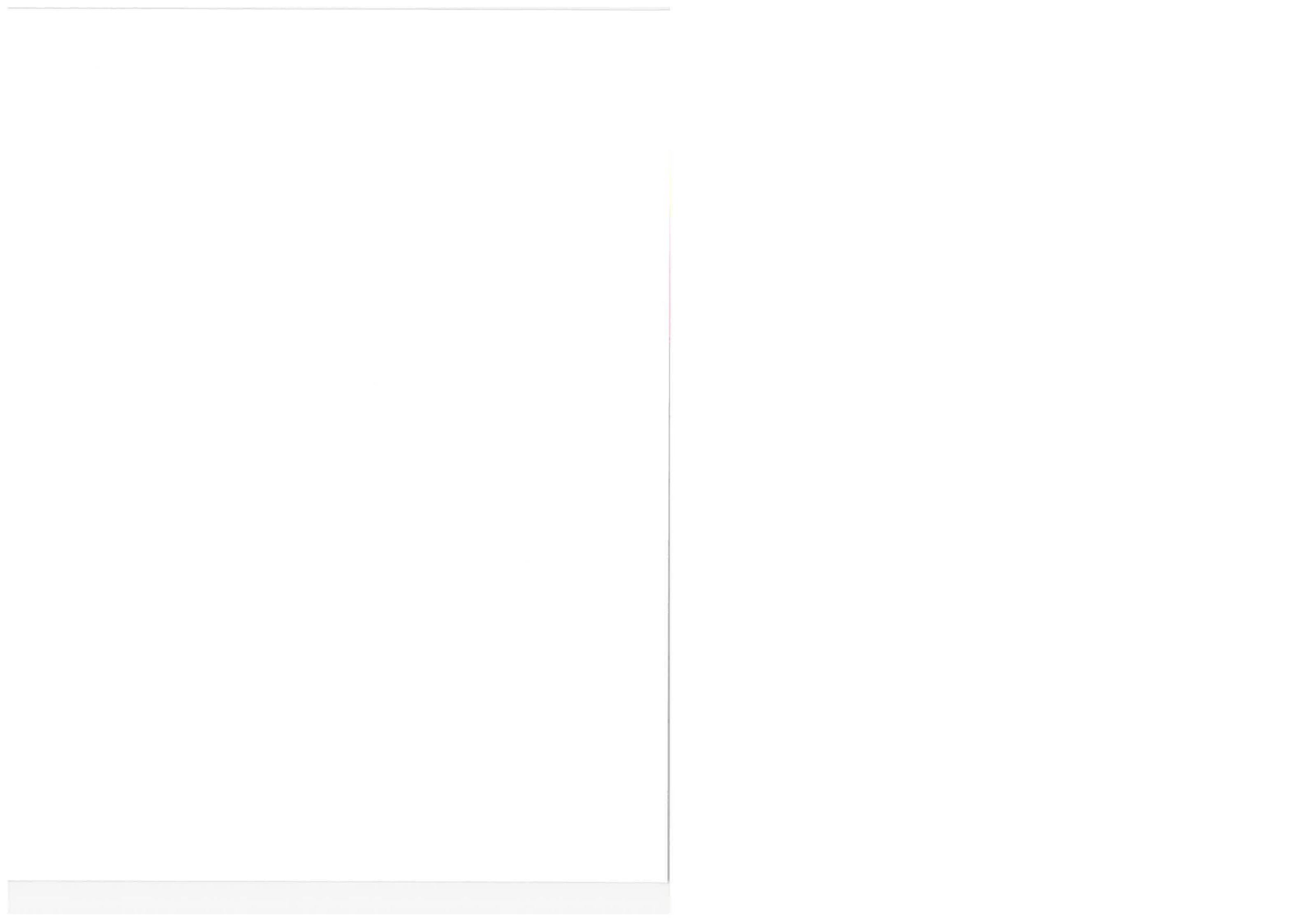
Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date





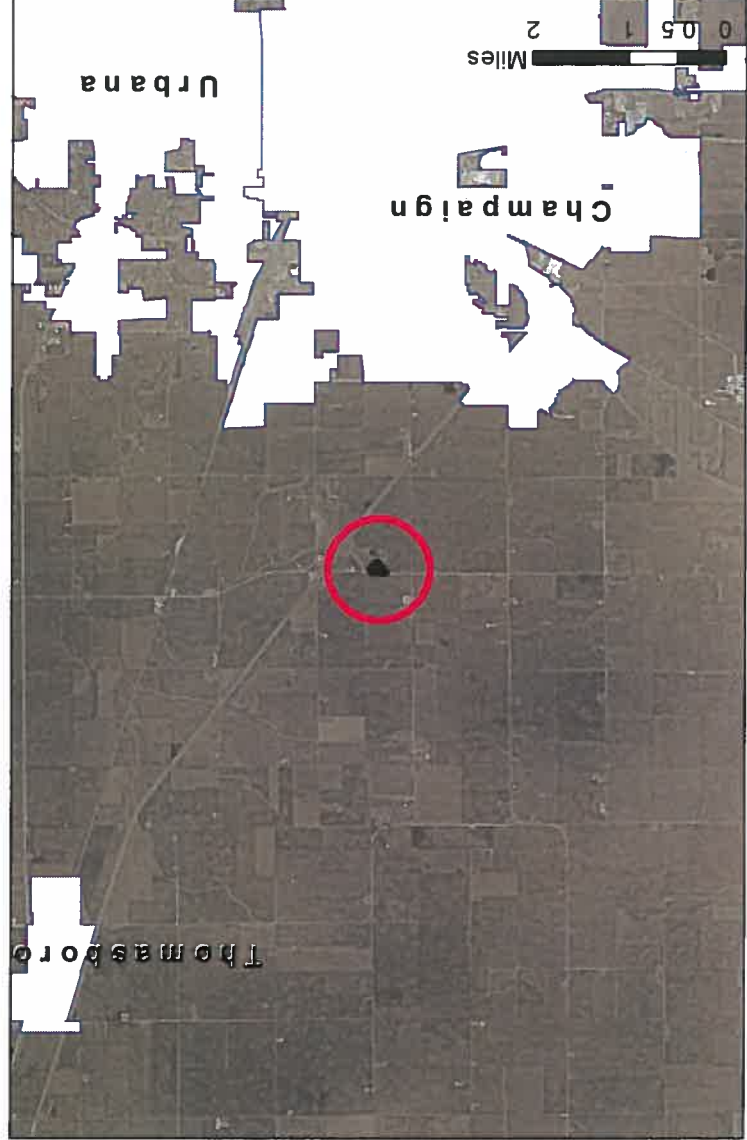
**Attachment E – Draft 5/28/15 minutes will be handed out at the 6/25/15 meeting**

# Location Map

Case 804-AM-15  
June 25, 2015



Subject Property



Property location in Champaign County



# Land Use Map

Case 804-AM-15  
June 25, 2015



- Legend
- Commercial
  - Agriculture
  - Subject Property

Champaign County  
Department of  
PLANNING &  
ZONING



0 100 200 400  
Feet

**CASE NO. 799-AM-15, 800-S-15, 801-V-15**  
**SUPPLEMENTAL MEMORANDUM #4**

June 17, 2015

**Petitioner:** Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC

**Case 799-AM-15**

**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 800-S-15 and subject to the requested variance in related zoning Case 801-V-15.

**Case 800-S-15**

**Request:** Part A. Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" 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 799-AM-15 and subject to the requested variance in related zoning case 801-V-15, on the subject property described below.

Part B. Authorize the following waiver to the standard conditions of the "Outdoor Commercial Recreational Enterprise" special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

**Case 801-V-15**

**Request:** ~~A variance from Section 7.1.2.E.4.c.(1) of the Zoning Ordinance that requires onsite parking to allow off premises parking on the shoulder of County Road 1800 East during special events held at the proposed Private Indoor Recreational Facility that is also the subject of related cases 799-AM-15 and 800-S-15. Note: Variance not needed due to revised site plan.~~

**Location:** A tract in Urbana Township in the Northeast Quarter of the Southeast Quarter of Section 25 of Township 19N, Range 9 East of the Third Principal Meridian and commonly known as the farmstead located at 1341 CR 1800 E, Urbana.

**Site Area:** 3.67 acres

**Time Schedule for Development:** Already in limited use

**Prepared by:** Susan Chavarria  
Senior Planner

**John Hall**  
Zoning Administrator

# Land Use Map

Case 804-AM-15  
June 25, 2015



**Legend**

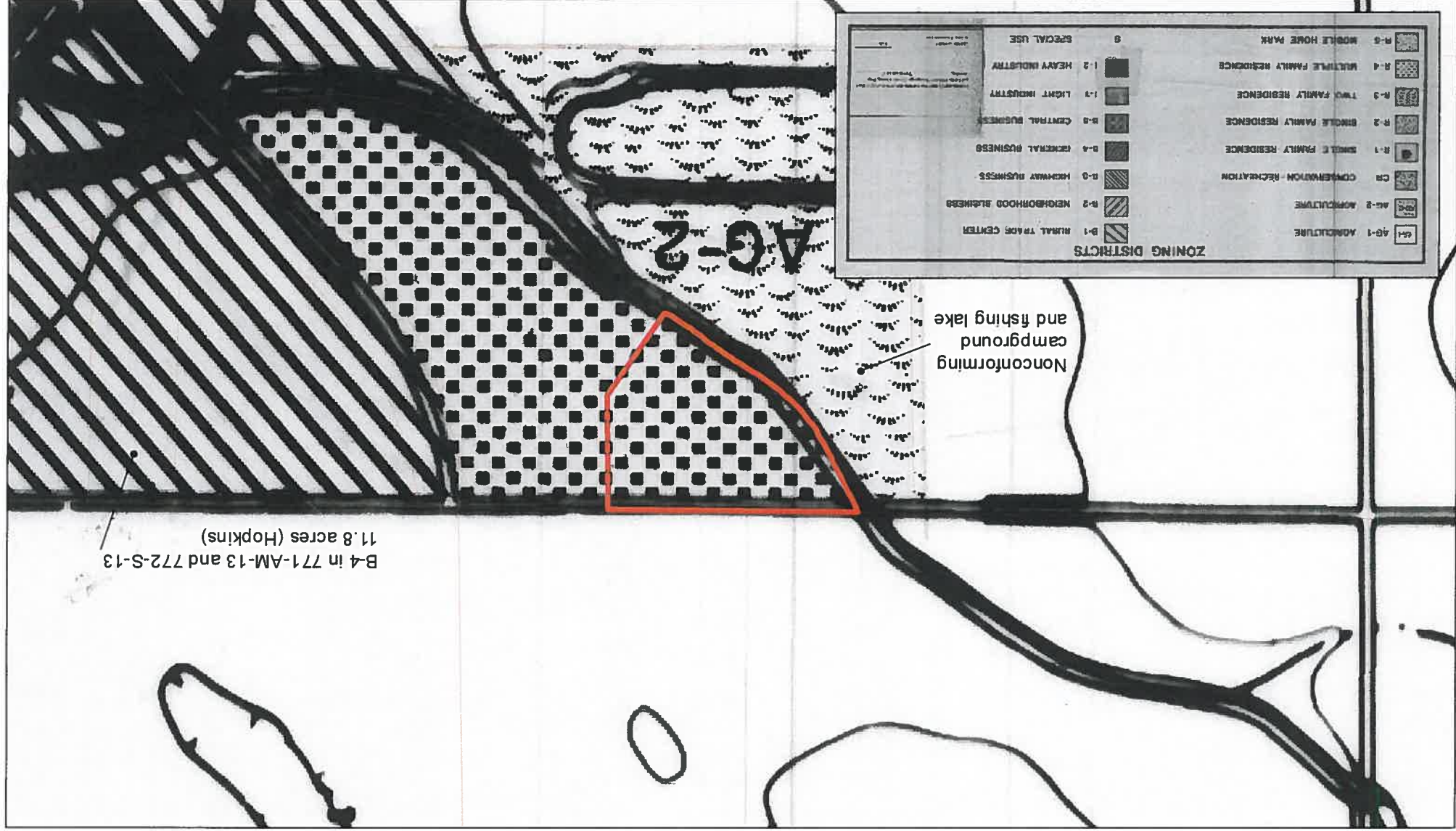
- Commercial
- Agriculture
- Subject Property



Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

Case 804-AM-15  
June 25, 2015



Legend

Subject Property

0 100 200 400 Feet



Champaign County  
Department of  
PLANNING &  
ZONING

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**Cases 799-AM-15  
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- (n) Public park or recreational facility;
  - (o) Sewage disposal plant or lagoon;
  - (p) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
  - (q) Radio or television station;
  - (r) Electrical substation;
  - (s) Telephone exchange;
  - (t) Residential airports;
  - (u) Restricted landing areas;
  - (v) Heliport-restricted landing areas;
  - (w) Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer;
  - (x) Livestock sales facility and stockyards;
  - (y) Slaughter houses;
  - (z) Grain storage elevator and bins;
  - (aa) Riding stable;
  - (bb) Commercial fishing lake;
  - (cc) Cemetery or crematory;
  - (dd) Pet cemetery;
  - (ee) Kennel;
  - (ff) Veterinary hospital;
  - (gg) Off-premises sign beyond 660 feet of the edge of the right-of-way of an interstate highway;
  - (hh) Contractors facilities (with no outdoor storage nor outdoor operations);
  - (ii) Contractors facilities with outdoor storage and/or outdoor operations;
  - (jj) Agricultural drainage contractor facility with no outdoor storage and/or outdoor operations;
  - (kk) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations;
  - (ll) Small scale metal fabricating shop;
  - (mm) Gas turbine peaker;
  - (nn) Big wind turbine tower (1-3 big wind turbine towers);
  - (oo) Sawmills and planing mills, and related activities; and
  - (pp) Pre-existing industrial uses (existing prior to October 10, 1973).
- b. The following use may be authorized by Special Use Permit in the AG-1 District and not at all in the AG-2 District:
- (1) Wind Farm (requires SUP approval by County Board).
- c. The following 35 uses may be authorized by SUP in the AG-2 District and not at all in the AG-1 District:
- (a) Two family dwelling;
  - (b) Home for the aged;
  - (c) Nursing home;



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- (d) Travel trailer camp;
- (e) Commercial greenhouse;
- (f) Greenhouse (not exceeding 1,000 square feet);
- (g) Garden shop;
- (h) Water treatment plant;
- (i) Public fairgrounds;
- (j) Motor bus station;
- (k) Truck terminal;
- (l) Railroad yards and freight terminals;
- (m) Airport;
- (n) Heliport/helistops;
- (o) Mortuary or funeral home;
- (p) Roadside produce sales stand;
- (q) Feed and grain (sales only);
- (r) Artist studio;
- (s) Residential recovery center;
- (t) Antique sales and service;
- (u) Amusement park;
- (v) Resort or organized camp;
- (w) Bait sales;
- (x) Country club clubhouse;
- (y) Lodge or private club;
- (z) Outdoor commercial recreational enterprise (except amusement park);
- (aa) Private indoor recreational development;
- (bb) Public camp or picnic area;
- (cc) Seasonal hunting or fishing lodge;
- (dd) Stadium or coliseum;
- (ee) Outdoor theatre;
- (ff) Aviation sales, service or storage;
- (gg) Self-storage warehouses, not providing heat/utilities to individual units;
- (hh) Landscape waste processing facilities; and
- (ii) Wood fabricating shop and related activities.

- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses.

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

9. 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:

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**Cases 799-AM-15  
Page 9 of 37**

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

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

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

10. LRMP Goal 1 is entitled “Planning and Public Involvement” and states:

**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 the proposed rezoning will **NOT IMPEDE** the achievement of Goal 1.

11. LRMP Goal 2 is entitled “Governmental Coordination” and states:

**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 will **NOT IMPEDE** the achievement of Goal 2.

12. LRMP Goal 3 is entitled “Prosperity” and states:

**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 **WILL HELP ACHIEVE** Goal 3 for the following reasons:

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- A. The three objectives are:
- (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 LRMP.”
- B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the Petitioner to continue holding events on the subject property with proper zoning and to continue to serve residents of Champaign County and therefore the proposed rezoning can be said to **HELP ACHIEVE** Goal 3.

13. LRMP Goal 4 is entitled “Agriculture” and states:

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

The proposed rezoning will **HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9 do not appear to be 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 will **HELP ACHIEVE** Policy 4.1.1 because the revised Site Plan received June 16, 2015 will remove less than one-half acre from production in order to create off-site parking for the events center.

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- (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, 1998 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.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.6 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of Catlin silt loam, Drummer silty clay loam, and Flanagan silt loam, and would have an average LE of approximately 96.
- b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland.
- c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1, Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
- e. There are no relevant policies having to do with minimizing the conversion of farmland but the proposed development ~~will take no best prime farmland land out~~ |

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~~of production as per the revised Site Plan received June 16, 2015 will remove less than one-half acre from production.~~

- f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.

- 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 will **HELP ACHIEVE** Objective 4.2 because of the following:

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

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- 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. The proposed development in related Cases 800-S-15 ~~and 801-V-15~~ **DOES NOT** support agriculture.
- c. Regarding whether the proposed development in related Cases 800-S-15 ~~and 801-V-15~~ **IS** a service better provided in a rural area:
- (a) The Petitioner has testified on the application in related Case 800-S-15 as follows:
- **“The property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.”**
  - **“Farming and agriculture will continue on the land. The weddings and events will take place in the existing barn and shed, leaving the traditional agricultural nature of the land intact.”**
- (b) ~~The proposed Special Use Permit will host agricultural themed weddings and events which rely on and benefit from agricultural surroundings. As originally proposed by the Petitioner, all parking is proposed to be in the street right of way and so it is not clear that that this service is better provided in a rural area than in an urban area due to the higher speed that~~

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rural traffic generally travels as compared to urban traffic and the need to move large machinery and/ or haul grain on the rural roads.

(c) The proposed Special Use Permit repurposes an existing barn and a farm shed and does not include any new buildings.

(d) The proposed Special Use Permit is primarily intended to be used on weekends during April to November.

(e) The subject property is only two miles from the City of Urbana and is located on a public road that has adequate traffic capacity.

d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

(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 will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

a. The proposed use of the subject property is ***NOT NEGATIVELY AFFECTED*** by agricultural activities because it will host agricultural themed weddings and events which rely on and benefit from the agricultural surroundings.

b. Regarding whether the proposed development in related Cases 800-S-15 ~~and 801-V-15~~ ***{WILL /WILL NOT}*** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:

(a) The proposed events center is sited on land that is not in crop production; the proposed 66 parking spaces will take less than half of an acre out of crop production.

(b) Agricultural drainage should not be affected.

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(c) The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.

c. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

d. No complaints or concerns have been received from nearby farmers or neighbors during the public hearing.

e. A petition in support of a variance to allow on-street parking was signed by 26 neighbors.

f. Steve Moser, 1860 CR 1400N, Urbana testified in support of the proposed Special Use Permit at the April, 16, 2015 public hearing.

(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 will **HELP ACHIEVE** Policy 4.2.3 for the following reasons:

a. The Petitioner understands that this is a rural area where agricultural activities take place and desires the agricultural setting for her business.

b. A special condition has been proposed to ensure that any subsequent owner recognizes 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 will **HELP ACHIEVE** Policy 4.2.4 for the following reasons:

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- a. The use on the subject property is intended to benefit from the adjacent agricultural activities and a buffer between the use and nearby agriculture is not warranted.

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 will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **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 will **HELP ACHIEVE** Policy 4.3.2 because the proposed site **IS WELL SUITED OVERALL** for the development proposed in related Cases 800-S-15 and 801-V-15 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of Catlin silt loam, Drummer silty clay loam, and Flanagan silt loam, and has an average LE of approximately 96.
- b. The revised Site Plan received June 16, 2015 indicates new off street parking on the south end of the property. The new parking will remove less than one-half acre from agricultural production. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. As originally proposed by the Petitioner, all parking is proposed to be in the street right of way and so it is not clear that that this site is well suited overall for the proposed land use. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal; however, because the parking is proposed to be in the street right of way, the parking could interfere with the movement of large farm machinery and the hauling of grain and create safety problems especially after dark.
- c. The subject property is not served by sanitary sewer and changes need to be made to the existing septic system or a new septic system is needed and it is not yet clear if the necessary improvements can be made. The subject property residence has a septic system.
- d. The proposed events center is sited on land that is not in crop production; parking for the facility will take less than one-half acre out of agricultural production.
- e. Agricultural drainage should not be affected.
- f. The proposed Special Use Permit repurposes an existing barn and a farm shed and does not include any new buildings.



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g. The subject property is only two miles from the City of Urbana and is located on a public road that has adequate traffic capacity.

h. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

- (2) **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 *{WILL/ WILL NOT}* **HELP ACHIEVE** Policy 4.3.3 for the following reasons:

- a. The subject property is located approximately 7 miles from the Philo Fire Protection District Station. The FPD Chief was notified of this case on April 1, 2015 and no comments were received. A second notice requesting comments was sent to the Chief on May 19, 2015 and no comments have been received as of June 16, 2015.
- b. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

- (3) **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 will **HELP ACHIEVE** Policy 4.3.4 for the following reasons:

- a. The revised Site Plan received June 16, 2015 indicates new off street parking on the south end of the property. The proposed change from on-street parking will reduce the burden on the adjacent roadway infrastructure including the paved area and roadside grass ditch. As originally proposed by the Petitioner in related Cases 800 S 15 and 801 V 15, all parking is proposed to be in the street right of way and so it is not clear that that the street is wide enough to accommodate on-street parking of this nature in addition to the farm traffic.

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- b. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- (4) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a) **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
- b) **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed rezoning *{WILL / WILL NOT}* HELP ACHIEVE Policy 4.3.5 for the following reasons:

- a. The proposed use in related Cases 800-S-15 ~~and 801-V-15~~ **DOES NOT** serve surrounding agricultural land uses or an important public need.
- b. Regarding whether the proposed development in related Cases 800-S-15 ~~and 801-V-15~~ **IS** otherwise appropriate in a rural area:
- (a) The events center hosts agricultural themed weddings and events which rely on and benefit from the agricultural surroundings.
- (b) The proposed events center is sited on land that is not in crop production.
- (c) The Petitioner has testified on the application in related Case 800-S-15 as follows:
- **“The property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.”**
  - **“Farming and agriculture will continue on the land. The weddings and events will take place in the existing barn and shed, leaving the traditional agricultural nature of the land intact.”**
- (d) The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all

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~~parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.~~

- (e) The subject property is located about 2 miles southeast of the City of Urbana and is about 0.6 mile south of Windsor Road (CR1400N).
- c. Regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

14. 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.**

Goal 5 has 3 objectives and 15 policies. The proposed amendment *{CONFORMS / DOES NOT CONFORM}* 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 / DOES NOT CONFORM}* 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

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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.

- c. 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 but the proposed use is not urban development because the proposed use generates no process-related wastewater. The subject property residence has a septic system, and the Petitioner has applied for a permit to construct a septic system sufficient to support a 225 person capacity events center.
- d. Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined that Hudson Farm needs to have a septic system installed that will serve 225 people every day of the year. Mrs. Hudson and her attorney, Thomas Drysdale, seek a different decision from these agencies considering they only have about 20 events per year, and most of the events do not reach 225 guests. Note on the revised Site Plan received June 16, 2015 that both port-a-potties and a septic system are indicated because this has not yet been resolved.
- e. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

15. 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 will **HELP ACHIEVE** Goal 6 for the following reasons:

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

The proposed rezoning will **HELP ACHIEVE** 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.**”

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The proposed rezoning will **HELP ACHIEVE** Policy 6.1.2 for the following reasons:

- a. The subject property residence has a septic system, and the Petitioner has applied for a permit to construct a septic system sufficient to support a 225 person capacity events center. Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined that Hudson Farm needs to have a septic system installed that will serve 225 people every day of the year. Mrs. Hudson and her attorney, Thomas Drysdale, seek a different decision from these agencies considering they only have about 20 events per year, and most of the events do not reach 225 guests. Note on the revised Site Plan received June 16, 2015 that both port-a-potties and a septic system are indicated because this has not yet been resolved. The subject property is not served by sanitary sewer and changes need to be made to the existing septic system or a new septic system is needed and it is not yet clear if the necessary improvements can be made.
- b. Any proposed Special Use Permit can be evaluated on a case by case for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

16. 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 will **HELP ACHIEVE** Goal 7 for the following reasons:

- A. Objective 7.1 states, "Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted."

The proposed rezoning will **HELP ACHIEVE** 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 **{WILL/ WILL NOT} CONFORM** to Policy 7.1.1 because:

- a. The proposed Event Center will accommodate up to ~~400~~ 225 people and the Zoning Ordinance requires at least ~~80~~ 45 parking spaces.
- b. The subject property fronts the west side of CR 1800 East. As reviewed in related Case 800-S-15 regarding the general traffic conditions on CR 1800 East at this

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location and the level of existing traffic and the likely increase from the proposed Special Use:

- (a) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. CR 1800 East had an ADT of 100 near the subject property. It should be noted that the ADT count was taken prior to Hudson Farm opening a special events center.
- (b) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are no paved shoulders on this part of CR 1800 East, but there is approximately 8 feet of relatively flat grassy area on either side of the road.
- (c) The pavement surface of CR 1800 E in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a maximum recommended traffic volume of no more than 250 ADT.
- (d) The subject property is located about 2 miles southeast of the City of Urbana and is about 0.6 mile south of Windsor Road (CR1400N) which is heavily traveled.

c. ~~The revised Site Plan received June 16, 2015 indicates new off street parking on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal however, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.~~

d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

B. The proposed amendment **WILL NOT IMPEDE** the achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.

17. 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 **WILL NOT IMPEDE** the achievement of Goal 8.

18. 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 **WILL NOT IMPEDE** the achievement of Goal 9.

19. 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.**

The proposed amendment **WILL NOT IMPEDE** the achievement of Goal 10.

**GENERALLY REGARDING THE LASALLE FACTORS**

20. 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 nearby properties.

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

Direction	Land Use	Zoning
Onsite	Agriculture, Residential	AG-1 Agriculture (Proposed rezoning to AG-2)
North	Agriculture, Residential	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture

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West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

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

- (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) This area is primarily an agricultural area and the subject property has been a farmstead for decades.
- (3) In regards to the value of nearby residential properties, the requested map amendment ~~would~~ **should not** have any effect. Regarding the effect on nearby properties:
  - a. The traffic generated by the proposed use in related Cases 800-S-15 ~~and 801-V-15~~ will generally occur on weekends and the overall impact could be minimal. The revised Site Plan received June 16, 2015 indicates new off street parking on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.
  - b. The only other residence within one-half mile of the subject property is the adjacent dwelling that is owned by a close family member.
  - c. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

**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.** Regarding this factor:

- (1) There has been no evidence submitted regarding property values.
- (2) This area is primarily an agricultural area and the subject property has been a farmstead for decades.
- ~~(3) The Petitioner started renovations for the Events Center and hosting special events without contacting the Zoning Office; initial communication with the Zoning Office would have provided appropriate direction to the Petitioner prior to making those renovations.~~



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- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural land uses and activities. The revised Site Plan received June 16, 2015 indicates new off street parking on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.
  - (2) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.** Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- 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.** Regarding this factor:
- (1) The subject property is occupied and in agricultural use as zoned AG-1.
  - (2) This area is primarily an agricultural area and the subject property has been a farmstead for decades.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) In the application for related Zoning Case 800-S-15, the Petitioner testified that “**the property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.**” and “**it should be noted that the Champaign County Visitor’s Center would like Hudson Farms to be a stop on their summer tour of large events. The Visitor’s Center would like to serve their dinner at Hudson Farms.**”
  - (2) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
  - (3) In the review of Policy 4.3.5 the ZBA has recommended the following:

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- a. The proposed use **DOES NOT** serve surrounding agricultural land uses or an important public need.
  - b. The proposed development **IS** otherwise appropriate in a rural area.
- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.** The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- I. Overall, the proposed map amendment **IS CONSISTENT** with the LaSalle and Sinclair factors.

**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

21. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.  
  
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. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.  
  
The proposed rezoning **WILL** conserve the value of real estate throughout the COUNTY, based on the following:
    - (1) It is not clear whether or not the proposed rezoning 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.
    - (2) The proposed rezoning could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
      - a. 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

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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.

- b. The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The new parking will remove less than one-half acre from agricultural production. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.

(3) In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:

- a. The subject property has been a farmstead for decades and if the rezoning is denied it can continue to be used as a farmstead or as simply a single family residence.

C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed rezoning **WILL** lessen and avoid congestion in the public streets as follows:

(1) Probable traffic impacts are reviewed under Policy 7.1.1. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.

(2) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

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The proposed construction on the subject property will not trigger the need for stormwater management and there are no known drainage problems on the subject property.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed rezoning **WILL** promote the public health, safety, comfort, morals, and general welfare as follows:

- (1) 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.
- (2) 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.

- F. 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.

- G. 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 any problematic conditions.

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- H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed rezoning **WILL** protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses as follows:

- (1) The proposed Special Use in related Case 800-S-15 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- (2) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.

- J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use in related Case 800-S-15 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

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As per the revised Site Plan received June 16, 2015, the proposed use will remove less than one-half acre from production. The proposed use will not take any land out of production.

- M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources.

***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 of the Land Resource Management Plan.**

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**DOCUMENTS OF RECORD**

1. Application for Map Amendment received February 13, 2015, with attachments:
  - A Warranty Deed
  - B Completed Improvements budget estimate
  - C Future Improvements budget estimate
  - D Aerial photograph of subject property received December 12, 2014
2. Application for Special Use Permit received February 13, 2015, with attachments:
  - A Warranty Deed
3. Application for Variance Permit received February 13, 2015, with attachments:
  - A Warranty Deed
  - B Tax Map of subject property and surrounding area
  - C Section of Urbana Quadrangle Map showing subject property and surrounding area
4. ["Hitchin" Post: Urbana Family has turned barn into wedding hot spot](#) by Melissa Merli, News Gazette, October 12, 2014
5. Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District
6. Letter from Joyce Hudson dated December 10, 2014 with attachments:
  - A Buildings descriptions
  - B Aerial with buildings labels
  - C Floor plan of Farm Shed Hall proposed improvements
7. Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
  - A Sketch of plumbing plans
  - B Soil evaluation (digital file did not arrive completely, requested new copy)
  - C Petition regarding parking along CR 1800 E for special events
8. Email from Agent Thomas Drysdale received March 18, 2015
9. On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
10. Preliminary Memorandum dated April 9, 2015 for Cases 799-AM-15, 800-S-15, and 801-V-15, with attachments:
  - A Case Maps (Location, Land Use, Zoning, Parking Example, Alternative Parking Layouts)
  - B LRMP Land Use Goals, Objectives, and Policies
  - C LRMP Appendix of Defined Terms
  - D Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District

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- E On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
  - F Letter from Joyce Hudson dated December 10, 2014 with attachments:
    - Buildings descriptions
    - Aerial with buildings labels
    - Floor plan of Farm Shed Hall proposed improvements
  - G Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
    - Sketch of plumbing plans
    - Soil evaluation (digital file did not arrive completely, requested new copy)
    - Petition regarding parking along CR 1800 E for special events
  - H Email from Agent Thomas Drysdale received March 18, 2015
  - I Site Visit Photos
  - J Summary of Evidence, Finding of Fact, and Final Determination for Case 799-AM-15
  - K Summary of Evidence, Finding of Fact, and Final Determination for Case 800-S-15
  - L Summary of Evidence, Finding of Fact, and Final Determination for Case 801-V-15
11. Supplemental Memo #1 dated April 9, 2015, with attachments:
- A Email from Thomas Drysdale received 4/9/15 with attachments:
    - Email from Joyce Hudson regarding outdoor lighting received 4/9/15
    - Floor Plan for Bathroom Renovation, signed by Licensed Architect to be in compliance with the Environmental Barriers Act and Illinois Accessibility Code, received 4/9/15
12. Email from Joyce Hudson received April 14, 2015
13. Supplemental Memo #2 dated April 16, 2015, with attachments:
- A “Hitchin’ Post: Urbana Family has turned barn into wedding hot spot” by Melissa Merli, News Gazette, October 12, 2014
  - B Email from Joyce Hudson received April 14, 2015
  - C Revised Case Maps: “Parking Example” and “Alternative Parking Layouts”
14. Supplemental Memo #3 dated May 20, 2015 with attachments:
- A Draft minutes from April 16, 2015 public hearing
15. Handouts from Petitioner’s Agent, Attorney Thomas Drysdale, submitted as a Site Plan for the property and Floor Plan for the Wedding Barn, received during May 28, 2015 public hearing
16. Email from Joyce Hudson with attachments, all received June 16, 2015.:
- Revised Site Plan
  - Revised Floor Plan of Farm Shed Hall
  - Revised Floor Plan of Wedding Barn received June 16, 2015
  - Detail of south parking area for 66 spaces, titled “Area #1” and detail of two accessible parking spaces, titled “Area #2”; both are indicated on Revised Site Plan



17. Email from Thomas Drysdale received June 16, 2015 regarding accessible parking
18. Revised, annotated Finding of Fact for 799-AM-15 dated June 17, 2015
19. Revised, annotated Summary of Evidence for 800-S-15 dated June 17, 2015
20. Excerpt of draft minutes from the May 28, 2015 ZBA meeting
21. Supplemental Memo #4 dated June 17, 2015 with attachments:
  - A. Email from Joyce Hudson with attachments, all received June 16, 2015.:
    - Revised Site Plan
    - Revised Floor Plan of Farm Shed Hall
    - Revised Floor Plan of Wedding Barn received June 16, 2015
    - Detail of south parking area for 66 spaces, titled "Area #1" and detail of two accessible parking spaces, titled "Area #2"; both are indicated on Revised Site Plan
  - B. Email from Thomas Drysdale received June 16, 2015 regarding accessible parking
  - C. Revised, annotated Finding of Fact for 799-AM-15 dated June 17, 2015
  - D. Revised, annotated Summary of Evidence for 800-S-15 dated June 17, 2015
  - E. Excerpt of draft minutes from the May 28, 2015 ZBA meeting

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**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 16, 2015, May 28, 2015, and June 25, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment **{WILL/WILL NOT} HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 3:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
    - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.
  - B. Regarding Goal 4:
    - (1) It **{WILL / WILL NOT} HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
      - a. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 13.C.(4)).
      - b. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
      - c. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).
      - d. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
    - (2) It **{WILL / WILL NOT} HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
      - a. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(4)).

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- b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(3)).
  - c. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(2)).
  - d. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.B.(1)).
- (3) It **{WILL / WILL NOT} HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
- a. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(3)).
  - b. Policy 4.1.1, which states that 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 (see Item 13.A.(2)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 5:
- (1) The proposed amendment **{CONFORMS / DOES NOT CONFORM}** to Goal 5 because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
    - a. Policy 5.1.1 requiring that the County will encourage new urban development to occur within the boundaries of incorporated municipalities (see Item 14.A.(2)).
  - (2) Based on achievement of the above Objective and Policy, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 5 Urban Land Use.
- D. Regarding Goal 6:
- (1) The proposed amendment **{CONFORMS / DOES NOT CONFORM}** to Goal 6 because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
    - a. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger

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public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 15.A.(2)).

(2) Based on achievement of the above Objective and Policy, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 6 Public Health and Safety.

E. Regarding Goal 7:

(1) The proposed amendment **{CONFORMS / DOES NOT CONFORM}** to Goal 7 because it **{WILL / WILL NOT} HELP ACHIEVE** the following:

a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation.

(2) Based on achievement of the above Objective and Policy, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 7 Transportation.

F. The proposed amendment **WILL NOT IMPEDE** the following LRMP goal(s):

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 8 Natural Resources
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

G. Overall, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** the Land Resource Management Plan.

2. The proposed Zoning Ordinance map amendment **{IS/IS NOT}** consistent with the *LaSalle* and *Sinclair* factors because of the following:

A. This area is primarily an agricultural area and the subject property has been a farmstead for decades.

B. It is impossible to establish property values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

C. There has been no evidence submitted regarding property values. This area is primarily an agricultural area and the subject property has been a farmstead for decades.

D. The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural land uses and activities. ~~However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.~~

E. The subject property is occupied and in agricultural use as zoned AG-1.

- F. The ZBA has recommended that the proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **{IS / IS NOT}** a service better provided in a rural area.
  - G. The ZBA has recommended that the proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment **{WILL / WILL NOT} HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the special use as originally proposed by the Petitioner, which requires rezoning to AG-2, **{WILL / WILL NOT}** lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).
  - B. Establishing the AG-2 District at this location will help classify, regulate, and restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i) see Item 21.G.).
  - C. Establishing the AG-2 District in this location **{WILL / WILL NOT}** help protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0 (n) Item 21.I).
  - D. Establishing the AG-2 District at this location will maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).
  - E. The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

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**FINAL DETERMINATION**

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

The Zoning Ordinance Amendment requested in **Case 799-AM-15** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



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**800-S-15**

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

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

Date: ***{June 25, 2015}***

Petitioners: Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC

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

Part A. Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” 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 799-AM-15.

Part B. Authorize the following waiver to the standard conditions of the “Outdoor Commercial Recreational Enterprise” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

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## SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 16, 2015, May 28, 2015, and June 25, 2015** the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 799-AM-15)

- \*1. The Petitioner Joyce Hudson and husband Cecil Hudson own the subject property.
- \*2. The subject property is a 3.67 acre tract of land in the Northeast Quarter of the Southwest Quarter of Section 25 of Urbana Township and commonly known as the farmstead located at 1341 CR 1800 East, Urbana, Illinois.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana but the City is located more than 1½ miles from the subject property.
  - \*B. The subject property is located within Urbana Township, which does not have a Planning 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 a 3.67 acre tract and is currently zoned AG-1 Agriculture but is proposed to be rezoned to AG-2 Agriculture in related Case 799-AM-15.
  - \* 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 with one single-family dwelling.
    - \*(2) Land on the east, west, and south is in agricultural production.

### GENERALLY REGARDING THE PROPOSED SPECIAL USE

- \*5. Regarding the site plan and operations of the proposed Special Use:
  - \*A. The site plan received December 12, 2014 consists of an aerial photograph with labeled buildings, and a separate floor plan for the "Farm Shed Hall". The documents indicate the following existing and proposed improvements:
    - \*(1) Existing buildings shown on the aerial photograph include:
      - \*a. A residence that was constructed prior to adoption of the Zoning Ordinance on October 10, 1973;
      - \*b. A 43 feet by 37 feet barn to the north of the residence;

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- \*c. A 43 feet by 135 feet "Farm Shed Hall" on the northwest corner of the property;
  - \*d. A detached garage, no measurements provided, adjacent to the northwest corner of the residence;
  - \*e. A small shed, no measurements provided, adjacent to four silos near the center of the property;
  - \*f. A well to the west of the residence; and
  - \*g. A septic field south of the Farm Shed Hall.
- \* (2) In a letter received December 12, 2014, the Petitioner provided more details about the proposed use and improvements:
- \*a. In the Farm Shed Hall, the petitioner proposes adding restrooms, an accessible ramp for the restrooms, and a concrete apron that is proposed to be an accessible vehicle drop-off.
- \* (3) In an email received March 6, 2015, the Petitioner's agent, Thomas Drysdale, sent a sketch for the plumbing plans in the main hall. The plan includes:
- \*a. One men's restroom with two stalls;
  - \*b. One women's restroom with four stalls;
  - \*c. One unisex accessible restroom with one stall.
- \* (4) In an email received March 8, 2015, the Petitioner's agent, Thomas Drysdale, stated "Information regarding the septic system will be provided. The plans to move forward with the septic system have been placed on hold." Mr. Drysdale was advised by the Zoning Department on March 18, 2015, that "the new restrooms may require a larger septic system than what is currently available" and that they should contact the Champaign Urbana Public Health Department to determine what improvements may need to be made.
- \* (5) ~~As originally proposed, no on-site parking is proposed other than for the required accessible parking spaces, but onsite parking was added in the Revised Site Plan received June 16, 2015. A variance has been requested in related Case 801-V-15 to allow off premises parking on the western shoulder of County Road 1800 East for all non-accessible parking instead of requiring on-site parking.~~
- \*B. In her letter of 12/10/14 the petitioner stated the following regarding the type of events, frequency of occurrence, and typical attendance:
- \* (1) Hudson Farm Wedding and Events primarily hosts weddings. Regarding the weddings that are hosted:
    - \*a. In 2015 there will be 15 weddings.

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\*b. Most weddings are in May, June, September, and October, and are usually on Saturdays.

\*c. Weddings generally begin around 3:00 or 4:00pm and finish at midnight.

\*d. The maximum attendance is 225.

\*e. Liquor is supplied by Minneci's Catering.

\*f. Clients book their own food caterer.

\* (2) Other events that Hudson Farm Wedding and Events host include the following:

\*a. A murder mystery;

\*b. A couple of mid-week "Ladies Night Out" events with no more than 30 attendees per event; and

\*c. Fraternity barn dances have also been held but it is doubtful that any of these will be hosted in 2015 because the weddings are booked in advance for the same dates.

(3) The plan is to host events only from April to November.

\*C. At the May 28, 2015 public hearing, the Petitioner's agent, Thomas Drysdale distributed two handouts:

\* (1) A copy of the "Alternative Parking Layouts" created by zoning staff for the April 16, 2015 public hearing, as the Petitioner's proposed parking plan indicating 68 spaces in the tillable area on the south end of the property; and

\* (2) A seating chart for the Wedding Barn which he submitted as the Floor Plan.

D. A Revised Site Plan received June 16, 2015 indicates the following:

(1) Measurements for Wedding Barn and Farm Shed Hall;

(2) South parking area with 66 spaces;

(3) Accessible parking with 2 spaces;

(4) Accessible 5' wide sidewalk between Wedding Barn and Farm Shed Hall;

(5) Septic system location, still in discussion with the Health Department; and

(6) Port-a-potty location, still in discussion with the Health Department.

\*E. There are no previous Zoning Use Permits on the subject property.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a "Private Indoor Recreational Development" in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
  - A. 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 Outdoor Commercial Recreational Enterprise:
      - a. A separation distance of 200 feet between any R DISTRICT or residential or INSTITUTIONAL USE.
  - B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
    - (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.

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- (2) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (3) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
- (4) "ALTERATION" is any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or any movement of a STRUCTURE from one location or position to another.
- (5) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System 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*. Best Prime Farmland consists of the following:
  - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
  - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
  - c. 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 as determined by the Champaign County LESA system.
- (6) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.

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- (7) "BUILDING, DETACHED" is a BUILDING having no walls in common with other BUILDINGS.
- (8) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (9) "DWELLING" is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (10) "ESTABLISHMENT" is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (11) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (12) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (13) "SIGN" is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (14) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (15) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (16) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
  - (a) MAJOR STREET: Federal or State highways.
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.
- (17) "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.

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- (18) "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.
- (19) "SUITED OVERALL" is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
  - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
  - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
  - d. Necessary infrastructure is in place or provided by the proposed development; and
  - e. Available public services are adequate to support the proposed development effectively and safely.
- (20) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
- C. 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.

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- (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.
- D. 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/ 5-1209) 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.
- E. 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, **“The property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.”**



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

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

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, ***“Farming and agriculture will continue on the land. The weddings and events will take place in the existing barn and shed, leaving the traditional agricultural nature of the land intact.”***
  - B. Regarding surface drainage:
    - (1) The Champaign County Soil and Water Conservation District Natural Resource Report received March 9, 2015 states “The site is the top of a hill, water now travels off the site in all directions. The site has a great deal of crop field between the site and any water source.”
    - (2) The Report does not identify any concerns related to surface drainage for the proposed special use.
  - C. As proposed, the Special Use will ***NOT BE INJURIOUS*** in regards to the effects on traffic, as follows:
    - (1) The subject property fronts the west side of CR 1800 East. Regarding the general traffic conditions on CR 1800 East at this location and the level of existing traffic and the likely increase from the proposed Special Use:
      - a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. CR 1800 East had an ADT of 100 near the subject property. It should be noted that the ADT count was taken prior to Hudson Farm opening a special events center.
      - b. The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are no paved shoulders on this part of CR 1800 East, but there is approximately 8 feet of relatively flat grassy area on either side of the road.
      - c. The pavement surface of CR 1800 E in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a maximum recommended traffic volume of no more than 250 ADT.

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- d. The subject property is located about 2 miles southeast of the City of Urbana and is about 0.6 mile south of Windsor Road (CR1400N).
- (2) The Township Highway Commissioner has been notified of this case and ~~no comments have been received~~ he has no issues with the proposed Special Use with the caveat that the Township assumes no liability for any on-street parking along 1800 East.
- (3) The revised Site Plan received June 16, 2015 indicates a new parking lot with 66 spaces and an access drive to CR 1800 East on the south side of the property in lieu of the on-street parking originally proposed. This change removes the need for a Variance for off-site parking in related Case 801-V-15. The Petitioner has indicated that all wedding guests are asked to park along the west side of CR 1800 East rather than on the property, which is the topic of related Case 801-V-15. Regarding the proposed variance:
- a. ~~Wedding events are the primary type of event at this venue, and there are 15 scheduled for 2015 as of December 2014.~~
- b. ~~The petitioner estimates that the proposed Farm Shed Hall improvements will allow for 400 guests. Assuming the Zoning Ordinance minimum requirement of one parking space per 5 seats in the facility, there would need to be space for 80 vehicles along CR 1800 East.~~
- c. ~~Assuming 20 feet of space for each vehicle, a full capacity event could create a line of vehicles extending 1,600 feet or more along CR 1800 East.~~
- d. ~~The Petitioner has indicated that by recommendation of the Champaign County Sheriff's Office, signs have been purchased stating "Cars Parked on Shoulder Ahead" which they intend to post during events.~~
- e. ~~The Petitioner states that neighbors on CR 1800 East do not object to guests parking along the road and neighbors and supporters of Hudson Farm Wedding & Events LLC have signed a petition stating they do not take issue with event related roadside parking.~~
- f. ~~The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain as well as simply cause a safety problem due to obstruction of the roadway shoulder by parked vehicles and the use of the street pavement for pedestrians to walk to and from the vehicles, including after dark.~~
- g. ~~The proposed on-street parking is not consistent with several relevant policies in the Champaign County Land Resource Management Plan, as follows:~~

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- (a) ~~Regarding Policy 4.2.1, the proposed development **IS NOT** a service better provided in a rural area because the petitioner proposes to use on-street parking.~~
- (b) ~~Regarding Policy 4.2.2, the proposed development **WILL** interfere with agricultural activities or damage or negatively impact the operation of *rural* roads.~~
- (c) ~~Regarding Policy 4.3.2, the proposed site **IS NOT WELL SUITED OVERALL** for the development because the petitioner has proposed on-street parking.~~
- (d) ~~Regarding Policy 4.3.4 the proposed development **WILL NOT HELP ACHIEVE** Policy 4.3.4 because the street is not wide enough to accommodate on-street parking of this nature in addition to the farm traffic.~~

(4) ~~Based on the information above regarding the proposed on-street parking, the Special Use as proposed is designed, located, and operated so that it **WILL BE INJURIOUS** to the District.~~

- D. Regarding fire protection on the subject property, the subject property is located approximately 7 miles from the Philo Fire Protection District station. The FPD Chief was notified of this case on April 1, 2015 and no comments were received. A second notice requesting comments was sent to the Chief on May 19, 2015 and no comments have been received as of June 16, 2015.
- E. No part of the subject property is located within a mapped floodplain.
- F. The subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of Catlin silt loam, Drummer silty clay loam, and Flanagan silt loam, and has an average LE of approximately 96.
- G. Regarding outdoor lighting on the subject property:
  - (1) In an email received April 9, 2015 the Petitioner provided location and specifications for the full-cutoff lighting installed on the subject property.
- H. Regarding wastewater treatment and disposal on the subject property:
  - (1) The subject property residence has a septic system. The subject property is not served by sanitary sewer; it is possible that changes need to be made to the existing septic system or a new septic system is needed and it is not yet clear if the necessary improvements can be made.
  - (2) Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined

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that Hudson Farm needs to have a septic system installed that will serve 225 people every day of the year. Mrs. Hudson and her attorney, Thomas Drysdale, seek a different decision from these agencies considering they only have about 20 events per year, and most of the events do not reach 225 guests. Note on the revised Site Plan received June 16, 2015 that both port-a-potties and a septic system are indicated because this has not yet been resolved.

- ~~(2) The Petitioner indicated in their letter dated December 10, 2014 that they are consulting with plumbers regarding the septic system needed to install a few bathrooms.~~
- ~~(3) Any new septic system or change to the existing septic system must be approved by the Champaign County Health Department. A special condition has been proposed to ensure compliance with this requirement but feasibility of any required septic system change should be established during the public hearing.~~

I. 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.

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- 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.

J. No complaints or concerns have been received from nearby farmers or neighbors during the public hearing.

K. A petition in support of a variance to allow on-street parking was signed by 26 neighbors.

L. Steve Moser, 1860 CR 1400N, Urbana testified in support of the proposed Special Use Permit at the April, 16, 2015 public hearing.

M. 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

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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: **“Yes. The proposed use will not affect the agricultural activities on the land. The weddings and events held will be secondary to the primary farming business.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) 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.
  - (2) An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts.
  - (3) Regarding the requirement that the proposed Special Use be separated by 200 feet from the nearest residential use:
    - a. The barn that was previously used for agriculture is now being used for special events. It has been on the property for many years, and conforms to Zoning Ordinance yard and setback requirements except when used as an events center.
    - b. The barn is approximately 50 feet from the neighboring residence to the north, which is the reason for requesting Part B of the Special Use. The neighboring property is owned by the Petitioner’s mother-in-law.
  - (4) 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. Regarding the number of required onsite parking spaces:
      - (a) There is a proposed capacity of ~~400~~225 people in the Farm Shed Hall; by dividing ~~400~~225 by 5 seats it equals ~~80~~45 parking spaces, which is the greater number compared to 29 spaces, which is a result of dividing 5,805 square feet by 200 square feet.
      - (b) At the April 16, 2015 public hearing, the Petitioner and Board concurred that the property should provide 68 off-street parking spaces, which is the highest number of vehicles the Petitioner has counted during any one event to date.  
It is not clear if the wedding barn could also be in use at the same time as the Farm Shed Hall in which case the required number of

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~~parking spaces could be greater than 400. Evidence regarding this possibility should be obtained in the public hearing.~~

- c. ~~The revised Site Plan received June 16, 2015 indicates a new parking lot with 66 spaces on the south side of the property in lieu of the on-street parking originally proposed. This change removes the need for a Variance for off-site parking in related Case 801-V-15. The Petitioner seeks a Variance to provide only roadside (off premises) parking in related Case 801-V-15. Note that if Case 801-V-15 is either denied or withdrawn by the Petitioner, a new site plan with onsite parking will be required in order for this Special Use to be approved.~~

- C. Regarding compliance with the *Stormwater Management Policy*:
- (1) The property is in compliance with the Stormwater Management Policy.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
- (1) A Private Indoor Recreational Development may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
  - (2) An Outdoor Commercial Recreational Enterprise may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
  - (3) The proposed use will not hinder agricultural production and agricultural production will still occur onsite.
- G. Currently, the subject property is zoned AG-1 Agriculture and the Petitioner has requested to rezone the property to AG-2 Agriculture in related Case 799-AM-15. Regarding whether or not the proposed Special Use will preserve the essential Character of the surrounding AG-1 District:
- (1) As reviewed in Case 799-AM-15, the types of uses authorized by right in the AG-1 DISTRICT are the same as by-right uses in the AG-2 DISTRICT. However, a Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise is only authorized as a Special Use in the AG-2 District and not the AG-1 District. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent AG-1 uses.
  - (2) ~~Compatibility of the proposed Special Use and the proposed rezoning with surrounding agriculture is evaluated in related Case 799-AM-15 under review of Land Resource Management Plan Objective 4.2 regarding interference with~~

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~~agricultural operations. The proposed Special Use *WILL* interfere with agricultural operations because as proposed by the Petitioner, all parking except for the accessible parking spaces, is proposed to be in the street right of way and even though the traffic generated by the proposed use will generally occur on weekends it could interfere with the movement of large farm machinery and the hauling of grain and create serious safety problems.~~

- (3) The subject property is located on CR 1800 East. Land use and zoning in the immediate area of the subject property are as follows:
- \*a. Land on the north, south, east, and west of the subject property is zoned AG-1 Agriculture and is in use as follows:
    - \*(a) Land on the north is in agriculture production with one single-family dwelling.
    - \*(b) Land on the east, west, and south is in agricultural production.
- H. 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 be 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. An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts. Note that the Outdoor Commercial Recreational Enterprise and the Private Indoor Recreational Development are actually the same proposed use and not separate uses which would not be permissible on a lot in the AG-1 District.
  - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.2 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



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application to areas within one and one-half miles of existing communities in the COUNTY.

- (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.

D. The proposed Special Use Permit ~~IS / IS NOT~~ in harmony with the general purpose of the Zoning Ordinance, as follows:

- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

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 zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed Special Use **WILL** conserve the value of real estate throughout the COUNTY, based on the following:

- a. It is not clear whether or not the proposed special use 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.
- b. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
  - (a) 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.
  - (b) The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The new parking will remove less than one-half acre from agricultural production. The proposed change from on-street parking will reduce

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~~interference with agricultural activities such as equipment and crop transport. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.~~

- 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. Regarding the effect on the value of the subject property:
- (a) The subject property has been a farmstead for decades and if the rezoning is denied it can continue to be used as a farmstead or as simply a single family residence.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use **WILL** lessen and avoid congestion in the public streets, as follows:

- a. Probable traffic impacts are reviewed under Policy 7.1.1. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. The revised Site Plan received June 16, 2015 indicates 66 new off street parking spaces on the south end of the property. The proposed change from on-street parking will reduce interference with agricultural activities such as equipment and crop transport.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed construction on the subject property will not trigger the need for stormwater management and there are no known drainage problems on the subject property.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed Special Use **WILL** promote the public health, safety, comfort, morals, and general welfare as follows:

- 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.

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- 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.
- c. Special Conditions have been approved to ensure that any sanitary waste system installed for the events center complies with the Illinois Private Sewage Disposal Code (77 IAC 905) and the Champaign County Health Ordinance.
- d. A Special Condition has been approved to ensure that food preparation or the construction of any food preparation area or kitchen is not authorized with this Special Use Permit.

- (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 any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent

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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.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed Special Use **WILL NOT** subject the most productive agricultural lands to haphazard and unplanned intrusions of urban uses as follows:

- a. The proposed special use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- b. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect 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 zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

As per the revised Site Plan received June 16, 2015 the proposed use will remove less than one-half acre from production.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed Special Use will not hinder the development of renewable energy sources.

**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: N/A
  - B. The existing use on the property is not a nonconforming use.

**GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS**

12. Regarding the necessary waivers of standard conditions:
- A. Waive the standard condition of Section 6.1.3 of the Zoning Ordinance: that requires a separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:
    - (1) The nearest residential structure is owned by a close family member who is aware of the proposed special use and has no objections to the special events center or its proximity.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

13. Regarding proposed special conditions of approval:
- A. **The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:**
    - ~~(1) The Petitioner shall apply for a Health Department Permit for the required septic system changes within two weeks of receiving a final determination by the County Board in related Case 799-AM-15; and~~
    - (1) **The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 799-AM-15; and**
    - (2) **A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 799-AM-15 except that a**

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septic system may be constructed at a later time provided that a new Change of Use Permit is applied for at that time; and

- (3) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.

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

The ongoing operations may continue but will comply with all special conditions by a date certain.

B. The following condition will ensure that ~~the any new~~ septic system is built as approved by the Champaign County Health Department and documented with a Change of Use Permit as a requirement for a Zoning Use Permit:

- (1) The area proposed for ~~any new~~ the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property.
- (2) The Zoning Administrator shall verify that the area proposed for ~~any new~~ the septic system is identified, marked off, and protected from compaction prior to approval of the Change of Use Permit documenting the new septic system.
- (3) The Change of Use Permit Application ~~for documenting~~ the construction and establishment of the new septic system ~~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 Change of 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~~ use of the new septic system.

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

Any changes to the septic system are in compliance with the Champaign County Health Department.

C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial

**Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies 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.**

- D. 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 ongoing compliance with all applicable County requirements.**

- E. No parking shall occur in the public street right of way.**

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

**That the proposed Special Use is not injurious to the neighborhood.**

- F. All disposal of human wastes from the proposed special use permit shall be in compliance with the Illinois Private Sewage Disposal Code (77 IAC 905) and the Champaign County Health Ordinance.**

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

**To protect public health.**

- G. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

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

**To protect public health.**

- H. There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**

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

**A clear understanding that there are no limits on the number of events or limits on when events may occur.**

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**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received February 13, 2015, with attachments:
  - A Warranty Deed
2. Application for Map Amendment received February 13, 2015, with attachments:
  - A Warranty Deed
  - B Completed Improvements budget estimate
  - C Future Improvements budget estimate
  - D Aerial photograph of subject property received December 12, 2014
3. Application for Variance Permit received February 13, 2015, with attachments:
  - A Warranty Deed
  - B Tax Map of subject property and surrounding area
  - C Section of Urbana Quadrangle Map showing subject property and surrounding area
4. ["Hitchin' Post: Urbana Family has turned barn into wedding hot spot" by Melissa Merli, News Gazette, October 12, 2014](#)
5. Letter from Joyce Hudson dated December 10, 2014, received December 12, 2014 with attachments:
  - A Buildings descriptions
  - B Aerial with buildings labels
  - C Floor plan of Farm Shed Hall proposed improvements
6. Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
  - A Sketch of plumbing plans
  - B Soil evaluation (digital file did not arrive completely, requested new copy)
  - C Petition regarding parking along CR 1800 E for special events
7. [Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District](#)
8. Email from Agent Thomas Drysdale received March 18, 2015
9. On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
10. Preliminary Memorandum dated April 9, 2015 for Cases 799-AM-15, 800-S-15, and 801-V-15, with attachments:
  - A Case Maps (Location, Land Use, Zoning, Parking Example, Alternative Parking Layouts)
  - B LRMP Land Use Goals, Objectives, and Policies
  - C LRMP Appendix of Defined Terms
  - D Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District



- E On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
- F Letter from Joyce Hudson dated December 10, 2014 with attachments:  
Buildings descriptions  
Aerial with buildings labels  
Floor plan of Farm Shed Hall proposed improvements
- G Email from Agent Thomas Drysdale received March 6, 2015 with attachments:  
Sketch of plumbing plans  
Soil evaluation (digital file did not arrive completely, requested new copy)  
Petition regarding parking along CR 1800 E for special events
- H Email from Agent Thomas Drysdale received March 18, 2015
- I Site Visit Photos
- J Summary of Evidence, Finding of Fact, and Final Determination for Case 799-AM-15
- K Summary of Evidence, Finding of Fact, and Final Determination for Case 800-S-15
- L Summary of Evidence, Finding of Fact, and Final Determination for Case 801-V-15
11. Supplemental Memo #1 dated April 9, 2015, with attachments:  
A Email from Thomas Drysdale received 4/9/15 with attachments:  
  - Email from Joyce Hudson regarding outdoor lighting received 4/9/15
  - Floor Plan for Bathroom Renovation, signed by Licensed Architect to be in compliance with the Environmental Barriers Act and Illinois Accessibility Code, received 4/9/15
12. Email from Joyce Hudson received April 14, 2015
13. Supplemental Memo #2 dated April 16, 2015, with attachments:  
A “Hitchin’ Post: Urbana Family has turned barn into wedding hot spot” by Melissa Merli, News Gazette, October 12, 2014  
B Email from Joyce Hudson received April 14, 2015  
C Revised Case Maps: “Parking Example” and “Alternative Parking Layouts”
14. Supplemental Memo #3 dated May 20, 2015 with attachments:  
A Draft minutes from April 16, 2015 public hearing
15. Handouts from Petitioner’s Agent, Attorney Thomas Drysdale, submitted as a Site Plan for the property and Floor Plan for the Wedding Barn, received during May 28, 2015 public hearing
16. Email from Joyce Hudson with attachments, all received June 16, 2015,:  
  - Revised Site Plan
  - Revised Floor Plan of Farm Shed Hall
  - Revised Floor Plan of Wedding Barn received June 16, 2015
  - Detail of south parking area for 66 spaces, titled “Area #1” and detail of two accessible parking spaces, titled “Area #2”; both are indicated on Revised Site Plan
17. Email from Thomas Drysdale received June 16, 2015 regarding accessible parking

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18. Revised, annotated Finding of Fact for 799-AM-15 dated June 17, 2015
19. Revised, annotated Summary of Evidence for 800-S-15 dated June 17, 2015
20. Excerpt of draft minutes from the May 28, 2015 ZBA meeting
21. Supplemental Memo #4 dated June 17, 2015 with attachments:
  - A Email from Joyce Hudson with attachments, all received June 16, 2015.:
    - Revised Site Plan
    - Revised Floor Plan of Farm Shed Hall
    - Revised Floor Plan of Wedding Barn received June 16, 2015
    - Detail of south parking area for 66 spaces, titled "Area #1" and detail of two accessible parking spaces, titled "Area #2"; both are indicated on Revised Site Plan
  - B Email from Thomas Drysdale received June 16, 2015 regarding accessible parking
  - C Revised, annotated Finding of Fact for 799-AM-15 dated June 17, 2015
  - D Revised, annotated Summary of Evidence for 800-S-15 dated June 17, 2015
  - E Excerpt of draft minutes from the May 28, 2015 ZBA meeting

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 800-S-15 held on April 16, 2015, May 28, 2015 and June 25, 2015 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}* WELL 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 NOT* an existing nonconforming use.
  
- 6. ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***
  - A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance: that requires a **separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:**
    - (1) The waiver *{IS / IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL / WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because \_\_\_\_\_  
\_\_\_\_\_
    - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because \_\_\_\_\_
    - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because \_\_\_\_\_  
\_\_\_\_\_

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(4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because \_\_\_\_\_  
\_\_\_\_\_

(5) The requested waiver *SUBJECT TO THE PROPOSED SPECIAL CONDITION {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because \_\_\_\_\_  
\_\_\_\_\_

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

A. The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:

~~(1) The Petitioner shall apply for a Health Department Permit for the required septic system changes within two weeks of receiving a final determination by the County Board in related Case 799-AM-15; and~~

(1) The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 799-AM-15; and

(2) A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 799-AM-15 except that a new septic system may be constructed at a later time provided that a new Change of Use Permit is applied for at that time; and

(3) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.

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

The ongoing operations may continue but will comply with all special conditions by a date certain.

B. The following condition will ensure that ~~the any new~~ septic system is built as approved by the Champaign County Health Department and documented with a Change of Use Permit as a requirement for a Zoning Use Permit:

(1) The area proposed for ~~any new~~ the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property.

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- (2) The Zoning Administrator shall verify that the area proposed for any newthe septic system is identified, marked off, and protected from compaction prior to approval of the Change of Use Permit documenting the new septic system.
- (3) The Change of Use Permit Application ~~for documenting~~ the construction and establishment of the new septic system ~~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 Change of 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~~use of the new septic system.

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

**Any changes to the septic system are in compliance with the Champaign County Health Department.**

- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies 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.**

- D. 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 ongoing compliance with all applicable County requirements.**

- E. No parking shall occur in the public street right of way.

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

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**That the proposed Special Use is not injurious to the neighborhood.**

- F. All disposal of human wastes from the proposed special use permit shall be in compliance with the Illinois Private Sewage Disposal Code (77 IAC 905) and the Champaign County Health Ordinance.**

The special condition stated above is required to ensure the following:  
**To protect public health.**

- G. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

The special condition stated above is required to ensure the following:  
**To protect public health.**

- H. There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**

The special condition stated above is required to ensure the following:  
**A clear understanding that there are no limits on the number of events or limits on when events may occur.**

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

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## 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 800-S-15 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant Joyce Hudson d.b.a. Hudson Farm Wedding and Events LLC, to authorize the following 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 799-AM-15:

Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise”

### *SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:*

- A. Waiver of the standard condition in Section 6.1.3 that requires a separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

### *{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }*

- A. The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:
- ~~(1) The Petitioner shall apply for a Health Department Permit for the required septic system changes within two weeks of receiving a final determination by the County Board in related Case 799-AM-15; and~~
  - (1) The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 799-AM-15; and
  - (2) A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 799-AM-15 except that a new septic system may be constructed at a later time provided that a new Change of Use Permit is applied for at that time; and
  - (3) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.

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



The ongoing operations may continue but will comply with all special conditions by a date certain.

- B. The following condition will ensure that ~~the any new~~ septic system is built as approved by the Champaign County Health Department and documented with a Change of Use Permit as a requirement for a Zoning Use Permit:
- (1) The area proposed for ~~any new~~ the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property.
  - (2) The Zoning Administrator shall verify that the area proposed for ~~any new~~ the septic system is identified, marked off, and protected from compaction prior to approval of the Change of Use Permit documenting the new septic system.
  - (3) The Change of Use Permit Application ~~for documenting~~ the construction and establishment of the new septic system ~~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 Change of 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~~ use of the new septic system.

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

Any changes to the septic system are in compliance with the Champaign County Health Department.

- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies 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.

- D. 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.

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

**That the proposed Special Use is in ongoing compliance with all applicable County requirements.**

**E. No parking shall occur in the public street right of way.**

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

**That the proposed Special Use is not injurious to the neighborhood.**

**F. All disposal of human wastes from the proposed special use permit shall be in compliance with the Illinois Private Sewage Disposal Code (77 IAC 905) and the Champaign County Health Ordinance.**

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

**To protect public health.**

**G. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

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

**To protect public health.**

**H. There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**

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

**A clear understanding that there are no limits on the number of events or limits on when events may occur.**

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

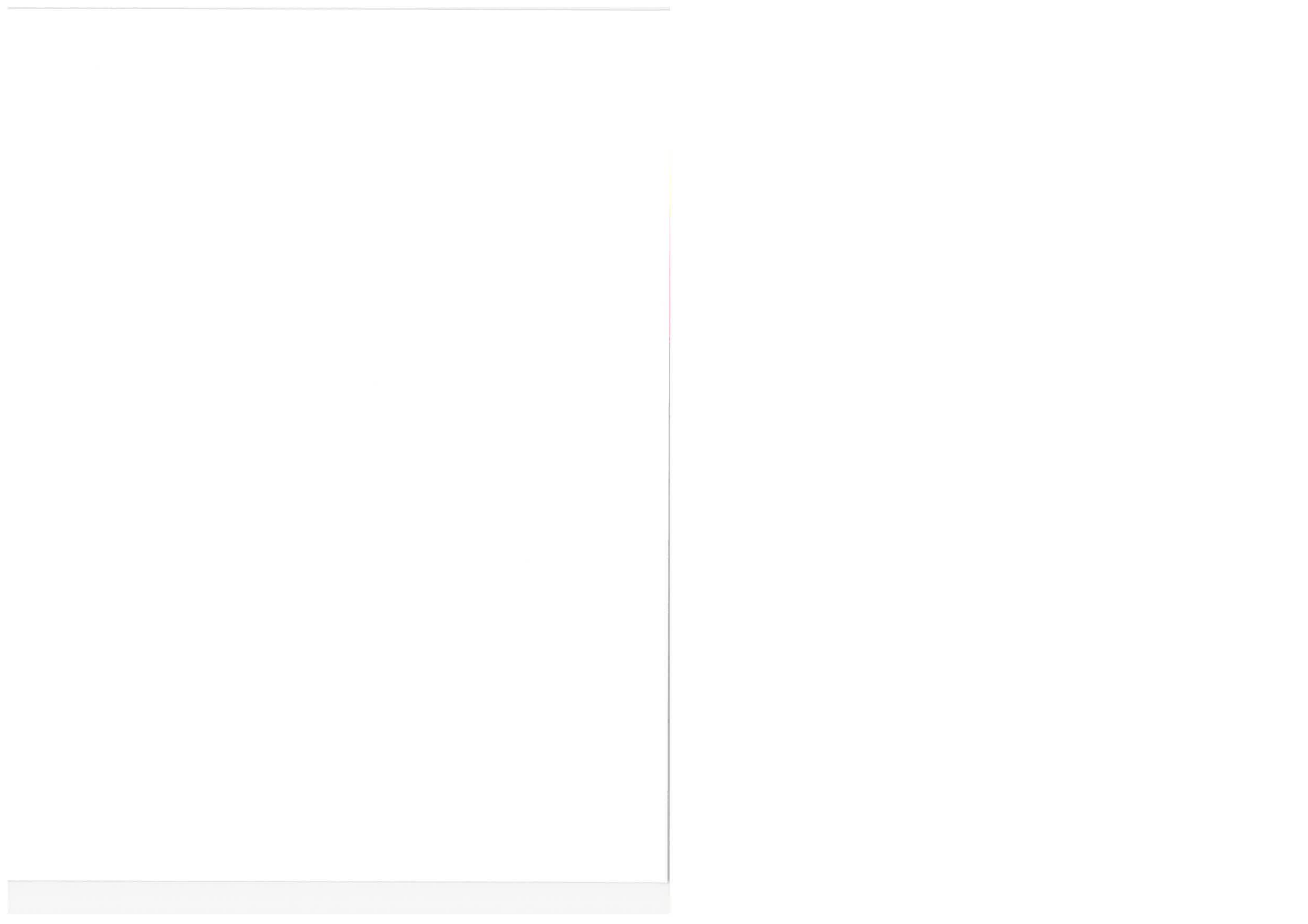
SIGNED:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



**Attachment E – Draft 5/28/15 minutes will be handed out at the 6/25/15 meeting**



## **CASE NO. 804-AM-15**

PRELIMINARY MEMORANDUM  
JUNE 17, 2015

**Petitioner:** Kimberly Young d.b.a. Quick Leasing Inc.

**Request:** Amend the Zoning Map to change the zoning district designation from the I-1 Light Industry Zoning District to the B-4 General Business Zoning District in order to operate a diesel truck maintenance facility with truck sales.

**Location:** A tract in the northeast quarter of the northwest quarter of Section 24 Township 20N Range 8E in Hensley Township and commonly known as the Gire Roofing property at 309 West Hensley Road, Champaign.

**Site Area:** 6 acres

**Time Schedule for Development:** As soon as possible

**Prepared by:** Susan Chavarria  
Senior Planner

**John Hall**  
Zoning Administrator

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### **BACKGROUND**

Kimberly Young d.b.a. Quick Leasing Inc. requests to rezone property at 309 West Hensley Road, Champaign, from its current I-1 Light Industry zoning designation to the B-4 General Business zoning designation. The property currently houses Gire Roofing, which will relocate.

The petitioner requests the rezoning in order to immediately sell the property to an interested buyer who cannot establish the desired business under the current I-1 zoning. The proposed use is a diesel truck repair and sales facility. The sale of the property is contingent upon rezoning approval.

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### **EXISTING LAND USE AND ZONING**

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
Onsite	Business (Gire Roofing)	I-1 Light Industry (proposed to be rezoned to B-4 General Business)
North	Agriculture	AG-1 Agriculture
East	Undeveloped	I-1 Light Industry
West	RV Campground	AG-2 Agriculture
South	RV Campground	AG-2 Agriculture

## COMPATIBILITY

Staff analysis indicates that the proposed Zoning Map amendment and potential use appear to be compatible with surrounding land uses and the Champaign County Land Resource Management Plan Goals, Objectives, and Policies adopted by the County Board on April 22, 2010. There are similar establishments to the one proposed in the immediate area and no nearby residences. There are no decision points (policies with no recommendation) in the Finding of Fact.

## PROPOSED SPECIAL CONDITIONS

- A. **No Zoning Use Permit for expansion of building area or parking area and no Change of Use Permit authorizing a different use with a greater wastewater load shall be approved without documentation that the Champaign County Health Department has determined the existing or proposed septic system will be adequate for that proposed use.**

The above special condition is required to ensure:

**That the existing septic system is adequate and to prevent wastewater runoff onto neighboring properties.**

- B. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 804-AM-15 by the County Board.**

The above special condition is required to ensure the following:

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

- C. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

**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 policies 4.2.3 and 5.1.5.**

## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B LRMP Land Use Goals, Objectives, and Policies
- C LRMP Appendix of Defined Terms
- D Copy of Right to Farm Resolution 3425
- E Site Visit Photos taken June 9, 2015
- F Draft Finding of Fact and Final Determination dated June 17, 2015

# Location Map

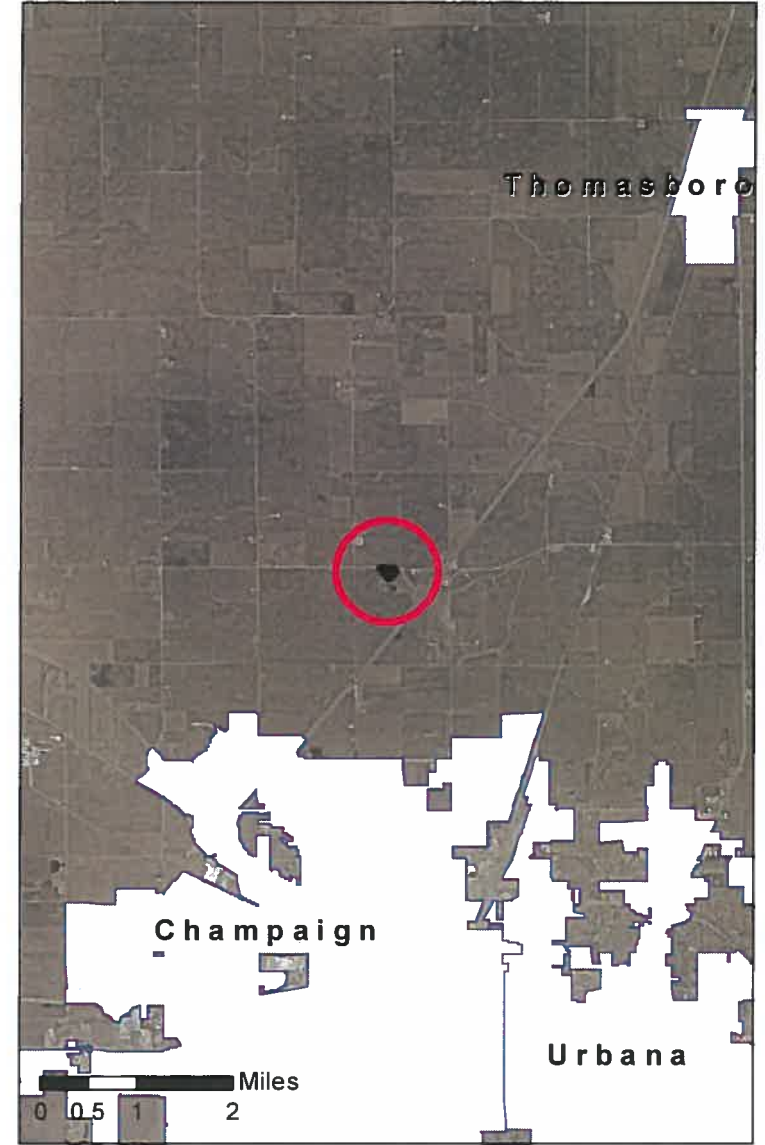
Case 804-AM-15

June 25, 2015

Subject Property



Property location in Champaign County



## Legend

 Subject Property



Champaign County  
Department of  
PLANNING &  
ZONING



# Land Use Map

Case 804-AM-15

June 25, 2015



## Legend

-  Subject Property
-  Agriculture
-  Commercial



Champaign County  
Department of  
PLANNING &  
ZONING

**CASE NO. 799-AM-15, 800-S-15, 801-V-15**  
**SUPPLEMENTAL MEMORANDUM #4**

June 17, 2015

**Petitioner:** Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC

**Case 799-AM-15**

**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 800-S-15 and subject to the requested variance in related zoning Case 801-V-15.

**Case 800-S-15**

**Request:** Part A. Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" 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 799-AM-15 and subject to the requested variance in related zoning case 801-V-15, on the subject property described below.

Part B. Authorize the following waiver to the standard conditions of the "Outdoor Commercial Recreational Enterprise" special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

**Case 801-V-15**

**Request:** ~~A variance from Section 7.1.2.E.4.c.(1) of the Zoning Ordinance that requires onsite parking to allow off premises parking on the shoulder of County Road 1800 East during special events held at the proposed Private Indoor Recreational Facility that is also the subject of related cases 799-AM-15 and 800-S-15. Note: Variance not needed due to revised site plan.~~

**Location:** A tract in Urbana Township in the Northeast Quarter of the Southeast Quarter of Section 25 of Township 19N, Range 9 East of the Third Principal Meridian and commonly known as the farmstead located at 1341 CR 1800 E, Urbana.

**Site Area:** 3.67 acres

**Time Schedule for Development:** Already in limited use

**Prepared by:** Susan Chavarria  
Senior Planner

**John Hall**  
Zoning Administrator

# Land Use Map

Case 804-AM-15

June 25, 2015



## Legend

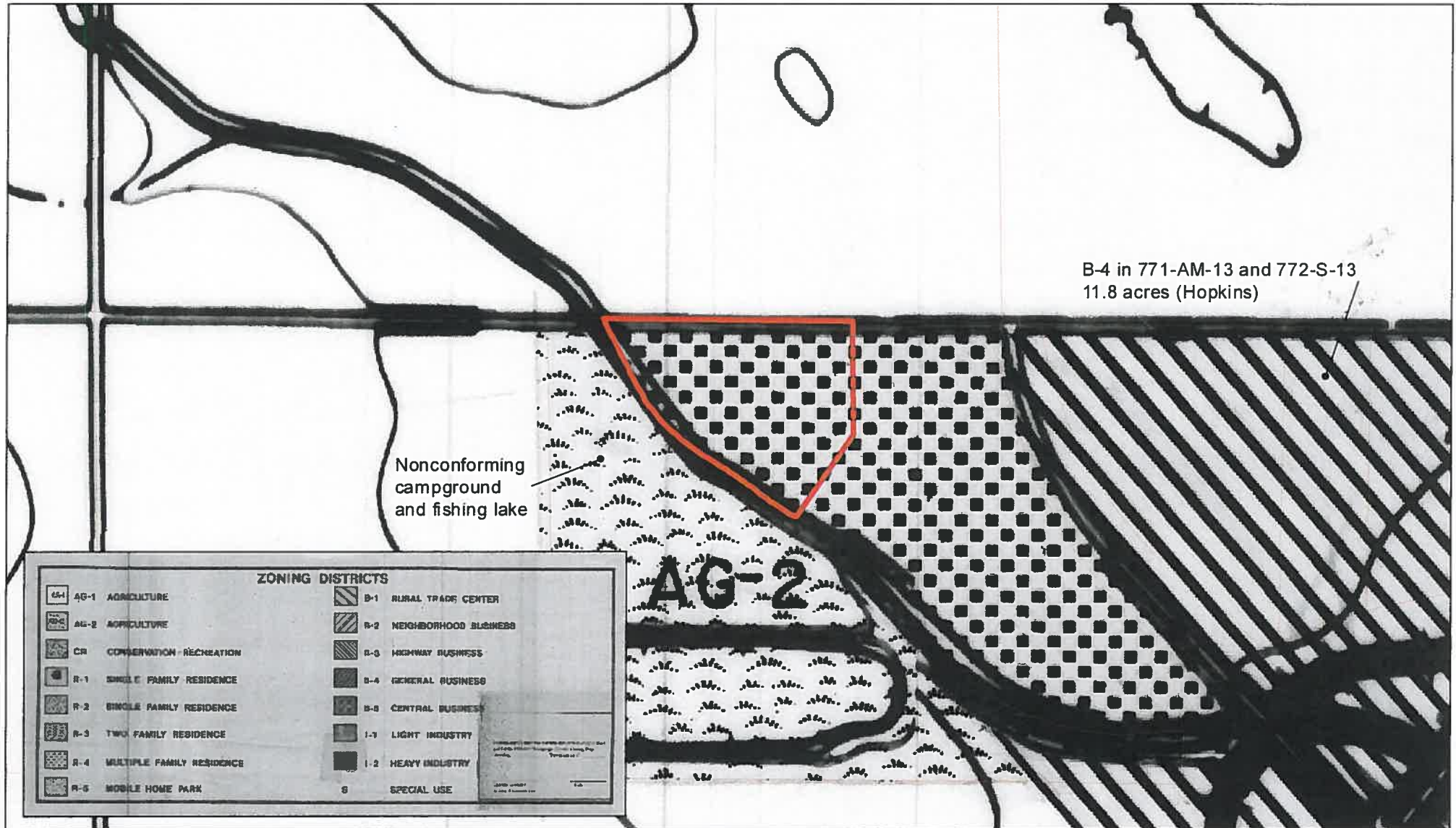
-  Subject Property
-  Agriculture
-  Commercial



# Zoning Map

Case 804-AM-15

June 25, 2015



B-4 in 771-AM-13 and 772-S-13  
11.8 acres (Hopkins)

Nonconforming  
campground  
and fishing lake

**AG-2**

ZONING DISTRICTS	
AG-1 AGRICULTURE	B-1 RURAL TRADE CENTER
AG-2 AGRICULTURE	B-2 NEIGHBORHOOD BUSINESS
CR CONSERVATION-RECREATION	B-3 HIGHWAY BUSINESS
R-1 SINGLE FAMILY RESIDENCE	B-4 GENERAL BUSINESS
R-2 SINGLE FAMILY RESIDENCE	B-5 CENTRAL BUSINESS
R-3 TWO FAMILY RESIDENCE	I-1 LIGHT INDUSTRY
R-4 MULTIPLE FAMILY RESIDENCE	I-2 HEAVY INDUSTRY
R-5 MOBILE HOME PARK	S SPECIAL USE

## Legend

 Subject Property

0 100 200 400 Feet

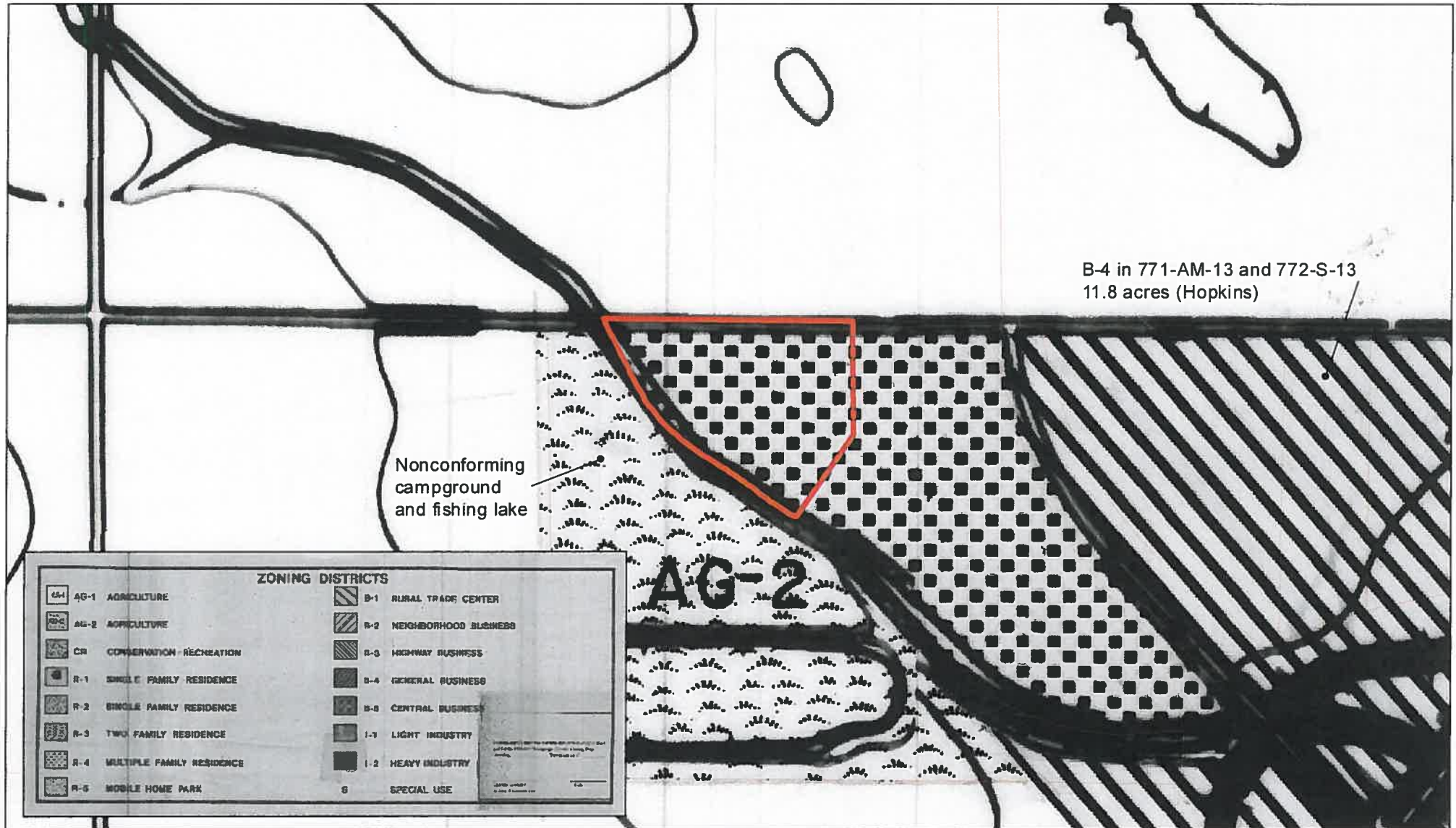


Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

Case 804-AM-15

June 25, 2015



## Legend

 Subject Property

0 100 200 400 Feet



Champaign County  
Department of  
PLANNING &  
ZONING



## Goal 1 Planning and Public Involvement

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 Objectives

#### **Objective 1.1** Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

#### **Objective 1.2** Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

#### **Objective 1.3** Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

#### **Objective 1.4** Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

### Goal 1 Objectives and Policies

#### **Objective 1.1** Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

#### **Objective 1.2** Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

##### **Policy 1.2.1**

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

#### **Objective 1.3** Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

##### **Policy 1.3.1**

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



### **Objective 1.4 Comprehensive Updates**

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

#### **Policy 1.4.1**

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

#### **Policy 1.4.2**

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

## **Goal 2 Governmental Coordination**

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 Objectives**

#### **Objective 2.1 Local and Regional Coordination**

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

#### **Objective 2.2 Information Sharing**

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

### **Goal 2 Objectives and Policies**

#### **Objective 2.1 Local and Regional Coordination**

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

#### **Policy 2.1.1**

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

#### **Policy 2.1.2**

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



### **Policy 2.1.3**

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

### **Objective 2.2 Information Sharing**

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

## **Goal 3 Prosperity**

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

### **Goal 3 Objectives**

#### **Objective 3.1 Business Climate**

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

#### **Objective 3.2 Efficient County Administration**

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

#### **Objective 3.3 County Economic Development Policy**

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

## **Goal 4 Agriculture**

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

### **Goal 4 Objectives**

#### **Objective 4.1 Agricultural Land Fragmentation and Conservation**

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

#### **Objective 4.2 Development Conflicts with Agricultural Operations**

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



**Objective 4.3 Site Suitability for Discretionary Review Development**

Champaign County will require that each *discretionary review* development is located on a suitable site.

**Objective 4.4 Regulations for Rural Residential Discretionary Review**

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

**Objective 4.5 LESA Site Assessment Review and Updates**

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

**Objective 4.6 Protecting Productive Farmland**

Champaign County will seek means to encourage and protect productive farmland within the County.

**Objective 4.7 Right to Farm Resolution**

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

**Objective 4.8 Locally Grown Foods**

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

**Objective 4.9 Landscape Character**

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

**Goal 4 Objectives and Policies****Objective 4.1 Agricultural Land Fragmentation and Conservation**

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

**Policy 4.1.1**

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.

**Policy 4.1.2**

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

**Policy 4.1.3**

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a



reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

**Policy 4.1.4** The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

**Policy 4.1.5**

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
- 1 new lot allowed per parcel less than 40 acres in area;
  - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
  - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

**Policy 4.1.6** 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, 1998 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*.

**Policy 4.1.7**

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

**Policy 4.1.8**

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

**Policy 4.1.9**

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.



**Objective 4.2 Development Conflicts with Agricultural Operations**

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

**Policy 4.2.1**

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 provided better in a *rural* area than in an urban area.

**Policy 4.2.2**

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.

**Policy 4.2.3**

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

**Policy 4.2.4**

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.

**Objective 4.3 Site Suitability for Discretionary Review Development**

Champaign County will require that each *discretionary review* development is located on a suitable site.

**Policy 4.3.1**

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

**Policy 4.3.2**

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.

**Policy 4.3.3**

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.

**Policy 4.3.4**

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.

**Policy 4.3.5**

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

**Objective 4.4 Regulations for Rural Residential Discretionary Review**

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

**Objective 4.5 LESA Site Assessment Review and Updates**

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

**Objective 4.6 Protecting Productive Farmland**

Champaign County will seek means to encourage and protect productive farmland within the County.

**Policy 4.6.1** The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

**Policy 4.6.2** The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

**Policy 4.6.3** The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

**Objective 4.7 Right to Farm Resolution**

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

**Objective 4.8 Locally Grown Foods**

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

**Objective 4.9 Landscape Character**

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

**Policy 4.9.1**

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.



## Goal 5 Urban Land Use

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

### Goal 5 Objectives

#### **Objective 5.1 Population Growth and Economic Development**

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.

#### **Objective 5.2 Natural Resources Stewardship**

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

#### **Objective 5.3 Adequate Public Infrastructure and Services**

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

### Goal 5 Objectives and Policies

#### **Objective 5.1 Population Growth and Economic Development**

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.

##### **Policy 5.1.1**

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

##### **Policy 5.1.2**

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

##### **Policy 5.1.3**

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

##### **Policy 5.1.4**

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

**Policy 5.1.5**

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

**Policy 5.1.6**

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

**Policy 5.1.7**

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

**Policy 5.1.8**

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

**Policy 5.1.9**

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

**Objective 5.2 Natural Resources Stewardship**

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

**Policy 5.2.1**

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

**Policy 5.2.2**

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

**Policy 5.2.3**

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and



- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

### **Objective 5.3 Adequate Public Infrastructure and Services**

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

#### **Policy 5.3.1**

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

#### **Policy 5.3.2**

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

#### **Policy 5.3.3**

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

## **Goal 6 Public Health and Public Safety**

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

### **Goal 6 Objectives**

#### **Objective 6.1 Protect Public Health and Safety**

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

#### **Objective 6.2 Public Assembly Land Uses**

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

#### **Objective 6.3 Development Standards**

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

#### **Objective 6.4 Countywide Waste Management Plan**

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



## Goal 6 Objectives and Policies

### **Objective 6.1 Protect Public Health and Safety**

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

#### **Policy 6.1.1**

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

#### **Policy 6.1.2**

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.

#### **Policy 6.1.3**

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.

#### **Policy 6.1.4**

The County will seek to abate blight and to prevent and rectify improper dumping.

### **Objective 6.2 Public Assembly Land Uses**

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

**Policy 6.2.1** The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

**Policy 6.2.2** The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

**Policy 6.2.3** The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

### **Objective 6.3 Development Standards**

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

### **Objective 6.4 Countywide Waste Management Plan**

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.





## Goal 7 Transportation

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

### Goal 7 Objectives

#### Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

#### Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

### Goal 7 Objectives and Policies

#### Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

##### Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

#### Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

##### Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

##### Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

##### Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

##### Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

##### Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

##### Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



## Goal 8 Natural Resources

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

### Goal 8 Objectives

#### **Objective 8.1 Groundwater Quality and Availability**

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

#### **Objective 8.2 Soil**

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

#### **Objective 8.3 Underground Mineral and Energy Resource Extraction**

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

#### **Objective 8.4 Surface Water Protection**

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

#### **Objective 8.5 Aquatic and Riparian Ecosystems**

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

#### **Objective 8.6 Natural Areas and Habitat**

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

#### **Objective 8.7 Parks and Preserves**

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

#### **Objective 8.8 Air Pollutants**

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

#### **Objective 8.9 Natural Resources Assessment System**

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



## Goal 8 Objectives and Policies

### Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

#### Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

#### Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

#### Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

#### Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

#### Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

#### Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

#### Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

#### Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

#### Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

### Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

**Policy 8.2.1**

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

**Objective 8.3 Underground Mineral and Energy Resource Extraction**

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

**Policy 8.3.1**

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

**Objective 8.4 Surface Water Protection**

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

**Policy 8.4.1**

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

**Policy 8.4.2**

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

**Policy 8.4.3**

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

**Policy 8.4.4**

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

**Policy 8.4.5**

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

**Policy 8.4.6**

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.



### **Objective 8.5 Aquatic and Riparian Ecosystems**

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

#### **Policy 8.5.1**

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

#### **Policy 8.5.2**

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

#### **Policy 8.5.3**

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

#### **Policy 8.5.4**

The County will support efforts to control and eliminate invasive species.

#### **Policy 8.5.5**

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

### **Objective 8.6 Natural Areas and Habitat**

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

#### **Policy 8.6.1**

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

#### **Policy 8.6.2**

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development on good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

#### **Policy 8.6.3**

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

#### **Policy 8.6.4**

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

**Policy 8.6.5**

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

**Policy 8.6.6**

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

**Objective 8.7 Parks and Preserves**

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

**Policy 8.7.1**

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

**Policy 8.7.2**

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

**Policy 8.7.3**

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

**Policy 8.7.4**

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

**Policy 8.7.5**

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

**Policy 8.7.6** The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

**Objective 8.8 Air Pollutants**

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

**Policy 8.8.1** The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

**Policy 8.8.2** In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.



### **Objective 8.9 Natural Resources Assessment System**

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

## **Goal 9 Energy Conservation**

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

### **Goal 9 Objectives**

#### **Objective 9.1 Reduce Greenhouse Gases**

Champaign County will seek to reduce the discharge of greenhouse gases.

#### **Objective 9.2 Energy Efficient Buildings**

Champaign County will encourage energy efficient building design standards.

#### **Objective 9.3 Land Use and Transportation Policies**

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

#### **Objective 9.4 Reuse and Recycling**

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

#### **Objective 9.5 Renewable Energy Sources**

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

### **Goal 9 Objectives and Policies**

#### **Objective 9.1 Reduce Greenhouse Gases**

Champaign County will seek to reduce the discharge of greenhouse gases.

##### **Policy 9.1.1**

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

##### **Policy 9.1.2**

The County will promote energy efficient building design standards.

##### **Policy 9.1.3**

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

#### **Objective 9.2 Energy Efficient Buildings**

Champaign County will encourage energy efficient building design standards.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

**Policy 9.2.1**

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

**Policy 9.2.2**

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

**Objective 9.3 Land Use and Transportation Policies**

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

**Objective 9.4 Reuse and Recycling**

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

**Objective 9.5 Renewable Energy Sources**

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

**Goal 10 Cultural Amenities**

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

**Goal 10 Objective****Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

**Goal 10 Objectives and Policy****Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

**Policy 10.1.1**

The County will work to identify historic structures, places and landscapes in the County.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



## APPENDIX

### DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

#### **best prime farmland**

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

#### **by right development**

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

#### **contiguous urban growth area**

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

#### **discretionary development**

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

#### **discretionary review**

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

**discretionary review** (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

**good zoning lot** (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

**parks and preserves**

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

**pre-settlement environment**

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

**public infrastructure**

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

**public services**

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

**rural**

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

**site of historic or archeological significance**

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.



### **suited overall**

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

### **well-suited overall**

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

### **urban development**

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

### **urban land**

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

### **urban land use**

Generally, land use that is connected and served by a public sanitary sewer system.

RESOLUTION NO. 3425

A RESOLUTION PERTAINING TO THE  
RIGHT TO FARM IN CHAMPAIGN COUNTY

WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and

WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and

WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:

1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.
2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.
3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.

RESOLUTION NO. 3425

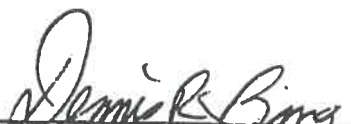
Page 2

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24th day of May, A.D., 1994.

  
\_\_\_\_\_  
Chairman, County Board of the  
County of Champaign, Illinois

ATTEST:

  
\_\_\_\_\_  
County Clerk and Ex-Officio  
Clerk of the County Board

**804-AM-15 Young**



**From Hensley Road, facing south**



**West end from driveway, facing east**

**804-AM-15 Young**



**South end from parking lot, facing north**



**Northeast end of north parking lot, facing south**

**804-AM-15 Young**



**Northeast end of north parking lot facing east**



**Northeast end of north parking lot facing northeast**



**804-AM-15 Young**



**Northeast end of north parking lot facing southwest toward building entrance**



**Northeast end of north parking lot facing northwest toward property access**

### 804-AM-15 Young



**Northeast end on hill facing southeast**



**Northeast end on hill facing south**

**804-AM-15 Young**



**Northeast end on hill facing north**



**Northeast end on hill facing northeast to Market Street intersection at Hensley Road**

**PRELIMINARY DRAFT 06/17/15**

**804-AM-15**

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

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

Date: ***{June 25, 2015}***

Petitioner: **Kimberly Young d.b.a. Quick Leasing Inc.**

Request: **Amend the Zoning Map to change the zoning district designation from the I-1 Light Industry Zoning District to the B-4 General Business Zoning District in order to operate a diesel truck maintenance facility with truck sales.**

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## FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 25, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Kimberly Young, d.b.a. Quick Leasing Inc., 2 County Road 1800 North, Seymour, Illinois owns the subject property.
2. The subject property is a 6 acre tract of land in the northeast quarter of the northwest quarter of Section 24 Township 20N Range 8E in Hensley Township and commonly known as the Gire Roofing property at 309 West Hensley Road, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - (A) The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality.
  - (B) The subject property is located within Hensley Township, which has a Planning Commission. Townships with Planning Commissions have protest rights in Map Amendment cases.
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:

**The petitioner did not indicate a response to the question.**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

**The petitioner did not indicate a response to the question.**

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

6. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is a 6 acre tract and is currently zoned I-1 Light Industry and is in use as a roofing company.
  - B. Land to the north of the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - C. Land to the west and south is zoned AG-2 Agriculture and is in use as a RV campground.
  - D. Land to the east is zoned I-1 Light Industry and is undeveloped.
7. Previous zoning cases in the vicinity have been the following:
  - A. About a quarter mile to the east of the subject property Cases 771-AM-13 and 772-S-13 rezoned 11.8 acres from B-1 to B-4 and authorized a two-part Special Use Permit consisting of multiple principal buildings on the same lot consisting of Self-Storage Warehouses providing heat and utilities to individual units, as a special use that was previously authorized in Case 576-S-07 and

a Landscaping and Maintenance Contractor's Facility with outdoor storage that was the second part of the Special Use Permit.

- B. Case 576-S-07 authorized a plant nursery and self-storage warehouse with heat and utilities on property located about a quarter mile to the east which was later the site of Cases 771-AM-13 and 772-S-13 (see above).
  - C. About a third of a mile to the east of the subject property Case 555-AM-06 proposed rezoning from the B-3 District to the B-4 District. The ZBA recommendation was "Recommend Approval" and ELUC upheld that recommendation but the County Board failed to override a protest from Hensley Township and the map amendment was not approved.
  - D. Case 504-AM-05 established the current B-4 District (from the previous B-3 District) on the east side of the Interstate 57 interchange on property that fronts CH20 (Leverett Road).
  - E. Case 294-AM-01 established the I-1 District (from the previous B-3 District) on the subject property and the property to the east.
  - F. The original zoning at the nearby interchange was AG-2 Agriculture and was changed to the B-3 District in Cases 688-AM-89, 636-AM-88, 360-AM-79, and 151-AM-76.
8. Regarding site plan and operations of the subject property:
- A. The site plan received Jun 5, 2015, indicates the following existing conditions:
    - (1) One 38,340 square foot building.
  - B. No improvements are currently planned for the property; however, contingent upon approval of this map amendment, the Petitioner is going to sell the property for use as a diesel truck maintenance and sales facility. A site plan has not been finalized for the potential future use.

**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 I-1 Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
    - (2) The B-4 General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
  - 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 86 types of uses authorized by right in the I-1 District and there are 117 types of uses authorized by right in the B-4 District:
      - a. The following 29 uses are authorized by right in the I-1 District and are not

**PRELIMINARY DRAFT 06/17/15**

authorized at all in the B-4 District:

- (a) Grain storage elevator and bins;
- (b) Wholesale produce terminal;
- (c) Country club or golf course;
- (d) Country club clubhouse;
- (e) Riding stable;
- (f) Seasonal hunting or fishing lodge;
- (g) Theatre, outdoor;
- (h) Aviation sales, service or storage;
- (i) Pet cemetery;
- (j) Dairy products manufacturing, processing and packaging;
- (k) Wool, cotton, silk and man-made fiber manufacturing;
- (l) Manufacturing and processing wearing apparel and related finished products manufacturing;
- (m) Miscellaneous finished products manufacturing including home products, canvas products, decorative textiles, luggage, umbrellas, and similar products;
- (n) Electrical and electronic machinery, equipment and supplies manufacturing;
- (o) Engineering, laboratory, scientific and research instruments, manufacturing;
- (p) Mechanical measuring and controlling instruments manufacturing;
- (q) Optical instruments and lenses manufacturing;
- (r) Surgical, medical, dental and mortuary instruments and supplies manufacturing;
- (s) Photographic equipment and supplies manufacturing;
- (t) Watches, clocks and clockwork operated devices manufacturing;
- (u) Household and office furniture manufacturing;
- (v) Building paper, paper containers, and similar products manufacturing;
- (w) Theoretical and applied research development and prototype light manufacturing of the following: drugs, chemicals, food products, rubber and petroleum products, light weight fabricated metal products, electronic and electrical products, physical and aerospace sciences, wood and wood products, non-electrical machinery, textiles, glass and ceramic products;
- (x) Non-profit or governmental educational and research agencies;
- (y) Jewelry, costume jewelry, novelties; silverware and plated ware manufacturing and processing;
- (z) Musical instruments and allied products manufacturing;
- (aa) Office and artists materials manufacturing (except paints, inks, dyes and similar products);
- (bb) Signs and advertising display manufacturing; and
- (cc) Pre-existing industrial uses (existing prior to October 10, 1973).

b. The following 49 uses are authorized by right in both the I-1 District and B-4 District:

- (a) Subdivisions of three lots or less;

- (b) Subdivisions totaling more than three lots or with new streets or private accessways;
- (c) Agriculture; including customary accessory uses;
- (d) Commercial greenhouse;
- (e) Greenhouse (not exceeding 1,000 sf);
- (f) Plant Nursery;
- (g) Municipal or government building;
- (h) Police station or fire station;
- (i) Public park or recreational facility;
- (j) Parking garage or lot;
- (k) Telephone exchange;
- (l) Telegraph office;
- (m) Railway station;
- (n) Motor bus station;
- (o) Truck terminal;
- (p) Drycleaning establishment;
- (q) Laundry and/or drycleaning pick-up;
- (r) Millinery shop;
- (s) Diaper service establishment;
- (t) Clothing repair and storage;
- (u) Farm equipment sales and service;
- (v) Feed and grain (sales only);
- (w) Artist studio;
- (x) Business office (footnote 4 limits applicability in I-1);
- (y) Vocational, trade or business school;
- (z) Major automobile repair (all indoors);
- (aa) Minor automobile repair (all indoors);
- (bb) Gasoline service station;
- (cc) Automobile washing facility;
- (dd) Building material sales (excluding concrete or asphalt mixing);
- (ee) Fuel oil, ice, coal, wood (sales only);
- (ff) Monument sales (excludes stone cutting);
- (gg) Heating, ventilating, air conditioning sales and service;
- (hh) Bait sales;
- (ii) Outdoor commercial recreational enterprise (except amusement park);
- (jj) Commercial fishing lake;
- (kk) Veterinary hospital (footnote 12 limits applicability in B-4);
- (ll) Wholesale business;
- (mm) Warehouse;
- (nn) Self-storage warehouses, providing heat and utilities to individual units;
- (oo) Self-storage warehouses, not providing heat and utilities to individual units;
- (pp) Christmas tree sales lot;
- (qq) Off-premises sign;
- (rr) Temporary uses;
- (ss) Contractors facilities (with no outdoor storage nor outdoor operations)



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- (tt) Contractors facilities (with outdoor storage nor outdoor operations)
  - (uu) Agricultural drainage contractor facility with no outdoor storage and/or outdoor operations;
  - (vv) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations;
  - (ww) Small scale metal manufacturing shop;
- c. The following 68 uses are authorized by right in the B-4 District and not at all in the I-1 District:
- (a) Hotel – no more than 15 lodging units;
  - (b) Hotel – over 15 lodging units;
  - (c) Rural specialty business, minor;
  - (d) Rural specialty business, major;
  - (e) Institution of an educational philanthropic or eleemosynary nature;
  - (f) Church, temple, or church related temporary uses on church property;
  - (g) Township highway maintenance garage;
  - (h) Library, museum or gallery;
  - (i) Barber shop;
  - (j) Beauty shop;
  - (k) Reducing salon;
  - (l) Dressmaking shop;
  - (m) Self-service laundry;
  - (n) Shoe repair shop;
  - (o) Tailor and pressing shop;
  - (p) Mortuary or funeral home;
  - (q) Medical and dental clinic;
  - (r) Roadside produce sales stand;
  - (s) Banks, savings and loan associations;
  - (t) Insurance and real estate offices;
  - (u) Professional office;
  - (v) Private kindergarten or day care facility;
  - (w) Meat and fish market;
  - (x) Restaurant (indoor service only);
  - (y) Supermarket or grocery store;
  - (z) Drive-in restaurant;
  - (aa) Tavern or night club;
  - (bb) Bakery (less than 2,500 sf);
  - (cc) Dairy store;
  - (dd) Delicatessen;
  - (ee) Confectionery store;
  - (ff) Retail liquor store;
  - (gg) Locker, cold storage for individual use;
  - (hh) Automobile, truck trailer and boat sales room (all indoors);
  - (ii) Automobile or trailer sales area (open lot);
  - (jj) Automotive accessories (new);
  - (kk) Hardware store;

- (ll) Electrical or gas appliance sales and service;
  - (mm) Department store;
  - (nn) Apparel shop;
  - (oo) Shoe store;
  - (pp) Jewelry store;
  - (qq) Stationary-gift shop-art supplies;
  - (rr) Florist;
  - (ss) Newsstand-bookstore;
  - (tt) Tobacconist;
  - (uu) Variety-drygoods store;
  - (vv) Music store;
  - (ww) Drugstore;
  - (xx) Photographic studio and equipment sales and service;
  - (yy) Furniture store – office equipment sales;
  - (zz) Antique sales and service;
  - (aaa) Used furniture sales and service;
  - (bbb) Pet store;
  - (ccc) Bicycle sales and service;
  - (ddd) Pawn shop;
  - (eee) Sporting good sales and service;
  - (fff) Lawnmower sales and service;
  - (ggg) Billiard room;
  - (hhh) Bowling alley;
  - (iii) Dancing academy or hall;
  - (jjj) Lodge or private club;
  - (kkk) Private indoor recreational development;
  - (lll) Theatre, indoor;
  - (mmm) Commercial fishing lake;
  - (nnn) Auction house (non-animal); and
  - (ooo) Sexually oriented businesses.
- d. The following use is authorized by right in the B-4 District but requires a Special Use Permit in the I-1 District:
- (a) Radio or television station;
- (2) There are 19 types of uses authorized by Special Use Permit (SUP) in the I-1 District (including the 1 use authorized by right in the B-4 District, see above) and 12 types of uses authorized by SUP in the B-4 District:
- a. The following 5 uses may be authorized by SUP in the both the I-1 District and B-4 District:
    - (a) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
    - (b) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
    - (c) Electrical substation;
    - (d) Heliport-restricted landing areas;

- (e) Amusement park;
- b. The following 13 uses may be authorized by Special Use Permit in the I-1 District and not at all in the B-4 District:
  - (a) Artificial lake of 1 or more acres;
  - (b) Water treatment plant;
  - (c) Public fairgrounds;
  - (d) Airport;
  - (e) Restricted landing areas;
  - (f) Heliport/helistops;
  - (g) Slaughter houses;
  - (h) Stadium or coliseum;
  - (i) Gas turbine peaker;
  - (j) Big wind turbine tower (1-3 big wind turbine towers);
  - (k) Gasoline and volatile oils storage up to and including 80,000 gallon capacity in the aggregate;
  - (l) Gasoline and volatile oils storage up to and including 80,000 gallons but no more than 175,000 gallon capacity in the aggregate; and
  - (m) Liquefied petroleum gas storage.
- c. The following use may be authorized by SUP in the B-4 District and not at all in the I-1 District:
  - (a) Hospital.
- d. The following 6 uses may be authorized by SUP in the B-4 District and by right in the I-1 District:
  - (a) Bakery (more than 2,500 sf);
  - (b) Kennel;
  - (c) Recycling of non-hazardous materials (all storage and processing indoors);
  - (d) Contractors facilities with outdoor storage and/or outdoor operations;
  - (e) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations; and
  - (f) Light assembly.

**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 Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires
  - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
  - (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 RELEVANT LRMP GOALS & POLICIES**

11. LRMP Goal 1 is entitled “Planning and Public Involvement” and states:

***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 the proposed rezoning will ***NOT IMPEDE*** the achievement of Goal 1.

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

12. LRMP Goal 2 is entitled “Governmental Coordination” and states:

***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 will ***NOT IMPEDE*** the achievement of Goal 2.

13. LRMP Goal 3 is entitled “Prosperity” and states:

***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 will ***HELP ACHIEVE*** Goal 3 for the following reasons:

- A. The three objectives are:
- (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 LRMP.”

B. Although the proposed rezoning is ***NOT DIRECTLY RELEVANT*** to any of these objectives, the proposed rezoning will allow the Petitioner to sell the property and permit the new owners to conduct their business under proper zoning and therefore the proposed rezoning can be said to ***HELP ACHIEVE*** Goal 3.

14. LRMP Goal 4 is entitled “Agriculture” and states:

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

The proposed rezoning will ***HELP ACHIEVE*** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9 do not appear to be 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 will ***NOT IMPEDE*** Policy 4.1.1 because the subject property has not been in agricultural production for over a decade.

- (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, 1998 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.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.6 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of Drummer silty clay loam, and has an LE of approximately 100.
- b. The subject property has been in industrial or business use for over a decade.
- c. The proposed rezoning will not remove any additional best prime farmland from production.
- d. Achievement of Policy 4.1.6 items i, ii, and iii 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 will **HELP ACHIEVE** Objective 4.2 because of the following:

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

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 for the following reason:

- a. The proposed use is similar to other nearby uses which impact both urban and rural transportation users by providing diesel truck repair and sales.
- b. 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.

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- c. The subject property is located  $\frac{1}{4}$  mile from the Market Street I-57 interchange and the B-4 District is at least as appropriate as the I-1 District at this location.
- (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 will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. The proposed diesel truck repair and sales facility will be sited on land that is not in crop production and will not interfere with agricultural activities, nor is it likely to be negatively affected by agricultural activities.
  - b. The traffic generated by the proposed use may increase traffic volumes on the adjacent roadway as a result of this rezoning; however, expected volumes should be within the capacity of the adjacent roadway which is a county highway.
  - c. The traffic generated by the proposed rezoning is likely only to occur between the subject property and the I-57 Interchange which is an area with little or no agricultural activities.
- (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 will **HELP ACHIEVE** Policy 4.2.3 for the following reason:

- a. The Petitioner understands that this is a rural area where agricultural activities take place and does not seek to inhibit agricultural activities.
  - b. A copy of Champaign County Right to Farm Resolution No. 3425 is attached to this map amendment to document the current and future owners’ recognition of the Right to Farm.
- (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 will **HELP ACHIEVE** Policy 4.2.4 for the following reason:

- a. The proposed use on the subject property will **NOT** create nuisance conditions or inhibit adjacent agricultural activities. A buffer between the use and nearby agriculture is not warranted.

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 will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **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 will **HELP ACHIEVE** Policy 4.3.2 for the following reasons:

- a. The land is best prime farmland and consists of Drummer silty clay loam (LE 100).
- b. The subject property is already served by a septic system and is not a large generator of wastewater.
- c. The subject property was converted out of agricultural production over a decade ago and has existing equipment and facilities well-suited to the purposes of proposed operations, making the subject property well-suited overall.

- (2) **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 will **HELP ACHIEVE** Policy 4.3.3 for the following reason:

- a. The subject property is located approximately 7.8 miles from the Thomasboro Fire Protection District Station. The District was notified of the case and no comments were received.
- b. The subject property was converted out of agricultural production over a decade ago and has existing equipment and facilities well-suited to the purposes of proposed operations, making the subject property well-suited overall.

- (3) **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 will **HELP ACHIEVE** Policy 4.3.4 for the following reason:

- a. The traffic generated by the proposed use may increase traffic volumes on the adjacent roadway as a result of this rezoning; however, expected volumes should be within the capacity of the adjacent roadway which is a county highway.



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- (4) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
  - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- a. The proposed use is appropriate to the surrounding area because other similar businesses are located there and it has nearby access to the interstate.
- b. The subject property is located ¼ mile from the Market Street I-57 interchange and the B-4 District is at least as appropriate as the I-1 District at this location.
- c. The subject property was converted out of agricultural production over a decade ago and has existing equipment and facilities well-suited to the purposes of proposed operations, making the subject property well-suited overall.

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.**

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **HELP ACHIEVE** the achievement of Goal 5 for the following reasons:

- A. Objective 5.1 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 will **HELP ACHIEVE** Objective 5.1 because of the following:

- (1) Policy 5.1.3 states, **“The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.”**

The proposed rezoning will **NOT IMPEDE** Policy 5.1.3 for the following reason:

- a. The subject property is in the I-1 Light Industry Zoning DISTRICT and has been proposed to be rezoned to the B-4 General Business Zoning DISTRICT in order to accommodate a proposed diesel truck sales and maintenance facility.
- b. On the LRMP map Future Land Use -2030 the subject property is just beyond the extra-territorial jurisdiction area for the City of Champaign and located about a half-mile away from the nearest contiguous urban growth area.

- (2) Policy 5.1.4 states, **“The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdictions areas only if:**
- a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
  - b. **the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise and**
  - c. **the development is generally consistent with all relevant LRMP objective and policies.”**

The proposed rezoning will **NOT IMPEDE** Policy 5.1.4 for the following reason:

- a. The subject property is in the I-1 Light Industry Zoning DISTRICT and has been proposed to be rezoned to the B-4 General Business Zoning DISTRICT in order to accommodate a proposed diesel truck sales and maintenance facility.
  - b. On the LRMP map Future Land Use -2030 the subject property is just beyond the extra-territorial jurisdiction area for the City of Champaign and located about a half-mile away from the nearest contiguous urban growth area.
  - c. The land is best prime farmland and consists of Drummer silty clay loam (LE=100).
  - d. Regarding site suitability, see the evidence under Policy 4.3.2 (Finding of Fact item 14.C.(1)).
- (3) Policy 5.1.5 states **“The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning will **HELP ACHIEVE** Policy 5.1.5 because a copy of Champaign County Right to Farm Resolution # 3425 has been attached to this map amendment to document the current and future owner’s recognition of the Right to Farm.

- (4) Policy 5.1.6 states **“To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.”**

The proposed rezoning will **HELP ACHIEVE** Policy 5.1.6 the same as for Policy 4.2.4 (Finding of Fact item 14.B.(4)).

- B. Objective 5.3 states, **“Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”**

The proposed rezoning will **HELP ACHIEVE** Objective 5.3 because of the following:

- (1) Policy 5.3.1 states, **“The County will:**

- a. **require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and**
- b. **encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.3.1 the same as for Policy 4.3.3 (Finding of Fact item 13.C.(2)).

- (2) Policy 5.3.2 states, “The County will:
  - a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**
  - b. **encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.3.2 the same as for Policy 4.3.4 (Finding of Fact item 13.C.(3)).

- C. The proposed amendment will *NOT IMPEDE* the achievement of Objective 5.2 and Policies 5.1.1, 5.1.2, 5.1.7, 5.1.8, 5.1.9, 5.2.1, 5.2.2, 5.2.3, and 5.3.3.

- 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 will *NOT IMPEDE* the achievement of Goal 6.

- 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 will *HELP ACHIEVE* Goal 7 for the following reasons:

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

The proposed rezoning will *HELP ACHIEVE* 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 will *HELP ACHIEVE* Policy 7.1.1 because the traffic generated by the proposed use may increase traffic volumes on the adjacent roadway as a result of this rezoning; however, expected volumes should be within the capacity of the adjacent roadway which is a county highway.

- B. The proposed amendment will *NOT IMPEDE* the achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.

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 will *NOT IMPEDE* the achievement of Goal 8.

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 will *NOT IMPEDE* the achievement of Goal 9.

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.**

The proposed amendment will *NOT IMPEDE* the achievement of Goal 10.

#### **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.

**PRELIMINARY DRAFT 06/17/15****Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Roofing company	I-1 Light Industry (proposed to be rezoned to B-4 General Business)
North	Agriculture	AG-1 Agriculture
East	Undeveloped	I-1 Light Industry
West	RV Campground	AG-2 Agriculture
South	RV Campground	AG-2 Agriculture

- B. **LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.**
- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
  - (2) There are no nearby residential properties.
  - (3) This area is primarily an agricultural area and the subject property has been in industrial or business use for over a decade.
- 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 continued use of an existing facility and will provide a service that will benefit both urban and rural residents and businesses as well as interstate travelers.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**  
The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production. There are similar businesses nearby that have been deemed appropriate for the area.
- 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 subject property is currently occupied by a roofing company which seeks to sell the property. They have an immediate offer for purchase if the rezoning is approved.
- G. **Sinclair factor: The need and demand for the use.**

The proposed diesel truck service and sales facility owners have facilities nationwide. They have deemed the site appropriate to their market and demand by their own analysis which is proven by its multiple locations.

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.

**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

22. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

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. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The requested Map Amendment should not decrease the value of nearby properties.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The traffic generated by the proposed rezoning and use may increase traffic volumes on the adjacent roadway as a result of this rezoning; however, expected volumes should be within the capacity of the adjacent roadway which is a county highway.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed construction on the subject property will not trigger the need for stormwater management and there are no known drainage problems on the subject property.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

- (1) 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.

- (2) 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.

- F. 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.

- G. 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.

- (1) Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed use and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- (2) The subject property has good visibility from Interstate 57 and good access to Interstate 57; these attributes are desirable for the proposed diesel truck sales and maintenance facility.

- H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed use will have to be conducted in compliance with those requirements.

I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

(1) The subject property has had industrial or business zoning for over a decade.

(2) The proposed rezoning and proposed use will not take any land out of production.

J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed rezoning and the proposed use will not require the development of public utilities or transportation facilities.

L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

(1) The subject property has had industrial or business zoning for over a decade.

(2) The proposed use will not take any land out of production.

M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources.

**REGARDING SPECIAL CONDITIONS OF APPROVAL**

23. Proposed Special Conditions of Approval:

A. **No Zoning Use Permit for expansion of building area or parking area and no Change of Use Permit authorizing a different use with a greater wastewater load shall be approved without documentation that the Champaign County Health Department has determined the existing or proposed septic system will be adequate for that proposed use.**

The above special condition is required to ensure:



**That the existing septic system is adequate and to prevent wastewater runoff onto neighboring properties.**

- B. A Change of Use Permit shall be applied for within 30 days of the approval of Case 804-AM-15 by the County Board.**

The above special condition is required to ensure the following:

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

- C. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:**

**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 (see attached).**

The above special condition is necessary to ensure the following:

**Conformance with policies 4.2.3 and 5.1.5.**

**DOCUMENTS OF RECORD**

1. Petition for Zoning Map Amendment signed Kimberly Young, received on June 5, 2015, with attachment:
  - A Existing Site Map
2. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
3. Champaign County Land Resource Management Plan (LRMP) Appendix of Defined Terms
4. Copy of Right to Farm Resolution 3425
5. Preliminary Memorandum for Case 804-AM-15 dated June 17, 2015, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B LRMP Land Use Goals, Objectives, and Policies
  - C LRMP Appendix of Defined Terms
  - D Copy of Right to Farm Resolution 3425
  - E Site Visit Photos taken June 9, 2015
  - F Draft Finding of Fact and Final Determination

**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 25, 2015**, 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. Regarding Goal 3:
    - (1) The proposed rezoning will allow the Petitioner to sell the property and permit the new owners to conduct their business under proper zoning and therefore the proposed rezoning can be said to **HELP ACHIEVE** Goal 3.
    - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 3 Prosperity.
  - B. Regarding Goal 4:
    - (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it will **HELP ACHIEVE** the following:
      - a. Policy 4.1.1, which states that 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 (see Item 14.A.(2)).
      - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.A.(3)).
    - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
      - a. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
      - b. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 14.B.(2)).
      - c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 14.B.(3)).
      - d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 14.B.(4)).

- (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
- a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 14.C.(1)).
  - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(2)).
  - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).
  - d. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture or is appropriate in a rural area (see Item 14.C.(4)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment will **NOT IMPEDE** Goal 4 Agriculture.

C. Regarding Goal 5:

- (1) It will **HELP ACHIEVE** Objective 5.1 regarding contiguous urban growth areas because it will **HELP ACHIEVE** the following:
- a. Policy 5.1.3 requiring conformance with municipal comprehensive plans for developments propped with a municipality's 1.5 mile extraterritorial jurisdiction.
  - b. Policy 5.1.4 requiring additional considerations for discretionary development proposed within municipal extra-territorial jurisdictions.
  - c. Policy 5.1.5 requiring the County to encourage urban development to explicitly recognize and provide for the right of agricultural activities on adjacent land.
  - d. Policy 5.1.6 requiring consideration of a buffer between existing agricultural operations and the proposed urban development.
- (2) It will **HELP ACHIEVE** Objective 5.3 regarding sufficient infrastructure and services for proposed new urban development because it will **HELP ACHIEVE** the following:
- a. Policy 5.3.1 requiring sufficiently available public services for new urban development.
  - b. Policy 5.3.2 requiring proposed new urban development, with proposed improvements, to be adequately served by public infrastructure.
- (3) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.

- D. Regarding Goal 7:
- (1) Objective 7.1 consider traffic impact in land use decisions because it will **HELP ACHIEVE** the following:
    - (a) Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation.
  - (2) Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 7 Transportation.
- E. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 6 Public Health and Public Safety
  - Goal 8 Natural Resources
  - Goal 9 Energy Conservation
  - Goal 10 Cultural Amenities
- F. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. The amendment will allow the petitioner to immediately sell the property to be converted to a use that will benefit both urban and rural residents and businesses as well as interstate travelers.
  - B. The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production. There are similar businesses nearby that have been deemed appropriate for the area.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because the B-4 District is proposed at this location to replace the existing I-1 District to take advantage of interstate visibility and easy access.

**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 804-AM-15** 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