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**MINUTES OF REGULAR MEETING**

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**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street  
Urbana, IL 61802**

**DATE: June 25, 2015**

**PLACE: Lyle Shield’s Meeting Room  
1776 East Washington Street**

**TIME: 6:30 p.m.**

**Urbana, IL 61802**

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**MEMBERS PRESENT:** Catherine Capel, Marilyn Lee, Brad Passalacqua, Jim Randol, Eric Thorsland

**MEMBERS ABSENT :** Debra Griest

**STAFF PRESENT :** Connie Berry, John Hall, Susan Chavarria

**OTHERS PRESENT :** James Hrubik, Kimberly Young, Tom Drysdale, Joyce Hudson, Cecil Hudson, Robert Sherman, Donald Wood, Lois Wood

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**1. Call to Order**

The meeting was called to order at 6:30 p.m.

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

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

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

**3. Correspondence**

None

**4. Approval of Minutes**

None

Mr. Thorsland entertained a motion to rearrange the docket and hear Case 804-AM-15, Kimberly Young, d.b.a. Quick Leasing Inc. prior to Case 799-AM-15 and 800-S-15, Joyce Hudson, d.b.a. Hudson Farm Weddings and Events, LLC.

**Ms. Capel moved, seconded by Ms. Passalacqua to rearrange the docket and hear Case 804-AM-15,**

1 Kimberly Young, d.b.a. Quick Leasing Inc. prior to Case 799-AM-15 and 800-S-15, Joyce Hudson,  
2 d.b.a. Hudson Farm Weddings and Events, LLC. The motion carried by voice vote.  
3  
4

5 **5. Continued Public Hearing**  
6

7 **Cases 799-AM-15, 800-S-15** Petitioner: **Joyce Hudson d.b.a. Hudson Farm Weddings and Events, LLC**  
8 **Requests: Case 799-AM-15: Amend the Zoning Map to change the zoning district designation from**  
9 **the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the**  
10 **proposed Special Use in related Zoning Case 800-S-15: Part A. Authorize the remodeling of existing**  
11 **farm buildings for the establishment and use of an Event Center as a combination “Private Indoor**  
12 **Recreational Development” and Outdoor Commercial Recreational Enterprise” as a Special Use on**  
13 **land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current Ag-1**  
14 **Agriculture Zoning District in related zoning case 799-AM-15; and Part B. Authorize the following**  
15 **waiver to the standard conditions of the “Outdoor Commercial Recreational Enterprise” special use**  
16 **as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required**  
17 **200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential**  
18 **structure and/or use; Note: Variance not needed due to revised site plan. Location: A 3.67 acre tract**  
19 **in Urbana Township in the Northeast Quarter of the Southeast Quarter of Section 25 of Township**  
20 **19N, Range 9E of the Third Principal Meridian and commonly known as the farmstead located at**  
21 **1341 CR 1800E, Urbana.**  
22

23 Mr. Thorsland called Cases 799-AM-15 and 800-S-15 concurrently.  
24

25 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
26 the witness register for that public hearing. He reminded the audience that when they sign the witness  
27 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this  
28 time.  
29

30 Mr. Thorsland informed the audience that Case 800-S-15 is an Administrative Case and as such the County  
31 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
32 show of hands for those who would like to cross examine and each person will be called upon. He requested  
33 that anyone called to cross examine go to the cross-examination microphone to ask any questions. He said  
34 that those who desire to cross examine are not required to sign the witness register but are requested to  
35 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
36 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
37 exempt from cross examination.  
38

39 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the request.

1  
2 Mr. Tom Drysdale, attorney for Joyce Hudson, stated that Ms. Hudson wants to rezone her property so that  
3 she may hold weddings and events at her farm property. He said that he and Ms. Hudson have been before  
4 the Board a couple of times therefore the Board is familiar with what they are trying to do.

5  
6 Mr. Thorsland requested that Mr. Drysdale provide his address.

7  
8 Mr. Drysdale stated that he resides at 707 Lauterbur Lane, Champaign.

9  
10 Mr. Thorsland asked Mr. Hall if he had any new information for the Board.

11  
12 Mr. John Hall, Zoning Administrator, stated that there is only one policy where there is a decision point  
13 although there are three or four other policies where the Board will see that it is suggested that there is no  
14 decision and then the option is given but in those cases the intent was that staff was prepared to make a  
15 recommendation in the affirmative for everything except for one policy and that was Policy 4.3.3. He said  
16 that this case was intended to be as easy as the previous case but as the Board will recall, this set of  
17 recommendations are far different than what the Board was first presented with and staff was not able to get  
18 all of those tidied up before the mailing. He said that the staff memorandum points out there are no real  
19 concerns about anything except for 20 or 30 years in the future if Ms. Hudson is no longer the owner, is the  
20 Board comfortable without any conditions intended to ensure that the new owner takes as much care as Ms.  
21 Hudson has taken with respecting and coordinating with neighboring farmers. He said that there may be  
22 good reason for the Board to have such a concern but in 20 or 30 years things may look much different in  
23 this area anyway. He said that staff wanted to bring this matter to the Board's attention so at least the Board  
24 could say aye or nay on those conditions and of course any conditions would need to be accepted by Ms.  
25 Hudson as well.

26  
27 Mr. Thorsland stated that the special conditions that Mr. Hall is referring to are on page 3 of the  
28 Supplemental Memorandum dated June 17, 2015. He said that the special conditions have not been before  
29 the Board before tonight and are intended for Case 800-S-15 and not Case 799-AM-15.

30  
31 Ms. Lee stated that the proposed special conditions are good to be included.

32  
33 Mr. Thorsland stated that it is not unusual for the Board to have some sort of a provision regarding a change  
34 in ownership included with a Special Use Permit. He said that this is a fairly compact special use and as  
35 rural as it is currently there is always potential that the area could change 10 or 15 years down the road.

36  
37 Mr. Hall stated that it occurred to him that the proposed special conditions could be grouped under one  
38 special condition and could read as follows: The following special conditions shall apply should the Special  
39 Use Permit ever be under different ownership. He said that the three conditions would come under the one

1 condition and in that version they would not apply as long as Ms. Hudson owns the property. He said that  
2 the Board could take the approach that these are so reasonable that they should apply from day one.

3  
4 Mr. Passalacqua asked Mr. Hall if the special conditions were grouped together under a change of ownership  
5 could the last line on page 3, (particularly under different ownership) be eliminated.

6  
7 Mr. Randol stated that if there is change in ownership the case should be revisited so that the new owner  
8 would have no questions regarding the allowed use. He said that it is not uncommon for things to get lost in  
9 translation over time.

10  
11 Mr. Hall asked Mr. Randol if the Special Use Permit should expire upon new ownership.

12  
13 Mr. Randol stated that the special use should be revisited to assure continued compliance.

14  
15 Mr. Thorsland asked Mr. Hall what mechanism the Board would have to make sure that a new owner is  
16 aware of the special use and its restrictions.

17  
18 Ms. Lee stated that a special condition could be created indicating that if the property is sold the seller has  
19 the obligation to inform the new buyer.

20  
21 Mr. Thorsland stated that Ms. Lee's suggestion is one option.

22  
23 Mr. Thorsland asked Mr. Hall if Ms. Lee's suggestion could be grouped into this one special condition. He  
24 said that the Board has seen previous cases where the new buyer either does not know or care that the land  
25 carries a special use permit. He said that the Board cannot change every real estate transaction that occurs  
26 but this use is a fairly unique use for this location.

27  
28 Mr. Hall asked Mr. Thorsland to restate Ms. Lee's suggestion.

29  
30 Mr. Thorsland stated that Ms. Lee suggested that the seller be required to inform a potential buyer about the  
31 provision regarding new ownership of the subject property.

32  
33 Mr. Hall stated that it is good to have that concern but someone is probably not going to purchase the  
34 property with the Special Use Permit without looking at the original approval. He said that the Board could  
35 require that a document be filed with the Recorder of Deeds stating that the special use permit was approved  
36 with certain conditions therefore anyone conducting a title search would see that document. He said that he  
37 does not see the need for such a requirement because this is such a prominent thing but if the Board wants to  
38 make sure that a future buyer is absolutely informed then recording a miscellaneous document with the  
39 Recorder of Deeds is always the best way to do that. He noted that it does not impose any restrictions but

1 does make everyone absolutely aware that there was a Special Use Permit with certain limiting conditions.  
2 He said that normally the Board would recommend that the limiting special conditions be included on the  
3 miscellaneous document so that anyone doing a title search would be able to see what Ms. Hudson was  
4 actually approved for.

5  
6 Mr. Thorsland stated that the Board has done this before and he likes this procedure because at some point  
7 someone may not know to ask about any limiting conditions. He said that Ms. Hudson may decide to retire  
8 at some point and when she sells the business she may forget to inform the new owners about the special  
9 conditions of the approval. He said that the new owners may want to operate the business during all of the  
10 months of the year and without knowing the restrictions they would be in violation and would endure  
11 enforcement action. He recommended that the information is filed as a miscellaneous document at the  
12 Recorder of Deeds office.

13  
14 Mr. Hall stated that requiring that the miscellaneous document be filed with the Recorder of Deeds will be a  
15 separate special condition and must be accepted by Ms. Hudson.

16  
17 Mr. Thorsland asked Mr. Drysdale if he had any questions regarding the Board's discussion regarding the  
18 miscellaneous document.

19  
20 Mr. Drysdale stated that he had no questions related to the required miscellaneous document and it is a  
21 procedure that he has done before and it is not difficult. He said that he and Ms. Hudson have no problem  
22 with this requirement.

23  
24 Mr. Thorsland read Policy 4.3.5 as follows: "On best prime farmland, the County will authorize a business  
25 or other non-residential use only if: a) It also serves surrounding agricultural uses or an important public  
26 need; and cannot be located in an urban area or on a less productive site; or b) the use is otherwise  
27 appropriate in a rural area and the site is very well suited to it." He said that the question posed to the Board  
28 is if the proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.3.5. He said that #13.C(4)b)a.  
29 states that the proposed use in related Case 800-S-15 DOES NOT serve surrounding agricultural land uses or  
30 an important public need. He asked Mr. Hall if the decision included in #13.C(4)b)a. is a typo.

31  
32 Mr. Hall stated that the decision included in #13.C(4)b)a. is not a typo because it hasn't happened yet  
33 therefore it is staff's recommendation.

34  
35 Mr. Thorsland stated that staff's recommendation is that the proposed use in related Case 800-S-15 DOES  
36 NOT serve surrounding agricultural land uses or an important need therefore the proposed rezoning WILL  
37 NOT HELP ACHIEVE Policy 4.3.5. but the Board must decide whether it agrees with staff's  
38 recommendation.

1 Mr. Hall stated that Policy 4.3.5 has two parts and #13.C(4)b)a. only goes with the first part and the  
2 alternative is that it is a use that is otherwise appropriate in a rural area and the site is very well suited to it.  
3 He said that staff's recommendation for #13.C(4)b)b. is that the proposed development in related Case 800-  
4 S-15 IS appropriate in a rural area.

5  
6 Ms. Lee stated that at the last meeting Ms. Griest commented that the use will promote agricultural tourism.

7  
8 Mr. Passalacqua stated that during a similar case on the north side of Champaign there was testimony and  
9 argument that the use did serve agriculture because it was a facility that neighboring agricultural neighbors  
10 appreciated and used.

11  
12 Mr. Hall stated that this is only a staff recommendation and if the Board would like to add evidence like this  
13 then that is the Board's prerogative but staff is never going to say that an event center supports agriculture.

14  
15 Mr. Passalacqua stated that he does not remember the commentary from staff during the previous case for a  
16 similar use.

17  
18 Mr. Thorsland stated that during the previous case there was testimony from members of the Farm Bureau  
19 and other agricultural groups indicated that they would hold events at the facility.

20  
21 Mr. Passalacqua stated that the testimony in the previous case is only significant to that case and is not  
22 parallel to this case therefore he agrees with staff's recommendation.

23  
24 Mr. Thorsland stated that he also agrees with staff's recommendation because it is not a use that could not be  
25 done somewhere else but there is a lot of testimony which indicates that the whole theme of this facility is  
26 that it is in a rural setting in a farm environment.

27  
28 Mr. Passalacqua stated that the farm environment benefits the event center and the event center does not  
29 benefit the farm environment.

30  
31 Mr. Thorsland proposed that #13.C(4)b)a. DOES NOT serve surrounding agricultural land uses or an  
32 important need and #13.C(4)b)b. IS otherwise appropriate in a rural area therefore the proposed rezoning  
33 WILL HELP ACHIEVE Policy 4.3.5. He said that the Board is not indicating that the facility is not a viable  
34 use but is indicating that it is clear that the facility is there as a rural venue to hold events with a rural theme  
35 and is not there to serve coffee during harvest season.

36  
37 Mr. Drysdale stated that #13.C(4)b)a. discusses serving surrounding agricultural land uses or an important  
38 public need. He asked how the Board generally defines an important public need.

1 Mr. Thorsland stated that it is subjective and whether or not the Board receives witness testimony indicating  
2 that the use is in big demand. He said that Ms. Hudson is not the first person to request a use like this but  
3 there are not that many and clearly Ms. Hudson has been conducting this use on her property and hopefully  
4 people are paying her for her services thus indicating some level of demand. He said that public need is  
5 always a difficult thing to define and sometimes it is a hurdle for the Board to define exactly what the public  
6 need is for the use and thankfully there is a #13.C(4)b)b.

7  
8 Mr. Drysdale stated that he assumed that there was no concrete definition. He said that when they submitted  
9 the initial applications they mentioned that the Champaign County Department of Agri-tourism is using the  
10 event center and they do want to add it as part of their tour route.

11  
12 Mr. Thorsland stated that he would be upset if they didn't indicate that they welcomed the facility at its  
13 location.

14  
15 Mr. Hall stated that staff only makes recommendations to the Board but from a staff perspective an  
16 important public need would be something like a new sewer plant or water plant or fire station as opposed to  
17 a demand for a certain type of business.

18  
19 Ms. Lee stated that she is glad that staff is keeping the provision regarding off-street parking. She said that  
20 last Saturday she drove down their road and a car was attempting to get out of its parking space along the  
21 side of the road and while she was waiting guests were being taken back and forth from their cars to the  
22 event. She said that she feels strongly that #13.C(4)b)(d) needs to be included for future owners of the  
23 property.

24  
25 Mr. Thorsland stated that parking is always a big issue with any use. He said that the Board is very  
26 consistent in prohibiting on-street parking. He said that the consensus of the Board for #13.C(4) is as  
27 follows: The proposed rezoning WILL HELP ACHIEVE Policy 4.3.5 although it DOES NOT serve  
28 surrounding agricultural land uses or an important need it IS otherwise appropriate in the rural area.

29  
30 Mr. Thorsland read Goal 5 included in item #14 as follows: Champaign County will encourage urban  
31 development that is compact and contiguous to existing cities, villages, and existing unincorporated  
32 settlements. He said that a decision point for the Board is #14.A.(2) and reads as follows: Policy 5.1.1 states,  
33 "The County will encourage new urban development to occur within the boundaries of incorporated  
34 municipalities." The proposed rezoning CONFORMS/DOES NOT CONFORM to Policy 5.1.1.

35  
36 Mr. Thorsland called for a five minute recess.

37  
38 The Board recessed at 7:20 p.m.

39 The Board resumed at 7:28 p.m.

1  
 2 Mr. Hall stated that staff intended to indicate that the proposed rezoning CONFORMS to Policy 5.1.1.  
 3 because evidence indicates that this use can be served by a septic system and does not need to be on sanitary  
 4 sewer. He said that the use will not be a big jobs generator and there will not be a lot of employees even  
 5 though there will be a sizable number of users.

6  
 7 Mr. Thorsland asked the Board if they agreed that the proposed rezoning CONFORMS to Policy 5.1.1 and  
 8 that the proposed amendment CONFORMS to Goal 5 and the Board agreed.

9  
 10 Mr. Thorsland read item #16 as follows: LRMP Goal 7 is entitled “Transportation” and states as follows:  
 11 Champaign County will coordinate land use decisions in the unincorporated area with the existing and  
 12 planned transportation infrastructure and services.” He said that Policy 7.1.1 states, “The County will  
 13 include traffic impact analyses in discretionary review development proposals with significant traffic  
 14 generation.” The proposed rezoning WILL/WILL NOT CONFORM to Policy 7.1.1.

15  
 16 Mr. Thorsland stated that an ADT was completed and discussion occurred regarding on-street parking and  
 17 the issue was resolved.

18  
 19 Mr. Passalacqua stated that the proposed rezoning WILL CONFORM to Policy 7.1.1. and the Board agreed.

20  
 21 Mr. Thorsland stated that he agrees with staff’s recommendation regarding Goals 8, 9 and 10 and the *LaSalle*  
 22 and *Sinclair* factors. He read the proposed special condition of approval for Case 799-AM-15 as follows:

23  
 24 **A. The owners of the subject property hereby recognize and provide for the right**  
 25 **of agricultural activities to continue on adjacent land consistent with the Right**  
 26 **to Farm Resolution 3425.**

27 The above special condition is necessary to ensure the following:  
 28 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

29  
 30 Mr. Thorsland asked Mr. Drysdale if he and Ms. Hudson agreed with proposed Special Condition A.

31  
 32 Mr. Drysdale stated that he and Ms. Hudson agreed with proposed Special Condition A.

33  
 34 Mr. Thorsland noted that the Board has one additional decision point which is included under Policy 4.2.2.  
 35 He read #13.B(2)b)b. as follows: Regarding whether the proposed development in related Case 800-S-15  
 36 WILL/WILL NOT interfere with agricultural activities or damage or negatively affect the operation of  
 37 agricultural drainage systems, rural roads, or other agriculture-related infrastructure. He said that there is  
 38 new evidence that the proposed 66 parking spaces will take less than half of an acre out of crop production.  
 39 He recommended that the proposed development in related Case 800-S-15 WILL NOT interfere with



1 agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural  
2 roads, or other agriculture-related infrastructure.

3  
4 Mr. Passalacqua asked Mr. Hall if the Board had any reason to require a hard surface for the on-site parking.  
5 He said if we had another wet year like this year a hard surface area would probably be something that Ms.  
6 Hudson will install herself.

7  
8 Mr. Hall stated that it is up to the Board whether to require a hard surface for the on-site parking. He said  
9 that for the last event center the Board spent a lot of time on the amount of area that was required to be a  
10 hard surface.

11  
12 Mr. Passalacqua stated that the only thing that he sees as a problem is if a four-inch rain event occurred and  
13 floods the on-site parking area on a Friday night and an event was scheduled for Saturday night therefore  
14 requiring parking along the road.

15  
16 Ms. Lee asked Mr. Hall what is considered as an “all weather” surface.

17  
18 Mr., Hall stated that it could be nothing more than gravel. He said that it must be something that will carry  
19 the traffic during all-weather events. He said that 0.4 acres will not trigger the Stormwater Management  
20 Policy and will not be a compounding thing where if the Board requires some amount of paving that there  
21 has to be a detention facility. He said that later in the Special Use Permit there is a condition that is  
22 proposed to not allow any parking on the street but in a couple of years if there is a wet year like this year  
23 and the on-site parking is not all-weather there will be parking in the street or they will not be having events.

24  
25 Mr. Passalacqua asked Ms. Hudson if she has considered an all-weather parking area or will it just be a grass  
26 area.

27  
28 Ms. Hudson stated that she is trying to decide whether the on-site parking area will just be grass or an all-  
29 weather surface. She said that if it does rain she already has approval from an area business to have parking  
30 on their lot and shuttle guests to the property for the event.

31  
32 Mr. Passalacqua stated that it would be an inconvenience to have to use a tractor to remove every car from  
33 the property.

34  
35 Ms. Lee stated that even the on-street parking is hindered by a heavy rain.

36  
37 Mr. Thorsland stated that there will be no parking on the street so the Board does not have to worry about  
38 that but the Board could consider a condition regarding the type of surface for the on-site parking.

39

1 Mr. Passalacqua stated that the Board already has a proposed special condition regarding no parking on the  
2 street. He said that Ms. Hudson has a farm background and fully understands the effects of saturated soils  
3 therefore he would rather leave it up to her to do what is right for her guests and not park them in a mud  
4 hole.

5  
6 Mr. Hall stated that he would like to have Ms. Hudson's comments regarding off-site parking added as  
7 evidence for Case 800-S-15. He said that this will make it clear that the ZBA did not require a hard surface  
8 area for on-site parking but there was a plan to either do that or arrange for parking elsewhere.

9  
10 Mr. Thorsland stated that during the previous hearing Mr. Moser offered his property for off-street parking  
11 although he did not want to be part of the Special Use Permit. He asked if Ms. Hudson has made  
12 arrangements for off-site parking at another hard-surface parking lot and is providing a shuttle to the event  
13 should the location of the off-site parking be part of this special use.

14  
15 Mr. Hall stated no.

16  
17 Mr. Passalacqua stated that the minutes will indicate that the Board was concerned about the type of surface  
18 that will be utilized for the on-site parking during any time of the year. He informed Ms. Hudson that there  
19 are many products available for the hard surface which may be cost prohibitive.

20  
21 Mr. Thorsland stated that the type of event center and the amount of guests are a lot different than the  
22 previous zoning case regarding an event center.

23  
24 Mr. Passalacqua stated that the previous event center had a different traffic pattern and was located on a  
25 highly traveled road.

26  
27 Mr. Hall stated that the building for the previous event center was so big and if the Board based it on the  
28 maximum occupancy and divided it by two there would have been a huge amount of cars. He said that the  
29 petitioners did not anticipate the huge amount of cars so the Board compromised in that instance.

30  
31 Mr. Thorsland stated that there was no testimony during the previous event center's public hearing regarding  
32 any off-site parking and shuttle arrangements.

33  
34 Mr. Thorsland stated that Mr. Drysdale and Ms. Hudson previously indicated that they agreed to Special  
35 Condition A therefore he entertained a motion to approve Special Condition A.

36  
37 **Ms. Capel moved, seconded by Mr. Passalacqua to approve Special Condition A. The motion carried**  
38 **by voice vote.**

39

1 Mr. Thorsland noted that there is one more decision point for the Board which relates to Policy 4.3.3. He  
2 read Policy 4.3.3 as follows: “The County may authorize a discretionary review development provided that  
3 existing public services are adequate to support the proposed development effectively and safely without  
4 undue public expense.” The proposed rezoning **WILL/WILL NOT HELP ACHIEVE** Policy 4.3.3.  
5

6 Mr. Thorsland stated that no comments were received from the fire protection district and the evidence for  
7 the map amendment provides enough evidence to recommend that the proposed rezoning **WILL HELP**  
8 **ACHIEVE** Policy 4.3.3 and the Board agreed.  
9

10 Mr. Thorsland asked staff if there were any new Documents of Record.  
11

12 Ms. Chavarria stated that a new item #22 should read as follows: #22: Copy of Right to Farm Resolution  
13 3425.  
14

15 **Finding of Fact for Case 799-AM-15:**  
16

17 From the documents of record and the testimony and exhibits received at the public hearing conducted on  
18 April 16,2015, May 28, 2015, and June 25, 2015, the Zoning Board of Appeals of Champaign County finds  
19 that:  
20

21 1. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the Land Resource  
22 Management Plan because:

23 A. Regarding Goal 3:

24 (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the  
25 Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the  
26 property somewhat more intensively and continue business operations in Champaign  
27 County.  
28

29 (2) Based on achievement of the above and because it will either not impede or is not  
30 relevant to the other Objectives and Policies under this goal, the proposed map  
31 amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.  
32

33 B. Regarding Goal 4:

34 (1) It **WILL HELP ACHIEVE** Objective 4.3 requiring any discretionary development  
35 to be on a suitable site because it **WILL HELP ACHIEVE the following:**

36 a. Policy 4.3.5 requiring that a business or non-residential use established on  
37 best prime farmland only if it serves surrounding agriculture and is  
38 appropriate in a rural area (See Item 13.C.(4)).

39 b. Policy 4.3.4 requiring existing public infrastructure be adequate to support the

- 1 proposed development effectively and safely without undue public expense
- 2 (See Item 13.c.(3)).
- 3 c. Policy 4.3.3 requiring existing public services be adequate to support the
- 4 proposed development effectively and safely without undue public expense
- 5 (See Item 13.C.(2)).
- 6 d. Policy 4.3.2 requiring a discretionary development on best prime farmland to
- 7 be well-suited overall (See Item 13.C.(1)).
- 8
- 9 (2) It **WILL HELP ACHIEVE** Objective 4.2 requiring discretionary development to
- 10 not interfere with agriculture because it **WILL HELP ACHIEVE** the following:
- 11 a. Policy 4.2.4 requiring that all discretionary review consider whether a
- 12 Buffer between existing agricultural operations and the proposed
- 13 development is necessary (See Item 13.B.(4)).
- 14 b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly
- 15 recognize and provide for the right of agricultural activities to continue on
- 16 adjacent land (See Item 13.B.(3)).
- 17 c. Policy 4.2.2 requiring discretionary development in a rural area to not
- 18 interfere with agriculture or negatively affect rural infrastructure (See Item
- 19 13.b.(2)).
- 20 d. Policy 4.2.1 requiring a proposed business in a rural area to support
- 21 agriculture or provide a service that is better provided in the rural area (Item
- 22 13.B.(1)).
- 23
- 24 (3) It **WILL HELP ACHIEVE** Objective 4.1 requiring minimization of the
- 25 fragmentation of farmland, conservation of farmland, and stringent development
- 26 standards on best prime farmland because it **WILL HELP ACHIEVE** the following:
- 27 a. Policy 4.1.6 requiring that the use, design, site and location are consistent
- 28 with policies regarding suitability, adequacy of infrastructure and public
- 29 services, conflict with agriculture, conversion of farmland, and disturbance of
- 30 natural areas (See Item 13.A.(3)).
- 31 b. Policy 4.1.1, which states that commercial agriculture is the highest and best
- 32 use of the land in the areas of Champaign County that are by virtue of
- 33 topography, soil and drainage, suited to its pursuit. The County will not
- 34 accommodate other land uses except under very restricted conditions or in
- 35 areas of less productive soils (See Item 13.A.(2)).
- 36
- 37 (4) Based on achievement of the above Objectives and Policies, the proposed map
- 38 amendment **WILL HELP ACHIEVE** Goal 4 Agriculture.
- 39

- 1 C. Regarding Goal 5:  
2 (1) The proposed amendment **CONFORMS** to Goal 5 because it **WILL HELP ACHIEVE**  
3 the following:  
4 a. Policy 5.1.1 requiring that the County will encourage new urban development  
5 to occur within the boundaries of incorporated municipalities (See Item  
6 14.A.(2)).  
7 (2) Based on achievement of the above Objective and Policy, the proposed map  
8 amendment **WILL HELP ACHIEVE** Goal 5 Urban Land Use.  
9
- 10 D. Regarding Goal 6:  
11 (1) The proposed amendment **CONFORMS** to Goal 6 because it **WILL HELP**  
12 **ACHIEVE** the following:  
13 a. Policy 6.1.2 requiring that the County will ensure that the proposed  
14 wastewater disposal and treatment systems of discretionary development will  
15 not endanger public health, create nuisance conditions for adjacent uses, or  
16 negatively impact surface or groundwater quality (See Item 15.A.(2)).  
17 (2) Based on achievement of the above Objective and Policy, the proposed map  
18 amendment **WILL HELP ACHIEVE** Goal 6 Public Health and Safety.  
19
- 20 E. Regarding Goal 7:  
21 (1) The proposed amendment **CONFORMS** to Goal 7 because it **WILL HELP**  
22 **ACHIEVE** the following:  
23 a. Policy 7.1.1 requiring traffic impact analyses for projects with significant  
24 traffic generation.  
25 (2) Based on achievement of the above Objective and Policy, the propose map  
26 amendment **WILL HELP ACHIEVE** Goal 7 Transportation.  
27
- 28 F. The proposed amendment **WILL NOT IMPEDE** the following LRMP goal(s):  
29 • Goal 1 Planning and Public Involvement  
30 • Goal 2 Governmental Coordination  
31 • Goal 8 Natural Resources  
32 • Goal 9 Energy Conservation  
33 • Goal 10 Cultural Amenities  
34
- 35 G. Overall, the proposed amendment **WILL HELP ACHIEVE** the Land Resource  
36 Management Plan.  
37
- 38 2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors  
39 because of the following:

- 1 A. This area is primarily an agricultural area and the subject property has been a farmstead for
- 2 decades.
- 3 B. It is impossible to establish property values without a formal real estate appraisal which has
- 4 not been requested nor provided and so any discussion of values is necessarily general.
- 5 C. There has been no evidence submitted regarding property values. This area is primarily an
- 6 agricultural area and the subject property has been a farmstead for decades.
- 7 D. The gain to the public of the proposed rezoning could be positive because the proposed
- 8 amendment would allow the Petitioner to provide a service to the community while
- 9 preserving agricultural land uses and activities.
- 10 E. The subject property is occupied and in agricultural use as zoned AG-1.
- 11 F. The ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE** Policy
- 12 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
- 13 G. The ZBA has recommended that the proposed rezoning **WILL HELP ACHIEVE** the
- 14 Champaign County Land Resource Management Plan.
- 15
- 16 3. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the purpose of the
- 17 Zoning Ordinance because:
- 18 A. Establishing the special use proposed by the Petitioner, which requires rezoning to AG-2
- 19 **WILL** lessen and avoid congestion in the public streets (Purpose 2.0(c) see Item 21.C).
- 20 B. Establishing the AG-2 District at this location will help classify, regulate, and restrict the
- 21 location of the uses authorized in the AG-2 District (Purpose 2.0 (i) see Item 21.G.).
- 22 C. Establishing the AG-2 District in this location **WILL** help protect the most productive
- 23 agricultural lands from haphazard and unplanned intrusions of urban uses (Purpose 2.0(n)
- 24 Item 21.I).
- 25 D. Establishing the AG-2 District at this location will maintain the rural character of the site
- 26 (Purpose 2.0 (q) Item 21.L).
- 27 E. The proposed rezoning and proposed Special Use will not hinder the development of
- 28 renewable energy sources (Purpose 2.0 (r) Item 21.M).
- 29

30 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings  
31 of Fact as amended for Case 799-AM-15.

32  
33 **Mr. Passalacqua moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of**  
34 **Record and Findings of Fact as amended for Case 799-AM-15. The motion carried by voice vote.**

35  
36 Mr. Thorsland entertained a motion to move the Final Determination for Case 799-AM-15.

37  
38 **Ms. Capel moved, seconded by Ms. Lee to move to the Final Determination for Case 799-AM-15. The**  
39 **motion carried by voice vote.**

1  
 2 Mr. Thorsland informed Mr. Drysdale and Ms. Hudson that currently the Board has one vacant Board seat  
 3 and one absent Board member therefore it is at their discretion to either continue Case 799-AM-15 until a  
 4 full Board is present or request that the present Board move to the Final Determination. He informed Mr.  
 5 Drysdale and Ms. Hudson that four affirmative votes are required for approval.

6  
 7 Mr. Drysdale and Ms. Hudson requested that the present Board move to the Final Determination.

8  
 9 **Final Determination for Case 799-AM-15:**

10  
 11 **Mr. Passalacqua moved, seconded by Ms. Capel that pursuant to the authority granted by Section 9.2**  
 12 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**  
 13 **determines that the Zoning Ordinance Amendment requested in Case 799-AM-15 should BE**  
 14 **ENACTED by the County Board in the form attached hereto with the following special condition:**

- 15  
 16 **A. The owners of the subject property hereby recognize and provide for the right**  
 17 **of agricultural activities to continue on adjacent land consistent with the Right**  
 18 **to Farm Resolution 3425.**

19 The above special condition is necessary to ensure the following:  
 20 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

21  
 22 Mr. Thorsland requested a roll call vote:

23  
 24 The roll was called as follows:

25

	<b>Randol-yes</b>	<b>Capel-yes</b>	<b>Griest-absent</b>
	<b>Lee-yes</b>	<b>Passalacqua-yes</b>	<b>Thorsland-yes</b>

28  
 29 Mr. Hall informed Mr. Drysdale and Ms. Hudson that they have received a recommendation of approval for  
 30 their request in Case 799-AM-15. He said that there is no ELUC meeting in July therefore Case 799-AM-15  
 31 could be directly forwarded to the County Board for their July 23<sup>rd</sup> meeting. He said that with the  
 32 recommendation that was received tonight he would not anticipate any problems but the County Board can  
 33 sometimes be a complete surprise. He noted that Case 799-AM-15 could wait until the August 6<sup>th</sup> meeting  
 34 before ELUC and then to the County Board on August 20<sup>th</sup>. He informed Mr. Drysdale and Ms. Hudson that  
 35 it is their call and staff does not need an answer tonight.

36  
 37 Mr. Drysdale stated that he and Ms. Hudson would like to take a couple of days to think about it and they  
 38 will get back to staff as soon as possible.

39

- 1 Mr. Thorsland stated that the Board will now hear Case 800-S-15.  
2
- 3 Mr. Thorsland asked Ms. Hudson if she has a decision regarding installing a septic system versus using  
4 portable toilets.  
5
- 6 Mr. Drysdale stated that it isn't really a decision regarding what Ms. Hudson wants to do but what she is  
7 allowed to do. He said that he has tried to talk to the Champaign County Health Department and Larry Luka,  
8 Plumbing Inspector for the State of Illinois Public Health Department but both offices have proven to be  
9 uncooperative and unresponsive. He said that one office will say one thing and the other office will say  
10 another therefore conflicting with each other's determinations. He said that there is something that Ms.  
11 Hudson would like to do but what she is being told that she has to do is still yet to be seen.  
12
- 13 Mr. Thorsland asked Mr. Drysdale if the facility is still leaning towards using portable toilets.  
14
- 15 Mr. Drysdale stated that portable toilets are preferred.  
16
- 17 Mr. Thorsland stated that the facility has been using portable toilets with no problems.  
18
- 19 Mr. Drysdale stated yes.  
20
- 21 Mr. Thorsland asked Mr. Drysdale if the Health Department is requiring that Ms. Hudson install full  
22 bathrooms with a septic system which will be able to service 225 guests.  
23
- 24 Mr. Drysdale stated that it is not actually the Health Department that is requiring this and the Illinois State  
25 Private Disposal Code does authorize the use of portable toilets. He said that the Illinois State Plumbing  
26 Code requires a septic system to accommodate 225 guests.  
27
- 28 Mr. Thorsland asked Mr. Drysdale if some construction for the bathrooms has already taken place.  
29
- 30 Mr. Drysdale stated yes. He said that Ms. Hudson was informed that there were problems with some of the  
31 construction that had been started and pursuant to the Illinois State Plumbing Code those problems were  
32 fixed and approved by the folks that enforce the Illinois State Plumbing Code. He said that the plumbing  
33 that has been installed has been approved and it is just now a matter of either installing a very large septic  
34 system or whether or not the portable toilets can continue to be used for the guests.  
35
- 36 Mr. Thorsland asked Mr. Drysdale where the approved plumbing fixtures go right now if used.  
37
- 38 Mr. Drysdale stated that currently they go nowhere.  
39



- 1 Mr. Thorsland asked Mr. Drysdale what will happen with the installed plumbing if the use of portable toilets  
2 is approved. He asked if the doors will be closed.  
3
- 4 Mr. Drysdale stated that if the portable toilets are going to be used then the base plumbing will just exist for  
5 the future and it is not tied in to anything.  
6
- 7 Mr. Passalacqua asked Mr. Drysdale if the plumbing is just roughed in.  
8
- 9 Mr. Drysdale stated yes and the plumbing could easily be cut off at any given time.  
10
- 11 Mr. Thorsland stated that even though the minutes of the previous hearings regarding this case are very  
12 informative they do not fully reflect the Board's feelings about the septic issue. He said that this Board has  
13 to inform the petitioners about the Board of Health and they have to approve something but it is up to this  
14 Board to decide whether or not they like the idea of using portable toilets for the facility.  
15
- 16 Mr. Passalacqua asked if more than one department has jurisdiction as to whether or not Ms. Hudson can use  
17 portable toilets at her facility.  
18
- 19 Mr. Hall stated that it is his view that it is up to the Champaign County Health Department but he doubts that  
20 the Champaign County Health Department has the legal budget the IDPH has.  
21
- 22 Mr. Passalacqua asked Mr. Hall if Ms. Hudson's facility does not have plumbing then how does the Illinois  
23 State Plumbing Code apply.  
24
- 25 Mr. Hall stated that he does not believe that the plumbing has been removed yet.  
26
- 27 Mr. Passalacqua stated that it is his understanding through testimony that the State Plumbing Inspector  
28 contends that the Illinois Plumbing Code is what has the problem with the portable toilets. He said that there  
29 are two entities which are trying to decide whether the use of portable toilets will work or not at this facility.  
30
- 31 Mr. Hall stated that he believes that IDPH is misreading the Illinois State Plumbing Code.  
32
- 33 Mr. Drysdale stated that he also believes that IDPH is misreading the Illinois State Plumbing Code which is  
34 currently the direction that he will be taking with this situation.  
35
- 36 Mr. Passalacqua asked if the ZBA can legitimately move forward with this issue being unresolved.  
37
- 38 Mr. Hall stated that if the ZBA is comfortable with making the necessary findings knowing that any new  
39 septic system has to meet the same standard as any other new septic system and knowing that if they can use

1 portable toilets then they are going to use them. He said that he does not know why the Board couldn't make  
2 affirmative findings.

3  
4 Mr. Passalacqua stated that more than 15,000 people use portable toilets at the football games.

5  
6 Mr. Hall stated correct and part of the football stadium facilities are fully enclosed with a roof and walls but  
7 that is also the University of Illinois and they can do anything that they want because they are a state  
8 institution and are under different standards.

9  
10 Ms. Lee asked Mr. Hall if he believes that the IDPH is wrong in their interpretation of the statutes. She said  
11 that during a prior meeting Ms. Griest noted that cost was not a factor that could be considered therefore  
12 where does that leave us.

13  
14 Mr. Hall stated that Ms. Griest's comment was in regards to the claim that the Illinois Private Sewage  
15 Disposal Code allows a holding tank under some very limited conditions but none of those conditions are  
16 related to cost.

17  
18 Ms. Lee stated that the holding tank was the main criteria for Ms. Griest's comments and a holding tank is  
19 not part currently part of the plan thus is not applicable any more.

20  
21 Mr. Hall stated yes.

22  
23 Mr. Thorsland stated that the Board needs to remember that they must decide whether or not the use is  
24 injurious to the public health, safety and welfare. He said that 225 guests with no restroom facility of any  
25 sort would be injurious to the public health, safety and welfare. He said that there are a lot of special  
26 conditions for this case for the Board's consideration. He said that the Hindu Temple and L.A. Gourmet  
27 installed large septic systems they had to meet the codes of Champaign County Public Health Department.  
28 He said that the CCPHD gave the petitioners for the Hindu Temple and L.A. Gourmet a certain size of the  
29 system and they met their requirements. He said that the Hindu Temple installed multiple systems and L.A.  
30 Gourmet installed a large system.

31  
32 Mr. Hall stated that both of the facilities were proposed for year-around use and Ms. Hudson has not  
33 proposed such.

34  
35 Ms. Lee stated that the conditions that were discussed tonight indicate that the facility can operate all year  
36 long.

37  
38 Mr. Hall stated that there are no time limits in the conditions that apply to Ms. Hudson and she has testified  
39 that she only plans to hold events during the months of April through November. He said that on page 24 of

1 the Draft Summary of Evidence staff has included a new special condition F. for the Board's review. He read  
2 proposed special condition F. as follows:

3 **F. All disposal of human wastes from the proposed special use permit shall be in**  
4 **compliance with the Illinois Private Sewage Disposal Code (77IAC905) and the**  
5 **Champaign County Health Ordinance.**

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

7 **To protect public health.**  
8

9 Mr. Hall stated that his reading of both of those documents is that someone could do this by the use of  
10 portable toilets and that condition requires it to be in full compliance.  
11

12 Mr. Randol stated that the ZBA is working for the County, and the local health department is under the  
13 County's jurisdiction as well, therefore if the Board indicates that they have to satisfy the Public Health  
14 Department that should be good enough.  
15

16 Mr. Thorsland asked Mr. Hall if there was a State's Attorney Opinion on this matter.  
17

18 Mr. Hall stated that he did ask the State's Attorney to weigh in on this matter but they thought that it was not  
19 proper to question IDPH. He noted that he was very disappointed with the SAO's response.  
20

21 Mr. Randol stated that the Board is not questioning the IDPH but the Board is stating that the petitioner has  
22 to conform to the requirements of the Champaign County Public Health Department.  
23

24 Ms. Capel stated that she is satisfied that Mr. Drysdale will resolve this issue in the way that he has chosen  
25 to resolve it.  
26

27 Mr. Passalacqua stated that it speaks highly of Ms. Hudson's facility in that she can sell a venue to a bride  
28 that will use the restroom in a plastic box because his wife would not do so.  
29

30 Mr. Thorsland asked Ms. Hudson if the house on the site is utilized for the bride to prepare for the wedding.  
31

32 Ms. Hudson stated yes.  
33

34 Mr. Thorsland stated that he too wondered about the wedding preparation for the bride and is thankful to Mr.  
35 Passalacqua for bluntly asking the appropriate question.  
36

37 Mr. Passalacqua stated that he is sure that the brides fall in love with the location and for some it is not  
38 something that they would enjoy. He said that he is sure that it is a wonderful location and the use of  
39 portable toilets does not seem to hold back Ms. Hudson's clientele.

1  
2 Mr. Thorsland stated that there has been testimony and evidence presented indicating that the events have  
3 occurred on the property therefore the operation is thriving because the public desires it to continue.  
4  
5 Ms. Hudson stated that the portable toilets do have mirrors and running water for hand washing and are not  
6 your typical port-a-potty.  
7  
8 Mr. Thorsland asked the Board if there were additional questions regarding the parking. He said that the  
9 Board has removed the parking on the street and Ms. Hudson has indicated that she has a paved lot available  
10 for parking at a local business and the use of shuttle to and from the subject property. He asked Ms. Hudson  
11 to indicate the location of the paved lot which is available for her use.  
12  
13 Ms. Hudson stated that the owner of T.K. Wendl's has offered the lot for her use anytime it is necessary.  
14  
15 Mr. Thorsland asked Ms. Hudson if she had a document indicating the arrangement.  
16  
17 Ms. Hudson stated that the document was submitted to staff.  
18  
19 Mr. Passalacqua stated that the T.K. Wendl's property is currently for sale.  
20  
21 Ms. Hudson stated that their church parking lot is also available for her use if needed.  
22  
23 Ms. Capel stated that she remembers discussing this during a previous meeting and the Board was satisfied  
24 that Ms. Hudson would make the appropriate arrangements regarding parking.  
25  
26 Mr. Hall recommended that the Board add a new item 8.C(4) on page 11 of the Summary of Evidence as  
27 follows: Petitioner, Joyce Hudson, testified at the public hearing held on June 25, 2015, that she is  
28 considering either adding an all-weather surface to the parking area to assure all-weather use or arranging for  
29 off-site parking at another business.  
30  
31 Ms. Lee stated that the term "business" does not appropriate apply to the church.  
32  
33 Mr. Thorsland stated that the term business could be replaced by the term "facility."  
34  
35 Mr. Drysdale stated that he also submitted a letter from Comfort Inn and Suites who have offered use of their  
36 parking lot along with use of their shuttle service as well.  
37  
38 Mr. Hall stated that the evidence could be revised as follows: Petitioner, Joyce Hudson, testified at the public  
39 hearing held on June 25, 2015, that she is considering either adding an all-weather surface to the parking

1 area to assure weather use or arranging for off-site parking at a suitable off-site location.

2  
3 Ms. Lee stated that she read text regarding use of the facility during any time of the year.

4  
5 Ms. Chavarria stated that proposed special condition H. reads as follows:

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

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

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

11  
12 Mr. Hall stated that the special condition is not as limited as what Ms. Hudson described in her written  
13 materials about when she plans to have activities. He asked the Board if they would like to see special  
14 condition H. changed and if so they need to discuss this with Ms. Hudson.

15  
16 Mr. Thorsland asked Ms. Hudson to indicate her preference regarding this issue.

17  
18 Ms. Hudson stated that she does not have a problem with the special condition although she would prefer to  
19 not have limits.

20  
21 Mr. Passalacqua stated that the Board should not tell Ms. Hudson when she can and cannot hold events  
22 because if she wants to install heat in the barn then why not. He said that as long as Ms. Hudson follows all  
23 of the conditions of approval she should be able to use her property whenever she wants.

24  
25 Mr. Hall stated that when the Board reviews the special conditions the Board may want to reconsider the  
26 condition regarding new ownership.

27  
28 Mr. Passalacqua stated that the special condition regarding new ownership should remain so that the new  
29 owner is aware of all of the special conditions. He said that there is another special condition regarding  
30 arrangement with agricultural operations during planting and harvest.

31  
32 Mr. Thorsland stated that perhaps all of the special conditions should be recorded as miscellaneous  
33 document to assure that the new owner is aware of them. He said that it is good that staff has complete  
34 optimism in people who make real estate transactions and that they do their homework before they purchase  
35 something but the Board has had many cases where people had no clue what they were buying when they  
36 purchased the property.

37  
38 Ms. Lee stated that the special conditions should remain because the Hudson family farms and they  
39 understand agriculture but a new owner may not have that background and may not be as respectful for when

1 the farmers use the road in coordination with an event being held on the property.

2  
3 Mr. Thorsland read the special conditions as follows:

4  
5 **A. The Petitioner may continue ongoing operations on the subject property provided the**  
6 **Petitioner complies with the following:**

- 7 (1) **The Petitioner shall apply to the Department of Planning and Zoning for a**  
8 **Change of Use Permit within four weeks of receiving a final determination by**  
9 **the County Board in related Case 799-AM-15; and**
- 10 (2) **A Zoning Compliance Certificate certifying compliance with all special**  
11 **conditions in this zoning case shall be received within 12 months of a final**  
12 **determination by the County Board in related Case 799-AM-15 except that a**  
13 **septic system may be constructed at a later time provided that a new Change of**  
14 **Use Permit is applied for at that time; and**
- 15 (3) **Failure to meet any of the above deadlines shall be a violation of the Zoning**  
16 **Ordinance and subject to normal enforcement procedures including**  
17 **appropriate legal action.**

18  
19 The special condition stated above is required to ensure the following:

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

22  
23 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition A.

24  
25 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition A.

26  
27 Mr. Thorsland read proposed Special Condition B. as follows:

28  
29 **B. The following condition will ensure that any new septic system is built as approved**  
30 **by the Champaign County Health Department and documented with a Change of Use**  
31 **Permit:**

- 32 (1) **The area proposed for any new septic system shall be identified, marked off,**  
33 **and protected from compaction prior to any construction on the subject**  
34 **property.**
- 35 (2) **The Zoning Administrator shall verify that the area proposed for any new septic**  
36 **system is identified, marked off, and protected from compaction prior to**  
37 **approval of the Change of Use Permit documenting any new septic system.**
- 38 (3) **The Change of Use Permit Application documenting the construction and**  
39 **establishment of any new septic system shall include the following:**

- 1                   a.     **A true and correct copy of any approved COUNTY Health Department**
- 2                             **PERMIT for construction of the private sewage disposal system.**
- 3                   b.     **The site plan for the Change of Use Permit Application shall indicate the**
- 4                             **identical area for the private sewage disposal system as approved in the**
- 5                             **COUNTY Health Department PERMIT and only the private sewage**
- 6                             **disposal system approved by the COUNTY Health Department may**
- 7                             **occupy that portion of the LOT.**
- 8                   (4)    **A true and correct copy of the COUNTY Health Department Certificate of**
- 9                             **Approval for the private sewage disposal system shall be submitted to the**
- 10                            **Zoning Administrator prior to the use of any 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.**

16 Ms. Lee asked Mr. Hall if the Board is addressing the portable toilets in the conditions.

18 Mr. Hall stated that the portable toilets are addressed in special condition F.

20 Ms. Capel asked if the final sentence should be revised to indicate that any septic system that is constructed shall be in compliance with the Champaign County Zoning Ordinance.

23 Mr. Hall stated that the Zoning Ordinance is only relevant to new septic systems and it does not address existing septic systems at all therefore the correct way to state that would be as follows:

The special condition stated above is required to ensure the following:  
**Any new septic system is in compliance with the Champaign County Zoning Ordinance.**

30 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition B.

32 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition B. and any new septic system that is to be built will be in compliance with everything stated in Special Condition B.

35 Mr. Thorsland read proposed Special Condition C. as follows:

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

1 **complies with the Illinois Accessibility Code.**

2  
3 The special condition stated above is necessary to ensure the following:

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

5  
6 Mr. Drysdale requested a clarification of what they would need to demonstrate to show that they have met  
7 the requirements for accessibility.

8  
9 Mr. Hall stated that it amounts to staff completing an inspection to verify that the things that Mr. Doug  
10 Gamble indicated were required have been installed. He said that staff's reading of the Illinois Accessibility  
11 Code is that it is very clear that there are three accessible spaces but if Mr. Gamble is going to approve two  
12 spaces then that is up to Mr. Gamble but staff would want that determination documented. He said that staff  
13 can sort that out during permitting because he will never require more than what Mr. Gamble requires but  
14 when he looks at the printed Illinois Accessibility Code and it indicates three spaces then the only way that  
15 there will not be three is if Mr. Gamble indicates that he will approve two spaces.

16  
17 Mr. Drysdale stated that his conversation with Mr. Gamble mainly pertained to the hard surface between the  
18 buildings so if for some reason Ms. Hudson decides that three accessible spaces is not the route that they  
19 want to take they will contact Mr. Gamble to gain approval from Mr. Gamble.

20  
21 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition C.

22  
23 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition C.

24  
25 Mr. Thorsland read proposed Special Condition D. as follows:

26  
27 **D. All onsite Special Use activities shall be in compliance at all times with the**  
28 **Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and**  
29 **the Champaign County Recreation and Entertainment Ordinance.**

30  
31 The special condition stated above is necessary to ensure the following:

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

34  
35 Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition D.

36  
37 Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition D.

38  
39 Mr. Thorsland read proposed Special Condition E. as follows:



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39

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

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

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

Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition E.

Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition E.

Mr. Thorsland read proposed Special Condition F. as follows:

**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.**

Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition F.

Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition F and will comply with the Illinois Private Sewage Disposal Code and the Champaign County Health Ordinance.

Mr. Thorsland read proposed Special Condition G. as follows:

**G. The 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.**

Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition G.

Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition G.

Mr. Thorsland read proposed special condition H. as follows:

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

3  
4           The special condition stated above is required to ensure the following:  
5           **A clear understanding that there are no limits on the number of events or limits on the**  
6           **when events may occur.**

7  
8           Mr. Thorsland asked Mr. Drysdale and Ms. Hudson if they agreed to Special Condition H.

9  
10          Mr. Drysdale and Ms. Hudson indicated that they agreed to Special Condition H.

11  
12          Mr. Thorsland stated that there was a suggestion from staff to combine the text included as the first bullet  
13          under Possible Special Condition Related to Change of Ownership indicated on page 3 of the Supplemental  
14          Memorandum #4 dated June 17, 2015, with special condition H. He said that revised special condition H  
15          could read as follows:

- 16  
17                   •   **There are no limits to the number of events that may be held at the proposed**  
18                   **special use and no limit as to when events may occur during the calendar year**  
19                   **with the exception that events at the subject property shall not be held daily**  
20                   **during any week (i.e. on each day of the week) during the planting season**  
21                   **(generally mid-April to end of May) or during the harvest season (generally**  
22                   **mid-September through November) and all events during these agriculturally**  
23                   **important periods shall be coordinated with nearby farmers.**

24  
25          The special condition stated above is required to ensure the following:  
26          **To ensure that the proposed Special Use (particularly under different ownership**  
27          **continues to respect the needs of nearby farmers.**

- 28  
29                   •   **The Special Use Permit shall be void upon the receipt by the Zoning**  
30                   **Administrator of written complaints about interruption of farming activities**  
31                   **from the farmers and/or landowners of more than 50% of the farmland**  
32                   **frontage on CR 1800E between Windsor Road (CR1400N) and CR1250N,**  
33                   **during any one planting season (generally mid-April to the end of May) or**  
34                   **during any one harvest season (generally mid-September through November).**

35  
36          The special condition stated above is required to ensure the following:  
37          **To provide a means of enforcement and accountability if the proposed special use**  
38          **(particularly under different ownership) does not adequately respect the needs of**  
39          **nearby farmers.**

- 1
- 2           • **No events shall be held at the Special Use Permit during months other than the**
- 3           **months of April, May, June, July, August, September, October, and November.**
- 4

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

6           **To ensure that operation of the proposed special use (particularly under different**

7           **ownership) is consistent with the testimony given in the public hearing.**

8

9           Mr. Thorsland stated that Mr. Hall's idea of bracketing all of this would let the Board get rid of "particularly

10          under different ownership" in all of the different parts but the first question is whether the Board wants to

11          include these special conditions and if so, does the Board want the special conditions combined into one

12          special condition under H.

13

14          Ms. Capel stated that combining the text under the second bullet with special condition H. would be no

15          problem but creating restrictions on the operation in the event of a new owner does not seem to be consistent

16          with how the Board normally does things.

17

18          Mr. Thorsland agreed. He said that the alternative would be that the new owner would have to come back

19          before the Board.

20

21          Ms. Capel stated that the Board also discussed the possibility of filing a miscellaneous document with the

22          Record of Deeds to make a new owner aware of all of the special conditions. She said that there is a

23          possibility that it may actually be a farmer who purchases the property.

24

25          Mr. Thorsland asked the Board if they wanted to make the filing of a miscellaneous document be a special

26          condition and require that all of the special conditions be included upon that miscellaneous document.

27

28          Ms. Capel stated yes.

29

30          Ms. Lee stated that she agrees with Ms. Capel regarding the text in the second bulleted items on page 3 but

31          she also would like to include the text under the first bullet. She said that the first bullet informs the owner

32          that they need to consider the farmers and the second bullet is an enforcement issue.

33

34          Mr. Thorsland stated that perhaps a hybrid special condition could include all of the text from the first and

35          second bulleted items on page 3.

36

37          Ms. Capel stated that there is no reason why these should be combined. She said that the original text from

38          special condition H. could be combined with the first bulleted item on page 3 and make the second bulleted

39          item a new condition.

1  
2 Mr. Drysdale asked if Ms. Hudson has to contact all of the nearby farmers before she holds any event.

3  
4 Mr. Hall stated that staff has received no complaints regarding the facility so obviously what Ms. Hudson is  
5 doing currently is working. He said that the special condition would not require Ms. Hudson to do anything  
6 that she is not already doing and the important thing is that a new owner needs to be aware of the fact that  
7 they need to be careful when they are scheduling an event and contact the nearby farmers.

8  
9 Mr. Thorsland asked Ms. Hudson if she has had events during planting or harvest season.

10  
11 Ms. Hudson stated yes. She said that generally her neighbors will call her to see if she is having any events  
12 on that weekend and if so they will work in their adjacent fields on another day and move to another field.

13  
14 Mr. Hall stated that this arrangement is under those ownerships but if the agricultural land ownership  
15 changes then Ms. Hudson will need to contact the new owners regarding her events. He said that the special  
16 condition under the second bullet indicates that if a sufficient amount of complaints are received within a  
17 significantly short amount of time then that is a problem.

18  
19 Mr. Thorsland asked Ms. Hudson if the neighbors are landowners or are they tenant farmers.

20  
21 Ms. Hudson stated that they are both but she knows all of the farmers that farm up and down the road and  
22 they all indicate that they enjoy watching the events when they are in the fields.

23  
24 Ms. Capel asked Ms. Hudson when she hangs the sign for the event.

25  
26 Ms. Hudson stated that the sign is put out on the day of the event.

27  
28 Ms. Lee stated that a good change would be indicating that no event shall be held daily during any week  
29 during planting and harvest season is better than months.

30  
31 Mr. Hall stated that just calling it planting and harvest season is not good enough to him. He said that  
32 generally planting season is during the months of mid-April to the end of May and generally harvest season  
33 is during the months of September through November. He said that if everyone agrees with the text  
34 “generally” then it is understood that in some years those months may not capture the planting and harvest  
35 seasons.

36  
37 Mr. Thorsland stated that if we are just talking corn and soybeans then the months are generally correct but  
38 for someone who plants wheat and then plants soybeans after the wheat is harvested in July.

39

1 Mr. Hall stated that with all due respect to wheat farmers that is a very small percentage of the crop in  
2 Champaign County.

3  
4 Ms. Capel stated that she would like to include the word “generally” before the months.

5  
6 Mr. Hall stated that the special condition indicates that between the end of May and mid-September there  
7 could be an event every day of every week and it is not a problem but come harvest there cannot be an event  
8 held every day of the week. He said that there could be no more than one event every other day between  
9 harvest and planting.

10  
11 Mr. Thorsland stated that he would like the special condition to be stated as simply as possible so that Ms.  
12 Hudson will continue to coordinate with area farmers.

13  
14 Ms. Capel stated that the two bullets could be combined with insertion of the word “generally” in front of the  
15 stated limited months.

16  
17 Mr. Passalacqua asked if the text in the first bullet is even needed since the second bullet is for enforcement.

18  
19 Mr. Thorsland stated that we need to tell people what they can do to avoid the complaint.

20  
21 Ms. Capel stated that the condition could indicate that a certain number of received complaints in any given  
22 time will result in enforcement action.

23  
24 Mr. Thorsland suggested that special condition H. could read as follows: Events at the Special Use Permit  
25 shall not be held daily during any week (i.e., on each day of the week) during the planting season (generally  
26 mid-April to the end of May) or during the harvest season (generally mid-September through November) and  
27 all events during these agriculturally important periods shall be coordinated with nearby farmers. The  
28 Special Use Permit shall be void upon receipt by the Zoning Administrator of written complaints about the  
29 interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland  
30 frontage on CR 1800E between Windsor Road (CR 1400N) and CR 1250N, during any one planting season  
31 (generally mid-April to the end of May) or during any one harvest season (generally mid-September through  
32 November). The special condition stated above is required to ensure the following: To provide a means of  
33 enforcement and accountability if the proposed special use (under different ownership) does not adequately  
34 respect the needs of nearby farmers.

35  
36 Mr. Randol stated that if Mr. Thorsland is concerned about the time frame then the Board should extend it  
37 instead of saying mid-April indicate mid-March.

38  
39 Mr. Thorsland stated that the word “generally” assists with that occasional farmer who would plant early.

1  
2 Mr. Randol stated that he has planted beans in June before.  
3  
4 Mr. Thorsland stated that he has planted beans in July after the wheat was harvested.  
5  
6 Mr. Thorsland asked Mr. Hall if he agrees with the proposed special condition.  
7  
8 Mr. Hall stated that the text for special condition H. is up to the Board.  
9  
10 Mr. Drysdale asked if this special condition will apply instead of the previously agreed to special condition  
11 H. which indicates that there are no limits as to when events can occur during the calendar year. He said that  
12 it was discussed that the revised special condition H. will apply to Ms. Hudson but it now seems to limit  
13 when events can be held during the calendar year.  
14  
15 Mr. Thorsland stated that Mr. Drysdale is correct. He said that the Board has special condition H. which  
16 indicates that Ms. Hudson can do whatever she wants whenever she wants but then there is revised special  
17 condition H. which applies to everyone indicating that they cannot do something every day during planting  
18 and harvest season.  
19  
20 Mr. Randol stated that the text under the first bullet is the exception to the previously agreed to special  
21 condition H.  
22  
23 Mr. Thorsland stated that the revised condition will not affect Ms. Hudson because it is unlikely that Ms.  
24 Hudson will have an event every day of the week during planting season.  
25  
26 Mr. Drysdale stated that he does not believe that this will affect Ms. Hudson either and he is just trying to  
27 iron out things that may pop up in the future.  
28  
29 Mr. Thorsland stated that he does not believe that the revisions will scare any perspective purchaser from the  
30 property.  
31  
32 Ms. Capel stated that “with the exception of” could be included in the text for revised special condition H.  
33 She said that the ensure statement could indicate that the proposed Special Use (particularly under different  
34 ownership) continues to respect the needs of nearby farmers.  
35  
36 Mr. Thorsland stated that the first two bullets on page 3 will be combined and the word “generally” will be  
37 placed before any mention of months and under the ensure portion of the special condition will read as Ms.  
38 Capel previously stated.  
39

1 Mr. Drysdale stated that it is pretty clear that if complaints are received staff will be knocking on Ms.  
2 Hudson’s door.

3

4 Mr. Thorsland asked Mr. Drysdale if he agreed to revisions for special condition H.

5

6 Mr. Drysdale stated that he and Mrs. Hudson agree to the condition.

7

8 Mr. Thorsland directed discussion to Special Condition H: “There are no limits to the number of events that  
9 may be held at the proposed special use and no limit as to when events may occur during the calendar year  
10 except for those referred to in Special Condition I”.

11

12 Mr. Hall recommended that the first Special Condition on page 3 be merged with Special Condition H just as  
13 Ms. Capel had recommended, such that the second condition becomes the new Condition I. He added that  
14 the clause beginning with “To ensure” on page 3 should be what is used below Special Condition H.

15

16 Mr. Thorsland continued by clarifying Condition I, which would read as follows:

17

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

24

25 The special condition stated above is required to ensure the following:  
26 **To ensure that the Special Use respects the needs of nearby farmers.**

27

28 Ms. Capel suggested that if you are going to combine those two conditions, it would be appropriate to use  
29 the original language about enforcement and accountability.

30

31 Mr. Thorsland asked if Mrs. Hudson and Mr. Drysdale agreed with the condition.

32

33 Mr. Drysdale responded that they agreed.

34

35 Mr. Thorsland stated that he believed the Board had covered all Special Conditions and revisions.

36

37 Mr. Hall recommended a new Special Condition J.

38

39 **J. Within 30 days of the County Board decision to approve Case 799-AM-15, the**

1           **Petitioner shall file a miscellaneous document with the Champaign County Recorder of**  
 2           **Deeds that includes all of the Special Conditions of this Special Use Permit Case 800-S-**  
 3           **15.**

4  
 5           The special condition stated above is required to ensure the following:  
 6           **To ensure that any prospective or new owner is aware of the limits in the Special Use**  
 7           **Permit approval.**

8  
 9           Ms. Lee asked Mr. Hall to indicate what the document is called.

10  
 11           Mr. Hall stated that it is called a miscellaneous document, and a fee is charged for recording that document.

12  
 13           Mr. Drysdale stated that he and Ms. Hudson agree to Special Condition J.

14  
 15           Mr. Thorsland entertain a motion to approve the special conditions as amended.

16  
 17           **Mr. Passalacqua moved, seconded by Ms. Lee to approve the Special Conditions as amended. The**  
 18           **motion carried by voice vote.**

19  
 20           Mr. Thorsland asked if there were any new Documents of Record.

21  
 22           Ms. Chavarria added the Right to Farm Resolution as Item 22 in the Documents of Record.

23  
 24           Mr. Thorsland stated that the Board will now review the Findings of Fact for Case 800-S-15.

25  
 26           **Findings of Fact for Case 800-S-15:**

27  
 28           From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
 29           800-S-15 held on April 16, 2015, May 28, 2015 and June 25, 2015 the Zoning Board of Appeals of  
 30           Champaign County finds that:

- 31  
 32           **1. The requested Special Use Permit IS necessary for the public convenience at this location.**

33  
 34           Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this  
 35           location because for the demand for an agricultural setting for weddings, there is no way to do it other than  
 36           on a farm.

- 37  
 38           **2. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**  
 39           **HEREIN is so designed, located, and proposed to be operated so that it WILL NOT be**



1 injurious to the district in which it shall be located or otherwise detrimental to the public  
2 health, safety, and welfare because:

3 a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE  
4 visibility.

5  
6 Mr. Passalacqua stated that the street has ADEQUATE traffic capacity and the entrance location has  
7 ADEQUATE visibility.

8  
9 b. Emergency services availability is ADEQUATE.

10  
11 Ms. Capel stated that emergency services availability is ADEQUATE.

12  
13 c. The Special Use WILL be compatible with adjacent uses.

14  
15 Mr. Passalacqua stated that the Special Use WILL be compatible with adjacent uses.

16  
17 d. Surface and subsurface drainage will be ADEQUATE.

18  
19 Ms. Capel stated that surface and subsurface drainage will be ADEQUATE.

20 e. Public safety will be ADEQUATE.

21  
22 Mr. Passalacqua stated that public safety will be ADEQUATE.

23  
24 f. The provisions for parking will be ADEQUATE.

25  
26 Mr. Randol stated that provisions for parking will be ADEQUATE.

27  
28 g. The property IS well suited overall for the proposed improvements.

29  
30 Ms. Capel stated that the property IS well suited overall for the proposed improvements.

31  
32 h. Existing public services ARE available to support the proposed special use without  
33 undue public expense.

34  
35 Ms. Capel stated that existing public services ARE available to support the proposed special use without  
36 undue public expense.

37  
38 i. Existing public infrastructure together with the proposed development IS adequate  
39 to support the proposed development effectively and safely without undue public

1 expense.

2  
3 Mr. Passalacqua stated that the existing public infrastructure together with the proposed development IS  
4 adequate to support the proposed development effectively and safely without undue public expense.

5  
6 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed  
7 herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the  
8 district in which it shall be located or otherwise detrimental to the public health, safety and welfare.

9  
10 **3a. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**  
11 **IMPOSED HEREIN DOES conform to the applicable regulations and standards of the**  
12 **DISTRICT in which it is located.**

13  
14 Ms. Capel stated that the requested Special Use Permit, subject to special conditions imposed herein, DOES  
15 conform to the applicable regulations and standards of the DISTRICT in which it is located.

16  
17 **3b. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**  
18 **IMPOSED HEREIN DOES preserve the essential character of the DISTRICT in which**  
19 **it is located because:**

20 **a. The Special Use will be designed to CONFORM to all relevant County ordinances**  
21 **and codes.**

22  
23 Mr. Randol stated that the Special Use will be designed to CONFORM to all relevant County ordinances  
24 and codes.

25  
26 **b. The Special Use WILL be compatible with adjacent uses.**

27  
28 Mr. Passalacqua stated that the Special Use WILL be compatible with adjacent uses.

29  
30 **c. Public safety will be ADEQUATE.**

31  
32 Mr. Passalacqua stated that public safety will be ADEQUATE.

33  
34 Mr. Thorsland stated that the requested Special Use Permit, subject to the special condition imposed  
35 herein, DOES preserve the essential character of the DISTRICT in which it is located.

36  
37 **4. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**  
38 **IMPOSED HEREIN IS in harmony with the general purpose and intent of the Ordinance**  
39 **because:**

- 1           **a. The Special Use is authorized in the District.**
- 2           **b. The requested Special Use Permit IS necessary for the public convenience at this**
- 3           **location.**

4

5 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this

6 location.

- 7           **c. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**
- 8           **IMPOSED HEREIN is so designed, located, and proposed to be operated so that it**
- 9           **WILL NOT be injurious to the district in which it shall be located or otherwise**
- 10           **detrimental to the public health, safety, and welfare.**

11

12 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,

13 is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in

14 which it shall be located or otherwise detrimental to the public health, safety, and welfare.

- 15
- 16           **d. The requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS**
- 17           **IMPOSED HEREIN DOES preserve the essential character of the DISTRICT in which**
- 18           **it is located.**

19

20 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein,

21 DOES preserve the essential character of the DISTRICT in which it is located.

22

23 Mr. Thorsland stated that the Special Use Permit, subject to the special conditions imposed herein IS in

24 harmony with the purpose and intent of the Ordinance.

- 25
- 26           **5. The requested Special Use IS NOT an existing nonconforming use.**

- 27
- 28           **6. SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:**

- 29           **A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning**
- 30           **Ordinance: that requires a separation distance of 50 feet in lieu of the required 200**
- 31           **feet between any Outdoor Commercial Recreational Enterprise and any adjacent**
- 32           **residential structure and/or use:**

- 33           **(1) The waiver IS in accordance with the general purpose and intent of the**
- 34           **Zoning Ordinance and WILL NOT be injurious to the neighborhood or to**
- 35           **the public health, safety, and welfare.**

36

37 Mr. Passalacqua stated that the waiver IS in accordance with the general purposed and intent of the Zoning

38 Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare

39 because the nearby residents because the nearby residents are all supportive of the Special Use.

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- (2) **Special conditions and circumstances DO 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.**

Ms. Capel stated that special conditions and circumstances DO 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 the special use makes use of existing buildings rather than requiring construction of new buildings.

- (3) **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.**

Ms. Capel stated that 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 because the petitioner would not be able to use the existing buildings.

- (4) **The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.**

Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because they are repurposing existing agricultural buildings.

- (5) **The requested waiver SUBJECT TO THE PROPOSED SPECIAL CONDITIONS IS the minimum variation that will make possible the reasonable use of the land/structure.**

Mr. Thorsland stated that the requested waiver, subject to the proposed special condition IS the minimum variation that will make possible the reasonable use of the land/structure.

**7. 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 to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by**

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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 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 any new septic system is built as approved by the Champaign County Health Department and documented with a Change of Use Permit:
  - (1) The area proposed for any new 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 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 documenting the construction and establishment of any new septic system 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

1                   **Approval for the private sewage disposal system shall be submitted to the Zoning**  
2                   **Administrator prior to the use of any new septic system.**

3  
4                   The special condition stated above is required to ensure the following:  
5                   **Any new septic system is in compliance with the Champaign County Zoning**  
6                   **Ordinance.**

7  
8                   **C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the**  
9                   **proposed Private Indoor Recreational Development/Outdoor Commercial**  
10                   **Recreational Enterprise until the petitioner has demonstrated that the proposed**  
11                   **Special Use complies with the Illinois Accessibility Code.**

12  
13                   The special condition stated above is necessary to ensure the following:  
14                   **That the proposed Special Use meets applicable state requirements for accessibility.**

15  
16                   **D. All onsite Special Use activities shall be in compliance at all times with the Champaign**  
17                   **County Health Ordinance, the Champaign County Liquor Ordinance, and the**  
18                   **Champaign County Recreation and Entertainment Ordinance.**

19  
20                   The special condition stated above is required to ensure the following:  
21                   **That the proposed Special Use is in ongoing compliance with all applicable County**  
22                   **requirements.**

23  
24                   **E. No parking shall occur in the public street right of way.**

25  
26                   The special condition state above is required to ensure the following:  
27                   **That the proposed Special Use is not injurious to the neighborhood.**

28  
29                   **F. All disposal of human wastes from the proposed special use permit shall be in**  
30                   **compliance with the Illinois Private Sewage Disposal Code (77 IAC 905) and the**  
31                   **Champaign County Health Ordinance.**

32  
33                   The special condition stated above is required to ensure the following:  
34                   **To protect public health.**

35  
36                   **G. This special use permit does not authorize onsite food preparation or the construction**  
37                   **of any food preparation area or kitchen.**

38  
39                   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 with the exception that events at the subject property shall not be held daily during any week (i.e. on each day of the week) during the planting season (generally mid-April to end of May) or during the harvest season (generally 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 the proposed Special Use (particularly under different ownership) continues to respect the needs of nearby farmers.

I. 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 (generally mid-April to the end of May) or during any one harvest season (generally 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.

J. The Petitioner shall file a list of the approved special conditions in Case 800-S-15 as a Miscellaneous Document at the Champaign County Recorder’s Office within 30 days of the approval of Case 799-AM-15 by the County Board.

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

That potential future owners of the subject property are aware of the special conditions of the special use permit.

Ms. Capel moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of Record, and Finding of Fact as amended. The motion carried by voice vote.

Mr. Randol moved, seconded by Ms. Capel to move to Final Determination. The motion carried by voice vote.

1  
 2 Mr. Thorsland informed Mr. Drysdale and Ms. Hudson that currently the Board has one vacant Board seat  
 3 and one absent Board member therefore it is at their discretion to either continue Case 800-S-15 until a full  
 4 Board is present or request that the present Board move to the Final Determination. He informed Mr.  
 5 Drysdale and Ms. Hudson that four affirmative votes are required for approval.

6  
 7 Mr. Drysdale and Ms. Hudson requested that the present Board move to the Final Determination.  
 8

9 **Final Determination for Case 800-S-15:**

10  
 11 **Ms. Capel moved, seconded by Mr. Passalacqua that pursuant to the authority granted by Section**  
 12 **9.1.11 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign**  
 13 **County determines that the Special Use requested in Case 800-S-15 is hereby GRANTED WITH**  
 14 **SPECIAL CONDITIONS to the applicant Joyce Hudson d.b.a. Hudson Farm Wedding and Events**  
 15 **LLC, to authorize the following as a Special Use on land that is to be rezoned to the AG-2 Agriculture**  
 16 **Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 799-AM-**  
 17 **15:**

18  
 19 **Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center**  
 20 **as a combination “Private Indoor Recreational Development” and “Outdoor Commercial**  
 21 **Recreational Enterprise”**

22  
 23 **SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:**

- 24  
 25 **A. Waiver of the standard condition in Section 6.1.3 that requires a separation distance of**  
 26 **50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational**  
 27 **Enterprise and any adjacent residential structure and/or use.**

28  
 29 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- 30  
 31 **A. The Petitioner may continue ongoing operations on the subject property provided**  
 32 **the Petitioner complies with the following:**  
 33 **(1) The Petitioner shall apply to the Department of Planning and Zoning for a**  
 34 **Change of Use Permit within four weeks of receiving a final determination by**  
 35 **the County Board in related Case 799-AM-15; and**  
 36  
 37 **(2) A Zoning Compliance Certificate certifying compliance with all special**  
 38 **conditions in this zoning case shall be received within 12 months of a final**  
 39 **determination by the County Board in related Case 799-AM-15 except that a**



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

- 3
- 4           **(3) Failure to meet any of the above deadlines shall be a violation of the Zoning**
- 5           **Ordinance and subject to normal enforcement procedures including appropriate**
- 6           **legal action.**
- 7

8           The special condition stated above is required to ensure the following:  
9           **The ongoing operations may continue but will comply with all special conditions by a**  
10           **date certain.**

11

12    **B. The following condition will ensure that any new septic system is built as approved by**  
13    **the Champaign County Health Department and documented with a Change of Use**  
14    **Permit:**

- 15           **(1) The area proposed for any new septic system shall be identified, marked off, and**
- 16           **protected from compaction prior to any construction on the subject property.**
- 17
- 18           **(2) The Zoning Administrator shall verify that the area proposed for any new septic**
- 19           **system is identified, marked off, and protected from compaction prior to**
- 20           **approval of the Change of Use Permit documenting the new septic system.**
- 21
- 22           **(3) The Change of Use Permit Application documenting the construction and**
- 23           **establishment of any new septic system shall include the following:**
  - 24                   **a. A true and correct copy of an approved COUNTY Health Department**
  - 25                   **PERMIT for construction of the private sewage disposal system.**
  - 26
  - 27                   **b. The site plan for the Change of Use Permit Application shall indicate the**
  - 28                   **identical area for the private sewage disposal system as approved in the**
  - 29                   **COUNTY Health Department PERMIT and only the private sewage**
  - 30                   **disposal system approved by the COUNTY Health Department may**
  - 31                   **occupy that portion of the LOT.**
  - 32
  - 33                   **(4) A true and correct copy of the COUNTY Health Department Certificate of**
  - 34                   **Approval for the private sewage disposal system shall be submitted to the Zoning**
  - 35                   **Administrator prior to the use of any new septic system.**
  - 36

37           The special condition stated above is required to ensure the following:  
38           **Any new septic system is in compliance with the Champaign County Zoning**  
39           **Ordinance.**

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**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 with the exception that events at the subject property shall not be held daily during any week (i.e. on each day of the week) during the planting season (generally mid-April to end of**

1 May) or during the harvest season (generally mid-September through November) and  
2 all events during these agriculturally important periods shall be coordinated with  
3 nearby farmers.  
4

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

6 **To ensure that the proposed Special Use (particularly under different ownership)**  
7 **continues to respect the needs of nearby farmers.**  
8

- 9 **I. The Special Use Permit shall be void upon the receipt by the Zoning Administrator of**  
10 **written complaints about interruption of farming activities from the farmers and/or**  
11 **landowners of more than 50% of the farmland frontage on CR1800E between Windsor**  
12 **Road (CR1400N) and CR1250N, during any one planting season (generally mid-April to**  
13 **the end of May) or during any one harvest season (generally mid-September through**  
14 **November).**  
15

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

17 **To provide a means of enforcement and accountability if the proposed special use**  
18 **(particularly under different ownership) does not adequately respect the needs of**  
19 **nearby farmers.**  
20

- 21 **J. The Petitioner shall file a list of the approved special conditions in Case 800-S-15 as a**  
22 **Miscellaneous Document at the Champaign County Recorder’s Office within 30 days of**  
23 **the approval of Case 799-AM-15 by the County Board.**  
24

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

26 **That potential future owners of the subject property are aware of the special conditions**  
27 **of the special use permit.**  
28

29 Mr. Thorsland requested a roll call vote:  
30

31 The roll was called as follows:

32 **Randol-yes                      Capel-yes                      Griest-absent**  
33 **Lee-yes                              Passalacqua-yes              Thorsland-yes**  
34

35 Mr. Hall congratulated the Petitioner and thanked her for getting all the materials needed for the Board to  
36 consider the case and for her patience.  
37

38 **6. New Public Hearings**  
39

1 **Case 804-AM-15 Petitioner: Kimberly Young, DBA Quick Leasing Inc. Request to amend the Zoning**  
2 **Map to change the zoning district designation from the I-1 Light Industry Zoning District to the B-4**  
3 **General Business Zoning District in order to operate a diesel truck maintenance facility with truck**  
4 **sales. Location: A 6 acre tract in part of the Northeast Quarter of the Northwest Quarter of Section**  
5 **24, Township 20N, Range 8E in Hensley Township and commonly known as 309 West Hensley Road,**  
6 **Champaign.**

7  
8 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
9 the witness register for that public hearing. He reminded the audience that when they sign the witness  
10 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this  
11 time.

12  
13 Mr. Thorsland asked the petitioner if she would like to make a brief statement regarding the request.

14  
15 Mr. James Hrubik, whose address is 10020 Orville Hudson Road, Streetsboro, Ohio, stated that he is the  
16 architect for Rush Trucking, who is the potential purchaser of the subject property. He said that he is also  
17 representing Kimberly Young, owner of the subject property, at tonight's public hearing. He said that there  
18 is an existing building zoned industrial that is currently being used by a roofing contracting company and the  
19 proposed use for the building is for a truck sales and repair facility. He said that the repair facility is  
20 permitted in the industrial zoning but the truck sales is not permitted therefore they are requesting that the  
21 subject property be rezoned to permit the truck sales.

22  
23 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Hrubik and there were none.

24  
25 Mr. Thorsland stated that the packet was very informative regarding this straight forward request. He said  
26 that the Board is fairly familiar with the property.

27  
28 Mr. Passalacqua asked Mr. Hall if the truck sales center that is across the highway is only for sales or does  
29 the facility also provide service.

30  
31 Mr. Hall stated that on the east side of I-57 there is a truck sales and service facility.

32  
33 Mr. Passalacqua stated that this facility would mirror the same kind of use as the facility across the highway.

34  
35 Mr. Hall stated yes, it is the same kind of use.

36  
37 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hrubik or Ms. Young and there  
38 was no one.

39

1 Mr. Thorsland asked the audience if anyone desired to present testimony regarding this case and there was  
2 no one.

3  
4 Mr. Thorsland asked Ms. Young if there was any information that she would like to add at this time and Ms.  
5 Young indicated no.

6  
7 Mr. Thorsland stated that staff will now review the Summary Finding of Fact for Case 804-AM-15.

8  
9 Mr. Thorsland stated that the Summary Finding of Fact includes staff recommendations which mesh well  
10 with previous cases regarding the Land Resource Management Plan. He asked the Board if there were any  
11 questions regarding the staff recommendations and there were none.

12  
13 **Summary Finding of Fact For Case 804-AM-15:**

14  
15 From the documents of record and the testimony and exhibits received at the public hearing conducted  
16 on **June 25, 2015**, the Zoning Board of Appeals of Champaign County finds that:

17  
18 1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource  
19 Management Plan because:

20 A. Regarding Goal 3:  
21 (1) The proposed rezoning will allow the Petitioner to sell the property and permit the  
22 new owners to conduct their business under proper zoning and therefore the  
23 proposed rezoning can be said to **HELP ACHIEVE** Goal 3.

24  
25 (2) Based on achievement of the above and because it will either not impede or is not  
26 relevant to the other Objectives and Policies under this goal, the proposed map  
27 amendment will **HELP ACHIEVE** Goal 3 Prosperity.

28  
29 B. Regarding Goal 4:

30 (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the  
31 fragmentation of farmland, conservation of farmland, and stringent development  
32 standards on best prime farmland because it will **HELP ACHIEVE** the  
33 following:

34 a. Policy 4.1.1, which states that commercial agriculture is the highest and  
35 best use of land in the areas of Champaign County that are by virtue of  
36 topography, soil and drainage, suited to its pursuit. The County will not  
37 accommodate other land uses except under very restricted conditions or in  
38 areas of less productive soils (see Item 14.A.(2)).

39



- 1 (4) Based on achievement of the above Objectives and Policies, the proposed map  
2 amendment will **NOT IMPEDE** Goal 4 Agriculture.  
3
- 4 C. Regarding Goal 5:  
5 (1) It will **HELP ACHIEVE** Objective 5.1 regarding contiguous urban growth areas  
6 because it will **HELP ACHIEVE** the following:  
7 a. Policy 5.1.3 requiring conformance with municipal comprehensive plans  
8 for developments propped with a municipality’s 1.5 mile extraterritorial  
9 jurisdiction.  
10  
11 b. Policy 5.1.4 requiring additional considerations for discretionary  
12 development proposed within municipal extra-territorial jurisdictions.  
13  
14 c. Policy 5.1.5 requiring the County to encourage urban development to  
15 explicitly recognize and provide for the right of agricultural activities on  
16 adjacent land.  
17  
18 d. Policy 5.1.6 requiring consideration of a buffer between existing  
19 agricultural operations and the proposed urban development.  
20
- 21 (2) It will **HELP ACHIEVE** Objective 5.3 regarding sufficient infrastructure and  
22 services for proposed new urban development because it will **HELP ACHIEVE**  
23 the following:  
24 a. Policy 5.3.1 requiring sufficiently available public services for new urban  
25 development.  
26  
27 b. Policy 5.3.2 requiring proposed new urban development, with proposed  
28 improvements, to be adequately served by public infrastructure.  
29
- 30 (3) Based on achievement of the above Objectives and Policies, the proposed map  
31 amendment will **HELP ACHIEVE** Goal 5 Urban Land Use.  
32
- 33 D. Regarding Goal 7:  
34 (1) Objective 7.1 consider traffic impact in land use decisions because it will **HELP**  
35 **ACHIEVE** the following:  
36 a. Policy 7.1.1 requiring traffic impact analyses for projects with significant  
37 traffic generation.  
38

- 1 (2) Based on achievement of the above Objectives and Policies and because it will  
 2 either not impede or is not relevant to the other Objectives and Policies under this  
 3 goal, the proposed map amendment will **HELP ACHIEVE** Goal 7  
 4 Transportation.  
 5
- 6 E. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):  
 7 • Goal 1 Planning and Public Involvement  
 8 • Goal 2 Governmental Coordination  
 9 • Goal 6 Public Health and Public Safety  
 10 • Goal 8 Natural Resources  
 11 • Goal 9 Energy Conservation  
 12 • Goal 10 Cultural Amenities  
 13
- 14 F. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource  
 15 Management Plan.  
 16
- 17 2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair*  
 18 factors because of the following:  
 19 A. The amendment will allow the petitioner to immediately sell the property to be converted  
 20 to a use that will benefit both urban and rural residents and businesses as well as interstate  
 21 travelers.  
 22 B. The subject property is suitable for the zoned purposes. The subject property cannot be  
 23 converted back to agricultural production. There are similar businesses nearby that have  
 24 been deemed appropriate for the area.  
 25
- 26 3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the  
 27 Zoning Ordinance because the B-4 District is proposed at this location to replace the existing I-1  
 28 District to take advantage of interstate visibility and easy access.  
 29
- 30 Mr. Thorsland asked Mr. Hrubik and Ms. Young if they had any questions regarding the Summary Finding  
 31 of Fact and there were none.  
 32
- 33 Mr. Thorsland stated that the Land Resource Management Plan gives the Board goals that are to be met or  
 34 not impeded when a map amendment or special use permit is proposed. He said that a lot of the material has  
 35 to do with agriculture but this is an existing building which will have very little impact therefor a lot of the  
 36 findings indicate **HELP ACHIEVE**.  
 37
- 38 Mr. Hrubik stated that property has an existing septic system and there was a condition indicating that the  
 39 septic system will be adequate for the health and safety of the people at the property. He asked if



1 information is received that an upgraded septic system is required, would it stop the zoning process or would  
2 it be contingent upon the upgrade occurring. He said that the does not anticipate an upgraded system being  
3 needed but he thought that he had better ask the question should something come up.  
4

5 Mr. Hall stated that if the map amendment is granted the petitioner will apply for a Zoning Use Permit and if  
6 there is an increase in building area, now or in the future, the applicant would need to check with the  
7 Champaign County Health Department to see if any improvements are needed to the septic system. He said  
8 that this would all occur after the map amendment is approved and would only be required if necessary.  
9

10 Mr. Hrubik stated that it would not kill the deal.

11  
12 Mr. Hall stated no.

13  
14 Mr. Hrubik stated that his question was whether the upgrade could be made as opposed to not being  
15 permitted at all.

16  
17 Mr. Thorsland noted that the ZBA is not the Board of Health therefore it is up to them to determine whether  
18 the current septic system is approved or not and the ZBA only needs to make sure that the petitioner is aware  
19 of that information.  
20

21 Ms. Capel noted that Finding 1.C.(3) should be revised to indicate Goal 5 Urban Land Use.

22  
23 Mr. Thorsland thanked Ms. Capel for the edit.

24  
25 Mr. Thorsland stated that he will now read the proposed special conditions of approval and informed the  
26 petitioner that they must indicate their agreement or opposition to each condition.  
27

28 Mr. Thorsland read proposed special condition A. as follows:  
29

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

35  
36 The above special condition is required to ensure:

37  
38 **That the existing septic system is adequate and to prevent wastewater runoff onto**  
39 **neighboring properties.**

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Mr. Thorsland asked Mr. Hrubik if he agreed to proposed special condition A.

Mr. Hrubik agreed to proposed special condition A.

**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.**

Mr. Thorsland asked Mr. Hrubik if he agreed to proposed special condition B.

Mr. Hrubik agreed to proposed special condition B.

**C. 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.**

Mr. Thorsland asked Mr. Hrubik if he agreed to proposed special condition C.

Mr. Hrubik agreed to proposed special condition C.

Mr. Thorsland entertained a motion to approve the special conditions as read.

**Mr. Passalacqua moved, seconded by Ms. Lee to approve the special conditions as read. The motion carried by voice vote.**

Mr. Thorsland asked staff if there were any new Documents of Record and there were none.

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

1 Ms. Capel moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of Record  
2 and Summary Finding of Fact as amended. The motion carried by voice vote.

3  
4 Mr. Thorsland entertained a motion to move to the Final Determination for Case 804-AM-15.

5  
6 Mr. Passalacqua moved, seconded by Mr. Randol to move to the Final Determination for Case 804-  
7 AM-15. The motion carried by voice vote.

8  
9 Mr. Thorsland informed Mr. Hrubik and Ms. Young that currently the Board has one vacant Board seat and  
10 one absent Board member therefore it is at their discretion to either continue Case 804-AM-15 until a full  
11 Board is present or request that the present Board move to the Final Determination. He informed Mr. Hrubik  
12 and Ms. Young that four affirmative votes are required for approval.

13  
14 Mr. Hrubik and Ms. Young requested that the present Board move to the Final Determination.

15  
16 **Final Determination for Case 804-AM-15:**

17  
18 Mr. Passalacqua moved, seconded by Ms. Lee that pursuant to the authority granted by Section 9.2 of  
19 the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County  
20 determines that:

21  
22 **The Zoning Ordinance Amendment requested in Case 804-AM-15 should BE ENACTED**  
23 **By the County Board in the form attached hereto with the following special conditions:**

- 24  
25 **A. No Zoning Use Permit for expansion of building area or parking area and no Change of**  
26 **Use Permit authorizing a different use with a greater wastewater load shall be**  
27 **approved without documentation that the Champaign County Health Department has**  
28 **determined the existing or proposed septic system will be adequate for that proposed**  
29 **use.**

30  
31 The above special condition is required to ensure:

32  
33 **That the existing septic system is adequate and to prevent wastewater runoff onto**  
34 **neighboring properties.**

- 35  
36 **B. A Change of Use Permit shall be applied for within 30 days of the approval of Case 804-**  
37 **AM-15 by the County Board.**

38  
39 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. 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.**

Mr. Thorsland requested a roll call vote:

The roll was called as follows:

<b>Randol-yes</b>	<b>Capel-yes</b>	<b>Griest-absent</b>
<b>Passalacqua-yes</b>	<b>Lee-yes</b>	<b>Thorsland-yes</b>

Mr. Hall informed Mr. Hrubik and Ms. Young that they have received a recommendation for approval. He said that normally a map amendment would be forwarded to the Environment and Land Use Committee of the Champaign County Board but July is the one month when they do not have a meeting therefore Mr. Hrubik and Ms. Young have the option of going straight to the County Board on July 23rd, which he would only recommend with a map amendment that had a quick and unanimous decision like this, or they could wait until August 6<sup>th</sup> for the ELUC meeting at which they will make a recommendation to the County Board for their August 20<sup>th</sup> meeting. He noted that the ZBA recommendation was the best outcome that the petitioner could have hoped for and if the County Board recommends anything different than what the ZBA recommends they normally remand the case back to the ZBA for a new hearing. He informed Mr. Hrubik and Ms. Young that they do not have to make a decision tonight and they could contact staff within the next few days but staff will need to know soon whether or not to place this case on the July 23<sup>rd</sup> County Board agenda.

Mr. Hrubik stated that he and Ms. Young would appreciate having a couple of days to check calendars with the new client and then they will contact staff regarding their decision.

Mr. Thorsland stated that the Board will now hear continued cases 799-AM-15 and 800-S-15, Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC.

**7. Staff Report**

1 Mr. Hall stated that Cases 769-AT-13 and 773-AT-14 were approved unanimously by the County Board on  
2 June 18, 2015.  
3

4 **8. Other Business**

5 A. Mr. Thorsland stated that it was brought to his attention that after we quickly dispatched the  
6 first case (Case 804-V-15) that postcards go out indicating the time of the meeting and then we changed the  
7 time of the meeting and there was no follow-up. He realizes that postcard follow-up is probably difficult  
8 because of the time involved.  
9

10 Mr. Hall clarified that what happened is that the Board reversed the order of the cases and the new case,  
11 which was the only one that people were getting here for at 7:00, was decided before 7:00. He recognized  
12 this as a staff error and added that it was good to find out that the local Highway Commissioner was only  
13 here in support.  
14

15 Mr. Thorsland stated that he knew that staff sent out information to people but tonight was the first time that  
16 he has actually seen the postcard mailing that indicates the time of the meeting. He said that people are  
17 being informed of the time of the meeting and are not being notified when the meeting time is changed.  
18

19 Mr. Hall stated that every time we change a meeting time staff will generally post a notice at the doors.  
20

21 Mr. Thorsland asked Mr. Hall who is going to come to door to make sure that the meeting is still being held  
22 at 7:00. He said that either the Board should stop changing the time of the meetings or find a better way to  
23 notify people when the meeting time has been changed.  
24

25 Mr. Passalacqua stated that the meeting time is posted on the County website.  
26

27 Mr. Hall stated that the error occurred when staff allowed the Board to rearrange the agenda and placed the  
28 new case at the beginning of the meeting when the meeting was already beginning one-half hour earlier than  
29 normal. He said that this was a staff error in allowing this and staff will not let that error happen again.  
30

31 Mr. Thorsland stated that not allowing such a change would be a good policy to follow even though the  
32 rearrangement made perfect sense at the time. He said that Mr. Hall told those who signed the attendance  
33 and witness registers and did not get a chance to speak that it would be appropriate for them to attend the  
34 County Board meeting and state their comments for the case or they could send a letter with their comments.  
35

36 **B. Review of Docket**  
37

38 Mr. Hall stated that Case 792-V-14, Robert Frazier, has been reactivated.  
39

1 Ms. Lee asked Mr. Hall if the Board will have to hear all of the previous testimony for the Frazier case again.

2  
3 Mr. Passalacqua noted that Mr. Frazier should be informed that he should be prompt in his attendance or the  
4 Board will take no hesitation in dismissing the case again.

5  
6 Mr. Thorsland stated that there will be no potential reprieve as this may be the last public hearing that he  
7 ever rearranges the docket in placing an easy case in the beginning thus giving Mr. Frazier additional time to  
8 attend.

9  
10 Mr. Passalacqua stated that he does not care what time the case is on the docket but the meeting begins when  
11 the meeting begins and you should be in attendance. He said that if you are the last of ten cases in the  
12 courtroom and the session begins at 8:00 you had better be in that courtroom at 8:00. He noted that  
13 sometimes it is tough being a grown-up and being responsible.

14  
15 Ms. Capel stated that even when the entire previous hearing for Case 792-V-14 was over Mr. Frazier still  
16 had not arrived.

17  
18 Mr. Thorsland stated no, Mr. Frazier never attended the meeting. He said that he is one that feels as though  
19 if he is not ten minutes early for meeting then he is probably late therefore he has a low tolerance for people  
20 who are not punctual and agrees with Mr. Passalacqua in that it is tough to be a grown-up.

21  
22 Mr. Thorsland informed the Board that he will not be in attendance for the September 10, 2015 meeting.

23  
24 **9. Audience Participation with respect to matters other than cases pending before the Board**

25  
26 None

27  
28 **10. Adjournment**

29  
30 Mr. Thorsland entertained a motion to adjourn the meeting.

31  
32 **Mr. Lee moved, seconded by Mr. Randol to adjourn the meeting. The motion carried by voice vote.**

33  
34 The meeting adjourned at 9:05 p.m.

35  
36  
37 Respectfully submitted

ZBA

*AS APPROVED AUGUST 27, 2015*

6-25-15

- 1
- 2
- 3 Secretary of Zoning Board of Appeals