

CASES 858-AM-16 and 859-S-16

SUPPLEMENTAL MEMORANDUM #2

January 19, 2017

Petitioner: Abigail Frank, Amber Barnhart, Trent Barnhart, and Donald Barnhart

Case 858-AM-16

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use with associated waiver in related Zoning Case 859-S-16.

Case 859-S-16

Request: Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 858-AM-16 with the following waiver to the standard conditions for an Outdoor Commercial Recreational Enterprise:

Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 185 feet from a residential use in lieu of the minimum required 200 feet separation distance.

Location: Four different tracts of land totaling 35.15 acres in the East Half of the Northwest Quarter of Section 4 of Township 18 North, Range 9 East of the Third Principal Meridian in Philo Township and commonly known as the farmstead located east of Barnhart Prairie Restoration at 1433 East Old Church Road, Urbana.

Site Area: Map amendment subject property is 4 parcels totaling 35.15 acres; Special Use Permit subject property is a 4.54-acre part of those 4 parcels.

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

STATUS

New evidence was received on the following topics:

- Revised lighting plan received January 18, 2017
- Revised site plan received January 19, 2017
- City of Urbana comments
- Update from Philo Township Highway Commissioner Brian Meharry
- Update from Philo Fire Chief Jay Miller
- Mitigating possible traffic conflicts
- Events frequency and attendance

Due to this new evidence, staff has revised the Map showing the rezoning and Special Use Permit areas, and has made additions to the Finding of Fact for Case 858-AM-16 and Summary of Evidence for Case 859-S-16. More detailed information can be found in the sections below.

REVISED SITE PLAN AND LIGHTING PLAN

Co-petitioner Abbie Frank provided a revised lighting plan received January 18, 2017, which has been added as a Document of Record and as an attachment to this memo. The following statement was added as evidence under Item 6 of the Finding of Fact for Case 858-AM-16, and under Item 8 of the Summary of Evidence for Case 859-S-16:

On January 18, 2017, staff received a revised light plan and specification sheets that reflect the proposed parking area movement to the northeast of the events center. The new plan maintains full cutoff lighting.

Co-petitioner Abbie Frank provided a Revised Site Plan on January 19, 2017. The first sheet shows the overall site plan and appears to be the same as the Revised Site Plan received on January 12, 2017. The second sheet shows the proposed Phase 1 buildout. Sheet 3 shows Phase 2 buildout, and sheet 4 shows the proposed Phase 3 buildout. The following evidence was added under Item 7 of the Finding of Fact for Case 858-AM-16, and under Item 5 of the Summary of Evidence for Case 859-S-16:

On January 19, 2017, staff received a Revised Site Plan with the following changes:

- * (1) Sheet 1 shows the overall site plan, which appears to be the same as the January 12, 2017 Revised Site Plan.
- * (2) Sheet 2 shows Phase 1 buildout, which includes the following:
 - * a. A 150 space natural grass parking lot;
 - * b. A 20 feet wide gravel drive with 6 inch thick gravel;
 - * c. A natural grass pedestrian path between the parking lot and the Hall;
 - * d. A 60 feet diameter cul-de-sac on the northeast corner of the Hall; and
 - * e. A concrete service lot and handicap accessible parking, and accessible sidewalks/patio.
- * (3) Sheet 3 shows Phase 2 buildout, which includes the following:
 - * a. Adding an electric gate and the north entrance;
 - * b. Adding gravel/permeable pavers to the south half of the parking lot;
 - * c. Adding a split rail and fieldstone fence along the driveway between Old Church Road and the pedestrian walkway;
 - * d. Adding pavement to the pedestrian walkway; and

- *e. Adding a split rail and fieldstone fence around the west and south sides of the Hall.
- * (4) Sheet 4 shows Phase 3 buildout, which includes the following:
 - *a. Adding gravel/permeable pavers to the north half of the parking lot.
- * (5) An ADA statement of compliance for the design of Bluestem Hall, signed and sealed by Licensed Architect Ryan Reber, was also received on January 19, 2017.

CITY OF URBANA COMMENTS

During the January 12, 2017 public hearing, co-petitioner Amber Barnhart stated that she has been in contact with Lorrie Pearson, City of Urbana Planning Manager, regarding how to resolve the land division process that occurred in 2002 without City of Urbana approval. As of this memo, Ms. Barnhart and the City are finalizing the resolution to this issue. Special condition K has been recommended for Case 859-S-16 regarding this issue.

The City of Urbana Plan Commission will meet the evening of January 19, 2017, to discuss the rezoning. The City Council will meet on February 6, 2017. As per a Memorandum dated January 13, 2017, to the City of Urbana Plan Commission, Urbana planning staff “recommends that the Plan Commission forward to the City Council a recommendation to defeat a resolution of protest”. The Zoning Department received this Memorandum on January 13, 2017, and has included it as a Document of Record and as an attachment to this Supplemental Memorandum.

PHILO TOWNSHIP HIGHWAY AND PHILO FIRE PROTECTION DISTRICT CONCERNS

Co-petitioner Abbie Frank spoke with Philo Township Highway Commissioner Brian Meharry. The following statement was added as evidence under Item 13 (LRMP Goal 4) and Item 16 (LRMP Goal 7) of the Finding of Fact for Case 858-AM-16, and under Item 8 of the Summary of Evidence for Case 859-S-16:

The petitioner consulted with Philo Township Road Commissioner Brian Meharry regarding traffic and safety impacts. On January 17, 2017, Susan Burgstrom spoke by phone with Mr. Meharry, who stated that he does not have concerns about the proposed event center and its impacts on the road. He stated that there will be a bit more traffic, but they will generally be smaller vehicles. He stated that he is willing to work with the petitioner to post wayfinding signs along Old Church Road. He stated that the biggest problem with the signs might be for farmers having to go around the signs, and that a lesser problem would be for him to mow around them.

Co-petitioner Abbie Frank spoke with Philo Fire Chief Jay Miller. The following statement was added as evidence under Item 13 of the Finding of Fact for Case 858-AM-16, and under Item 8 of the Summary of Evidence for Case 859-S-16:

In an email received January 19, 2017, co-petitioner Abbie Frank stated that she contacted Philo Fire Department Chief Jay Miller regarding emergency vehicle access. She said that Chief Miller told her they are looking for a 12 foot road width and a 50 foot diameter turn around, and that they have no preference for the thickness of the rock for the gravel.

EVENT TRAFFIC MITIGATION

A traffic conflict mitigation plan has been added as a Document of Record and as an attachment to this memo. The following statement was added as evidence under Item 13 (LRMP Goal 4) and Item 16 (LRMP Goal 7) of the Finding of Fact for Case 858-AM-16 and under Item 8 of the Summary of Evidence for Case 859-S-16:

In an email received January 19, 2017, co-petitioner Abbie Frank provided a traffic conflict mitigation plan which includes wayfinding and caution signs as well as website information about travel in the area.

A table of Estimated Annual Usage of the proposed facility has been added as a Document of Record and as an attachment to this memo. The following statement was added as evidence under Item 16 (LRMP Goal 7) of the Finding of Fact for Case 858-AM-16 and under Item 10 of the Summary of Evidence for Case 859-S-16:

On January 19, 2017, staff received a list titled “Estimated Annual Usage” from co-petitioner Abbie Frank, which is a Document of Record.

REVISIONS TO SUMMARY OF EVIDENCE AND FINDING OF FACT

Based on evidence and testimony received to date, staff has changed all decision points to “will help achieve” or equivalent. A revised Finding of Fact for Case 858-AM-16 and Summary of Evidence for Case 859-S-16 has been included as a Document of Record and as an attachment to this memo.

PROPOSED SPECIAL CONDITIONS

Staff proposed special condition K for Case 859-S-16. Other proposed special conditions have not changed from those presented in Supplemental Memorandum #1 dated January 12, 2017:

The following special condition is proposed for Case 858-AM-16:

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

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

The following special conditions are proposed for Case 859-S-16:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 858-AM-16 by the County Board.**

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

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

- B. **A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of receiving a Zoning Use Permit for construction of the additions to the events center.**

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

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

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- D. **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 required to ensure the following:

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

- E. **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.

- F. **The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.**

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

That events held on the subject property adequately consider prior noise complaints and current neighbors.

- G. **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 pedestrians and motorists on Old Church Road.

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

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

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

- I. **The Special Use is subject to the approval of Case 858-AM-16.**

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

That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.

- J. **The Event Center shall be served by a driveway that has a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Philo Fire Protection District, and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.**

The above special condition is necessary to ensure the following:

That the event center can be accessed by emergency vehicles.

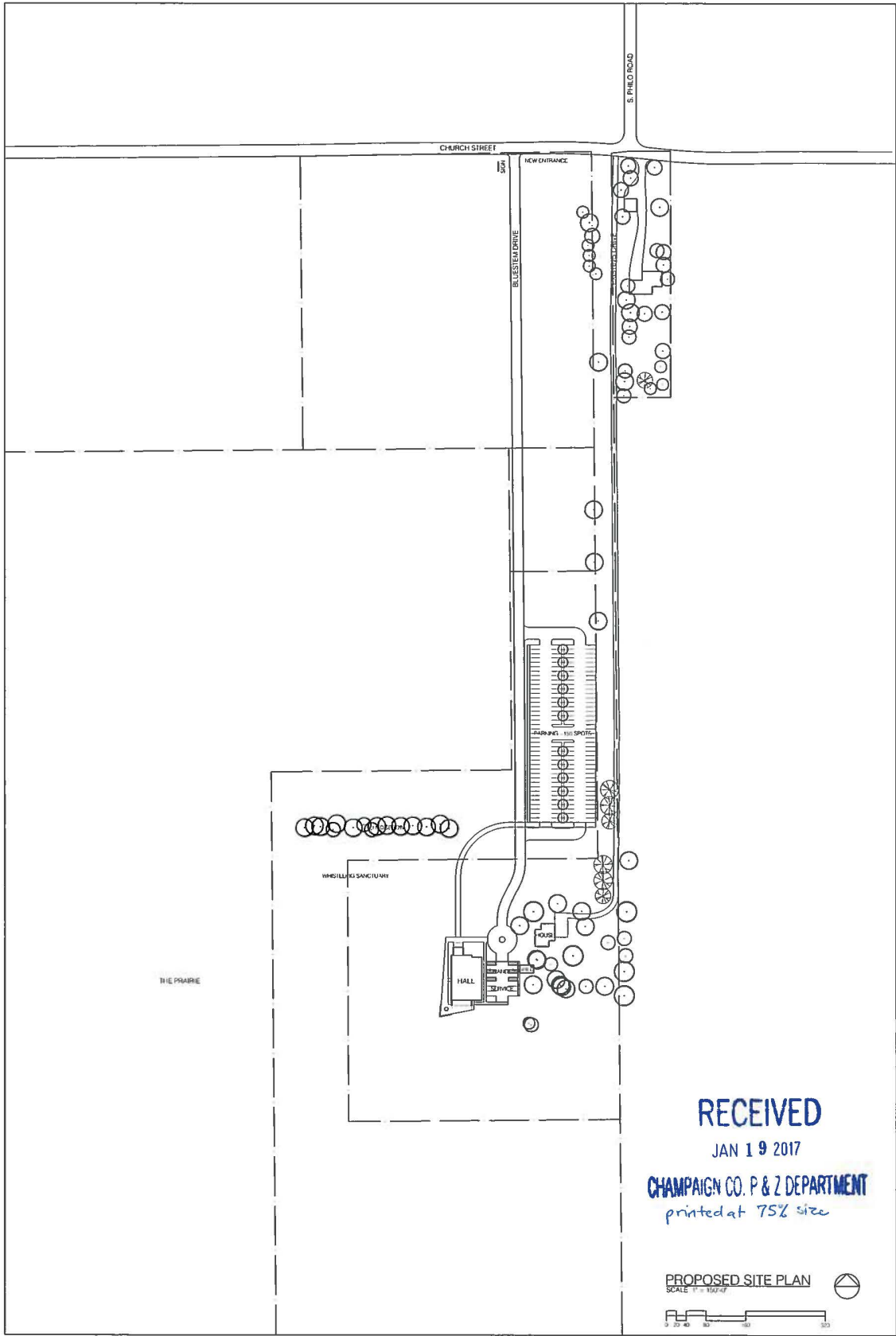
- K. A Zoning Use Permit shall not be approved for construction of the Events Center unless and until a Plat of Subdivision has been duly approved by the City of Urbana and filed with the Champaign County Recorder of Deeds.**

The above special condition is necessary to ensure the following:

That the proposed land division is in compliance with the relevant subdivision requirements.

ATTACHMENTS

- A Revised site plan received January 19, 2017
- B Revised preliminary Boundary Survey received January 17, 2017, from Ed Clancy with Berns, Clancy and Associates
- C Revised Map of proposed Map Amendment and Special Use Permit subject properties created by staff on January 3, 2017 and revised January 17, 2017
- D Revised lighting plan received January 18, 2017
- E Email from Bruce Walden, Director of Real Estate Services, University of Illinois, received January 5, 2017
- F Email from Abbie Frank received January 19, 2017, with attachment:
 - Bluestem Hall Traffic Conflict Mitigation Plans received January 19, 2017
- G Email from Abbie Frank received January 19, 2017, with information about events frequency and attendance
- H Memorandum from City of Urbana planning staff to the Urbana Plan Commission, received January 13, 2017
- I Draft Minutes from the January 12, 2017 ZBA public hearing
- J Revised Finding of Fact and Final Determination for Case 858-AM-16 dated January 19, 2017
- K Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 859-S-16 dated January 19, 2017



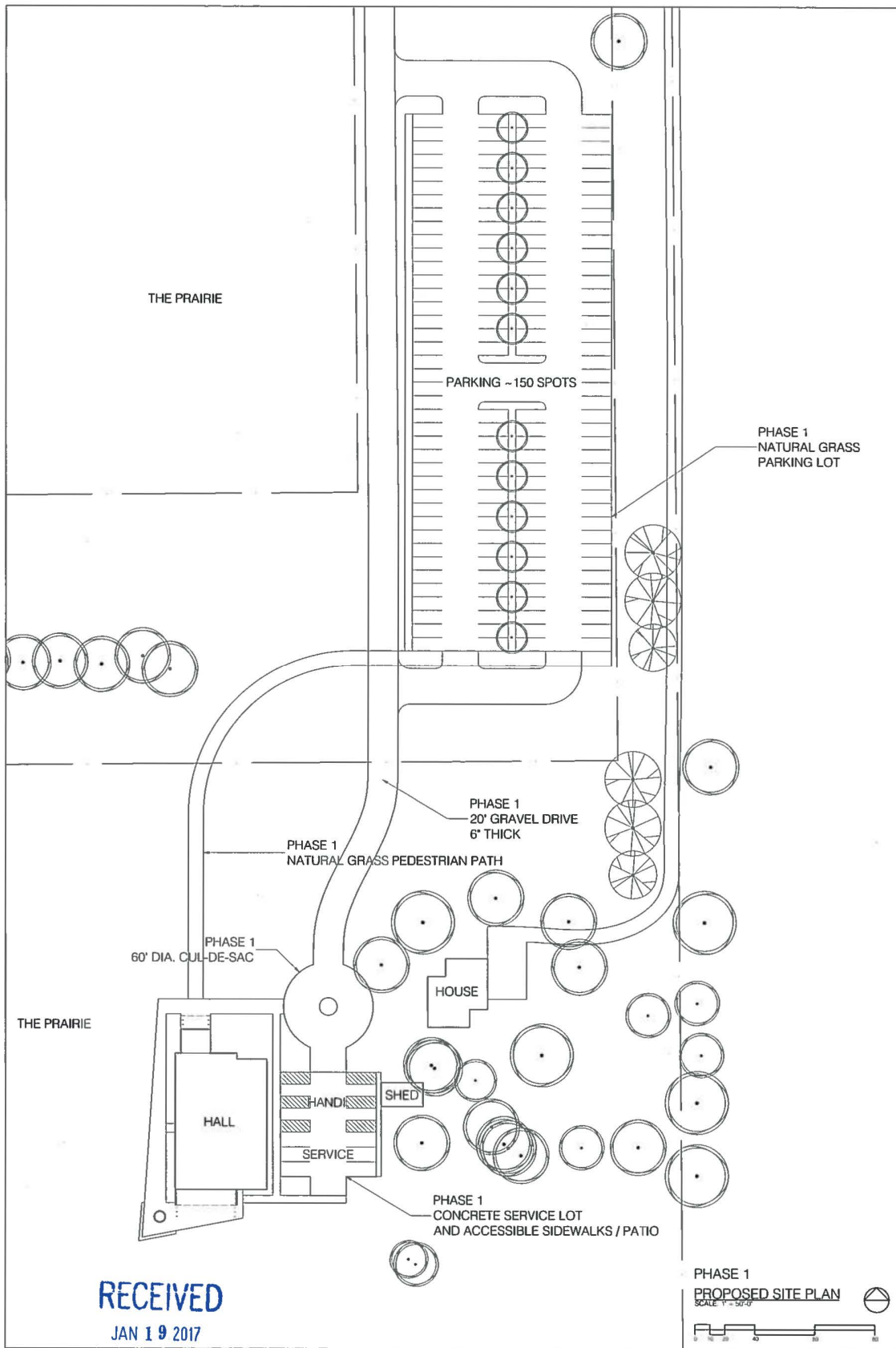
RECEIVED

JAN 19 2017

CHAMPAIGN CO. P & Z DEPARTMENT
printed at 75% size

PROPOSED SITE PLAN
SCALE 1" = 50'-0"





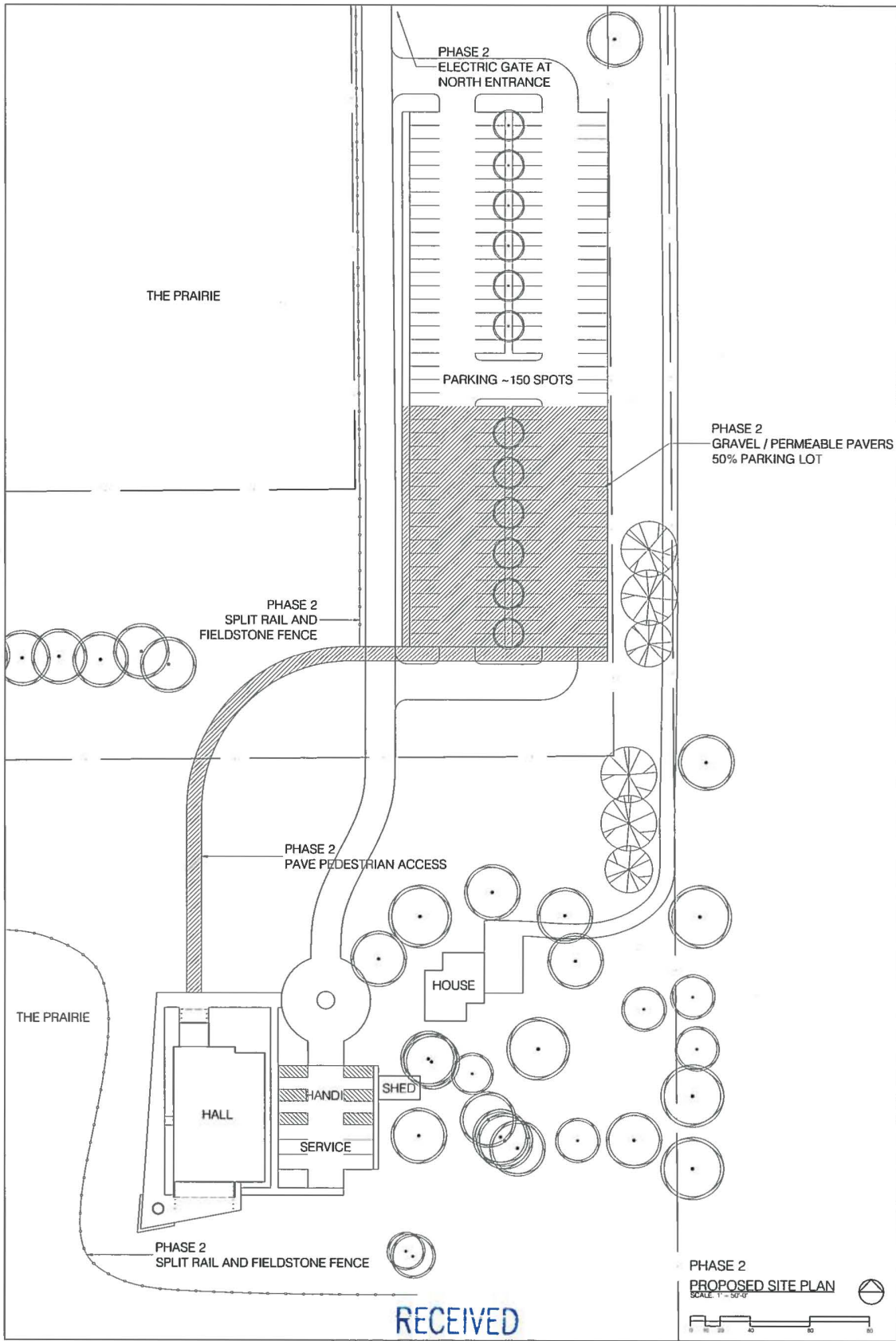
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JAN 19 2017

CHAMPAIGN CO. P & Z DEPARTMENT
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PHASE 1
PROPOSED SITE PLAN
SCALE 1" = 50'-0"

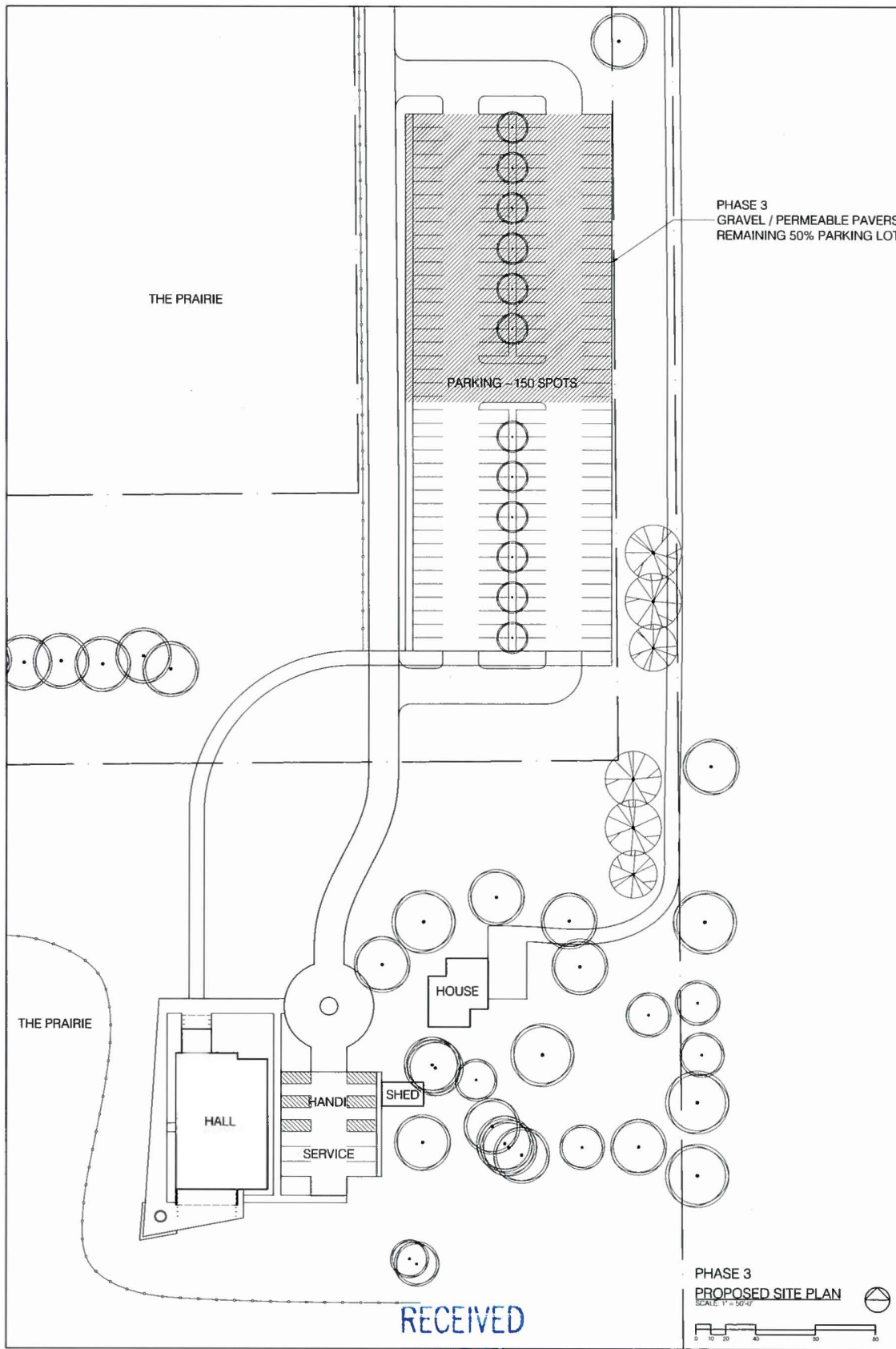




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JAN 19 2017

CHAMPAIGN CO F & Z DEPARTMENT
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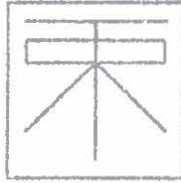


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JAN 19 2017

CHAMPAIGN CO. P & Z DEPARTMENT
printed at 75% size

PHASE 3
PROPOSED SITE PLAN
SCALE: 1" = 50'-0"
0 10 20 40 60 80



Ryan Reber I Architect
1918 Hagan Blvd
Urbana, IL 61801

ryan@ryanreberarchitect.com
217.898.2984

January 19th, 2017

BLUESTEM HALL

The Bluestem Hall Event Center shall be designed to meet the standards of the Illinois Accessibility Code.



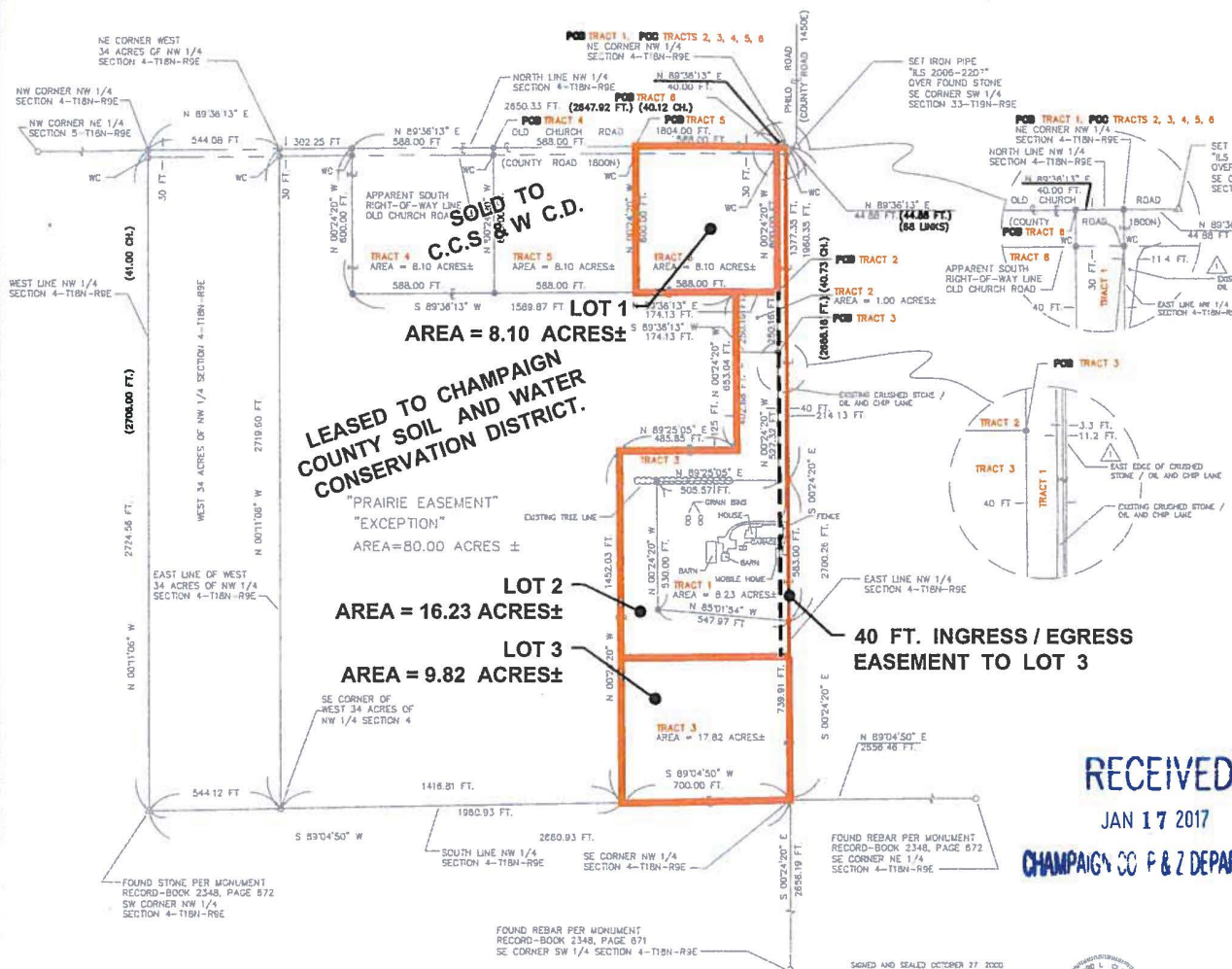
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JAN 19 2017

CHAMPAIGN CO. P & Z DEPARTMENT



- LEGEND**
- 30 INCH LONG, 1/2-INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP - STAMPED "LS 2006 2207"
 - EXISTING IRON PIPE (PIN SURVEY) MONUMENT FOUND
 - △ STONE SURVEY MONUMENT FOUND
 - EXISTING CENTERLINE
 - TITLE LINE
 - POB POINT-OF-BEGINNING
 - POC POINT-OF-COMMENCEMENT
 - WC WITNESS CORNER
 - APPARENT RIGHT-OF-WAY LINE
 - () RECORDED MEASUREMENT AND/OR DATA
 - DL CHAIN MEASUREMENT
 - △ APPARENT ENCROACHMENT



LEASED TO CHAMPAIGN COUNTY SOIL AND WATER CONSERVATION DISTRICT.

"PRAIRIE EASEMENT" "EXCEPTION" AREA = 80.00 ACRES ±

GENERAL NOTES

ALL MEASUREMENTS ARE IN FEET AND DECIMAL PARTS THEREOF, UNLESS NOTED OTHERWISE.

SEE CHAMPAIGN COUNTY ORDINANCES AND REGULATIONS FOR ZONING, SETBACK AND BUILDING STANDARD REQUIREMENTS.

ALL SURFACE, SUBSURFACE, BUILDING IMPROVEMENTS AND UTILITY SERVICE LINES ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. DETAILS NOT DRAWN TO SCALE.

BEARINGS SHOWN ARE BASED UPON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83 (1989).

SEE MONUMENT RECORDS ON FILE WITH THE COUNTY RECORDER'S OFFICE FOR DETAILS OF SURVEY CORNERS USED IN THIS SURVEY.

RECEIVED
 JAN 17 2017
 CHAMPAIGN CO F & Z DEPARTMENT

BOUNDARY SURVEY OF PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 18 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, PHILO TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS

SIGNED AND SEALED OCTOBER 27 2000

EDWARD L. CLANCY, P.E., L.S., VICE PRESIDENT
 BERNIS, CLANCY AND ASSOCIATES, P.C.
 ILLINOIS PROFESSIONAL LAND SURVEYOR 2207
 URBANA, CHAMPAIGN COUNTY, ILLINOIS
 VICE OF LICENSE EXPIRES NUMBER 31, 2003



BERNIS, CLANCY AND ASSOCIATES, P.C.
 ENGINEERS • SURVEYORS • PLANNERS
 405 EAST MAIN STREET - POST OFFICE BOX 755
 URBANA, ILLINOIS 61803-0755
 PHONE 217/384-1144 - FAX 217/384-3355

REVISED 100402 JOB: 4108 DATE: 10/27/00 FILE: 4108SD1.DWG SHEET: 1 OF 2

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NOT TO SCALE

SURVEYED:	
DRAWN:	LMR
CHECKED:	
FILE:	4108-1EX.DWG

BERNIS, CLANCY AND ASSOCIATES
 ENGINEERS • SURVEYORS • PLANNERS
 405 EAST MAIN STREET - POST OFFICE BOX 755
 URBANA, ILLINOIS 61803-0755
 PHONE: (217) 384-1144 • FAX: (217) 384-3355

— AREA OF INTEREST

BASE DATA PROVIDED BY PREVIOUS BCA SURVEY.

BOUNDARY SURVEY OF PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 18 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, PHILO TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS

DATE:	011717
SHEET:	1 OF 1
JOB:	4108-1





Proposed Map Amendment and Revised SUP Areas

Cases 858-AM-16 and 859-S-16

January 26, 2017



Legend

-  35.15 acre Map Amendment subject property
-  4 acre proposed SUP Area revised 011217
-  8.23 acre co-petitioner property
-  Parcels (do not reflect recent land transactions)

0 75 150 300 Feet



Susan Burgstrom

From: Abigail Frank <abigail.k.frank@gmail.com>
Sent: Wednesday, January 18, 2017 9:15 AM
To: Susan Burgstrom
Subject: Fwd: Your RAB Lighting Design - Bluestem Hall - Revision [ref:_00D301ICPN._500a01Fiy0K:ref]
Attachments: Bluestem Hall 70969B.pdf

Hi Susan,

Attached is the updated lighting diagram. Please let me know if you have any questions about it! I'll be sending you more homework items throughout today and tomorrow.

Best,
Abbie

----- Forwarded message -----

From: Shaun Fillion <shaunf@rabweb.com>
Date: Wed, Jan 18, 2017 at 9:08 AM
Subject: Your RAB Lighting Design - Bluestem Hall - Revision [ref:_00D301ICPN._500a01Fiy0K:ref]
To: "abigail.k.frank@gmail.com" <abigail.k.frank@gmail.com>
Cc: "ray@amirep.com" <ray@amirep.com>, "matt@rabweb.com" <matt@rabweb.com>, "andyp@rabweb.com" <andyp@rabweb.com>

Abbie,

Attached please find the revised lighting layout for Bluestem Hall. I have updated the site lighting to accommodate the new parking lot location. I have also included a calculation grid for the whistlepig sanctuary, showing that 0 FC of light are cast into the sanctuary area from the hall. I have added bollards for the path to the hall from the parking lot, but was able to reduce the quantity of poles for the project.

When communicating with us please reference both the Project Name and the CASE # - both found in the title block of the Lighting Layout.

Job Name: Bluestem Hall - Revision
Case Number: 00077061

The BOM (bill of materials – in the form of a RAB quote) has been forwarded to your local RAB Manufacturers Representative. Any discussion involving project cost should be directed to your REP – they will be in contact shortly to discuss the project with you.

Shaun Fillion, LC
Lighting Studio Manager

RAB Lighting Inc
170 Ludlow Ave. Northvale, NJ, 07647
888 722-1000 | 888 722-1232 (fax)
www.rabweb.com

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JAN 18 2017

CHAMPAIGN CO P & Z DEPARTMENT



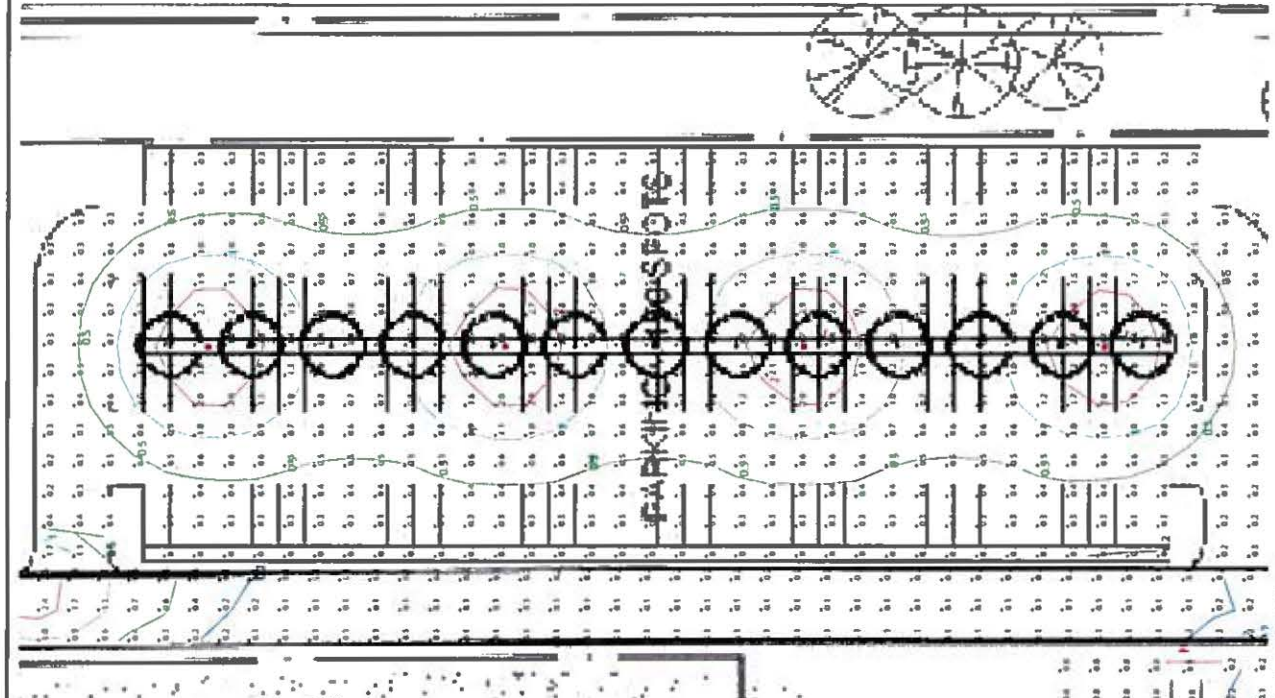
Prepared for:
Archibald & Ayres
517 W. Westwood Ave
Evanston, IL

Job Name:
Barrington Hall
Ludlow, IL

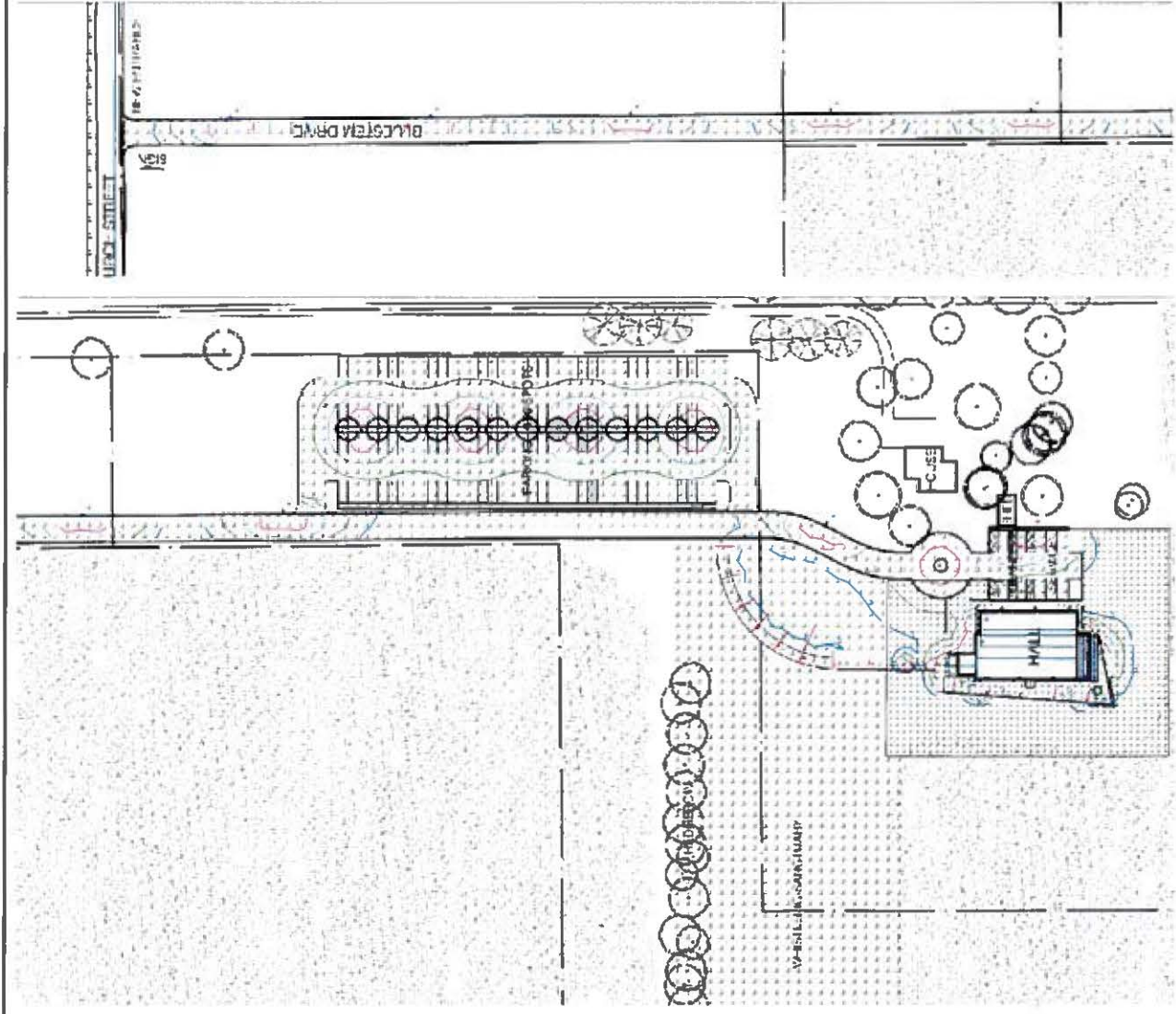
Lighting Layout

Date: 1/18/2017
CAD: JF/MS

Scale as noted
Barrington Hall 70418 A.C.I.
CAAS 174003



Scale: 1 inch=20 FT.



Scale: 1 inch=50 FT.

Scale: 1 inch=50 FT.



537 W. Weymouth Ave
Auried & Lewis
Chicago, IL

Job Name
Drawing No.
Location

Lighting Layout

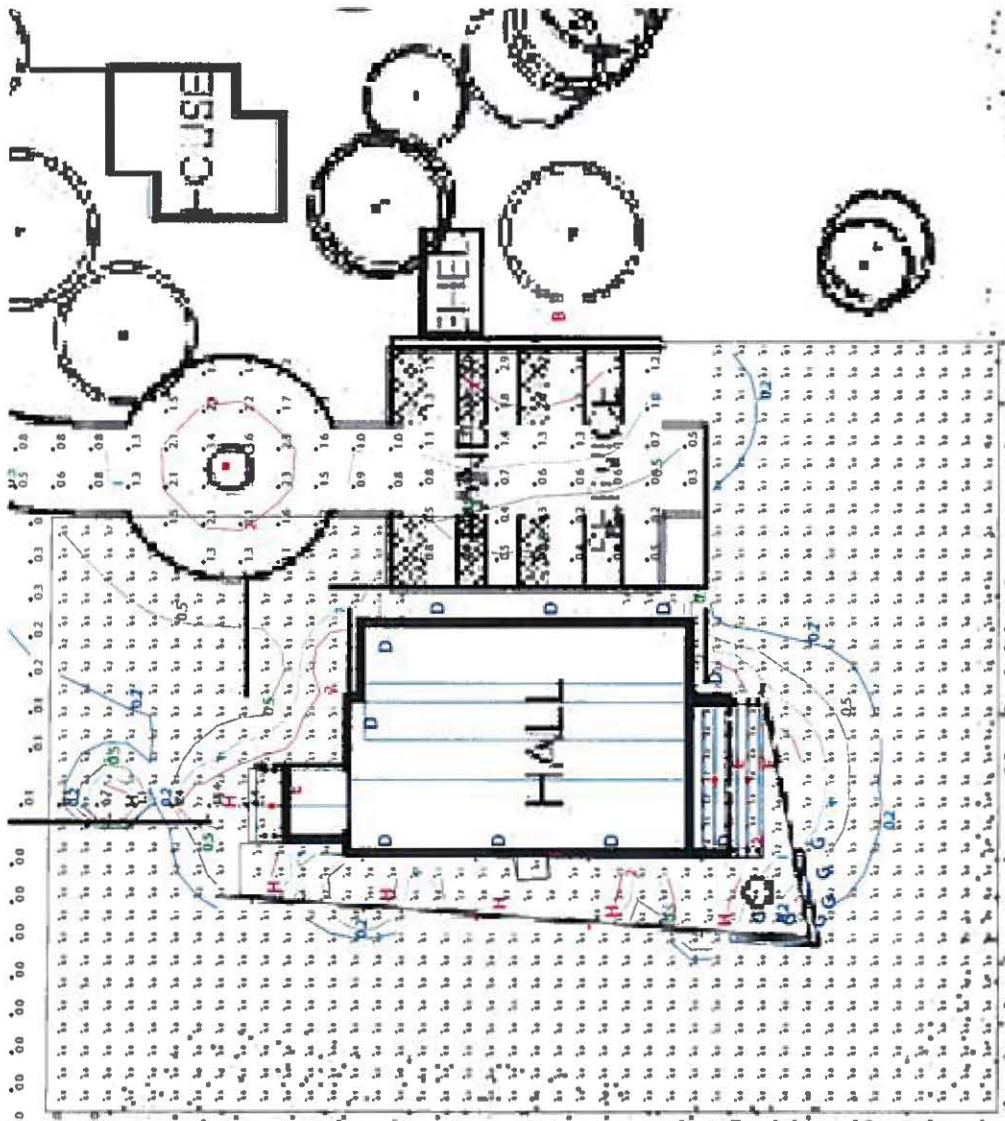
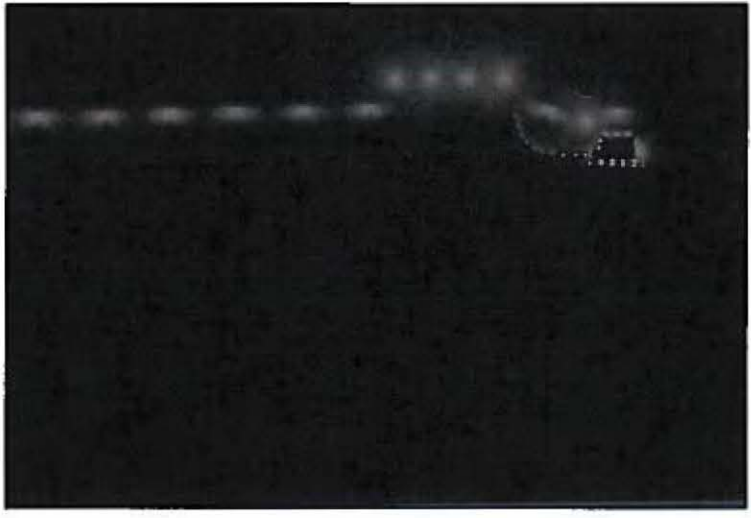
Version 0

Date: 1/18/2017

CAD: J. MOSE

Scale: As noted

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Scale: 1 inch = 16 FT.

Luminaire Schedule

Symbol	Qty	Tag	Label	Arrangement	Lum. Lumens	Arr. Lum. Lumens	LLF	Description	Lum. Watts	Arr. Watts	Total Watts	Filename	BUG Rating
	7	A	ALED2T78Y	SINGLE	6132	6132	1.000	ALED2T78Y	79.4	79.4	555.8	ALED2T78Y - Warm - I7L79597JES	B1-U0-G2
	1	B	ALED3T78Y	SINGLE	5607	5607	1.000	ALED3T78Y	78.7	78.7	78.7	ALED3T78Y - Warm - I7L79603JES	B1-U0-G2
	5	C	ALED5S150Y D10	SINGLE	12744	12744	1.000	ALED5S150Y D10	148.8	148.8	744	ALED5S150Y D10 - Warm - Cool - Warm - RAB01418JES	B4-U0-G3
	10	D	SLIM12Y-D10	SINGLE	1266	1266	1.000	SLIM12Y-D10	13.265	13.265	132.65	SLIM12Y-D10 - Warm - I7L81602MOD.ies	B1-U0-G0
	3	E	PLEDS2Y_D10	SINGLE	3870	3870	1.000	PLEDS2Y_D10	59.1	59.1	177.3	CLED52Y_D10 - Warm - RAB00866MOD.ies	B2-U1-G1
	1	F	ND4R12D+NDLED4RD-80Y-W-W	SINGLE	1238	1238	1.000	ND4R12D+NDLED4RD-80Y-W-W	14.2	14.2	14.2	ND4R12D+NDLED4RD-80Y-W-W - Warm - RAB011865JES	B1-U0-G0
	6	G	FSLEDH3Y 120	SINGLE	37	37	1.000	FSLEDH3Y 120	3.04	3.04	18.24	FSLEDH3Y 120 - Warm - I7L87592JES	B0-U1-G0
	15	H	BLED10Y	SINGLE	876	876	1.000	BLED10Y	12	12	180	BLED10Y - Warm - I7L82635JES	B0-U1-G0
	1	I	LFLEDSYA	SINGLE	210	210	1.000	LFLEDSYA	5.1	5.1	5.1	LFLEDSY-Warm - I7L71486JES	N.A.

Calculation Summary

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min	Description	PtSpclr	PtSpctb	Meter Type
Entry Drive	Illuminance	Fc	0.80	3.6	0.0	N.A.	N.A.	Readings taken at 0'-0" AFG	10	10	Horizontal
Entry Path	Illuminance	Fc	1.93	18.4	0.0	N.A.	N.A.	Readings taken at 0'-0" AFG	10	N.A.	Horizontal
Front Field	Illuminance	Fc	0.17	0.5	0.0	N.A.	N.A.	Readings taken at 0'-0" AFG	10	10	Horizontal
Hall Perimeter	Illuminance	Fc	0.36	16.8	0.0	N.A.	N.A.	Readings taken at 0'-0" AFG	6	6	Horizontal
Light Trespass_Cd_Seg1	Obtrusive Light	N.A.	0.95	35	0	N.A.	N.A.		15	15	Vert-PerpCW
Light Trespass_Cd_Seg2	Obtrusive Light	N.A.	29.78	345	0	N.A.	N.A.		15	15	Vert-PerpCW
Light Trespass_Cd_Seg3	Obtrusive Light	N.A.	0.58	5	0	N.A.	N.A.		15	15	Vert-PerpCW
Light Trespass_Cd_Seg4	Obtrusive Light	N.A.	0.48	5	0	N.A.	N.A.		15	15	Vert-PerpCW
Light Trespass_Cd_Top	Obtrusive Light	N.A.	8.82	445	0	N.A.	N.A.		15	15	Vert-PerpCW
Light Trespass_IL_Seg1	Obtrusive Light	Fc	0.00	0.0	0.0	N.A.	N.A.		15	15	Vert-PerpCW
Light Trespass_IL_Seg2	Obtrusive Light	Fc	0.00	0.0	0.0	N.A.	N.A.		15	15	Vert-PerpCW
Light Trespass_IL_Seg3	Obtrusive Light	Fc	0.00	0.0	0.0	N.A.	N.A.		15	15	Vert-PerpCW
Light Trespass_IL_Seg4	Obtrusive Light	Fc	0.00	0.0	0.0	N.A.	N.A.		15	15	Vert-PerpCW
Light Trespass_IL_Top	Obtrusive Light	Fc	0.00	0.3	0.0	N.A.	N.A.		15	15	Vert-PerpCW
North Entrance	Illuminance	Fc	7.92	11.3	6.1	1.30	1.85	Readings taken at 0'-0" AFG	6	6	Horizontal
Parking Area A	Illuminance	Fc	1.05	3.7	0.2	5.25	18.50	Readings taken at 0'-0" AFG	10	10	Horizontal
Parking Area B	Illuminance	Fc	0.80	3.7	0.2	4.00	18.50	Readings taken at 0'-0" AFG	10	10	Horizontal
Prairie Walk	Illuminance	Fc	3.07	26.6	0.1	30.70	266.00	Readings taken at 0'-0" AFG	6	6	Horizontal
Trellis Area	Illuminance	Fc	4.87	7.8	1.7	2.86	4.59	Readings taken at 0'-0" AFG	6	6	Horizontal
West Entrance	Illuminance	Fc	0.60	0.6	0.6	1.00	1.00	Readings taken at 0'-0" AFG	6	6	Horizontal
Whistepig Sanctuary	Illuminance	Fc	0.00	0.0	0.0	N.A.	N.A.	Readings taken at 0'-0" AFG	10	10	Horizontal

NOTES

* The light loss factor (LLF) is a product of many variables, only lamp lumen depreciation (LLD) has been applied to the calculated results unless otherwise noted. The LLF is the result (summed) of over an hours / initial lumens per lamp (lumens/hours) specific above.

* Illuminance values shown (in foot-candle) are the predicted results for planes of calculation either horizontal, vertical or inclined as designated in the calculation summary. Meter orientation is normal to the plane of calculation.

* The calculated results of this lighting simulation represent an entire based prediction of system performance. Actual measured results may vary from the anticipated performance and are subject to means and methods which are beyond the control of RAB Lighting Inc.

* Mounting height determination is job site specific, our lighting simulations assume a mounting height (mounting point of the luminaire symbol) to be taken at the top of the symbol for ceiling mounted luminaires and at the bottom of the symbol for all other luminaire mounting configurations.

* RAB Lighting Inc. luminaires and product designs are protected under US and international intellectual property laws. Patents issued or pending apply.

Expanded Luminaire Location Summary

LumNo	Tag	X	Y	MFG HT	Orient	Tilt
1	1010.535	2377.078	1	227.024	108.921	0
2	1049.444	2397.805	20	180	0	0
3	1050.629	2117.805	20	180	0	0
4	1053.164	1937.805	20	180	0	0
5	1055.841	1757.805	20	180	0	0
6	1056.261	1577.805	20	180	0	0
7	1059.817	1397.805	20	180	0	0
8	1132.332	1327.221	20	90	0	0
9	1132.332	1228.221	20	90	0	0
10	1132.332	1129.221	20	90	0	0
11	1132.082	1029.411	20	90	0	0
12	1028.002	1000.136	3.5	270	79.354	0
13	998.729	1002.843	3.5	285.255	79.431	0
14	970.004	991.158	3.5	301.702	81.013	0
15	950.99	976.151	3.5	316.851	81.846	0
16	935.206	956.333	3.5	320.012	81.128	0
17	923.885	933.309	3.5	336.218	84.532	0
18	1048.677	908.476	20	166.655	0	0
19	918.906	902.678	3.5	0	79.014	0
20	918.314	872.921	3.5	0	0	0
21	918.098	838.038	3.5	0	0	0
22	917.883	803.202	3.5	0	0	0
23	1010.602	807.302	20	90	0	0
24	895.262	800.998	3.5	0	0	0
25	920.537	794.795	10	0	0	0
26	937.807	774.976	8	90	0	0
27	906.182	770.5	8	180	0	0
28	958.113	771.034	8	90	0	0
29	893.066	770.179	3.5	0	0	0
30	968.786	756.75	8	0	0	0
31	906.182	740.5	8	180	0	0
32	890.87	740.259	3.5	0	0	0
33	906.182	726.75	8	0	0	0
34	904.049	725.5	8	0	0	0
35	1044.256	724.851	20	180	0	0
36	906.182	710.5	8	180	0	0
37	888.674	710.34	3.5	0	0	0
38	968.786	696.75	8	0	0	0
39	949.854	682.337	8	270	0	0
40	906.182	680.5	8	180	0	0
41	886.478	680.42	3.5	0	0	0
42	927.5	677.08	16	0	0	0
43	886.479	671.36	2	356.937	0	0
44	927.5	668.424	16	0	0	0
45	885.949	663.378	7	356.937	0	0
46	906.061	655.638	2	101.063	0	0
47	885.419	655.395	2	356.937	0	0
48	898.192	654.194	2	101.063	0	0
49	890.324	652.749	2	101.063	0	0

Total Quantity: 49

RAB LIGHTING
 15000 W. Highway 10
 Dallas, TX 75244
 Phone: 972-443-8888
 Fax: 972-443-8889
 Email: sales@rablighting.com
 Website: www.rablighting.com

Case# 858-AM-161859-S-16, ZBA 01/26/17, Supp Memo #2 Attachment D Page 4 of 5

Date: 1/16/2017
 15:55:17

Obtrusive Light - Compliance Report

IDA/IES MLO-2011, LZ1 - Low Ambient Lighting

Filename: Bluestern Hall 74903A

12/30/2016 3:29:05 PM

Illuminance

Maximum Allowable Value: 0.1 Fc

Calculations Tested (5):

Calculation Label	Test Results	Max. Illum.
Light Trespass_Ill_Seg1	PASS	0.0
Light Trespass_Ill_Seg2	PASS	0.0
Light Trespass_Ill_Seg3	PASS	0.0
Light Trespass_Ill_Seg4	PASS	0.0
Light Trespass_Ill_Top	PASS	0.1

Total Installed and Offsite Lumens

Maximum Allowable Offsite Lumens: 15 % Of Total Site Lumen Limit

Lumen Allowances:

Item	Allowance	Quantity	Total
Allowed Lumens Per Area (Sq.Ft.)	1.25	3317179	4146474
Allowed Base Lumens Per Site	3500	1	3500
Total Lumen Allowance			4149974

Total Installed Lumens:

Calculation Label	Area Sq.Ft.	Total Lumen Allowance	Total Installed Lumens	Test Results
Light Trespass	3317179	4149974	174191 (4.2 %)	PASS

Total Offsite Lumens:

Calculation Label	Total Lumen Allowance	Maximum Offsite Lumens	Total Offsite Lumens	Test Results
Light Trespass	4149974	622496	9321 (1.5 %)	PASS

Individual Grids:

Calculation Label	Area Sq.Ft.	Avg. Illum.	Lumens *
Light Trespass_Ill_Seg1	82024	0	33
Light Trespass_Ill_Seg2	145406	0	131
Light Trespass_Ill_Seg3	82231	0	30
Light Trespass_Ill_Seg4	145406	0	28
Light Trespass_Ill_Top	3317179	0	9099

* Lumens calculated using individual calculation points (may not equal Area * Avg)

Susan Burgstrom

From: Walden, Bruce <bwalden@uillinois.edu>
Sent: Thursday, January 05, 2017 2:25 PM
To: Susan Burgstrom
Subject: RE: ZBA packet for proposed events center on Old Church Rd

Hi Susan,

The response from University departments is they anticipate no negative impact from this use. Thanks for consulting with us.

Bruce

Bruce Walden
Director of Real Estate Services
University of Illinois
Real Estate Services
506 S. Wright Street, Suite 208, MC-321
Urbana, Illinois 61801
phone: (217) 300-6732
fax: (217) 244-0882
bwalden@uillinois.edu

RECEIVED
JAN 05 2017
CHAMPAIGN CO. P & Z DEPARTMENT

From: Susan Burgstrom [mailto:sburgstrom@co.champaign.il.us]
Sent: Thursday, January 05, 2017 2:19 PM
To: Walden, Bruce <bwalden@uillinois.edu>
Subject: ZBA packet for proposed events center on Old Church Rd

Hi Bruce,

Attached is the packet for Zoning Cases 858-AM-16 and 859-S-16.

The packet will also be available later today on our website:
http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

Thanks,
Susan

Susan Burgstrom, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

Susan Burgstrom

From: Abigail Frank <abigail.k.frank@gmail.com>
Sent: Wednesday, January 18, 2017 8:31 PM
To: Susan Burgstrom
Subject: Re: ZBA follow-up
Attachments: Bluestem Hall Traffic Mitigation Plan.pdf

Susan,

Please find a two page traffic mitigation plan attached! I worked out some of the estimated annual visitors and will finalize those numbers tomorrow.

I finally tracked down the Philo Fire Department Chief! I ended up calling the Urbana FD and they gave me Mike McHenry's phone number. I called him and it turns out he had retired and the new chief is Jay Miller. I finally got ahold of Jay and he said they are looking for a 12' road width (which we definitely exceed with the 20' width) and a 50' diameter turn around (which we also exceed with our 60' diameter on the plans). He said they have no preference for the thickness of the rock for the gravel. I told him I might need this in writing and he said I could call him back if that's the case. Just let me know if we need him to send something, he just said he doesn't use a computer much.

Ryan has been adjusting the site plans the past few days and will have our "future possibilities" (aka pavers and fences) plans sent to you tomorrow. Is there an exact time you need everything turned in tomorrow?

Thank you!
Abbie

RECEIVED

JAN 19 2017

CHAMPAIGN CO. P & Z DEPARTMENT

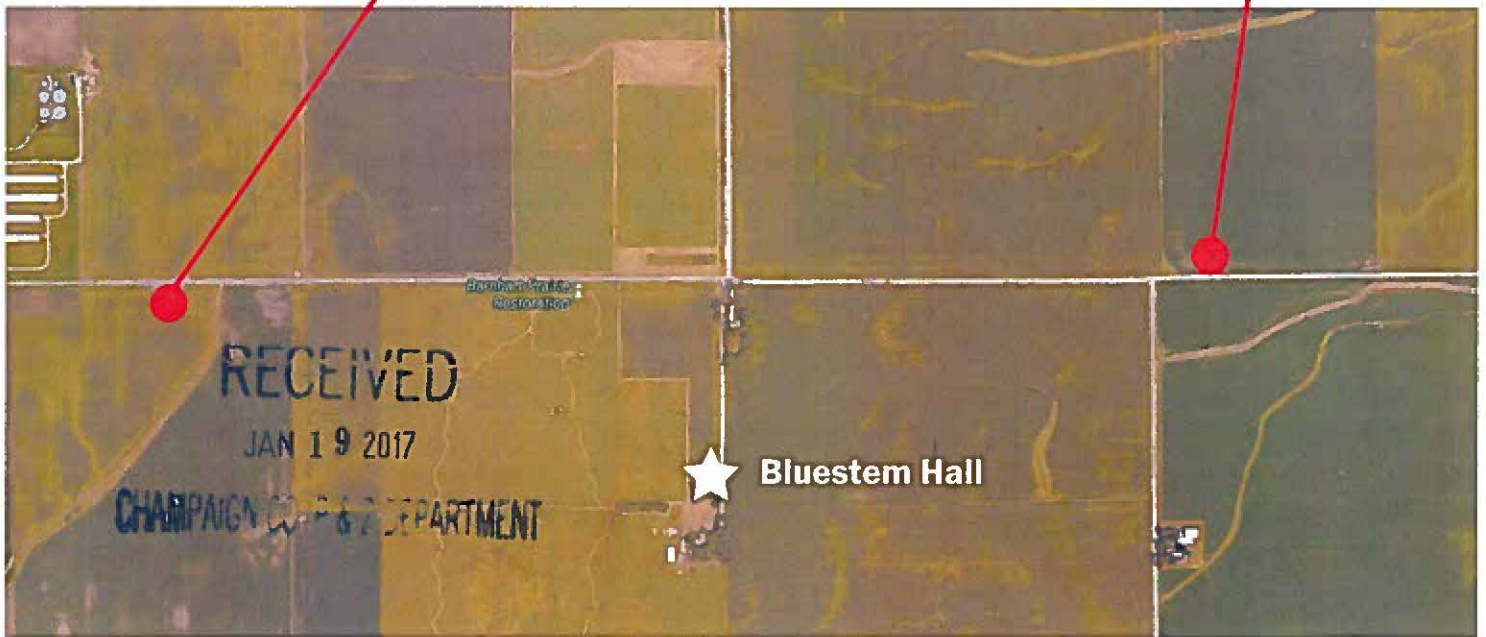
Bluestem Hall Traffic Conflict Mitigation Plans

Wayfinding on East Old Church Road

Sign 1/2 mile away for guests traveling from the west:
Neil/Race



Sign 1/2 mile away for guests traveling from the east:
IL 130



Overall Signage Goals: This map calls out two suggested signs, both located on East Old Church Road 1/2 mile away from the entrance to Bluestem Hall. This will alleviate any immediate breaking or veering since guests will have 1/2 mile advance notice. The main goal is to make finding Bluestem Hall easy and to provide sufficient warning as people approach the entrance.

Bluestem Hall Traffic Conflict Mitigation Plans

Bluestem Hall Property Signage

Overall Signage goals: to take any questions out of the safe entry, exit, and usage of Bluestem Hall

- to ensure any interactions with farm equipment and machinery is slow and safe
- to ensure bicyclists enjoying the country setting are safe and drivers are alert and aware.
- to alert and remind guests of our close location to the Barnhart Prairie Preserve and to ensure any animals crossing the driveway remains unharmed.



RURAL ROAD PRECAUTIONS

There are a variety of signs that can be used on our property and along the lane reminding people of the rural setting. This includes warnings about farm machinery as well as reminding guests about the frequency of bicyclists in the area.



ANIMAL CROSSING PRECAUTIONS

In our relationship and location to the Barnhart Prairie, protecting the wildlife is essential. These are sign examples that will remind people that animals such as deer, coyote, pheasants, rabbits, and skunks can be expected to cross the lane and every action to ensure their safety should be met.



HANICAPPED WAYFINDING

A will be posted along the driveway to ensure those needing handicapped spots are aware they should continue driving closer to the building.



PRAIRIE BOUNDARY

A reminder to guests that this is where the Barnhart Prairie begins and should not be entered.

WEBSITE SUGGESTIONS Use language on our website to express caution:

“Bluestem Hall is located in a rural setting. Please be aware that you may encounter large, slow farm machinery as well as bicyclists on your trip to see us. Please stay alert and always use caution.”

“Bluestem Hall is uniquely located next to the Barnhart Prairie Preserve. In every effort to support the ecosystem and wildlife, please drive down the lane slowly always keeping an eye for crossing animals both large and small.”

ESTIMATED ANNUAL USAGE

GUESTS PER MONTH

JANUARY	Optimistic: 200	Pessimistic: 0
FEBRUARY	Optimistic: 200	Pessimistic: 0
MARCH	Optimistic: 400	Pessimistic: 100
APRIL	Optimistic: 500	Pessimistic: 200
MAY	Optimistic: 800	Pessimistic: 300
JUNE	Optimistic: 1200	Pessimistic: 600
JULY	Optimistic: 1200	Pessimistic: 600
AUGUST	Optimistic: 1200	Pessimistic: 600
SEPTEMBER	Optimistic: 900	Pessimistic: 500
OCTOBER	Optimistic: 800	Pessimistic: 300
NOVEMBER	Optimistic: 400	Pessimistic: 100
DECEMBER	Optimistic: 300	Pessimistic: 100

GUESTS PER YEAR

ESTIMATED OPTIMISTIC ANNUAL USAGE:

7,000-10,000 GUESTS PER YEAR

ESTIMATED PESSIMISTIC ANNUAL USAGE:

3,000-5,000 GUESTS PER YEAR

WEDDINGS= 60%

EDUCATIONAL/COMMUNITY=40%

 **PEAK SEASON**

 **SHOULDER SEASON**

 **OFF SEASON**

RECEIVED

JAN 19 2017

CHAMPAIGN CO. P & Z DEPARTMENT



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

RECEIVED

JAN 13 2017

CHAMPAIGN CO. P & Z DEPARTMENT

TO: Urbana Plan Commission

FROM: Christopher Marx

DATE: January 13, 2017

SUBJECT: CCZBA-817-AM-16: A request by Abigail Frank, Amber Barnhart, Trent Barnhart, and Donald Barnhart to rezone four parcels at 1413 East Old Church Road from the County AG-1, Agriculture Zoning District to the County AG-2, Agriculture Zoning District.

Introduction

A petition has been submitted to Champaign County requesting a zoning map amendment for four parcels totaling 35.15 acres at 1413 East Old Church Road from County AG-1, Agriculture to County AG-2, Agriculture. The properties contain a house, barn, green space, and farmland. This case is being considered by the County Zoning of Appeals concurrently with case CCZBA 859-S-16, which would approve a County Special User Permit to allow "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise."

The properties are south of the Urbana city limits and within one and one-half miles of the municipal boundary. According to Illinois state law, the City has the authority to review zoning changes within the Extra Territorial Jurisdiction (ETJ) area for consistency with the City's Comprehensive Plan. The City does not have such authority with Special Use Permits. However, as a courtesy to the City, the County forwards all Special Use Permit requests within the ETJ to municipalities for their review and comment. The Plan Commission should vote to make a recommendation to the City Council to either "protest" or "not protest" the rezoning. The Urbana City Council will review the Commission's recommendation and vote to either approve or defeat a resolution of protest. Should the City Council enact a protest of the County rezoning, under State law the County Board could not approve the application except by a three-fourths super majority of affirmative votes. To be valid, a protest must be filed with the Champaign County Clerk.

Background

The subject properties, originally used as exclusively farmland, were split in 2002 among family members and set aside as a house, prairie preserve space, and smaller farmland tracts. The divided parcels surround the subject properties. The surrounding land uses are largely rural in

nature. To the east, north, and south are farm fields. Towards the west is the Barnhart Nature Prairie Preserve. All the surrounding properties are zoned AG-1, Agriculture.

The petitioners plan to convert and expand an existing barn into an event center that can host receptions and private parties, taking advantage of the adjacent prairie preserve. The County would consider such uses as a “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise.” They would also install new parking spaces to accommodate the event center patrons. In the Champaign County Zoning Ordinance, the uses of “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” are not permitted in the County’s AG-1, Agriculture, zoning district, which is the current zoning of the subject site. The petitioners are seeking a rezoning from County AG-1 to County AG-2 to facilitate their Special Use Permit application for the event center.

The petitioners are proposing to build an addition to the existing barn on the property to create an indoor event venue with a capacity of 350 patrons. The building would accommodate events like weddings, receptions, and other gatherings. They plan to install a separate septic system that is adequate for the needs of the event center. The petitioners also intend to install a new access drive through the property to the event center and are discussing with County staff the exact location of that drive. The event center would initially construct 70 parking spaces with the possibility of expanding up to 165 spaces if needed. City staff have provided comments to County staff regarding safe circulation, proper sanitation, assuring State life safety codes will be met by the proposed use.

As part of the estate settlement proceeding, the subject properties, along with several adjacent parcels owned by the same family, were split in 2002 without undergoing the required subdivision preparation and review process. As a result, two of the parcels are without frontage to a public right-of-way and one of them is too small as it is less than five acres. City staff is working with the County staff to ensure that a proper subdivision process is undertaken to rectify the situation of landlocked parcels and unclear access.

Further background information on the rezoning case, including location and zoning maps, is included in the attached Champaign County Department of Planning and Zoning preliminary memorandum. The following discussion of the issues involved will summarize the essential parts of this information as it pertains to the City’s planning jurisdiction

Issues and Discussion

County Zoning

According to the Champaign County Zoning Ordinance, the intent of the AG-1, Agriculture Zoning District is:

“protect the areas of the county where soil and topographic conditions are best adapted to the pursuit of agricultural uses and to prevent the admixture of urban and rural USES which would contribute to the premature termination of agriculture pursuits.” (Section 5.1.1)

The County's Zoning Ordinance defines the intent of the AG-2, Agriculture Zoning District as follows:

"The AG-2 district is intended to prevent scattered indiscriminate urban development and to preserve the agricultural nature within areas which are predominantly vacant and which presently do not demonstrate any significant potential for development. This district is intended generally for application to areas within one and one-half miles of existing communities in the county." (Section 5.1.2)

The Petitioners have stated a desire to incorporate a recreational use on their property which is compatible with a rural area. The subject properties' proximity to future growth of the City, as well as the Petitioners' desire to develop a use that complements conservation of the nearby prairie preserve and farmland make the parcels suited for the AG-2 district. The permitted uses for the District in the Champaign County Zoning Ordinance are designed to minimize disruption of the rural character of the area. Rezoning the property from AG-1 to AG-2 would represent a suitable transition of zoning districts.

Urbana 2005 Comprehensive Plan

The City of Urbana's 2005 Comprehensive Plan, Appendix "A" – Future Land Use Map, shows the future land use of the subject properties as "Future Planning Area." The plan defines this land use classification as:

"Areas within the one-and-one-half mile extraterritorial jurisdictional area that should be studied for their growth potential and inclusion in regular updates to the Comprehensive Plan."

Parcels immediately east, south, and west of the petitioners' property are also shown as "Future Planning Area". The proposal is limited in scope and would not prevent future planning in the area. The proposed rezoning would allow for continued use of the house on the property and for a compatible private recreational use. The proposed rezoning would allow for continued use of the adjacent parcels for farming, conversation, or future development.

The following Goals and Objectives of the 2005 Urbana Comprehensive Plan relate to this case:

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives

16.2 Preserve agricultural lands and environmentally sensitive areas outside the growth area of the city.

Goal 17.0 Minimize incompatible land uses.

Objectives

17.1 Establish logical locations for land use types and mixes, minimizing potentially

- incompatible interfaces, such as industrial uses near residential areas.
- 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.
- Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).
- Objectives
 - 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.
 - 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

When evaluating zoning amendment requests in the extra-territorial jurisdiction, the City should consider the potential impact in relation to the intent of the Comprehensive Plan. Relevant Champaign County goals and objectives are discussed extensively in the County’s Memorandum. Some of these goals and policies coincide with those of the City of Urbana’s Comprehensive Plan.

In summary, staff finds that the rezoning from AG-1 to AG-2 designation would be generally consistent with the goals and objectives of the 2005 Comprehensive Plan.

City of Urbana Zoning

In evaluating the proposed rezoning, the City should assess if the use matches the type of uses that would be permitted in the same or similar zoning district in the City. In the event of the subject properties being annexed into the City, its County zoning designation is converted to a City zoning designation on the basis of Urbana Zoning Ordinance Table IV-1. Should this property be rezoned to County AG-2, unless otherwise provided for through an annexation agreement, the zoning would automatically convert to the City AG, Agricultural District. Given the general undeveloped nature of the property, the AG designation would be appropriate.

The La Salle National Bank Criteria

In the case of *La Salle National Bank v. County of Cook (La Salle)*, the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. The attached Champaign County Zoning Board of Appeals memorandum addresses the La Salle criteria towards the end of the memorandum exhibit. On January 12, 2017, the Champaign County ZBA moved to continue the case to their meeting on January 26, 2017. The Board wanted more time for the Petitioners to ensure that the subject properties would be properly subdivided.

Summary of Findings

1. The petitioners are requesting a rezoning of the property at 1413 Old East Church Road from the County AG-1, Agriculture to the County AG-2, Agriculture.

2. The City may issue a protest to the rezoning application because the site is within the City's Extra-territorial Jurisdiction.
3. The site is proposed to be rezoned to allow the consideration of a Special Use Permit for a private event center.
4. The proposed rezoning would not prevent future planning of the area as noted in the Urbana Comprehensive Plan Future Land Use Map.
5. The proposed rezoning and land use are generally compatible with the surrounding County zoning and land uses.
6. The proposed zoning change is generally compatible with the land use policy goals of the 2005 Urbana Comprehensive Plan, which promote contiguous growth and compatibility of land uses.
7. The proposed zoning change is generally compatible with the LaSalle Criteria.

Options

The Plan Commission has the following options in cases CCZBA-817-AM-15, a request to rezone a property from County AG1 to County AG2. The Urbana Plan Commission may:

- a. Forward the plan case to the City Council with a recommendation of "no protest"; or
- b. Forward the plan case to the City Council with a recommendation of "no protest", contingent upon specific provisions to be identified; or
- c. Forward the plan case to the City Council with a recommendation of "protest".

Staff Recommendation

Based upon the findings above, Staff recommends that the Plan Commission forward to the City Council a recommendation to **defeat a resolution of protest** as presented.

Attachments: Exhibit A: Land Use and Zoning Map
Exhibit B: Application
Exhibit C: Champaign County ZBA Memorandum January 5, 2017

cc: Susan Burgstrom, Champaign County Planning and Zoning

Attachment I:

Draft Minutes from January 12, 2017 ZBA Meeting

provided separately

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REVISED DRAFT 01/19/17

858-AM-16

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

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

Date: *{January 26, 2017}*

Petitioners: **Abigail Frank, Amber Barnhart, Trent Barnhart, Donald Barnhart**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use with associated waiver in related Zoning Case 859-S-16.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 12, 2017, and January 26, 2017**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 859-S-16)

- *1. Co-petitioner Amber Barnhart owns the 8.23 acre tract with the machine shed that is proposed to be converted to an events center, as well as the 1-acre property north of that tract. Co-petitioner Abigail Frank resides on the 8.23-acre tract and proposes the events center that is the subject of Special Use Permit case 859-S-16. Signatory Donald Barnhart owns the 17.82-acre property surrounding the 8.23 acre tract, which will include part of the proposed access drive to the events center and overflow parking for the events center. Signatory Trent Barnhart owns the 8.1-acre property along Old Church Road west of the existing access drive to the 8.23 acre tract, which will include part of the proposed access drive to the events center.
- *A. During the January 12, 2017 public hearing, co-petitioner Amber Barnhart indicated that recent land transactions had occurred that impact the subject properties.
- *B. Staff received an updated preliminary Boundary Survey on January 17, 2017, from Ed Clancy with Berns, Clancy and Associates showing how the land purchases would create 3 tracts out of the original 4 subject property tracts.
- * (1) Lot 1 remains unchanged as 8.1 acres owned by Trent Barnhart.
- * (2) Lot 2 includes the original 8.23 acre property that includes the shed to be renovated plus 8 acres of what was the 17.82 acres previously owned by Donald Barnhart. Amber Barnhart is the owner of this newly drawn 16.23 acres.
- * (3) Lot 3 is the remaining 9.82 acres of Donald Barnhart's original 17.82 acres. This lot is still owned by Donald Barnhart. It will not be a buildable lot, and will have access via easement from Lot 2.
- *2. The subject property for the map amendment is ~~four~~ three different tracts of land totaling 35.15 acres in the East Half of the Northwest Quarter of Section 4 of Township 18 North, Range 9 East of the Third Principal Meridian in Philo Township and commonly known as the farmstead located east of Barnhart Prairie Restoration at 1433 East Old Church Road, Urbana.
- *A. The proposed Special Use Permit subject property is a ~~4.544~~ acre portion of the four tracts. A map of the map amendment subject property and the proposed Special Use Permit subject property has been provided as a Document of Record.
- * (1) A revised map showing the map amendment and Special Use Permit subject properties was distributed as part of Supplemental Memorandum #2 dated January 19, 2017.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
- *A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.

REVISED DRAFT 01/19/17

**Case 858-AM-16
Page 3 of 51**

*(1) Additional staff review and consultation with the City of Urbana showed that the Barnhart properties in this area, including the subject property tracts, should have gone through the City of Urbana subdivision approval process when they were created.

*a. As of January 19, 2017, Ms. Barnhart and the City are finalizing the resolution to this issue.

(2) The City of Urbana Plan Commission will meet the evening of January 19, 2017, to discuss the rezoning. The City Council will meet on February 6, 2017. As per a Memorandum dated January 13, 2017, to the City of Urbana Plan Commission, Urbana planning staff “recommends that the Plan Commission forward to the City Council a recommendation to defeat a resolution of protest”.

*B. The subject property is located within Philo Township, which does not have a Planning Commission.

4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“AG-1 does not allow the outdoor commercial recreation enterprise or the private indoor recreational development.”**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning, the petitioner has indicated the following: the petitioner did not provide a response.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

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

*A. The map amendment subject property is 4-three different tracts totaling 35.15 acres that is currently zoned AG-1 Agriculture.

* B. Land on the north, south, east, and west of the map amendment subject property is also zoned AG-1 Agriculture and is in use as follows:

- * (1) Land to the north is University of Illinois property in agriculture production. The UIUC South Farms Livestock Facility is 0.66 mile west of the subject property on the north side of Old Church Road.
- * (2) Land to the east along Old Church Road is a single-family residence, which is the subject of the proposed waiver in related case 859-S-16, for a separation distance of 185 feet in lieu of 200 feet from the proposed Special Use Permit subject property. Land to the east (south of that residence) is in agricultural production.
- * (3) Land to the immediate west along Old Church Road is owned by the Champaign County Soil and Water Conservation District and is maintained as prairie. Land west of the map amendment subject property is the 80-acre Barnhart Restoration Prairie, a privately owned Illinois Nature Preserve.
- * (4) Land to the south of the map amendment subject property is in agricultural production.

- *7. Regarding the site plan and proposed operations:
- *A. The Petitioners submitted a Site Plan and Schematic Design Set received September 27, 2016. The documents indicate the following existing conditions and proposed improvements:
- * (1) Existing buildings and structures include:
- *a. A 90 feet by 40 feet "Hall", to be converted into the proposed Events Center;
 - *b. A 16 feet by 28 feet detached shed;
 - *c. A 1,120 square feet single family residence;
 - *d. A gravel access drive extending from Old Church Road;
 - *e. A septic system north of the residence; and
 - *f. A well to the west of the residence, which will be used as the primary water source for the proposed events center.
- * (2) Proposed improvements include the following:
- *a. The existing Hall will be converted to an events center under proposed Special Use Permit 859-S-16, with the following renovations:
 - * (a) A 16 feet by 19 feet vestibule addition to the north end of the barn;
 - * (b) An 18 feet by 40 feet patio addition to the south end of the barn;
 - * (c) A 3,000 square feet (approximate) Prairie Vista Walk addition on the west and south sides of the barn;
 - * (d) A 40 feet by 90 feet Main Hall (converted machine shed);
 - * (e) A 15 feet by 15 feet commercial kitchen that will only be used for food prep and educational demonstrations;
 - * (f) A 13 feet by 15 feet Multi-Use room;
 - * (g) A 16 feet by 15 feet Bar area (alcove to Main Hall);
 - * (h) A 10 feet by 20 feet Storage/Mechanical room;
 - * (i) One four-stall accessible women's restroom;
 - * (j) One two-stall accessible men's restroom;
 - * (k) A new access driveway for the events center off Old Church Road, approximately 175 feet west of the existing residential access drive centerline;

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- *a. The proposed access drive would extend through the 8.1-acre property along Old Church Road owned by Trent Barnhart; 15,000 square feet (0.34 acre) of land that is Best Prime Farmland would be converted into the proposed access drive for the events center.
- *b. In an email received January 3, 2017, co-petitioner Abigail Frank states the following:
 - *i. The proposed access drive will not be on the 80-acre Barnhart Prairie property as the site plan dated September 27, 2016 erroneously shows; it will be east of the prairie property line.
 - *ii. (On Donald Barnhart's tract) the proposed drive follows an unofficial break that gets mowed between the prairie and the farmland and this is just grass.
 - *iii. Her relative (Trent Barnhart) does not have a problem with putting an access drive through his 8.1-acre property.
 - *iv. The proposed access drive could be pivoted so that it is not totally straight and goes around the farmland; it was a financial decision to keep it straight.
- *c. The petitioner submitted a Revised Site Plan received January 4, 2017, which included 2 access drive alternatives:
 - *i. The first page of the Revised Site Plan corrected the alignment of the straight access drive to reflect that it will not be located on the Barnhart Prairie.
 - *ii. The second page of the Revised Site Plan (with alternative access drive) shows how the proposed access drive for the events center could align around the south and west edges of Trent Barnhart's 8.1-acre part of the subject property rather than traversing straight through it to connect with Old Church Road.
- *l) A paved accessible parking area with 6 spaces; and
- *m) A 130 feet by 380 feet (49,400 square feet) grass parking lot that could accommodate 165 spaces by minimum zoning requirements; the petitioners anticipate starting with 70 spaces and increasing as demand requires.
- *n) The proposed events center will have both heat and air conditioning so events can be held throughout the year.

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- * (o) In a letter received December 29, 2016, co-petitioner Amber Barnhart stated the following:
 - * i. She owns the 8.23-acre part of the subject property where the proposed events center would be located.
 - * ii. She is the mother of co-petitioner Abigail Frank.
 - * iii. Her father had the shed built, in consultation about its location with her grandparents.
 - * iv. “In 1998 or so, my dad decided to turn our farm into a prairie...over the next 9 years we as a family with volunteers and a lot of guidance from CCSWCD and the naturalists in the areas turned the farm into a 120-acre prairie which you see today.”
 - * v. “Part of the master plan (for the prairie) was always to turn the shed into an event center. We thought having such a place would truly integrate people into the prairie thru events, fund raisers and education.”
- * b. A septic tank and leach field west of the proposed events center, with capacity for 350 guests, as determined in coordination with the Public Health Department.
- * c. The petitioner seeks to exclude the residence from the Special Use Permit area.
- * B. The Petitioners submitted a Schematic Design Set of the proposed Events Center, received September 27, 2016, which includes the following:
 - * (1) Sheet A1: existing floor plan for the Hall.
 - * (2) Sheet A2: cross-section of the existing building.
 - * (3) Sheet A3: grand floor plan.
 - * (4) Sheet A4: proposed building section, including proposed addition to east side.
 - * (5) Sheet A5: existing and proposed wall sections.
 - * (6) Sheet A6: north and east elevations.
 - * (7) Sheet A7: south and west elevations.
 - * (8) Sheet A8: northeast rendering.
 - * (9) Sheet A9: southwest rendering.
 - * (10) Sheet A10: interior rendering.

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*C. On January 12, 2017, staff received a Revised Site Plan with the following changes:

* (1) The proposed grass parking lot has been moved to the north of the residence.

* (2) Handicapped accessible parking has been moved to the east of the proposed event center.

* (3) A walkway has been proposed connecting the proposed event center and the relocated parking lot.

* (4) The proposed driveway alignment has changed slightly near the events center.

*D. On January 19, 2017, staff received a Revised Site Plan with the following changes:

* (1) Sheet 1 shows the overall site plan, which appears to be the same as the January 12, 2017 Revised Site Plan.

* (2) Sheet 2 shows Phase 1 buildout, which includes the following:

*a. A 150 space natural grass parking lot;

*b. A 20 feet wide gravel drive with 6 inch thick gravel;

*c. A natural grass pedestrian path between the parking lot and the Hall;

*d. A 60 feet diameter cul-de-sac on the northeast corner of the Hall; and

*e. A concrete service lot and handicap accessible parking, and accessible sidewalks/patio.

* (3) Sheet 3 shows Phase 2 buildout, which includes the following:

*a. Adding an electric gate and the north entrance;

*b. Adding gravel/permeable pavers to the south half of the parking lot;

*c. Adding a split rail and fieldstone fence along the driveway between Old Church Road and the pedestrian walkway;

*d. Adding pavement to the pedestrian walkway; and

*e. Adding a split rail and fieldstone fence around the west and south sides of the Hall.

* (4) Sheet 4 shows Phase 3 buildout, which includes the following:

*a. Adding gravel/permeable pavers to the north half of the parking lot.

* (5) An ADA statement of compliance for the design of Bluestem Hall, signed and sealed by Licensed Architect Ryan Reber, was also received on January 19, 2017.

- *E. The only Zoning Use Permit in the immediate area of the subject property was for the residential lot east of the subject property to construct an addition and a garage; ZUPA 93-98-02 was approved on April 8, 1998.
- *F. There are no previous zoning cases for the subject property.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

- *8. Regarding the existing and proposed zoning districts:
 - *A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - * (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - * (2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
 - (2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (3) The subject property is 1.2 miles from the City of Urbana.
 - C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
 - (1) There are 11 types of uses authorized by right in the AG-1 District and there are 13 types of uses authorized by right in the AG-2 District:
 - a. All 11 uses authorized by right in the AG-1 District are also authorized by right in the AG-2 District:
 - (a) Single family dwelling;
 - (b) Subdivisions totaling three lots or less;
 - (c) Agriculture, including customary accessory uses;
 - (d) Roadside stand operated by farm operator;
 - (e) Minor rural specialty business;
 - (f) Plant nursery;
 - (g) Township Highway maintenance garage;
 - (h) Christmas tree sales lot;
 - (i) Off-premises sign within 660 feet of the edge of the right-of-way of an interstate highway;

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- (j) Off-premises sign along federal highways except interstate highways; and
 - (k) Temporary uses.
- b. The following two uses are authorized by right in the AG-2 District and not at all in the AG-1 District:
- (a) Country club or golf course, and
 - (b) Commercial breeding facility.
- c. There are no uses that are authorized by right in the AG-2 District but require a Special Use Permit in the AG-1 District.
- (2) There are 53 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 11 uses authorized by right in the AG-2 District, see above) and 35 types of uses authorized by SUP in the AG-2 District:
- a. The following 42 uses may be authorized by SUP in the both the AG-1 District and AG-2 District:
 - (a) Hotel – no more than 15 lodging units;
 - (b) Residential Planned Unit Development;
 - (c) Subdivisions totaling more than three lots or with new streets or private accessways (SUP requires approval by County Board);
 - (d) Major rural specialty business;
 - (e) Artificial lake of 1 or more acres;
 - (f) Mineral extraction, quarrying, topsoil removal and allied activities;
 - (g) Elementary school, Jr. High school, or High school;
 - (h) Church, temple, or church related temporary uses on church property;
 - (i) Municipal or government building;
 - (j) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
 - (k) Penal or correctional institution;
 - (l) Police station or fire station;
 - (m) Library, museum or gallery;
 - (n) Public park or recreational facility;
 - (o) Sewage disposal plant or lagoon;
 - (p) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
 - (q) Radio or television station;
 - (r) Electrical substation;
 - (s) Telephone exchange;
 - (t) Residential airports;
 - (u) Restricted landing areas;
 - (v) Heliport-restricted landing areas;
 - (w) Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer;
 - (x) Livestock sales facility and stockyards;
 - (y) Slaughter houses;
 - (z) Grain storage elevator and bins;

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- (aa) Riding stable;
 - (bb) Commercial fishing lake;
 - (cc) Cemetery or crematory;
 - (dd) Pet cemetery;
 - (ee) Kennel;
 - (ff) Veterinary hospital;
 - (gg) Off-premises sign beyond 660 feet of the edge of the right-of-way of an interstate highway;
 - (hh) Contractors facilities (with no outdoor storage nor outdoor operations);
 - (ii) Contractors facilities with outdoor storage and/or outdoor operations;
 - (jj) Agricultural drainage contractor facility with no outdoor storage and/or outdoor operations;
 - (kk) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations;
 - (ll) Small scale metal fabricating shop;
 - (mm) Gas turbine peaker;
 - (nn) Big wind turbine tower (1-3 big wind turbine towers);
 - (oo) Sawmills and planing mills, and related activities; and
 - (pp) Pre-existing industrial uses (existing prior to October 10, 1973).
- b. The following use may be authorized by Special Use Permit in the AG-1 District and not at all in the AG-2 District:
- (1) Wind Farm (requires SUP approval by County Board).
- c. The following 35 uses may be authorized by SUP in the AG-2 District and not at all in the AG-1 District:
- (a) Two family dwelling;
 - (b) Home for the aged;
 - (c) Nursing home;
 - (d) Travel trailer camp;
 - (e) Commercial greenhouse;
 - (f) Greenhouse (not exceeding 1,000 square feet);
 - (g) Garden shop;
 - (h) Water treatment plant;
 - (i) Public fairgrounds;
 - (j) Motor bus station;
 - (k) Truck terminal;
 - (l) Railroad yards and freight terminals;
 - (m) Airport;
 - (n) Heliport/helistops;
 - (o) Mortuary or funeral home;
 - (p) Roadside produce sales stand;
 - (q) Feed and grain (sales only);
 - (r) Artist studio;
 - (s) Residential recovery center;
 - (t) Antique sales and service;

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- (u) Amusement park;
 - (v) Resort or organized camp;
 - (w) Bait sales;
 - (x) Country club clubhouse;
 - (y) Lodge or private club;
 - (z) **Outdoor commercial recreational enterprise** (except amusement park);
 - (aa) **Private indoor recreational development;**
 - (bb) Public camp or picnic area;
 - (cc) Seasonal hunting or fishing lodge;
 - (dd) Stadium or coliseum;
 - (ee) Outdoor theatre;
 - (ff) Aviation sales, service or storage;
 - (gg) Self-storage warehouses, not providing heat/utilities to individual units;
 - (hh) Landscape waste processing facilities; and
 - (ii) Wood fabricating shop and related activities.
- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING RELEVANT LRMP GOALS & POLICIES

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

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

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

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

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

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

Goal 2 has two objectives and three policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 2.

12. LRMP Goal 3 is entitled "Prosperity" and states:

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

Goal 3 has three objectives and no policies. The proposed amendment will **HELP ACHIEVE** Goal 3 for the following reasons:

- A. The three objectives are:

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

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

13. LRMP Goal 4 is entitled "Agriculture" and states:

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

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Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.6, 4.8, and 4.9 and their policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **HELP ACHIEVE** Goal 4 for the following reasons:

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

The proposed rezoning will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) Objective 4.3 includes five subsidiary policies. Policy 4.3.1 does not appear to be relevant to the proposed rezoning.
- (2) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 because the proposed site **IS WELL SUITED OVERALL** for the development proposed in related Case 859-S-16 for the following reasons:

- a. The soil on the map amendment subject property is Best Prime Farmland and consists of 154A Flanagan silt loam, 622C2 Wyanet silt loam, 56B Dana silt loam, 152A Drummer silty clay loam, and 171B Catlin silt loam, and has an average LE of 91.
- b. The Site Assessment (SA) portion of the LESA analysis for the map amendment subject property scored 164 out of 200 points.
- c. The total LESA Score of 255 for the map amendment subject property receives the highest protection rating in LESA, which is “very high rating for protection”.
- *d. Regarding the conversion of land in crop production:
 - *(a) The proposed events center ~~and associated parking areis~~ sited on land that is not in crop production.
 - *(b) 15,000 square feet (0.34 acre) of land that is Best Prime Farmland would be converted into the proposed access drive for the events center.
 - *(c) The proposed parking area shown in the Revised Site Plan received January 12, 2017, would remove approximately 1.5 acres from crop production; however, the Barnhart family had planned for this area to be converted from crops to prairie within 2 to 5 years anyway.
- *e. Agricultural drainage should not be affected.
- *f. Regarding wastewater treatment and disposal on the subject property:

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- (1) The subject property residence has a septic system, and the petitioners plan to install a separate septic system with sufficient capacity for the events center approved by the Champaign County Health Department.
- *(a) The Petitioner contracted Roger D. Windhorn, MS, to conduct an onsite Soil Evaluation for a Septic Filter Field. That analysis is a Document of Record.
 - *(b) Mike Flanagan of the Champaign County Health Department determined that the proposed events center needs to have a septic system that will serve 350 people.
 - *(c) As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received December 13, 2016, the septic system was sized for 1,750 gallons of water usage per day of event. He stated that Dan Magruder, a licensed septic contractor that she contacted about this system, agreed that there is enough space to install the required components.
 - *(d) The proposed septic system would be located west of the Hall, which is adjacent to the Barnhart Prairie.
- *g. The proposed Special Use Permit repurposes an existing machine shed and does not include any new buildings, with the exception of an addition to the machine shed.
- *h. The University of Illinois South Farms livestock facilities (beef cattle and sheep), are located on the northeast corner of the intersection of South Race Street and Old Church Road, approximately 0.66 miles west of the map amendment subject property.
- *(a) The University of Illinois was notified of the proposed rezoning and Special Use Permit. Due to the potentially sensitive nature of university research that might occur at the South Farms facility, on December 30, 2016, staff contacted Bruce Walden, Director of Real Estate Services for the University of Illinois to provide more specific details of the zoning case applications and site plans. In an email received January 5, 2017, Bruce Walden stated “the response from University departments is they anticipate no negative impact from this use”.
 - *(b) The Livestock Management Facilities Act (510 ILCS 77) regulates livestock management facilities that are not part of educational institutions. Though the South Farms is exempt from this Act, the following are of note:
 - *i. New Livestock Management Facilities with 50 to 1,000 animal units (the range that best suits the South Farms facilities) are required to have a setback of ¼ mile from a non-farm residence and ½ mile from a Populated Area (a

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public gathering place of 10 or more people meeting at least once a week).

- *ii. The nearest non-farm residence to the South Farms is greater than ¼ mile away, and the proposed events center (which could be considered a Populated Area) is 0.66 miles from the South Farms facility.
- *i. In a letter received December 19, 2016, Duane and June Schwartz, who live in the house directly east of the existing access drive to the subject property, state that they support the proposed Special Use Permit for Bluestem Hall in accordance with the new lane the petitioner has proposed.
- j. In a letter received January 3, 2017, Jeremy Ayers, 1077 CR 1500E, Philo, stated the following:
 - *(a) He and his family farm around 1,000 acres in the Champaign-Urbana area, including the land on and surrounding the Barnhart homestead (the 8.23-acre tract).
 - *(b) It is his opinion “that the possible traffic added by the opening of Bluestem Hall will be insignificant in the operation of nearby farmers, including himself. East Old Church Road is already a moderately trafficked road... When we farm the land near Bluestem Hall, we already have to accommodate and adjust to traffic and we have been doing that for a long time. Any additional cars that will be using these roads will not affect the process we use”.
- k. The Philo Township Highway Commissioner has been notified of this case.
 - *a. The petitioner consulted with Philo Township Road Commissioner Brian Meharry regarding traffic and safety impacts. On January 17, 2017, Susan Burgstrom spoke by phone with Mr. Meharry, who stated that he does not have concerns about the proposed event center and its impacts on the road. He stated that there will be a bit more traffic, but they will generally be smaller vehicles. He stated that he is willing to work with the petitioner to post wayfinding signs along Old Church Road. He stated that the biggest problem with the signs might be for farmers having to go around the signs, and that a lesser problem would be for him to mow around them.
- l. The subject property is 1.2 miles from the City of Urbana.
- m. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 for the following reasons:

- a. The subject property is located approximately 5.3 miles from the Philo Fire Protection District station. Notification of this case was sent to the FPD Chief.
 - (a) In an email received January 19, 2017, co-petitioner Abbie Frank stated that she contacted Philo Fire Department Chief Jay Miller regarding emergency vehicle access. Chief Miller told her they are looking for a 12 feet road width and a 50 feet diameter turn around, and that they have no preference for the thickness of the rock for the gravel.
- b. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.4 for the following reasons:

- a. Item 13.B.(2) regarding Policy 4.2.2. provides information on traffic impacts that is relevant to Policy 4.3.4.
- b. The Philo Township Highway Commissioner has been notified of this case.
 - *a. The petitioner consulted with Philo Township Road Commissioner Brian Meharry regarding traffic and safety impacts. On January 17, 2017, Susan Burgstrom spoke by phone with Mr. Meharry, who stated that he does not have concerns about the proposed event center and its impacts on the road. He stated that there will be a bit more traffic, but they will generally be smaller vehicles. He stated that he is willing to work with the petitioner to post wayfinding signs along Old Church Road. He stated that the biggest problem with the signs might be for farmers having to go around the signs, and that a lesser problem would be for him to mow around them.
- c. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no

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Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a) **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b) **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- a. Information regarding Best Prime Farmland for the subject property is provided under Item 13.A.(2).
- b. The proposed use in related Case 859-S-16 **DOES NOT** serve surrounding agricultural land uses or an important public need.
- c. Regarding whether the proposed development in related Case 859-S-16 **IS** otherwise appropriate in a rural area:
 - (a) The events center will host events that highlight the agricultural and prairie surroundings.
 - * (b) The proposed events center is sited on land that is not in crop production.
 - (c) The use on the subject property is intended to highlight the rural landscape, so a buffer between the use and nearby agriculture is not warranted.
 - * (d) The Petitioner has testified on the application in related Case 859-S-16: **“The unique setting near the Barnhart Prairie will provide a site of local history and a celebration of ecology and agriculture to the citizens of Champaign-Urbana.”**
 - (e) The traffic generated by the proposed use will primarily occur on weekends. Parking for events will be on a grass area northeast of the events center; no parking will be allowed on adjacent roads.
 - * (f) The University of Illinois South Farms livestock facilities (beef cattle and sheep), are located on the northeast corner of the intersection of South Race Street and Old Church Road, approximately 0.66 miles west of the map amendment subject property.

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- *i. The University of Illinois was notified of the proposed rezoning and Special Use Permit. Due to the potentially sensitive nature of university research that might occur at the South Farms facility, on December 30, 2016, staff contacted Bruce Walden, Director of Real Estate Services for the University of Illinois to provide more specific details of the zoning case applications and site plans. In an email received January 5, 2017, Bruce Walden stated “the response from University departments is they anticipate no negative impact from this use”.
 - *ii. The Livestock Management Facilities Act (510 ILCS 77) regulates livestock management facilities that are not part of educational institutions. Though the South Farms is exempt from this Act, the following are of note:
 - *a. New Livestock Management Facilities with 50 to 1,000 animal units (the range that best suits the South Farms facilities) are required to have a setback of ¼ mile from a non-farm residence and ½ mile from a Populated Area (a public gathering place of 10 or more people meeting at least once a week).
 - *b. The nearest non-farm residence to the South Farms is greater than ¼ mile away, and the proposed events center (which could be considered a Populated Area) is 0.66 miles from the South Farms facility.
 - (g) The subject property is 1.2 miles from the City of Urbana.
 - d. Regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will HELP ACHIEVE Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
 - e. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”
- The proposed rezoning will HELP ACHIEVE Objective 4.2 because of the following:
- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the**

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proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”

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

- a. Information regarding suitability of the proposed development in a rural area is provided under Item 13.A.(5).
 - b. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
 - c. The proposed development in related Case 859-S-16 **DOES NOT** support agriculture.
 - d. Regarding whether the proposed development in related Case 859-S-16 **IS** a service better provided in a rural area:
 - (a) The Petitioner has testified on the application in related Case 859-S-16: **“The unique setting near the Barnhart Prairie will provide a site of local history and a celebration of ecology and agriculture to the citizens of Champaign-Urbana.”**
 - (b) The proposed Special Use will host weddings and events which highlight the rural landscape, especially the prairie restoration area.
 - (c) The proposed Special Use repurposes an existing machine shed and does not include any new buildings other than an addition to the machine shed.
 - (d) The subject property is 1.2 miles from the City of Urbana.
- d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a) **is a type that does not negatively affect agricultural activities; or**
 - b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

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The proposed rezoning will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. The proposed use of the subject property is **NOT NEGATIVELY AFFECTED** by agricultural activities because it will host events that highlight the rural landscape.
- b. The proposed development in related Case 859-S-16 will **NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:
 - *(a) The proposed events center is sited on land that is not in crop production.
 - (b) The proposed parking area shown in the Revised Site Plan received January 12, 2017, would remove approximately 1.5 acres from crop production; however, the Barnhart family had planned for this area to be converted from crops to prairie within 2 to 5 years anyway.
 - (c) Agricultural drainage should not be affected.
 - (d) The proposed access drive can be used by agricultural vehicles for the parts of the subject property parcels that will remain in agricultural production.
 - (e) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. CR1200N (East Old Church Road) between South Race Street and South Philo Road had an ADT of 900. South Philo Road north of its intersection with Old Church Road had an ADT of 800.
 - (f) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads (new construction or reconstruction) with an ADT of 750 to 2,000 vehicle trips have a minimum shoulder width of 6 feet. There are two feet of gravel shoulder on each side of CR1200N (East Old Church Road).
 - (g) The pavement surface of CR1200N (East Old Church Road) in the vicinity of the subject property is oil and chip. The pavement width is about 20 feet plus 2 feet of gravel shoulder on each side. This would equate to a design volume of no more than 400 ADT. Traffic volumes on the adjacent roadway already exceed the design capacity, and a use such as an events center will contribute to increased use of the road and related deterioration.

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- (h) The events center will primarily hold events during evenings on weekends, which should not impact the typical peak travel hours associated with work commutes.
- *i) The petitioner consulted with Philo Township Road Commissioner Brian Meharry regarding traffic and safety impacts. On January 17, 2017, Susan Burgstrom spoke by phone with Mr. Meharry, who stated that he does not have concerns about the proposed event center and its impacts on the road. He stated that there will be a bit more traffic, but they will generally be smaller vehicles. He stated that he is willing to work with the petitioner to post wayfinding signs along Old Church Road. He stated that the biggest problem with the signs might be for farmers having to go around the signs, and that a lesser problem would be for him to mow around them.
- *j) The University of Illinois South Farms livestock facilities (beef cattle and sheep), are located on the northeast corner of the intersection of South Race Street and Old Church Road, approximately 0.66 miles west of the map amendment subject property.
- *i. The University of Illinois was notified of the proposed rezoning and Special Use Permit. Due to the potentially sensitive nature of university research that might occur at the South Farms facility, on December 30, 2016, staff contacted Bruce Walden, Director of Real Estate Services for the University of Illinois to provide more specific details of the zoning case applications and site plans. In an email received January 5, 2017, Bruce Walden stated “the response from University departments is they anticipate no negative impact from this use”.
- *ii. The Livestock Management Facilities Act (510 ILCS 77) regulates livestock management facilities that are not part of educational institutions. Though the South Farms is exempt from this Act, the following are of note:
- *a. New Livestock Management Facilities with 50 to 1,000 animal units (the range that best suits the South Farms facilities) are required to have a setback of ¼ mile from a non-farm residence and ½ mile from a Populated Area (a public gathering place of 10 or more people meeting at least once a week).
- *b. The nearest non-farm residence to the South Farms is greater than ¼ mile away, and the proposed events center (which could be considered a Populated Area) is 0.66 miles from the South Farms facility

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- * (k) In a letter received January 3, 2017, Jeremy Ayers, 1077 CR 1500E, Philo, stated the following:
 - * i. He and his family farm around 1,000 acres in the Champaign-Urbana area, including the land on and surrounding the Barnhart homestead (the 8.23-acre tract).
 - * ii. It is his opinion “that the possible traffic added by the opening of Bluestem Hall will be insignificant in the operation of nearby farmers, including himself. East Old Church Road is already a moderately trafficked road... When we farm the land near Bluestem Hall, we already have to accommodate and adjust to traffic and we have been doing that for a long time. Any additional cars that will be using these roads will not affect the process we use”.

- * (l) In an email received January 3, 2017, co-petitioner Abigail Frank states the following:
 - i. The proposed drive follows an unofficial break that gets mowed between the prairie and the farmland and this is just grass.
 - ii. Her relative (Trent Barnhart) does not have a problem with putting an access drive through his 8.1-acre property.
 - iii. The proposed access drive could be pivoted so that it is not totally straight and goes around the farmland; it was a financial decision to keep it straight.

- * (m) In an email received January 19, 2017, co-petitioner Abbie Frank provided a traffic conflict mitigation plan which includes wayfinding and caution signs as well as website information about travel in the area.

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

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

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.3 for the following reasons:

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- a. The Petitioners understand that this is a rural area where agricultural activities take place and desire the rural setting for their business.
 - b. A special condition has been proposed to ensure that any subsequent owner recognizes the rights of agricultural activities.
- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed rezoning will ***HELP ACHIEVE*** Policy 4.2.4 for the following reasons:

- a. The subject property is surrounded by prairie and family-owned farmland on 3 sides.
 - b. The buildings on the subject property have been adjacent to farmland for decades.
 - c. The use on the subject property is intended to highlight the rural landscape, so a buffer between the use and nearby agriculture is not warranted.
 - d. The 80-acre prairie that is Illinois Nature Preserve, and more prairie acreage surrounding that, naturally preserves the soil. Therefore, the LESA rating has essentially been followed on that acreage, and the proposed development converts less than 2 acres of Best Prime Farmland.
- C. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states: “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

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

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

The proposed rezoning ***will HELP ACHIEVE*** Policy 4.1.1 for the following reason:

- *a. 15,000 square feet (0.34 acre) of land that is Best Prime Farmland, located on the northern 8.1 acre tract owned by Trent Barnhart, would be converted into the proposed access drive for the events center.
- *(a) The 8.1 acre tract is surrounded by prairie to the west, University of Illinois farmland to the north, a residence to the east, and farmland to be converted for the proposed events center parking to the south.

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*b. The proposed parking area shown in the Revised Site Plan received January 12, 2017, would remove approximately 1.5 acres from crop production; however, the Barnhart family had planned for this area to be converted from crops to prairie within 2 to 5 years anyway.

- (3) Policy 4.1.6 states: **“Provided that the use, design, site and location are consistent with County policies regarding:**
- i. Suitability of the site for the proposed use;**
 - ii. Adequacy of infrastructure and public services for the proposed use;**
 - iii. Minimizing conflict with agriculture;**
 - iv. Minimizing the conversion of farmland; and**
 - v. Minimizing the disturbance of natural areas; then**
- a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
 - b) On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

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

- a. The soil on the map amendment subject property is Best Prime Farmland and consists of 154A Flanagan silt loam, 622C2 Wyanet silt loam, 56B Dana silt loam, 152A Drummer silty clay loam, and 171B Catlin silt loam, and has an average LE of 91.
- b. The Site Assessment (SA) portion of the LESA analysis for the map amendment subject property scored 164 out of 200 points.
- c. The total LESA Score of 255 for the map amendment subject property receives the highest protection rating in LESA, which is “very high rating for protection”.
- d. The proposed Special Use Permit repurposes an existing Hall and does not include any new buildings, with the exception of an addition to the Hall.
- e. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will HELP ACHIEVE Policy 4.3.2 regarding site suitability on best prime farmland.

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- f. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- g. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will will **HELP ACHIEVE** Policy 4.2.1, Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
- h. There are no relevant policies having to do with minimizing the conversion of farmland; 15,000 square feet (0.34 acre) of land that is Best Prime Farmland, located on the northern 8.1 acre tract owned by Trent Barnhart, would be converted into the proposed access drive for the events center.
(a) The 8.1 acre tract is surrounded by prairie to the west, University of Illinois farmland to the north, a residence to the east, and farmland to be converted for the proposed events center parking to the south.
(b) The proposed parking area shown in the Revised Site Plan received January 12, 2017, would remove approximately 1.5 acres from crop production; however, the Barnhart family had planned for this area to be converted from crops to prairie within 2 to 5 years anyway.
- i. Regarding compliance with policies having to do with minimizing the disturbance of natural areas:
 (a) The subject property is adjacent to the Barnhart Prairie Restoration, a privately owned Illinois Nature Preserve.
 (b) The Business Plan (confidential, and thus not included as a Document of Record) for the proposed events center received September 28, 2016, states “In the 1990’s Harry Barnhart and his children decided to turn the 100-acre farm into a native prairie restoration and the Barnhart Prairie Preserve was born. Now a sanctuary for animals, plants, birds, and insects the Barnhart Prairie Preserve will be the incredible view that wraps around Bluestem Hall”.
*(c) A Revised Site Plan received January 19, 2017 shows the addition of split rail/fieldstone fencing to create an informal boundary along the prairie.
 (d) Additional information on natural resources is provided under Item 17 of this Finding of Fact (Goal 8: Natural Resources).
- *j. The Natural Resource Report received on November 21, 2016, from the Champaign County Soil and Water Conservation District indicates the following:

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- *(a) “The site has a slit slope to the North and West. The developed areas seem to have good drainage. The water from the site will leave by way of surface drainage.”
- *(b) “The Illinois Natural Heritage Database shows the following protected resource may be in the vicinity of the project location: Barnhart Prairie INAI Site, Barnhart Prairie Restoration, Franklin’s Ground Squirrel.”
- (c) On December 8, 2016, staff requested additional consultation from the Illinois Department of Natural Resources regarding the proposed rezoning as it relates to Illinois Natural Area Inventory Sites and endangered species protection in the vicinity. Additional information on their findings is provided under Item 17 of this Finding of Fact (Goal 8: Natural Resources).

- (4) Policy 4.1.8 states, “**The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.**”

The proposed rezoning will HELP ACHIEVE Policy 4.1.8 for the following reasons:

- a. The soil on the map amendment subject property is Best Prime Farmland and consists of 154A Flanagan silt loam, 622C2 Wyanet silt loam, 56B Dana silt loam, 152A Drummer silty clay loam, and 171B Catlin silt loam, and has an average LE of 91.
- b. The Site Assessment (SA) portion of the LESA analysis for the map amendment subject property scored 164 out of 200 points.
- c. The total LESA Score of 255 for the map amendment subject property receives the highest protection rating in LESA, which is “very high rating for protection”.
 - (a) 15,000 square feet (0.34 acre) of land that is Best Prime Farmland would be converted into the proposed access drive for the events center.

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

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

Goal 5 has 3 objectives and 15 policies. Objectives 5.2, 5.3, and their subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment will HELP ACHIEVE Goal 5 because of the following:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states “Champaign County will strive to ensure that the preponderance of population growth and

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economic development is accommodated by new urban development in or adjacent to existing population centers.”

The proposed rezoning will **HELP ACHIEVE** Objective 5.1 because of the following:

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

The proposed rezoning will **HELP ACHIEVE** Policy 5.1.1 because of the following:

- a. The subject property is not served by sanitary sewer.
- b. The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
- c. The AG-2 District contains many uses that can be considered urban development as defined by the LRMP such as a stadium or coliseum and any use which generates a substantial wastewater load but the proposed use is not urban development because it is too far away from a public sanitary sewer system to connect. The subject property residence has a septic system, and the Petitioners propose to install a septic system for the events center approved by the Champaign County Health Department.
- *d. Mike Flanagan of the Champaign County Health Department determined that the proposed events center needs to have a septic system installed that will serve 350 people.
 - *(a) As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received December 13, 2016, the septic system was sized for 1,750 gallons of water usage per day of event. He stated that Dan Magruder, a licensed septic contractor that she contacted about this system, agreed that there is enough space to install the required components.
- e. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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- (3) Policy 5.1.4 states, **“The County may approve discretionary development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:**
- a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
 - b. **the site is determined to be well-suited overall for the development if on best prime farmland or the site is suited overall, otherwise; and**
 - c. **the development is generally consistent with all relevant LRMP objectives and policies.**

The proposed rezoning will **HELP ACHIEVE** Policy 5.1.4 because of the following:

- a. Regarding compliance with policies having to do with the proposed land use being well suited overall for development on Best Prime Farmland, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2.
- b. The 2005 Urbana Comprehensive Plan does not extend south of Old Church Road; the closest notation for future land uses in the area is “Institutional – University Ownership” and the University of Illinois properties only extend south to Old Church Road in the vicinity of the subject property.

Additional staff review and consultation with the City of Urbana showed that the Barnhart properties in this area, including the subject property tracts, should have gone through the City of Urbana subdivision approval process when they were created.

*(a) As of January 19, 2017, Ms. Barnhart and the City are finalizing the resolution to this issue.

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

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

Goal 6 has 4 objectives and 7 policies. Objectives 6.2, 6.3, 6.4 and their subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **HELP ACHIEVE** Goal 6 for the following reasons:

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

The proposed rezoning will **HELP ACHIEVE** Objective 6.1 because of the following:

- (1) Policy 6.1.1 does not appear to be relevant to the proposed rezoning.
- (2) Policy 6.1.2 states, **“The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.”**

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

- a. The subject property residence has a septic system, and the petitioners plan to install a separate septic system with sufficient capacity for the events center approved by the Champaign County Health Department.
 - *(a) The Petitioner contracted Roger D. Windhorn, MS, to conduct an onsite Soil Evaluation for a Septic Filter Field. That analysis is a Document of Record.
 - *(b) Mike Flanagan of the Champaign County Health Department determined that the proposed events center needs to have a septic system that will serve 350 people.
 - *(c) As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received December 13, 2016, the septic system was sized for 1,750 gallons of water usage per day of event. He stated that Dan Magruder, a licensed septic contractor that she contacted about this system, agreed that there is enough space to install the required components.
 - *(d) The proposed septic system would be located west of the Hall, which is adjacent to the Barnhart Prairie.
 - b. Any proposed Special Use Permit can be evaluated on a case by case for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- (3) Policy 6.1.3 states, **“The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.”**

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.3 for the following reason:

- *a. The petitioner submitted a light plan and lighting specification sheets designed by RAB Lighting, received December 30, 2016. The petitioners propose full cutoff lighting, which minimizes negative impacts on the adjacent prairie and neighboring properties.
 - *b. On January 18, 2017, staff received a revised light plan and specification sheets that reflect the proposed parking area movement to the northeast of the events center. The new plan maintains full cutoff lighting.
- (4) Policy 6.1.4 states, **“The County will seek to abate blight and to prevent and rectify improper dumping.”**

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The proposed rezoning will **HELP ACHIEVE** Policy 6.1.4 for the following reason:

- a. In an email received December 13, 2016, the petitioner stated that they contract for residential waste service, and will contact them about adding a commercial use to this service.

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

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

Goal 7 has 2 objectives and 7 policies. Objective 7.2 and its subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment will HELP ACHIEVE Goal 7 for the following reasons:

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

The proposed rezoning will HELP ACHIEVE Objective 7.1 because of the following:

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

The proposed rezoning will HELP ACHIEVE Policy 7.1.1 because:

- *a. The proposed Event Center will accommodate up to 350 people and the Zoning Ordinance requires at least 1 parking space per 5 guests, or 70 parking spaces.
- *b. The Site Plan received September 27, 2016, indicates a 130 feet by 380 feet (49,400 square feet) grass parking lot that could accommodate 165 spaces by minimum zoning requirements; however, if the lot does not have marked spaces, its capacity will likely be less.
 - *(a) The Revised Site Plans received January 12, 2017, and on January 19, 2017, moves the proposed parking area to the northeast of the events center, maintaining the same estimated vehicle capacity.
- *c. The subject property fronts the south side of East Old Church Road (CR 1200N) southwest of the “T” intersection with South Philo Road. As reviewed in related Case 859-S-16 regarding the general traffic conditions on CR1200N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - *(a) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. CR1200N (East Old Church Road) between South Race Street and South Philo Road had an ADT of 900. South Philo Road north of its intersection with Old Church Road had an ADT of 800.

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- * (b) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads (new construction or reconstruction) with an ADT of 750 to 2,000 vehicle trips have a minimum shoulder width of 6 feet. There are two feet of gravel shoulder on each side of CR1200N (East Old Church Road).
- * (c) The pavement surface of CR1200N (East Old Church Road) in the vicinity of the subject property is oil and chip. The pavement width is about 20 feet plus 2 feet of gravel shoulder on each side. This would equate to a design volume of no more than 400 ADT. Traffic volumes on the adjacent roadway already exceed the design capacity, and a use such as an events center will contribute to increased use of the road and related deterioration.
- * (d) The events center will primarily hold events during evenings on weekends, which should not impact the typical peak travel hours associated with work commutes.
- * d. In a letter received January 3, 2017, Jeremy Ayers, 1077 CR 1500E, Philo, stated the following:
 - * (a) He and his family farm around 1,000 acres in the Champaign-Urbana area, including the land on and surrounding the Barnhart homestead (the 8.23-acre tract).
 - * (b) It is his opinion "that the possible traffic added by the opening of Bluestem Hall will be insignificant in the operation of nearby farmers, including himself. East Old Church Road is already a moderately trafficked road... When we farm the land near Bluestem Hall, we already have to accommodate and adjust to traffic and we have been doing that for a long time. Any additional cars that will be using these roads will not affect the process we use".
- * e. The Philo Township Highway Commissioner has been notified of this case.
 - * (a) The petitioner consulted with Philo Township Road Commissioner Brian Meharry regarding traffic and safety impacts. On January 17, 2017, Susan Burgstrom spoke by phone with Mr. Meharry, who stated that he does not have concerns about the proposed event center and its impacts on the road. He stated that there will be a bit more traffic, but they will generally be smaller vehicles. He stated that he is willing to work with the petitioner to post wayfinding signs along Old Church Road. He stated that the biggest problem with the signs might be for farmers having to go around the signs, and that a lesser problem would be for him to mow around them.

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- *f. In an email received January 19, 2017, co-petitioner Abbie Frank provided a traffic conflict mitigation plan which includes wayfinding and caution signs as well as website information about travel in the area.
- *g. In an email received January 19, 2017, co-petitioner Abbie Frank provided an Estimated Annual Usage for the events center, which is a Document of Record.
- h. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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

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

Goal 8 has 9 objectives and 36 policies. Objectives 8.2, 8.3, 8.4, 8.5, 8.7, 8.8, and 8.9 and the subsidiary policies are not relevant to the proposed amendment. Additional evidence may be available at the meeting.

The proposed amendment will HELP ACHIEVE Goal 8 for the following reasons:

- A. Objective 8.6 states, “**Champaign County will encourage resource management which avoids loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species.**”

Policies 8.6.1, 8.6.5, and 8.6.6 are not relevant to the proposed amendment. The proposed rezoning will HELP ACHIEVE Objective 8.6 because of the following:

- (1) Policy 8.6.4 states, “**The County will require implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites**”.

The proposed rezoning will HELP ACHIEVE Policy 8.6.4 for the following reasons:

- *a. On December 8, 2016, staff requested additional consultation from the Illinois Department of Natural Resources regarding the proposed rezoning as it relates to Illinois Natural Area Inventory Sites and endangered species protection in the vicinity.
- *b. On January 11, 2017, IDNR representative Natalia Jones visited the subject property and adjacent Illinois Nature Preserve. She spoke with co-petitioner Abigail Frank during the visit regarding the Franklin Ground Squirrel habitat that is located where the grass parking area was proposed. Ms. Frank

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relayed IDNR's concerns about the Franklin Ground Squirrel to the Zoning Department. Susan Burgstrom requested more information about the squirrel from Natalia Jones.

*(a) In an email received January 11, 2017, Natalia Jones responded: The Franklin Ground Squirrels (FGS) prefer the prairie edge to build their burrows. A lot of burrows were found within or very close to a tree line. FGS can travel up to 6 mi (in this particular location they traveled up to 2 miles) along the edge of the prairie and only about 60 ft. deep in to the prairie. They don't use the rest of it. Today, while walking through the project area, where the parking lot is supposed to be, I found 3 burrows that based on their size most likely to be the FGS's. As I explained to Abbie in situations like this one, where the species presence is obvious (based on the previous records and physical evidence) and a 'take' of the species from the project activities is likely (which is a violation of the IL Endangered Species Protection Act), the Department recommends Incidental Take Authorization (ITA) in accordance with 17 Ill Adm. Code Part 1080. 'Take' means, in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such a conduct. The ITA process can take up to four month to complete. It is up to the applicant to follow our recommendation or not. It was my understanding that Abbie would like to avoid going through the ITA process. That is why we have suggested moving the parking lot to a different location as an alternative that will reduce the likelihood of a 'take'. Thus, no ITA will be recommended.

*(b) The petitioners decided to propose a different parking area, northeast of the event center, that would not be a concern for IDNR.

*(c) Should IDNR recommend additional management practices for the subject property, the Zoning Board of Appeals will consider and recommend special conditions to ensure those practices are maintained on the subject property.

*(d) A Revised Site Plan received January 19, 2017 shows the addition of split rail/fieldstone fencing to create an informal boundary along the prairie.

- (2) Policy 8.6.3 states, “**For discretionary development, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.**”

The proposed rezoning will HELP ACHIEVE Policy 8.6.3 for the following reasons:

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- a. “The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location: Barnhart Prairie INAI Site, Barnhart Prairie Restoration, Franklin’s Ground Squirrel.”
 - b. On December 8, 2016, staff requested additional consultation from the Illinois Department of Natural Resources regarding the proposed rezoning as it relates to Illinois Natural Area Inventory Sites and endangered species protection in the vicinity.
- (3) Policy 8.6.2 states, **“a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas. b. With regard to by-right development on good zoning lots, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas”**.

The proposed rezoning will **HELP ACHIEVE** Policy 8.6.2 for the following reasons:

- a. Section 17.A. of this document details how the petitioners propose to move a parking area in order to minimize the disturbance of habitat for the Franklin Ground Squirrel.
 - b. The Zoning Board of Appeals will recommend special conditions of approval to sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and will ensure that the special conditions adequately mitigate any problematic conditions.
- D. Objective 8.1 states, **“Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.”**

Policies 8.1.2, 8.1.3, 8.1.4, 8.1.5, 8.1.6, 8.1.7, 8.1.8, and 8.1.9 are not relevant to the proposed amendment. The proposed rezoning will **HELP ACHIEVE** Objective 8.1 because of the following:

- (1) Policy 8.1.1 states, **“The County will not approve discretionary development using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.”**
 - a. Sims Drilling provided a letter received October 19, 2016, which stated the existing well on the subject property provides 10 gallons per minute, which is sufficient for the petitioner’s plans for the Hall.
 - b. The subject property is not located over the Mahomet Aquifer.

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

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

The proposed amendment **WILL NOT IMPEDE** the achievement of Goal 9.

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

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

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

GENERALLY REGARDING THE LASALLE FACTORS

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

- A. **LaSalle factor: The existing uses and zoning of nearby property.** Table 1 below summarizes the land uses and zoning of the subject property and nearby properties.

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture (Proposed rezoning to AG-2)
North	Agriculture (U of I) <i>Note: UIUC South Farms Livestock Facility is 0.66 mile west of the subject property on north side of Old Church Road</i>	AG-1 Agriculture
East	Residential, Agriculture	AG-1 Agriculture
West	Barnhart Prairie, Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

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

- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided and so any discussion of values is necessarily general.

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- (2) This is primarily an agricultural area; the 8.23-acre subject property has been a farmstead for over a century. Land surrounding the 8.23-acre parcel was in agricultural production until 2005, when the Barnhart Prairie Restoration, a private Illinois Preserve, was created. Land that was not integrated into the Preserve continues to be maintained as prairie or is in agricultural production.
- (3) In regards to the value of nearby residential properties, the requested map amendment should not have any effect. Regarding the effect on nearby properties:
- a. One residence is adjacent to the proposed Special Use, but there is approximately ¼ mile between the residence and the Hall to be converted to an Events Center. The next closest residence to the Hall is 0.4 miles to the southeast and separated by farmland.
 - b. The traffic generated by the proposed use will primarily occur on weekends.
 - c. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
- (1) There has been no evidence submitted regarding property values.
 - (2) If the petitioners are denied the map amendment and special use permit, the properties can still be used as a residence, prairie, and agricultural land.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural and prairie land uses and activities.
 - (2) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will HELP ACHIEVE Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.

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- (2) The subject property is adjacent to a rural road that was designed for 400 vehicles per day; the proposed special use would increase traffic and create additional wear and tear on the road.
- (3) This area is primarily agricultural; the 8.23-acre subject property has been a farmstead for over a century. Land surrounding the 8.23-acre parcel was in agricultural production until 2005, when the Barnhart Prairie Restoration, a private Illinois Preserve, was created. Land that was not integrated into the Preserve continues to be maintained as prairie or is in agricultural production.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property is occupied and in residential and agricultural in use as zoned AG-1.
- (2) This area is primarily agricultural; the 8.23-acre subject property has been a farmstead for over a century. Land surrounding the 8.23-acre parcel was in agricultural production until 2005, when the Barnhart Prairie Restoration, a private Illinois Preserve, was created. Land that was not integrated into the Preserve continues to be maintained as prairie or is in agricultural production.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The ZBA has recommended that the proposed rezoning will HELP ACHIEVE Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
- (2) In the review of Policy 4.3.5 the ZBA has recommended the following:
- a. The proposed use **DOES NOT** serve surrounding agricultural land uses or an important public need.
- b. The proposed development **IS** otherwise appropriate in a rural area.
- (3) On January 19, 2017, staff received a list titled “Estimated Annual Usage” from co-petitioner Abbie Frank, which is a Document of Record.
- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- H. **Sinclair factor: The extent to which the use conforms to the municipality’s comprehensive planning.**
- (1) The ZBA has recommended that the proposed rezoning will HELP ACHIEVE the Champaign County Land Resource Management Plan.

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* (2) The 2005 Urbana Comprehensive Plan does not extend south of Old Church Road; the closest notation for future land uses in the area is “Institutional – University Ownership” and the University of Illinois properties only extend south to Old Church Road in the vicinity of the subject property.

*a. Additional staff review and consultation with the City of Urbana showed that the Barnhart properties in this area, including the subject property tracts, should have gone through the City of Urbana subdivision approval process when they were created.

*(a) As of January 19, 2017, Ms. Barnhart and the City are finalizing the resolution to this issue.

I. Overall, the proposed map amendment **IS** consistent with the LaSalle and Sinclair factors.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment **will HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

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

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.

*B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

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

* (1) It is not clear whether or not the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

* (2) The proposed rezoning could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:

*a. An event center is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and an event center. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.

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- * (3) In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
 - *a. If the petitioners are denied the map amendment and special use permit, the properties can still be used as a residence and agricultural land.

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

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

- (1) Probable traffic impacts are reviewed under Policy 7.1.1. The traffic generated by the proposed use will primarily occur on weekends.
- (2) In an email received January 19, 2017, co-petitioner Abbie Frank provided a traffic conflict mitigation plan which includes wayfinding and caution signs as well as website information about travel in the area.
- (3) On January 19, 2017, staff received a list titled "Estimated Annual Usage" from co-petitioner Abbie Frank, which is a Document of Record.
- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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

- * (1) The Natural Resource Report received on November 21, 2016 from the Champaign County Soil and Water Conservation District indicates the following regarding the Special Use Permit subject property:
 - *a. "The site has a slit slope to the North and West. The developed areas seem to have good drainage. The water from the site will leave by way of surface drainage."
- * (2) The subject property is not in the flood hazard area.
- * (3) The Petitioners propose to have a grass parking lot; the increase in impervious area on the site does not require a Storm Water Drainage Plan. Should the Petitioners install an improved parking area in the future, a Storm Water Drainage Plan and review may be necessary.
- * (4) The only planned construction for the proposed Special Use is an addition to the existing machine shed, which does not meet the amount of impervious area needed to require a Storm Water Drainage Plan.

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

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

- * (1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- * (2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- * (3) In a letter received December 19, 2016, Duane and June Schwartz, who live in the house directly east of the existing access drive to the subject property, state that they support the proposed Special Use Permit for Bluestem Hall in accordance with the new lane the petitioner has proposed.

* (4) During the January 12, 2017, public hearing, the following testimony was received:

- *a. Co-petitioner Amber Barnhart stated that her daughter presented the family's plans regarding the shed. She said that these plans have been something that they have wanted to do for decades, as the shed has always been the place where the Barnhart family would hold community events. She said that converting the shed into a hall would not be anything different than what the Barnhart family has done inside it during her entire lifetime. She said that her family loves the prairie and they will relocate the parking lot because of the Franklin Ground Squirrels.
- *b. Mr. Ryan Reber stated that he is the architect for this project. He said that he was contacted by Ms. Frank last year and after several iterations, he believes that it is very successful project that hits all of the markers that he likes to see in a project, because it is ecologically minded, makes use of an existing historical structure, and is going to be an amenity for the community. He stated that they are proposing a permeable mulch surface for the parking lot. He said that the only surface that will be paved is the parking lot to the east to accommodate ADA regulations and drop-off.
- *c. Mr. Jonathan Manuel stated that he is the Resource Conservationist for the Champaign County Soil and Water Conservation District, located at 2110 W. Park Ct., Champaign. He said that the CCSWCD has purposely worked with the Barnhart family for several years with an idea of some sort of educational facility at the property. He said that the CCSWCD worked with the Illinois Department of Natural Resources (IDNR) to make sure that their acreage would allow them to do something; however, the CCSWCD Board feels that the proposed project would be a better outlet as an educational center for the prairie. He said that we all know that the construction of buildings is costly and this would be a way to help the prairie maintain itself rather than the

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CCSWCD having fundraisers, etc. He said that it may sound somewhat selfish, but they are excited about the future of this project, as it will assist with educational opportunities for the beautiful prairie that the Barnhart family owns.

- *F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

- *G. Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

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

- *H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

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

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

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

- * (1) The proposed Special Use in related Case 859-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- (2) The ZBA has recommended that the proposed rezoning **will HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.

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

- * (1) The subject properties are just east of the Barnhart Prairie, a privately owned Illinois Preserve.
- * (2) All of the petitioners are related via the Barnhart family, and all seek to protect the Barnhart Prairie during planning, construction, and operations.
 - *a. Letters were received from Amber, Donald, and Trent Barnhart that are Documents of Record. The letters detail how they developed the Barnhart Prairie, how they will continue to protect it, and how the proposed events center will be compatible with the Barnhart Prairie.
- * (3) The Petitioner has testified on the application in related Case 859-S-16: **“The proposed land use will work directly with the Barnhart Prairie to ensure it stays a safe and happy ecological location.”**
- (4) On December 8, 2016, staff requested additional consultation from the Illinois Department of Natural Resources regarding the proposed rezoning as it relates to Illinois Natural Area Inventory Sites and endangered species protection in the vicinity. **Item 17.A. of this Finding of Fact provides more information about how the petitioners have proposed a solution to protect the habitat of the Franklin Ground Squirrel in response to IDNR concerns.**

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

- * (1) The proposed Special Use in related Case 859-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

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

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- * (1) 15,000 square feet (0.34 acre) of land that is Best Prime Farmland would be converted into the proposed access drive for the events center.
- * (2) The proposed parking area shown in the Revised Site Plan received January 12, 2017, would remove approximately 1.5 acres from crop production; however, the Barnhart family had planned for this area to be converted from crops to prairie within 2 to 5 years anyway.
- * (3) This is primarily an agricultural area; the 8.23-acre part of the subject property has been a farmstead for over a century. Land surrounding the 8.23-acre parcel was in agricultural production until 2005, when the Barnhart Prairie Restoration, a private Illinois Preserve, was created. Land that was not integrated into the Preserve continues to be maintained as prairie or is in agricultural production.
- * M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. Proposed Special Conditions of Approval:

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

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received September 27, 2016, with attachments:
 - A Proposed Site Plan received September 27, 2016
 - B Bluestem Hall (Events Center) Schematic Design Set dated August 29, 2016 and received September 27, 2016
2. Application for Map Amendment received September 27, 2016
3. Revised Site Plan received January 4, 2017
4. Revised Site Plan with Alternate Access Drive received January 4, 2017
5. Well analysis letter from Sims Drilling received October 19, 2016
6. Onsite Soil Evaluation for Septic Filter Field by Roger D. Windhorn, MS, received October 27, 2016
7. Natural Resource Report from the Champaign County Soil and Water Conservation District dated October 31, 2016 and received November 21, 2016
8. Preliminary EcoCAT consultation completed online December 8, 2016
9. Email regarding Septic System from Michael Flanagan, received December 13, 2016
10. Lighting plan and specifications by RAB lighting, received December 30, 2016
11. Land Evaluation and Site Assessment Score Worksheet completed by staff on January 3, 2017
12. Letter of Support from Duane and June Schwartz received December 19, 2016
13. Letter from Amber Barnhart received December 29, 2016
14. Letter from Jeremy Ayers received January 3, 2017
15. Email from Abigail Frank received January 3, 2017
16. Letter from Donald Barnhart received January 4, 2017
17. Letter from Trent Barnhart received January 4, 2017
18. [Email from Bruce Walden, Director of Real Estate for the University of Illinois, received January 5, 2017](#)
19. Boundary Survey created by Berns, Clancy and Associates dated October 27, 2000, and received January 5, 2017

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20. Preliminary Memorandum dated January 5, 2017 for Cases 858-AM-16 and Case 859-S-16, with attachments:
- A Case Maps (Location, Land Use, Zoning)
 - B Proposed Site Plan received September 27, 2016
 - C Proposed Schematic Design Set for Bluestem Hall received September 27, 2016
 - D Revised Site Plan received January 4, 2017
 - E Revised Site Plan with Alternate Access Drive received January 4, 2017
 - F Map of proposed Map Amendment and Special Use Permit subject properties created by staff on January 3, 2017, in consultation with Abigail Frank
 - G LRMP Land Use Goals, Objectives, and Policies
 - H LRMP Appendix of Defined Terms
 - I Right to Farm Resolution 3425
 - J Well analysis letter from Sims Drilling received October 19, 2016
 - K Onsite Soil Evaluation for Septic Filter Field by Roger D. Windhorn, MS received October 27, 2016
 - L Natural Resource Report from the Champaign County Soil and Water Conservation District dated October 31, 2016 and received November 21, 2016
 - M Preliminary EcoCAT consultation completed online December 8, 2016
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 - S Letter from Jeremy Ayers received January 3, 2017
 - T Email from Abigail Frank received January 3, 2017
 - U Letter from Donald Barnhart received January 4, 2017
 - V Letter from Trent Barnhart received January 4, 2017
 - W Boundary Survey created by Berns, Clancy and Associates dated October 27, 2000, and received January 5, 2017
 - X Site Visit Photos taken December 7, 2016 and January 4, 2017
 - Y Summary of Evidence, Finding of Fact, and Final Determination for Case 858-AM-16
 - Z Summary of Evidence, Finding of Fact, and Final Determination for Case 859-S-16

21. Supplemental Memorandum #1 dated January 12, 2017, with attachments:

- A Letter regarding subdivision of Barnhart property sent by staff on January 11, 2017
- B Email from IDNR specialist Natalia Jones received January 11, 2017
- C Revised Site Plan received January 12, 2017

22. Supplemental Memorandum #2 dated January 19, 2017, with attachments:

- A Revised site plan received January 19, 2017
- B Revised preliminary Boundary Survey received January 17, 2017, from Ed Clancy with Berns, Clancy and Associates
- C Revised Map of proposed Map Amendment and Special Use Permit subject properties created by staff on January 3, 2017 and revised January 17, 2017
- D Revised lighting plan received January 18, 2017

- E Email from Bruce Walden, Director of Real Estate Services, University of Illinois, received January 5, 2017
- F Email from Abbie Frank received January 19, 2017, with attachment:
 - Bluestem Hall Traffic Conflict Mitigation Plans received January 19, 2017
- G Email from Abbie Frank received January 19, 2017, with information about events frequency and attendance
- H Memorandum from City of Urbana planning staff to the Urbana Plan Commission, received January 13, 2017
- I Draft Minutes from the January 12, 2017 ZBA public hearing
- J Revised Finding of Fact and Final Determination for Case 858-AM-16 dated January 19, 2017
- K Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 859-S-16 dated January 19, 2017

REVISED DRAFT 01/19/17**Case 858-AM-16
Page 47 of 51****SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 12, 2017, and January 26, 2017,** the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. Regarding Goal 3:
 - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
 - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 3 Prosperity.
 - B. Regarding Goal 4:
 - (1) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
 - a. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 13.A.(5)).
 - b. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.A.(4)).
 - c. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.A.(3)).
 - d. Policy 4.3.2 requiring a discretionary development on Best Prime Farmland to be well-suited overall (see Item 13.A.(2)).
 - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
 - a. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(4)).
 - b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(3)).
 - c. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(2)).
 - d. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.B.(1)).

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- (3) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on Best Prime Farmland because it will **HELP ACHIEVE** the following:
- a. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding discretionary development (see Item 13.C.(4)).
 - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.C.(3)).
 - c. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.C.(2)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 5:
- (1) The proposed amendment will **HELP ACHIEVE** Goal 5 because it will **HELP ACHIEVE** the following:
 - a. Policy 5.1.1 requiring that the County will encourage new urban development to occur within the boundaries of incorporated municipalities (see Item 14.A.(2)).
 - (2) Based on achievement of the above Objective and Policy, the proposed map amendment will **HELP ACHIEVE** Goal 5 Urban Land Use.
- D. Regarding Goal 6:
- (1) The proposed amendment will **HELP ACHIEVE** Goal 6 because it will **HELP ACHIEVE** the following:
 - a. Policy 6.1.3 requiring that the County seek to prevent nuisances created by light and glare and endeavor to limit excessive night lighting (see Item 15.A.(3)).
 - b. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 15.A.(2)).
 - (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 6 Public Health and Safety.
- E. Regarding Goal 7:
- (1) The proposed amendment will **HELP ACHIEVE** Goal 7 because it will **HELP ACHIEVE** the following:
 - a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation (see Item 16.A.(1)).

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- (2) Based on achievement of the above Objective and Policy, the proposed map amendment will HELP ACHIEVE Goal 7 Transportation.

F. Regarding Goal 8:

- (1) The proposed amendment will HELP ACHIEVE Goal 8 because it will HELP ACHIEVE the following:
- a. Policy 8.6.4 requiring implementation of IDNR recommendations regarding protection of endangered or threatened species (see Item 17.A.(1)).
 - b. Policy 8.6.3 requiring use of the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection (see Item 17.A.(2)).
 - c. Policy 8.6.2 requiring land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas (see Item 17.A.(3)).
 - d. Policy 8.1.1 requiring adequate supply of water for a proposed discretionary development (see Item 17.B.(1)).

G. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):

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

H. Overall, the proposed map amendment will HELP ACHIEVE the Land Resource Management Plan.

2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided and so any discussion of values is necessarily general.
 - B. This is primarily an agricultural area; the 8.23-acre part of the subject property has been a farmstead for over a century. Land surrounding the 8.23-acre tract was in agricultural production until 2005, when the Barnhart Prairie Restoration, a private Illinois Preserve, was created. Land that was not integrated into the Preserve continues to be maintained as prairie or is in agricultural production.
 - C. In regards to the value of nearby residential properties, the requested map amendment should not have any effect. Regarding the effect on nearby properties:
 - (1) One residence is adjacent to the proposed Special Use, but there is approximately ¼ mile between the residence and the Hall to be converted to an Events Center. The next closest residence to the Hall is 0.4 miles to the southeast and separated by farmland.
 - (2) The traffic generated by the proposed use will primarily occur on weekends.

- D. The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural and prairie land uses and activities.
 - E. Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will HELP ACHIEVE Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
 - F. The 8.23-acre part of the subject property is zoned AG-1, is occupied and is residential in use.
 - G. The ZBA has recommended that the proposed rezoning will HELP ACHIEVE Policy 4.2.1 regarding whether the proposed use IS a service better provided in a rural area.
 - H. The ZBA has recommended that the proposed rezoning will HELP ACHIEVE the Champaign County Land Resource Management Plan.
 - I. The 2005 Urbana Comprehensive Plan does not extend south of Old Church Road; the closest notation for future land uses in the area is “Institutional – University Ownership” and the University of Illinois properties only extend south to Old Church Road in the vicinity of the subject property.
 - J. Overall, the proposed map amendment IS consistent with the LaSalle and Sinclair factors.
3. The proposed Zoning Ordinance map amendment will HELP ACHIEVE the purpose of the Zoning Ordinance because:
- A. Establishing the special use as originally proposed by the Petitioner, which requires rezoning to AG-2, WILL lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).
 - B. The proposed rezoning WILL lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0 (d) see Item 21.D.).
 - C. Establishing the AG-2 District in this location WILL help protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0 (n) Item 21.I).
 - D. Establishing the AG-2 District at this location will maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).
 - E. The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

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FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 858-AM-16** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

SUBJECT TO THE FOLLOWING SPECIAL CONDITION:

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

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

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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859-S-16

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: *{January 26, 2017}*

Petitioners: **Abigail Frank, Amber Barnhart, Trent Barnhart, Donald Barnhart**

Request: **Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 858-AM-16 with the following waiver to the standard conditions for an Outdoor Commercial Recreational Enterprise:**

Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 185 feet from a residential use in lieu of the minimum required 200 feet separation distance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 12, 2017, and January 26, 2017**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 858-AM-16)

- *1. Co-petitioner Amber Barnhart owns the 8.23-acre tract with the machine shed that is proposed to be converted to an events center, as well as the 1-acre property north of that tract. Co-petitioner Abigail Frank resides on the 8.23-acre tract and proposes the events center that is the subject of Special Use Permit case 859-S-16. Signatory Donald Barnhart owns the 17.82-acre property surrounding the 8.23-acre tract, which will include part of the proposed access drive to the events center and overflow parking for the events center. Signatory Trent Barnhart owns the 8.1-acre property along Old Church Road west of the existing access drive to the 8.23-acre tract, which will include part of the proposed access drive to the events center.
- *A. During the January 12, 2017 public hearing, co-petitioner Amber Barnhart indicated that recent land transactions had occurred that impact the subject properties.
- *B. Staff received an updated preliminary Boundary Survey on January 17, 2017, from Ed Clancy with Berns, Clancy and Associates showing how the land purchases would create 3 tracts out of the original 4 subject property tracts.
- *(1) Lot 1 remains unchanged as 8.1 acres owned by Trent Barnhart.
- *(2) Lot 2 includes the original 8.23 acre property that includes the shed to be renovated plus 8 acres of what was the 17.82 acres previously owned by Donald Barnhart. Amber Barnhart is the owner of this newly drawn 16.23 acres.
- *(3) Lot 3 is the remaining 9.82 acres of Donald Barnhart's original 17.82 acres. This lot is still owned by Donald Barnhart. It will not be a buildable lot, and will have access via easement from Lot 2.
- *2. The subject property for the map amendment is ~~four~~three different tracts of land totaling 35.15 acres in the East Half of the Northwest Quarter of Section 4 of Township 18 North, Range 9 East of the Third Principal Meridian in Philo Township and commonly known as the farmstead located east of Barnhart Prairie Restoration at 1433 East Old Church Road, Urbana.
- *A. The proposed Special Use Permit subject property is a ~~4.544~~-acre portion of the four tracts. A map of the map amendment subject property and the proposed Special Use Permit subject property has been provided as a Document of Record.
- *(1) A revised map showing the map amendment and Special Use Permit subject properties was distributed as part of Supplemental Memorandum #2 dated January 19, 2017.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
- *A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.
- *(1) Additional staff review and consultation with the City of Urbana showed that the Barnhart properties in this area, including the subject property tracts, should have gone through the City of Urbana subdivision approval process when they were created.

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*a. As of January 19, 2017, Ms. Barnhart and the City are finalizing the resolution to this issue.

- *B. The subject property is located within Philo Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
- A. The Special Use Permit subject property is a ~~4.544~~-acre part of the 4 parcels that are the subject of Map Amendment case 858-AM-16, and is currently zoned AG-1 Agriculture.
- *B. Land on the north, south, east, and west of the map amendment subject property is also zoned AG-1 Agriculture and is in use as follows:
- * (1) Land to the north is University of Illinois property in agriculture production. The UIUC South Farms Livestock Facility is 0.66 mile west of the subject property on the north side of Old Church Road.
- * (2) Land to the east along Old Church Road is a single-family residence, which is the subject of the proposed waiver in related case 859-S-16, for a separation distance of 185 feet in lieu of 200 feet from the proposed Special Use Permit subject property. Land to the east (south of that residence) is in agricultural production.
- * (3) Land to the immediate west along Old Church Road is owned by the Champaign County Soil and Water Conservation District and is maintained as prairie. Land west of the map amendment subject property is the 80-acre Barnhart Restoration Prairie, a privately owned Illinois Nature Preserve.
- * (4) Land to the south of the map amendment subject property is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- *5. Regarding the site plan and operations of the proposed Special Use:
- *A. The Petitioners submitted a Site Plan and Schematic Design Set received September 27, 2016. The documents indicate the following existing conditions and proposed improvements:
- * (1) Existing buildings and structures include:
- *a. A 90 feet by 40 feet "Hall", to be converted into the proposed Events Center;
- *b. A 16 feet by 28 feet detached "shed";
- *c. A 1,120 square feet single family residence;
- *d. A gravel access drive extending from Old Church Road;
- *e. A septic system north of the residence; and
- *f. A well to the west of the residence, which will be used as the primary water source for the proposed events center.

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- * (2) Proposed improvements include the following:
 - * a. The existing Hall will be converted to an events center under proposed Special Use Permit 859-S-16, with the following renovations:
 - * (a) A 16 feet by 19 feet vestibule addition to the north end of the Hall;
 - * (b) An 18 feet by 40 feet patio addition to the south end of the Hall;
 - * (c) A 3,000 square feet (approximate) Prairie Vista Walk addition on the west and south sides of the Hall;
 - * (d) A 40 feet by 90 feet Main Hall (converted machine shed);
 - * (e) A 15 feet by 15 feet commercial kitchen that will only be used for food prep and educational demonstrations;
 - * (f) A 13 feet by 15 feet Multi-Use room;
 - * (g) A 16 feet by 15 feet Bar area (alcove to Main Hall);
 - * (h) A 10 feet by 20 feet Storage/Mechanical room;
 - * (i) One four-stall accessible women's restroom;
 - * (j) One two-stall accessible men's restroom;
 - * (k) A new access driveway for the events center off Old Church Road, approximately 175 feet west of the existing residential access drive centerline;
 - * a. The proposed access drive would extend through the 8.1-acre property along Old Church Road owned by Trent Barnhart; 15,000 square feet (0.34 acre) of land that is Best Prime Farmland would be converted into the proposed access drive for the events center.
 - * b. In an email received January 3, 2017, co-petitioner Abigail Frank states the following:
 - * i. The proposed access drive will not be on the 80-acre Barnhart Prairie property as the site plan dated September 27, 2016 erroneously shows; it will be east of the prairie property line.
 - * ii. (On Donald Barnhart's tract) the proposed drive follows an unofficial break that gets mowed between the prairie and the farmland and this is just grass.
 - * iii. Her relative (Trent Barnhart) does not have a problem with putting an access drive through his 8.1-acre property.
 - * iv. The proposed access drive could be pivoted so that it is not totally straight and goes around the farmland; it was a financial decision to keep it straight.

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- *c. The petitioner submitted a Revised Site Plan received January 4, 2017, which included 2 access drive alternatives:
 - *i. The first page of the Revised Site Plan corrected the alignment of the straight access drive to reflect that it will not be located on the Barnhart Prairie.
 - *ii. The second page of the Revised Site Plan (with alternative access drive) shows how the proposed access drive for the events center could align around the south and west edges of Trent Barnhart's 8.1-acre part of the subject property rather than traversing straight through it to connect with Old Church Road.
- *l) A paved accessible parking area with 6 spaces; and
- *m) A 130 feet by 380 feet (49,400 square feet) grass parking lot that could accommodate 165 spaces by minimum zoning requirements; the petitioners anticipate starting with 70 spaces and increasing as demand requires.
- *n) The proposed events center will have both heat and air conditioning so events can be held throughout the year.
- *o) In a letter received December 29, 2016, co-petitioner Amber Barnhart stated the following:
 - *i. She owns the 8.23-acre part of the subject property where the proposed events center would be located.
 - *ii. She is the mother of co-petitioner Abigail Frank.
 - *iii. Her father had the shed built, in consultation about its location with her grandparents.
 - *iv. "In 1998 or so, my dad decided to turn our farm into a prairie... over the next 9 years we as a family with volunteers and a lot of guidance from CCSWCD and the naturalists in the areas turned the farm into a 120-acre prairie which you see today."
 - *v. "Part of the master plan (for the prairie) was always to turn the shed into an event center. We thought having such a place would truly integrate people into the prairie thru events, fund raisers and education."
- *b. A septic tank and leach field west of the proposed events center, with capacity for 350 guests, as determined in coordination with the Public Health Department.
- *c. The petitioner seeks to exclude the residence from the Special Use Permit area.

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- *B. The Petitioners submitted a Schematic Design Set of the proposed Events Center, received September 27, 2016, which includes the following:
- * (1) Sheet A1: existing floor plan for the Hall.
 - * (2) Sheet A2: cross-section of the existing building.
 - * (3) Sheet A3: grand floor plan.
 - * (4) Sheet A4: proposed building section, including proposed addition to east side.
 - * (5) Sheet A5: existing and proposed wall sections.
 - * (6) Sheet A6: north and east elevations.
 - * (7) Sheet A7: south and west elevations.
 - * (8) Sheet A8: northeast rendering.
 - * (9) Sheet A9: southwest rendering.
 - * (10) Sheet A10: interior rendering.
- *C. On January 12, 2017, staff received a Revised Site Plan with the following changes:
- * (1) The proposed grass parking lot has been moved to the north of the residence.
 - * (2) Handicapped accessible parking has been moved to the east of the proposed event center.
 - * (3) A walkway has been proposed connecting the proposed event center and the relocated parking lot.
 - * (4) The proposed driveway alignment has changed slightly near the events center.
- *D. On January 19, 2017, staff received a Revised Site Plan with the following changes:
- * (1) Sheet 1 shows the overall site plan, which appears to be the same as the January 12, 2017 Revised Site Plan.
 - * (2) Sheet 2 shows Phase 1 buildout, which includes the following:
 - *a. A 150 space natural grass parking lot;
 - *b. A 20 feet wide gravel drive with 6 inch thick gravel;
 - *c. A natural grass pedestrian path between the parking lot and the Hall;
 - *d. A 60 feet diameter cul-de-sac on the northeast corner of the Hall; and
 - *e. A concrete service lot and handicap accessible parking, and accessible sidewalks/patio.

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*(3) Sheet 3 shows Phase 2 buildout, which includes the following:

*a. Adding an electric gate and the north entrance;

*b. Adding gravel/permeable pavers to the south half of the parking lot;

*c. Adding a split rail and fieldstone fence along the driveway between Old Church Road and the pedestrian walkway;

*d. Adding pavement to the pedestrian walkway; and

*e. Adding a split rail and fieldstone fence around the west and south sides of the Hall.

*(4) Sheet 4 shows Phase 3 buildout, which includes the following:

*a. Adding gravel/permeable pavers to the north half of the parking lot.

*(5) An ADA statement of compliance for the design of Bluestem Hall, signed and sealed by Licensed Architect Ryan Reber, was also received on January 19, 2017.

*E. The only Zoning Use Permit in the immediate area of the subject property was for the residential lot east of the subject property to construct an addition and a garage; ZUPA 93-98-02 was approved on April 8, 1998.

*F. There are no previous zoning cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a combined “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:

A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):

- (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
- (2) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (3) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm

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machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (4) “ALTERATION” is any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or any movement of a STRUCTURE from one location or position to another.
- (5) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
- (6) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (7) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (8) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (9) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (10) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.

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- (11) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (12) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (13) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (14) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (15) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
- (16) “SIGN” is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (17) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (18) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (19) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (20) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (21) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.

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- (22) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (23) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
 - (2) Subsection 6.1.3 establishes the following standard condition for an Outdoor Commercial Recreational Enterprise:
 - a. A separation distance of 200 feet between any R DISTRICT or residential or INSTITUTIONAL USE.
- C. Section 7.4.1 refers to parking requirements for a facility such as the proposed Special Use:

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- (1) For BUILDINGS and other enclosed STRUCTURES, one PARKING SPACE for each five seats provided for patrons use, or at least one PARKING SPACE for each 200 square feet of floor area, whichever requires the greater number of PARKING SPACES.
 - (2) For outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.
 - (3) When a USE involves a combination of enclosed BUILDINGS or STRUCTURES and an outdoor area, the required PARKING SPACES shall be calculated separately per the above standards and then totaled to obtain the required PARKING SPACES for said USE.
 - (4) Section 7.4.1 C.4. states that required parking screens for commercial establishments shall be provided as follows:
 - a. Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - b. Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.

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- b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“The unique setting near the Barnhart Prairie will provide a site of local history and a celebration of ecology and agriculture to the citizens of Champaign-Urbana.”**

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

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The proposed land use will work directly with the Barnhart Prairie to ensure it stays a safe and happy ecological location. Our neighbors at the corner of Philo and East Old Church Road know of this project and approve.”**
- B. Regarding surface drainage:
- * (1) The Natural Resource Report received on November 21, 2016, from the Champaign County Soil and Water Conservation District indicates the following for the Special Use Permit subject property:
- * a. “The site has a slit slope to the North and West. The developed areas seem to have good drainage. The water from the site will leave by way of surface drainage.”
- * (2) The Petitioners propose to have a grass parking lot; the increase in impervious area on the site does not require a Storm Water Drainage Plan. Should the Petitioners install an improved parking area in the future, a Storm Water Drainage Plan and review may be necessary.
- * (3) The only planned construction for the proposed Special Use is an addition to the existing machine shed, which does not meet the amount of impervious area needed to require a Storm Water Drainage Plan.
- C. Regarding the effects on traffic:
- * (1) The subject property fronts the south side of East Old Church Road (CR 1200N) southwest of the “T” intersection with South Philo Road. As reviewed in related Case 859-S-16 regarding the general traffic conditions on CR1200N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- * a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. CR1200N (East Old Church Road) between South Race Street and South

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Philo Road had an ADT of 900. South Philo Road north of its intersection with Old Church Road had an ADT of 800.

- *b. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads (new construction or reconstruction) with an ADT of 750 to 2,000 vehicle trips have a minimum shoulder width of 6 feet. There are two feet of gravel shoulder on each side of CR1200N (East Old Church Road).
 - *c. The pavement surface of CR1200N (East Old Church Road) in the vicinity of the subject property is oil and chip. The pavement width is about 20 feet plus 2 feet of gravel shoulder on each side. This would equate to a design volume of no more than 400 ADT. Traffic volumes on the adjacent roadway already exceed the design capacity, and a use such as an events center will contribute to increased use of the road and related deterioration.
 - *d. The Site Plan received September 27, 2016, indicates a 130 feet by 380 feet (49,400 square feet) grass parking lot that could accommodate 165 spaces by minimum zoning requirements; however, if the lot does not have marked spaces, its capacity will likely be less.
 - *a. The proposed events center will have a maximum capacity of 350 guests, which would require only 70 spaces as per the Zoning Ordinance.
 - *b. The Revised Site Plans received January 12, 2017, and January 19, 2017, moves the proposed parking area to the northeast of the events center, maintaining the same estimated vehicle capacity.
 - *e. The events center will primarily hold events during evenings on weekends, which should not impact the typical peak travel hours associated with work commutes.
 - *f. In a letter received January 3, 2017, Jeremy Ayers, 1077 CR 1500E, Philo, stated the following:
 - *a. He and his family farm around 1,000 acres in the Champaign-Urbana area, including the land on and surrounding the Barnhart homestead (the 8.23-acre tract).
 - *b. It is his opinion "that the possible traffic added by the opening of Bluestem Hall will be insignificant in the operation of nearby farmers, including himself. East Old Church Road is already a moderately trafficked road... When we farm the land near Bluestem Hall, we already have to accommodate and adjust to traffic and we have been doing that for a long time. Any additional cars that will be using these roads will not affect the process we use".
- * (2) The petitioner submitted a Revised Site Plan received January 4, 2017, which included 2 access drive alternatives:

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- *a. The first page of the Revised Site Plan corrected the alignment of the straight access drive to reflect that it will not be located on the Barnhart Prairie.
 - *b. The second page of the Revised Site Plan (with alternative access drive) shows how the proposed access drive for the events center could align around the south and west edges of Trent Barnhart's 8.1-acre part of the subject property rather than traversing straight through it to connect with Old Church Road (CR 1200N).
- * (3) The petitioner submitted a Revised Site Plan received January 12, 2017, which shows the straight access drive; at the January 12, 2017 public hearing, co-petitioner Abigail Frank clarified that they prefer the straight alignment, but are willing to consider the second alternative if the Zoning Board prefers.
- *a. The Revised Site Plan received January 19, 2017 maintains the straight access drive option.
- * (4) The Philo Township Highway Commissioner has been notified of this case.
- *a. The petitioner consulted with Philo Township Road Commissioner Brian Meharry regarding traffic and safety impacts. On January 17, 2017, Susan Burgstrom spoke by phone with Mr. Meharry, who stated that he does not have concerns about the proposed event center and its impacts on the road. He stated that there will be a bit more traffic, but they will generally be smaller vehicles. He stated that he is willing to work with the petitioner to post wayfinding signs along Old Church Road. He stated that the biggest problem with the signs might be for farmers having to go around the signs, and that a lesser problem would be for him to mow around them.
- * (5) In an email received January 19, 2017, co-petitioner Abbie Frank provided a traffic conflict mitigation plan which includes wayfinding and caution signs as well as website information about travel in the area. The petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.
- *D. The subject property is located approximately 5.3 miles from the Philo Fire Protection District station. Notification of this case was sent to the FPD Chief.
- (1) In an email received January 19, 2017, co-petitioner Abbie Frank stated that she contacted Philo Fire Department Chief Jay Miller regarding emergency vehicle access. Chief Miller told her they are looking for a 12 foot road width and a 50 foot diameter turn around, and that they have no preference for the thickness of the rock for the gravel.
- *E. No part of the subject property is located within a mapped floodplain.
- F. Regarding soil on the 4.544 acre Special Use Permit subject property:
- (1) The soil on the subject property is best prime farmland and consists of 622C2 Wyanet silt loam, 56B Dana silt loam, 152A Drummer silty clay loam, and 171B Catlin silt loam, and has an average LE of 86. By definition, if there is more than

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10% of the subject property that has soils with an LE score greater than 91, then it is Best Prime Farmland, even if the overall LE score is less than 91. This is the case for the Special Use Permit subject property, so it is located on Best Prime Farmland.

- (2) The Site Assessment (SA) portion of the LESA analysis for the Special Use Permit subject property scored 143 out of 200 points.
- (3) The total LESA Score of 229 for the Special Use Permit subject property receives the second highest protection rating in LESA, which is “high rating for protection”.
 - *a. 15,000 square feet (0.34 acre) of land that is Best Prime Farmland would be converted into the proposed access drive for the events center.

- * (4) Regarding the conversion of land in crop production:
 - *a. The proposed events center is sited on land that is not in crop production.
 - *b. 15,000 square feet (0.34 acre) of land that is Best Prime Farmland would be converted into the proposed access drive for the events center.
 - *c. The proposed parking area shown in the Revised Site Plan received January 12, 2017, would remove approximately 1.5 acres from crop production; however, the Barnhart family had planned for this area to be converted from crops to prairie within 2 to 5 years anyway.

G. Regarding outdoor lighting on the subject property:

- * (1) The petitioner submitted a light plan and lighting specification sheets designed by RAB Lighting, received December 30, 2016. The petitioners propose full cutoff lighting, which minimizes negative impacts on the adjacent prairie and neighboring properties.
- * (2) On January 18, 2017, staff received a revised light plan and specification sheets that reflect the proposed parking area movement to the northeast of the events center. The new plan maintains full cutoff lighting.

H. Regarding wastewater treatment and disposal on the subject property:

- (1) The subject property residence has a septic system, and the petitioners plan to install a separate septic system with sufficient capacity for the events center approved by the Champaign County Health Department.
 - *a. The Petitioner contracted Roger D. Windhorn, MS, to conduct an onsite Soil Evaluation for a Septic Filter Field. That analysis is a Document of Record.
 - *b. Mike Flanagan of the Champaign County Health Department determined that the proposed events center needs to have a septic system that will serve 350 people.
 - *c. As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received December 13, 2016, the septic system was sized for 1,750 gallons of water usage per day of event. He stated that Dan

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Magruder, a licensed septic contractor that she contacted about this system, agreed that there is enough space to install the required components.

- *d. The proposed septic system would be located west of the Hall, which is adjacent to the Barnhart Prairie.

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

- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.

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- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- J. Regarding impacts on nearby agricultural facilities:
- * (1) The University of Illinois South Farms livestock facilities (beef cattle and sheep), are located on the northeast corner of the intersection of South Race Street and Old Church Road, approximately 0.66 miles west of the map amendment subject property.
 - *a. The University of Illinois was notified of the proposed rezoning and Special Use Permit. Due to the potentially sensitive nature of university research that might occur at the South Farms facility, on December 30, 2016, staff contacted Bruce Walden, Director of Real Estate Services for the University of Illinois to provide more specific details of the zoning case applications and site plans. In an email received January 5, 2017, Bruce Walden stated “the response from University departments is they anticipate no negative impact from this use”.
 - *b. The Livestock Management Facilities Act (510 ILCS 77) regulates livestock management facilities that are not part of educational institutions. Though the South Farms is exempt from this Act, the following are of note:
 - * (a) New Livestock Management Facilities with 50 to 1,000 animal units (the range that best suits the South Farms facilities) are required to have a setback of ¼ mile from a non-farm residence and ½ mile from a Populated Area (a public gathering place of 10 or more people meeting at least once a week).
 - * (b) The nearest non-farm residence to the South Farms is greater than ¼ mile away, and the proposed events center (which could be considered a Populated Area) is 0.66 miles from the South Farms facility.
- K. Regarding impacts on nearby natural areas:
- * (1) The Natural Resource Report received on November 21, 2016, from the Champaign County Soil and Water Conservation District indicates the following: “The Illinois

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Natural Heritage Database shows the following protected resources may be in the vicinity of the project location: Barnhart Prairie INAI Site, Barnhart Prairie Restoration, Franklin's Ground Squirrel."

- *(2) On December 8, 2016, staff requested additional consultation from the Illinois Department of Natural Resources regarding the proposed project as it relates to Illinois Natural Area Inventory Sites and endangered species protection in the vicinity.
- *(3) On January 11, 2017, IDNR representative Natalia Jones visited the subject property and adjacent Illinois Nature Preserve. She spoke with co-petitioner Abigail Frank during the visit regarding the Franklin Ground Squirrel habitat that is located where the grass parking area was proposed. Ms. Frank relayed IDNR's concerns about the Franklin Ground Squirrel to the Zoning Department. Susan Burgstrom requested more information about the squirrel from Natalia Jones.
- *a. In an email received January 11, 2017, Natalia Jones responded: "the Franklin Ground Squirrels (FGS) prefer the prairie edge to build their burrows. A lot of burrows were found within or very close to a tree line. FGS can travel up to 6 mi (in this particular location they traveled up to 2 miles) along the edge of the prairie and only about 60 ft. deep in to the prairie. They don't use the rest of it. Today, while walking through the project area, where the parking lot is supposed to be, I found 3 burrows that based on their size most likely to be the FGS's. As I explained to Abbie in situations like this one, where the species presence is obvious (based on the previous records and physical evidence) and a 'take' of the species from the project activities is likely (which is a violation of the IL Endangered Species Protection Act), the Department recommends Incidental Take Authorization (ITA) in accordance with 17 Ill Adm. Code Part 1080. 'Take' means, in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such a conduct. The ITA process can take up to four month to complete. It is up to the applicant to follow our recommendation or not. It was my understanding that Abbie would like to avoid going through the ITA process. That is why we have suggested moving the parking lot to a different location as an alternative that will reduce the likelihood of a 'take'. Thus, no ITA will be recommended."
- *b. The petitioners decided to propose a different parking area, northeast of the event center, that would not be a concern for IDNR.
- *c. Should IDNR recommend additional management practices for the subject property, the Zoning Board of Appeals will consider and recommend special conditions to ensure those practices are maintained on the subject property.
- *d. A Revised Site Plan received January 19, 2017 shows the addition of split rail/fieldstone fencing to create an informal boundary along the prairie.

REVISED DRAFT 01/19/17**L. Regarding comments received from community members:**

- *(1) In a letter received December 19, 2016, Duane and June Schwartz, who live in the house directly east of the existing access drive to the subject property, state that they support the proposed Special Use Permit for Bluestem Hall in accordance with the new lane the petitioner has proposed.**
- *(2) Letters were received from Amber, Donald, and Trent Barnhart that are Documents of Record. The letters detail how they developed the Barnhart Prairie, how they will continue to protect it, and how the proposed events center will be compatible with the Barnhart Prairie.**
- *(3) During the January 12, 2017, public hearing, the following testimony was received:**
 - *a. Co-petitioner Amber Barnhart stated that her daughter presented the family's plans regarding the shed. She said that these plans have been something that they have wanted to do for decades, as the shed has always been the place where the Barnhart family would hold community events. She said that converting the shed into a hall would not be anything different than what the Barnhart family has done inside it during her entire lifetime. She said that her family loves the prairie and they will relocate the parking lot because of the Franklin Ground Squirrels.**
 - *b. Mr. Ryan Reber stated that he is the architect for this project. He said that he was contacted by Ms. Frank last year and after several iterations, he believes that it is very successful project that hits all of the markers that he likes to see in a project, because it is ecologically minded, makes use of an existing historical structure, and is going to be an amenity for the community. He stated that they are proposing a permeable mulch surface for the parking lot. He said that the only surface that will be paved is the parking lot to the east to accommodate ADA regulations and drop-off.**
 - *c. Mr. Jonathan Manuel stated that he is the Resource Conservationist for the Champaign County Soil and Water Conservation District, located at 2110 W. Park Ct., Champaign. He said that the CCSWCD has purposely worked with the Barnhart family for several years with an idea of some sort of educational facility at the property. He said that the CCSWCD worked with the Illinois Department of Natural Resources (IDNR) to make sure that their acreage would allow them to do something; however, the CCSWCD Board feels that the proposed project would be a better outlet as an educational center for the prairie. He said that we all know that the construction of buildings is costly and this would be a way to help the prairie maintain itself rather than the CCSWCD having fundraisers, etc. He said that it may sound somewhat selfish, but they are excited about the future of this project, as it will assist with educational opportunities for the beautiful prairie that the Barnhart family owns.**

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

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9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“The surrounding farmland will not be disturbed with the exception of the proposed lane. The lane can be of service for agricultural reasons and be a natural prairie fire break.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning Districts and by right in the B-2, B-3, and B-4 Zoning Districts.
 - (2) An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts.
 - (3) Regarding the requirement for a separation distance of 200 feet between the Special Use and any R DISTRICT or residential or INSTITUTIONAL USE:
 - a. The proposed Special Use is 185 feet from the nearest residential use.
 - (4) Regarding parking on the subject property for the proposed Special Use:
 - *a. The Site Plan received September 27, 2016, indicates a 130 feet by 380 feet (49,400 square feet) grass parking lot that could accommodate 165 spaces by minimum zoning requirements; however, if the lot does not have marked spaces, its capacity will likely be less.
*(a) The Revised Site Plans received January 12, 2017, and January 19, 2017, moves the proposed parking area to the northeast of the events center, maintaining the same estimated vehicle capacity.
 - b. The proposed events center will have a maximum capacity of 350 guests, which would require only 70 spaces as per the Zoning Ordinance.
 - c. The proposed grass parking lot will be used throughout the year; should the Petitioners determine that an improved parking surface is necessary due to weather or other conditions, additional requirements would apply, including storm water management considerations.
 - d. A special condition has been proposed prohibiting parking on or adjacent to streets.
 - e. The parking area does not require screening as per Section 7.4.1 because there is no residential use within 100 feet of the building restriction line of a lot containing a dwelling conforming as to use.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:

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- (1) The Petitioners propose to have a grass parking lot; the increase in impervious area on the site does not require a Storm Water Drainage Plan. Should the Petitioners install an improved parking area in the future, a Storm Water Drainage Plan and review may be necessary.
 - (2) The only planned construction for the proposed Special Use is an addition to the existing machine shed, which does not meet the amount of impervious area needed to require a Storm Water Drainage Plan.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction and the petitioners are in the process of resolving issues with how the land was subdivided.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
- (1) A Private Indoor Recreational Development may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
 - (2) An Outdoor Commercial Recreational Enterprise may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
 - (3) The proposed use will not hinder agricultural production.
- G. Currently, the subject property is zoned AG-1 Agriculture and the Petitioner has requested to rezone the property to AG-2 Agriculture in related Case 858-AM-16. Regarding whether or not the proposed Special Use will preserve the essential character of the surrounding AG-1 District:
- (1) As reviewed in Case 858-AM-16, the types of uses authorized by right in the AG-1 DISTRICT are the same as by-right uses in the AG-2 DISTRICT. However, a Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise is only authorized as a Special Use in the AG-2 District and not the AG-1 District. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent AG-1 uses.
 - * (2) The subject property is located on CR1200N. Land use and zoning in the immediate area of the map amendment subject property are as follows:
 - *a. Land to the north is University of Illinois property in agriculture production. The UIUC South Farms Livestock Facility is 0.66 mile west of the subject property on the north side of Old Church Road.
 - *b. Land to the east along Old Church Road (CR 1200N) is a single-family residence, which is the subject of the proposed waiver in related case 859-S-16, for a separation distance of 185 feet in lieu of 200 feet from the proposed Special Use Permit subject property. Land to the east (south of that residence) is in agricultural production.

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- *c. Land to the immediate west along Old Church Road is owned by the Champaign County Soil and Water Conservation District and is maintained as prairie. Land west of the map amendment subject property is the 80-acre Barnhart Restoration Prairie, a privately owned Illinois Nature Preserve.
 - *d. Land to the south of the map amendment subject property is in agricultural production.
- H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
- (1) An ADA statement of compliance for the design of Bluestem Hall, signed and sealed by Licensed Architect Ryan Reber, was also received on January 19, 2017.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
- A. A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning District and by right in the B-2, B-3, and B-4 Zoning District.
 - B. An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts. Note that the Outdoor Commercial Recreational Enterprise and the Private Indoor Recreational Development are actually the same proposed use and not separate uses, which would not be permissible on a lot in the AG-1 District.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

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- D. The proposed Special Use Permit ***IS*** in harmony with the general purpose of the Zoning Ordinance, as follows:
- * (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
 - * (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
 - * a. It is not clear whether or not the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - * b. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
 - * (a) It is not clear whether or not the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - * (b) An event center is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and an event center. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.
 - * c. In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
 - (a) If the petitioners are denied the map amendment and special use permit, the properties can still be used as a residence and agricultural land.
 - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
 - a. Probable traffic impacts are reviewed under Item 8.C. of this Summary of Evidence. The traffic generated by the proposed use will primarily occur on weekends.

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- *b. In an email received January 19, 2017, co-petitioner Abbie Frank provided a traffic conflict mitigation plan which includes wayfinding and caution signs as well as website information about travel in the area.
 - *c. On January 19, 2017, staff received a list titled “Estimated Annual Usage” from co-petitioner Abbie Frank, which is a Document of Record.
- * (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
- *a. The Natural Resource Report received on November 21, 2016 from the Champaign County Soil and Water Conservation District indicates the following regarding the Special Use Permit subject property:
 - * (a) “The site has a slit slope to the North and West. The developed areas seem to have good drainage. The water from the site will leave by way of surface drainage.”
 - *b. The subject property is not in the flood hazard area.
 - *c. The Petitioners propose to have a grass parking lot; the increase in impervious area on the site does not require a Storm Water Drainage Plan. Should the Petitioners install an improved parking area in the future, a Storm Water Drainage Plan and review may be necessary.
 - *d. The only planned construction for the proposed Special Use is an addition to the existing machine shed, which does not meet the amount of impervious area needed to require a Storm Water Drainage Plan.
- * (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- *a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - *b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - *c. In a letter received December 19, 2016, Duane and June Schwartz, who live in the house directly east of the existing access drive to the subject property, state that they support the proposed Special Use Permit for Bluestem Hall in accordance with the new lane the petitioner has proposed.
 - *d. During the January 12, 2017, public hearing, the following testimony was received:
 - * (a) Co-petitioner Amber Barnhart stated that her daughter presented the family’s plans regarding the shed. She said that these plans have been

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something that they have wanted to do for decades, as the shed has always been the place where the Barnhart family would hold community events. She said that converting the shed into a hall would not be anything different than what the Barnhart family has done inside it during her entire lifetime. She said that her family loves the prairie and they will relocate the parking lot because of the Franklin Ground Squirrels.

*(b) Mr. Ryan Reber stated that he is the architect for this project. He said that he was contacted by Ms. Frank last year and after several iterations, he believes that it is very successful project that hits all of the markers that he likes to see in a project, because it is ecologically minded, makes use of an existing historical structure, and is going to be an amenity for the community. He stated that they are proposing a permeable mulch surface for the parking lot. He said that the only surface that will be paved is the parking lot to the east to accommodate ADA regulations and drop-off.

*(c) Mr. Jonathan Manuel stated that he is the Resource Conservationist for the Champaign County Soil and Water Conservation District, located at 2110 W. Park Ct., Champaign. He said that the CCSWCD has purposely worked with the Barnhart family for several years with an idea of some sort of educational facility at the property. He said that the CCSWCD worked with the Illinois Department of Natural Resources (IDNR) to make sure that their acreage would allow them to do something; however, the CCSWCD Board feels that the proposed project would be a better outlet as an educational center for the prairie. He said that we all know that the construction of buildings is costly and this would be a way to help the prairie maintain itself rather than the CCSWCD having fundraisers, etc. He said that it may sound somewhat selfish, but they are excited about the future of this project, as it will assist with educational opportunities for the beautiful prairie that the Barnhart family owns.

- *(6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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- * (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

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

- * (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

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

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

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

*b. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan.

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

*a. The map amendment subject property is just east of the Barnhart Prairie, a privately owned Illinois Preserve.

*b. All of the petitioners are related via the Barnhart family, and all seek to protect the Barnhart Prairie during planning, construction, and operations.

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- (a) Letters were received from Amber, Donald, and Trent Barnhart that are Documents of Record. The letters detail how they developed the Barnhart Prairie, how they will continue to protect it, and how the proposed events center will be compatible with the Barnhart Prairie.
- *c. The Petitioner has testified on the application: **“The proposed land use will work directly with the Barnhart Prairie to ensure it stays a safe and happy ecological location.”**
- *d. On December 8, 2016, staff requested additional consultation from the Illinois Department of Natural Resources regarding the proposed rezoning as it relates to Illinois Natural Area Inventory Sites and endangered species protection in the vicinity. Item 8.K. of this Summary of Evidence provides more information about how the petitioners have proposed a solution to protect the habitat of the Franklin Ground Squirrel in response to IDNR concerns.
- *(11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
- *a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- *(12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
- *a. 15,000 square feet (0.34 acre) of land that is Best Prime Farmland would be converted into the proposed access drive for the events center.
- *b. The proposed parking area shown in the Revised Site Plan received January 12, 2017, would remove approximately 1.5 acres from crop production; however, the Barnhart family had planned for this area to be converted from crops to prairie within 2 to 5 years anyway.
- *c. This is primarily an agricultural area; the 8.23-acre part of the subject property has been a farmstead for over a century. Land surrounding the 8.23-acre parcel was in agricultural production until 2005, when the Barnhart Prairie Restoration, a private Illinois Preserve, was created. Land that was not integrated into the Preserve continues to be maintained as prairie or is in agricultural production.
- *(13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and

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efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
 - A. The Petitioner has testified on the application: “N/A.”
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS

12. Regarding the necessary waivers of standard conditions:
 - A. Waive the standard condition of Section 6.1.3 of the *Zoning Ordinance*: that requires a separation distance of 185 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:
 - (1) The owner of the nearest residential structure is aware of the proposed special use and has no objections to the special events center or its proximity.
 - (2) The nearest neighboring property is located adjacent to the access drive to the 8.23 acre part of the subject property. Although the residential property is only 185 feet from the proposed access drive, it is 875-715 feet (.17-14 miles) from the parking lot associated with the Special Use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
 - A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 858-AM-16 by the County Board.**

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

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

- B. **A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of receiving a Zoning Use Permit for construction of the additions to the events center.**

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

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

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- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- D. **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 required to ensure the following:

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

- E. **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.

- F. **The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.**

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

That events held on the subject property adequately consider prior noise complaints and current neighbors.

- G. **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 pedestrians and motorists on Old Church Road.

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

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

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

- I. **The Special Use is subject to the approval of Case 858-AM-16.**

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

That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.

J. The Event Center shall be served by a driveway that has a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Philo Fire Protection District, and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.

The above special condition is necessary to ensure the following:

That the event center can be accessed by emergency vehicles.

K. A Zoning Use Permit shall not be approved for construction of the Events Center unless and until a Plat of Subdivision has been duly approved by the City of Urbana and filed with the Champaign County Recorder of Deeds.

The above special condition is necessary to ensure the following:

That the proposed land division is in compliance with the relevant subdivision requirements.

DOCUMENTS OF RECORD

1. Application for Special Use Permit received September 27, 2016, with attachments:
 - A Proposed Site Plan received September 27, 2016
 - B Bluestem Hall (Events Center) Schematic Design Set dated August 29, 2016 and received September 27, 2016
 - C Bluestem Hall (Events Center) Business Plan 2016, received September 28, 2016 - confidential
2. Application for Map Amendment received September 27, 2016
3. Revised Site Plan received January 4, 2017
4. Revised Site Plan with Alternate Access Drive received January 4, 2017
5. Well analysis letter from Sims Drilling received October 19, 2016
6. Onsite Soil Evaluation for Septic Filter Field by Roger D. Windhorn, MS, received October 27, 2016
7. Natural Resource Report from the Champaign County Soil and Water Conservation District dated October 31, 2016 and received November 21, 2016
8. Preliminary EcoCAT consultation completed online December 8, 2016
9. Email regarding Septic System from Michael Flanagan, received December 13, 2016
10. Lighting plan and specifications by RAB lighting, received December 30, 2016
11. Land Evaluation and Site Assessment Score Worksheet completed by staff on January 3, 2017
12. Letter of Support from Duane and June Schwartz received December 19, 2016
13. Letter from Amber Barnhart received December 29, 2016
14. Letter from Jeremy Ayers received January 3, 2017
15. Email from Abigail Frank received January 3, 2017
16. Letter from Donald Barnhart received January 4, 2017
17. Letter from Trent Barnhart received January 4, 2017
18. Email from Bruce Walden, Director of Real Estate for the University of Illinois, received January 5, 2017
19. Boundary Survey created by Berns, Clancy and Associates dated October 27, 2000, and received January 5, 2017

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20. Preliminary Memorandum dated January 5, 2017 for Cases 858-AM-16 and Case 859-S-16, with attachments:
- A Case Maps (Location, Land Use, Zoning)
 - B Proposed Site Plan received September 27, 2016
 - C Proposed Schematic Design Set for Bluestem Hall received September 27, 2016
 - D Revised Site Plan received January 4, 2017
 - E Revised Site Plan with Alternate Access Drive received January 4, 2017
 - F Map of proposed Map Amendment and Special Use Permit subject properties created by staff on January 3, 2017, in consultation with Abigail Frank
 - G LRMP Land Use Goals, Objectives, and Policies
 - H LRMP Appendix of Defined Terms
 - I Right to Farm Resolution 3425
 - J Well analysis letter from Sims Drilling received October 19, 2016
 - K Onsite Soil Evaluation for Septic Filter Field by Roger D. Windhorn, MS received October 27, 2016
 - L Natural Resource Report from the Champaign County Soil and Water Conservation District dated October 31, 2016 and received November 21, 2016
 - M Preliminary EcoCAT consultation completed online December 8, 2016
 - N Email regarding Septic System from Michael Flanagan, received December 13, 2016
 - O Lighting plan and specifications by RAB lighting, received December 30, 2016
 - P Land Evaluation and Site Assessment Score Worksheet completed by staff on January 3, 2017
 - Q Letter of Support from Duane and June Schwartz received December 19, 2016
 - R Letter from Amber Barnhart received December 29, 2016
 - S Letter from Jeremy Ayers received January 3, 2017
 - T Email from Abigail Frank received January 3, 2017
 - U Letter from Donald Barnhart received January 4, 2017
 - V Letter from Trent Barnhart received January 4, 2017
 - W Boundary Survey created by Berns, Clancy and Associates dated October 27, 2000, and received January 5, 2017
 - X Site Visit Photos taken December 7, 2016 and January 4, 2017
 - Y Summary of Evidence, Finding of Fact, and Final Determination for Case 858-AM-16
 - Z Summary of Evidence, Finding of Fact, and Final Determination for Case 859-S-16

21. Supplemental Memorandum #1 dated January 12, 2017, with attachments:

- A Letter regarding subdivision of Barnhart property sent by staff on January 11, 2017
- B Email from IDNR specialist Natalia Jones received January 11, 2017
- C Revised Site Plan received January 12, 2017

22. Supplemental Memorandum #2 dated January 19, 2017, with attachments:

- A Revised Site Plan received January 19, 2017
- B Revised preliminary Boundary Survey received January 17, 2017, from Ed Clancy with Berns, Clancy and Associates
- C Revised Map of proposed Map Amendment and Special Use Permit subject properties created by staff on January 3, 2017 and revised January 17, 2017
- D Revised lighting plan received January 18, 2017

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- E Email from Bruce Walden, Director of Real Estate Services, University of Illinois, received January 5, 2017
- F Email from Abbie Frank received January 19, 2017, with attachment:
 - Bluestem Hall Traffic Conflict Mitigation Plans received January 19, 2017
- G Email from Abbie Frank received January 19, 2017, with information about events frequency and attendance
- H Memorandum from City of Urbana planning staff to the Urbana Plan Commission, received January 13, 2017
- I Draft Minutes from the January 12, 2017 ZBA public hearing
- J Revised Finding of Fact and Final Determination for Case 858-AM-16 dated January 19, 2017
- K Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 859-S-16 dated January 19, 2017

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Page 35 of 39**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **859-S-16** held on **January 12, 2017**, and **January 26, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit **{IS / IS NOT}** necessary for the public convenience at this location because:
2. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it **{WILL NOT / WILL}** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has **{ADEQUATE / INADEQUATE}** traffic capacity and the entrance location has **{ADEQUATE / INADEQUATE}** visibility.
 - b. Emergency services availability is **{ADEQUATE / INADEQUATE}** **{because*}**:
 - c. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses **{because*}**:
 - d. Surface and subsurface drainage will be **{ADEQUATE / INADEQUATE}** **{because*}**:
 - e. Public safety will be **{ADEQUATE / INADEQUATE}** **{because*}**:
 - f. The provisions for parking will be **{ADEQUATE / INADEQUATE}** **{because*}**:
 - g. The property **{IS / IS NOT}** WELL SUITED OVERALL for the proposed improvements.
 - h. Existing public services **{ARE / ARE NOT}** available to support the proposed SPECIAL USE without undue public expense.
 - i. Existing public infrastructure together with the proposed development **{IS / IS NOT}** adequate to support the proposed development effectively and safely without undue public expense.

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

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

- 3a. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** **{DOES / DOES NOT}** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** **{DOES / DOES NOT}** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to **{CONFORM / NOT CONFORM}** to all relevant County ordinances and codes.
 - b. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses.
 - c. Public safety will be **{ADEQUATE / INADEQUATE}**.
4. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.

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- b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
- c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
- d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS NOT* an existing nonconforming use.
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***
- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 858-AM-16 by the County Board.**
- The special condition stated above is required to ensure the following:
The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.
- B. **A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of receiving a Zoning Use Permit for construction of the additions to the events center.**
- The special condition stated above is required to ensure the following:
The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.
- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- The special condition stated above is required to ensure the following:
That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.
- D. **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 required to ensure the following:
That the proposed Special Use meets applicable state requirements for accessibility.

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- E. **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.

- F. **The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.**

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

That events held on the subject property adequately consider prior noise complaints and current neighbors.

- G. **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 pedestrians and motorists on Old Church Road.

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

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

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

- I. **The Special Use is subject to the approval of Case 858-AM-16.**

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

That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.

- J. The Event Center shall be served by a driveway that has a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Philo Fire Protection District, and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.**

The above special condition is necessary to ensure the following:

That the event center can be accessed by emergency vehicles.

- K. A Zoning Use Permit shall not be approved for construction of the Events Center unless and until a Plat of Subdivision has been duly approved by the City of Urbana and filed with the Champaign County Recorder of Deeds.**

The above special condition is necessary to ensure the following:

That the proposed land division is in compliance with the relevant subdivision requirements.

FINAL DETERMINATION

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

The Special Use requested in Case **859-S-16** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Abigail Frank, Amber Barnhart, Trent Barnhart, Donald Barnhart**, to authorize the following as a Special Use on land that is proposed to be rezoned to the **AG-2 Agriculture Zoning District** from the current **AG-1 Agriculture Zoning District** in related Zoning Case **858-AM-16**:

Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 858-AM-16.

{SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:}

Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 185 feet from a residential use in lieu of the minimum required 200 feet separation distance.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 858-AM-16 by the County Board.**
- B. **A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of receiving a Zoning Use Permit for construction of the additions to the events center.**
- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- D. **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.**
- E. **All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

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- F. **The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.**
- G. **No parking shall occur in the public street right of way.**
- 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.**
- I. **The Special Use is subject to the approval of Case 858-AM-16.**
- J. **The Event Center shall be served by a driveway that has a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Philo Fire Protection District, and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.**
- K. **A Zoning Use Permit shall not be approved for construction of the Events Center unless and until a Plat of Subdivision has been duly approved by the City of Urbana and filed with the Champaign County Recorder of Deeds.**

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

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date