

CASE NO. 923-S-18

PRELIMINARY MEMORANDUM

February 7, 2019

Petitioner: John and Jessica Gill

Request: Authorize a Riding Stable as a Special Use in the AG-1 Agriculture Zoning District with the following waivers:

Part A: A waiver for fencing that does not meet the minimum requirement for a Riding Stable, as established in Section 6.1 of the Zoning Ordinance.

Part B: A waiver for a riding stable that is 0 feet from a residential use in lieu of the minimum required 100 feet, as established in Section 6.1 of the Zoning Ordinance.

Location: The north 15 acres of the Northeast Quarter of the Northeast Quarter of Section 31, Township 17 North, Range 8 East of the Third Principal Meridian in Pesotum Township, with an address of 683 CR 100N, Pesotum, Illinois.

Site Area: 15 acres

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioners have received approval for ZUPA #324-18-01 to construct an indoor horse arena. They plan to board up to 12 horses and hold riding lessons and events. Keeping, boarding, and breeding horses is an agriculture use and is exempt from our Zoning Ordinance. Providing lessons, training, and events to the public is considered a Riding Stable use and requires a Special Use Permit.

The proposed Special Use meets all applicable zoning requirements for its District, with the following exceptions:

- Fencing for the Riding Stable Special Use must be 5 feet high; posts equivalent to 4 inch by 4 inch timber located 8 feet apart with rails equivalent to 2 inch by 6 inch timber or wire stock panels 8 feet apart with three rails.

The subject property is surrounded by a wire fence. The petitioners have a portable round pen that is 5 feet high, but it does not have posts and the panels are 12 feet long. Pictures of the round pen can be found in Attachment C. They are not certain that they will need an exterior fenced area because they plan to hold all their lessons and events inside the new indoor facility. P&Z Staff added waiver Part A under the assumption that an outdoor fenced area might be used in the future as part of the Special Use Permit.

- The proposed Riding Stable would be located across the street from a residential use that shares a property line (the street centerline of CR 100N) with the subject property, making the distance 0 feet rather than the minimum required 100 feet for the Riding Stable Special Use. The actual indoor arena would be located approximately 450 feet from the residence across the street and approximately 275 feet from the shared property line.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

The subject property is located in Pesotum 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	Agriculture, Residential	AG-1 Agriculture
North	Agriculture, Residential	AG-1 Agriculture
East	Agriculture (farmstead to NE)	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

ANNOTATED SITE PLAN

Ms. Gill and Susan Burgstrom collaborated on the details of the site plan via email to establish what will be the official Site Plan for the proposed Special Use. The Annotated Site Plan can be found in Attachment B. An email from Ms. Gill received February 7, 2019, indicates that the Site Plan reflects her plans, and requests a few adjustments which were made by Ms. Burgstrom.

PROPOSED SPECIAL CONDITIONS

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 923-S-18 by the Zoning Board of Appeals.**

The special condition above is required to ensure the following:

The establishment of the Riding Stable as a Special Use shall be properly documented as required by the Zoning Ordinance.

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed indoor horse arena until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed indoor horse arena until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Livestock Management Facilities Act (LMFA) and the Special Use Permit shall remain compliant with the LMFA.**

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

That the proposed Special Use meets applicable state requirements for livestock management facilities.

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

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

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

- E. **Any new septic system must be approved by the Champaign County Public Health Department.**

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

That the septic system has sufficient capacity for the proposed use, and that it is in compliance with the Champaign County Public Health Ordinance.

- F. **The petitioner shall not allow any parking to occur in the public street right of way.**

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

That public safety is considered during the construction and operation of the special use.

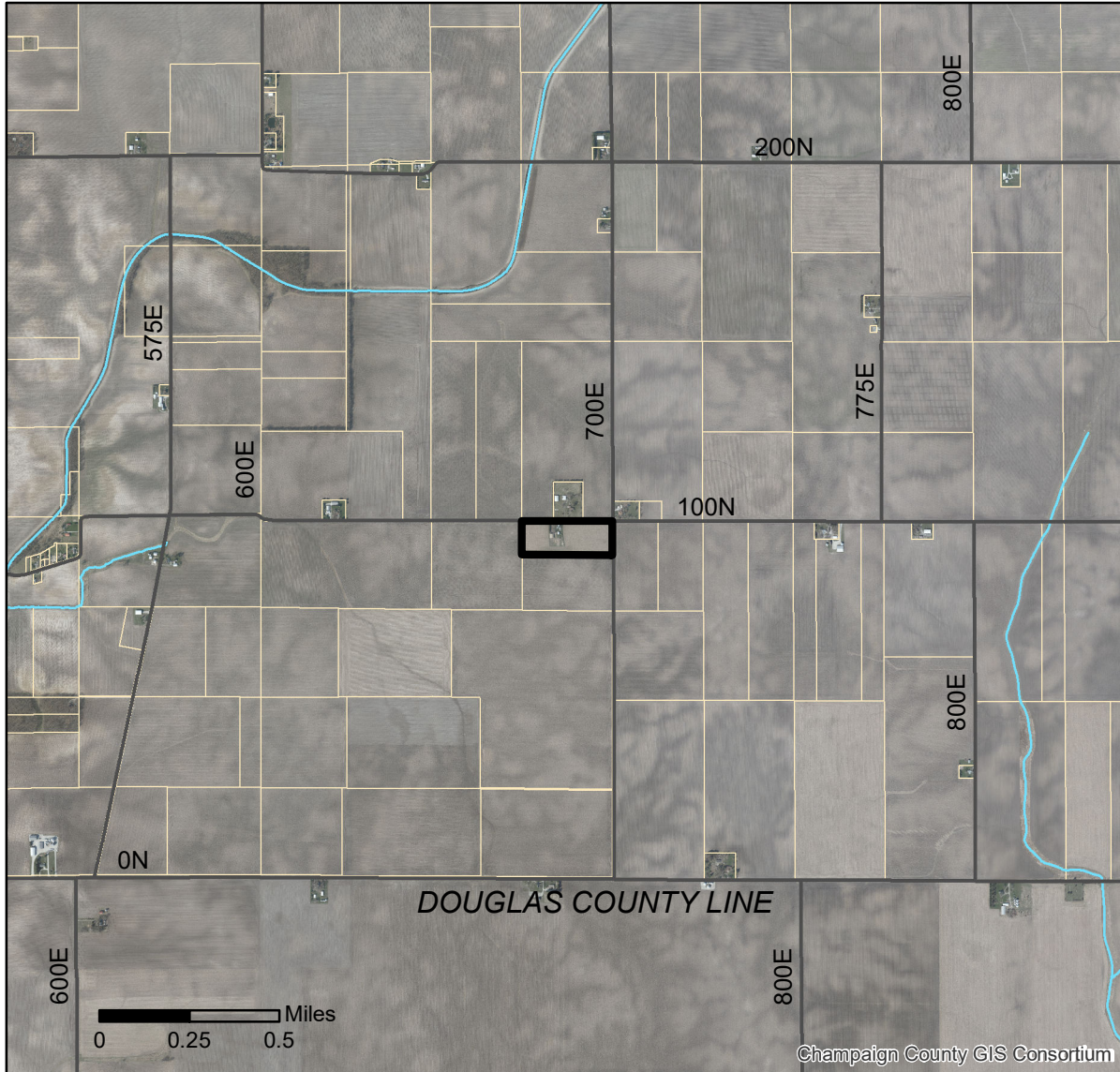
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Annotated Site Plan created by P&Z Staff dated February 7, 2019
- C Site Plan received November 20, 2018
- D Emails from Jessica Gill received December 5, 2018 and January 22, 2019
- E Email from Jessica Gill received February 7, 2019
- F Illinois Livestock Management Facilities Act Requirements
- G Site Images taken February 4, 2019
- H Draft Summary of Evidence, Finding of Fact, and Final Determination dated February 14, 2019

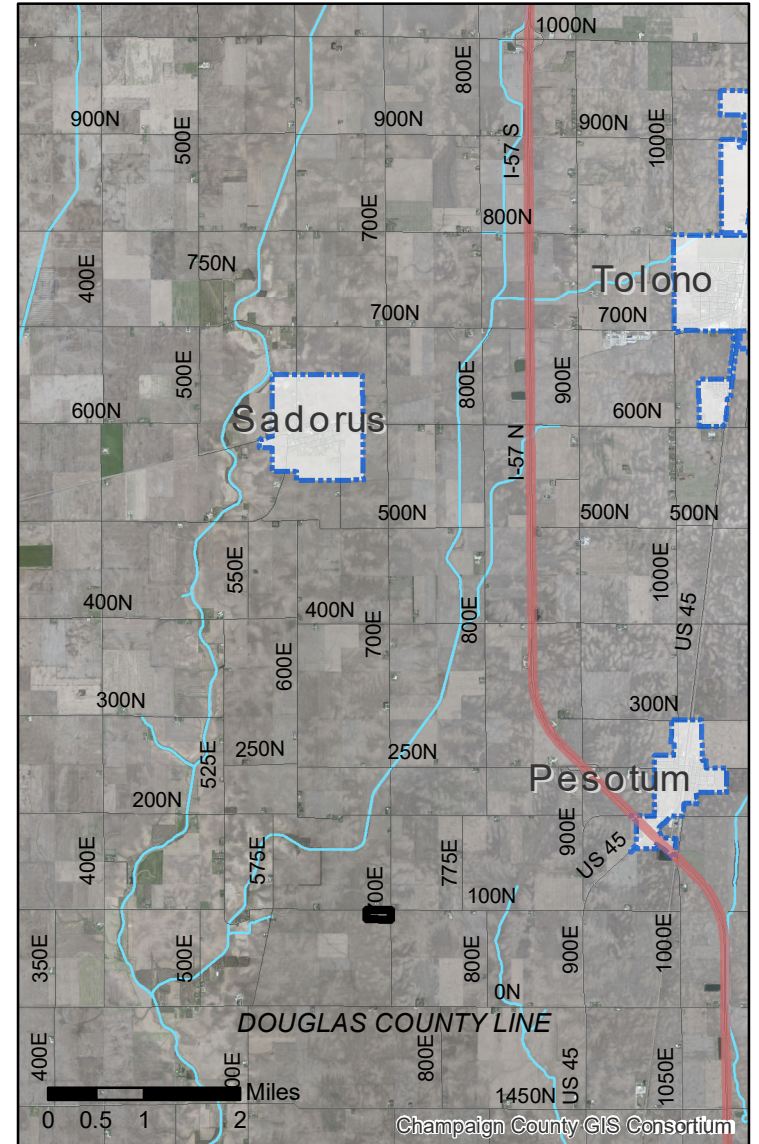
Location Map

Case 923-S-18
February 14, 2019





Subject Property



Property location in Champaign County



Legend

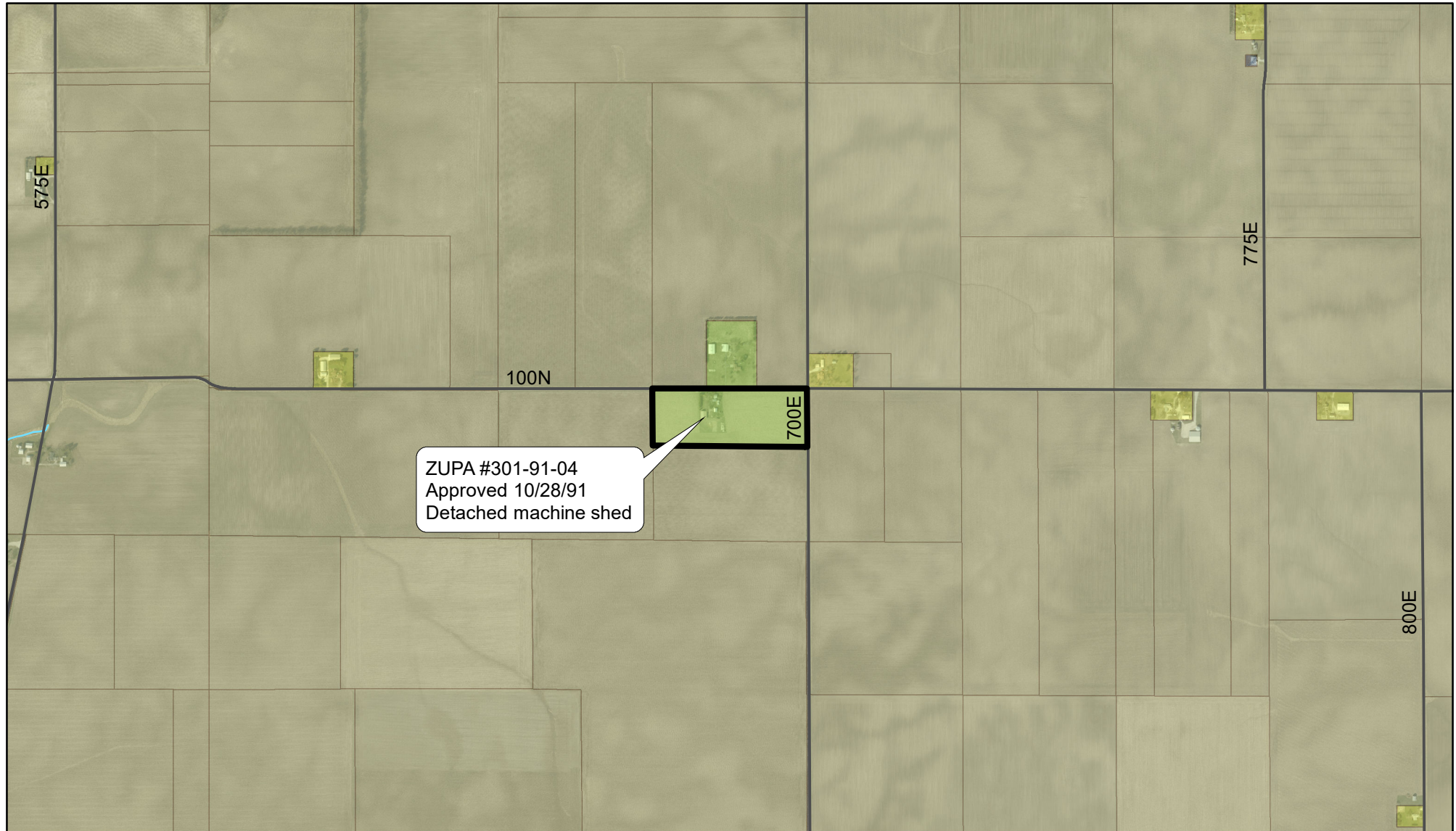
-  Subject Property
-  Municipal Boundary
-  Streets
-  Parcels



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 923-S-18
February 14, 2019



Legend

- SubjectProperty
- Residential
- Streets
- Ag-Residential
- Streams
- Agriculture

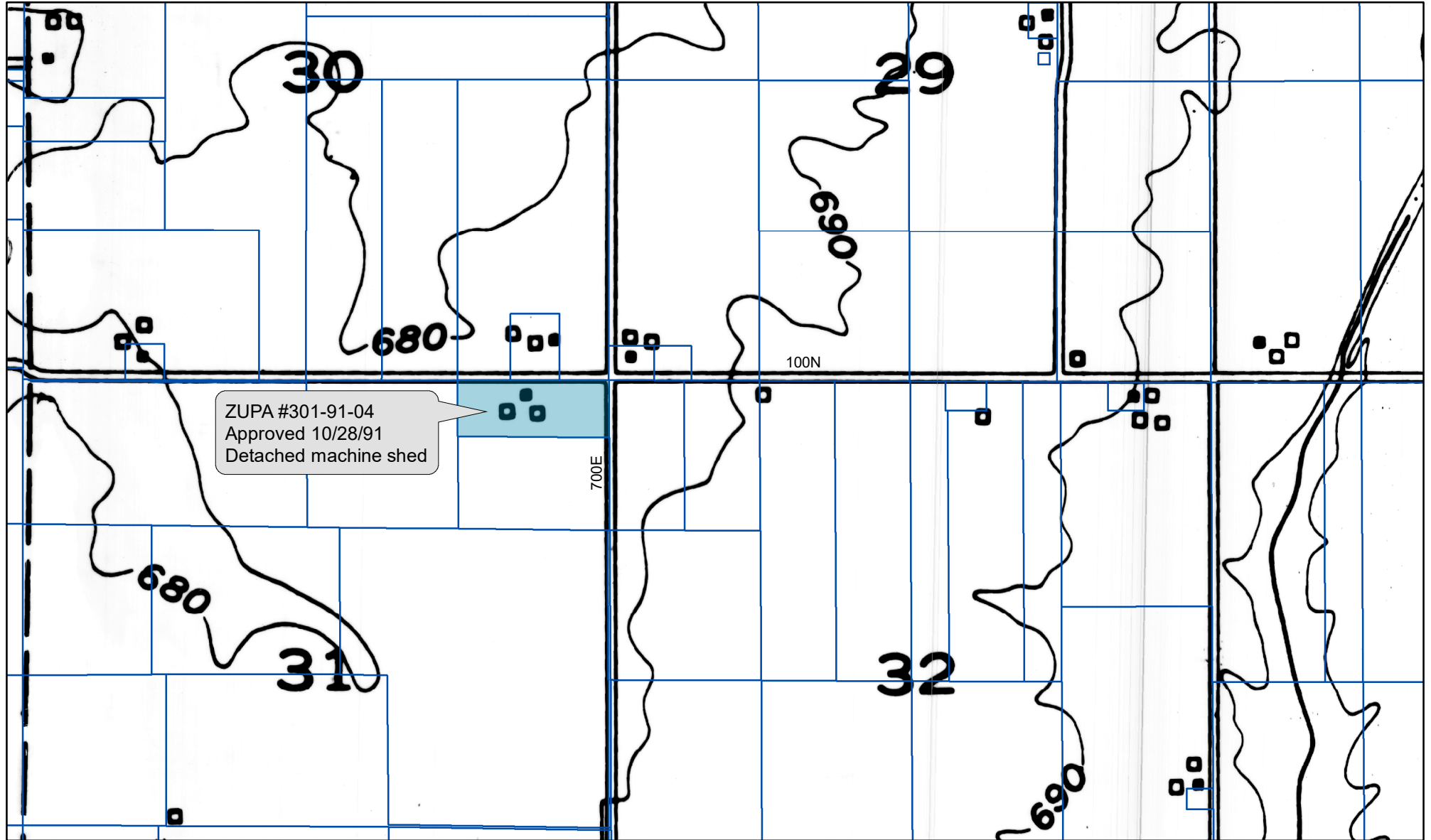
0 305 610 1,220 Feet





Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 923-S-18
February 14, 2019



Legend

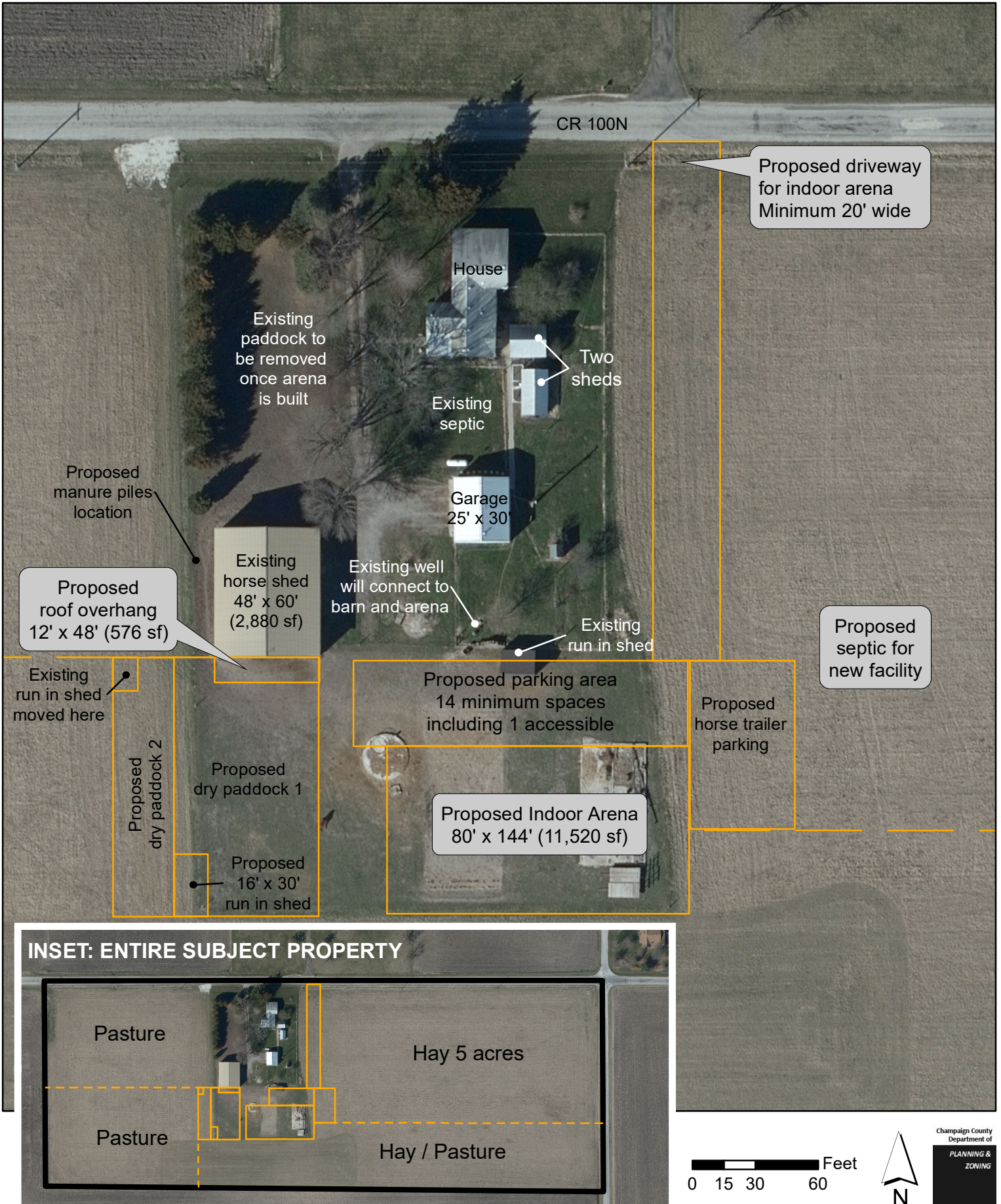
-  Subject Property
-  Parcels

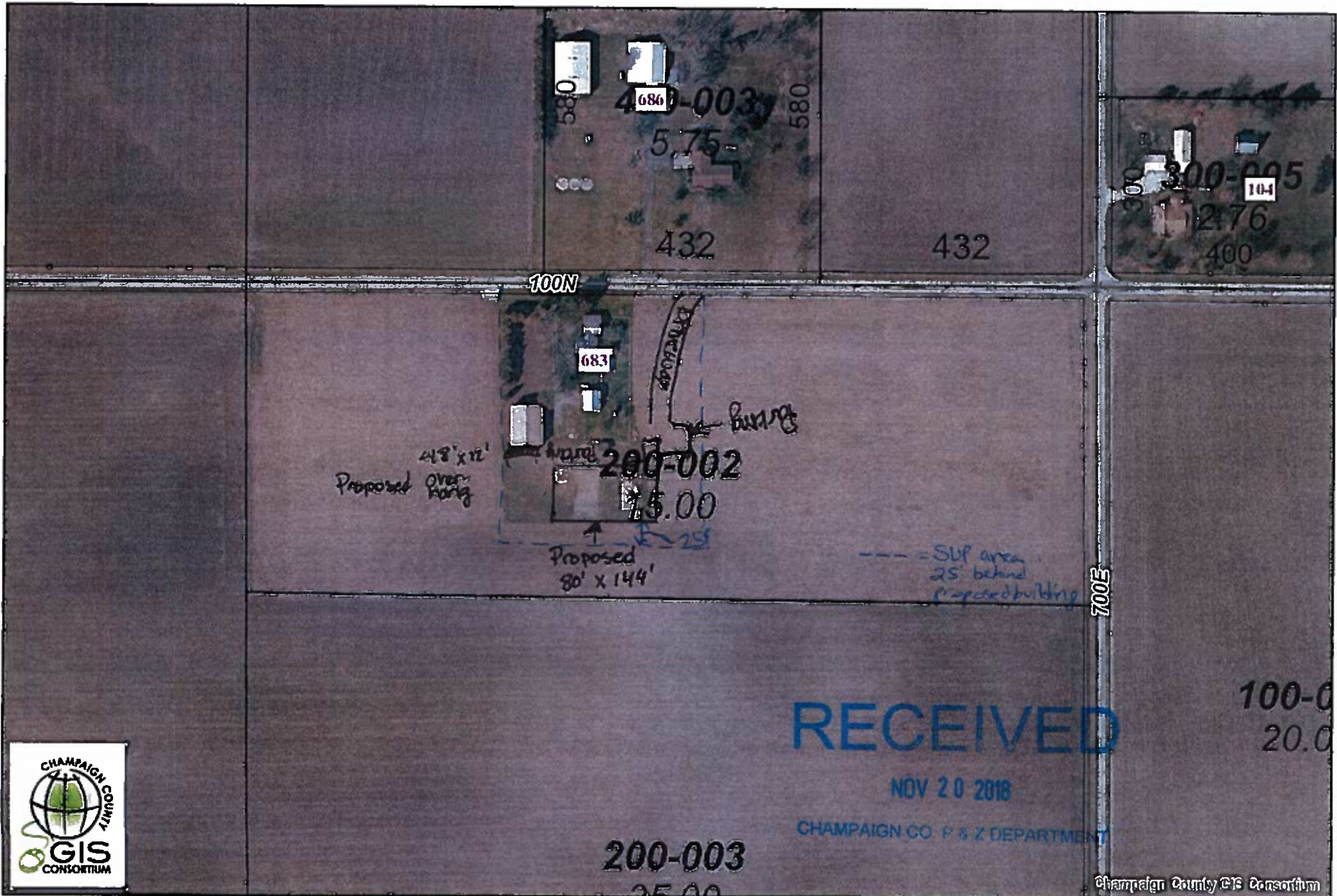
0 300 600 1,200 Feet



Annotated Site Plan

Case 923-S-18
February 14, 2019





RECEIVED

NOV 20 2018

CHAMPAIGN CO. P & Z DEPARTMENT

200-003

Champaign County GIS Consortium

140 Feet

This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGIS member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



144'

80'

Riding
arena
(80 x 120)

9,000^{sq}

aisle / alley

Hose
storage

Tire
stalls
over

15' x 15'
Tack
Room

15' x 10'
Utility

16' x 20'
Office

1/2" thick 12'

porch
over hang 6'

16' x 20' (5 x 5)

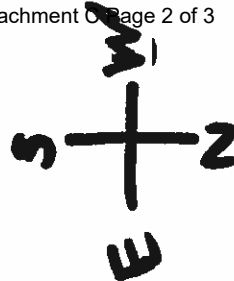
16x20'

Handicapped
Parking
complete and

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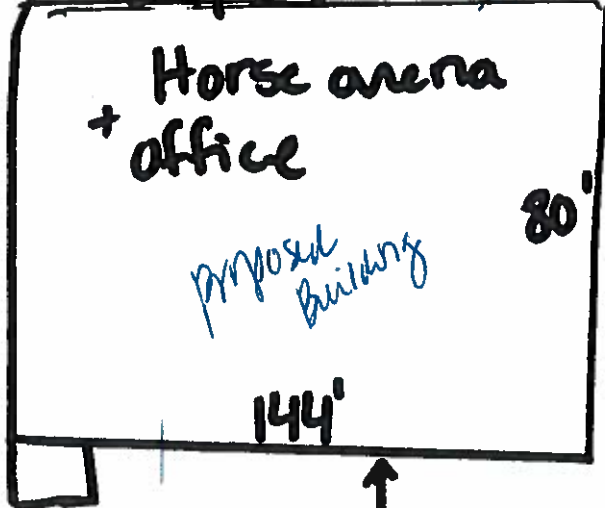
NOV 20 2018

CHAMPAIGN CO. P & Z DEPARTMENT

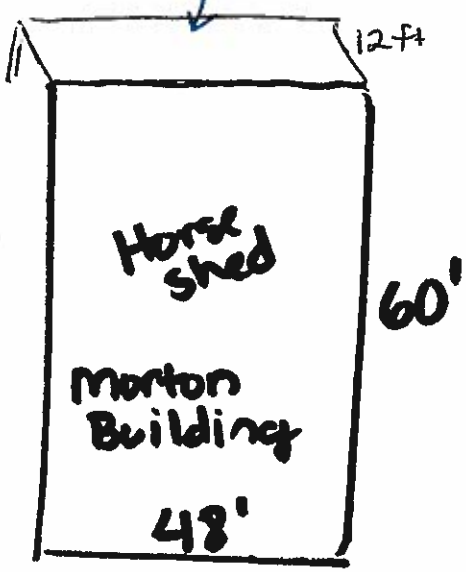


Proposed

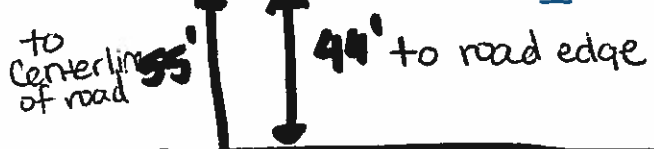
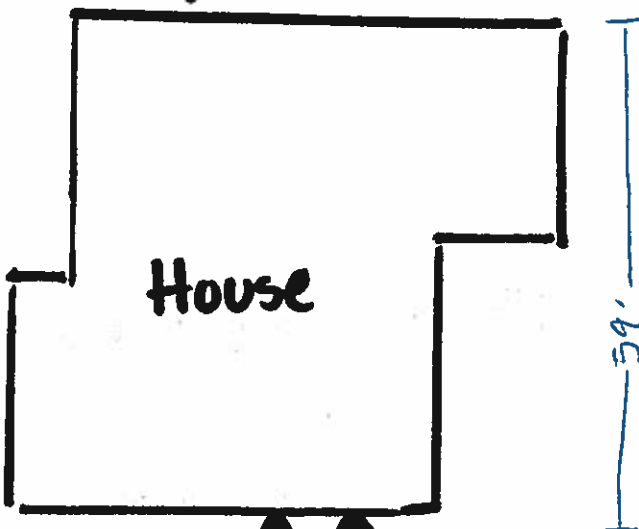
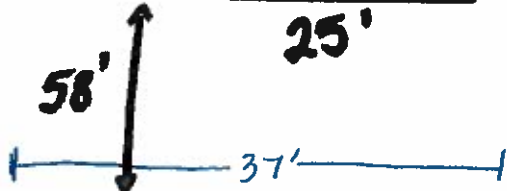
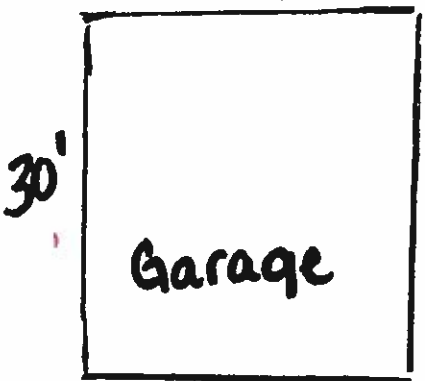
South



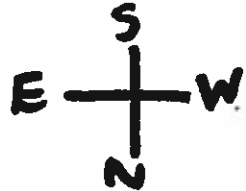
Proposed roof overhang



East



West



North

Susan Burgstrom

RECEIVED

From: Jessica Gill <farmergillswife@gmail.com>
Sent: Wednesday, December 5, 2018 8:51 PM
To: Susan Burgstrom
Subject: Re: zoning case for horse facility

DEC 05 2018

CHAMPAIGN CO. P & Z DEPARTMENT

Sure! I'm happy to help, this is all new to me so please let me know what I should do, thanks for advising.

1. How many employees will the facility have? Please use the following classifications, and do not double count):
 - a. Family members (including John and Jessica who live on the property and work (paid or volunteer) at the facility- **just us two!**
 - b. Non-resident employees (paid or volunteer) **5 coaches/assistants mostly high school kids that get dropped off as volunteers**
2. Under the assumption that we are talking about the biggest event you have had or anticipate having:
 - a. How many horse trailers that do not belong to you might be on the property during the event? **8 trailers- can park in the field**
 - b. How many spectator vehicles (not including horse trailers) might be on the property during the event? **15**
 - c. How many clinicians might be on the property during the event? - **not to exceed 2**
3. If you have or anticipate installing a sign, how large would it be (in square feet)? - **about 6 square feet, but this can be adjusted to be smaller or bigger (whatever you require) we have not made it yet, it will be located in our ditch next to the road.**

Jessica Gill
Champaign County 4-H Leader

Sent from my iPhone

On Dec 4, 2018, at 10:11, Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Hi Jessica,

We might have an easier route to take than the Special Use Permit for your horse facility. Could you please answer the following questions so we can see if it is possible?

1. How many employees will the facility have? Please use the following classifications, and do not double count):
 - a. Family members (including John and Jessica who live on the property and work (paid or volunteer) at the facility
 - b. Non-resident employees (paid or volunteer)
2. Under the assumption that we are talking about the biggest event you have had or anticipate having:
 - a. How many horse trailers that do not belong to you might be on the property during the event?
 - b. How many spectator vehicles (not including horse trailers) might be on the property during the event?
 - c. How many clinicians might be on the property during the event?
3. If you have or anticipate installing a sign, how large would it be (in square feet)?

Thanks,
Susan

Susan Burgstrom, AICP
Senior Planner

Susan Burgstrom

From: Jessica Gill <farmergillswife@gmail.com>
Sent: Monday, January 21, 2019 1:27 PM
To: Susan Burgstrom
Subject: Re: fence?

Hi Susan,

The special use riding area will be the indoor part of the arena, and I will attach boards to the inside of the building, so they will be screwed to the support posts for the building, which I am sure are at least 4"x4". If there are specific requirements for an indoor riding arena rails I can pass that information along to my fence builder, we will not be fencing this until April or so...

I can send you pictures of what I have for outdoor riding space. It is a portable rail panel roundpen. If I need to put posts in and make this more permanent I can do that, right now we are not quite sure how everything will look and where this will end up going or if I will even need it. The panels are 5' tall and 12' long each.

I will have to send the pictures from my phone since they are saved there....

P.S> Did you do the natural resource application? or do I need to do that?

On Wed, Jan 16, 2019 at 1:41 PM Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Hi Jessica,

Could you please describe the fencing you will have for the riding stable (special use area)? More specifically,

- How tall are the posts?
- What is the post dimension and material (i.e. 4"x4" timber)
- How far apart will the posts be?
- If using rails, what are the rail dimensions and material (i.e. 2"x6" timber, wire stock, etc)
- If not using rails, what are you using for material between the posts, and what opening size does the material have?

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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JAN 22 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Jessica Gill
Champaign County 4-H Leader
Golden Riders SPIN club

Susan Burgstrom

From: Jessica Gill <farmergillswife@gmail.com>
Sent: Monday, January 21, 2019 1:34 PM
To: Susan Burgstrom
Subject: Pics

This is what the riding pen looks like now, but it is taken down for the winter.



RECEIVED

JAN 22 2019

CHAMPAIGN CO. P & Z DEPARTMENT



Jessica Gill
Champaign County 4-H Leader

Sent from my iPhone

Susan Burgstrom

From: Jessica Gill <farmergillswife@gmail.com>
Sent: Wednesday, February 6, 2019 8:28 PM
To: Susan Burgstrom
Subject: Re: Site plan attached

Ok, it looks really nice you did a great job!

The area between "parking" and paddock 1 will be graveled to meet up with our existing personal driveway, so you can extend the "parking" square to include that space as well, just leave a little room around the paddock fencing.

I had envisioned the trailer parking area extending south about 40ft (half the length of the new facility building) so you could move that boundary a bit if you wanted to, but that is really nit picking of me and I'm not sure how exactly accurate this paper needs to be....your call!

Also, the "existing paddock" is going away after the new facility is constructed. We will tear down the fence and replant. It is too wet there to sustain livestock permanently. Not sure how you want to handle that....

If you need anything last minute tomorrow morning please call my cell phone, I won't get to checking my email until lunchtime...

Thanks!
-Jessica

On Wed, Feb 6, 2019 at 4:19 PM Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Please see the attached site plan and let me know what needs adjustment...this will need to go out in tomorrow morning's mailing, so I appreciate your response at your earliest convenience.

RECEIVED

FEB 07 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Thanks!

Susan

From: Jessica Gill <farmergillswife@gmail.com>
Sent: Wednesday, February 6, 2019 2:44 PM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: Paddock dry lots and parking

Hi Susan,
Let me know if I missed anything you requested. We can add some additional parking along the new driveway or near our garage if needed but you can't see in google maps because of the trees so I just listed what we would start with and

Illinois Livestock Management Facilities Act (510 ILCS 77/et seq.)
General Requirements Related to Size of Facility

Number of Animal ¹ Units	Setbacks for New Facilities	Waste Management Plan	Livestock Manager Certification ³
Less than 50 animal units (less than 25 horses; or less than 50 cows; or less than 125 hogs over 55 lbs.)	Not Required	Not Required	Not Required
50 to 1,000 animal units (between 25 and 500 horses; or between 50 and 1,000 cows; or between 750 - 2,500 hogs)	1/4 Mile from Non-farm Residence 1/2 Mile from Populated Area ²	Not Required	Not Required
1,000 - 7,000 (between 500 to 3,500 horses; or 1,000 and 7,000 cows; or between 2,500 -17,500 hogs over 55 lbs.)	1/4 Mile + 220' for each additional 1,000 AU's from Non-farm Residence 1/2 Mile + 440' for each additional 1,000 AU's from Populated Area	General Plan Required (1,000 - 5,000 animal units) Detailed Plan Required (More than 5,000 animal units)	Training Required
More than 7,000 animal units (more than 3,500 horses; or more than 7,000 cows; or more than 17,500 hogs)	1/2 Mile from Any Residence 1 Mile from a Populated Area	Detailed Plan Required	Training Required
<p>NOTES:</p> <ol style="list-style-type: none"> <li data-bbox="131 1339 1487 1444">1. An Animal Unit is roughly equivalent to 1,000 lbs. of animal body weight. The Act specifies a conversion for different types of animals. 1,000 AU's is equivalent to 500 horses, 1,000 cows, 2,500 hogs over 55 lbs. or 33,300 hogs under 55 lbs. <li data-bbox="131 1486 1487 1556">2. A Populated Area is an area containing a public assembly use like a church or 10 or more non-farm dwellings. <li data-bbox="131 1598 1487 1665">3. Certain Livestock Management Facilities are required to be supervised by a certified livestock manager. 			

923-S-18 Site Images



Subject property from CR 100N facing SW – new building would be at left



From CR 100N facing south – residence on left

923-S-18 Site Images



From driveway facing south to proposed indoor arena site



Existing wire fencing surrounding property

923-S-18 Site Images



From driveway exit at CR 100N facing west



From driveway exit at CR 100N facing east

923-S-18 Site Images



From CR 100N facing north to closest neighbor



From CR 700E at CR 100N near adjacent residence facing west

PRELIMINARY DRAFT

923-S-18

**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: ***{February 14, 2019}***

Petitioners: John and Jessica Gill

Request: Authorize a Riding Stable as a Special Use in the AG-1 Agriculture Zoning District with the following waivers:

Part A: A waiver for fencing that does not meet the minimum requirement for a Riding Stable, as established in Section 6.1 of the Zoning Ordinance.

Part B: A waiver for a riding stable that is 0 feet from a residential use in lieu of the minimum required 100 feet, as established in Section 6.1 of the Zoning Ordinance.

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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 **February 14, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners John and Jessica Gill own the subject property.
2. The subject property is a tract comprised of the north 15 acres of the Northeast Quarter of the Northeast Quarter of Section 31, Township 17 North, Range 8 East of the Third Principal Meridian in Pesotum Township, with an address of 683 CR 100N, Pesotum, Illinois.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Pesotum 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 15 acre tract zoned AG-1 Agriculture. Land use is a farmstead.
 - B. Land surrounding the subject property is zoned AG-1 Agriculture and is agricultural and residential in use.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The preliminary site plan received November 20, 2018, includes the following existing and proposed features:
 - (1) Existing features include:
 - a. One 1,356 square feet residence constructed prior to the adoption of the Zoning Ordinance on October 10, 1973;
 - b. One 10 feet by 20 feet shed constructed prior to the adoption of the Zoning Ordinance on October 10, 1973;
 - c. One 14 feet by 16 feet shed constructed prior to the adoption of the Zoning Ordinance on October 10, 1973; and
 - d. One 780 square feet detached garage constructed in 1983, presumably without a permit due to an agricultural exemption from the Zoning Ordinance.
 - e. One 48 feet by 60 feet detached shed constructed under ZUPA #301-91-04 approved October 28, 1991.

PRELIMINARY DRAFT**Case 923-S-18**
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- (2) Proposed features include:
- a. One 144 feet by 80 feet (11,520 square feet) detached indoor horse arena with the following spaces, as shown on the floor plan received November 20, 2018:
 - (a) One 240 square feet office, to include one handicapped accessible restroom;
 - (b) One 150 square feet utility room;
 - (c) One 225 square feet tack room;
 - (d) One 80 feet by 120 feet riding arena; and
 - (e) An area for hay storage and tie stalls; and
 - (f) The petitioner has indicated a 16 feet by 20 feet concrete pad for accessible parking outside the office, to include a ramp to the entry.
 - b. A new septic system, driveway and parking area for the proposed facility.
 - c. A 12 feet by 48 feet roof overhang addition to the existing horse shed.

B. The Petitioner provided the following information regarding existing and proposed operations:

- (1) In an email received December 5, 2018, Jessica Gill stated:
- a. The only family employees will be the two petitioners.
 - b. There will be up to 5 non-resident employees who are mostly high school kids volunteering as coaches/assistants.
 - c. When P&Z Staff asked her to consider the biggest event that they have had or would consider having, Ms. Gill responded that there might be up to 2 clinicians, 8 additional horse trailers that would park in the field, and 15 spectator vehicles.
 - d. They might install a freestanding sign, which would be no larger than 6 square feet.
- (2) Regarding fencing, in emails received January 22, 2019, Ms. Gill stated that the outdoor fencing is a portable rail panel round pen, and its panels are 5 feet tall by 12 feet wide. She said it has been taken down for the winter, and that she is not sure if they are going to need it.
- a. P&Z Staff added waiver Part A under the assumption that an outdoor fenced area might be used in the future as part of the Special Use Permit.

PRELIMINARY DRAFT

- (3) In a series of emails received February 6 and 7, 2019, the petitioner provided the following information that was used by P&Z Staff to create an Annotated Site Plan, which will be the official site plan for the proposed Special Use:
- a. Existing septic system is located south of the house;
 - b. Proposed septic system will be located east of the new building;
 - c. The existing well located south of the garage will be piped to the indoor arena and the horse barn;
 - d. The proposed driveway has a 32 feet wide gated opening, and will extend to a parking area for horse trailers and a parking area for vehicles;
 - e. The existing paddock will be removed once the indoor arena has been constructed;
 - f. Two dry paddocks will be created south of the existing horse shed;
 - g. The proposed manure piles will be located west of the existing horse shed, and they will compost that material with hay; and
 - h. The existing run in shed located south of the garage will be moved to dry paddock 2, and a new run in shed is proposed for dry paddock 1.
- C. The following are Zoning Use Permits for the subject property:
- (1) ZUPA #301-91-04 was approved October 28, 1991, for the construction of one 48 feet by 60 feet detached shed.
 - (2) ZUPA #324-18-01 was approved on October 10, 2019, to construct the proposed indoor horse arena for personal and boarding use of the riding arena. A Special Use Permit is needed to authorize use for “other than boarders.” The permit contains the following special conditions:
 - a. If the building will have a floor drain or a private sewage system or well, permits must be obtained from the Champaign County Public Health Department.
 - b. This permit is only for a private use facility.
 - c. A Change of Use Permit shall be required to convert this private use facility to a public use facility and at the time of that conversion the facility (the building and the parking and outdoor areas) shall have to comply with the Illinois Accessibility Code.
- D. There are no previous zoning cases for the subject property.
- E. The required waivers are as follows:

PRELIMINARY DRAFT**Case 923-S-18**
Page 5 of 28

- (1) Part A: A waiver for fencing that does not meet the minimum requirement for a Riding Stable, as established in Section 6.1 of the Zoning Ordinance.
- (2) Part B: A waiver for a riding stable that is 0 feet from a residential use in lieu of the minimum required 100 feet, as established in Section 6.1 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding the requested Special Uses in the AG-1 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) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
- (2) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
- (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (4) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
- (5) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop*

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Productivity Ratings for Illinois Soils. Best Prime Farmland consists of the following:

- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (6) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
 - (7) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (8) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (9) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
 - (10) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
 - (11) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (12) “LOT LINES” are the lines bounding a LOT.
 - (13) “PARKING GARAGE or LOT” is a LOT, COURT, YARD, or portion thereof used for the parking of vehicles containing one or more PARKING SPACES together with means of ACCESS to a public way.
 - (14) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
 - (15) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (16) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.

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- (17) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (18) “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.
- (19) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (20) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (21) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- (22) “YARD” is an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

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- (23) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.
- (24) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (25) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.

B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:

- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Section 6.1.3: Schedule of Standard Conditions for Specific Types of Special Uses includes standard conditions that apply specifically to Riding Stables:
 - a. Minimum required fencing must be 5 feet high; posts equivalent to 4 inch by 4 inch timber located 8 feet apart with rails equivalent to 2 inch by 6 inch timber or wire stock panels 8 feet apart with three rails.
 - b. A Riding Stable is not permitted within 100 feet of any Residential DISTRICT or residential or INSTITUTIONAL USE.

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- C. Section 7.4.1 C. establishes the following off-street parking requirements:
- (1) Places of public assembly require one parking space per five seats provided for patron use in an enclosed building, per subparagraph 7.4.1 C.3.b.
 - (2) Riding Stables require 1 off-street PARKING SPACE per three horses boarded, one for each horse trailer stored on the site, one for each riding arena operated and one for each employee, per subparagraph 7.4.1 C.3.h.
 - (3) Parking areas for commercial establishments require screening if they are visible from and located within 100 feet of a BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE.
 - a. A Type A screen is required for more than four vehicles of no more than 8,000 pounds gross vehicle weight each.
 - b. A Type D screen is required for any number of vehicles exceeding 8,000 pounds gross vehicle weight each.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements 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.

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- (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).
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
- a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
- a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction.
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Expected clients to come from Champaign/Urbana area and Tuscola area (riding lessons, boarding, 4-H).”**

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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, **“Most activities will be held indoors inside arena; no space for outdoor riding. We are located in a rural area that already houses horses and is already disturbed by guns/shooting noises (Sadorus Sportsman Club is 2 miles away.”**
- B. Regarding traffic, the following evidence is provided:
- (1) The subject property is a corner lot which fronts CR 100N and CR 700E.
 - a. There is no issue with encroachment on the visibility triangle because the proposed facility would be located over 700 feet west of the intersection.
 - (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 2016 in the vicinity of the subject property. CR 100N near CR 700E had an ADT of 100.
 - (3) The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of less than 250 vehicle trips have a minimum pavement width of 18 feet and a shoulder width of two feet.
 - a. There are two feet of gravel/turf shoulder on each side of CR 100N.
 - b. The pavement surface of CR 100N in the vicinity of the subject property is oil and chip. The pavement width is about 18 feet, which would equate to a design volume of no more than 400 ADT.
 - c. Even with a significant increase in traffic on CR 100N, the road is designed to handle additional traffic volume.
 - (4) Traffic volumes are expected to increase, but no Traffic Impact Analysis has been done. A cursory analysis of traffic volumes would indicate the following:
 - a. A typical residence averages 10 vehicle trips per day.
 - b. The petitioner has indicated that on a large event day, there may be 15 spectator vehicles, which would generate about 30 vehicle trips.
 - c. Riding lessons would generate increased traffic, but the traffic would be throughout the day rather than impacting the peak traffic hours at the beginning and end of the day.
 - d. P&Z Staff do not anticipate issues due to the increased traffic.

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- (5) The Pesotum Township Road Commissioner has been notified of this case, but no comments have been received.
- C. Regarding fire protection on the subject property, the subject property is located within the Pesotum Fire Protection District. The Pesotum Fire Chief has been notified of this case but no comments have been received.
- D. The subject property is not located within the mapped floodplain.
- E. The subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of 152A Drummer silty clay loam and 154A Flanagan silt loam, and has an average LE of 100.
 - (1) The petitioner requested a Natural Resource Report from Champaign County Soil and Water Conservation District on January 22, 2019, but CCSWCD has not had a chance to complete it.
- F. Regarding outdoor lighting on the subject property, the petitioner did not provide information on lighting in the application. A special condition has been added to ensure compliance for any future outdoor lighting.
- G. Regarding wastewater treatment and disposal on the subject property:
 - (1) There is a septic system connected to the residence.
 - (2) The petitioner plans to have a restroom in the new office area, and plans to install a new septic system for the new facility.
- H. Regarding compliance with the Illinois Livestock Management Act:
 - (1) The requirement to file a Notice of Intent to Construct for a livestock management facility with the Illinois Department of Agriculture is the only requirement of the Act triggered by the proposed construction.
 - (2) P&Z Staff emailed the petitioners on February 4, 2019 to ensure that they are aware of this regulation. A special condition has been added to ensure compliance.
- I. Regarding life safety considerations related to the proposed Special Use:
 - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local

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government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.

- c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - d. Compliance with the Code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Regarding compliance with the Illinois Accessibility Code:
- a. A special condition of ZUPA # #324-18-01 approved on October 10, 2019 is that a Change of Use Permit shall be required to convert this private use

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facility to a public use facility and at the time of that conversion the facility (the building and the parking and outdoor areas) shall have to comply with the Illinois Accessibility Code.

- J. 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, compliant with area and placement regulations. Riding stable is an allowed use in this zoning district.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) The subject property is 15 acres. The lot was created prior to the adoption of the maximum lot area on best prime farmland.
 - (2) A Riding Stable is a USE that has been deemed appropriate in the AG-1 Agriculture Zoning District provided that a Special Use Permit is authorized.
 - (3) The proposed site plan complies with all requirements with the exception of the fence and distance from a residential use that are required for the Riding Stable Special Use.
 - a. The petitioner plans to hold events and lessons inside the proposed building, and does not know if there will be a need for outdoor fencing. They have a portable rail panel round pen with 5 feet tall panels that are 12 feet wide each. The petitioner has indicated that they can install posts to make it more permanent.
 - b. The subject property is surrounded with wire fencing.
 - c. The closest residential use is across the street. No comments have been received from the neighbors.
 - (4) Regarding parking on the subject property for the Riding Stable:
 - a. Some events would have spectators, and the petitioners have stated there might be 15 guests. One parking space is required for every 5 seats provided for patron use, which would be 3 parking spaces, per subparagraph 7.4.1 C.3.b.

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- b. A Riding Stable, for the purpose of establishing minimum Zoning Ordinance requirements, is a commercial use. Subparagraph 7.4.1 C.3.h. establishes that Riding Stables require 1 off-street PARKING SPACE per three horses boarded, one for each horse trailer stored on the site, one for each riding arena operated and one for each employee.
- (a) The petitioner expects to board up to 12 horses, which requires 4 parking spaces.
 - (b) The Gills have 1 horse trailer that they use for both personal and business use, requiring 1 parking space.
 - (c) There is one indoor riding arena, requiring 1 parking space.
 - (d) There would be up to 5 non-family employees (volunteers) for the Riding Stable, requiring 5 parking spaces.
 - (e) The petitioners stated that visiting horse trailers would be parked in the field.
 - i. Per Section 7.4.1 C.4. of the Zoning Ordinance, a Type D screen is required for off-street parking areas if they are visible from and located within 100 feet from the building restriction line of a lot containing a dwelling.
 - ii. A Type D screen is defined as “a landscaped berm, or an opaque fence or wall, or SCREEN PLANTING with a minimum HEIGHT of eight feet as measured from the highest adjacent grade.
- c. Required parking for the proposed Special Use totals 14 spaces, to include at least 1 accessible parking space. The subject property has more than sufficient room for the required parking spaces.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The proposed Special Use is not exempt from the SWMEC Ordinance.
 - (2) The proposed Special Use is exempt from requiring a Storm Water Drainage Plan because less than 16% of the 15 acre property is impervious area, and there is less than one acre of impervious area within a 90,000 square feet rectangle.
- D. Regarding the *Special Flood Hazard Areas Ordinance*, the subject property is not located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in Champaign County subdivision jurisdiction and is in compliance with the *Subdivision Ordinance*.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture District:

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- (1) A Riding Stable is a USE that has been deemed appropriate in the AG-1 Agriculture Zoning District provided that a Special Use Permit is authorized.
- (2) The visual character of the subject property will not change.
- (3) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. A Riding Stable may be authorized by the ZBA in the AG-1 Agriculture Zoning District as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
 - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

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.

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In regards to the value of nearby properties, it is unclear what impact the proposed Special Use Permit will have on the value of nearby properties. The subject property is surrounded by agricultural land, and the nearest residence is 175 feet to the north.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

Based on the information provided in Item 8.B., increased traffic volumes are not expected to significantly impact the area because most of the traffic will be sporadic throughout the day rather than all at once during peak traffic hours.

- (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.

The requested Special Use Permit is not exempt from the Champaign County *Storm Water Management and Erosion Control Ordinance* because proposed land disturbance exceeds 10,000 square feet. The subject property is not in the floodplain and the increase in impervious area does not trigger the need for a Storm Water Drainage Plan.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - c. No comments have been received regarding the proposed use.

- (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

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

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

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

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and all structures on the property are in conformance with the Zoning Ordinance.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The subject property is located in the AG-1 Agriculture District and the proposed use will maintain its rural character.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

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

The subject property is located in the AG-1 Agriculture District, is not near an urban area, and will not require any new public utilities or public infrastructure.

- (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.

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The subject property is located in the AG-1 Agriculture District and serves the agricultural nature of the rural area by maintaining the property's rural character.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the Ordinance 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 is not related to this purpose.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

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

RELATED TO THE WAIVERS, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

12. Generally regarding the *Zoning Ordinance* requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. Regarding Part A of the proposed waivers, for fencing that does not meet the minimum requirement for a Riding Stable:
 - (1) The subject property is surrounded by wire fencing.
 - (2) Boarding horses and horses being outside in pastures are considered agriculture, and are not subject to the *Zoning Ordinance*. Holding events and lessons in a riding stable makes it a business, which is why a Special Use Permit is required.
 - (3) The petitioner anticipates holding all lessons and events inside the proposed arena.
 - B. Regarding Part B of the proposed waivers, for a riding stable that is 0 feet from a residential use in lieu of the minimum required 100 feet:
 - (1) The only part of the proposed facility that is within 100 feet of the residential lot across the street is the proposed driveway to the facility.

RELATED TO THE WAIVERS, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

13. Generally regarding the *Zoning Ordinance* requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. Without Part A of the proposed waivers, the applicant would have to construct a permanent fence, which would be an additional investment that they are not sure they need.

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- B. Without Part B of the proposed waivers, the applicant would not be able to have access to the proposed riding stable from CR100N and would have to construct a driveway from CR 700E that is over twice as long.

RELATED TO THE WAIVERS, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. Regarding Part A of the proposed waivers, for fencing that does not meet the minimum requirement for a Riding Stable:
- (1) The petitioners are willing to install more permanent outdoor fencing, but at this point feel that they might not need it because all events and lessons would be inside the new facility.
- B. Regarding Part B of the proposed waivers, for a riding stable that is 0 feet from a residential use in lieu of the minimum required 100 feet:
- (1) The petitioners are locating the new facility behind their home, several hundred feet away from road. The only part of the proposed special use within 100 feet of the residential lot across the street is the proposed driveway.
 - (2) The proposed building is approximately 450 feet from the residence across the street and approximately 275 feet from the shared property line (street centerline of CR 100N).

GENERALLY PERTAINING TO WHETHER OR NOT THE WAIVERS ARE IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

15. Regarding the *Zoning Ordinance* requirement that the waivers of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
- A. Regarding Part A of the proposed waivers, for fencing that does not meet the minimum requirement for a Riding Stable: the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.
- B. Regarding Part B of the proposed waivers, for a riding stable that is 0 feet from a residential use in lieu of the minimum required 100 feet: the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.

RELATED TO THE WAIVERS, GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED WAIVERS ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Pesotum Township Highway Commissioner has been notified of this case, and no comments have been received.

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- B. The Pesotum Fire Protection District has been notified of this case, and no comments have been received.
- C. The Two Mile Slough Drainage District has been notified of this case, and no comments have been received.
- D. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waivers.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

17. Regarding proposed special conditions of approval:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 923-S-18 by the Zoning Board of Appeals.**

The special condition above is required to ensure the following:

The establishment of the Riding Stable as a Special Use shall be properly documented as required by the Zoning Ordinance.

- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed indoor horse arena until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed indoor horse arena until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Livestock Management Facilities Act (LMFA) and the Special Use Permit shall remain compliant with the LMFA.**

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

That the proposed Special Use meets applicable state requirements for livestock management facilities.

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

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

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

- E. **Any new septic system must be approved by the Champaign County Public Health Department.**

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

That the septic system has sufficient capacity for the proposed use, and that it is in compliance with the Champaign County Public Health Ordinance.

- F. **The petitioner shall not allow any parking to occur in the public street right of way.**

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

That public safety is considered during the construction and operation of the special use.

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received November 20, 2018, with attachments:
 - A Site Plan (3 sheets)
2. Emails from Jessica Gill received December 5, 2018 and January 22, 2019
3. Emails from Jessica Gill received February 6 and 7, 2019
4. Preliminary Memorandum dated February 7, 2019, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Annotated Site Plan created by P&Z Staff dated February 7, 2019
 - C Site Plan received November 20, 2018
 - D Emails from Jessica Gill received December 5, 2018 and January 22, 2019
 - E Email from Jessica Gill received February 7, 2019
 - F Illinois Livestock Management Facilities Act Requirements
 - G Site Images taken February 4, 2019
 - H Draft Summary of Evidence, Finding of Fact, and Final Determination dated February 14, 2019

PRELIMINARY DRAFT**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **923-S-18** held on **February 14, 2019**, the Zoning Board of Appeals of Champaign County finds that:

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

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

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

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

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- b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
- c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
- d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS NOT* an existing nonconforming use.
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***
- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 923-S-18 by the Zoning Board of Appeals.**
- The special condition above is required to ensure the following:
The establishment of the Riding Stable as a Special Use shall be properly documented as required by the Zoning Ordinance.
- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed indoor horse arena until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- The special condition stated above is necessary to ensure the following:
That the proposed Special Use meets applicable state requirements for accessibility.
- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed indoor horse arena until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Livestock Management Facilities Act (LMFA) and the Special Use Permit shall remain compliant with the LMFA.**
- The special condition stated above is necessary to ensure the following:
That the proposed Special Use meets applicable state requirements for livestock management facilities.
- D. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- The special condition stated above is required to ensure the following:
That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

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- E. **Any new septic system must be approved by the Champaign County Public Health Department.**

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

That the septic system has sufficient capacity for the proposed use, and that it is in compliance with the Champaign County Public Health Ordinance.

- F. **The petitioner shall not allow any parking to occur in the public street right of way.**

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

That public safety is considered during the construction and operation of the special use.

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FINAL DETERMINATION

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

The Special Use requested in Case **923-S-18** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **John and Jessica Gill**, to authorize the following:

Authorize a Riding Stable as a Special Use in the AG-1 Agriculture Zoning District.

SUBJECT TO THE FOLLOWING WAIVERS OF STANDARD CONDITIONS:

Part A: A waiver for fencing that does not meet the minimum requirement for a Riding Stable, as established in Section 6.1 of the Zoning Ordinance.

Part B: A waiver for a riding stable that is 0 feet from a residential use in lieu of the minimum required 100 feet, as established in Section 6.1 of the Zoning Ordinance.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 923-S-18 by the Zoning Board of Appeals.**
- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed indoor horse arena until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed indoor horse arena until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Livestock Management Facilities Act (LMFA) and the Special Use Permit shall remain compliant with the LMFA.**
- D. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- E. **Any new septic system must be approved by the Champaign County Public Health Department.**
- F. **The petitioner shall not allow any parking to occur in the public street right of way.**

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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:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date