

# CASES 934-AM-19 & 935-S-19

PRELIMINARY MEMORANDUM

APRIL 25, 2019

**Petitioners:** Bill Cope and Mary Kalantzis, d.b.a. Prairie Glass House, LLC

## Case 934-AM-19

**Request:** Amend the Zoning Map to change the zoning district designation from the CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District for proposed Outlot A and Lots 1, 2, 3, 4, and 5 in the Preliminary Plat created by Berns, Clancy and Associates dated <DATE> and received <DATE>, in order to establish and operate the existing Private Indoor Recreational Development in related Zoning Case 935-S-19.

## Case 935-S-19

**Request:** Part A: Authorize the establishment and use of a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related Zoning Case 934-AM-19, with the following requested waiver:

A waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

Part B: Authorize the establishment and use of an “Outdoor Commercial Recreational Enterprise” as a Special Use with the following requested waiver:

A waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

**Location:** A 17.2 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the residence at 4108 North Lincoln Avenue, Champaign.

**Site Area:** 17.2 acres

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

**Prepared by:** **Susan Burgstrom**  
Senior Planner

**John Hall**  
Zoning Administrator

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## BACKGROUND

The petitioners have operated an unauthorized event center on the subject property for several years. P&Z Staff first became aware of the event center in February 2017, and have been in discussions with the petitioners since then to determine how their evolving ideas conform to the Zoning Ordinance. Input regarding septic system and potentially available sewer service also played a role in how long it has taken to identify the most appropriate path. The proposed five lot subdivision that required a Rural

Residential Overlay in current cases 931-AM-19 and 932-S-19 took time to formulate a preliminary plat that could also be used for the event center zoning cases. Overall, the petitioner has provided the necessary information to keep the process moving toward requesting authorization for the event center.

The petitioners propose using Lots 3, 4, 5, and Outlots 4A and 4B of the proposed subdivision for the event center.

A waiver has been requested due to a limited separation distance between the parking area for events and the residential lot to the north.

## EXISTING LAND USE AND ZONING

The subject property had been split-zoned, with the western six acres zoned AG-2 Agriculture and the eastern 13 acres zoned CR Conservation Recreation since the adoption of the Zoning Ordinance on October 10, 1973. The entire subject property has been zoned CR Conservation Recreation since approval of Zoning Case 579-AM-07 on March 29, 2007.

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

Direction	Land Use	Zoning
Onsite	Residential and Event Center	CR Conservation Recreation (proposed split-zoning to CR/AG-2)
North	Agriculture and Residential	CR Conservation Recreation (east of Lincoln Ave) AG-2 Agriculture (west of Lincoln Ave)
East	Agriculture and Residential	CR Conservation Recreation
West	Agriculture	CR Conservation Recreation AG-2 Agriculture
South	Agriculture	CR Conservation Recreation

## PROPOSED REZONING AND SPECIAL USE PERMITS

During review of these cases, John Hall, Zoning Administrator, determined that the property would better reflect the purpose of the Zoning Ordinance if it were split-zoned rather than zoned entirely for CR Conservation-Recreation or rezoned entirely to AG-2 Agriculture. Based on that, P&Z Staff worked out a slightly different proposed lot configuration that creates a dividing line along the west side of the approximate floodway, which will create unbuildable outlots surrounding both sides of the Saline Branch Drainage Ditch rather than just on the east side. The revised lot configuration, which has been approved in concept by the petitioner, is Attachment C to this memo. The revised lots would have to be updated on the Schematic Plan created by Berns, Clancy and Associates.

1. All references to lots in the case documents will be based on the following revised configuration:
  - a. Lots 1, 2, and 3 will remain as shown on the Schematic Plan by BCA dated September 13, 2018 and received November 19, 2018.
  - b. Proposed Lot 4 will be divided into Lot 4 and Outlot 4A, with the division between the two being a straight line that is slightly west of the floodway.

- c. The division between proposed Lot 5 and Outlot 5A will be adjusted to be slightly west of the floodway.
  - d. Outlots A and B will not change.
2. Lots 1, 2, 3, 4, 5, and Outlot A are proposed for rezoning to the AG-2 Agriculture Zoning District. Outlots B, 4A and 5A would remain in the CR Conservation Recreation Zoning District.
3. Two separate Special Use Permits are required because there are two proposed zoning districts on the subject property and the event center uses are slightly different in each zone.
  - a. Special Use Permit Part A is to authorize the establishment and use of a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” in the proposed AG-2 Agriculture Zoning District.
  - b. Special Use Permit Part B is to authorize the establishment and use of an “Outdoor Commercial Recreational Enterprise” in the existing CR Zoning District.
  - c. The Special Use Permits share this Summary of Evidence, but they each require their own Finding of Fact.

## **EXTRATERRITORIAL JURISDICTION**

The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases, but do not have protest rights on County Board Special Use Permits. Notice of the public hearing was sent to the City.

- The City of Urbana has subdivision jurisdiction for the subject property, and the County has zoning jurisdiction. The petitioners do not plan to annex into the City of Urbana. P&Z Staff have been in communication with the City of Urbana regarding the event center.
- The subject property is 1,400 feet (0.27 mile) north of the City of Urbana. The City’s most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area.

The subject property is located within Somer Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

## **REQUESTED WAIVER**

An “Outdoor Commercial Recreational Enterprise” requires a separation of 200 feet to any residential use, per Section 6.1.3 of the Zoning Ordinance. Parking for the event center is located approximately 30 feet from the residential lot to the north. Without the proposed waiver, the petitioners would not be able to use most of the area they need to provide off-street parking. Alternative off-street parking areas providing the same amount of space could result in removing trees, which the petitioners do not want to do. The petitioners could request a variance for the required number of parking spaces, but this would not remedy the need for event parking.

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## SEPTIC SYSTEM UPGRADE REQUIRED

Item 8.G. in the Summary of Evidence for Case 935-S-19 provides information regarding septic system requirements. In an email received April 9, 2019, Michael Flanagan, Champaign-Urbana Public Health District, told the petitioners that their current residential system is insufficient for event center use and would not meet the current codes under the Illinois Private Sewage Disposal Licensing Code and Act (see Attachment F).

Based on this information, the petitioner told Ms. Burgstrom that he would consult with a septic system installer in order to provide a septic system with sufficient capacity for the event center. A special condition has been added to ensure that a septic system of sufficient size is approved by the Champaign County Health Department.

## DECISION POINTS

P&Z Staff have made recommendations on items in the combined Finding of Fact/Summary of Evidence for the RRO, denoted by text in ***BOLD ITALICS***, which can be accepted as is or discussed by the Board.

## PROPOSED SPECIAL CONDITIONS

The following is a proposed special condition for Case 934-AM-19.

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

The above special condition is necessary to ensure the following:

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

The following are proposed special conditions for Case 935-S-19.

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 934-AM-19 by the County Board.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**That events held on the subject property adequately consider neighbors.**

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

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

**To protect public health.**

- G. **Within one year of approval of zoning cases 934-AM-19 and 935-S-19, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:**

- (1) **A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
- (2) **A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**

- (3) **A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.**

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

**Any new septic system is in compliance with the Champaign County Zoning Ordinance.**

- H. **The Special Use is subject to the approval of Case 934-AM-19.**

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

**That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.**

- I. **This Special Use Permit shall expire if no events are held during any consecutive 365-day period.**

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

**To provide both a sense of continuity and a sense of closure to the neighbors.**

- J. **The revised Site Plan received <DATE>, is the official site plan for approval in Case 935-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

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

**That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.**

- K. **Within six months of approval of Zoning Cases 934-AM-19 and 935-S-19, the petitioner shall install a Type A screen along the petitioner's side of the shared property lines of the adjacent residence to the north with an address of 4102 N Lincoln Avenue, Champaign.**

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

**That the event center parking area complies with Section 7.4.1.C.4. of the Zoning Ordinance.**

- L. **No new pavement shall be installed in Outlots 4A, 5A, and B except as necessary to repair the existing gravel paving.**

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

**That there are no negative effects on the Saline Branch Drainage Ditch due to event center parking.**

- M. **The petitioners shall not allow any parking for the event center in the public street right of way, and will ensure that all guests and service providers related to**

**the events center are made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.**

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

**That the proposed Special Use is not injurious to travelers on North Lincoln Avenue.**

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**ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Proposed Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated September 13, 2018 and received November 19, 2018
- C Annotated Aerial: Site Plan for Event Center created by P&Z Staff on April 23, 2019
- D 2017 aerial photo of subject property created by P&Z staff on March 25, 2019
- E Map: 2008 Contours with 2013 Flood Hazard Area on 2017 aerial created by P&Z staff on March 25, 2019
- F Email from Michael Flanagan, Champaign-Urbana Public Health District, received April 9, 2019, with attachments:
- Onsite wastewater design and approval for original residential septic dated September 23, 2008
  - Letter dated March 3, 2017 concerning use of residential septic for the event center
- G LRMP Land Use Goals, Objectives, and Policies (*see Case 931-AM-19 packet*)
- H LRMP Appendix of Defined Terms (*see Case 931-AM-19 packet*)
- I Right to Farm Resolution 3425
- J Natural Resource Report from the Champaign County Soil and Water Conservation District received February 12, 2007 (*see Case 931-AM-19 packet*)
- K Preliminary EcoCAT consultation completed online by P&Z Staff on March 25, 2019
- L Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on March 27, 2019
- M Email from William Cope received April 8, 2019
- N Email from Chief Jason Brown, Eastern Prairie Fire Protection District, received April 15, 2019
- O Email from William Cope received April 15, 2019 regarding split zoning
- P Email from William Cope received April 15, 2019 regarding floor plan
- Q Site Visit Photos taken April 9, 2019
- R Finding of Fact and Final Determination for Case 934-AM-19 dated April 25, 2019
- S Summary of Evidence, Finding of Fact and Final Determination for Case 935-S-19 dated April 25, 2019



**Please refer to Preliminary Memorandum for Cases 931-AM-19 and 932-S-19 for the following Attachments:**

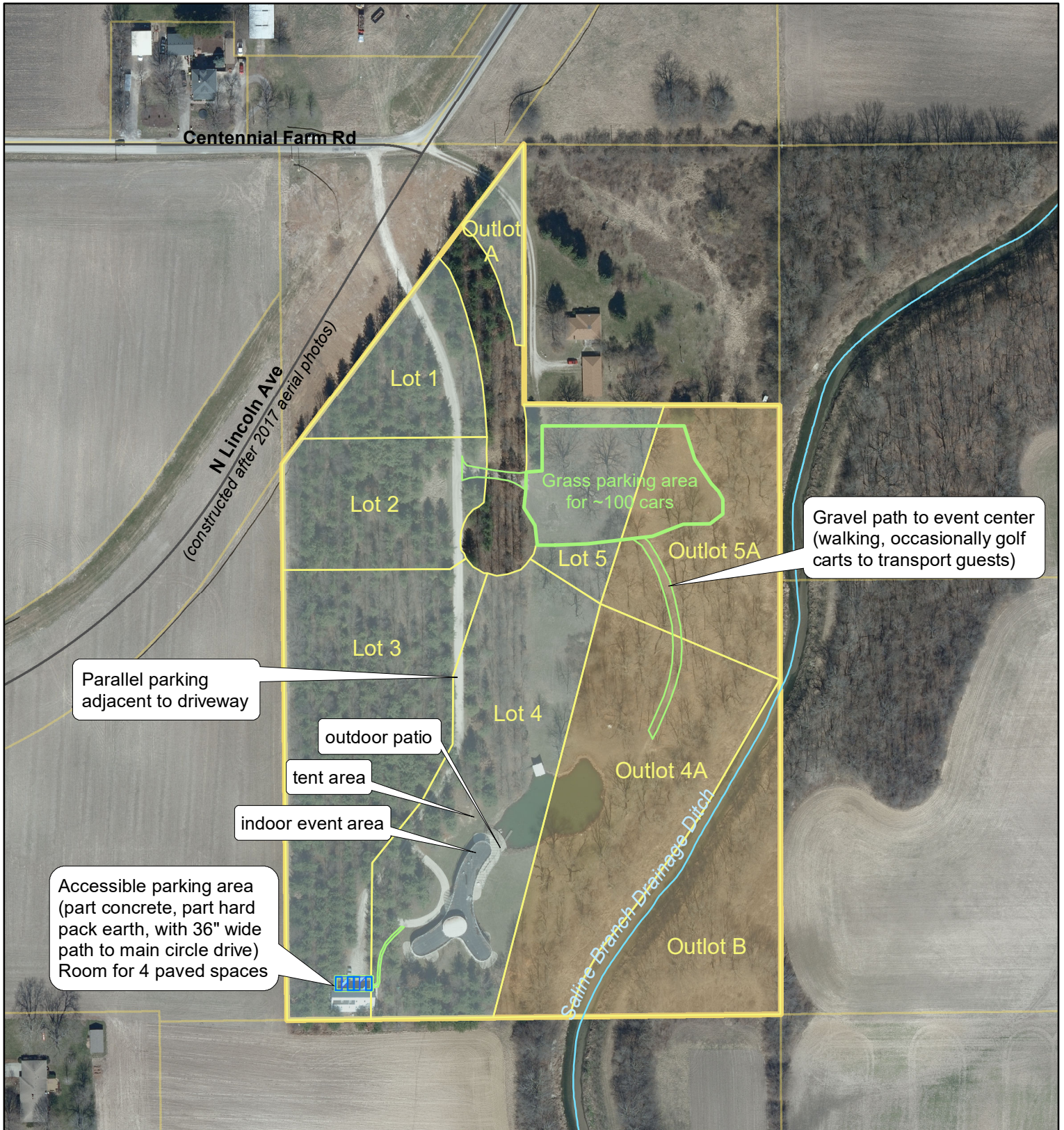
- A Case Maps: Location, Land Use, Zoning
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- L *(Attachment N in Cases 931-AM-19/932-S-19 packet)*  
Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on March 27, 2019
- Q *(Attachment P in Cases 931-AM-19/932-S-19 packet)*  
Site Visit Photos taken April 9, 2019

# Annotated Aerial: Event Center Site Plan

Cases 934-AM-19/935-S-19, ZBA 04/25/19,  
Attachment C Page 1 of 1

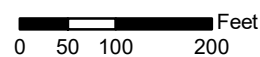
Cases 934-AM-19 & 935-S-19  
April 25, 2019

*Subdivision lot lines are approximate*



## Legend

- Subject Property
- Parcels
- Streets
- Proposed AG-2
- Proposed CR



**Susan Burgstrom**

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**From:** Michael Flanagan <mflanagan@c-uphd.org>  
**Sent:** Tuesday, April 9, 2019 9:28 AM  
**To:** William Cope  
**Cc:** Susan Burgstrom  
**Subject:** RE: Event Center, Septic Requirements  
**Attachments:** Scanned from a Xerox Multifunction Printer.pdf

Mr. Cope,

Attached you will find copies of your onsite wastewater design and the approval letter for said design which was constructed in 2008. Also, you will find the informational letter from 2017 regarding the use of your system for activities other than residential waste. If you continue to develop an event center in that location please be aware that the system you currently have was not designed for that use, thus would not meet the current codes under the Illinois Private Sewage Disposal Licensing Code and Act. If you were to seek a food permit from the Champaign County Health Department to operate in this location, your onsite wastewater system would be required to be brought up to current code for a non-residential structure including eliminating the surface discharge portion, resizing your field to accommodate the increased sewage flow, and replacing your current aeration system with a system designed for non-residential waste.

Please refer to Section 905.100 j) of the Illinois Private Sewage Disposal Licensing Act and Code regarding aeration systems and their use in non-residential capacities:

**Non-residential Use.** Aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems that are listed by NSF International or a laboratory approved by ANSI to determine compliance with NSF International/ANSI Standard 40 as Class I will be considered for use to serve a non-residential property, provided that all of the following are met:

- 1) Total daily flows from the wastewater source into the plant are at least 75% of the rated hydraulic capacity and do not exceed the rated hydraulic capacity of the plant.
- 2) Wastewater influent shall not exceed the manufacturer's design specifications for BOD5 loading as established by NSF International or a laboratory approved by ANSI to determine compliance with NSF International/ANSI Standard 40 during testing of the plant
- 3) Hourly flows from the wastewater source into the plant are less than or equal to the treatment capacity of the plant divided by 24. This may require the installation of a flow equalization device
- 4) A buried sand filter sized with a surface area equal to 2 gallons per square foot per day and dosed at least once but not more than 4 times per day shall immediately follow the aerobic treatment plant.

I hope this information helps you and if you have questions please don't hesitate to contact me.

v/r

Michael Flanagan, LEHP  
Environmental Program Coordinator

Champaign-Urbana Public Health District  
201 W. Kenyon Road  
Champaign, IL 61820

Office: (217) 531-2908  
Fax: (217) 373-7905  
24/7 Answering service: (217) 352-7961

**RECEIVED**

**APR 09 2019**

**CHAMPAIGN CO. P & Z DEPARTMENT**



**Public Health**  
Prevent. Promote. Protect

**Champaign County  
Public Health Department**

**Informational Letter**

March 3, 2017

Mr. William Cope  
Prairie Glass House  
4018 N. Lincoln  
Champaign, IL 61822

Dear Mr. Cope:

It has come to our attention that your property at 4018 N. Lincoln, Champaign, Illinois, is being used as a large event venue. This letter is to make you aware that your current onsite sewage disposal system may not be adequate to serve the gatherings that may be regularly occurring at your location. The current system was installed in 2008 and was sized for a six-bedroom residential structure utilizing an aeration treatment system designed for residential/household waste. In addition, your current system is considered a surface discharging system which, depending on the volume of waste water produced, may require additional permit requirements from the United States Environmental Protection Agency.

This letter is only to make you aware of your current infrastructure. Enclosed you will find a copy of your onsite wastewater treatment system design layout as constructed in 2008.

If you have any questions regarding this matter, please contact me at (217) 531-2908.

Sincerely,

Michael Flanagan, LEHP  
Program Coordinator

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**APR 09 2019**

**CHAMPAIGN CO. P & Z DEPARTMENT**



**Public Health**  
Prevent. Promote. Protect.

**Champaign County Public  
Health Department**

September 23, 2008

Permit #08-029-19

William Cope  
4018 N. Lincoln  
Champaign, IL 61822

Dear Mr. Cope:

An inspection of the private sewage system serving your property located at 4018 N. Lincoln was conducted on June 27, 2008 and September 17, 2008 by Sanitarian Michael Flanagan, a representative of the Champaign County Public Health Department. This department routinely inspects the work of licensed private sewage contractors to ensure construction is in accordance with the *Private Sewage Disposal Licensing Act and Code*.

Based on our sanitarian's report, no deficiencies in either location or construction were noted.

If you have any questions regarding this inspection, please contact Michael Flanagan at 217/531-2908.

Sincerely,

Jim Roberts, MS, LEHP  
Director of Environmental Health

Enclosure

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**APR 09 2019**

CHAMPAIGN CO. P & Z DEPARTMENT

PERMIT NUMBER 08-029-19 COUNTY \_\_\_\_\_  
(Office Use Only) (Office Use Only)

Owner: Bill Copa Telephone No.: \_\_\_\_\_  
Address: Chicago

Contractor: Kenneth Kocher License Number: 049-003262 Telephone No. 217-643-7126  
Address: 1403 County Rd 2600 N City, State, Zip: Thomasboro, IL 61878

Contractor's License Number: \_\_\_\_\_

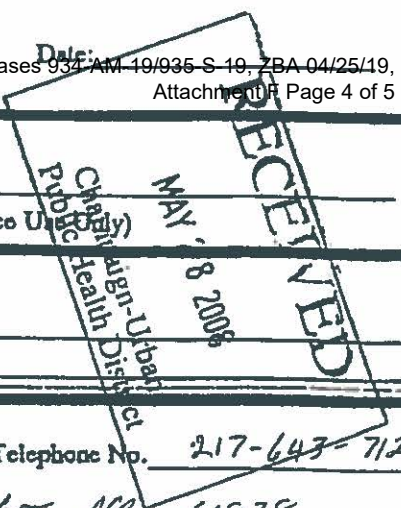
NOTE: Work not done by homeowner (must own & occupy personal single family residence) must be done by a licensed contractor.

Location - County: Champaign City: Champaign Street: 4018 N Lincoln  
Subdivision & Lot #: \_\_\_\_\_ Township Name: Lewis  
Township: T.20N Range: R.9E Section #: 32 1/4 Section: NW Local Identification Information: \_\_\_\_\_

Detailed Directions to Site: Highway Number, Secondary Roads, Signs to follow, Etc.; take Lincoln Avenue north over 74

Site Information: Renovation: \_\_\_\_\_ New System:   
Residential Dwelling:  , Seasonal: Yes \_\_\_\_\_ No. Of Residents: 4 No. Of Bedrooms: 6  
Garbage Grinder: Yes \_\_\_\_\_ Basement: Yes \_\_\_\_\_ Water Softener: Yes  Hot Tub: #Gallons: \_\_\_\_\_  
Non-Residential: \_\_\_\_\_ No. Of Employees: \_\_\_\_\_ Design Flow: \_\_\_\_\_ Other Wastewater Generators: \_\_\_\_\_  
Water Supply: Private Well;  , Semi-Private Well: \_\_\_\_\_ , Non-Community: \_\_\_\_\_ , Municipal: \_\_\_\_\_  
Percolation Tests: Date(s): \_\_\_\_\_ Conducted By: \_\_\_\_\_  
Hole No. 1: Depth: \_\_\_\_\_ min./6" Hole No. 2: Depth: \_\_\_\_\_ min./6" Hole No. 3: Depth: \_\_\_\_\_ min./6"  
Average min./6" Fall: \_\_\_\_\_ (Rerun or use highest value if difference is greater than 30 minutes)  
Depth of Limiting Layer: \_\_\_\_\_ Soil Type: \_\_\_\_\_  
Soil Scientist Data: Name of Soil Investigator: \_\_\_\_\_  
(Attach copy of Soil Data Report to application)

Proposed Private Sewage Disposal System: Gallons To Be Treated Per Day: 1,200  
a. Septic Tank Size \_\_\_\_\_ Gallons, Illinois #: \_\_\_\_\_ b. Wisconsin Mound Basal Area \_\_\_\_\_ Sq. Ft.  
c. Subsurface Seepage Field/Bedroom \_\_\_\_\_ Sq. Ft. I. Chlorination Tank 90 Gallons (If required)  
Total Subsurface Seepage Field \_\_\_\_\_ Sq. Ft., Lin.Ft. \_\_\_\_\_, Width \_\_\_\_\_ j. Aerobic Treatment Plant: 1250  
c. Gravel-less Seepage Field: 8": \_\_\_\_\_ Lin. Ft. 10" \_\_\_\_\_ Lin. Ft. Manufacturer & Model: J-1250  
d. Chamber System: Manufacturer: \_\_\_\_\_ Treatment Capacity: 1200 Gallons per day  
Sq. Ft. per Lin. Ft., \_\_\_\_\_ Total Lin. Ft. \_\_\_\_\_ k. Location of Audio & Visual Alarms \_\_\_\_\_  
e. Seepage Bed \_\_\_\_\_ Sq. Ft. UTILITY/GARAGE  
f. Waste Stabilization Pond \_\_\_\_\_ Length \_\_\_\_\_ Width \_\_\_\_\_ Depth \_\_\_\_\_ (Garage, Basement, Stairwell, Etc.)  
g. Buried Sand Filter/Recirculating Sand Filter \_\_\_\_\_ Sq. Ft. l. Effluent Discharge to: leach field & Surface  
Width: \_\_\_\_\_, Length: \_\_\_\_\_ m. Pump Chamber Size \_\_\_\_\_  
Contractor: Protecta 1000 gal APR 09 2019

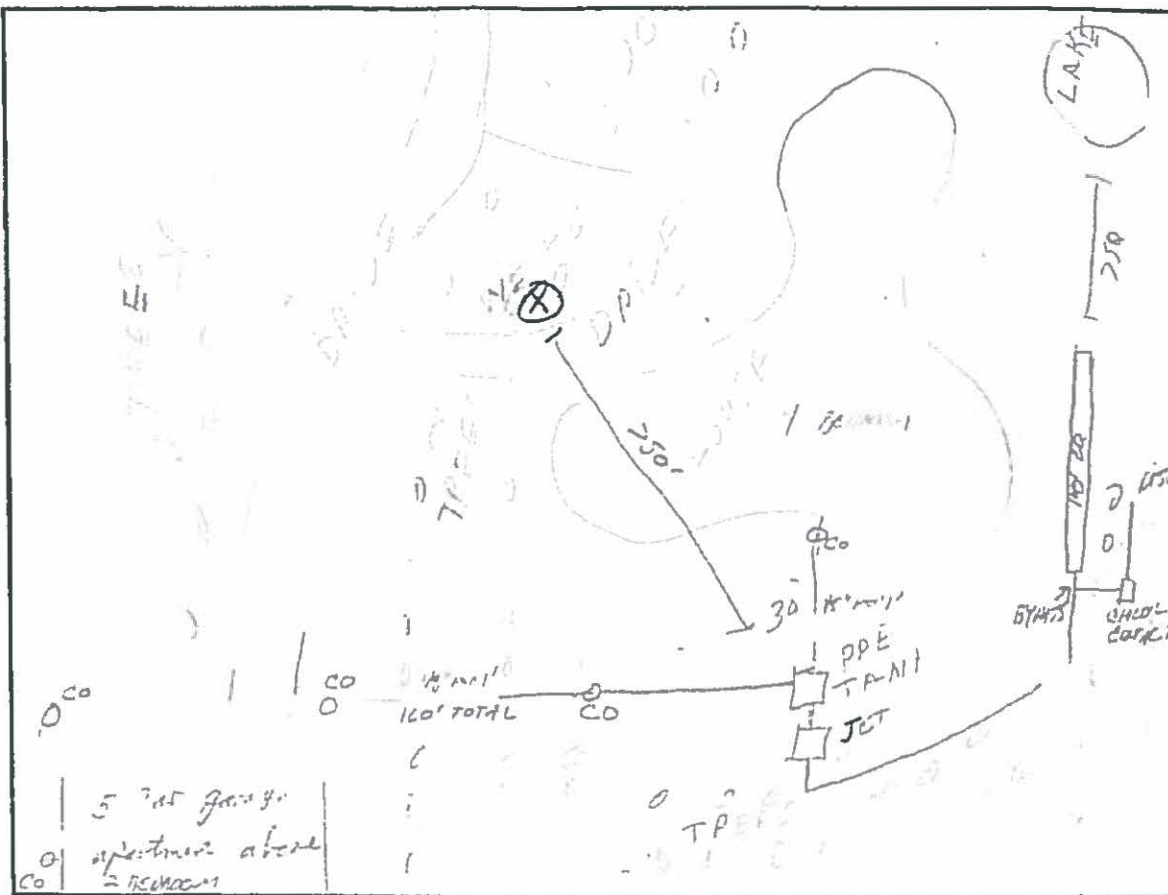


PRIVATE SEWAGE DISPOSAL SYSTEM  
PLAN REVIEW APPLICATION

Cases 934-AM-19/935-S-19, ZBA 04/25/19,  
Attachment F Page 5 of 5

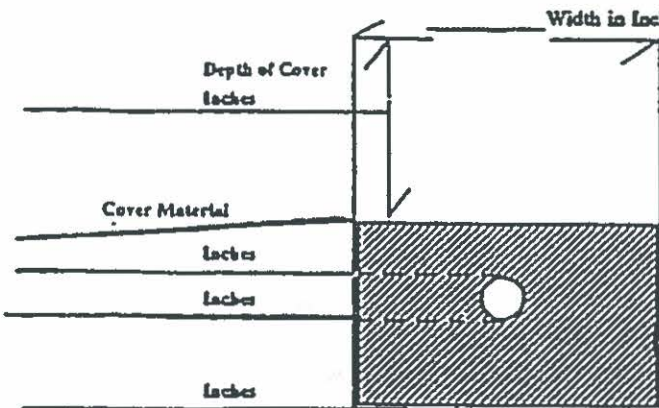
Lot diagram and sewage system plan:

Plans or draw to scale the proposed construction indicating lot size with dimension showing the system, type of system to be constructed, dimensions of the system to be installed showing type of material, utilities, distances to water lines, water wells (including wells on neighboring property if they are near the property line), potable water storage tanks, buildings, lot lines, location of percolation holes, site elevations & ground surface elevations sufficient to determine this elevation of system components & the slope of the ground surface, location of existing sewer, if available, within 100 feet of the property, depth of existing layer and any other extraordinary conditions on the



Checklist

- Lot Size: \_\_\_\_\_
- System Dimensions: \_\_\_\_\_
- Materials Labeled: \_\_\_\_\_
- Utilities Shown: \_\_\_\_\_
- Location of Perc Tests: \_\_\_\_\_
- Water Supply Shown: \_\_\_\_\_
- Required Distances Labeled: \_\_\_\_\_
- Depth of Limiting Layer: \_\_\_\_\_



Elevations of the System Components:

- Benchmark & Elevation: \_\_\_\_\_
- Elevation to Invert of Building Drain: \_\_\_\_\_
- Elevation to Invert of Tank Inlet: \_\_\_\_\_
- Elevation of Ground Surface over Tank: \_\_\_\_\_
- Lowest Elevation of Ground Surface over Field: \_\_\_\_\_
- Highest Elevation of Ground Surface over Field: \_\_\_\_\_
- Length of Building Sewer (House to Tank): \_\_\_\_\_
- Extraordinary Condition Shows: \_\_\_\_\_

Cross Section Seepage Field Gravel

I certify that the attached information is complete and correct and that, if approved, the work will conform with the current Private Sewage Disposal Licensing Act and Code.

*Renneth Koch*  
Signature of Applicant (Owner or Contractor)

RECEIVED

5-28-08  
Date

APR 09 2019

IMPORTANT NOTICE:

The State Agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Public Act 84-670. Disclosure of this information is mandatory.

CHAMPAIGN CO. P & Z DEPARTMENT

**Susan Burgstrom**

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**From:** William Cope <bill@home.commongroundpublishing.com> on behalf of William Cope <bill.cope@cgnetworks.org>  
**Sent:** Monday, April 8, 2019 3:16 PM  
**To:** Susan Burgstrom  
**Subject:** Re: more information needed for your zoning cases

Some more responses below.

Bill  
---  
Dr William Cope  
Professor  
Department of Education Policy, Organization & Leadership  
College of Education  
University of Illinois at Urbana-Champaign  
<http://wwcope.com>  
Director  
Common Ground Research Networks  
<http://cgnetworks.org>

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APR 08 2019

CHAMPAIGN CO. P & Z DEPARTMENT

On Apr 8, 2019, at 1:47 PM, Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:

See below...

On Mar 27, 2019, at 8:42 AM, Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:

Hi Bill,

We have tentatively scheduled your hearing for April 28<sup>th</sup> at 6:30 p.m. in the Lyle Shields Meeting Room here at Brookens. If you cannot attend on this date, please let me know as soon as possible.

There is more information the ZBA will expect for the event center and the property in general. Could you please respond to these items within the next couple of weeks?

1. **We will need a separate Site Plan for the event center. This can be hand drawn, drawn on an aerial photo, or professionally done. It will need to include the following information:**
  - Identify/outline where any special event activities will be limited to on the property; generally, where guests and employees/caterers are allowed on the property, including parking areas, prep areas, outdoor areas, and the buildings if they are allowed in them
  - Location of existing well and septic
  - Location of proposed septic field

Bill Cope (BC): Should this be within the whole site, or just Lot 4 of the proposed subdivision?

Susan Burgstrom (SB): Just lot 4 is fine, unless the existing second residence/building/proposed lot 3 would be used in any way for events (dressing area for bride, guest house for bride/groom, etc.)

BC: Yes, it could be... also, could use other lots, e.g. parking?

2. **As-built drawings for detention pond constructed in 2007-2008 – perhaps Berns Clancy has these**



BC: Is the attached drawing sufficient?  
SB: **No, the as-built drawings for the pond show the pond contours, depth, etc.**  
BC: OK, I will have to get Berns Clancy to do this - will it need to be before the hearing? Or can I do this? I know the depths and can measure them.

3. **Event center summary (these are things the ZBA has asked about for all our previous event center cases):**
- **Event center maximum guest capacity?**  
BC: 70 seated, 150 informal.
  - **Do you have both inside and outside events?**  
BC: Yes.
  - **How do you handle restrooms for guests currently?**  
BC: We have 5 bathrooms.
  - **Do you have State of Illinois compliant accessible parking (paved with markings/signs) and restrooms for guests?**  
BC: No, we will need to do this. We reserve disabled parking near the door. One restroom is accessibility compliant, except for rail.
  - **If you have indoor events, please request an inspection by your Fire Protection District, and request a letter or email from the Chief detailing any recommendations**  
BC: Who do I contact for this?  
SB: Jason Brown is the Eastern Prairie FPD Fire Chief. This is what I have for his contact information:  
**phone: 841-2638, email: [epfd6002@gmail.com](mailto:epfd6002@gmail.com)**  
BC: Thanks, I'll email him.
  - **How many parking spaces do you have for events?**  
BC: Approx 100, but also depends on the answer to question 1.
  - **In the event of an emergency, do they have clear space to get their vehicles up to the house?**  
BC: Yes, I believe so.
  - **How do you provide food for events?**  
BC: We don't - we only use outside caterers.
  - **Do you or your caterer have a Liquor license?**  
BC: No, we only use outside providers who have a license.
4. **You will need to consult with Michael Flanagan at Champaign-Urbana Public Health District regarding septic for both the event center and for the septic requirements for the proposed subdivision. Ideally this will be done prior to the hearing on April 28<sup>th</sup>. A new septic system will be required for the events center unless you have documentation that shows your current system has sufficient capacity per Michael Flanagan.**  
BC: I have emailed him.

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:** Jason Brown <epfd6002@gmail.com>  
**Sent:** Monday, April 15, 2019 11:32 AM  
**To:** Susan Burgstrom  
**Subject:** Re: Message for Jason Brown

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APR 15 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Yes. I did notice the parking area was extremely wet today.

Jason  
Sent from my iPhone

ON APR 15, 2019, AT 10:49 AM, SUSAN BURGSTROM <[SBURGSTROM@CO.CHAMPAIGN.IL.US](mailto:SBURGSTROM@CO.CHAMPAIGN.IL.US)> WROTE:

Thanks. A neighbor called this morning and said that there was an Unofficial St. Patrick's Day event where cars were parked along the lane because the regular parking area was flooded due to rain. She said that the response time for a medical call ended up being about 40 minutes because emergency vehicles could not get through the lane. Are you recommending that they do not allow any parking along the lane?

Thanks,  
Susan

**From:** Jason Brown <[epfd6002@gmail.com](mailto:epfd6002@gmail.com)>  
**Sent:** Monday, April 15, 2019 10:47 AM  
**To:** Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)>  
**Cc:** William Cope <[bill.cope@cgnetworks.org](mailto:bill.cope@cgnetworks.org)>  
**Subject:** Re: Message for Jason Brown

Susan,

We don't have any concerns with the property or building for the event usage. The lane/ Drive is wide enough as long as all parking stays in the provided lot. Only recommendation we made was they have some fire extinguisher on hand.

Jason  
Sent from my iPhone

ON APR 15, 2019, AT 9:30 AM, SUSAN BURGSTROM <[SBURGSTROM@CO.CHAMPAIGN.IL.US](mailto:SBURGSTROM@CO.CHAMPAIGN.IL.US)> WROTE:

Hope the site visit went well. Jason, we would be interested in knowing any comments/requirements you have about access by emergency vehicles and anything related to life safety. If guest vehicles park along the lane, for instance, would emergency vehicles need a certain width to get through, or should there be no parking on the lane to the house?

Thanks,  
Susan

**From:** Jason Brown <[epfd6002@gmail.com](mailto:epfd6002@gmail.com)>  
**Sent:** Friday, April 12, 2019 1:24 PM  
**To:** William Cope <[bill.cope@cgnetworks.org](mailto:bill.cope@cgnetworks.org)>  
**Cc:** Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)>  
**Subject:** Re: Message for Jason Brown

See you then.

Jason  
Sent from my iPhone

ON APR 12, 2019, AT 12:40 PM, WILLIAM COPE <[BILL.COPE@CGNETWORKS.ORG](mailto:BILL.COPE@CGNETWORKS.ORG)> WROTE:  
How about 9.00am on Monday, Jason?

Bill  
---

ON APR 12, 2019, AT 10:03 AM, JASON BROWN <[EPFD6002@GMAIL.COM](mailto:EPFD6002@GMAIL.COM)> WROTE:  
I could meet Monday or Tuesday next week after 8:30am

Jason  
Sent from my iPhone

ON APR 11, 2019, AT 5:20 PM, WILLIAM COPE <[BILL.COPE@CGNETWORKS.ORG](mailto:BILL.COPE@CGNETWORKS.ORG)> WROTE:  
Most mornings are good for me Jason, just tell me a date and time, and I will be here!

Bill  
---

ON APR 11, 2019, AT 9:29 AM, JASON BROWN <[EPFD6002@GMAIL.COM](mailto:EPFD6002@GMAIL.COM)> WROTE:  
Hello Bill,

We could do a walk through, and give you our recommendations. Please give me some dates and times that would work for you.

Chief Jason Brown  
217-841-2638  
Sent from my iPhone

ON APR 8, 2019, AT 3:20 PM, WILLIAM COPE <[BILL.COPE@CGNETWORKS.ORG](mailto:BILL.COPE@CGNETWORKS.ORG)> WROTE:  
Dear Jason,

Susan Burgstrom in the planning department of Champaign County suggested that I should contact you.

I am the owner of a property at 4018 North Lincoln Ave that I am in the process of rezoning as an event center. I would like you advice about fire safety requirements.  
Would you be able to meet me on site do discuss these?

Many thanks,

Bill  
---

Dr William Cope  
Professor  
Department of Education Policy, Organization & Leadership  
College of Education  
University of Illinois at Urbana-Champaign  
<http://wwcope.com>  
Director  
Common Ground Research Networks  
<http://cgnetworks.org>

## Susan Burgstrom

---

**From:** William Cope <bill@home.commongroundpublishing.com> on behalf of William Cope <bill.cope@cgnetworks.org>  
**Sent:** Monday, April 15, 2019 4:22 PM  
**To:** Susan Burgstrom  
**Subject:** Re: another rezoning option

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

OK Susan, that suggestion seems to make sense. Would I need to get BCA to redraw before the hearing next week? I hope that might be possible, but will have to ask them.

Bill

—  
Dr William Cope  
Professor  
Department of Education Policy, Organization & Leadership  
College of Education  
University of Illinois at Urbana-Champaign  
<http://wwcope.com>  
Director  
Common Ground Research Networks  
<http://cgnetworks.org>

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CHAMPAIGN CO. P & Z DEPARTMENT

On Apr 15, 2019, at 1:12 PM, Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:

Hi Bill,

John has begun his review of the case materials for the hearing. He has come up with another rezoning option that he believes would better reflect the intent of the Zoning Ordinance – a split zone AG-2 and CR similar to what the property was originally zoned. In this option, the two zones would be divided by the approximate floodway that Berns Clancy identified on the subdivision map. The Saline Drainage Ditch stream corridor would be under the stricter CR zoning, and the proposed buildable lots would be under the AG-2 zoning (see attached).

The indoor part of the event center is allowed with a Special Use Permit in the AG-2 District. The outdoor part is allowed in both CR and AG-2 with a Special Use Permit, so the current need for a Special Use Permit would not change, except for needing to rephrase the Special Use Permit description.

John suggests that the rezoning line would need to follow a definable line, so he suggests the following changes to your proposed subdivision:

- Lot 4, where your home is, would be limited to the west side of the orange dashed line in the AG-2 district.
- An Outlot 4A would need to be created for the east side of what is now proposed Lot 4 so that it could not be built upon (to better reflect the intent of the CR district).
- BCA would need to redraw the lot lines on the map.

Could you please let me know your thoughts on this option?

Thanks,

## Susan Burgstrom

---

**From:** William Cope <bill@home.commongroundpublishing.com> on behalf of William Cope <bill.cope@cgnetworks.org>  
**Sent:** Monday, April 15, 2019 4:30 PM  
**To:** Susan Burgstrom  
**Subject:** Re: site plan and floor plan for the event center  
**Attachments:** A-4 REVISED FLOOR PLAN KALANTIZ COPE 1.pdf

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

Yes, this is good Susan. Floor plan attached.

Many thanks, much appreciated.

Bill

---

Dr William Cope  
Professor  
Department of Education Policy, Organization & Leadership  
College of Education  
University of Illinois at Urbana-Champaign  
<http://wwcope.com>  
Director  
Common Ground Research Networks  
<http://cgnetworks.org>

On Apr 15, 2019, at 9:33 AM, Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:

Good morning, Bill. Please take a look at the attached aerial photo that I have annotated for the event center. We need to have an official site plan for the event center, and you can either draw one up, or we can use this one with any edits you may have. Please let me know which option you prefer sometime today if possible.

Also, would you have a floor plan for the house you could email me? For event centers, the ZBA likes to see a floor plan so they can understand how the interior functions for events.

Thanks,  
Susan

<934-935\_Aerial\_EventCenter.pdf>

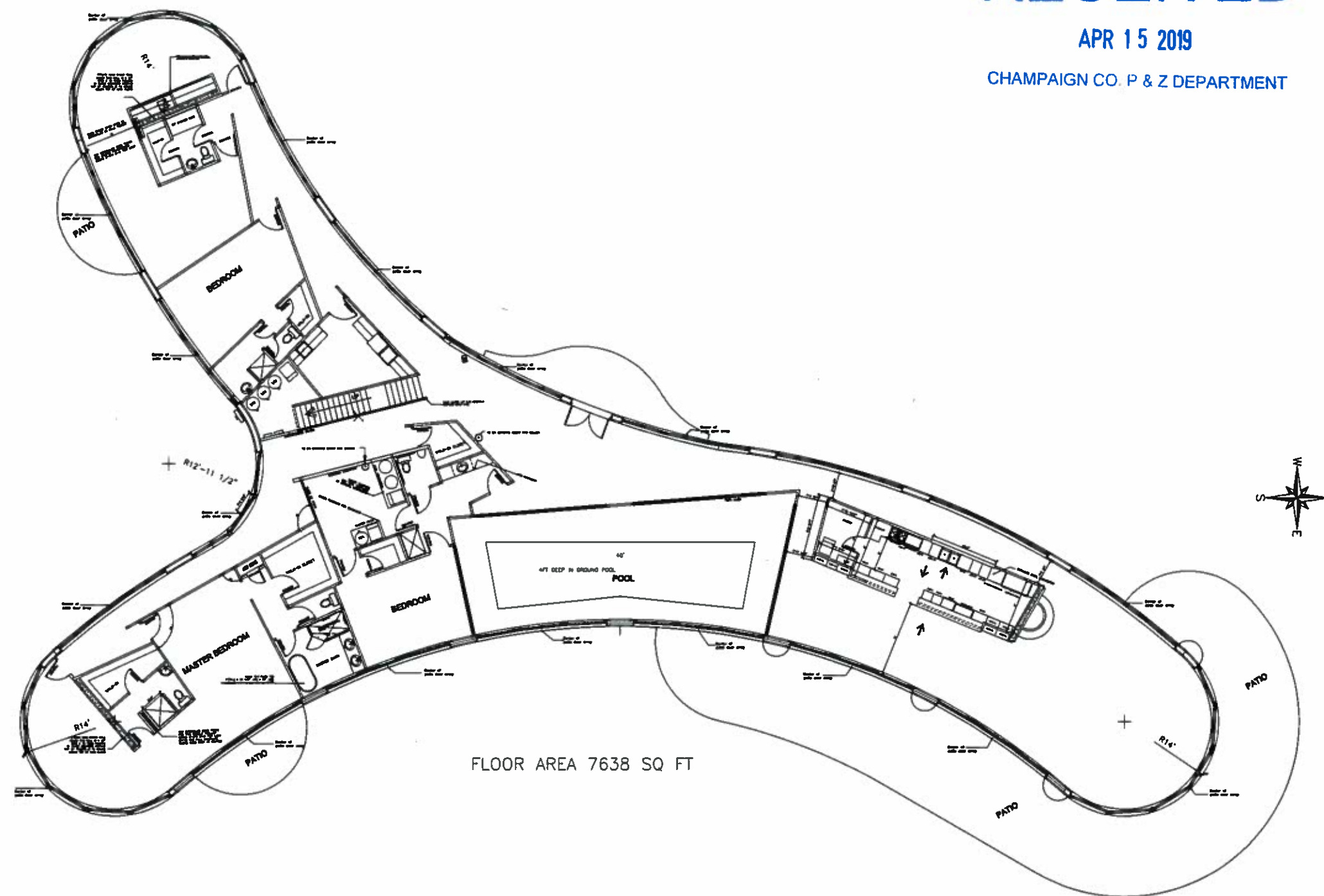
David Spence  
Architect

David Spence, AIA  
P.O. Box 678  
Fisher, Illinois 61843  
Phone: 217-887-1858  
Cell: 217-380-0637  
Fax: 217-887-1858

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CHAMPAIGN CO. P & Z DEPARTMENT



FLOOR AREA 7638 SQ FT

**FLOOR PLAN**

SCALE 1/4" = 1'-0"

REVISED SEPT 1, 2009

**Kalantzis Cope Residence**  
**URBANA, ILLINOIS**

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**A-4**

**PRELIMINARY DRAFT**

**934-AM-19**

**FINDING OF FACT  
AND FINAL DETERMINATION  
of**

**Champaign County Zoning Board of Appeals**

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

Date: ***{April 25, 2019}***

Petitioners: **Bill Cope and Mary Kalantzis, d.b.a. Prairie Glass House, LLC**

Request: **Amend the Zoning Map to change the zoning district designation from the CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District for proposed Outlot A and Lots 1, 2, 3, 4, and 5 in the Preliminary Plat created by Berns, Clancy and Associates dated <DATE> and received <DATE>, in order to establish and operate the existing Private Indoor Recreational Development in related Zoning Case 935-S-19.**

---

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**PRELIMINARY DRAFT**

**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2019**, the Zoning Board of Appeals of Champaign County finds that:

*(Note: asterisk indicates items of evidence that are identical to evidence in Case 935-S-19)*

- \*1. Petitioners Bill Cope and Mary Kalantzis own the subject property. They are the sole shareholders and officers of Prairie Glass House, LLC.
- \*2. The subject property is a 17.2 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the residence at 4108 North Lincoln Avenue, Champaign.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.
    - \*1) The City of Urbana has subdivision jurisdiction for the subject property, and the County has zoning jurisdiction. The petitioners do not plan to annex into the City of Urbana.
    - \*2) The subject property is 1,400 feet (0.27 mile) north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area.
  - \*B. The subject property is located within Somer Township, which does not have a Planning Commission.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“Need map amendment to operate.”**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning, the petitioner did not provide a response.

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

- \*6. Land use and zoning on the subject property and in the vicinity are as follows:
  - \*A. The 17.2 acre subject property is currently zoned CR Conservation Recreation and has both residential and event center uses.
    - \*1) The subject property was originally zoned AG-2 in the western 6 acres, and CR Conservation Recreation in the remaining 13 acres (approximate).
      - \*a. The subject property was originally 19 acres, but was reduced to the current acreage after approximately 2 acres was taken for the new Lincoln Avenue alignment.



**PRELIMINARY DRAFT**

**Case 934-AM-19**  
**Page 3 of 42**

- \* (2) Cases 931-AM-19 and 932-S-19, currently underway, are to approve an RRO with a total of five residential lots for the subject property.
  - \* a. The proposed Special Use Permit for the combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” would be on Lots 3 and 4 of the RRO.
  - \* b. The proposed Special Use Permit for the “Outdoor Commercial Recreational Enterprise” would be on Lot 5 and outlots 4A and 5A.
- \* (3) Case 579-AM-07 was approved on March 29, 2007 to authorize rezoning the AG-2 Agriculture part to CR Conservation Recreation, placing the entire subject property in the CR district.
- \* (4) Case 573-AM-06 was also approved on March 29, 2007 to authorize an RRO with three single-family residential lots in the CR Conservation Recreation district, in addition to the three lots that could be built by right on this property, for a total of six buildable lots.
  - \* a. Subparagraph 5.4.2 D.4. establishes that an RRO designation shall expire after two years if no Preliminary Plat is submitted to the relevant subdivision authority for approval. The RRO approved in Case 573-AM-06 expired in March 2009.
- \* (5) There is one previous zoning use permit for the subject property:
  - \* a. ZUPA # 150-07-03 was approved on June 19, 2007, to construct a single-family residence with a detached garage.
  - \* b. The upper floor of the detached garage was converted into a residence; a second dwelling on one lot is not permitted in the CR Conservation Recreation Zoning District. A separate lot must be created for this illegal dwelling in the proposed subdivision, or the petitioners have to decommission the dwelling unit.
- \* B. Land to the north is zoned CR Conservation Recreation to the east of Lincoln Avenue and AG-2 Agriculture to the west of Lincoln Avenue, and has a mix of agricultural and residential uses.
- \* C. Land to the east is zoned CR Conservation Recreation and has a mix of agricultural and residential uses.
- \* D. Land to the south is zoned CR Conservation Recreation and is in agricultural production.
- \* E. Land to the west is zoned CR Conservation Recreation and AG-2 Agriculture, and is in agricultural production.
  - \* (1) Prairie Fruits Farm is located 0.37 mile north of the subject property.

***PRELIMINARY DRAFT***

***GENERALLY REGARDING THE PROPOSED REZONING AND RELATED SPECIAL USE PERMIT***

- \*7. Regarding the site plan and proposed operations:
- \*A. The Site Plan received November 19, 2018 indicates the following existing and proposed conditions for the event center:
    - \* (1) A 7,638 square feet primary residence, located east of the circle drive;
    - \* (2) A two-story detached garage, which includes a second, illegal residence on the upper floor;
    - \* (3) A gravel access drive extending from North Lincoln Avenue;
    - \* (4) No septic system location information was provided.
    - \* (5) No well location information was provided.
  - \*B. The subject property has access to the recently constructed North Lincoln Avenue alignment via a gravel road.
    - \* (1) There is a new public cul-de-sac proposed as part of the RRO proposed in Cases 931-AM-19 and 932-S-19, which is also subject to subdivision approval by the City of Urbana. All lots are proposed to access the new road and not Lincoln Avenue.
    - \* (2) Without an approved subdivision, the petitioners would not construct this new road and would continue to use the gravel road for access to the event center.
  - \*C. During review of these cases, John Hall, Zoning Administrator, determined that the property would better reflect the purpose of the Zoning Ordinance if it were split-zoned rather than zoned entirely for CR Conservation-Recreation or rezoned entirely to AG-2 Agriculture. Based on that, P&Z Staff worked out a slightly different proposed lot configuration that creates a dividing line along the west side of the approximate floodway, which will create unbuildable outlots surrounding both sides of the Saline Branch Drainage Ditch rather than just on the east side. The revised lot configuration, which has been approved in concept by the petitioner, is Attachment C to the Preliminary Memorandum dated April 18, 2019. The revised lots would have to be updated on the Schematic Plan created by Berns, Clancy and Associates.
    - \* (1) All references to lots in this document will be based on the following revised configuration:
      - \*a. Lots 1, 2, and 3 will remain as shown on the Schematic Plan by BCA dated September 13, 2018 and received November 19, 2018.
      - \*b. Proposed Lot 4 will be divided into Lot 4 and Outlot 4A, with the division between the two being a straight line that is slightly west of the floodway.
      - \*c. The division between proposed Lot 5 and Outlot 5A will be adjusted to be slightly west of the floodway.
      - \*d. Outlots A and B will not change.

**PRELIMINARY DRAFT**

**Case 934-AM-19**  
**Page 5 of 42**

- \* (2) Lots 1, 2, 3, 4, 5, and Outlot A are proposed for rezoning to the AG-2 Agriculture Zoning District. Outlots B, 4A and 5A would remain in the CR Conservation Recreation Zoning District.
- \*D. Two separate Special Use Permits are required because there are two proposed zoning districts on the subject property and the event center uses are slightly different in each zone.
  - \* (1) Special Use Permit Part A is to authorize the establishment and use of a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” in the proposed AG-2 Agriculture Zoning District.
  - \* (2) Special Use Permit Part B is to authorize the establishment and use of an “Outdoor Commercial Recreational Enterprise” in the existing CR Zoning District.
  - \* (3) The Special Use Permits share this Summary of Evidence, but they each require their own Finding of Fact.
- \*E. During a site visit by Susan Burgstrom on April 9, 2019, Mr. Cope provided more information regarding the site and operations:
  - \* (1) There is grass parking for the event center in proposed Lot 5/Outlot 5A; the petitioner states that approximately 100 to 125 cars can fit in the space. This parking area connects to the main residence/event center via either the gravel driveway or a dirt track road to the back yard/outdoor events area.
  - \* (2) There is a concrete parking area used for accessible parking spaces in front of the detached garage in proposed Lot 3; there is room for four accessible parking spaces in this area. This parking area connects to the main residence’s semicircle drive via a 36-inch wide sidewalk.
  - \* (3) Indoor events are held in the living room on the north end of the residence.
  - \* (4) The residence has five restrooms. The petitioner stated that he would consult with a septic system installer in order to provide a septic system with sufficient capacity for the event center.
- \*F. The petitioners do not propose additional features for the event center.

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

- 8. Regarding the existing and proposed zoning districts:
  - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
    - (1) The 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 AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas

**PRELIMINARY DRAFT**

which are predominately vacant and which presently do not demonstrate any significant potential for development.

- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The CR District is generally located throughout the county in areas along the major stream networks.
  - (2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
  - (3) The subject property is 0.27 mile from the City of Urbana.
- C. Regarding the specific uses requested in related Special Use Permit case 935-S-19:
- (1) A “Private Indoor Recreational Development” is allowed via Special Use Permit in the AG-2 Agriculture Zoning District, but is not allowed in the CR Conservation Recreation Zoning District.
  - (2) An “Outdoor Commercial Recreational Enterprise” is allowed via Special Use Permit in both the AG-2 and CR districts.
- D. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 6 types of uses authorized by right in the CR District and there are 13 types of uses authorized by right in the AG-2 District:
    - a. Five of the six uses authorized by right in the CR District are also authorized by right in the AG-2 District:
      - (a) Single family dwelling;
      - (b) Subdivisions totaling three lots or less;
      - (c) Agriculture, including customary accessory uses;
      - (d) Roadside stand operated by farm operator; and
      - (e) TEMPORARY USES.
    - b. The following use is authorized by right in the CR District but requires a Special Use Permit in the AG-2 District:
      - (a) Public park or recreational facility.
    - c. The following 5 uses are authorized by right in the AG-2 District and not at all in the CR District:
      - (a) Plant Nursery;
      - (b) Commercial Breeding Facility;
      - (c) Christmas Tree Sales Lot;
      - (d) OFF-PREMISES SIGN within 660’ of the edge of the RIGHT-OF-WAY of an interstate highway; and
      - (e) OFF-PREMISES SIGN along federal highways except interstate highways.

**PRELIMINARY DRAFT**

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**Page 7 of 42**

- d. There are 3 uses that are authorized by right in the AG-2 District but require a Special Use Permit in the CR District:
  - (a) Minor RURAL SPECIALTY BUSINESS;
  - (b) Township Highway Maintenance Garage; and
  - (c) Country club or golf course.
  
- (2) There are 33 types of uses authorized by Special Use Permit (SUP) in the CR District (including the 3 uses authorized by right in the AG-2 District, see above) and 81 types of uses authorized by Special Use Permit in the AG-2 District:
  - a. The following 30 uses may be authorized by SUP in both the CR District and AG-2 District:
    - (a) Hotel – no more than 15 lodging units;
    - (b) Subdivisions totaling more than three lots or with new streets or private accessways (SUP requires approval by County Board);
    - (c) Major RURAL SPECIALTY BUSINESS;
    - (d) Artificial lake of 1 or more acres;
    - (e) Mineral Extraction, Quarrying, topsoil removal and allied activities;
    - (f) Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
    - (g) Church, temple, or church related TEMPORARY USES on church PROPERTY;
    - (h) Municipal or GOVERNMENT BUILDING;
    - (i) Township Highway Maintenance Garage;
    - (j) Police station or fire station;
    - (k) Library, museum or gallery;
    - (l) Sewage disposal plant or lagoon;
    - (m) Electrical substation;
    - (n) Telephone exchange;
    - (o) Public Fairgrounds;
    - (p) Resort or Organized CAMP;
    - (q) Bait Sales
    - (r) Country Club Clubouse;
    - (s) Lodge or private club;
    - (t) **Outdoor commercial recreational enterprise (except amusement park);**
    - (u) Public CAMP or picnic area;
    - (v) Riding stable;
    - (w) Seasonal hunting or fishing lodge;
    - (x) Commercial Fishing Lake;
    - (y) Pet Cemetery;
    - (z) KENNEL;
    - (aa) VETERINARY HOSPITAL;
    - (bb) AGRICULTURAL DRAINAGE CONTRACTOR facility with no outdoor storage and/or outdoor operations;
    - (cc) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor storage and/or outdoor operations; and
    - (dd) SMALL SCALE METAL FABRICATING SHOP.

**PRELIMINARY DRAFT**

- b. The following use may be authorized by Special Use Permit in the CR District and not at all in the AG-2 District:
  - (a) PARKING LOT.
  
- c. The following 48 uses may be authorized by SUP in the AG-2 District and not at all in the CR District:
  - (a) TWO FAMILY DWELLING;
  - (b) Home for the aged;
  - (c) NURSING HOME;
  - (d) TRAVEL TRAILER camp;
  - (e) Residential PLANNED UNIT DEVELOPMENT;
  - (f) Commercial greenhouse;
  - (g) Greenhouse (not exceeding 1,000 square feet);
  - (h) Garden Shop;
  - (i) Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right in B-1, B-2, B-3, B-4, B-5 & I-1;
  - (j) Penal or correctional institution;
  - (k) Private or commercial transmission and receiving towers (including antennas) over 100' in height;
  - (l) Water Treatment Plant;
  - (m) Radio or Television Station;
  - (n) MOTOR BUS station;
  - (o) Truck Terminal;
  - (p) Railroad Yards and Freight Terminals;
  - (q) AIRPORT;
  - (r) RESIDENTIAL AIRPORTS;
  - (s) RESTRICTED LANDING AREAS;
  - (t) HELIPORT/HELISTOPS;
  - (u) HELIPORT-RESTRICTED LANDING AREAS;
  - (v) Mortuary or Funeral Home;
  - (w) Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
  - (x) Roadside Produce Sales Stand;
  - (y) Feed and Grain (sales only);
  - (z) Livestock Sales Facility and Stockyards;
  - (aa) Slaughter Houses;
  - (bb) Grain Storage Elevator and Bins;
  - (cc) Artist Studio;
  - (dd) RESIDENTIAL RECOVERY CENTER;
  - (ee) Antique Sales and Service;
  - (ff) Amusement Park;
  - (gg) **Private indoor recreational development;**
  - (hh) Stadium or coliseum;
  - (ii) OUTDOOR THEATRE;
  - (jj) Aviation sales, service or storage;
  - (kk) Cemetery or Crematory;

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- (ll) Self-storage Warehouses, not providing heat/utilities to individual units;
  - (mm) OFF-PREMISES SIGN beyond 660' of the edge of the RIGHT-OF-WAY of an interstate highway;
  - (nn) LANDSCAPE WASTE PROCESSING FACILITIES;
  - (oo) Contractors Facilities (with no Outdoor STORAGE nor Outdoor OPERATIONS);
  - (pp) Contractors Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS);
  - (qq) Gas Turbine Peaker;
  - (rr) BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS);
  - (ss) PV SOLAR FARM;
  - (tt) Wood Fabricating Shop and Related Activities;
  - (uu) Sawmills and Planing Mills, and related activities; and
  - (vv) Pre-existing Industrial Uses (existing prior to October 10, 1973).
- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent CR uses.

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

9. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:  
“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
  - B. The LRMP defines Goals, Objectives, and Policies as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
    - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
  - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

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**REGARDING RELEVANT LRMP GOALS & POLICIES**

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

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

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

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

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

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

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

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

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

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

A. The three objectives are:

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

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

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

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



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

- A. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states: “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

Objective 4.1 includes nine subsidiary policies. Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning. The proposed rezoning will **HELP ACHIEVE** Objective 4.1 because of the following:

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

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

- a. Soils on the subject property are not BEST PRIME FARMLAND. The soil on the subject property consists of 3107A Sawmill silty clay loam, 236A Sabina silt loam, and 233B Birkbeck silt loam, and has an average LE of 86.
- b. Policy 4.3.2 regarding site suitability on best prime farmland is not relevant.
- c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policies 4.2.1, 4.2.2, 4.2.3, and 4.2.4 regarding minimizing conflict with agriculture.

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- e. No farmland will be converted for the proposed rezoning.
  - f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, the ZBA has recommended that the proposed rezoning will **NOT IMPEDE** Goal 8: Natural Resources.
  - g. A Natural Resource Report was prepared by the Champaign County Soil and Water Conservation District and received on February 12, 2007 for the RRO approved for the subject property in 2007, which discussed the types of soils and other site characteristics.
    - (a) Site-specific concerns stated in the report were the following:
      - i. The area that is to be developed has two soil types that have severe wetness restriction and one that has flooding characteristics. This will be especially important for the septic systems that are planned.
      - ii. The west portion of the tract has many trees that were planted as part of the Conservation Reserve Program. An effort to save or transplant the high quality trees should be made.
        - (i) The CRP contract ended on September 30, 2007.
- (2) Policy 4.1.8 states, **“The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”**  
The proposed rezoning will **HELP ACHIEVE** Policy 4.1.8 for the following reasons:
- a. Soils on the subject property are not BEST PRIME FARMLAND. The soil on the subject property consists of 3107A Sawmill silty clay loam, 236A Sabina silt loam, and 233B Birkbeck silt loam, and has an average LE of 86.
  - b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 6 out of 200 points.
  - c. The total LESA score is 92 and indicates a “low rating for protection” of agriculture.
- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

Objective 4.2 includes four subsidiary policies. The proposed rezoning will **HELP ACHIEVE** Objective 4.2 because of the following:

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

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

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. The proposed event center in related Case 935-S-19 supports agriculture because they have purchased products for their events from the nearby Prairie Fruits Farm.
- c. Regarding whether the proposed development in related Case 935-S-19 **IS** a service better provided in a rural area:
  - (a) The rural ambiance, unique wooded landscape, and stream corridor that are the backdrop of events can only be found in rural areas.

- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a) **is a type that does not negatively affect agricultural activities; or**
  - b) **is located and designed to minimize exposure to any negative effect caused by agricultural activities; and**
  - c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

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

- a. The proposed rezoning is **NOT NEGATIVELY AFFECTED** by agricultural activities because the subject property is only bordered by agriculture on three sides by row crop agriculture, and buffers are provided by Lincoln Avenue to the north and the Saline Branch Drainage Ditch to the east.
- b. The proposed rezoning will **NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:
  - (a) The proposed rezoning is sited on land that is not in crop production.
  - (b) Agricultural drainage should not be affected.
  - (c) Rural roads should not be affected.

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

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

- a A special condition has been added regarding Right to Farm Resolution 3425.

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- (3) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

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

- a. The subject property is only bordered by agriculture on three sides by row crop agriculture, and buffers are provided by Lincoln Avenue to the north and the Saline Branch Drainage Ditch to the east.

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

Objective 4.3 includes five subsidiary policies. Policies 4.3.2 and 4.3.5 are not relevant to the proposed rezoning. The proposed rezoning will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **Policy 4.3.1 states, “On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.3.1 because the proposed site **IS SUITED OVERALL** for the proposed rezoning for the following reasons:

- a. The soils are not Best Prime Farmland, and they received a “low rating for protection” in the LESA analysis.
- b. No land will be converted from agricultural production.
- c. Agricultural drainage should not be affected.
- d. Regarding wastewater treatment and disposal on the subject property:  
(1) The subject property residences have a septic system. A new septic system will be required for the event center.
- e. The Somer Township Highway Commissioner has been notified of this case, and no comments have been received.
- f. The subject property is 0.27 mile from the City of Urbana.

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

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

- a. The subject property is located approximately 3.4 road miles from the Eastern Prairie Fire Protection District station; the approximate travel time is 7

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minutes. The Fire Chief has been notified of these cases. Jason Brown, Chief of the Eastern Prairie Fire Protection District, toured the event center on April 15, 2019, and provided the following comments in an email sent to William Cope and Susan Burgstrom:

- \* (a) “We don’t have any concerns with the property or building for the event usage. The lane/ Drive is wide enough as long as all parking stays in the provided lot. Only recommendation we made was they have some fire extinguisher on hand.”
- \* (b) When asked by Susan Burgstrom about guest parking along the driveway and available width for emergency vehicles, Chief Brown recommended that no parking be allowed on the driveway.
- \* (c) A special condition has been added to the Special Use Permit regarding parking on the driveway.

b. Both hospitals in Urbana are approximately 7 to 8 minutes (3 road miles) from the subject property.

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

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

- a. The Illinois Department of Transportation measures traffic on various roads throughout the County. IDOT determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The most recent AADT data near the subject property is from 2016 (prior to the North Lincoln Avenue reconstruction):
  - \* (1) North Lincoln Avenue where it passes the subject property had an AADT of 450.
  - \* (2) Less than a mile south of the point where Lincoln Avenue passes the subject property the AADT was 2900.
- b. The event center has been in operation for several years, so any increase in traffic should not be significant in terms of safety. No formal Traffic Impact Analysis has been done, however.
- c. The proposed new public cul-de-sac for the RRO would align perpendicular to North Lincoln Avenue, which is an improvement over the existing gravel drive and its former alignment to the old Lincoln Avenue alignment.
- d. The Somer Township Highway Commissioner has been notified of this case, and no comments have been received.

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- D. Objective 4.7 is entitled “Right to Farm Resolution” and states: “Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.”

Objective 4.7 has no subsidiary policies. The proposed rezoning will **HELP ACHIEVE** Objective 4.7 because of the following:

- (1) A special condition has been added regarding Right to Farm Resolution 3425.

- E. Objective 4.8 is entitled “Locally Grown Foods” and states: “Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.”

Objective 4.8 has no subsidiary policies. The proposed rezoning will **HELP ACHIEVE** Objective 4.8 because of the following:

- (1) The petitioners have purchased products for their events from the nearby Prairie Fruits Farm.

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

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

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

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states, “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”

Objective 5.1 includes nine subsidiary policies. Policies 5.1.2, 5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 do not appear to be relevant to the proposed amendment. The proposed rezoning will **NOT IMPEDE** Objective 5.1 because of the following:

- (1) Policy 5.1.1 states, **“The County will encourage new urban development to occur within the boundaries of incorporated municipalities.**

The proposed rezoning will **NOT IMPEDE** Policy 5.1.1 because of the following:

- a. The subject property residence has a septic system.
- b. The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
- c. The AG-2 District contains many uses that can be considered urban development as defined by the LRMP, such as a stadium or coliseum and any use that generates a substantial wastewater load, but the proposed use is not urban development because it is too far away from a public sanitary sewer system to connect.

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- (a) P&Z Staff created a map showing approximate distances from the nearest Urbana Champaign Sanitary District (UCSD) sanitary sewer line; the closest possible distance is over 600 feet.
- (2) Policy 5.1.3 states, **“The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.”** The proposed rezoning will **NOT IMPEDE** Policy 5.1.3 because of the following:
  - a. The subject property is within the City of Urbana Contiguous Urban Growth Area.
  - b. The City’s most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area between the new Lincoln Avenue alignment and the Saline Branch Drainage Ditch north of Oaks Road.
    - (a) The agricultural/residential uses that existed in 2005 in this area have not changed.
    - (b) The nearest sewer line (interceptor) was installed in 1988, and is over 600 feet from the subject property. Sewer availability has not changed near the subject property since the 2005 City of Urbana Comprehensive Plan.

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

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

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

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

Objective 6.1 includes four subsidiary policies. Policies 6.1.1 and 6.1.4 do not appear to be relevant to the proposed rezoning. The proposed rezoning will **HELP ACHIEVE** Objective 6.1 because of the following:

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

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

- \*a. The subject property residences have a septic system.

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- \*b. In an email received April 9, 2019, Michael Flanagan, Champaign-Urbana Public Health District, provided the following information:
  - \*a) Mr. Flanagan provided the onsite wastewater design and approval for original residential septic dated September 23, 2008.
    - \*i. The application shows the septic system connecting both the illegal garage residence and the main residence.
    - \*ii. The system is designed to treat up to 1,200 gallons per day based on six bedrooms.
    - \*iii. The well for the property is located west of the main residence between the semicircle drive and the main driveway for the property.
    - \*iv. The septic lines and leach field surround the main residence on the south and east sides.
  - \*b) Mr. Flanagan also included a letter dated March 3, 2017 concerning the use of the residential septic system for the event center, which states, “The current system was installed in 2008 and was sized for a six-bedroom residential structure utilizing an aeration treatment system designed for residential/household waste. In addition, your current system is considered a surface discharging system which, depending on the volume of waste water produced, may require additional permit requirements from the United States Environmental Protection Agency.”
  - \*c) In the email, Mr. Flanagan stated, “If you continue to develop an event center in that location please be aware that the system you currently have was not designed for that use, thus would not meet the current codes under the Illinois Private Sewage Disposal Licensing Code and Act. If you were to seek a food permit from the Champaign County Health Department to operate in this location, your onsite wastewater system would be required to be brought up to current code for a non-residential structure including eliminating the surface discharge portion, resizing your field to accommodate the increased sewage flow, and replacing your current aeration system with a system designed for non-residential waste.”
- \*c. The petitioner stated that he would consult with a septic system installer in order to provide a septic system with sufficient capacity for the event center.
- d. A special condition has been added to the Special Use Permit to ensure that a septic system of sufficient size is approved by the Champaign County Health Department.



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- (2) Policy 6.1.3 states, **“The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.”**

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

- a. The petitioners have outdoor lighting for the event center and parking area.
- b. A special condition has been added to ensure compliance with the Zoning Ordinance for any future event center lighting.

- B. Objective 6.2 is entitled “Public Assembly Land Uses” and states, “Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.”

Objective 6.2 includes three subsidiary policies. The proposed rezoning will *HELP ACHIEVE* Objective 6.2 because of the following:

- (1) Policy 6.2.1 states, **“The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.”**

The proposed rezoning will *HELP ACHIEVE* Policy 6.2.1 for the following reasons:

- \*a. Jason Brown, Chief of the Eastern Prairie Fire Protection District, toured the event center on April 15, 2019, and provided the following comments in an email sent to William Cope and Susan Burgstrom:
  - \*a) “We don’t have any concerns with the property or building for the event usage. The lane/ Drive is wide enough as long as all parking stays in the provided lot. Only recommendation we made was they have some fire extinguisher on hand.”
  - \*b) When asked by Susan Burgstrom about guest parking along the driveway and available width for emergency vehicles, Chief Brown recommended that no parking be allowed on the driveway.
  - \*c) A special condition has been added to the Special Use Permit regarding parking on the driveway.

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

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

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

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

The proposed rezoning will **NOT IMPEDE** Objective 7.1 because of the following:

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

The proposed rezoning will **NOT IMPEDE** Policy 7.1.1 because:

- \*a. The Illinois Department of Transportation measures traffic on various roads throughout the County. IDOT determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The most recent AADT data near the subject property is from 2016 (prior to the North Lincoln Avenue reconstruction):
  - \* (1) North Lincoln Avenue where it passes the subject property had an AADT of 450.
  - \* (2) Less than a mile south of the point where Lincoln Avenue passes the subject property the AADT was 2900.
- \*b. The event center has been in operation for several years, so any increase in traffic should not be significant in terms of safety. No formal Traffic Impact Analysis has been done, however.
- \*c. The events center primarily holds events during evenings and weekends, which should not affect the typical peak travel hours associated with work commutes.
- \*d. The proposed new public cul-de-sac for the RRO would align perpendicular to North Lincoln Avenue, which is an improvement over the existing gravel drive and its former alignment to the old Lincoln Avenue alignment.
- \*e. The Somer Township Highway Commissioner has been notified of this case, and no comments have been received.

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

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

Goal 8 has 9 objectives and 36 policies. Objectives 8.3, 8.7, 8.8, and 8.9 and the subsidiary policies do not appear to be relevant to the proposed amendment. The proposed amendment will **NOT IMPEDE** Goal 8 for the following reasons:

- A. Objective 8.1 states, “**Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.**” Policies 8.1.2, 8.1.3, 8.1.4, 8.1.5, 8.1.6, 8.1.7, 8.1.8, and 8.1.9 are not relevant to the proposed amendment. The proposed rezoning will **HELP ACHIEVE** Objective 8.1 because of the following:
- (1) Policy 8.1.1 states, “**The County will not approve discretionary development using on-site water wells unless it can be reasonably assured that an adequate**

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**supply of water for the proposed use is available without impairing the supply to any existing well user.”**

- a. There is an existing well on the subject property.
- b. The subject property is located over the Mahomet Aquifer.

B. Objective 8.2 states, “Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.”

Objective 8.2 includes one subsidiary policy. The proposed rezoning will **HELP ACHIEVE** Objective 8.2 for the following reason:

- (1) Policy 8.2.1 states, **“The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. Best prime farmland is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:**
  - a. **Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;**
  - b. **Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;**
  - c. **Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.”**

The proposed amendment will **HELP ACHIEVE** Policy 8.2.1 for the following reason:

- a. The subject property is not comprised of Best Prime Farmland.

C. Objective 8.4 states, “Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.”

Objective 8.4 includes six subsidiary policies. Policy 8.4.5 does not appear to be relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Objective 8.4 because of the following:

- (1) Policy 8.4.1 states, **“The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its discretionary review of new development.”**

The proposed RRO will **HELP ACHIEVE** Policy 8.4.1 for the following reasons:

- a. The Watershed Implementation Plan for the Upper Salt Fork of the Vermilion River dated May 2007 includes the following information related to the Saline Branch:

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- (a) The plan identified problems such as “poor urban and residential land uses adjacent to streams may be at risk of flooding or causing water pollution” and “poorly controlled urbanization may overload agricultural drainage systems.”
  - (b) The plan identified goals such as:
    - i. Increasing aquatic and terrestrial wildlife habitat;
    - ii. Providing public information and education regarding wildlife habitat; and
    - iii. Reducing nitrate-nitrogen, phosphorus, and sediment loads.
  - (c) The plan identified implementation strategies related to residential development:
    - i. Lawn care education to reduce unnecessary use of lawn fertilizer; and
    - ii. Control construction erosion.
- b. Any development in the floodplain will be required to complete a Floodplain Development Permit application, which will help ensure that construction will not negatively affect area waterways.
- (2) Policy 8.4.2 states, “**The County will require storm water management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.**”

The proposed amendment will *HELP ACHIEVE* Policy 8.4.2 for the following reason:

- \*a. A portion of the subject property is in the flood hazard area, per FEMA FIRM panel 17019C0314D.
    - \*(a) Currently, no buildings are in the flood hazard area, but much of the event center parking area is.
  - \*b. The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.
  - \*c. There are no known underground drainage tiles on the property and it is unlikely that any exist.
- (2) Policy 8.4.3 states, “**The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing storm water infiltration and aquifer recharge.**”
- The proposed rezoning will *HELP ACHIEVE* Policy 8.4.3 for the following reasons:
- a. The petitioners constructed a detention pond sometime between 2008 and 2010 that covers approximately 0.31 acre on proposed Lot 4 and Outlot 4A.

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- b. The petitioners do not propose any additional construction, so there will be no increase in impervious area.
  - c. The petitioners intend to keep as many trees from the former tree farm as possible.
- (3) Policy 8.4.4 states, **“The County will ensure that point discharges, including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.”**

The proposed rezoning will *HELP ACHIEVE* Policy 8.4.4 for the following reason:

- a. The petitioners will be required to install a new septic system for the event center that is compliant with State and local public health regulations.
- (4) Policy 8.4.5 states, **“The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.”**

The proposed rezoning will *HELP ACHIEVE* Policy 8.4.5 for the following reasons:

- a. A new septic system will be required for the event center that is compliant with State and local public health regulations.
  - b. The land adjacent to the Saline Branch Drainage Ditch will be left as “outlots” and thus will not be developed or used intensively.
- (5) Policy 8.4.6 states, **“The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.”**

The proposed rezoning will *HELP ACHIEVE* Policy 8.4.6 for the following reason:

- a. The Saline Branch Drainage Ditch runs through the southeast corner of the subject property. The Beaver Lake Drainage District was notified of this case, but no comments have been received.
- D. Objective 8.5 states, “Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.”

Objective 8.5 includes five subsidiary policies. Policies 8.5.4 and 8.5.5 do not appear to be relevant to the proposed rezoning. The proposed rezoning will *NOT IMPEDE* Objective 8.5 because of the following:

- (1) Policy 8.5.1 states, **“For discretionary development, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.”**

The proposed rezoning will *HELP ACHIEVE* Policy 8.5.1 for the following reasons:

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- a. On March 25, 2019, P&Z Staff completed a preliminary endangered species consultation using the Illinois Department of Natural Resources online EcoCAT tool. The report indicated that there were no threatened or endangered species or protected natural areas near the subject property.
  - b. The petitioners intend to keep as many trees from the former tree farm as possible.
  - c. The proposed rezoning for the event center use divides the property into split zones in order to better protect the Saline Branch Drainage Ditch stream corridor.
- (2) Policy 8.5.2 states, **“The County will require in its discretionary review that new development cause no more than minimal disturbance to the stream corridor environment.”**  
The proposed rezoning will *HELP ACHIEVE* Policy 8.5.2 for the following reasons:
- a. The proposed outlots along both sides of the Saline Branch Drainage Ditch will be unbuildable and less intensively used than the other event center lots.
  - b. Special conditions have been added to the proposed Special Use Permit in related Case 935-S-19 regarding protection of the stream corridor.
- (3) Policy 8.5.3 states, **“The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.”**  
The proposed rezoning will *NOT IMPEDE* Policy 8.5.3 for the following reasons:
- a. The pond constructed by the petitioners does not meet the definition of a wetland according to a review of wetland community classifications by the Illinois Department of Natural Resources.
  - b. The US Fish and Wildlife Service’s National Wetlands Inventory has no identified wetlands on the subject property.
  - c. The creation of the 0.3-acre pond by the petitioners could still benefit the environment as a wildlife habitat and could still support some wetland plant species despite not being classified as a wetland.
- E. Objective 8.6 states, **“Champaign County will encourage resource management which avoids loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species.”**
- Policies 8.6.5, and 8.6.6 are not relevant to the proposed amendment. The proposed rezoning will *NOT IMPEDE* Objective 8.6 because of the following:
- (1) Policy 8.6.2 states, **“a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.**

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**b. With regard to by-right development on good zoning lots, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.”**

The proposed rezoning for the event center use will **NOT IMPEDE** Policy 8.6.2 for the following reasons:

- a. The vegetation along the Saline Branch appears to be similar to the pre-settlement oak savanna landscape of Champaign County. Regarding the impact of the proposed rezoning on this vegetation:
  - (a) The proposed rezoning for the event center use divides the property into split zones in order to better protect the Saline Branch Drainage Ditch stream corridor.
  - (b) The proposed outlots remaining in the CR Conservation Recreation District should ensure that much of this vegetation will remain largely undisturbed. However, this vegetation may not exist in this condition for the long term unless there is appropriate maintenance to maintain the open savanna.
- (2) Policy 8.6.3 states, **“For discretionary development, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.**

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

- a. According to the National Wetlands Inventory online mapping, there are no regulatory wetlands on the subject property.
- (3) Policy 8.6.4 states, **“The County will require implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites”.**

The proposed rezoning will **NOT IMPEDE** Policy 8.6.4 for the following reasons:

- a. On March 25, 2019, P&Z Staff completed a preliminary endangered species consultation using the Illinois Department of Natural Resources online EcoCAT tool. The report indicated that there were no threatened or endangered species or protected natural areas near the subject property.

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

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

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

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

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

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

**GENERALLY REGARDING THE LASALLE AND SINCLAIR FACTORS**

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

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

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

Direction	Land Use	Zoning
Onsite	Residential and Event Center	CR Conservation Recreation
North	Agriculture and Residential	CR Conservation Recreation (east of Lincoln Ave) AG-2 Agriculture (west of Lincoln Ave)
East	Agriculture and Residential	CR Conservation Recreation
West	Agriculture	CR Conservation Recreation AG-2 Agriculture
South	Agriculture	CR Conservation Recreation

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

- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
- (2) The possible uses that could be established on a property in the AG-2 district are more expansive than those that could be established in the CR district; it is possible that the property would be more valuable should one of the uniquely AG-2 uses increase demand for the property.
- (3) In regards to the value of nearby residential properties, the requested map amendment should not have any effect unless one of the land uses unique to the AG-2 district were developed on the site.



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- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
- (1) There has been no evidence submitted regarding property values.
  - (2) If the petitioners are denied the map amendment and related special use permit for the event center:
    - a. The property could still be used as a residence.
    - b. There would be less traffic related to the existing event center.
    - c. There are other uses that could be established on the property that might promote the health, safety, morals, and general welfare of the public to a greater or lesser extent than the existing event center.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) Approval of the rezoning is a step toward the petitioner's legal use of the existing event center in related case 935-S-19. The petitioners indicate that the event center is in demand by the community.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) Regarding whether the site is SUITED OVERALL to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.1.
  - (2) Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
  - (3) Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policies 4.2.1, 4.2.2, 4.2.3, and 4.2.4 regarding minimizing conflict with agriculture.
  - (4) The proposed rezoning will **NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:
    - a. The proposed rezoning is sited on land that is not in crop production.
    - b. Agricultural drainage should not be affected.
    - c. Rural roads should not be affected.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property is in residential use in the CR Conservation Recreation Zoning District.

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- (2) There has been no development in the surrounding rural area in decades.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- (2) The subject property is 1,400 feet (0.27 mile) north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area.
- I. Overall, the proposed map amendment **IS** consistent with the LaSalle and Sinclair factors.

**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

21. Regarding the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance:
- \*A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
- This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
- \*B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- \* (1) It is not clear whether or not the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
- \* (2) The proposed rezoning could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
- \*a. Both a "Private Indoor Recreational Development" and an "Outdoor Commercial Recreational Enterprise" that together comprise the event center use are authorized by Special Use Permit in the AG-2 Zoning District, and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential uses and an event center.

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- \*b. An “Outdoor Commercial Recreational Enterprise” is authorized by Special Use Permit in the CR Zoning District, and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between natural areas along stream corridors and outdoor events.
  - c. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.
- \* (3) In regards to the value of the subject property, it also is not clear if the requested rezoning and Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
- \*a. If the petitioners are denied the map amendment and special use permit, the property can still be used as a residence.
  - \*b. The petitioners feel that they will get more value and use out of their land if they can maintain use of their existing event center, which depends on the rezoning and related special use permit case 935-S-19.
- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
- (1) Probable traffic impacts are reviewed under Policy 7.1.1.
    - a. The traffic generated by the proposed use will primarily occur during evenings and weekends.
    - b. The event center has been in operation for several years, so any increase in traffic should not be significant in terms of safety. No formal Traffic Impact Analysis has been done, however.
- \*D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters.
- \* (1) Parts of the subject property are located in the Special Flood Hazard Area, per FEMA FIRM panel 17019C0314D (effective October 2, 2013).
  - \* (2) No existing buildings are in the Special Flood Hazard Area.
  - \* (3) The existing event center does not trigger the requirement for a Storm Water Drainage Plan and no construction is proposed.
  - \* (4) The subject property drains directly to the Saline Branch Drainage Ditch.
  - \* (5) The Saline Branch Drainage Ditch runs through the southeast corner of the subject property. The Beaver Lake Drainage District was notified of this case, but no comments have been received.

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- \*E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- \* (1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - \* (2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  - \* (3) Adjacent landowners have been notified of these zoning cases. The following comments were received on April 15, 2019:
    - \* a. Gayle McKay, 4102 N Lincoln Avenue, lives in the home directly north of the subject property. She provided the following comments by phone to Susan Burgstrom:
      - \* (a) She does not have a problem with the petitioners having an event center.
      - \* (b) She was concerned about an incident that happened during an Unofficial St. Patrick's Day event on the subject property. Due to rain, guests were parking along the driveway of the subject property instead of the regular parking area, which was flooded due to rains. Emergency services had trouble getting down the due to the vehicles along the driveway. She said that the response time was around 40 minutes because they had to go back to the station and get a quad runner to get through to the person with medical issues.
      - \* (c) She said that she can hear pounding music after 10 p.m. coming from events. Ms. Burgstrom explained that the Champaign County Nuisance Ordinance does not allow noise discernable from the property line past 10 p.m.
      - \* (d) She likes much of the lighting the petitioners have for the event center; however, she would prefer that the uplighting around several of the oaks near the parking area not shine toward her house.
      - \* (e) She would like the event center to have a sign along Lincoln Avenue because sometimes guests come onto her property and turn around in her front and back yard. Currently, the petitioners have a mailbox with the street number on it, with no indication for the event center.
    - \* b. Harold Scharlau, 3610 Squire Farm Road, is a neighbor to the southwest of the subject property. He provided the following comments by phone to Susan Burgstrom:
      - \* (a) He said he does not have an issue with the petitioners having an event center.

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**\*(b)** He and his sister, Janet Scharlau, do not want a sewer extension run through their property to connect to the subject property.

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

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

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

**\*(1)** During review of these cases, John Hall, Zoning Administrator, determined that the property would better reflect the purpose of the Zoning Ordinance if it were split-zoned rather than zoned entirely for CR Conservation-Recreation or rezoned entirely to AG-2 Agriculture.

**\*(2)** The petitioners agree in concept with the Zoning Administrator's determination, and request a rezoning for only part of the property to the AG-2 district from the CR Conservation Recreation District for the combined "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise." They have no plans to construct additional features for the event center, or change the wooded areas and stream corridor on the property.

**\*(3)** Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

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

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- \* (1) The petitioners seek to bring the unauthorized event center into compliance by applying for the required rezoning and special use permit associated with an event center use.
- \* (2) This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

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

The proposed Special Use in related Case 935-S-19 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

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

\* (1) A Natural Resource Report was prepared by the Champaign County Soil and Water Conservation District and received on February 12, 2007 for the RRO approved in 2007, which discussed the types of soils and other site characteristics.

\*a. Site-specific concerns stated in the report were the following:

\* (a) The area that is to be developed has 2 soil types that have severe wetness restriction and one that has flooding characteristics. This will be especially important for the septic systems that are planned.

\* (b) The west portion of the tract has many trees that were planted as part of the Conservation Reserve Program. An effort to save or transplant the high quality trees should be made.

\*a. The CRP contract ended on September 30, 2007.

\* (2) There are no known wetlands, archaeological sites, or natural areas on the subject property according to State of Illinois inventories.

\* (3) The subject property has a manmade pond, natural wooded areas and a former tree farm. The petitioner continues to maintain this rural, wooded environment and clients seek this same environment for their special events.

\* (4) The proposed rezoning for the event center use divides the property into split zones in order to better protect the Saline Branch Drainage Ditch stream corridor.

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

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- \* (1) The proposed Special Use in related Case 935-S-19 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- \* (2) No public investment is required for utilities or transportation facilities related to the subject property.
- \* L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
  - \* (1) The subject property soils are not BEST PRIME FARMLAND.
  - \* (2) There is no land in agricultural production on the subject property.
- \* M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

**REGARDING SPECIAL CONDITIONS OF APPROVAL**

22. Proposed Special Conditions of Approval:

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

The above special condition is necessary to ensure the following:

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

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**DOCUMENTS OF RECORD FOR RELATED CASES 934-AM-19 & 935-S-19**

1. Application for a Map Amendment received March 15, 2019, with attachment:
  - A Proposed Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated September 13, 2018 and received November 19, 2018
2. Application for a Special Use Permit received March 15, 2019
3. Natural Resource Report from the Champaign County Soil and Water Conservation District received February 12, 2007 (during the RRO process for Case 573-AM-07)
4. Preliminary EcoCAT consultation completed online by P&Z Staff on March 25, 2019
5. Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on March 27, 2019
6. 2017 aerial photo of subject property created by P&Z staff on March 25, 2019
7. Map: 2008 Contours with 2013 Flood Hazard Area on 2017 aerial created by P&Z staff on March 25, 2019
8. Annotated Aerial: Site Plan for Event Center created by P&Z Staff on April 12, 2019
9. Email from William Cope received April 8, 2019
10. Email from Michael Flanagan, Champaign-Urbana Public Health District, received April 9, 2019, with attachments:
  - Onsite wastewater design and approval for original residential septic dated September 23, 2008
  - Letter dated March 3, 2017 concerning use of residential septic for the event center
11. Email from Chief Jason Brown, Eastern Prairie Fire Protection District, received April 15, 2019
12. Email from William Cope received April 15, 2019 regarding split zoning
13. Email from William Cope received April 15, 2019 regarding floor plan
14. Preliminary Memorandum dated April 18, 2019 for Cases 931-AM-19 and Case 932-S-19, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Proposed Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated September 13, 2018 and received November 19, 2018
  - C Annotated Aerial: Site Plan for Event Center created by P&Z Staff on April 12, 2019
  - D 2017 aerial photo of subject property created by P&Z staff on March 25, 2019
  - E Map: 2008 Contours with 2013 Flood Hazard Area on 2017 aerial created by P&Z staff on March 25, 2019
  - F Email from Michael Flanagan, Champaign-Urbana Public Health District, received April 9, 2019, with attachments:



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- Onsite wastewater design and approval for original residential septic dated September 23, 2008
  - Letter dated March 3, 2017 concerning use of residential septic for the event center
- G LRMP Land Use Goals, Objectives, and Policies (*see Case 931-AM-19 packet*)
- H LRMP Appendix of Defined Terms (*see Case 931-AM-19 packet*)
- I Right to Farm Resolution 3425
- J Natural Resource Report from the Champaign County Soil and Water Conservation District received February 12, 2007 (*see Case 931-AM-19 packet*)
- K Preliminary EcoCAT consultation completed online by P&Z Staff on March 25, 2019
- L Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on March 27, 2019
- M Email from William Cope received April 8, 2019
- N Email from Chief Jason Brown, Eastern Prairie Fire Protection District, received April 15, 2019
- O Email from William Cope received April 15, 2019 regarding split zoning
- P Email from William Cope received April 15, 2019 regarding floor plan
- Q Site Visit Photos taken April 9, 2019
- R Finding of Fact and Final Determination for Case 934-AM-19 dated April 25, 2019
- S Summary of Evidence, Finding of Fact and Final Determination for Case 935-S-19 dated April 25, 2019

**PRELIMINARY DRAFT**

**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 3:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
    - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 3 Prosperity.
  - B. Regarding Goal 4:
    - (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on Best Prime Farmland because it will **HELP ACHIEVE** the following:
      - a. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(1)).
      - b. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding discretionary development (see Item 13.A.(2)).
    - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because:
      - a. It will **HELP ACHIEVE** Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.B.(1)).
      - b. It will **HELP ACHIEVE** Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(2)).
      - c. It will **HELP ACHIEVE** Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(3)).
      - d. It will **HELP ACHIEVE** Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(4)).

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- (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
    - a. Policy 4.3.1 requiring a discretionary development on other than Best Prime Farmland to be suited overall (see Item 13.C.(1)).
    - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).
    - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
  - (4) It will **HELP ACHIEVE** Objective 4.7 requiring the right to farm because a special condition has been added regarding Right to Farm Resolution 3425 (see Item 13.D).
  - (5) It will **HELP ACHIEVE** Objective 4.8 encouraging the production, purchase, and consumption of locally grown food because the event center does not impact the nearby Prairie Fruits Farm operations, and the existing events center purchases food from Prairie Fruits Farm (see Item 13.E).
  - (6) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 5:
- (1) The proposed amendment will **NOT IMPEDE** Objective 5.1 because it will **NOT IMPEDE** the following:
    - a. Policy 5.1.1 requiring that the County will encourage new urban development to occur within the boundaries of incorporated municipalities (see Item 14.A.(1)).
    - b. Policy 5.1.3 requiring that the County consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans (see Item 14.A.(2)).
  - (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **NOT IMPEDE** Goal 5 Urban Land Use.
- D. Regarding Goal 6:
- (1) The proposed amendment will **HELP ACHIEVE** Objective 6.1 because it will **HELP ACHIEVE** the following:
    - a. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 15.A.(1)).

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- (2) The proposed amendment will **HELP ACHIEVE** Objective 6.2 because it will **HELP ACHIEVE** the following:
    - a. Policy 6.2.1 requiring public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent (see Item 15.B.(1)).
  - (3) Based on achievement of the above Objective and Policy, the proposed map amendment will **HELP ACHIEVE** Goal 6 Public Health and Safety.
- E. Regarding Goal 7:
- (1) The proposed amendment will **NOT IMPEDE** Objective 7.1 because it will **NOT IMPEDE** the following:
    - a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation (see Item 16.A.(1)).
  - (2) Based on achievement of the above Objective and Policy, the proposed map amendment will **NOT IMPEDE** Goal 7 Transportation.
- F. Regarding Goal 8:
- (1) The proposed amendment will **HELP ACHIEVE** Objective 8.1 because it will **HELP ACHIEVE** the following:
    - a. Policy 8.1.1 requiring adequate supply of water for a proposed discretionary development (see Item 17.A.(1)).
  - (2) The proposed amendment will **HELP ACHIEVE** Objective 8.2 because it will **HELP ACHIEVE** the following:
    - a. Policy 8.2.1 requiring the County to preserve its soil resources (see Item 17.B.(1)).
  - (3) The proposed amendment will **HELP ACHIEVE** Objective 8.4 because it will **HELP ACHIEVE** the following:
    - a. Policy 8.4.1 requiring the County to incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its discretionary review of new development (see Item 17.C.(1)).
    - b. Policy 8.4.2 requiring storm water management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems (see Item 17.C.(2)).
    - c. Policy 8.4.3 requiring the County to encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing storm water infiltration and aquifer recharge (see Item 17.C.(3)).
    - d. Policy 8.4.4 requiring the County to ensure that point discharges meet or exceed state and federal water quality standards (see Item 17.C.(4)).

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- e. Policy 8.4.6 requiring that the County recognizes the importance of Drainage Districts (see Item 17.C.(5)).
- (4) The proposed amendment will **NOT IMPEDE** Objective 8.5 because it will **HELP ACHIEVE** or will **NOT IMPEDE** the following:
    - a. Policy 8.5.1 requiring the County to preserve existing habitat, enhance degraded habitat and restore habitat (see Item 17.D.(1)).
    - b. Policy 8.5.2 requiring that the County discretionary review ensures that new development cause no more than minimal disturbance to the stream corridor environment (see Item 17.D.(2)).
    - c. Policy 8.5.3 requiring the County to encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage (see Item 17.D.(3)).
  - (5) The proposed amendment will **NOT IMPEDE** Objective 8.6 because it will **HELP ACHIEVE** or will **NOT IMPEDE** the following:
    - a. Policy 8.6.2 requiring the County to use land use patterns, site design standards and land management practices to minimize the disturbance of habitat areas (see Item 17.E.(1)).
    - b. Policy 8.6.3 requiring Champaign County to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement (see Item 17.E.(2)).
    - c. Policy 8.6.4 requiring implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species (see Item 17.E.(3)).
  - (2) Based on achievement of the above Objectives and Policies, the proposed map amendment will **NOT IMPEDE** Goal 8 Natural Resources.
- G. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 9 Energy Conservation
  - Goal 10 Cultural Amenities
- H. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
    - A. Regarding property values:
      - (1) The possible uses that could be established on a property in the proposed AG-2 district are more expansive than those that could be established in the existing CR

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district; it is possible that the property would be more valuable should one of the uniquely AG-2 uses increase demand for the property.

- (2) The requested map amendment should not have any effect on nearby residential properties unless one of the land uses unique to the proposed AG-2 district were developed on the site.
  - (3) The traffic generated by the proposed use will primarily occur during evenings and weekends.
- B. Regarding the extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public:
- (1) If the petitioners are denied the map amendment and related special use permit, the property could still be used as a residence, and there would be less traffic related to the existing event center.
  - (2) There are other uses that could be established on the property that might promote the health, safety, morals, and general welfare of the public to a greater or lesser extent than the existing event center.
- C. Regarding the relative gain to the public compared to the hardship imposed on the individual property owner:
- (1) Approval of the rezoning is a step toward the petitioner's legal use of the existing event center in related case 935-S-19.
  - (2) The petitioners indicate that the event center is in demand by the community.
- D. Regarding the suitability of the subject property for the zoned purposes, the ZBA has recommended that the proposed rezoning:
- (1) Is **SUITED OVERALL** for the proposed land use;
  - (2) Has adequate infrastructure and public services;
  - (3) Will minimize conflict with agriculture;
  - (4) Will not interfere with agricultural activities or damage or negatively impact the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.
- E. Regarding the length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property, there has been no development in the surrounding rural area in decades.
- F. Regarding the need and demand for the use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.

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- G. Regarding the extent to which the use conforms to the municipality's comprehensive planning, the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan and is in conformance with the City of Urbana Comprehensive Plan.
  - H. Overall, the proposed map amendment **IS** consistent with the LaSalle and Sinclair factors.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. The proposed rezoning to AG-2 **WILL** lessen and avoid congestion in the public streets (Purpose 2.0(c) - see Item 21.C.).
  - B. The proposed rezoning to AG-2 **WILL** lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0(d) - see Item 21.D.).
  - C. The proposed rezoning to AG-2 **WILL** help protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0(n) - Item 21.I).
  - D. The proposed rezoning to AG-2 **WILL** minimize the cost of development of public utilities and public transportation facilities (Purpose 2.0 (p) - see Item 21.K).
  - E. The proposed rezoning to AG-2 **WILL** maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).
  - F. The proposed rezoning to AG-2 **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

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**FINAL DETERMINATION**

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

The Zoning Ordinance Amendment requested in **Case 934-AM-19** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

***{SUBJECT TO THE FOLLOWING SPECIAL CONDITION:}***

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

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date



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

**of**

**Champaign County Zoning Board of Appeals**

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

Date: ***{April 25, 2019}***

Petitioners: **Bill Cope and Mary Kalantzis, d.b.a. Prairie Glass House, LLC**

Request: **Part A: Authorize the establishment and use of a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related Zoning Case 934-AM-19, with the following requested waiver:**

**A waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.**

**Part B: Authorize the establishment and use of an “Outdoor Commercial Recreational Enterprise” as a Special Use with the following requested waiver:**

**A waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.**

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2019**, the Zoning Board of Appeals of Champaign County finds that:

*(Note: asterisk indicates items of evidence that are identical to evidence in Case 934-AM-19)*

- \*1. Petitioners Bill Cope and Mary Kalantzis own the subject property. They are the sole shareholders and officers of Prairie Glass House, LLC.
- \*2. The subject property is a 17.2 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the residence at 4018 North Lincoln Avenue, Champaign.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities do not have protest rights in Special Use Permit cases, but notice of the public hearing was sent to the City.
    - \* (1) The City of Urbana has subdivision jurisdiction for the subject property, and the County has zoning jurisdiction. The petitioners do not plan to annex into the City of Urbana.
    - \* (2) The subject property is 1,400 feet (0.27 mile) north of the City of Urbana. The City's most recent Comprehensive Plan Map from 2005 shows the subject property to be in the Residential future land use area.
  - \*B. The subject property is located within Somer 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 17.2 acre subject property is currently zoned CR Conservation Recreation and has both residential and event center uses.
    - \* (1) The subject property was originally zoned AG-2 in the western 6 acres, and CR Conservation Recreation in the remaining 13 acres (approximate).
      - \*a. The subject property was originally 19 acres, but was reduced to the current acreage after approximately 2 acres was taken for the new Lincoln Avenue alignment.
    - \* (2) Cases 931-AM-19 and 932-S-19, currently underway, are to approve an RRO with a total of five residential lots for the subject property.
      - \*a. The proposed Special Use Permit for the combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" would be on Lots 3 and 4 of the RRO.
      - \*b. The proposed Special Use Permit for the "Outdoor Commercial Recreational Enterprise" would be on Lot 5 and outlots 4A and 5A.

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- \* (3) Case 579-AM-07 was approved on March 29, 2007 to authorize rezoning the AG-2 Agriculture part to CR Conservation Recreation, placing the entire subject property in the CR district.
- \* (4) Case 573-AM-06 was also approved on March 29, 2007 to authorize an RRO with three single-family residential lots in the CR Conservation Recreation district, in addition to the three lots that could be built by right on this property, for a total of six buildable lots.
  - \* a. Subparagraph 5.4.2 D.4. establishes that an RRO designation shall expire after two years if no Preliminary Plat is submitted to the relevant subdivision authority for approval. The RRO approved in Case 573-AM-06 expired in March 2009.
- \* (5) There is one previous zoning use permit for the subject property:
  - \* a. ZUPA # 150-07-03 was approved on June 19, 2007, to construct a single-family residence with a detached garage.
  - \* b. The upper floor of the detached garage was converted into a residence; a second dwelling on one lot is not permitted in the CR Conservation Recreation Zoning District. A separate lot must be created for this illegal dwelling in the proposed subdivision, or the petitioners have to decommission the dwelling unit.
- \* B. Land to the north is zoned CR Conservation Recreation to the east of Lincoln Avenue and AG-2 Agriculture to the west of Lincoln Avenue, and has a mix of agricultural and residential uses.
- \* C. Land to the east is zoned CR Conservation Recreation and has a mix of agricultural and residential uses.
- \* D. Land to the south is zoned CR Conservation Recreation and is in agricultural production.
- \* E. Land to the west is zoned CR Conservation Recreation and AG-2 Agriculture, and is in agricultural production.
  - \* (1) Prairie Fruits Farm is located 0.37 mile north of the subject property.

***GENERALLY REGARDING THE PROPOSED SPECIAL USE***

- \* 5. Regarding the site plan and operations of the proposed Special Use:
  - \* A. The Site Plan received November 19, 2018 indicates the following existing features:
    - \* (1) A 7,638 square feet primary residence, located east of the circle drive;
    - \* (2) A two-story detached garage, which includes a second, illegal residence on the upper floor;
    - \* (3) A gravel access drive extending from North Lincoln Avenue;
    - \* (4) No septic system location information was provided.
    - \* (5) No well location information was provided.

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- \*B. The subject property has access to the recently constructed North Lincoln Avenue alignment via a gravel road.
  - \* (1) There is a new public cul-de-sac proposed as part of the RRO proposed in Cases 931-AM-19 and 932-S-19, which is also subject to subdivision approval by the City of Urbana. All lots are proposed to access the new road and not Lincoln Avenue.
  - \* (2) Without an approved subdivision, the petitioners would not construct this new road and would continue to use the gravel road for access to the event center.
  
- \*C. During review of these cases, John Hall, Zoning Administrator, determined that the property would better reflect the purpose of the Zoning Ordinance if it were split-zoned rather than zoned entirely for CR Conservation-Recreation or rezoned entirely to AG-2 Agriculture. Based on that, P&Z Staff worked out a slightly different proposed lot configuration that creates a dividing line along the west side of the approximate floodway, which will create unbuildable outlots surrounding both sides of the Saline Branch Drainage Ditch rather than just on the east side. The revised lot configuration, which has been approved in concept by the petitioner, is Attachment C to the Preliminary Memorandum dated April 18, 2019. The revised lots would have to be updated on the Schematic Plan created by Berns, Clancy and Associates.
  - \* (1) All references to lots in this document will be based on the following revised configuration:
    - a. Lots 1, 2, and 3 will remain as shown on the Schematic Plan by BCA dated September 13, 2018 and received November 19, 2018.
    - b. Proposed Lot 4 will be divided into Lot 4 and Outlot 4A, with the division between the two being a straight line that is slightly west of the floodway.
    - c. The division between proposed Lot 5 and Outlot 5A will be adjusted to be slightly west of the floodway.
    - d. Outlots A and B will not change.
  - \* (2) Lots 1, 2, 3, 4, 5, and Outlot A are proposed for rezoning to the AG-2 Agriculture Zoning District. Outlots B, 4A and 5A would remain in the CR Conservation Recreation Zoning District.
  
- \*D. Two separate Special Use Permits are required because there are two proposed zoning districts on the subject property and the event center uses are slightly different in each zone.
  - \* (1) Special Use Permit Part A is to authorize the establishment and use of a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” in the proposed AG-2 Agriculture Zoning District.
  - \* (2) Special Use Permit Part B is to authorize the establishment and use of an “Outdoor Commercial Recreational Enterprise” in the existing CR Zoning District.
  - \* (3) The Special Use Permits share this Summary of Evidence, but they each require their own Finding of Fact.

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- \*E. During a site visit by Susan Burgstrom on April 9, 2019, Mr. Cope provided more information regarding the site and operations:
- \* (1) There is grass parking for the event center in proposed Lot 5/Outlot 5A; the petitioner states that they approximately 100 to 125 cars can fit in the space. This parking area connects to the main residence/event center via either the gravel driveway or a dirt track road to the back yard/outdoor events area.
  - \* (2) There is a concrete parking area used for accessible parking in front of the detached garage in proposed Lot 3; there is room for four accessible parking spaces in this area. This parking area connects to the main residence's semicircle drive via a 36-inch wide sidewalk.
  - \* (3) Indoor events are held in the living room on the north end of the residence.
  - \* (4) The residence has five restrooms connected to the home's septic system, which was only designed for residential use. The petitioner stated that he would consult with a septic system installer in order to provide a septic system with sufficient capacity for the event center.
- \*F. The petitioners do not propose additional features or construction for the event center.
- G. Regarding the requested waivers:
- (1) The requested waiver for Parts A and B of this case is for a separation of 30 feet between the parking lot used for events and the residential use to the north in lieu of the minimum required 200 feet for the "Outdoor Commercial Recreational Enterprise" part of the event center.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a combined "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
  - (2) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
  - (3) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the

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

- (4) "AREA, LOT" is the total area within the LOT LINES.
- (5) "BERTH, LOADING" is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
- (6) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
  - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
  - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
  - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (7) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (8) "BUILDING, DETACHED" is a BUILDING having no walls in common with other BUILDINGS.
- (9) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (10) "BY RIGHT" is a term to describe a USE permitted or allowed in the DISTRICT involved, without review by the BOARD or GOVERNING BODY, and complying with provisions of the Zoning Ordinance and with other applicable ordinances and regulations.
- (11) "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

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review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.

- (12) “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.
- (13) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (14) “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.
- (15) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (16) “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.
- (17) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (18) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (19) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
  - (a) MAJOR STREET: Federal or State highways.
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.
- (20) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (21) “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;

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- 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.
- (22) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
    - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
    - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
    - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
    - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
    - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
  - (2) Subsection 6.1.3 establishes the following standard condition for an Outdoor Commercial Recreational Enterprise:
    - a. A separation distance of 200 feet between any R DISTRICT or residential or INSTITUTIONAL USE.
- C. Section 7.4.1 refers to parking requirements for a facility such as the proposed Special Use:
- (1) For BUILDINGS and other enclosed STRUCTURES, one PARKING SPACE for each five seats provided for patrons use, or at least one PARKING SPACE for each 200 square feet of floor area, whichever requires the greater number of PARKING SPACES.
  - (2) For outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.



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

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

**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, **“To provide a venue for weddings and events.”**
  - B. The petitioner has stated that they originally did not intend to have an events center, until one of their friends asked to have a wedding there. They then started offering the house and grounds for events, and they continue to have demand for holding events there.
  - C. The subject property has a manmade pond, natural wooded areas and a former tree farm. The petitioner continues to maintain this rural, wooded environment and clients seek this same environment for their special events.

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**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, **“Disability access, parking available, Lincoln Avenue recently upgraded.”**
- B. Regarding surface drainage:
- \* (1) Parts of the subject property are located in the Special Flood Hazard Area, per FEMA FIRM panel 17019C0314D (effective October 2, 2013).
  - \* (2) No existing buildings are in the Special Flood Hazard Area.
  - \* (3) The existing event center does not trigger the requirement for a Storm Water Drainage Plan and no construction is proposed.
  - \* (4) The subject property drains directly to the Saline Branch Drainage Ditch.
  - \* (5) The Saline Branch Drainage Ditch runs through the southeast corner of the subject property. The Beaver Lake Drainage District was notified of this case, but no comments have been received.
- C. Regarding the effects on traffic:
- \* (1) The subject property fronts North Lincoln Avenue along its new alignment. As reviewed in related Case 934-AM-19 regarding the general traffic conditions at this location, the level of existing traffic, and potential change due to the proposed Special Use:
    - \* a. The Illinois Department of Transportation measures traffic on various roads throughout the County. IDOT determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The most recent AADT data near the subject property is from 2016 (prior to the North Lincoln Avenue reconstruction):
      - \* (1) North Lincoln Avenue where it passes the subject property had an AADT of 450.
      - \* (2) Less than a mile south of the point where Lincoln Avenue passes the subject property the AADT was 2900.
    - \* b. The event center has been in operation for several years, so any increase in traffic should not be significant in terms of safety. No formal Traffic Impact Analysis has been done, however.
    - \* c. The proposed new public cul-de-sac for the RRO proposed in Cases 931-AM-19 and 932-S-19 would align perpendicular to North Lincoln Avenue, which is an improvement over the existing gravel drive and its former alignment to the old Lincoln Avenue alignment.

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- (a) The petitioners will not construct the new road unless their proposed subdivision is approved by the City of Urbana.
  - \*d. The Somer Township Highway Commissioner has been notified of this case, but no comments have been received.
- D. Regarding fire protection, the subject property is located approximately 3.4 road miles from the Eastern Prairie Fire Protection District station; the approximate travel time is 7 minutes. Notification of these cases was sent to the FPD Chief, and the following comments were received from Jason Brown, Chief of the Eastern Prairie Fire Protection District, who toured the event center on April 15, 2019 and sent an email to William Cope and Susan Burgstrom the same day:
- \* (1) “We don’t have any concerns with the property or building for the event usage. The lane/ Drive is wide enough as long as all parking stays in the provided lot. Only recommendation we made was they have some fire extinguisher on hand.”
  - \* (2) When asked by Susan Burgstrom about guest parking along the driveway and available width for emergency vehicles, Chief Brown recommended that no parking be allowed on the driveway.
  - \* (3) A special condition has been added regarding parking on the driveway.
- E. Regarding soils on the subject property:
- (1) The subject property is NOT considered BEST PRIME FARMLAND. The soil on the subject property consists of 3107A Sawmill silty clay loam, 236A Sabina silt loam, and 233B Birkbeck silt loam, and has an average LE of 86.
  - (2) The event center is located on already disturbed land that has not been in agricultural production for many years.
- F. Regarding outdoor lighting on the subject property:
- (1) Most existing outdoor lighting is comprised of string lights connecting between stakes, structures, and trees. Existing lighting does not have to be full cutoff in design, but any future outdoor lighting installed for the event center must be full cutoff. A special condition has been added to ensure compliance with Section 6.1.2 of the Zoning Ordinance.
    - \*a. Susan Burgstrom spoke with Gayle McKay, neighbor to the north, on April 15, 2019. Mrs. McKay stated that she likes much of the lighting the petitioners have for the event center; however, she would prefer that the uplighting around several of the oaks near the parking area not shine toward her house.
- G. Regarding wastewater treatment and disposal on the subject property:
- \* (1) The subject property residences have a septic system.
  - \* (2) In an email received April 9, 2019, Michael Flanagan, Champaign-Urbana Public Health District, provided the following information:

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- \*a. Mr. Flanagan provided the onsite wastewater design and approval for original residential septic dated September 23, 2008.
    - \*(a) The application shows the septic system connecting both the illegal garage residence and the main residence.
    - \*(b) The system is designed to treat up to 1,200 gallons per day based on six bedrooms.
    - \*(c) The well for the property is located west of the main residence between the semicircle drive and the main driveway for the property.
    - \*(d) The septic lines and leach field surround the main residence on the south and east sides.
  - \*b. Mr. Flanagan also included a letter dated March 3, 2017 concerning the use of the residential septic system for the event center, which states, “The current system was installed in 2008 and was sized for a six-bedroom residential structure utilizing an aeration treatment system designed for residential/household waste. In addition, your current system is considered a surface discharging system which, depending on the volume of waste water produced, may require additional permit requirements from the United States Environmental Protection Agency.”
  - \*c. In the email, Mr. Flanagan stated, “If you continue to develop an event center in that location please be aware that the system you currently have was not designed for that use, thus would not meet the current codes under the Illinois Private Sewage Disposal Licensing Code and Act. If you were to seek a food permit from the Champaign County Health Department to operate in this location, your onsite wastewater system would be required to be brought up to current code for a non-residential structure including eliminating the surface discharge portion, resizing your field to accommodate the increased sewage flow, and replacing your current aeration system with a system designed for non-residential waste.”
  - \*(3) The petitioner stated that he would consult with a septic system installer in order to provide a septic system with sufficient capacity for the event center.
  - \*(4) A special condition has been added to ensure that a septic system of sufficient size is approved by the Champaign County Health Department.
- H. 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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- I. 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: **“Secluded location, distance between neighbors, not visible from street or neighbors.”**
  - B. Regarding compliance with the *Zoning Ordinance*:
    - (1) A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning Districts and by right in the B-2, B-3, and B-4 Zoning Districts.
    - (2) An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts.
    - (3) Regarding the requirement for a separation distance of 200 feet between the Special Use and any R DISTRICT or residential or INSTITUTIONAL USE for the Outdoor Commercial Recreational Enterprise part of the event center:
      - a. The nearest residential lot is located northeast of the main residence.
      - b. The shared lot line is roughly 30 feet from the existing grass parking area used for events.
      - c. The neighbor’s detached garage partially obstructs the view of the parking area from the neighbor’s residence.
      - d. The neighbors have been notified about these zoning cases, but no comments have been received.
      - e. A waiver has been requested by the petitioner to maintain the existing separation distance; see related items 12 through 16 below.
      - f. Susan Burgstrom spoke with Gayle McKay, neighbor to the north, on April 15, 2019. Mrs. McKay stated that she likes much of the lighting the petitioners have for the event center; however, she would prefer that the uplighting around several of the oaks near the parking area not shine toward her house.
    - (4) Regarding parking on the subject property for the proposed Special Use:

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- \*a. The Event Center accommodates up to 300 people outdoors, and the Zoning Ordinance requires at least 1 parking space per 3 guests, or 100 parking spaces.
- \*b. There is grass parking for the event center in proposed Lot 5/Outlot 5A; the petitioner states that approximately 100 to 125 cars can fit in the space. This parking area connects to the main residence/event center via either the gravel driveway or a dirt track road to the back yard/outdoor events area.
  - (a) During the site visit by Susan Burgstrom on April 9, 2019, Mr. Cope stated that the parking area sometimes floods such that it cannot be used.
  - (b) Susan Burgstrom spoke with Gayle McKay, neighbor to the north, on April 15, 2019. Mrs. McKay stated that she was concerned about an incident that happened during an Unofficial St. Patrick's Day event on the subject property. Due to rain, guests were parking along the driveway of the subject property instead of the regular parking area, which was flooded due to rains. Emergency services had trouble getting down the due to the vehicles along the driveway. She said that the response time was around 40 minutes because they had to go back to the station and get a quad runner to get through to the person with medical issues.
  - \*c) Jason Brown, Chief of the Eastern Prairie Fire Protection District, toured the event center on April 15, 2019, and provided the following comments in an email sent to William Cope and Susan Burgstrom:
    - \*a) "We don't have any concerns with the property or building for the event usage. The lane/ Drive is wide enough as long as all parking stays in the provided lot. Only recommendation we made was they have some fire extinguisher on hand."
    - \*b) When asked by Susan Burgstrom about guest parking along the driveway and available width for emergency vehicles, Chief Brown recommended that no parking be allowed on the driveway.
    - \*c) A special condition has been added to the Special Use Permit regarding parking on the driveway.
- \*c. There is a concrete parking area used for accessible parking spaces in front of the detached garage in proposed Lot 3; there is room for four accessible parking spaces in this area. This parking area connects to the main residence's semicircle drive via a 36-inch wide sidewalk.
- \*d. There is additional unpaved driveway area and grass area for parking if needed, but these areas are not sufficient to move the required parking spaces sufficiently far away to meet the separation distance requirement from the neighbors to the north.



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- \*e. Per Section 7.4.1 C.4., a TYPE A SCREEN is required for commercial establishments that are visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE.
  - (a) A TYPE A SCREEN is a decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade.
  - (b) A special condition has been added to require a TYPE A SCREEN along the north lot lines of the subject property surrounding the neighboring residential lot to the north.
  
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
  - \* (1) The proposed Special Use does not trigger the requirement for a Storm Water Drainage Plan, and no construction is proposed for the event center.
  
- D. Regarding the Special Flood Hazard Areas Ordinance:
  - \* (1) Parts of the subject property are located in the Special Flood Hazard Area, per FEMA FIRM panel 17019C0314D (effective October 2, 2013).
  - \* (2) No existing buildings are in the Special Flood Hazard Area.
  
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction and the petitioners are applying for a 5-lot subdivision with the City, contingent upon approval of County RRO zoning cases 931-AM-19 and 932-S-19.
  - (1) The authorization for the event center is not contingent on subdividing the property.
  
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
  - (1) A Private Indoor Recreational Development may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
  - (2) An Outdoor Commercial Recreational Enterprise may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
  - (3) The proposed use will not hinder agricultural production.
  
- G. Currently, the subject property is zoned CR Conservation Recreation and the Petitioner has requested to rezone part of the property to AG-2 Agriculture in related Case 934-AM-19. Regarding whether or not the proposed Special Use will preserve the essential character of the surrounding CR District:
  - (1) As reviewed in Case 934-AM-19, five of the six types of uses authorized by right in the CR DISTRICT are the same as by-right uses in the AG-2 DISTRICT. However, a Private Indoor Recreational Development (the indoor part of the event center) is only authorized as a Special Use in the AG-2 District and not the CR District.

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- (2) Split-zoning the subject property rather than requesting a rezoning to all AG-2 will better preserve the essential character of the surrounding CR District because it will better protect the Saline Branch Drainage Ditch.
- H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

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

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
    - (2) Subsection 5.1.3 of the Ordinance states the general intent of the CR District and states as follows (capitalized words are defined in the Ordinance):

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.
    - (3) The types of uses authorized in the AG-2 and CR Districts are in fact the types of uses that have been determined to be acceptable in each District. Uses authorized by Special Use Permit are acceptable uses in each district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

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- D. Regarding the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.  
  
This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements, contingent upon approval of the requested waiver for separation distance between the adjacent residential lot and the event center parking area.
  - \* (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
    - \*a. It is not clear whether or not the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
    - \*b. The proposed rezoning could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
      - \* (a) Both a “Private Indoor Recreational Development” and an “Outdoor Commercial Recreational Enterprise” that together comprise the event center use are authorized by Special Use Permit in the AG-2 Zoning District, and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential uses and an event center.
      - \* (b) An “Outdoor Commercial Recreational Enterprise” is authorized by Special Use Permit in the CR Zoning District, and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between natural areas along stream corridors and outdoor events.
      - (c) Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.
    - \*c. In regards to the value of the subject property, it also is not clear if the requested rezoning and Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
      - \* (a) If the petitioners are denied the map amendment and special use permit for the event center, the property can still be used as a residence.
      - \* (b) The petitioners feel that they will get more value and use out of their land if they can maintain use of their existing event center.

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- \* (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
  - a. Probable traffic impacts are reviewed under Item 8.C. of this Summary of Evidence.
    - \* (a) The traffic generated by the proposed use will primarily occur during evenings and weekends.
    - \* (b) The event center has been in operation for several years, so any increase in traffic should not be significant in terms of safety. No formal Traffic Impact Analysis has been done, however.
  
- \* (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
  - \* a. Parts of the subject property are located in the Special Flood Hazard Area, per FEMA FIRM panel 17019C0314D (effective October 2, 2013).
  - \* b. No existing buildings are in the Special Flood Hazard Area.
  - \* c. The existing event center does not trigger the requirement for a Storm Water Drainage Plan and no construction is proposed.
  - \* d. The subject property drains directly to the Saline Branch Drainage Ditch.
  - \* e. The Saline Branch Drainage Ditch runs through the southeast corner of the subject property. The Beaver Lake Drainage District was notified of this case, but no comments have been received.
  
- \* (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
  - \* a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - \* b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  - \* c. Adjacent landowners have been notified of these zoning cases, and the following comments were received by phone on April 15, 2019:
    - \* (a) Gayle McKay, 4102 N Lincoln Avenue, lives in the home directly north of the subject property. She provided the following comments by phone to Susan Burgstrom:
      - \* i. She does not have a problem with the petitioners having an event center.

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- \*ii. She was concerned about an incident that happened during an Unofficial St. Patrick's Day event on the subject property. Due to rain, guests were parking along the driveway of the subject property instead of the regular parking area, which was flooded due to rains. Emergency services had trouble getting down the due to the vehicles along the driveway. She said that the response time was around 40 minutes because they had to go back to the station and get a quad runner to get through to the person with medical issues.
  - \*iii. She said that she can hear pounding music after 10 p.m. coming from events. Ms. Burgstrom explained that the Champaign County Nuisance Ordinance does not allow noise discernable from the property line past 10 p.m.
  - \*iv. She likes much of the lighting the petitioners have for the event center; however, she would prefer that the uplighting around several of the oaks near the parking area not shine toward her house.
  - \*v. She would like the event center to have a sign along Lincoln Avenue because sometimes guests come onto her property and turn around in her front and back yard. Currently, the petitioners have a mailbox with the street number on it, with no indication for the event center.
- \* (b) Harold Scharlau, 3610 Squire Farm Road, is a neighbor to the southwest of the subject property. He provided the following comments by phone to Susan Burgstrom:
- \*i. He said he does not have an issue with the petitioners having an event center.
  - \*ii. He and his sister, Janet Scharlau, do not want a sewer extension run through their property to connect to the subject property.
- \* (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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- \* (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.
- \*a. During review of these cases, John Hall, Zoning Administrator, determined that the property would better reflect the purpose of the Zoning Ordinance if it were split-zoned rather than zoned entirely for CR Conservation-Recreation or rezoned entirely to AG-2 Agriculture.
  - \*b. The petitioners agree in concept with the Zoning Administrator's determination, and request a rezoning for only part of the property to the AG-2 district from the CR Conservation Recreation District for the combined "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise." They have no plans to construct additional features for the event center, or change the wooded areas and stream corridor on the property.
  - \*c. Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.
- \* (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.
- \*a. The petitioners seek to bring the unauthorized event center into compliance by applying for the required rezoning and special use permit associated with an event center use.
  - \*b. This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.
- \* (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

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

- \*(10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.
  - \*a. A Natural Resource Report was prepared by the Champaign County Soil and Water Conservation District and received on February 12, 2007 for the RRO approved in 2007, which discussed the types of soils and other site characteristics.
    - \*(a) Site-specific concerns stated in the report were the following:
      - \*i. The area that is to be developed has 2 soil types that have severe wetness restriction and one that has flooding characteristics. This will be especially important for the septic systems that are planned.
      - \*ii. The west portion of the tract has many trees that were planted as part of the Conservation Reserve Program. An effort to save or transplant the high quality trees should be made.
        - \*(i) The CRP contract ended on September 30, 2007.
  - \*b. There are no known wetlands, archaeological sites, or natural areas on the subject property according to State of Illinois inventories.
  - \*c. The subject property has a manmade pond, natural wooded areas and a former tree farm. The petitioner continues to maintain this rural, wooded environment and clients seek this same environment for their special events.
  - \*d. The proposed rezoning for the event center use divides the property into split zones in order to better protect the Saline Branch Drainage Ditch stream corridor.
- \*(11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
  - \*a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
  - \*b. No public investment is required for utilities or transportation facilities related to the subject property.
- \*(12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

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- \*a. The subject property soils are not BEST PRIME FARMLAND.
  - \*b. There is no land in agricultural production on the subject property.
- \*(13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **“No.”**
  - B. The existing use on the property is not a nonconforming use.

**RELATED TO THE WAIVER, 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. The requested waiver for the “Outdoor Commercial Recreational Enterprise” part of the event center being 30 feet from a residential use in lieu of the minimum required 200 feet is the same for both parts of the Special Use Permit.
    - (1) An event center requires off-street parking, and the petitioners have utilized the existing grass parking area at prior events.
    - (2) When there are no events, the parking area is a grass area surrounded by sporadic old growth trees, and the petitioners have no plans to change that setting.
    - (3) The owners of the nearest residential use have a detached garage that partially obstructs the view of the parking area. They have been notified of these zoning cases, and provided the following comments by phone to Susan Burgstrom on April 15, 2019:
      - \*a. She was concerned about an incident that happened during an Unofficial St. Patrick’s Day event on the subject property. Due to rain, guests were parking along the driveway of the subject property instead of the regular parking area, which was flooded due to rains. Emergency services had trouble getting down the due to the vehicles along the driveway. She said that the response time was around 40 minutes because they had to go back to the station and get a quad runner to get through to the person with medical issues.
      - \*b. She likes much of the lighting the petitioners have for the event center; however, she would prefer that the uplighting around several of the oaks near the parking area not shine toward her house.



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***RELATED TO THE WAIVER, 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 the proposed waiver, the petitioners would not be able to use most of the area they need to provide off-street parking. Alternative off-street parking areas providing the same amount of space could result in removing trees, which the petitioners do not want to do.
  - B. Without the proposed waiver, the petitioners could request a variance for the required number of parking spaces, but this would not remedy the need for event parking.

***RELATED TO THE WAIVER, 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 the proposed waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet:
    - (1) The petitioners have allowed parking in this area close to the north property line for prior events.
    - (2) The petitioners have operated the event center without the required permits, but are seeking to bring the event center into compliance, and have communicated that they are willing to consider changes that would be necessary to be in compliance.

***GENERALLY PERTAINING TO WHETHER OR NOT THE WAIVER IS IN HARMONY WITH THE GENERAL  
PURPOSE AND INTENT OF THE ORDINANCE***

15. Regarding the *Zoning Ordinance* requirement that the waiver of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
  - A. Regarding the proposed waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet, the requested waiver (variance) is 15% of the minimum required, for a variance of 85%.

***GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED WAIVER 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 Somer Township Highway Commissioner has been notified of this case, and no comments have been received.
  - B. The Eastern Prairie Fire Protection District has been notified of this case, and the following comment was received that might pertain to the waiver:

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- (1) Jason Brown, Chief of the Eastern Prairie Fire Protection District, toured the event center on April 15, 2019, and provided the following comments in an email sent to William Cope and Susan Burgstrom:
  - \*a. “We don’t have any concerns with the property or building for the event usage. The lane/ Drive is wide enough as long as all parking stays in the provided lot. Only recommendation we made was they have some fire extinguisher on hand.”
  - \*b. When asked by Susan Burgstrom about guest parking along the driveway and available width for emergency vehicles, Chief Brown recommended that no parking be allowed on the driveway.
  - \*c. A special condition has been added to the Special Use Permit regarding parking on the driveway.
- C. The Saline Branch Drainage Ditch runs through the southeast corner of the subject property. The Beaver Lake Drainage District was notified of this case, but 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 waiver.

***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 934-AM-19 by the County Board.**

The special condition stated above is required to ensure the following:  
**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**
  - B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is required to ensure the following:  
**That the proposed Special Use meets applicable state requirements for accessibility.**
  - C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

The special condition stated above is required to ensure the following:  
**That exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.**

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

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

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

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

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

**That events held on the subject property adequately consider neighbors.**

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

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

**To protect public health.**

- G. **Within one year of approval of zoning cases 934-AM-19 and 935-S-19, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:**

- (1) **A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
- (2) **A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (3) **A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.**

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

**Any new septic system is in compliance with the Champaign County Zoning Ordinance.**

- H. **The Special Use is subject to the approval of Case 934-AM-19.**

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

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**That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.**

- I. **This Special Use Permit shall expire if no events are held during any consecutive 365-day period.**

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

**To provide both a sense of continuity and a sense of closure to the neighbors.**

- J. **The revised Site Plan received <DATE>, is the official site plan for approval in Case 935-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

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

**That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.**

- K. **Within six months of approval of Zoning Cases 934-AM-19 and 935-S-19, the petitioner shall install a Type A screen along the petitioner's side of the shared property lines of the adjacent residence to the north with an address of 4102 N Lincoln Avenue, Champaign.**

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

**That the event center parking area complies with Section 7.4.1.C.4. of the Zoning Ordinance.**

- L. **No new pavement shall be installed in Outlots 4A, 5A, and B except as necessary to repair the existing gravel paving.**

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

**That there are no negative effects on the Saline Branch Drainage Ditch due to event center parking.**

- M. **The petitioners shall not allow any parking for the event center in the public street right of way, and will ensure that all guests and service providers related to the events center are made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.**

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

**That the proposed Special Use is not injurious to travelers on North Lincoln Avenue.**

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**DOCUMENTS OF RECORD FOR RELATED CASES 934-AM-19 & 935-S-19**

1. Application for a Map Amendment received March 15, 2019, with attachment:
  - A Proposed Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated September 13, 2018 and received November 19, 2018
2. Application for a Special Use Permit received March 15, 2019
3. Natural Resource Report from the Champaign County Soil and Water Conservation District received February 12, 2007 (during the RRO process for Case 573-AM-07)
4. Preliminary EcoCAT consultation completed online by P&Z Staff on March 25, 2019
5. Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on March 27, 2019
6. 2017 aerial photo of subject property created by P&Z staff on March 25, 2019
7. Map: 2008 Contours with 2013 Flood Hazard Area on 2017 aerial created by P&Z staff on March 25, 2019
8. Annotated Aerial: Site Plan for Event Center created by P&Z Staff on April 12, 2019
9. Email from William Cope received April 8, 2019
10. Email from Michael Flanagan, Champaign-Urbana Public Health District, received April 9, 2019, with attachments:
  - Onsite wastewater design and approval for original residential septic dated September 23, 2008
  - Letter dated March 3, 2017 concerning use of residential septic for the event center
11. Email from Chief Jason Brown, Eastern Prairie Fire Protection District, received April 15, 2019
12. Email from William Cope received April 15, 2019 regarding split zoning
13. Email from William Cope received April 15, 2019 regarding floor plan
14. Preliminary Memorandum dated April 18, 2019 for Cases 931-AM-19 and Case 932-S-19, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Proposed Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated September 13, 2018 and received November 19, 2018
  - C Annotated Aerial: Site Plan for Event Center created by P&Z Staff on April 12, 2019
  - D 2017 aerial photo of subject property created by P&Z staff on March 25, 2019
  - E Map: 2008 Contours with 2013 Flood Hazard Area on 2017 aerial created by P&Z staff on March 25, 2019
  - F Email from Michael Flanagan, Champaign-Urbana Public Health District, received April 9, 2019, with attachments:

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- Onsite wastewater design and approval for original residential septic dated September 23, 2008
  - Letter dated March 3, 2017 concerning use of residential septic for the event center
- G LRMP Land Use Goals, Objectives, and Policies (*see Case 931-AM-19 packet*)
- H LRMP Appendix of Defined Terms (*see Case 931-AM-19 packet*)
- I Right to Farm Resolution 3425
- J Natural Resource Report from the Champaign County Soil and Water Conservation District received February 12, 2007 (*see Case 931-AM-19 packet*)
- K Preliminary EcoCAT consultation completed online by P&Z Staff on March 25, 2019
- L Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on March 27, 2019
- M Email from William Cope received April 8, 2019
- N Email from Chief Jason Brown, Eastern Prairie Fire Protection District, received April 15, 2019
- O Email from William Cope received April 15, 2019 regarding split zoning
- P Email from William Cope received April 15, 2019 regarding floor plan
- Q Site Visit Photos taken April 9, 2019
- R Finding of Fact and Final Determination for Case 934-AM-19 dated April 25, 2019
- S Summary of Evidence, Finding of Fact and Final Determination for Case 935-S-19 dated April 25, 2019

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**FINDINGS OF FACT FOR CASE 935-S-19**

**PART A: AG-2 DISTRICT AREA, COMBINATION PRIVATE INDOOR RECREATIONAL DEVELOPMENT AND OUTDOOR COMMERCIAL RECREATIONAL ENTERPRISE**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **935-S-19** held on **April 25, 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 / WILL NOT}* 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.
  - 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.

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- 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. Regarding the requested waiver of standard conditions:
  - A. Regarding the proposed waiver for the “Outdoor Commercial Recreational Enterprise” part of the event center being located less than 200 feet of a property with a dwelling:
    - (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
    - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
    - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
    - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
    - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:

7. ***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 934-AM-19 by the County Board.**  
The special condition stated above is required to ensure the following:  
**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**
- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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



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

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

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

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

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

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

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

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

**That events held on the subject property adequately consider neighbors.**

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

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

**To protect public health.**

- G. **Within one year of approval of zoning cases 934-AM-19 and 935-S-19, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:**

- (1) **A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
- (2) **A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (3) **A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.**

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

**Any new septic system is in compliance with the Champaign County Zoning Ordinance.**

- H. **The Special Use is subject to the approval of Case 934-AM-19.**

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

**That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.**

- I. **This Special Use Permit shall expire if no events are held during any consecutive 365-day period.**

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

**To provide both a sense of continuity and a sense of closure to the neighbors.**

- J. **The revised Site Plan received <DATE>, is the official site plan for approval in Case 935-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

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

**That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.**

- K. **Within six months of approval of Zoning Cases 934-AM-19 and 935-S-19, the petitioner shall install a Type A screen along the petitioner's side of the shared property lines of the adjacent residence to the north with an address of 4102 N Lincoln Avenue, Champaign.**

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

**That the event center parking area complies with Section 7.4.1.C.4. of the Zoning Ordinance.**

- L. **No new pavement shall be installed in Outlots 4A, 5A, and B except as necessary to repair the existing gravel paving.**

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

**That there are no negative effects on the Saline Branch Drainage Ditch due to event center parking.**

- M. **The petitioners shall not allow any parking for the event center in the public street right of way, and will ensure that all guests and service providers related to the events center are made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.**

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

**That the proposed Special Use is not injurious to travelers on North Lincoln Avenue.**

**PRELIMINARY DRAFT**

**FINDINGS OF FACT FOR CASE 935-S-19**

**PART B: CR DISTRICT AREA, OUTDOOR COMMERCIAL RECREATIONAL ENTERPRISE ONLY**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **935-S-19** held on **April 25, 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 / WILL NOT}* 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.
  - 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.

**PRELIMINARY DRAFT**

- 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. Regarding the requested waiver of standard conditions:
  - A. Regarding the proposed waiver for the “Outdoor Commercial Recreational Enterprise” part of the event center being located less than 200 feet of a property with a dwelling:
    - (1) The waiver ***{IS/ IS NOT}*** in accordance with the general purpose and intent of the Zoning Ordinance and ***{WILL/ WILL NOT}*** be injurious to the neighborhood or to the public health, safety, and welfare because:
    - (2) Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
    - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied ***{WILL / WILL NOT}*** prevent reasonable or otherwise permitted use of the land or structure or construction because:
    - (4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
    - (5) The requested waiver ***{SUBJECT TO THE PROPOSED SPECIAL CONDITION} {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

***Special Conditions from Special Use Permit Part A also apply to Part B.***

**PRELIMINARY DRAFT**

**FINAL DETERMINATION FOR CASE 935-S-19**

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 **935-S-19** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Bill Cope and Mary Kalantzis, d.b.a Prairie Glass House, LLC**, to authorize the following:

**Part A: Authorize the establishment and use of a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related Zoning Case 934-AM-19.**

**Part B: Authorize the establishment and use of an “Outdoor Commercial Recreational Enterprise” as a Special Use.**

*{SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:}*

**Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 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 934-AM-19 by the County Board.**
- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- D. **All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**
- E. **The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.**

**PRELIMINARY DRAFT**

- F. **This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**
  
- G. **Within one year of approval of zoning cases 934-AM-19 and 935-S-19, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:**
  - (1) **A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
  
  - (2) **A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
  
  - (3) **A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.**
  
- H. **The Special Use is subject to the approval of Case 934-AM-19.**
  
- I. **This Special Use Permit shall expire if no events are held during any consecutive 365-day period.**
  
- J. **The revised Site Plan received <DATE>, is the official site plan for approval in Case 935-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**
  
- K. **Within six months of approval of Zoning Cases 934-AM-19 and 935-S-19, the petitioner shall install a Type A screen along the petitioner's side of the shared property lines of the adjacent residence to the north with an address of 4102 N Lincoln Avenue, Champaign.**
  
- L. **No new pavement shall be installed in Outlots 4A, 5A, and B except as necessary to repair the existing gravel paving.**
  
- M. **The petitioners shall not allow any parking for the event center in the public street right of way, and will ensure that all guests and service providers related to the events center are made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.**

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**Case 935-S-19**  
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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