

CASE NO. 886-S-17

PRELIMINARY MEMORANDUM

January 4, 2018

Petitioners: Dave Kirby and Michael Kobel, Point of Contact, Champaign County Fair Association

Request: Authorize the expansion of Special Use Permit 836-S-16 for the Champaign County Fairgrounds and Parking Lot in the CR Conservation Recreation Zoning District to allow the construction and use of a BMX track on the Fairgrounds.

Location: A tract of land in the Northwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township and commonly known as the Champaign County Fairgrounds with an address of 1302 North Coler Avenue, Urbana.

Site Area: 53.79 acres

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

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

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

BACKGROUND

Petitioner Dave Kirby has been working with the Champaign County Fair Association to construct a BMX track on the Fairgrounds, southeast of the Grandstand. The P&Z Department became aware of preliminary plans for this project during Case 836-S-17 for expansion of the parking areas in the Fairgrounds, but there was not enough information at the time to include it in the Special Use Permit.

The Revised Site Plan received January 2, 2018, shows a 50 feet separation between the proposed track and the property line; this change negates the need for the previously advertised waiver.

DETERMINATION OF APPROPRIATENESS OF THE USE

Zoning Administrator John Hall has determined that the proposed BMX track is sufficiently similar to the various types of racing that have historically occurred on the Fairgrounds such that the proposed BMX track is permissible as an expansion of the Fairgrounds and is a significant enough expansion as to require a new Special Use Permit for the Fairgrounds (836-S-16).

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.

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

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Fairgrounds and Parking Lot	CR Conservation Recreation
North	Busey Woods (Urbana Park District)	(City of Urbana) CR Conservation-Recreation- Education
East	Crystal Lake Park (Urbana Park District)	(City of Urbana) CR Conservation-Recreation- Education
West	Residential	R-2 Single Family Residential
South	Residential and Urbana Park District	(City of Urbana) R-2 Single Family Residential and CR Conservation-Recreation- Education

NEW CHAMPAIGN COUNTY FAIR ASSOCIATION BOARD

Champaign County Fair Association elected a new Board for 2018. Mike Kobel, most recent past president, has been and will continue to be the contact for this zoning case. The old CCFA Board was listed in the legal advertisement, but the list has been updated under Item 1 in the Summary of Evidence as follows:

1. The petitioners are Dave Kirby, 305 S East St, Mansfield, and Michael Kobel, former President and Point of Contact for the Champaign County Fair Association, which owns the subject property. The 2018 Board of Directors for the Champaign County Fair Association includes: Bill Alagna, President, 210 E North Street, Seymour, IL 61875; Kent Weeks, 1st Vice President, 3310 N Mattis Ave, Champaign IL 61822; Edgar Busboom, 2nd Vice President, 2106 CR 2500 N, Thomasboro, IL 61878; Chris Wallace, Director, 2691 CR 1000 E, Champaign, IL 61822; Pam Barham, Secretary, 2451 Clayton Blvd, Champaign IL 61822; HD Brown, Treasurer, 907 N Country Fair Dr, Champaign IL 61821; Dave Price, Director, 1807 S Brook Ct, Mahomet IL 61853; Bob Williams, Director, 409 S Bourne, Tolono IL 61880; John Bell, Director, 1614 W Park Ave, Champaign, IL 61821; Jared Little, Director, 1321 Cobble Stone Way, Champaign IL 61822; Debbie Weeks, Director, 700 Schlutter St, Thomasboro IL 61878; and Marty Poling, Director, 1915 McDonald Dr, Champaign, IL 61821.

REVISED SITE PLAN RECEIVED 01/02/18

On December 5, 2017, P&Z Staff requested additional information on the Site Plan per the list provided below. In an email dated December 31, 2017, and received January 2, 2017, Mr. Kirby annotated the Site Plan with the following:

- (1) *The outermost perimeter of the track site must be 50 feet from the south and east Fairgrounds fences. If this cannot be achieved, we will request a waiver from this requirement as part of the Special Use Permit case. Please indicate the distance between the track site and the east and south fences.*

Mr. Kirby noted a 50 feet distance between the existing Fairgrounds south and east fences and the proposed track, rather than the 20 feet previously shown.

- (2) *Revise the site plan to include an outward 1:3 slope from the top of the berms for safety reasons – i.e. a 9 feet tall berm will slope 27 feet outward from its top. These outer slopes can be within the 50 feet required yards from the south and east Fairgrounds fences.*

Mr. Kirby wrote “with 1:3 slope on back side” next to the 9 feet high berms.

- (3) *Outline or make a note of the pit area on the site plan.*

Mr. Kirby notes the pit area will be on the north and west sides of the track.

- (4) *Make a note on the site plan showing where spectators and others will be allowed during race events.*

There is no new information regarding spectators.

- (5) *Indicate fencing with as much dimensional accuracy as possible on all 4 sides of the track perimeter.*

Mr. Kirby notes a “future fence” adjacent to the north and west sides of the track; there is no distance noted between the proposed fence and the track.

- (6) *Provide measurements of all 4 sides of the perimeter, including the outer slopes.*

There is no new information on the perimeter dimensions. The 300 feet length of each track leg was previously noted.

- (7) *Provide exact locations of all 3 drains on the site plan.*

A new drain location on the south side of the track was noted, “drain with grass screen and soot filter.” The drain in between the 1st and 2nd track legs was noted, “covered” rather than the previous “natural grass barrier/filter.” The drain previously shown on the southeast corner of the 4th leg has been crossed out.

- (8) *Make a note of vegetative screening such as native grasses, trees, etc. on the east and south ends of the track area.*

There is no new information regarding screening.

- (9) *Update the site plan, if needed, with any specifics on drainage, (i.e. filters, rain gardens, natural barriers, etc.) based on your discussions with Urbana and Urbana Park District.*

ADEQUACY OF THE PROPOSED SITE PLAN

The Revised Site Plan received 1/02/18 does not clearly indicate the overall dimensions of the proposed BMX track because it does not include the necessary grading required to accommodate the slopes for the various parts of the track that are elevated above grade nor does it indicate the extent of the proposed pit areas nor does it include any proposed screening. The ZBA should ensure that any approved site plan clearly establishes the extent of the proposed Special Use Permit (in this instance the proposed expansion) by clearly indicating the actual proposed use and particularly including any construction or development required to meet any special condition of approval.

DRAINAGE AND FLOODING CONCERNS

Regarding the *Storm Water Management and Erosion Control Ordinance*, the following information can be found under Item 8.B.(3) in the Summary of Evidence dated December 14, 2017:

- (3) The subject property requires a Storm Water Drainage Plan because the amount of impervious area on the subject property exceeds the maximum allowed for being exempt from the Storm Water Drainage Plan requirement.
 - a. A Storm Water Management Plan was received from Berns, Clancy and Associates on June 3, 2016, for the parking lot expansion during Zoning Case 836-S-16. A new storm water detention basin was constructed on the south end of the Fairgrounds in order to mitigate issues from the parking area.
 - (a) The proposed BMX track was not considered in the preparation of the Storm Water Management Plan received June 3, 2016.
 - b. Zoning Administrator John Hall has determined that the proposed BMX track will not require a Storm Water Management Plan unless complaints are received about flooding due to the BMX track.

Regarding flooding in the proposed track area, the following information can be found under Item 8.D. in the Summary of Evidence dated December 14, 2017:

- D. Regarding the *Special Flood Hazard Areas Ordinance*, the eastern edge of the subject property and the proposed BMX track site are within the flood hazard area, per FIRM panel 17019C0427D effective October 2, 2013.
 - (1) A Floodplain Development Permit will be required in order to construct the proposed BMX track.
 - (2) In an email string between Jamie Hitt, Zoning Officer, and Kristian Peterson, Permit Engineer for IDNR Office of Water Resources dated August 28, 2017, Mr. Peterson determined that the proposed BMX track is located outside of the delineated floodway, so an IDNR permit would not be required to perform the proposed work. If any of the proposed work will include any land within the delineated floodway, they will need to review this project to determine if a permit is required.

MULTI-AGENCY COORDINATION

The petitioners have been working with the Urbana Park District, City of Urbana, and the P&Z Department to develop a design that will ensure compatibility with existing uses, positive storm water drainage, and vegetative screening that shields Crystal Lake Park from the track while filtering sediment from the track.

The following information can be found under Item 8.B.(4) in the Summary of Evidence dated December 14, 2017:

- (4) On November 29, 2017, Susan Burgstrom met with Mr. Kobel, Derek Liebert from Urbana Park District, and Brad Bennett from City of Urbana Public Works to discuss storm water management.
 - a. Mr. Kirby could not attend that day, but met with Mr. Kobel and Mr. Liebert on December 1, 2017.
 - b. General concurrence was achieved on the following:
 - (a) There are 3 grated drains on or near the proposed track site.
 - (b) There is a storm sewer running through the site.
 - (c) The site generally drains to the sediment basin at Crystal Lake Park, which is currently being cleaned out to improve drainage.
 - (d) For the drain in the middle of the proposed track, if it is not needed for site drainage, it could be covered to avoid sedimentation that would affect the Park. The covered drain could be integrated into the track design, or be located in between track lengths. If the middle drain is needed for site drainage, then a different design would be required.
 - (e) For the drain on the south side of the proposed site (near the south fence), a buffer filter and perhaps a rain garden were suggested. Installing a sediment fence around the drain for a year would help determine if the filter is functioning appropriately or if additional measures need to be taken.
 - (f) Dust control would need to be addressed if it comes a problem. The hope was the tall grasses and compacted soils would be sufficient but if not, possible options included:
 - i. Wetting the soil during UPD events/rentals but also during general park use. General park visitation should not be affected by dust;
 - ii. An evergreen shrub screen; and
 - iii. A soil tack product, provided it would not run into the lake (sealed storm inlet should address most of this) and/or use of a product for which Safety Data Sheets document that it is not an aquatic hazard.

- (g) Susan Burgstrom mentioned the required 50 feet side and rear yard requirements for the Fairgrounds, which differs from the 20 feet proposed yards. Mr. Liebert mentioned that the Urbana Park District is in favor of more distance between the track and the park if it is feasible.
- (h) Screening options were discussed. Mr. Liebert said that native grasses on the east berms would be ideal to help filter storm water flow and control erosion. This would be preferred over the evergreen screening typically required for Champaign County zoning cases.
- (i) A Storm Water Management Plan would be desirable, but the BMX group has limited resources. Mr. Kobel would speak with Chris Billing at Berns Clancy and Associates to see if they have any existing surveys and utility information for that part of the Fairgrounds. He said he would also try to pin down the exact locations of the three existing drains. Susan Burgstrom would look through files at the P&Z Department for similar documents.

PROPOSED SPECIAL CONDITIONS

- A. **BMX track events shall be scheduled such that adequate parking is available on the Fairgrounds site.**

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

That the Fairgrounds provides sufficient parking capacity for all uses.

- B. **No overnight camping shall be allowed on the Fairgrounds related to BMX track events.**

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

That the Fairgrounds are secure after BMX track events.

- C. **Use of the BMX track must be supervised at all times. Adequate security shall be provided, including enclosing the BMX track in a minimum 6 feet tall security fence with locked gates.**

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

That the use prioritizes public health, safety and general welfare.

- D. **Use of the BMX track shall be limited to daytime hours and no artificial lighting shall be used.**

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

That lighting specifications for the Special Use are reflected on the approved Site Plan and are in accordance with Section 6.1.2 of the Zoning Ordinance.

- E. **The Zoning Administrator may require that the petitioner control fugitive dust if a complaint is received stemming from activities related to the BMX track site.**

The special condition stated above is to ensure the following:

That the Special Use takes the public health, safety and general welfare into consideration.

- F. **Sound amplification shall be minimized and used only as absolutely necessary during use of the BMX track.**

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

That nearby park users are not disrupted by excessive noise.

- G. **Storm water runoff from the BMX track shall not pose any significant risk to water quality in Crystal Lake and engineering documentation shall be provided and monitoring shall be undertaken to verify the quality of storm water runoff entering the storm drain system.**

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

That the development conforms to all relevant ordinances.

- H. **A buffer of native vegetation shall be provided between the BMX track and Crystal Lake Park. The plantings for the vegetative buffer shall be as approved in the Special Use Permit and a man-made screen shall be maintained as necessary to provide screening while the native vegetative buffer is getting established. The man-made screen shall be as approved in the Special Use Permit.**

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

That Fairgrounds uses continue to be compatible with Crystal Lake Park.

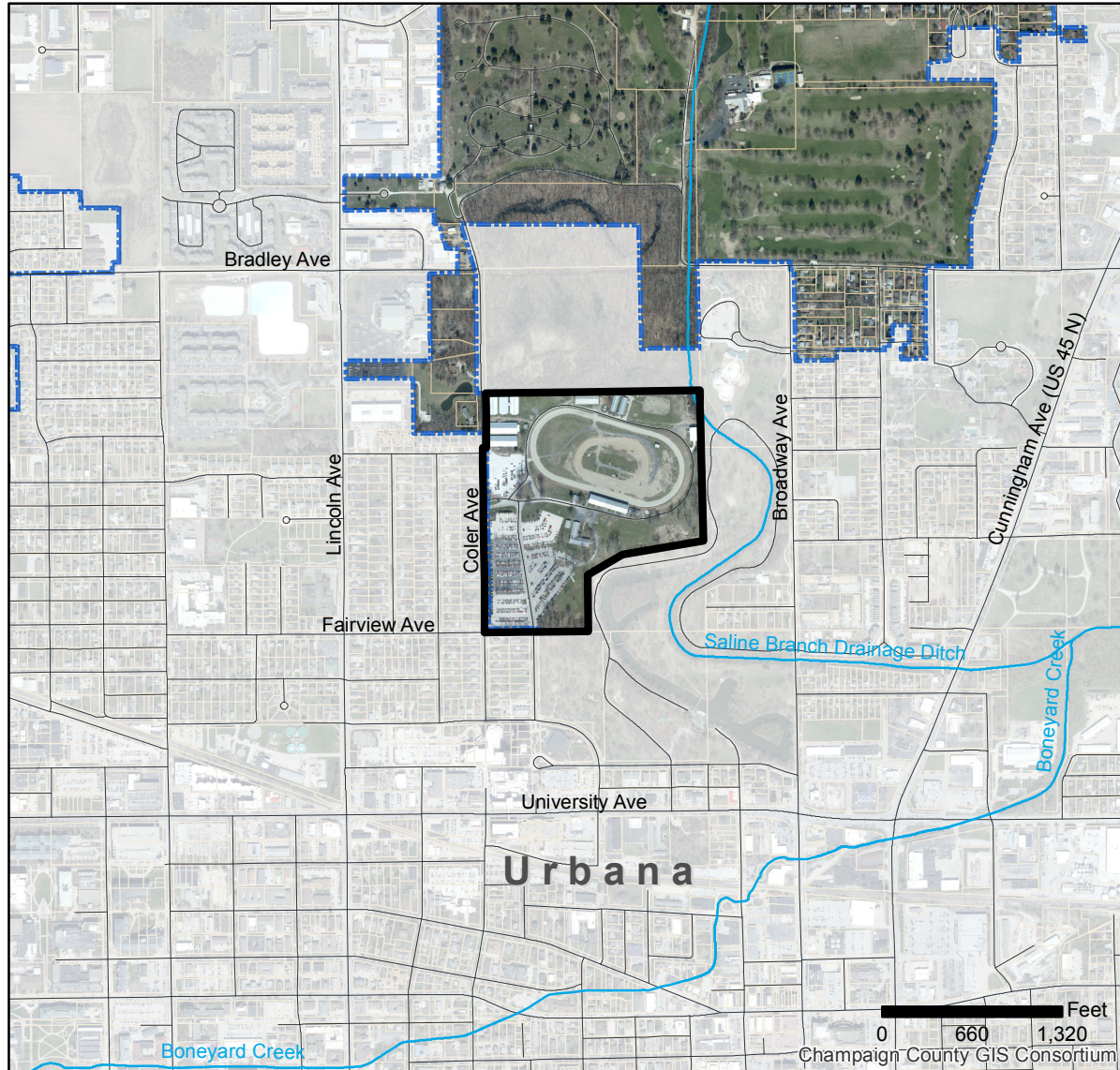
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Annotated aerial photo by Berns, Clancy and Assoc. received May 9, 2016
- C Site Plan received August 17, 2017
- D Revised Site Plan received November 8, 2017
- E Revised Site Plan received January 2, 2018
- F Annotated aerial photo with Base Flood Elevation, FEMA 2013 flood hazard area created by P&Z Staff on November 27, 2017 and revised January 2, 2018
- G Email regarding BMX Track construction from Urbana Park District received June 29, 2016
- H Email from Dave Kirby to Tim Bartlett dated May 9, 2017 and received August 17, 2017
- I Email string between Jamie Hitt and Kristian Peterson of IDNR dated August 28, 2017
- J Email from Tim Bartlett to Dave Kirby dated August 29, 2017 and received August 29, 2017
- K Email from Dave Kirby to Tim Bartlett dated August 30, 2017 and received September 7, 2017
- L Email string between Susan Burgstrom and Dave Kirby dated September 15, 2017 to November 22, 2017
- M Email string between Susan Burgstrom and Dave Kirby dated December 5, 2017 and December 31, 2017, with attachment:
 - Revised Site Plan received January 2, 2018
- N Site Images taken November 29, 2017
- O Draft Summary of Evidence, Finding of Fact, and Final Determination dated December 14, 2017

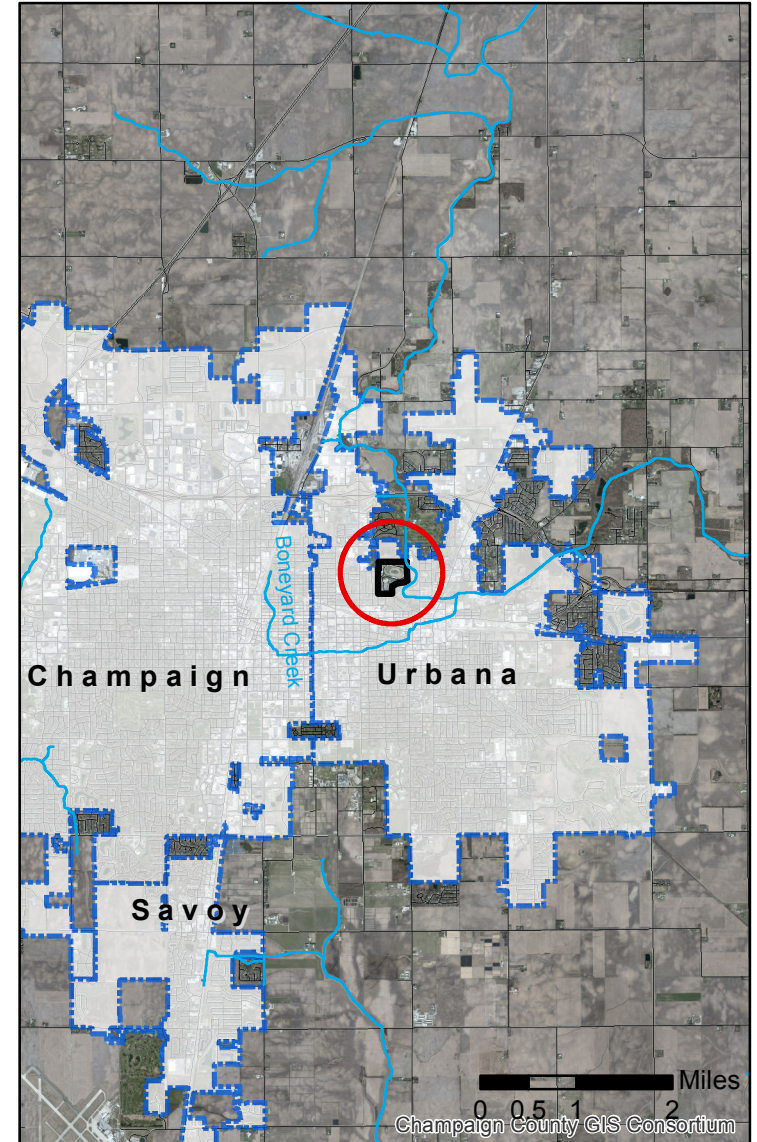
Location Map

Case 886-S-17
January 11, 2018






Subject Property



Property location in Champaign County



Legend

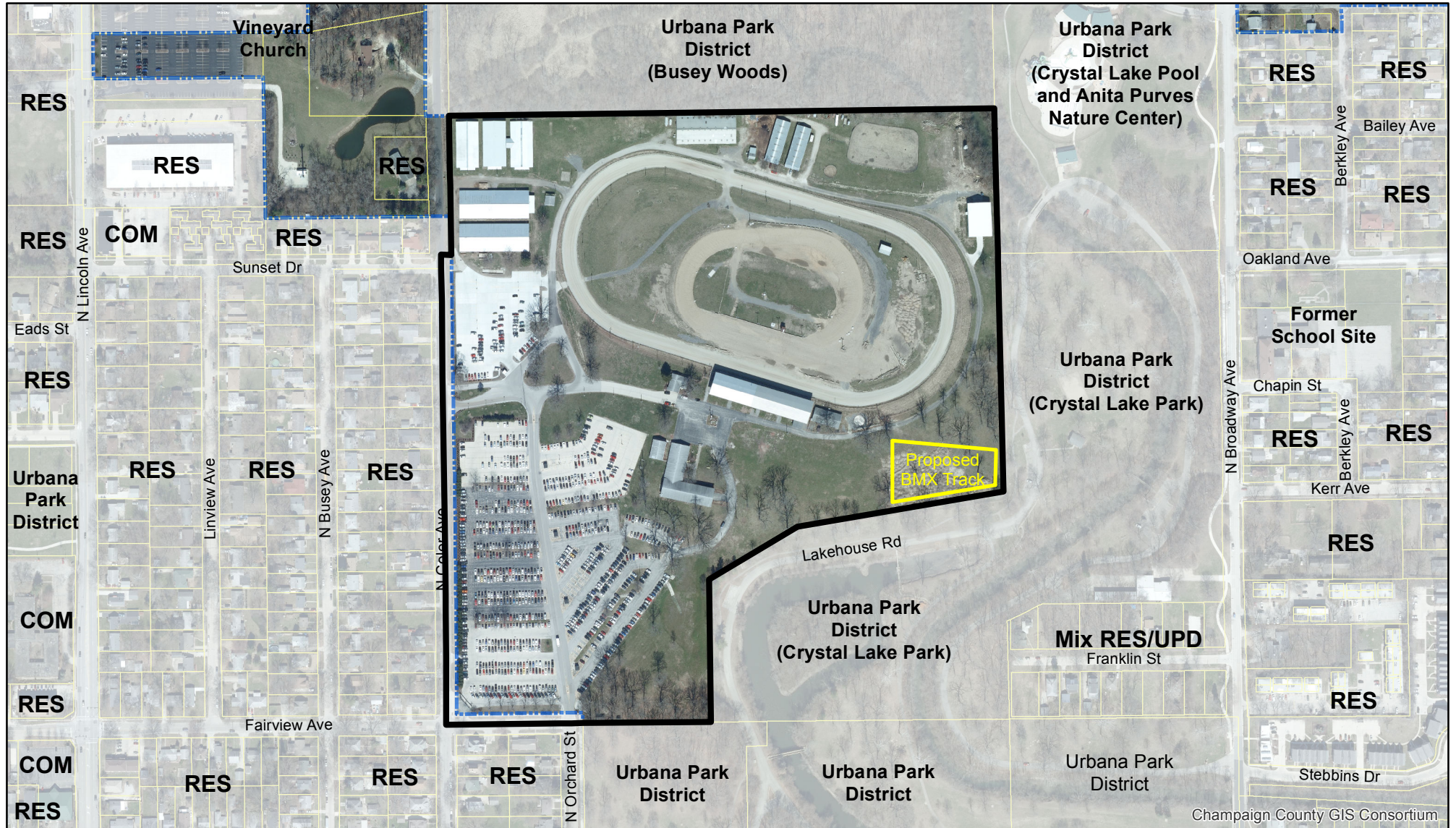
-  Subject Property
-  Streets
-  Parcels
-  Streams
-  Municipal Boundary



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

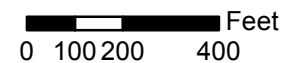
Case 886-S-17
January 11, 2018



Champaign County GIS Consortium

Legend

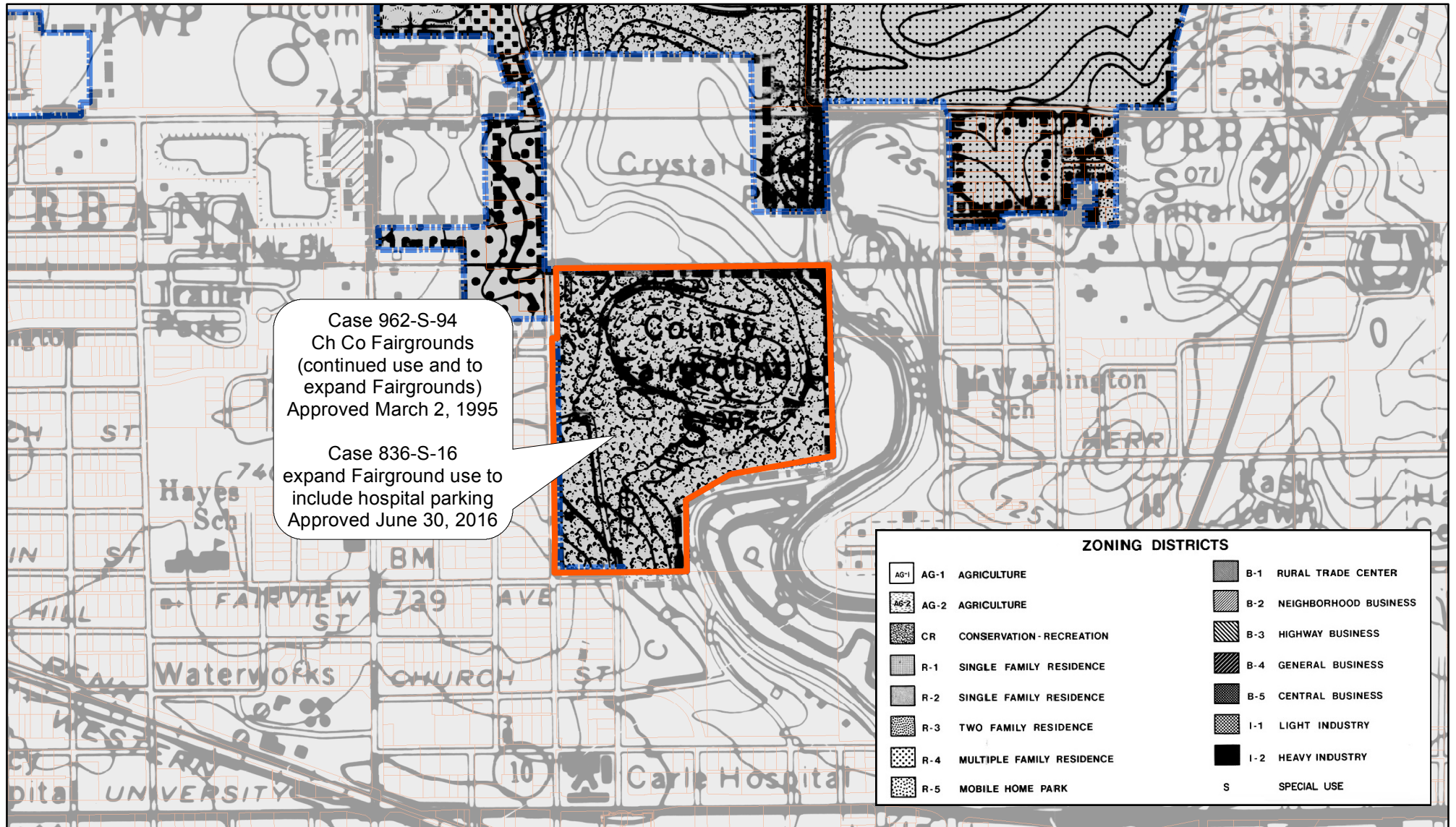
- Parcels
- Subject Property
- RES Residential
- COM Commercial






Champaign County
Department of
PLANNING &
ZONING

Zoning Map


Case 886-S-17
January 11, 2018



Legend

-  Subject Property
-  Parcels
-  Urbana Corporate Limit

0 200 400 800 Feet



Champaign County
Department of
PLANNING &
ZONING



BERNS, CLANCY AND ASSOCIATES, P.C.

ENGINEERS • SURVEYORS • PLANNERS

☑ URBANA, IL 61803-0755 • TEL 217/384-1144 • FAX 217/384-3355

☐ DANVILLE, IL 61832-5729 • TEL 217/431-1144 • FAX 217/431-2929

Job # 2612-56

Computer CB

Date 5-6-16

Project: Fairgrounds Parking Lot

Sheet 1 of 1

John Hall, Zoning Administrator
Ch. Co. Department of Planning and Zoning
Brookins Administrative Center
1776 E. Washington Street
Urbana, IL 61802

RECEIVED

MAY 09 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Dear John,

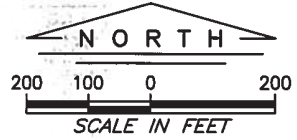
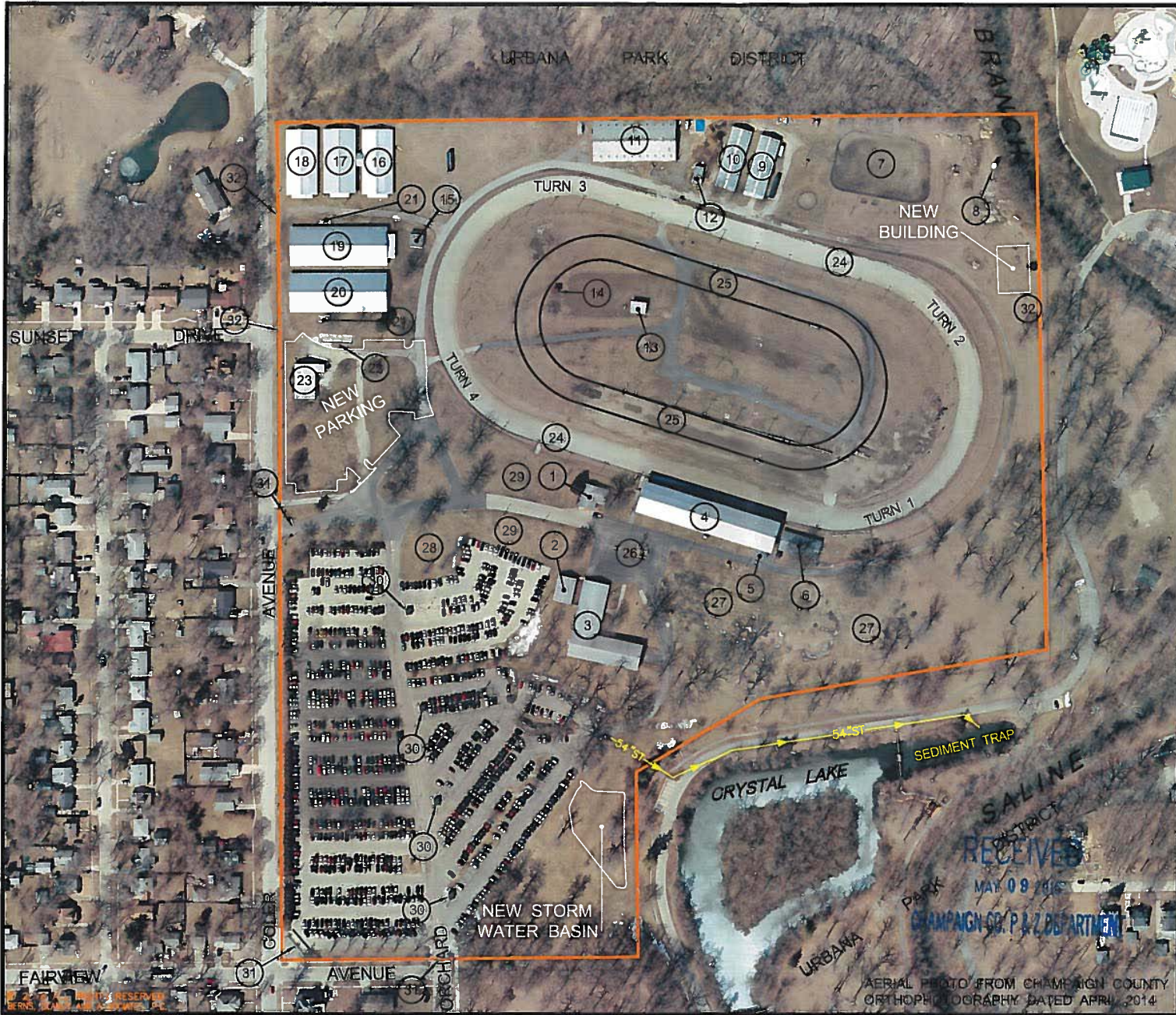
As a follow up to your email communications to Mike Kobel of April 27, we provide the following items:

- 1) Two (2) copies of an updated color aerial photo site plan that labels facilities at the County Fairgrounds site. We also emailed a PDF of this exhibit so that you might have this in an electronic format as well.
- 2) The dimensional site plans you were previously provided have been updated to reflect a change to Portland Cement Concrete for the parking pavement. Several sheets were updated and two detail sheets were added to the plans. We provide one (1) full size set of the entire plans and one (1) half-size set as well for your review. We also emailed a PDF of these plans so that you might have this in an electronic format as well.

We are working with Carle and the Fairgrounds staff to assemble the other materials you have cited in your April 27 email and will provide them as soon as assembled. Please let us know if you have any questions regarding the transmitted materials.

cc: Mike Millage
Mike Kobel

Chris Billings



- AREA OF INTEREST**
- | | |
|---------------------------------|----------------------------------|
| 1 FAIR OFFICE | 16 SHEEP BARN |
| 2 MAIN RESTROOMS | 17 HOG BARN |
| 3 KESLER EXHIBIT HALL | 18 HOG BARN |
| 4 GRANDSTANDS | 19 BEEF BARN |
| 5 FISH TENT (VENDORS) | 20 DAIRY BARN |
| 6 PAVILION (BEER TENT) | 21 MANURE PITS |
| 7 CORRAL/Paddock AREA | 22 CATTLE WASH RACKS |
| 8 STEEL WATER TANK | 23 MAINTENANCE FACILITY & OFFICE |
| 9 HORSE BARN (BOARDING) | 24 1/2-MILE DIRT TRACK |
| 10 HORSE BARN (BOARDING) | 25 1/4-MILE DIRT TRACK |
| 11 HORSE BARN | 26 ELECTRIC COURTYARD |
| 12 SPEED OFFICE (FAIR ONLY) | 27 MIDWAY (CARNIVAL) |
| 13 PORTABLE STAGE | 28 "KIDDY-LAND" AREA |
| 14 ANNOUNCER'S STAND (PORTABLE) | 29 FOOD VENDORS |
| 15 4-H RESTROOMS | 30 CARLE SHUTTLE STOPS |
| | 31 MAIN FAIR ENTRANCE |
| | 32 SECONDARY ACCESS GATES |

SITE PLAN
 CHAMPAIGN COUNTY FAIRGROUNDS
 SECTION 8, T19N, R9E, 3PM
 URBANA TOWNSHIP
 CHAMPAIGN COUNTY, ILLINOIS

BERNS, 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

FILE: 2612-56EX.DWG	DATE: 050516	SHEET 1 OF 1
JOB: 2612-56		

AERIAL PHOTO FROM CHAMPAIGN COUNTY ORTHOPHOGRAPHY DATED APRIL, 2014



RECEIVED

AUG 17 2017

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

NOV 08 2017

CHAMPAIGN CO. P & Z DEPARTMENT



Total Track Length 1200'

Start Hill 9'

300'

24'

30'

5'

15'

Drains

Start

Berm 9'

300'

15'

5'

300'

25'

3W

6W

10W

Finish

3'

5'

35'

15'

9' High Berms

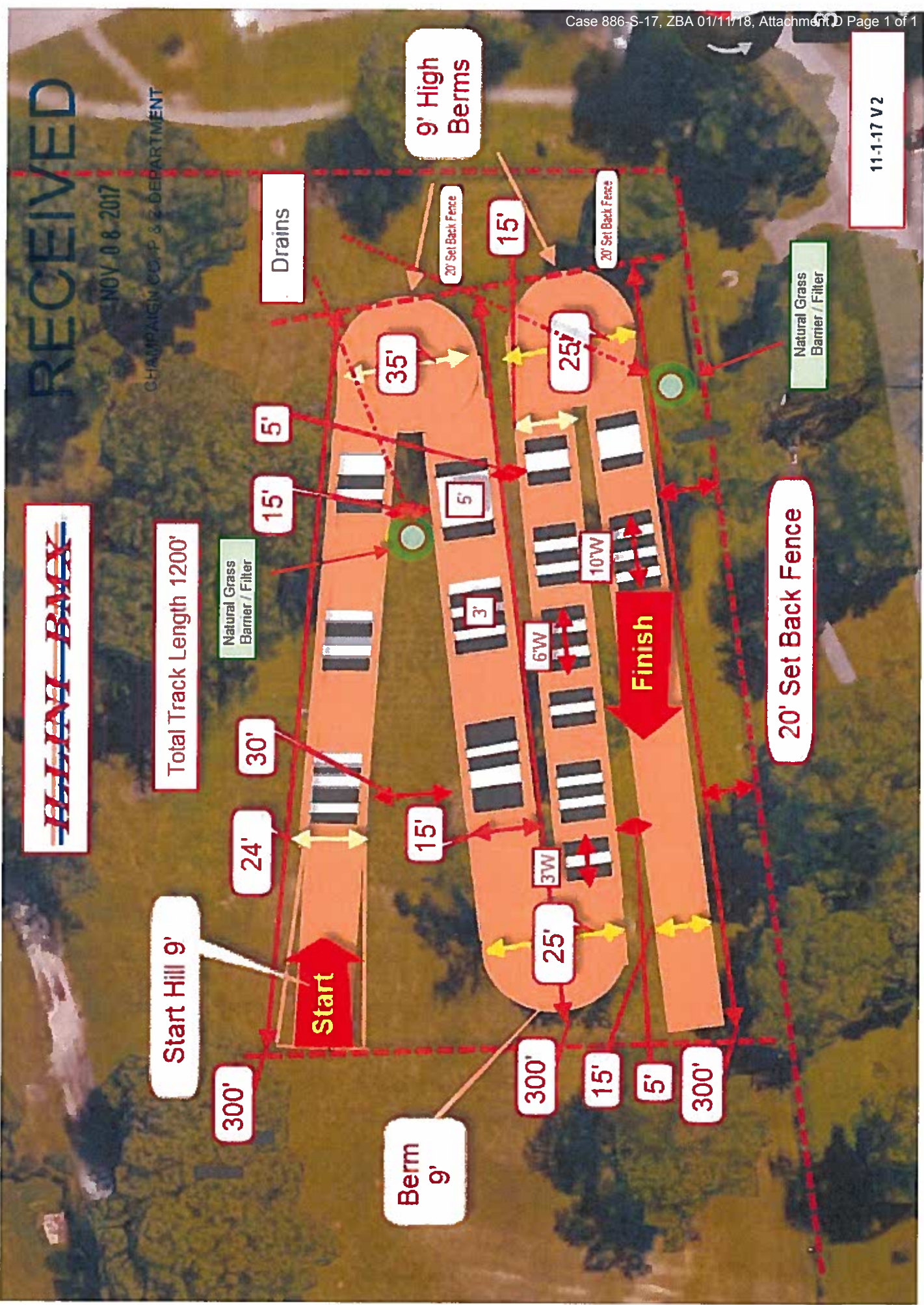
20' Set Back Fence

20' Set Back Fence

20' Set Back Fence

Natural Grass Barrier / Filter

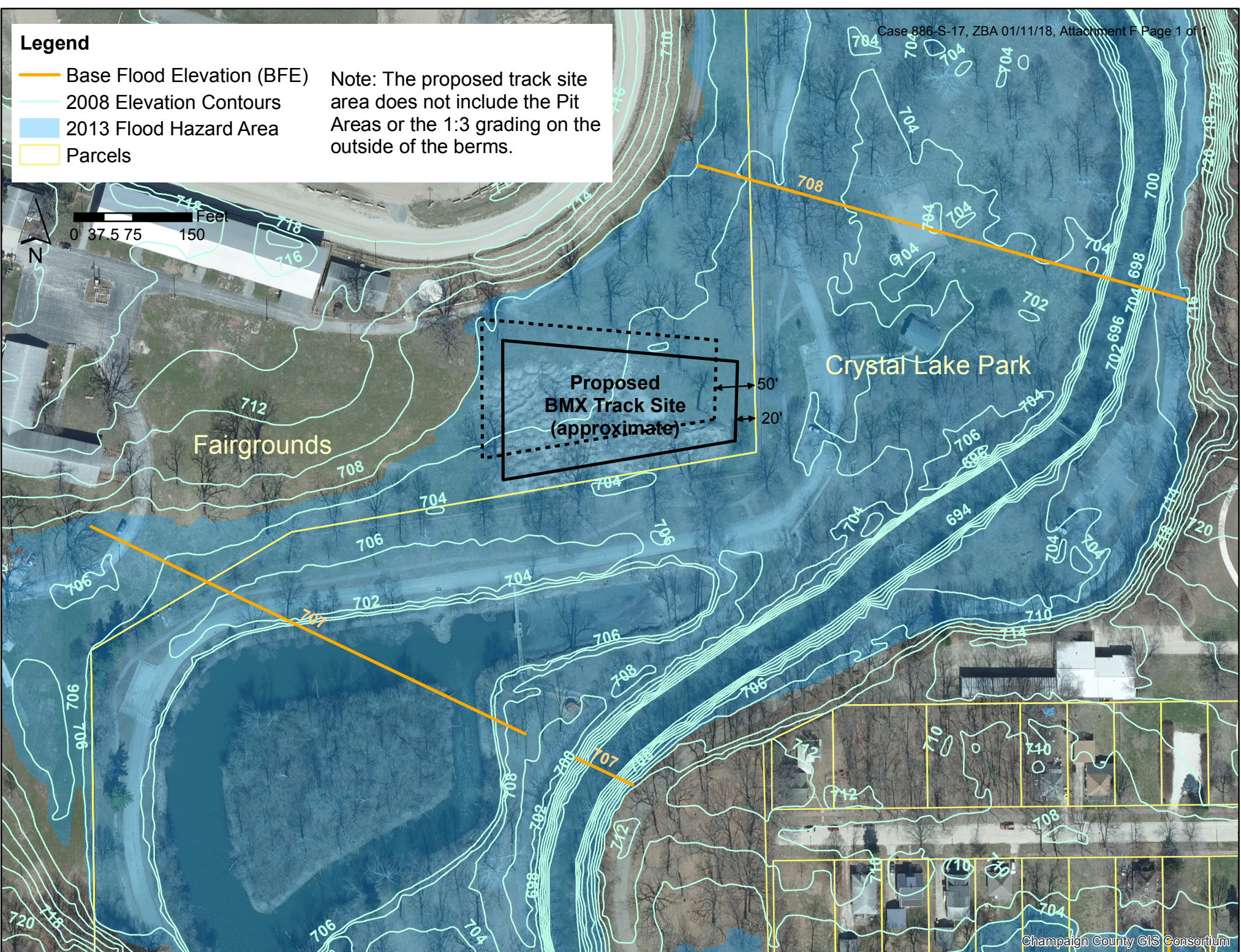
11-1-17 V2



Legend

- Base Flood Elevation (BFE)
- 2008 Elevation Contours
- 2013 Flood Hazard Area
- Parcels

Note: The proposed track site area does not include the Pit Areas or the 1:3 grading on the outside of the berms.



Susan Burgstrom

From: Bartlett, Timothy <tabartlett@UrbanaParks.Org>
Sent: Wednesday, June 29, 2016 4:30 PM
To: John Hall
Cc: Susan Chavarria
Subject: Proposed BMX course at CC Fairgrounds

Dear Mr. Hall—

I am sending this email to your attention regarding the Urbana Park District’s concern about a proposed “BMX Course” that is being sited next to Crystal Lake Park in the north end of Urbana. To be clear—the UPD is supporting the request by the Fair Association to expand their parking lot request and their need to meet any storm water drainage requirements on record. However, the UPD recently learned about the addition of a BMX course and that it is planned to be located directly adjacent to the North Woods pavilion in Crystal Lake Park. The UPD is very concerned about this potential development and that it is linked to this parking variance request. The UPD does not want any delay in the parking addition/drainage plan request and zoning hearing requirements.

The UPD respectfully asks that the BMX Course request be reconsidered to allow more time to work with the Fair Association in finding an appropriate location on their site or in another part of our area based on the following concerns about the current proposed location:

- Noise and impacts on the pavilion rentals, Lake House, Crystal Lake Park Family Aquatic Center
- Day camp use at the North Woods pavilion – safety concerns and distraction of the camp participants
- Drainage impacts – the UPD has not reviewed/seen any storm water plans
- Lighting impacts from BMX events – rentals/special event lighting
- Vandalism and Security – attractive nuisance and lack of site security at the Fairgrounds
- Future Growth—the current site is very limited and future growth/program expansion would be extremely limited
- Lack of Planning – working with all adjacent land owners and surrounding neighborhood for a site use change; / currently this is a non-conforming use from the UPD perspective

The UPD is available to work with the Fair Association and have shared our concerns at a meeting held at the UPD Planning and Operations Facility on June 28, 2016. This did not allow any time for the UPD to provide appropriate input toward the establishment of a proper site plan review, assessment of the storm water impacts and/or the other concerns noted above. The UPD would like to work in a collaborative fashion with the Fair Association and the neighborhood to resolve these issues and hopefully identify an ideal location for the proposed BMX facility.

Further, I recommend that the parking portion of the request be given full consideration at the scheduled hearing by your governing body but, that the BMX portion would be rejected at this time. The UPD does not want to interrupt any proposed parking lot construction schedules for the needed parking area that may be in place at this time. Please let me know if you need any additional information. I also ask that I be notified regarding the outcome of the planned meeting to be held on Thursday, June 30, 2016 regarding this matter.

Sincerely,
Tim Bartlett
Executive Director



Timothy A. Bartlett, ASLA, RLA
Executive Director of Parks and Recreation
p: 217-367-1536 | f: 217-367-1391
303 W. University Ave. Urbana, IL 61801
www.urbanaparks.org

RECEIVED

JUN 29 2016

CHAMPAIGN COUNTY DEPARTMENT



Dave Kirby <illini.bmx@gmail.com>

Fwd: Box track

1 message

Dave Kirby <bmxmedic911@gmail.com>
To: Illini.bmx@gmail.com

Tue, May 9, 2017 at 10:16 AM

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

From: "Dave Kirby" <bmxmedic911@gmail.com>
Date: May 9, 2017 10:03 AM
Subject: Box track
To: <tabartlett@urbanaparks.org>
Cc: <djkirby4040@gmail.com>

Good morning Tim. Here is the info that you requested.

We spoke about some concerns that you had about the track.

1. Noise while camps, rentals, and pool are open

Our events will not me very loud on a normal event we will have one small speaker for announcing and playing music that I feel would never overtake the music from the pool and would not add anymore noise to what level is already there.

As for camps we will be running during the evening during the week unless we run something for one of your camps like we discussed.

Also before any larger races were scheduled I would get with you and the fair board to make sure no other event is scheduled for the same weekend.

2. View.

We spoke about landscaping the area near the park and will be happy to work with your grounds crew to come up with something mutually appealing and functional.

3. Run off.

Silt fences will be installed around the drains to prevent excess runoff. Along with the track being very hard packed and repacked weekly. Grass or some other form of plants will be put on the side of the jumps to prevent erosion.

I think that sums up most of our conversation and addressed the major concerns please let me know if you have any other questions

Dave Kirby
309-212-1250

RECEIVED

AUG 17 2017

CHAMPAIGN CO F & Z DEPARTMENT

Susan Burgstrom

From: Susan Burgstrom
Sent: Monday, August 28, 2017 3:37 PM
To: Jamie Hitt
Subject: RE: Is an IDNR permit required for this project

Thanks Jamie!

From: Jamie Hitt
Sent: Monday, August 28, 2017 3:35 PM
To: 'Peterson, Kristian' <Kristian.Peterson@illinois.gov>
Cc: Susan Burgstrom <sburgstrom@co.champaign.il.us>; Altman, Steve <Steve.Altman@illinois.gov>; Osman, Paul <Paul.Osman@Illinois.gov>
Subject: RE: Is an IDNR permit required for this project

Thanks Kristian!

From: Peterson, Kristian [<mailto:Kristian.Peterson@illinois.gov>]
Sent: Monday, August 28, 2017 3:16 PM
To: Jamie Hitt <jhitt@co.champaign.il.us>
Cc: Susan Burgstrom <sburgstrom@co.champaign.il.us>; Altman, Steve <Steve.Altman@illinois.gov>; Osman, Paul <Paul.Osman@Illinois.gov>
Subject: RE: Is an IDNR permit required for this project

Hi Jamie,

Because the proposed project site is located outside of the delineated floodway, a permit will not be required from our office to perform the proposed work. If any of the proposed work will include any land within the delineated floodway, we will need to review this project to determine if a permit is required. Please let me know if you have any other questions.

Thank you,

Kristian Peterson, EIT, CFM
Permit Engineer
IDNR, Office of Water Resources
One Natural Resources Way
Springfield, IL 62702-1271
Tel: 217/558-4532
Kristian.Peterson@illinois.gov

RECEIVED

AUG 28 2017

CHAMPAIGN CO. P & Z DEPARTMENT

From: Jamie Hitt [<mailto:jhitt@co.champaign.il.us>]
Sent: Monday, August 28, 2017 2:57 PM
To: Peterson, Kristian <Kristian.Peterson@illinois.gov>
Cc: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: [External] Is an IDNR permit required for this project

Hi Kristian,

Paul Osman suggested that I contact you to determine if a permit from IDNR is required for a project that is proposed in the mapped Zone A, Special Flood Hazard Area in unincorporated Champaign County. The proposed project is to construct a BMX dirt track in the southeast corner of the Champaign County Fairgrounds. The proposed location is entirely in the mapped Zone A, SFHA and the contours on GIS indicate that the ground is lower than the BFE by 1 to 2 feet at the proposed location of the track. The petitioner for the project proposes 9 feet berms on the 3 curves of the 1,200 feet long track.

I have attached a site location map for the proposed project for your reference. Please let me know if you need additional information to determine whether or not a permit from IDNR is required for the proposed project.

Thanks!

Jamie Hitt

Jamie Hitt
Zoning Officer
Champaign County Planning and Zoning Department
1776 E. Washington Street
Urbana, IL 61802
Phone: (217)384-3708
Fax: (217)819-4021

jhitt@co.champaign.il.us

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Susan Burgstrom

From: Susan Burgstrom
Sent: Tuesday, August 29, 2017 3:57 PM
To: John Hall
Subject: Fw: follow up on county permit

From: Bartlett, Timothy <tabartlett@UrbanaParks.Org>
Sent: Tuesday, August 29, 2017 2:54:27 PM
To: Susan Burgstrom
Subject: FW: follow up on county permit

RECEIVED

AUG 29 2017

CHAMPAIGN CO. P & Z DEPARTMENT

fyi

From: Bartlett, Timothy
Sent: Tuesday, August 29, 2017 2:54 PM
To: Dave Kirby (bmxmedic911@gmail.com)
Cc: Liebert, Derek
Subject: follow up on county permit

Hi Dave—I received word from Champaign County that they received a permit application for BMX at the Fairgrounds. I wanted to check on one thing: when we met last we agreed that it would be best to keep water out of the storm drains (2) on your side of the fence to keep sediments out of the lake—can you provide this as a way to keep water out of the lake vs any “silt fence”—as the county reported to us. Silt fences are really more temporary devices that are used for construction or interim periods of time...of all the concerns of the UPD—a more permanent solution to stormwater drainage is most critical given the history of the lake and how it has suffered from sediments...let us know your plans? Thanks, Tim Bartlett



Urbana Park District

Timothy A. Bartlett, ASLA, RLA
Executive Director of Parks and Recreation



p: 217-367-1536 | f: 217-367-1391
303 W. University Ave. Urbana, IL 61801
www.urbanaparks.org
Social Media: [facebook](#) | [twitter](#) | [instagram](#) | [pinterest](#)

Susan Burgstrom

From: Bartlett, Timothy <tabartlett@UrbanaParks.Org>
Sent: Thursday, September 07, 2017 4:44 PM
To: Liebert, Derek; Susan Burgstrom
Subject: FW: BMX/CLP follow up

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SEP 07 2017

CHAMPAIGN CO. P & Z DEPARTMENT

Hi Susan—I talked at more length with Derek today—there are more complications going on with the proposed BMX site that is proposed for the Fairgrounds site...I know Derek will follow up—he is trying to get more information—we do have concerns still about supporting any permit/application at this time. I wanted to let you know and to be sure that your office has not proceeded on this permit? Let us know if you are concerned, have timelines to respect, etc...Tim

From: Liebert, Derek
Sent: Tuesday, September 05, 2017 4:49 PM
To: Bartlett, Timothy
Cc: Dave Kirby
Subject: Re: BMX/CLP follow up

I am meeting with the City tomorrow. They own the storm sewer and want to learn more about what is going on.
Thanks,
Derek

Sent from my iPhone

On Sep 5, 2017, at 2:27 PM, Bartlett, Timothy <tabartlett@UrbanaParks.Org> wrote:

Hi Dave—Derek offered to check with the city of Urbana to see if they have any “extra” lids to cover the 2 manholes; Derek also suggested “Mack’s Recycling” as they likely have some that have been taken/turned in?...TB

From: Dave Kirby [<mailto:bmxxmedic911@gmail.com>]
Sent: Wednesday, August 30, 2017 2:08 PM
To: Bartlett, Timothy
Subject: Re: BMX/CLP follow up

At the hearing I will make sure to address that if im not able to change it. Were you able to get in touch with the city and see if they had any extra like we had talked about. If I have to purchase these a silt fence might have to be in place for a time while I raise the extra money for them.

On Aug 30, 2017 10:14 AM, "Bartlett, Timothy" <tabartlett@urbanaparks.org> wrote:

Hi Dave—I was contacted by Susan Burgstrom from Champaign County regarding site plans for the proposed BMX. She wanted to know if we have any outstanding concerns with the permit application going forward—the one I noted is that we discussed with you closing off the 2 manholes/drainage infrastructure located at your site—to avoid sending any potential sediments in the Crystal Lake. The application she referenced stated “silt fence”—we believe silt fencing is a temporary form of protection—more typical for a construction site—not a permanent finished site. The often fail after a period of time and are thus used as a “temporary” remediation. Are you able to amend your Illini BMX application to recognize what we agreed on? While the UPD

may have some lingering concerns on how this proposed use will mesh with park use, we are mostly concerned about the impact of any stormwater runoff into the lake system...let us know...thanks, Tim Bartlett

<image001.jpg>

Timothy A. Bartlett, ASLA, RLA
Executive Director of Parks and Recreation
p: 217-367-1536 | f: 217-367-1391
303 W. University Ave. Urbana, IL 61801

www.urbanaparks.org

<image002.png>

Social Media: [facebook](#) | [twitter](#) | [instagram](#) | [pinterest](#)

Susan Burgstrom

From: Dave Kirby <bmxmedic911@gmail.com>
Sent: Wednesday, November 22, 2017 2:30 AM
To: Susan Burgstrom
Subject: RE: Case 886-S-17 BMX

RECEIVED

NOV 22 2017

CHAMPAIGN CO. P & Z DEPARTMENT

No there are not any plans for installing lighting.

Yes I do plan on fencing off the track as soon as we raise the funds for it.

On Nov 21, 2017 2:44 PM, "Susan Burgstrom" <sburgstrom@co.champaign.il.us> wrote:

Hi Dave,

Do you propose a new fence surrounding the entire track?

Do you expect to install new lighting for the track area?

Thanks!

Susan

Susan Burgstrom

From: Dave Kirby <bmxxmedic911@gmail.com>
Sent: Monday, November 20, 2017 10:01 AM
To: Susan Burgstrom
Subject: RE: Case 886-S-17 BMX

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CHAMPAIGN CO. P & Z DEPARTMENT

1. Is there a pit area for repairing the bikes?
Yes on the east and north side of the track.
2. Would vehicles be allowed near the track?
Only those needed for track maintains.
3. Will camping will be allowed on the Fairgrounds area for the race events?
No.
4. What chemical will be used to control dust and erosion?
Water and hard packing. Soiltac is possible in the future but is a minimum of 5 plus years down the road.
5. Describe the type of Public Address system that will be used during the events and whether or not music will be played at anytime
Self contained portable public address system used for announcing, national anthem, and music prior to and between races.
6. Please add the following to the Site Plan and re-submit (without a more complete site plan, we cannot schedule your hearing):
 - Indicate proposed screening along the property line, as discussed with John Hall previously
 - Indicate distance between BMX area and property line to the east, and between the BMX area and the dirt road just north of it
 - Indicate specifics of drainage/erosion control – “drains” is not specific enough
 - Indicate where spectators would be on the site plan
 - Indicate a pit area if one is planned
 - Indicate, if relevant, where vehicles would be allowed near the track
 - Indicate any proposed fencing around the track
7. Please provide information on when the track would be used:
 - How often it would be used during general months of operation May through October?
Tentive schedule would be 1 weeknight and 1 weekend event per approval by usa bmx with consideration given to fair and park events.
 - An estimate of how many people would attend the events
60-70 for average event.
 - What times of day would events generally be held?
Weeknight from 5:30-8:30
Weekends 9:30 - 3:00

On Nov 19, 2017 7:50 PM, "Dave Kirby" <bmxxmedic911@gmail.com> wrote:

Susan Burgstrom

From: Susan Burgstrom
Sent: Thursday, November 16, 2017 8:34 AM
To: 'Dave Kirby'
Cc: Mike Kobel
Subject: RE: Case 886-S-17 BMX

Hi Dave,

I will need this information no later than Monday, 11/20 if we are to keep your case on the 12/14 docket.

Thanks,
Susan

From: Dave Kirby [mailto:bmxmedic911@gmail.com]
Sent: Tuesday, November 07, 2017 5:05 PM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: RE: Case 886-S-17 BMX

Here is the adjusted sight plan. I have the reply to the other questions and will get them to you tomorrow.

On Oct 30, 2017 11:17 AM, "Susan Burgstrom" <sburgstrom@co.champaign.il.us> wrote:

Hi Dave,

Your hearing has been rescheduled to December 14, 2017 at 6:30 p.m. Could you please send me the requested information below as soon as possible?

Thanks,
Susan

From: Dave Kirby [mailto:bmxmedic911@gmail.com]
Sent: Friday, October 06, 2017 1:37 PM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: Re: Case 886-S-17 BMX

Yes I did receive it. Will be bring the added things next week. Mailing address is.

P.o. box 231
Mansfield IL 61854

On Oct 6, 2017 10:52 AM, "Susan Burgstrom" <sburgstrom@co.champaign.il.us> wrote:

Hi Dave,

I don't know if you received the email below. Could you please let me know if you received it, and what your preferred email address is for the zoning case?

Thanks!
Susan

Susan Burgstrom

From: Dave Kirby <bmxmlc911@gmail.com>
Sent: Tuesday, November 07, 2017 5:05 PM
To: Susan Burgstrom
Subject: RE: Case 886-S-17 BMX
Attachments: BMX 11-17 v 2.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Here is the adjusted sight plan. I have the reply to the other questions and will get them to you tomorrow.

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NOV 08 2017

Thanks,
Susan

CHAMPAIGN CO. P & Z DEPARTMENT

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Hi Dave,

I don't know if you received the email below. Could you please let me know if you received it, and what your preferred email address is for the zoning case?

Thanks!
Susan

From: Susan Burgstrom
Sent: Friday, September 15, 2017 3:36 PM
To: 'dikirby4040@gmail.com' <dikirby4040@gmail.com>
Cc: Mike Kobel <m-kobel@illinois.edu>
Subject: Case 886-S-17 BMX

Hi Dave,

We need more information in order to add you to the docket and begin processing the Special Use Permit for the proposed BMX track at the Champaign County Fairgrounds. Could you please submit information the following questions? I have some of the information received piecemeal over time, but I want to make sure we have the most up-to-date information.

1. Is there a pit area for repairing the bikes?
2. Would vehicles be allowed near the track?
3. Will camping will be allowed on the Fairgrounds area for the race events?
4. What chemical will be used to control dust and erosion?
5. Describe the type of Public Address system that will be used during the events and whether or not music will be played at anytime
6. Please add the following to the Site Plan and re-submit (without a more complete site plan, we cannot schedule your hearing):
 - Indicate proposed screening along the property line, as discussed with John Hall previously
 - Indicate distance between BMX area and property line to the east, and between the BMX area and the dirt road just north of it
 - Indicate specifics of drainage/erosion control – “drains” is not specific enough
 - Indicate where spectators would be on the site plan
 - Indicate a pit area if one is planned
 - Indicate, if relevant, where vehicles would be allowed near the track
 - Indicate any proposed fencing around the track
7. Please provide information on when the track would be used:
 - How often it would be used during general months of operation May through October?
 - An estimate of how many people would attend the events
 - What times of day would events generally be held?

Thanks,
Susan

Susan Burgstrom, AICP
Senior Planner
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

P: 217-384-3708

F: 217-819-4021

Susan Burgstrom

From: Dave Kirby <bmxmedic911@gmail.com>
Sent: Sunday, December 31, 2017 2:43 PM
To: Susan Burgstrom
Subject: Re: BMX zoning case - more information needed
Attachments: filename-1.pdf

My guy that does the changes has been out of state for the last month. Here are the added features. Sorry I had to put it in pen.

On Dec 5, 2017 1:07 PM, "Susan Burgstrom" <sburgstrom@co.champaign.il.us> wrote:

Hi Dave,

We still need some information on the BMX track site plan. **Please submit a revised site plan which adds the following information no later than December 31, 2017.** If this information will not be available by that date, we may need to reschedule the January 11th hearing, or the ZBA might consider dismissing the case, which would result in having to pay the application fee over again if you decide to pursue this in the future. I would be happy to meet with you to discuss these items.

1. The outermost perimeter of the track site must be 50 feet from the south and east Fairgrounds fences. If this cannot be achieved, we will request a waiver from this requirement as part of the Special Use Permit case. Please indicate the distance between the track site and the east and south fences.
2. Revise the site plan to include an outward 1:3 slope from the top of the berms for safety reasons – i.e. a 9 feet tall berm will slope 27 feet outward from its top. These outer slopes can be within the 50 feet required yards from the south and east Fairgrounds fences.
3. Outline or make a note of the pit area on the site plan.
4. Make a note on the site plan showing where spectators and others will be allowed during race events.
5. Indicate fencing with as much dimensional accuracy as possible on all 4 sides of the track perimeter.
6. Provide measurements of all 4 sides of the perimeter, including the outer slopes.
7. Provide exact locations of all 3 drains on the site plan.
8. Make a note of vegetative screening such as native grasses, trees, etc. on the east and south ends of the track area.
9. Update the site plan, if needed, with any specifics on drainage, (i.e. filters, rain gardens, natural barriers, etc.) based on your discussions with Urbana and Urbana Park District.

Thanks,
Susan

Susan Burgstrom, AICP
Senior Planner
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

P: 217-384-3708
F: 217-819-4021

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CHAMPAIGN CO. P & Z DEPARTMENT

886-S-17 Images



Proposed site from east end of Grandstand facing SE



Proposed site from east end of Fairgrounds dirt track facing south

886-S-17 Images



Proposed site from Crystal Lake Park road facing west



Proposed site from Crystal Lake Park facing SW

886-S-17 Images



Southeast corner of Fairgrounds, from Crystal Lake Park facing west



Southeast corner of Fairgrounds, from Crystal Lake Park facing NW

886-S-17 Images



Southeast corner of Fairgrounds, from Crystal Lake Park facing north



From Crystal Lake Park facing NW

886-S-17 Images



Southwest corner of dirt piles, from Crystal Lake Park facing ENE



South of proposed site, facing south toward Crystal Lake Park

886-S-17 Images



North of proposed site, facing ESE toward Crystal Lake Park (dirt piles on right)



Southeast corner of Fairgrounds, from Crystal Lake Park facing north to new shed

PRELIMINARY DRAFT

886-S-17

**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 11, 2018}*

Petitioners: **Dave Kirby, Illini BMX, and Michael Kobel, former President and Point of Contact for the Champaign County Fair Association**

Request: **Authorize the expansion of Special Use Permit 836-S-16 for the Champaign County Fairgrounds and Parking Lot in the CR Conservation Recreation Zoning District to allow the construction and use of a BMX track on the Fairgrounds, ~~subject to the following waiver of standard conditions required by Section 6.1.3 of the Zoning Ordinance:~~**

~~**Authorize a waiver for side and rear yards of 20 feet in lieu of the minimum required 50 feet for the Fairgrounds Special Use.**~~

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 11, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners are Dave Kirby, 305 S East St, Mansfield, and Michael Kobel, former President and Point of Contact for the Champaign County Fair Association, which owns the subject property. The 2018 Board of Directors for the Champaign County Fair Association includes: Bill Alagna, President, 210 E North Street, Seymour, IL 61875; Kent Weeks, 1st Vice President, 3310 N Mattis Ave, Champaign IL 61822; Edgar Busboom, 2nd Vice President, 2106 CR 2500 N, Thomasboro, IL 61878; Chris Wallace, Director, 2691 CR 1000 E, Champaign, IL 61822; Pam Barham, Secretary, 2451 Clayton Blvd, Champaign IL 61822; HD Brown, Treasurer, 907 N Country Fair Dr, Champaign IL 61821; Dave Price, Director, 1807 S Brook Ct, Mahomet IL 61853; Bob Williams, Director, 409 S Bourne, Tolono IL 61880; John Bell, Director, 1614 W Park Ave, Champaign, IL 61821; Jared Little, Director, 1321 Cobble Stone Way, Champaign IL 61822; Debbie Weeks, Director, 700 Schlutter St, Thomasboro IL 61878; and Marty Poling, Director, 1915 McDonald Dr, Champaign, IL 61821.
2. The subject property is a 53.79 acre tract in the Northwest Quarter of Section 8, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township and commonly known as the Champaign County Fairgrounds with an address of 1302 North Coler Avenue, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities with Planning Commissions are notified of Special Use Permit cases, but do not have protest rights in these cases.
 - B. The subject property is located within Urbana Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 53.79 acre tract and is currently zoned CR Conservation Recreation. Land uses are a public fairgrounds and parking lot approved in Cases 962-S-94 and 836-S-16.
 - B. With the exception of the land northwest of the subject property, all surrounding areas are within the City of Urbana and have City of Urbana zoning.
 - (1) Land to the northwest is zoned R-4 Multiple Family Residence and is in use as Vineyard Christian Church.
 - C. Land to the north of the subject property is zoned City of Urbana CRE Conservation-Recreation-Education and is in use as the Urbana Park District's Busey Woods.

PRELIMINARY DRAFT**Case 886-S-17**
Page 3 of 33

- D. Land to the south of the subject property is zoned City of Urbana CRE Conservation-Recreation-Education toward the east and R-2 Single Family Residential toward the west and is in use as a mix of residential and Urbana Park District properties.
- E. Land to the east of the subject property is zoned City of Urbana CRE Conservation-Recreation-Education and is in use as the Urbana Park District's Crystal Lake Park.
- F. Land to the west of the subject property is zoned City of Urbana R-2 Single Family Residential and is in use as residential.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 5. Regarding the Site Plan and proposed activities for the proposed Special Use:
 - A. Existing structures (as numbered on the annotated aerial received May 9, 2016, which is part of the Approved Site Plan for Case 836-S-16) include:
 - (1) Fair Office (south of the track);
 - (2) Main restrooms (east of existing parking lot) - SUP 962-S-94, ZUPA #139-95-04;
 - (3) Kesler Exhibit Hall (just east of main restrooms);
 - (4) Grandstands (south of track);
 - (5) Fish tent – vendors (east end of grandstands);
 - (6) Pavilion – beer tent (east of grandstands) – ZUPA #312-89-01;
 - (7) Corral/paddock area (north of track);
 - (8) Steel water tank (east of corral/paddock area);
 - (9) Horse barn for boarding, 1 of 2 (north of track);
 - (10) Horse barn for boarding, 2 of 2 (north of track);
 - (11) Horse barn (north of track);
 - (12) Speed office – Fair only (north of track between horse barns);
 - (13) Portable stage (middle of track);
 - (14) Portable announcer's stand (middle of track);
 - (15) 4-H restrooms (west of track);
 - (16) Sheep barn (northwest corner of property);

PRELIMINARY DRAFT

- (17) Hog barn, 1 of 2 (northwest corner of property);
 - (18) Hog barn, 2 of 2 (northwest corner of property);
 - (19) Beef barn (west of track) – ZUPA #68-77-02 and #226-84-03;
 - (20) Dairy barn (west of track) – ZUPA #68-77-02 and #226-84-03;
 - (21) Manure pits (south of dairy barn);
 - (22) Cattle wash racks (south of dairy barn);
 - (23) New parking area constructed in 2016 – ZUP #155-16-02;
 - (24) ½ mile dirt track (outer ring);
 - (25) ¼ mile dirt track (inner ring);
 - (26) Electric courtyard (south of grandstands);
 - (27) Midway – carnival (southeast of grandstands);
 - (28) Kiddy-land area (north of existing parking lot);
 - (29) Food vendors (north of existing parking lot);
 - (30) Carle shuttle stops – 3 (inside existing parking lot);
 - (31) Main fair entrance (southwest corner of property and west side of property);
 - (32) Secondary access gates (on west property line: north of proposed parking area, north of beef barn; on east property line: south of proposed new shed);
 - (33) Existing parking lot (southwest corner, not numbered) – ZUP #021-88-01, 285-93-02, and 111-94-01; and
 - (34) New storage shed constructed in 2016 (northeast corner, not numbered) – ZUP #195-16-01 LDEC; and
 - (35) New 0.3 acre stormwater detention basin and associated berm constructed in 2016 (south end, not numbered).
- B. Proposed improvements shown on the Site Plan received November 8, 2017 include:
- (1) A 1200 lineal feet BMX track in the southeast corner of the Fairgrounds with the following characteristics:
 - a. Four 300 feet long lengths of track and 3 turns;

PRELIMINARY DRAFT**Case 886-S-17**
Page 5 of 33

- b. 9 feet high berms at the start hill and on each of the 3 turns;
- c. Two natural grass barrier/filter drains adjacent to the track; and
- d. A fence surrounding the track.
 - (1) In an email received November 22, 2017, Mr. Kirby indicated that he plans on fencing off the track as soon as they raise funds for it.

C. On December 5, 2017, P&Z Staff requested additional information on the Site Plan per the list provided below. The Revised Site Plan dated December 31, 2017, and received January 2, 2018, indicates the following new information:

- (1) The outermost perimeter of the track site must be 50 feet from the south and east Fairgrounds fences. If this cannot be achieved, we will request a waiver from this requirement as part of the Special Use Permit case. Please indicate the distance between the track site and the east and south fences.

Mr. Kirby noted a 50 feet distance between the existing Fairgrounds south and east fences and the proposed track, rather than the 20 feet previously shown.

- (2) Revise the site plan to include an outward 1:3 slope from the top of the berms for safety reasons – i.e. a 9 feet tall berm will slope 27 feet outward from its top. These outer slopes can be within the 50 feet required yards from the south and east Fairgrounds fences.

Mr. Kirby wrote “with 1:3 slope on back side” next to the 9 feet high berms.

- (3) Outline or make a note of the pit area on the site plan.

Mr. Kirby notes the pit area will be on the north and west sides of the track.

- (4) Make a note on the site plan showing where spectators and others will be allowed during race events.

There is no new information regarding spectators.

- (5) Indicate fencing with as much dimensional accuracy as possible on all 4 sides of the track perimeter.

Mr. Kirby notes a “future fence” adjacent to the north and west sides of the track; there is no distance noted between the proposed fence and the track.

- (6) Provide measurements of all 4 sides of the perimeter, including the outer slopes.

There is no new information on the perimeter dimensions. The 300 feet length of each track leg was previously noted.

- (7) Provide exact locations of all 3 drains on the site plan.

PRELIMINARY DRAFT

A new drain location on the south side of the track was noted, “drain with grass screen and soot filter.” The drain in between the 1st and 2nd track legs was noted, “covered” rather than the previous “natural grass barrier/filter.” The drain previously shown on the southeast corner of the 4th leg has been crossed out.

- (8) Make a note of vegetative screening such as native grasses, trees, etc. on the east and south ends of the track area.

There is no new information regarding screening.

- (9) Update the site plan, if needed, with any specifics on drainage, (i.e. filters, rain gardens, natural barriers, etc.) based on your discussions with Urbana and Urbana Park District.

There is no new information regarding drainage specifications.

C. The following Zoning Use Permits were issued for the subject property:

- (1) ZUPA #068-77-02 was approved on March 17, 1977 for construction of a detached cattle barn.
- (2) ZUPA #121-79-03 was approved on May 1, 1979 for construction of a detached cattle barn/storage building.
- (3) ZUPA #153-84-02 was approved on June 3, 1984 for a lighted sign on the Fairgrounds entrance gate.
- (4) ZUPA #226-84-03 was approved on August 20, 1984 for the demolition of a cattle barn.
- (5) ZUPA #021-88-01 was approved on January 21, 1988 for the first phase of parking lot conversion from grass area to paved area.
- (6) ZUPA #312-89-01 was approved on November 8, 1989 for construction of a pavilion.
- (7) ZUPA #285-93-02 was approved on October 21, 1993 to convert a grass parking area to a paved parking lot.
- (8) ZUPA #111-94-01 was approved on May 5, 1994 for continuation of the parking lot conversion.
 - a. The 4 existing shuttle pick up stations were shown on the approved site plan for this Zoning Use Permit. They were thus approved, but should not have been because they should have been considered significant expansions to the Fairgrounds.
- (9) ZUPA #139-95-04 was approved on May 19, 1995 in conjunction with Special Use case 962-S-94 for construction of the restroom facility.

PRELIMINARY DRAFT**Case 886-S-17**
Page 7 of 33

- (10) ZUPA #306-15-01 was approved on November 18, 2015 for construction of a pavilion (gazebo, which was considered an insignificant expansion of SUP 962-S-94).
 - (11) ZUPA #195-16-01 LDEC was approved on August 2, 2016, for construction of a storage shed.
 - (12) ZUPA #155-16-02 was approved on August 10, 2016, for construction of a parking lot and a bus shelter; a stormwater detention basin was also installed on the south end of the Fairgrounds as part of the parking lot project.
 - a. A Storm Water Management Plan for the new detention basin was received on June 3, 2016, and became part of the approved Site Plan for Case 836-S-16 approved June 30, 2016.
 - b. The proposed BMX track was not considered in the preparation of the Storm Water Management Plan received June 3, 2016.
- D. Previous zoning cases for the subject property include:
- (1) Text Amendment 954-AT-95 was adopted on January 17, 1995 and allowed for Public Fairgrounds to be permitted by Special Use Permit in the CR Zoning District. No standard conditions affecting Section 6 of the Zoning Ordinance were adopted in conjunction with that case.
 - (2) Special Use 962-S-94 was approved on March 2, 1995 to allow the continued use and expansion of a non-conforming Fairgrounds in the CR Conservation Recreation Zoning District.
 - a. The approved Finding of Fact for this case included information such as:
 - (a) The Champaign County Soil and Water Conservation District declined the request for a Natural Resource Report for this case.
 - (b) The Fairgrounds have been in operation at the subject site since prior to the adoption of County Zoning in 1973, and therefore have retained non-conforming rights.
 - (c) This Special Use Permit case is the result of the petitioner's desire to construct a new 2,052 square foot restroom facility. Any further expansions deemed significant expansions of a previously issued Special Use Permit will require additional Special Use Permits.
 - (d) The fairgrounds have been allowed a limited number of Zoning Use Permits without being required to file a Special Use Permit. These previously approved construction activities were not deemed significant expansions or improvements contributing to the longevity of a non-conforming use.
 - b. All grass areas converted to paved parking areas occurred between 1988 and prior to approval of Special Use 962-S-94 on March 2, 1995, and were

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considered to be insignificant expansions of the Fairgrounds (see Attachment: Parking Expansions Map).

- (a) Storm water detention is not automatically required for the existing pavement because those expansions predated Special Use 962-S-94.
- (3) Text Amendment 819-AT-15 was adopted on March 17, 2016 and amended the Zoning Ordinance with the following:
- a. Section 6.1.3 now includes a standard condition for the Fairground Special Use: “Site design, land management, and storm water management designs and practices shall provide effective site drainage; shall meet or exceed state and federal water quality standards; shall protect downstream drainage patterns; shall provide for stream flows that support healthy aquatic ecosystems; shall minimize impacts on adjacent properties and cause no more than minimal disturbance to the stream corridor environment; and, shall wherever possible, preserve existing habitat, enhance degraded habitat, and restore habitat.
 - b. Section 6.1.3 added a new Special Use category: “Parking lot and related passenger waiting buildings as an additional principal use or additional principal structure.
 - c. Subparagraph 4.2.1 C.4. states, “PARKING LOT and related passenger waiting buildings may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to Section 5.2.”
 - d. Section 5.2. now has “PARKING GARAGE or LOT” as a Principal Use, with a footnote that states: “PARKING LOT and related passenger waiting buildings may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to the standard conditions in Section 6.1.3. provided that the Public Fairgrounds were an established use at the subject location on October 10, 1973, and provided that a Public Fair must continue to be held at the Public Fairgrounds or the Special Use Permit shall become void and subject to the standard conditions in Section 6.1.3.”
- (4) Special Use 836-S-16 was approved on June 30, 2016, to authorize the following in the CR Conservation Recreation Zoning District:
- a. Expansion of a Fairgrounds that was previously authorized as a Special Use Permit in Case 962-S-94; and
 - b. Use of an existing Parking Lot as an additional principal use and the use of existing parking related pick up stations as additional principal structures on a Fairgrounds; and

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- c. Construction and use of a proposed Parking Lot as an additional principal use and a proposed related passenger waiting building as an additional principal structure on a Fairgrounds.
- E. The following activities were scheduled for 2017 on the Fairgrounds property:
- (1) The Great Benjamin's Circus, March 30-31, 2017;
 - (2) Cattle Sale, April 1, 2017;
 - (3) Derby Icons Spring Explosion, April 28-30, 2017;
 - (4) Lawn Mower Demolition Derby, May 6, 2017;
 - (5) Derby Icons - Metal Mayhem, June 16-17, 2017;
 - (6) Boy Scouts, June 23-24, 2017;
 - (7) Audio Feed, June 29-30, 2017;
 - (8) Audio Feed, July 1-2, 2017;
 - (9) Hammer Down Tractor Pull, July 14, 2017;
 - (10) Livestock Cash Bash, July 20, 2017;
 - (11) Midget Sprint Car Racing, July 21, 2017;
 - (12) Demolition Derby, July 22, 2017;
 - (13) Rodeo, July 23, 2017;
 - (14) Talent Show, Karaoke Contest, Big Giveaway, July 24, 2017;
 - (15) Harness Racing, July 25, 2017;
 - (16) Motorcycle Racing, July 26, 2017;
 - (17) Motor Madness (Kids Derby, Figure 8Race, Demo Derby), July 27, 2017;
 - (18) Country Music Concert, July 28, 2017;
 - (19) Truck & Tractor Pulls, July 29, 2017;
 - (20) WIXY Flea Market, August 19, 2017;
 - (21) Lawn Mower Demolition Derby, September 9, 2017;
 - (22) Boy Scouts, September 24, 2017; and
 - (23) Lawn Mower Derby, December 3, 2017.
- F. On June 17, 2016, staff became aware of a BMX track proposed for the east side of the Fairgrounds.
- (1) At the June 30, 2016 ZBA public hearing, the Board determined that the BMX track would not be part of Case 836-S-16 Special Use Permit.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding the requested Special Use in the CR Zoning District:
- 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) "BUFFER STRIP" is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.
 - (2) "PUBLIC ASSEMBLY USE" is a USE where more than fifty persons congregate or assemble for any purpose, including a cabaret, banquet hall, church, concert hall, dance hall, exhibition hall, lecture room, music hall, THEATER, grandstand, tents and similar outdoor and indoor USES.

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- (3) “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.
 - (4) “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.
 - (5) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (6) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (7) “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.
 - (8) “STRUCTURE, DETACHED” is a STRUCTURE not connected to another STRUCTURE.
 - (9) “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.
 - (10) “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. A Fairgrounds is a USE authorized with a Special Use Permit in the CR Conservation Recreation Zoning District.
- C. 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:

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- (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 lists standard conditions that apply specifically to the Fairgrounds Special Use, including:
- a. A minimum 6 feet tall wire mesh fence.
 - (a) The Champaign County Fairgrounds fenced perimeter meets this standard.
 - b. A minimum side yard and rear yard of 50 feet.
 - c. Site design, land management, and storm water management designs and practices shall provide effective site drainage; shall meet or exceed state and federal water quality standards; shall protect downstream drainage patterns; shall provide for stream flows that support healthy aquatic ecosystems; shall minimize impacts on adjacent properties and cause no more than minimal disturbance to the stream corridor environment; and, shall wherever possible, preserve existing habitat, enhance degraded habitat, and restore habitat.
- D. Section 7.4.1 refers to parking requirements for a place of public assembly such as the proposed Special Use:
- (1) 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.
- E. 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:

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- (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 is WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (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.
 - (6) That the SPECIAL USE Permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).
- F. 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

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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.
- G. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“The track will offer a fun family sport that currently is not offered in the C-U area.”**
 - B. The closest BMX track is in Farmer City, which is approximately 25 miles from Champaign-Urbana.
 - C. Prior to knowing a permit would be necessary for construction and use, Mr. Kirby hauled in a large amount of dirt to build the track, which is still on site at the Fairgrounds.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner has testified on the application, **“I have spoken with the Urbana Park District and addressed their concerns and how we can work together to benefit both parties.”**
 - B. Regarding surface drainage:
 - (1) A Natural Resource Report from the Champaign County Soil and Water Conservation District was not required.
 - (2) Regarding Base Flood Elevation (BFE):

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- a. BFE for the Saline Branch Drainage Ditch located approximately 500 feet northwest of the proposed BMX track site has been measured at 708 feet, per FEMA Flood Insurance Rate Map Panel 427D dated October 2, 2013.
 - b. BFE for the Saline Branch Drainage Ditch located approximately 400 feet south of the proposed BMX track site has been measured at 707 feet, per FEMA Flood Insurance Rate Map Panel 427D dated October 2, 2013.
 - c. 2005 contour elevations by the Champaign County GIS Consortium indicate the proposed BMX track site to be at an elevation of 708 feet at the northwest corner and closer to 704 feet at the southeast corner.
 - d. The petitioners have not indicated the lowest height of the track, but the Site Plan received November 8, 2017 indicates the tallest corners of the track will be 9 feet in height.
- (3) Per the *Storm Water Management and Erosion Control Ordinance*, the subject property requires a Storm Water Drainage Plan because the amount of impervious area on the subject property exceeds the maximum allowed for being exempt from the Storm Water Drainage Plan requirement.
- a. A Storm Water Management Plan was received from Berns, Clancy and Associates on June 3, 2016, for the parking lot expansion during Zoning Case 836-S-16. A new storm water detention basin was constructed on the south end of the Fairgrounds in order to mitigate issues from the parking area.
 - (a) The proposed BMX track was not considered in the preparation of the Storm Water Management Plan received June 3, 2016.
 - b. Zoning Administrator John Hall has determined that the proposed BMX track will not require a Storm Water Management Plan unless complaints are received about flooding due to the BMX track.
- (4) On November 29, 2017, Susan Burgstrom met with Mr. Kobel, Derek Liebert from Urbana Park District, and Brad Bennett from City of Urbana Public Works to discuss storm water management.
- a. Mr. Kirby could not attend that day, but met with Mr. Kobel and Mr. Liebert on December 1, 2017.
 - b. General concurrence was achieved on the following:
 - (a) There are 3 grated drains on or near the proposed track site.
 - (b) There is a storm sewer running through the site.
 - (c) The site generally drains to the sediment basin at Crystal Lake Park, which is currently being cleaned out to improve drainage.
 - (d) For the drain in the middle of the proposed track, if it is not needed for site drainage, it could be covered to avoid sedimentation that

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would affect the Park. The covered drain could be integrated into the track design, or be located in between track lengths. If the middle drain is needed for site drainage, then a different design would be required.

- (e) For the drain on the south side of the proposed site (near the south fence), a buffer filter and perhaps a rain garden were suggested. Installing a sediment fence around the drain for a year would help determine if the filter is functioning appropriately or if additional measures need to be taken.
 - (f) There were concerns about dust control from construction and from use of the track. Dust control would need to be addressed if it comes a problem. The hope was the tall grasses and compacted soils would be sufficient but if not, possible options included:
 - i. Wetting the soil during UPD events/rentals but also during general park use. General park visitation should not be affected by dust;
 - ii. An evergreen shrub screen; and
 - iii. A soil tack product, provided it would not run into the lake (sealed storm inlet should address most of this) and/or use of a product for which Safety Data Sheets document that it is not an aquatic hazard.
 - (g) Susan Burgstrom mentioned the required 50 feet side and rear yard requirements for the Fairgrounds, which differs from the 20 feet proposed yards. Mr. Liebert mentioned that the Urbana Park District is in favor of more distance between the track and the park if it is feasible.
 - (h) Screening options were discussed. Mr. Liebert said that native grasses on the east berms would be ideal to help filter storm water flow and control erosion. This would be preferred over the evergreen screening typically required for Champaign County zoning cases.
 - (i) A Storm Water Management Plan would be desirable, but the BMX group has limited resources. Mr. Kobel would speak with Chris Billing at Berns Clancy and Associates to see if they have any existing surveys and utility information for that part of the Fairgrounds. He said he would also try to pin down the exact locations of the three existing drains. Susan Burgstrom would look through files at the P&Z Department for similar documents.
- C. The following evidence is from the Approved Summary of Evidence for Case 836-S-16 for the Champaign County Fair Association.

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- * (1) Regarding the new standard conditions for a Fairgrounds from Text Amendment 819-AT-15 that was adopted on March 17, 2016, engineer Chris Billing provided the following comments in an email dated 6/10/16:
- *a. Regarding effective site drainage:
 - * (a) The new parking lot relies primarily on surface drainage to lawn/landscape areas before dropping into a storm sewer system. Even snow that is pushed from the surface of the lot will melt into this system. As such, appropriate drainage is provided for the lot and there will be some ability to separate trash and some pollutants from the water prior to discharge to the storm sewer.
 - * (b) An even greater benefit is realized with the alternate basin as it will serve a much larger existing parking lot area. The existing site drainage is not changed on the existing parking lot, but the runoff will drain into a vegetated basin first and be detained before draining again to the same outlet storm sewer. This only produces benefits from a variety of perspectives.
 - *b. Regarding state and federal water quality standards:
 - * (a) There really are no state or federal discharge water quality standards for parking lots, other than the MS4 requirements. If this were an industrial site, there might be a Spill Prevention Control and Countermeasures Plan or other similar protocol for a pavement area. The alternate surface basin certainly helps in this direction. All runoff from this larger parking area will surface drain to the basin where the vegetation will aid in contaminant retention before discharge to the storm sewer (and then Crystal Lake).
 - *c. Regarding protection of downstream drainage patterns:
 - * (a) There will be no great impact either way to the downstream drainage patterns. Both the new and the existing parking lot areas drain now to the existing 54-inch diameter storm sewer that drains into Crystal Lake. Overall, this sewer serves a nearly 100 acre watershed. The incremental changes being proposed on the Fairgrounds site will result in unnoticeable changes to the drainage patterns. By creating the alternate basin, more of the runoff will first be routed to a detention basin, so flows may be detained to some extent – though the impact will be felt little due to the size of the overall watershed. The proposed improvement certainly does not negatively impact the downstream drainage patterns.
 - *d. Regarding stream flows that support healthy aquatic ecosystems:
 - * (a) Both the new and the existing parking areas drain to the existing 54-inch storm sewer so there is no immediate aquatic ecosystem. However, since the storm sewer drains to Crystal Lake, this is an important ecosystem to safeguard. The Urbana Park District is currently studying alterations to the lake and affecting factors to enhance the aquatic habitat

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and ecosystem of the lake. The potential water quality improvement from the alternate surface detention basin should help in the proportion of the flow that is contributed by these areas.

- *e. Regarding minimizing impacts on adjacent properties and causing no more than minimal disturbance to the stream corridor environment:
 - *(a) Adjacent properties include the neighborhood to the west across the street and Crystal Lake Park to the east. Providing more paved parking (and less parking on grass) will benefit the site and will not negatively impact the adjacent neighborhood. An increase parking supply at this location should remove some traffic from the adjacent neighborhood as it will reduce searching for a parking space. The parking will be available and be shared by several events.
 - *(b) The downstream corridor is Crystal Lake. These parking and storm water management improvements will not directly impact Crystal Lake other than providing some improved water quality for the runoff from these parking areas.
- *f. Regarding preserving existing habitat, enhancing degraded habitat, and restoring habitat whenever possible:
 - *(a) There is no natural habitat at the site of the new parking area. It has long been lawn area in an urban environment that is used for grass parking and other uses throughout the year. Paving this area will not degrade any noted habitat. The installation of perimeter trees and screening will aid in the replacement of urban habitat.
 - *(b) The potential improvement of runoff water quality will aid (to a small extent) in the aquatic habitat of Crystal Lake. This, along with other measures to be undertaken by the Urbana Park District, should produce noticeable enhancement of the aquatic and riparian habitat.

D. Regarding the *Special Flood Hazard Areas Ordinance*, the eastern edge of the subject property and the proposed BMX track site are within the flood hazard area, per FIRM panel 17019C0427D effective October 2, 2013.

- (1) A Floodplain Development Permit will be required in order to construct the proposed BMX track.
- (2) In an email string between Jamie Hitt, Zoning Officer, and Kristian Peterson, Permit Engineer for IDNR Office of Water Resources dated August 28, 2017, Mr. Peterson determined that the proposed BMX track is located outside of the delineated floodway, so an IDNR permit would not be required to perform the proposed work. If any of the proposed work will include any land within the delineated floodway, they will need to review this project to determine if a permit is required.

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- E. Regarding traffic, the following evidence is provided:
- (1) The subject property fronts Coler Avenue on the west and Fairview Avenue on the south.
 - (2) 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. Coler Avenue had an ADT of 2,150 adjacent to the subject property. There was no count available for Fairview Avenue.
 - (3) Regarding traffic impacts:
 - a. In an email received by Susan Burgstrom on November 20, 2017, Mr. Kirby stated that the tentative schedule would be 1 weeknight and 1 weekend event per approval by USA BMX with consideration given to fair and park events. He estimates that 60-70 people attend an average event. The events would generally be held on the weeknight from 5:30 to 8:30 p.m. and from 9:30 a.m. to 3:00 p.m. on the weekend.
 - b. The proposed event schedule generally avoids peak hour traffic and parking at the Fairgrounds.
 - (4) The Urbana Township Road Commissioner has been notified of this case, but no comments have been received.
- F. Regarding fire protection on the subject property, the subject property is located within the Eastern Prairie Fire Protection District. The Fire Chief has been notified of this case but no comments have been received.
- G. The subject property is not considered BEST PRIME FARMLAND. The soil on the subject property consists of Xenia silt loam 291B, Drummer silty clay loam 152A, Senachwine silt loam 618B, Senachwine silt loam 618C2, Orthents 802B, Sawmill silty clay loam 3107A and Sunbury silt loam 234A and has an average LE of 77.
- (1) The property has been developed as a Fairgrounds for over a century.
 - (2) The proposed BMX track will not significantly change the use of the property.
- H. Regarding outdoor lighting on the subject property:
- (1) In an email received November 22, 2017, Mr. Kirby indicated that there are no plans for installing lighting.
- I. Regarding wastewater treatment and disposal on the subject property:
- (1) The Fairgrounds has a septic system. The proposed BMX track will not require changes to the septic system.
- J. The Urbana Park District has expressed concerns about the BMX track since 2016. The petitioners have met with Urbana Park District several times to discuss these concerns and

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work out possible solutions. The following is a summary of communications received by P&Z Staff regarding those discussions:

- (1) In an email received June 29, 2016, Tim Bartlett, Executive Director for the Urbana Park District, identified a number of concerns about the proposed BMX track on the southeast side of the Fairgrounds grandstand. Mr. Bartlett also recommended that the parking portion of the request be given full consideration at the scheduled hearing by the ZBA but that the BMX portion would be rejected at this time. Mr. Bartlett requested that the BMX Course be reconsidered to allow more time to work with the Fair Association in finding an appropriate location based on the following concerns about the proposed location:
 - a. Noise and impacts on the pavilion rentals, Lake House, Crystal Lake Park Family Aquatic Center
 - b. Day camp use at the North Woods pavilion – safety concerns and distraction of the camp participants
 - c. Drainage impacts – the UPD has not reviewed/seen any storm water plans
 - d. Lighting impacts from BMX events – rentals/special event lighting
 - e. Vandalism and Security – attractive nuisance and lack of site security at the Fairgrounds
 - f. Future Growth—the current site is very limited and future growth/program expansion would be extremely limited
 - g. Lack of Planning – working with all adjacent land owners and surrounding neighborhood for a site use change; currently this is a non-conforming use from the UPD perspective
- (2) Susan Burgstrom was copied in an email received August 17, 2017, from Dave Kirby to Tim Bartlett, Executive Director of the Urbana Park District. Mr. Kirby provided the following responses to Mr. Bartlett’s concerns:
 - a. Regarding noise: our events will not be very loud on a normal event we will have one small speaker for announcing and playing music that I feel would never overtake music from the pool and would not add any more noise to what level is already there. As for camps we will be running during the evening during the week unless we run something for one of your camps like we discussed. Also before any larger races were scheduled I would get with you and the Fair board to make sure no other event is scheduled for the same weekend.
 - b. Regarding view: We spoke about landscaping the area near the park and will be happy to work with your grounds crew to come up with something mutually appealing and functional.
 - c. Regarding runoff: Silt fences will be installed around the drains to prevent excess runoff. Along with the track being very hard packed and repacked

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weekly. Grass or some other form of plants will be put on the side of the jumps to prevent erosion.

- (3) Mr. Bartlett sent Mr. Kirby an email dated August 29, 2017, and received by P&Z Staff the same day. Mr. Bartlett stated, “It would be best to keep water out of the storm drains (2) on your side of the fence to keep sediments out of the lake—can you provide this as a way to keep water out of the lake vs any “silt fence”—as the county reported to us. Silt fences are really more temporary devices that are used for construction or interim periods of time...of all the concerns of the UPD—a more permanent solution to storm water drainage is most critical given the history of the lake and how it has suffered from sediments...let us know your plans?”
 - (4) Mr. Bartlett sent Mr. Kirby an email dated August 30, 2017, and received by P&Z Staff on September 7, 2017. Mr. Bartlett stated, “Hi Dave—I was contacted by Susan Burgstrom from Champaign County regarding site plans for the proposed BMX. She wanted to know if we have any outstanding concerns with the permit application going forward—the one I noted is that we discussed with you closing off the 2 manholes/drainage infrastructure located at your site—to avoid sending any potential sediments in the Crystal Lake. The application she referenced stated “silt fence”—we believe silt fencing is a temporary form of protection—more typical for a construction site—not a permanent finished site. The often fail after a period of time and are thus used as a “temporary” remediation. Are you able to amend your Illini BMX application to recognize what we agreed on? While the UPD may have some lingering concerns on how this proposed use will mesh with park use, we are mostly concerned about the impact of any storm water runoff into the lake system...let us know.
 - a. On August 30, 2017, Mr. Kirby responded via email to Mr. Bartlett, “At the hearing I will make sure to address that if I’m not able to change it. Were you able to get in touch with the city and see if they had any extra like we had talked about? If I have to purchase these a silt fence might have to be in place for a time while I raise the extra money for them.
 - b. On September 5, 2017, Mr. Bartlett responded via email to Mr. Kirby, “Derek (Liebert, Urbana Park District) offered to check with the city of Urbana to see if they have any “extra” lids to cover the 2 manholes; Derek also suggested “Mack’s Recycling” as they likely have some that have been taken/turned in?”
- L. 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.

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- b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
- c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

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

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes, being in a flood plain we will make every effort to keep water flow normal along with silt fences around the drains.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) The subject property is 53.79 acres. The proposed BMX track area is approximately 0.95 acre.
 - (2) A Fairgrounds is a USE that has been deemed appropriate in the CR Conservation Recreation Zoning District provided that a Special Use Permit is authorized.
 - (3) In the CR Conservation Recreation Zoning District, the minimum lot size is 1 acre. The minimum average lot width is 200 feet. The subject property meets or exceeds these minimum requirements.
 - (4) The proposed site plan complies with all setback requirements.
 - (5) Regarding parking on the subject property:
 - a. There are 1,266 paved parking spaces at the Fairgrounds.
 - b. The Zoning Administrator has determined that there is sufficient parking for the Fairgrounds land use.
- C. Regarding surface drainage:
- (1) A Natural Resource Report from the Champaign County Soil and Water Conservation District was not required.
 - (2) Per the *Storm Water Management and Erosion Control Ordinance*, the subject property requires a Storm Water Drainage Plan because the amount of impervious area on the subject property exceeds the maximum allowed for being exempt from the Storm Water Drainage Plan requirement.
 - a. A Storm Water Management Plan was received from Berns, Clancy and Associates on June 3, 2016, for the parking lot expansion during Zoning Case 836-S-16. A new storm water detention basin was constructed on the south end of the Fairgrounds in order to mitigate issues from the parking area.

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- (a) The proposed BMX track was not considered in the preparation of the Storm Water Management Plan received June 3, 2016.
- b. Zoning Administrator John Hall has determined that the proposed BMX track will not require a Storm Water Management Plan unless complaints are received about flooding due to the BMX track.
- (3) Item 8.B. includes information regarding surface drainage.
- D. Item 8.D. includes information regarding the *Special Flood Hazard Areas Ordinance*:
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the CR Conservation Recreation District:
 - (1) A Fairgrounds is a USE that has been deemed appropriate in the CR Conservation Recreation Zoning District provided that a Special Use Permit is authorized.
 - (2) Zoning Administrator John Hall has determined that the proposed BMX track is sufficiently similar to the various types of racing that have historically occurred on the Fairgrounds such that the proposed BMX track is permissible as an expansion of the Fairgrounds and is a significant enough expansion as to require a new Special Use Permit for the Fairgrounds (836-S-16).
 - (3) The visual character of the subject property will not change.
 - a. The BMX Track patrons will make use of Fairgrounds parking and rest room facilities.
 - (4) The track would be used for non-motorized racing, so it should have little impact beyond the property line.
 - (5) Regarding traffic impacts:
 - a. In an email received by Susan Burgstrom on November 20, 2017, Mr. Kirby stated that the tentative schedule would be 1 weeknight and 1 weekend event per approval by USA BMX with consideration given to fair and park events. He estimates that 60-70 people attend an average event. The events would generally be held on the weeknight from 5:30 to 8:30 p.m. and from 9:30 a.m. to 3:00 p.m. on the weekend.
 - b. The proposed event schedule generally avoids peak hour traffic and parking at the Fairgrounds.
- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
- A. Subsection 5.1.2 of the Zoning Ordinance states the general intent of the CR Conservation Recreation District and states as follows (capitalized words are defined in the Ordinance):
- (1) The CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
 - (2) The types of uses authorized in the CR District are in fact the types of uses that have been determined to be acceptable in the CR District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- B. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:

The requested Special Use Permit should not decrease the value of nearby properties.
 - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:

See the discussion under item 8.E. of this Summary of Evidence.
 - (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

See the discussion under item 8.B. of this Summary of Evidence.
 - (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.

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In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

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

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

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

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

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed uses are compliant with the Zoning Ordinance if a Special Use Permit is authorized.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.
- a. The property has been in use as a Fairgrounds for over a century.

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- b. The proposed use will not take any agricultural land out of production.
- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The proposed BMX track area does not contain any natural features. Some trees will need to be removed in order to build the BMX track.

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

The proposed use will not require the development of public utilities or transportation facilities.

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

a. The property is surrounded by the City of Urbana.

b. The proposed use will not take any agricultural land out of production.

c. The proposed use will maintain the character of the existing community.

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

The proposed 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 existing use on the property is a conforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **BMX track events shall be scheduled such that adequate parking is available on the Fairgrounds site.**

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

That the Fairgrounds provides sufficient parking capacity for all uses.

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- B. No overnight camping shall be allowed on the Fairgrounds related to BMX track events.**

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

That the Fairgrounds are secure after BMX track events.

- C. Use of the BMX track must be supervised at all times. Adequate security shall be provided, including enclosing the BMX track in a minimum 6 feet tall security fence with locked gates.**

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

That the use prioritizes public health, safety and general welfare.

- D. Use of the BMX track shall be limited to daytime hours and no artificial lighting shall be used.**

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

That lighting specifications for the Special Use are reflected on the approved Site Plan and are in accordance with Section 6.1.2 of the Zoning Ordinance.

- E. The Zoning Administrator may require that the petitioner control fugitive dust if a complaint is received stemming from activities related to the BMX track site.**

The special condition stated above is to ensure the following:

That the Special Use takes the public health, safety and general welfare into consideration.

- F. Sound amplification shall be minimized and used only as absolutely necessary during use of the BMX track.**

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

That nearby park users are not disrupted by excessive noise.

- G. Storm water runoff from the BMX track shall not pose any significant risk to water quality in Crystal Lake and engineering documentation shall be provided and monitoring shall be undertaken to verify the quality of storm water runoff entering the storm drain system.**

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

That the development conforms to all relevant ordinances.

- H. A buffer of native vegetation shall be provided between the BMX track and Crystal Lake Park. The plantings for the vegetative buffer shall be as approved in the Special Use Permit and a man-made screen shall be maintained as necessary to provide screening while the native vegetative buffer is getting established. The man-made screen shall be as approved in the Special Use Permit.**

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

That Fairgrounds uses continue to be compatible with Crystal Lake Park.

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received August 17, 2017, with attachments:
 - A Site Plan
2. Annotated aerial photo by Berns, Clancy and Assoc. received May 9, 2016 (from Case 836-S-16)
3. Stormwater Management Plan by Berns, Clancy and Assoc. received June 3, 2016 (does not include proposed track site)
4. Email regarding BMX Track construction from Urbana Park District received June 29, 2016
5. Email from Dave Kirby to Tim Bartlett dated May 9, 2017 and received August 17, 2017
6. Email string between Jamie Hitt and Kristian Peterson of IDNR dated August 28, 2017
7. Email from Tim Bartlett to Dave Kirby dated August 29, 2017 and received August 29, 2017
8. Email from Dave Kirby to Tim Bartlett dated August 30, 2017 and received September 7, 2017
9. Email string between Susan Burgstrom and Dave Kirby dated September 15, 2017 to November 22, 2017
10. Revised Site Plan received November 8, 2017
11. Revised Site Plan received January 2, 2018
12. Preliminary Memorandum dated December 7, 2017, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Annotated aerial photo by Berns, Clancy and Assoc. received May 9, 2016
 - C Site Plan received August 17, 2017
 - D Revised Site Plan received November 8, 2017
 - E Revised Site Plan received January 2, 2018
 - F Annotated aerial photo with Base Flood Elevation, FEMA 2013 flood hazard area created by P&Z Staff on November 27, 2017 and revised January 2, 2018
 - G Email regarding BMX Track construction from Urbana Park District received June 29, 2016
 - H Email from Dave Kirby to Tim Bartlett dated May 9, 2017 and received August 17, 2017
 - I Email string between Jamie Hitt and Kristian Peterson of IDNR dated August 28, 2017
 - J Email from Tim Bartlett to Dave Kirby dated August 29, 2017 and received August 29, 2017
 - K Email from Dave Kirby to Tim Bartlett dated August 30, 2017 and received September 7, 2017
 - L Email string between Susan Burgstrom and Dave Kirby dated September 15, 2017 to November 22, 2017
 - M Email string between Susan Burgstrom and Dave Kirby dated December 5, 2017 and December 31, 2017, with attachment:
 - Revised Site Plan received January 2, 2018
 - N Site Images taken November 29, 2017
 - O Draft Summary of Evidence, Finding of Fact, and Final Determination dated December 14, 2017

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From the documents of record and the testimony and exhibits received at the public hearing for zoning case **886-S-17** held on **January 11, 2018**, 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*}*:

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

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.

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

4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.

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- 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. **BMX track events shall be scheduled such that adequate parking is available on the Fairgrounds site.**
- The special condition stated above is required to ensure the following:
That the Fairgrounds provides sufficient parking capacity for all uses.
- B. **No overnight camping shall be allowed on the Fairgrounds related to BMX track events.**
- The special condition stated above is required to ensure the following:
That the Fairgrounds are secure after BMX track events.
- C. **Use of the BMX track must be supervised at all times. Adequate security shall be provided, including enclosing the BMX track in a minimum 6 feet tall security fence with locked gates.**
- The special condition stated above is required to ensure the following:
That the use prioritizes public health, safety and general welfare.
- D. **Use of the BMX track shall be limited to daytime hours and no artificial lighting shall be used.**
- The special condition stated above is required to ensure the following:
That lighting specifications for the Special Use are reflected on the approved Site Plan and are in accordance with Section 6.1.2 of the Zoning Ordinance.
- E. **The Zoning Administrator may require that the petitioner control fugitive dust if a complaint is received stemming from activities related to the BMX track site.**
- The special condition stated above is to ensure the following:
That the Special Use takes the public health, safety and general welfare into consideration.

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- F. **Sound amplification shall be minimized and used only as absolutely necessary during use of the BMX track.**

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

That nearby park users are not disrupted by excessive noise.

- G. **Storm water runoff from the BMX track shall not pose any significant risk to water quality in Crystal Lake and engineering documentation shall be provided and monitoring shall be undertaken to verify the quality of storm water runoff entering the storm drain system.**

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

That the development conforms to all relevant ordinances.

- H. **A buffer of native vegetation shall be provided between the BMX track and Crystal Lake Park. The plantings for the vegetative buffer shall be as approved in the Special Use Permit and a man-made screen shall be maintained as necessary to provide screening while the native vegetative buffer is getting established. The man-made screen shall be as approved in the Special Use Permit.**

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

That Fairgrounds uses continue to be compatible with Crystal Lake Park.

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FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval **HAVE** 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 **886-S-17** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Dave Kirby and the Champaign County Fair Association**, to authorize the following:

Authorize the expansion of Special Use Permit 836-S-16 for the Champaign County Fairgrounds and Parking Lot in the CR Conservation Recreation Zoning District to allow the construction and use of a BMX track on the Fairgrounds,

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. **BMX track events shall be scheduled such that adequate parking is available on the Fairgrounds site.**
- B. **No overnight camping shall be allowed on the Fairgrounds related to BMX track events.**
- C. **Use of the BMX track must be supervised at all times. Adequate security shall be provided, including enclosing the BMX track in a minimum 6 feet tall security fence with locked gates.**
- D. **Use of the BMX track shall be limited to daytime hours and no artificial lighting shall be used.**
- E. **The Zoning Administrator may require that the petitioner control fugitive dust if a complaint is received stemming from activities related to the BMX track site.**
- F. **Sound amplification shall be minimized and used only as absolutely necessary during use of the BMX track.**
- G. **Storm water runoff from the BMX track shall not pose any significant risk to water quality in Crystal Lake and engineering documentation shall be provided and monitoring shall be undertaken to verify the quality of storm water runoff entering the storm drain system.**
- H. **A buffer of native vegetation shall be provided between the BMX track and Crystal Lake Park. The plantings for the vegetative buffer shall be as approved in the Special Use Permit and a man-made screen shall be maintained as necessary to provide screening while the native vegetative buffer is getting established. The man-made screen shall be as approved in the Special Use Permit.**

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

SIGNED:

ATTEST:

Catherine Capel, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date