

CASES 931-AM-19, 932-S-19, 934-AM-19 & 935-S-19

SUPPLEMENTAL MEMORANDUM #1

AUGUST 8, 2019

Petitioners: Bill Cope and Mary Kalantzis

Request:

Case 931-AM-19

Amend the Zoning Map to allow for the development of 5 single-family residential lots in the CR Conservation-Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with related County Board Special Use Permit Case 932-S-19 that is also required for an RRO per Section 5.4.3 of the Zoning Ordinance.

Case 932-S-19

Authorize a Special Use Permit for a Rural Residential Overlay (RRO) Zoning District in conjunction with related map amendment Case 931-AM-19 that is also required for an RRO.

Case 934-AM-19

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 and received July 31, 2019, in order to establish and operate the existing Private Indoor Recreational Development in related Zoning Case 935-S-19.

Case 935-S-19

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 4018 North Lincoln Avenue, Champaign.

Site Area: 17.2 acres

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner

John Hall, Zoning Administrator

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

(217) 384-3708

zoningdept@co.champaign.il.us

www.co.champaign.il.us/zoning

STATUS

These cases were continued from the April 25, 2019 ZBA meeting; the approved minutes from that meeting are an attachment to this memo. Board members requested additional information prior to the next meeting:

- Mr. Dinovo suggested having a design of the proposed septic system prior to approval of the Special Use Permit for the events center (Case 935-S-19).

In an email received July 16, 2019, Mr. Cope stated that he has been working with Redbud Septic and Sewer on the new septic system designs, and they are in communication with the County about requirements. He said that he hoped to have plans ready for the August 15th ZBA meeting.

- There was discussion of minor revisions to the Site Plan received November 19, 2018 regarding how the lots could be split in consideration of the floodplain and proposed uses.

A revised Site Plan received July 31, 2019 indicates the following changes:

- Lot 4 was reduced to 121,930 square feet, and Outlot 4A was created in order to reduce the amount of buildable area in the floodplain.
- These changes reflect the recommendations made by staff in Attachment C to the Preliminary Memorandum dated April 18, 2019.

The Findings of Fact for Parts A and B in Case 935-S-19 were combined into one.

PROPOSED SPECIAL CONDITIONS – REVISIONS UNDERLINED

The following is a proposed special condition for Case 931-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 932-S-19.

- A. **The Special Use is subject to the approval of Case 931-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.

- B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**

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

That any construction complies with the Special Flood Hazard Areas Ordinance.

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

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

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

- D. **As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**

(1) **A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**

(2) **A revised site plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**

(3) **A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**

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

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

- E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5 and Outlots 4A and 5A.**

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

That future potential owners in the subdivision are aware of the event center use and the conditions under which it can operate.

- F. **Proposed Lot 1 will require a variance for average lot width if case 931-AM-19 is not approved.**

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

That Lot 1 will be compliant with the zoning ordinance as a by-right buildable lot even if the RRO is not approved.

- G. **The revised Site Plan received July 31, 2019, 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.

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 July 31, 2019, 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.

ATTACHMENTS

- A Email from Roger Meyer, BCA Project Engineer/Surveyor, received July 31, 2019, with attachment: Revised Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated July 31, 2019 and received July 31, 2019
- B Approved Minutes from April 25, 2019 ZBA Meeting
- C Revised Summary of Evidence, Findings of Fact, and Final Determinations for RRO Cases 931-AM-19 and 932-S-19 dated August 15, 2019
- D Revised Findings of Fact, Summary Findings of Fact, and Final Determination for Case 934-AM-19 dated August 15, 2019
- E Revised Summary of Evidence, Findings of Fact, and Final Determination for Case 935-S-19 dated August 15, 2019

Susan Burgstrom

From: Roger Meyer <RMeyer@bernsclancy.com>
Sent: Wednesday, July 31, 2019 10:54 AM
To: William Cope
Cc: Susan Burgstrom; John Hall; Ed Clancy
Subject: RE: Subdivision, 4018 North Lincoln Ave
Attachments: 5730-4EX6.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED

JUL 31 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Bill,

We provide an updated Exhibit dated July 31, 2019.

The proposed lot lines along the Floodway line are offset from the floodway line to allow fill to be placed to elevate the proposed lot and proposed lot line above the flood plain without placing fill within the floodway. Lot 5 will require placement of fill to become a buildable lot. Proposed Lot 4 currently has a structure which is above the flood zone, therefore fill is not required on Lot 4 at this time.

Roger Meyer, Project Engineer / Surveyor
Berns, Clancy and Associates, P.C.
405 East Main Street
Urbana, Illinois 61802-2723
Office: 217.384.1144
Cell: 217.493.7788
Fax: 217.384.3355
Email: rmeyer@bernsclancy.com

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From: William Cope [mailto:bill@home.commongroundpublishing.com] **On Behalf Of** William Cope
Sent: Wednesday, July 31, 2019 2:07 AM
To: Roger Meyer
Cc: Susan Burgstrom; John Hall; Ed Clancy
Subject: Re: Subdivision, 4018 North Lincoln Ave

Many thanks, and much appreciated if we could get the revised plan to the county by Thursday morning.

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 Jul 30, 2019, at 3:23 PM, Roger Meyer <RMeyer@bernsclancy.com> wrote:

Bill,

We now better understand the intention of the May 9, 2019 email request. The request apparently was made to match the proposed Lot lines to the proposed zoning and the request was unrelated to potential placement of fill in the flood plain.

We will update the subdivision plat to better follow the exhibit received in the May 9, 2019 email (copy attached)

Roger Meyer, Project Engineer / Surveyor
Berns, Clancy and Associates, P.C.
405 East Main Street
Urbana, Illinois 61802-2723
Office: 217.384.1144
Cell: 217.493.7788
Fax: 217.384.3355
Email: rmeyer@bernsclancy.com

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From: Susan Burgstrom [<mailto:sburgstrom@co.champaign.il.us>]
Sent: Tuesday, July 30, 2019 12:48 PM
To: 'William Cope'; Roger Meyer
Cc: John Hall
Subject: FW: Subdivision, 4018 North Lincoln Ave

Thanks for all your work on the subdivision plat. Looking at how the zoning would play out given the change to Outlot 4A in the May 22 plat version, we recommend the same revision I mentioned in my email dated May 20 below. We recommend that Outlot 4A stay east of the floodway line and that Lot 4 be extended to encompass the rest of what you show as Outlot 4A west of the floodway line. This will assign the proper zoning to the different features of the event center.

If you agree to this change, could you please send a revised plat to me by Thursday morning (8/1)? If this is not possible, please send the revised plat to John Hall no later than COB Wednesday, 8/7, since I will be on vacation that week.

Thanks!
Susan

From: John Hall <jhall@co.champaign.il.us>
Sent: Tuesday, July 30, 2019 8:36 AM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: RE: Subdivision, 4018 North Lincoln Ave

Leaving the entirety of Outlot 4A in the CR District would be consistent with the intent of the CR District except that Cope has mentioned using some part of Outlot 4A for Event Center parking, which is better than parking on Lot 5, but Event Center parking really needs to be located primarily in the AG-2 District and so I recommend splitting Outlot 4A into two parts along the floodway line (Outlot 4A and Outlot 4B) and leaving the part nearest the ditch CR and making the other part AG-2.

MARGARET ERLANDSON
25-15-29-400-012

TERRENCE L. O'NEILL
25-15-32-226-001

HULLS FARMS LLC
25-15-32-251-011

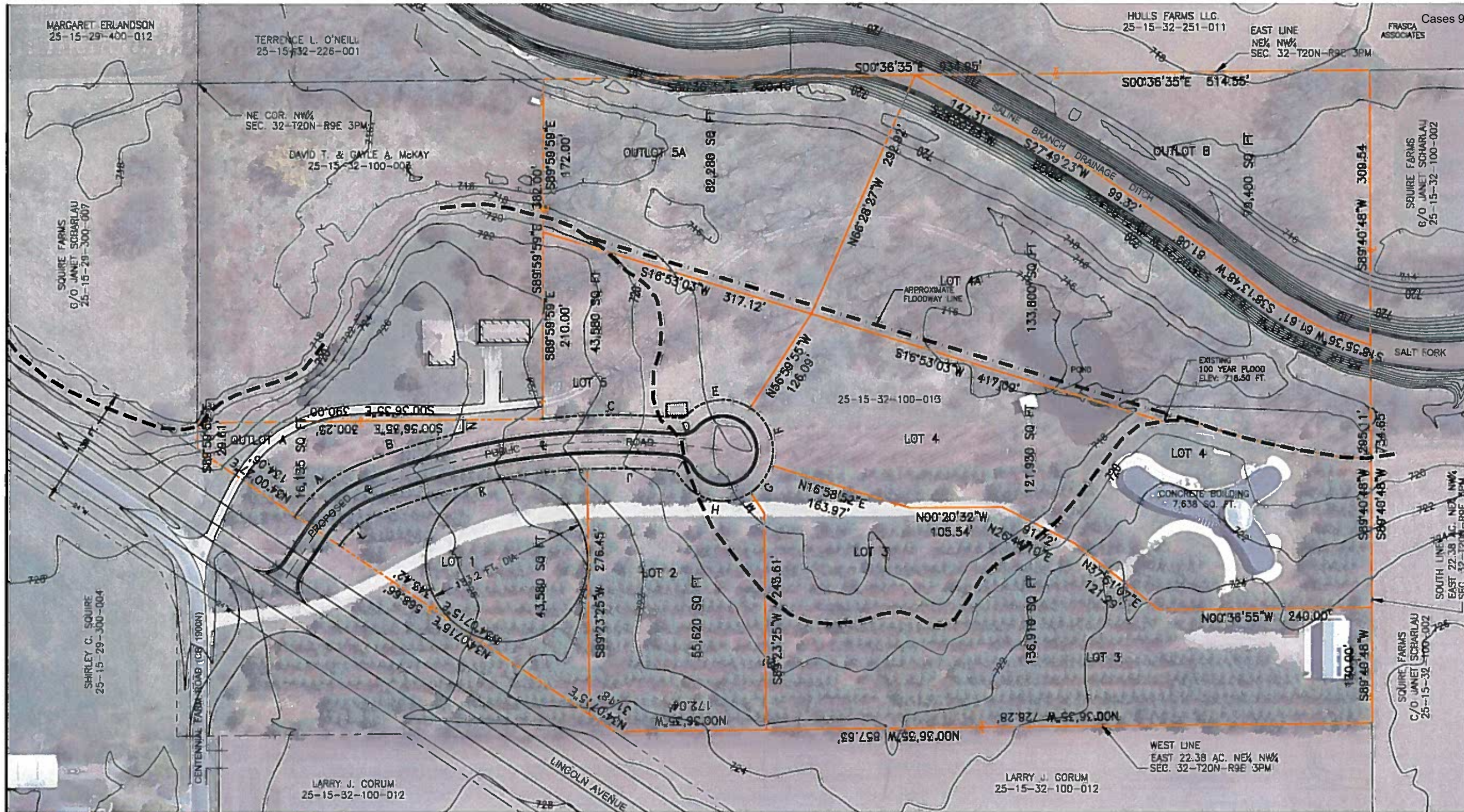
EAST LINE
NE¼ NW¼
SEC. 32-T20N-R9E 3PM

Cases 931-AM-19/932-S-19/934-AM-19/935-S-19
ZBA 08/15/19, Attachment A Page 3 of 3



LEGEND

- TITLE LINE
- APPROXIMATE FLOODWAY LINE
- EXISTING 100 YEAR FLOOD ELEVATION: 718.50 FT.
- EXISTING BUILDING LINE
- 750- EXISTING INDEX CONTOUR LINE
- 749- EXISTING INTERMEDIATE CONTOUR LINE
- PROPOSED CENTERLINE
- PROPOSED RIGHT-OF-WAY LINE
- PROPOSED LOT LINE
- PROPOSED CURB AND GUTTER



CONTOUR DATA FROM
CHAMPAIGN COUNTY LIDAR
DATED 2005

AERIAL PHOTOGRAPHY FROM
CHAMPAIGN COUNTY
ORTHOGRAPHY
DATED APRIL 2011

RECEIVED

JUL 31 2019

CHAMPAIGN CO P & Z DEPARTMENT

100 YEAR BASE FLOOD ELEVATION 718.50 FEET
REPORTED SALT FORK OF THE VERMILION RIVER
HYDROLOGIC MODEL BY KARL K. VISSER
FOR THE CHAMPAIGN COUNTY SOIL AND
WATER CONSERVATION DISTRICT AND THE
SALT FORK WATERSHED STEERING COMMITTEE
DATED JANUARY 16, 2003

A	CH	S38°54'10"E	91.10'	R	155.00'	A	92.46'
B	CH	S17°15'27"E	123.90'	R	780.00'	A	124.03'
C	CH	S00°18'13"E	155.54'	R	780.00'	A	155.80'
D	CH	S20°43'22"E	7.05'	R	8.00'	A	7.30'
E	CH	S06°55'53"E	73.18'	R	57.00'	A	79.45'
F	CH	N69°59'28"E	68.59'	R	57.00'	A	73.60'
G	CH	N53°20'43"E	38.38'	R	57.00'	A	39.07'
H	CH	N13°55'59"E	84.17'	R	57.00'	A	94.72'
I	CH	N33°18'31"E	7.56'	R	8.00'	A	7.88'
J	CH	N01°21'02"E	97.03'	R	720.00'	A	97.10'
K	CH	S12°10'31"W	241.68'	R	720.00'	A	242.53'
L	CH	N38°59'38"W	55.55'	R	95.00'	A	56.37'
M		S56°19'41"W	28.00'				
N		S89°23'25"W	13.82'				

LOT SIZE SUMMARY

LOT 1:	45,580 SQ FT.±	
LOT 2:	51,285 SQ FT.±	EXCLUSIVE OF 100 YEAR FLOOD
LOT 3:	55,620 SQ FT.±	TOTAL **
LOT 4:	99,650 SQ FT.±	EXCLUSIVE OF 100 YEAR FLOOD
LOT 5:	136,910 SQ FT.±	TOTAL
OUTLOT 5A:	82,280 SQ FT.±	
OUTLOT A:	16,135 SQ FT.±	
OUTLOT B:	79,400 SQ FT.±	

*FILL WILL BE PLACED ON LOT 5
TO REMOVE FLOOD PLANE FROM LOT 5
**FILL MAY BE PLACED AT OWNER
DISCRETION ON LOT 2, ON LOT 3
AND ON OUTLOT 4A WESTERLY
OF THE APPROXIMATE FLOODWAY LINE.

VARIANCE REQUEST FOR
KALANTZIS/COPE FIRST SUBDIVISION
KALANTZIS/COPE RESORT
PART OF THE NORTHEAST QUARTER
OF THE NORTHWEST QUARTER
OF SECTION 32, TOWNSHIP 20 NORTH,
RANGE 9 EAST OF THE THIRD
PRINCIPAL MERIDIAN. SOMER TOWNSHIP
CHAMPAIGN COUNTY, ILLINOIS



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

JOB: 5730-4
FILE: 5730-4EX6.DWG
DATE: 073119
SHEET 1 OF 1

AS APPROVED MAY 16, 2019

1
2
3 **MINUTES OF REGULAR MEETING**

4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 **1776 E. Washington Street**

6 **Urbana, IL 61801**

7
8
9 **DATE: April 25, 2019**

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

10
11 **TIME: 6:30 p.m.**

Urbana, IL 61802

12 **MEMBERS PRESENT:** Frank DiNovo, Ryan Elwell, Marilyn Lee, Larry Wood

13
14 **MEMBERS ABSENT:** Tom Anderson and Jim Randol

15
16 **STAFF PRESENT:** Connie Berry, Susan Burgstrom, John Hall

17
18 **OTHERS PRESENT:** William Cope

19
20 **1. Call to Order**

21
22
23 The meeting was called to order at 6:30 p.m.

24
25 **2. Roll Call and Declaration of Quorum**

26
27 The roll was called, and a quorum declared present with two members absent.

28
29 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the
30 witness register for that public hearing. He reminded the audience that when they sign the witness register
31 they are signing an oath.

32
33 **3. Correspondence**

34
35 None

36
37 **4. Approval of Minutes (February 28, 2019)**

38
39 Mr. Elwell entertained a motion to approve the February 28, 2019, minutes.

40
41 **Mr. Wood moved, seconded by Mr. DiNovo to approve the February 28, 2019, minutes.**

42
43 Mr. Elwell asked the Board if there were any additions or corrections required to the February 28, 2019,
44 minutes, and there were none.

45
46 **The motion carried by voice vote.**

47
48 **5. Continued Public Hearing**

49
50 None

1 **6. New Public Hearings**

2 **Case 931-AM-19** Petitioner: **William Cope and Mary Kalantzis** Request to amend the Zoning Map to
3 **allow for the development of 5 single family residential lots in the CR Conservation-Recreation**
4 **Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with**
5 **related County Board Special Use Permit Case 932-S-19 that is also required for an RRO per Section**
6 **5.4.3 of the Zoning Ordinance. Location: A 17.2 acre tract that is approximately in the East Half of**
7 **the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of**
8 **the Third Principal Meridian in Somer Township, and commonly known as the residence at 4018**
9 **North Lincoln Avenue, Champaign.**

10
11 **Case 932-S-19** Petitioner: **William Cope and Mary Kalantzis** Request to authorize a Special Use
12 **Permit for a Rural Residential Overlay (RRO) Zoning District in conjunction with related map**
13 **amendment Case 931-AM-19 that is also required for an RRO. Location: A 17.2 acre tract that is**
14 **approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32,**
15 **Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and**
16 **commonly known as the residence at 4018 North Lincoln Avenue, Champaign.**

17
18 Mr. Elwell informed the audience that Case 932-S-19 is an Administrative Case and as such, the County
19 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
20 for a show of hands for those who would like to cross-examine, and each person will be called upon. He
21 requested that anyone called to cross-examine go to the cross-examination microphone to ask any
22 questions. He said that those who desire to cross-examine are not required to sign the witness register
23 but are requested to clearly state their name before asking any questions. He noted that no new
24 testimony is to be given during the cross-examination. He said that attorneys who have complied with
25 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

26
27 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
28 the witness register for that public hearing. He reminded the audience that when they sign the witness
29 register they are signing an oath. He asked the audience if anyone desired to sign the witness register and
30 there was no one.

31
32 Mr. Elwell asked the petitioner if he would like to make a statement regarding his requests.

33
34 Mr. William Cope, who resides at 4018 North Lincoln Avenue, Champaign, stated that approximately
35 30 years ago, he and his wife moved to the area to work at the University of Illinois. He said that they
36 discovered the subject property, which is a remnant of the old Big Grove with one of the last largest Red
37 Oak trees, determined to be 350 years old, in the County. He said that a portion of the property consists
38 of a tree farm that was established 25 years ago, although Mr. Cope and his wife have thinned out some
39 of those trees. He said that he and his wife, a previous dean at the University of Illinois, constructed a
40 home in the forested area, and they held several private functions at their home. He said that one of their
41 friends requested that they allow a wedding to be held on their property and they agreed, which triggered
42 them to believe that perhaps they should use the property as more of a public place, so they obtained
43 several Temporary Use Permits for events. He said that the structure started out as a home, although it is
44 very large and has open patios that feature the landscape. He said that 10 or 12 years ago they obtained
45 rezoning of the property, but they did not follow through with the process of obtaining the required
46 subdivision. He noted that due to the forested areas, the structures or events are not visible from the
47 road, and they are just down the road from Prairie Fruits Farm, which also features its natural landscape.

1 Mr. Elwell asked the Board and staff if there were any questions for Mr. Cope.
2

3 Mr. DiNovo asked why the property was downzoned in Case 579-AM-07 and what advantage did it gain
4 the Copes.
5

6 Mr. Cope stated that he is unsure, and the late Tom Berns of Berns, Clancy, & Associates, was heavily
7 involved. He said that he was very new to the United States at the time and he did not understand the
8 purpose of Case 579-AM-07 either, but perhaps staff could enlighten everyone.
9

10 Mr. John Hall, Zoning Administrator, stated that at the time, the zoning districts did not line up with the
11 lots planned for the subdivision, so a rezoning was required to ensure that each lot was one zoning
12 district. He said it was Mr. Berns' recommendation to rezone the property to CR, Conservation-
13 Recreation, because it was part of the old Big Grove and had an established tree farm. He said that as
14 the Zoning Administrator, he believes that the property is more valuable as CR, Conservation-Recreation
15 rather than AG-2, Agriculture, and it was a simple way to resolve the zoning for the various lots that
16 were being proposed. He said that the Zoning Ordinance did not anticipate lots that are split zoned, and
17 it is not what the Ordinance clearly states, but it does make everything much easier when each lot is
18 clearly one zoning district.
19

20 Mr. Wood asked if Mr. Cope's home and the garage with the residence existed at that time, or were they
21 constructed after the zoning case.
22

23 Mr. Hall stated that they were constructed after the zoning case was reviewed.
24

25 Mr. DiNovo asked if the property to the west had always been zoned AG-2.
26

27 Mr. Hall stated that he has not had time to research the history of the property to the west, but he
28 assumes that it had always been zoned AG-2.
29

30 Mr. Cope stated that the parcel had the type of soil that was not very productive, which is the reason why
31 they established the tree farm, which provided more continuity of the property as it was now a forest. He
32 said that the tree farm was planted in 1994, but before that it was cornfield that did not prove to be very
33 productive due to the low-lying areas.
34

35 Ms. Lee asked Mr. Cope to indicate when he acquired the property.
36

37 Mr. Cope stated that they acquired the property in 2006, but the closing did not occur until early January
38 2007.
39

40 Ms. Lee asked if flooding occurs on the property.
41

42 Mr. Cope stated that part of the property is located in the flood zone, although very little flooding occurs
43 on the property itself, but it is along the drainage ditch and the stream does get pretty high at times. He
44 noted that much of the property is above the 100-year flood elevation.
45

46 Mr. Wood stated that a section of the property was taken for the expansion of Lincoln Avenue. He
47 asked if the residence to the northeast has a driveway that goes across Mr. Cope's land has a written
48 agreement to use that access.

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1 Mr. Cope stated that there is no agreement, because it has never been a problem. He said that those
2 residents do not have to cut across the corner of his property, but they always have, and he and his wife
3 have never worried about it.

4

5 Mr. DiNovo asked Mr. Cope to indicate the maximum number of guests for an event.

6

7 Mr. Cope stated that when they use the house, only 70 guests can be accommodated, but they could have
8 a tent placed on the property to accommodate more. He said that the wedding events are generally 200
9 guests, but again, the house itself is only suitable for 70 guests. He said that they generally have small
10 events, but if need be, they could offer a tent to be placed on the grass.

11

12 Mr. DiNovo stated that he is always concerned about any piece of real estate that doesn't have clear
13 ownership and use of the outlots. He asked what advantage there is to setting aside outlots at all rather
14 than having them be part of Lot 3.

15

16 Mr. Hall stated that he believes that the reason why Mr. Berns suggested Outlot 5A was so that the
17 owner of Lot 5 could obtain financing without having to purchase flood insurance. He said that some
18 part of Outlot 5A is below the base flood elevation, and the thinking was to minimize the need for flood
19 insurance, and Mr. Berns was probably anticipating an amendment to the flood map, but that was never
20 finalized. He said that regarding Outlot 4A, Mr. Cope's events are held mostly indoors and that is not
21 allowed in the CR Conservation Recreation Zoning District, so some part of the property needed to be
22 rezoned. He said that as the Zoning Administrator, he felt that some part of the property should be in the
23 CR Zoning District, and that is what led his recommendation to Mr. Cope to have Outlot 4A so that
24 Outlots 4A and 5A could retain their CR Zoning District designation, and he could proceed with his
25 request for the event center on Lot 4. He said that as he understands it, Mr. Cope does use some of the
26 land that would actually be located on Outlots 4A and 5A, but that use is for the outdoor recreation. He
27 said that the outlots were to assist with achievement of Mr. Cope's requested use and still stay within the
28 constraints of the Zoning Ordinance. He said that if the Board would feel better to rezone everything to
29 the AG-2, Agriculture Zoning District, then that would make things easier for Mr. Cope, but he would be
30 surprised if the Board felt that would be a better approach.

31

32 Ms. Lee asked Mr. Hall why he indicated that the Board may not want to rezone the entire property to
33 AG-2, Agriculture.

34

35 Mr. Hall stated that the CR Zoning District is the one zoning district where the fine parameters are
36 clearly outlined in the Zoning Ordinance. He said that the CR District is located around and near the
37 major streams and intended to accommodate most of the floodplain area, and even though Outlots 4A
38 and 5A do not encompass the floodplain area, they do encompass the floodway, which is the most
39 critical part of the floodplain.

40

41 Mr. Lee asked if there was a status regarding septic system availability on the poorer soils of the
42 property.

43

44 Mr. Hall stated that part of the subdivision process requires sending the results of the soil investigation
45 to the health department. He said that the Rural Residential Overlay (RRO) process is not the
46 subdivision process and is only a zoning process, and no additional information has been received
47 regarding the subdivision.

1 Mr. DiNovo stated that the current septic system is located on Sawmill soil which has very low
2 suitability for a leach field.
3
4 Mr. Wood stated that the current septic system does not have a leach field because it is an aeration
5 system.
6
7 Mr. DiNovo stated that he understood the status of the current septic system, but it could not be
8 enlarged. He said that it may be prudent to have a design of the septic system in hand prior to approval
9 of the new special use permit so that it does not become an administrative issue in the future.
10
11 Mr. Hall stated that Mr. DiNovo's concern regarding the septic system is more suited to Cases 934-AM-
12 19 and 935-S-19.
13
14 Mr. Wood stated that Case 935-S-19 includes a special condition regarding the septic system.
15
16 Mr. Hall agreed, and during Cases 931-AM-19 and 932-S-19, staff only addressed the septic systems for
17 the other lots.
18
19 Mr. DiNovo agreed. He said that the one thing that concerns him about creating commons and outlots is
20 that there is potential for future headaches, because if the lot becomes orphaned or conveyed as a
21 detached lot, it could become involved in the tax sale with a buyer, etc., and this is why he prefers real
22 estate arranged so that it is less likely to occur. He said that the outlots could be created, or zone the
23 stream corridor to AG-2 Agriculture or split CR.
24
25 Mr. Wood stated that flood insurance is irrelevant because there are only a few feet of difference
26 between the mapped floodplain and anywhere that a building would be constructed. He said that anyone
27 who builds out there should purchase flood insurance regardless.
28
29 Mr. DiNovo stated that the current flood maps are pretty good and there shouldn't be any issue with
30 anyone obtaining a mortgage if the back of the lot is in the floodplain.
31
32 Mr. Hall stated that the current flood insurance rates are fairly high and will probably increase.
33
34 Mr. DiNovo stated that the property is still located in Zone C, and what matters is the flood insurance
35 rate map and the parcel boundaries are beside the point. He said that the point with flood insurance is
36 the location of the building site versus the mapped floodplain. He said that the bigger problem is the
37 underlying zoning, and what uses in AG-2 that do not require permanent structures, and nothing is going
38 to be constructed in the floodway.
39
40 Mr. Elwell asked Mr. Cope to indicate where the event parking is located.
41
42 Mr. Cope stated that the parking is located at the north end of the site, where they have mowed under
43 some very large White Oak trees and created a walk path through the forested area from the parking area
44 to the house. He said that they routinely have people drop off guests at the house and then proceed to
45 park their vehicles in the designated area. He noted that there are handicapped parking areas near the
46 house.
47

1 Mr. Wood stated that the parking is addressed in Cases 934-AM-19 and 935-S-19. He said that the
2 memorandum indicates that the parking is located in Lot 5 which would continue to be under Mr. Cope's
3 ownership and Lots 1 and 2 are to be sold in the future. He said that 100 parking spaces have been
4 allocated and his only concern is the type of surface for the parking area, and what happens when the
5 area is wet.

6
7 Mr. Cope stated that a large portion of the grassed parking area is above the flood zone and it such a
8 beautiful area that it would be a shame to pave it.

9
10 Mr. DiNovo stated that the parking plan is complicated in this instance because Oak trees are extremely
11 sensitive to soil compaction, so the parking would need to be arranged in such a way that it would stay
12 outside of the drip line of the mature trees.

13
14 Mr. Cope stated that there is a lot of space away from the four Oak trees, and the parking is occasionally
15 and not on a daily use; therefore, the compaction would be minimal. He said that there is ample area for
16 the parking to be away from the trees.

17
18 Mr. DiNovo asked staff if they had determined the minimum amount of required parking spaces.

19
20 Ms. Burgstrom stated that the questions regarding parking are related to the cases regarding the event
21 center and not the RRO, although they are interrelated, and requested that the Board address those
22 questions during the event center cases. She said that staff did do the analysis for the parking and a
23 minimum of 100 parking spaces would be required with four accessible spaces included.

24
25 Ms. Lee asked if 100 parking spaces would require a maximum of 300 guests for each event.

26
27 Ms. Burgstrom stated yes. She said that she had not verified a maximum of 300 guests with Mr. Cope,
28 but they did discuss an estimated maximum number of guests. She asked Mr. Cope if they would ever
29 exceed 300 guests at any given event.

30
31 Mr. Cope stated no. He said that a maximum number of 300 guests is acceptable because they normally
32 have less than that, and the event center is not for big events.

33
34 Mr. Hall asked Mr. DiNovo if his question was more towards the following: If there were only 150
35 guests, what is the minimum number of parking spaces required by the Zoning Ordinance, which is far
36 fewer than 100.

37
38 Ms. Burgstrom stated that the Zoning Ordinance requires 1 parking space per five attendees for indoor
39 events, and 1 parking space per three attendees for outdoor events.

40
41 Mr. Cope stated that there is only one flat space close to the home that surprisingly happens to be near
42 the floodplain and stream, for the location of a limited sized tent for the guests.

43
44 Mr. Elwell asked the Board and staff if there were any additional questions for Mr. Cope, and there were
45 none.

46
47 Mr. Elwell stated that since there are no audience members, he closed the witness register.

1 Mr. Hall stated that regarding Cases 931-AM-19 and 932-S-19, the previously approved RRO was
2 approved before the Land Resource Management Plan (LRMP) existed, so the analysis for that RRO did
3 not include the LRMP. He said that the proposed RRO is the first time that the Board has had the LRMP
4 and this RRO involves land cover that was especially pertinent to Objective 8.6., which discusses how
5 the County values the remnants of pre-settlement land cover and the kinds of care that will be taken
6 when people want to develop in that land cover. He said that Lot 5 has the highest quality land cover
7 similar to the old Big Grove, and Mr. DiNovo has indicated that the parking should stay out of the drip
8 line of the mature Oak trees, but if Lot 5 is sold sometime in the future, it could be anticipated that a
9 home would be constructed, and one would hope that the new owner would try to preserve as many of
10 the old Oak trees as possible. He said that for Objective 8.6, on these large lots where there is no major
11 intrusion or apparent harm, staff did not want to indicate that the proposed amendment would HELP
12 ACHIEVE Objective 8.6 but made a recommendation that it would NOT IMPEDE the achievement of
13 Objective 8.6. He said that the only way to do better than would NOT IMPEDE would be to enter the
14 realm of trying to minimize harm to the old Oaks, and if there had been smaller lots proposed in the area
15 of the old Oaks, then staff would probably have had a lower recommendation of would NOT IMPEDE
16 because that would conflict with the LRMP. He said that he wanted to flag Objective 8.6 for the Board
17 members and when it is all said and done, the ZBA had their chance to review that and the Board made
18 the decision that works for the Board. He said that it is apparent that Mr. Cope does have strong feelings
19 about the property, but Mr. Cope may not own the property forever and the Board needs to consider that
20 during their review. He said that the event center could well be in the hands of a different owner in the
21 future even after Lot 5 is sold, and the Board should remember that during their review and determine an
22 alternative parking area in case Lot 5 is sold.

23
24 Mr. DiNovo stated that clearly, the context of the Special Use Permit for the event center has to be
25 addressed. He said that in 2002, the ZBA attempted to comprehensively amend the Zoning Ordinance,
26 the County Board at the time indicated that there was no interest in using the Zoning Ordinance to force
27 people to protect habitat or natural areas and doing so was not a proper use of the County's police power.
28 He asked Mr. Hall if he believes that the County Board's position has changed regarding informing
29 people that they could not develop a piece of property for the purpose of preserving a natural area.

30
31 Mr. Hall stated that the LRMP makes it very clear that if someone is requesting a discretionary approval
32 on land that has this type of land cover, then they have to meet these standards, and it could be logically
33 determined that what Mr. Cope is proposing would nearly meet the LRMP standards because he is
34 proposing large lots where even if someone took out the biggest Oak they would probably not cut down
35 the rest of the Oak trees as they are part of the beauty of the property. He said that normally in zoning,
36 staff has to determine a worst case analysis, but staff also has to be somewhat realistic, and if they had a
37 greater number of small lots proposed for the area, then Objective 8.6 is an area which the Board would
38 have to make a recommendation because of what the LRMP indicates. He said that he does not know
39 what the County Board would be willing to do, but he knows what the Board has to deal with in this
40 case.

41
42 Mr. Wood stated that Lots 3, 4 and 5, and the outlots will remain in common ownership at this time, and
43 Lots 3 and 4 must be separate lots due to the existence of two residences. He said that to assure the
44 protection of existing habitat, then Lots 4, 5 and the outlots should be combined into one lot so that no
45 portion of it could be resold for construction of another home within that natural habitat, although he
46 does not know if that would meet the standard of the LRMP.

47

1 Mr. Hall stated that his concern is that in removing Lot 5, Mr. Cope has always had one lot in that area
2 and he assumes that they realize that it is one of the most beautiful areas in Champaign County for a
3 rural house, but one day they may decide to sell it. He said that in regard to the event center, even if Lot
4 5 was eliminated, the occasional parking could still occur in the area of the old Oak trees, and the Board
5 would need to determine if that meets the LRMP for discretionary decisions in areas like this, and he still
6 believes that the Board would be looking at NOT IMPEDE. He noted that Mr. Cope has never indicated
7 that he did not want Lot 5, and he would assume that he would want it as part of the development.

8
9 Mr. DiNovo stated that it appears that the northern part of Lot 3 could be divided from the southern part
10 of Lot 3 by creating the southern portion as a flag lot, thus creating an additional lot.

11
12 Mr. Hall stated that Mr. DiNovo is correct, and it is clear that a lot on the west side of the road is simply
13 not the same thing as a lot where Lot 5 is located.

14
15 Mr. Wood stated that if two lots are created out of Lot 3, then more trees would be torn out.

16
17 Mr. Hall stated that those trees are not valued the same way in the LRMP as the trees that are located on
18 Lot 5.

19
20 Ms. Burgstrom asked Mr. Cope if he was going to say something about Lot 5.

21
22 Mr. Cope stated that Lot 5 is a distinct space and it does have more open space for a home without
23 touching any of the existing trees. He said that the Ash trees on Lot 4 were badly damaged by the
24 Emerald Ash Borer and the parking could be located on Lot 4 because of the Ash trees being badly
25 damaged. He said the Lot 5 has its own feel to it as a space which is different from the other lots.

26
27 Mr. DiNovo stated that it would be possible to add a special condition to specify buildable area on Lot 5
28 and the specific area where a house could be constructed in the future. He said that a 50' x 120' area
29 could be indicated that could include the septic system. He said that the recommendation of NOT
30 IMPEDE for Objective 8.6 is appropriate.

31
32 Mr. Elwell asked the Board how they would like to proceed.

33
34 Mr. DiNovo stated that he is inclined to deal with Case 934-AM-19 first. He asked staff if they were
35 anticipating action tonight.

36
37 Ms. Burgstrom stated that staff did not anticipate action tonight due to the Board having a bare quorum,
38 and the information packet for Cases 934-AM-19 and 935-S-19 were only distributed today. She said
39 that the general public has not been made aware that the packet for these cases became available online
40 today, but they are aware of the legal ad that was placed in the News Gazette. She said that the cases
41 could be introduced, and staff could answer any questions that the Board may have and will oblige the
42 Board in any way that they want to discuss the cases.

43
44 Mr. DiNovo asked which cases are actually open at this time.

45
46 Mr. Elwell stated that Cases 931-AM-19 and 932-S-19 are currently open for discussion.

1 Mr. DiNovo asked if it would be inappropriate to open Case 934-AM-19.

2
3 Mr. Hall stated that Case 934-AM-19 could be opened, but it would be helpful for everyone if the Board
4 would specify which case they were discussing so that staff knows how the discussion relates to the
5 findings. He said that the Board could certainly have all four cases open, and he agrees with Mr. DiNovo
6 in that there is so much interplay that it would be helpful to have all of Mr. Cope's cases open at the
7 same time.

8
9 **Mr. DiNovo moved, seconded by Mr. Wood, to open Cases 934-AM-19 and 935-S-19 for discussion**
10 **only. The motion carried by voice vote.**

11
12 **Case 934-AM-19** Petitioner: **William Cope and Mary Kalantzis** **Request to amend the Zoning Map to**
13 **change the zoning district designation from the CR Conservation Recreation Zoning District to the**
14 **AG-2 Agriculture Zoning District in order to establish and operate the proposed Special Use in**
15 **related Case 935-S-19. Location: A 17.2 acre tract that is approximately in the East Half of the**
16 **Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the**
17 **Third Principal Meridian in Somer Township, and commonly known as the residence at 4018 North**
18 **Lincoln Avenue, Champaign.**

19
20 **Case 935-S-19** Petitioner: **William Cope and Mary Kalantzis** **Request to authorize the establishment**
21 **and use of an Event Center as a combination "Private Indoor Recreational Development" and**
22 **"Outdoor Commercial Recreational Enterprise" as a Special Use on land that is proposed to be**
23 **rezoned to the AG-1 Agriculture Zoning District from the current CR Conservation Recreation**
24 **Zoning District in related Zoning Case 934-AM-19. Location: A 17.2 acre tract that is approximately**
25 **in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North,**
26 **Range 9 East of the Third Principal Meridian in Somer Township, and commonly known as the**
27 **residence at 4018 North Lincoln Avenue, Champaign.**

28
29 Mr. Elwell informed the audience that Case 935-S-19 is an Administrative Case and as such, the County
30 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
31 for a show of hands for those who would like to cross-examine, and each person will be called upon. He
32 requested that anyone called to cross-examine go to the cross-examination microphone to ask any
33 questions. He said that those who desire to cross-examine are not required to sign the witness register
34 but are requested to clearly state their name before asking any questions. He noted that no new
35 testimony is to be given during the cross-examination. He said that attorneys who have complied with
36 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

37
38 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
39 the witness register for that public hearing. He reminded the audience that when they sign the witness
40 register they are signing an oath. He asked the audience if anyone desired to sign the witness register and
41 there was no one.

42
43 Mr. Elwell asked the petitioner if he would like to make a statement regarding the requests.

44 Mr. Cope stated that there is complete visual separation between the parking area and the neighbors to
45 the north because the garage and house provides separation, and the area designated for the parking is a
46 convenient open area at the moment.

47

1 Mr. Elwell asked the Board and staff if there were any questions for Mr. Cope.

2
3 Mr. DiNovo asked Mr. Cope if he had been in discussions with the City of Urbana regarding the
4 proposed subdivision.

5
6 Mr. Cope stated yes.

7
8 Mr. DiNovo asked Mr. Cope if the City of Urbana was aware of the event center and had no objections.

9
10 Mr. Cope stated that the City of Urbana was aware of the event center and they voiced no objections.

11
12 Mr. DiNovo stated that the rezoning appears to be consistent with the City of Urbana's Comprehensive
13 Plan and in some ways, it is a return to the previously existing zoning pattern, and he is not seeing
14 anything problematic, except to the extent that Champaign County's AG-2 Zoning District allows a wide
15 range of commercial uses by special use permit and he wonders if the City of Urbana really appreciates
16 that fact, but that is their concern. He asked if the Board could anticipate receipt of a detailed site plan
17 specifying the location of 100 parking spaces.

18
19 Ms. Burgstrom stated that she did complete the analysis, although she did not include it in the mailing
20 packet, because of how variable it could be. She said that she did an informal analysis for the event
21 center, one with the RRO and one without, and she was able to accommodate 105 parking spaces
22 entirely outside of the mapped floodplain that would only take up part of Lots 5 and 5A.

23
24 Mr. DiNovo asked if the handicapped parking spaces would be located on Lot 3, which has a separate
25 principal use. He asked if the boundary of the Special Use Permit for the event center would include Lot
26 3.

27
28 Ms. Burgstrom stated yes, but she is not distinguishing a difference for Lot 3 given that it is the same
29 thing as Lot 4, which has potential parking areas, the residence, and the event center.

30
31 Mr. Wood stated that if Lot 3 was sold separately, it would have to be changed.

32
33 Mr. DiNovo stated that the dwelling on Lot 4 is the proprietor's dwelling for the event center, although
34 that is not the case for Lot 3. He said that the Board has allowed parking on adjacent lots that are not
35 part of the special use permit, such as in Case 792-V-14 where a separate parcel was going to be leased.

36
37 Ms. Burgstrom stated that in Case 792-V-14 the off-site land was leased at one time during the case
38 process, although it was discovered that the petitioner stopped paying the lease money and the lease was
39 determined to be void.

40
41 Mr. DiNovo asked if leased off-site land was permissible.

42
43 Ms. Lee asked why the parking spaces are indicated on Lot 3 if they could be located on Lot 4.

44
45 Ms. Burgstrom stated that currently, the only concrete or paved areas on the subject property are the circle
46 drive at the front of the residence, and a small area in front of the second residence. She said that putting
47 accessible parking markings on the circle drive in front of the house is less desirable than having them in an

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1 area where there is already concrete paving.

2
3 Ms. Lee asked if the area on Lot 3 that has the concrete paving could be made part of Lot 4, thus resolving
4 the issue of having parking on a separate lot.

5
6 Ms. Burgstrom asked Ms. Lee if she is suggesting that the concrete area that is front of the residence on Lot
7 3, could be become part of Lot 4.

8
9 Ms. Lee stated that Attachment 3 includes a map, but it is hard to see the location of the residence on Lot 3.
10 She said that Attachment 3 does indicate the four accessible parking spaces.

11
12 Mr. Hall stated that the residence is south of the parking spaces, and an easy solution would be to add a
13 special condition indicated that if Lot 3 has separate ownership than Lot 4, then new accessible parking
14 spaces must be built on Lot 4.

15
16 Ms. Burgstrom noted that the concrete that is available in front of the garage is insufficient in length for
17 accessible parking, but this is an issue that could be resolved during permitting. She said that the length of
18 that concrete is only 15 feet versus what is required for accessible parking, thus more pavement would be
19 required.

20
21 Mr. DiNovo stated that upon approval of the subdivision, the garage/residence will become a principal
22 structure rather than an accessory structure. He asked staff if the garage/residence has the sufficient rear
23 yard for a principal structure.

24
25 Mr. Hall stated staff will check the rear yard for that structure.

26
27 Mr. DiNovo stated that if the rear yard is not adequate, a variance would be required.

28
29 Ms. Burgstrom stated that the Preliminary Plat, Attachment B. for Cases 931-AM-19 and 932-S-19,
30 indicates a 25 or 30 feet rear yard, but staff will verify that measurement and if the rear yard is not sufficient
31 a variance would be required.

32
33 Mr. DiNovo stated that if the scale is true, it appears that the structure is at least 25 feet from the rear
34 property line.

35
36 Ms. Burgstrom noted that the required rear yard in AG-2 is 20 feet.

37
38 Mr. Elwell asked the Board if there were additional questions or concerns, and if not, how would they like to
39 proceed.

40
41 Mr. DiNovo stated that the subdivision plat from Berns, Clancy & Associates appears to indicate that no
42 variance is required for the garage/residence on Lot 3. He asked if the special use permit for the event
43 center would have a time limit for the installation of the new septic system.

44
45 Mr. Hall stated that Special Condition G for Case 935-S-19 addresses the new septic system. He said that
46 Special Condition G. is the same special condition that was included in the approval of the recently
47 approved event center located near Flatville.

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1 Ms. Burgstrom stated that the special conditions for Case 935-S-19 are included in the Preliminary
2 Memorandum dated April 25, 2019, beginning at the bottom of page 5.

3
4 Mr. Wood stated that a new septic system is required for Lot 3 as well, because it is currently Lot 3 and Lot
5 4 shares the septic system located on Lot 4.

6
7 Ms. Burgstrom asked Mr. Cope if he had any new information regarding the new septic systems for the
8 individual lots as well as the event center.

9
10 Mr. Cope stated that he had no new information, but the people that originally installed the existing septic
11 system were supposed to come to the property last week, although they failed to do so. He said that he does
12 have contact information for another contractor, although he has not spoken with them yet. He said that he
13 had hoped to have all this sorted out before this meeting, but was unsuccessful.

14
15 Ms. Burgstrom stated that if the Board would like additional information regarding the septic systems,
16 Attachment F. for Cases 934-AM-19 and 935-S-19 indicates an email from Michael Flanagan,
17 Environmental Program Coordinator, Champaign-Urbana Public Health District, stating that he provided the
18 original onsite approval for what is currently on the subject property, and the approval letter at the time; a
19 letter dated March 3, 2017, to Mr. Cope indicating that the current onsite sewage disposal system may not be
20 adequate to serve the gatherings that may be regularly occurring at the subject property. She said that Mr.
21 Flanagan's email indicates to Mr. Cope that if he continues to develop an event center on the subject
22 Property, he should be aware that the system that he has currently has was not designed for that use, thus
23 would not meet the current codes under the Illinois Private Sewage Disposal Licensing Code and Act. She
24 said that while staff does not have the exact information regarding what is required and what is proposed, the
25 Board should rest assured that Michael Flanagan is heavily involved in the conversations regarding the
26 appropriate septic system being installed, and staff will reflect those requirements in the special conditions of
27 approval.

28
29 Mr. DiNovo stated that he would feel more comfortable if the Board had a workable design that would be
30 compliant, and that task would be at the top of his homework list for the petitioner. He asked staff to
31 indicate the Board's responsibility under state law, to ensure that accessible toilets are available for all events
32 on the subject property for public assemble use.

33
34 Mr. Hall stated that it is a gray area.

35
36 Ms. Burgstrom stated that for a public facility, even for one that is being renovated, at least one accessible
37 toilet facility is required, but with no renovation proposed, there is a gray area.

38
39 Mr. Elwell entertained a motion for a short recess.

40
41 **Mr. Wood moved, seconded by Ms. Lee, to grant a five-minute recess. The motion carried by voice**
42 **vote.**

43
44 The Board recessed at 7:46 p.m.

45 The Board resumed at 7:55 p.m.

46
47 Mr. DiNovo stated that he would like to see if the Board could resolve the previous question, because the

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1 zoning itself creates the need and the Board is authorizing the Change of Use of the building, so the ZBA has
2 some responsibility regard ADA compliance. He said that he is not sure if the state architect could quickly
3 respond to a question around.
4

5 Mr. Hall asked Mr. DiNovo if he is talking about the issue of accessible toilets.
6

7 Mr. DiNovo stated yes.
8

9 Mr. Hall stated that staff is of the opinion that since there is no new construction, the *Illinois Accessibility*
10 *Code* does require at least one accessible toilet facility, and there is at least one toilet which is accessible, but
11 that can be verified as part of the permitting process. He said that the special condition indicating compliance
12 with the *Illinois Accessibility Code* already covers that, and as a practical matter, Mr. Cope already has an
13 accessible restroom in the house, and if the cases are continued, staff can verify that.
14

15 Mr. DiNovo stated that the proposed special condition regarding compliance with the *Illinois Accessibility*
16 *Code* is sufficient.
17

18 Mr. Elwell asked the Board that since there is a bare quorum of the Board, should any additional discussion
19 regarding these cases be postponed until June 27th, so that the absent Board members could be part of any
20 new discussions, or should they continue to the Findings of Fact tonight.
21

22 Ms. Lee stated that the cases should be continued due to the absence of two critical Board members, and the
23 fact that the information for Cases 934-AM-19 and 935-S-19 was only available to the Board and the public
24 today. She said that a continuance would provide an opportunity for public input.
25

26 Mr. Elwell asked Mr. Hall if the four cases could be continued to the June 27th meeting.
27

28 Mr. Hall stated yes, if all four cases were continued to the June 27th meeting, they would be the only cases
29 on that docket date.
30

31 Ms. Burgstrom noted that Mr. DiNovo has indicated that he would be absent from the June 27th meeting.
32

33 Mr. DiNovo stated that he will confirm whether he will be absent from the June 27th meeting.
34

35 Mr. Hall stated that the four cases could be continued to the May 30th meeting, because Case 939-AV-19,
36 Charles Breen, will hopefully be resolved without the need for a public hearing. He said that Eastern Prairie
37 Fire Protection District is also scheduled to be heard at the May 30th meeting.
38

39 Ms. Burgstrom stated that the Eastern Prairie Fire Protection District building is located in Wilbur Heights,
40 and the lots in that area have unique situations. She said that the Easter Prairie Fire Protection District does
41 require variances for an expansion to the fire station, and they would like to take advantage of a timely
42 construction schedule. She said that she does not anticipate their case being very complex, so it is possible
43 that Mr. Cope's cases could be continued to the same night.
44

45 Mr. Hall asked Ms. Burgstrom if it was advisable to have five cases scheduled for one meeting night.
46

47 Ms. Burgstrom stated that Mr. Cope's cases are really only one case, due to how the cases are interlaced, but
48 advertised as four cases, but that is only her opinion.

ZBA

AS APPROVED MAY 16, 2019

1 Mr. DiNovo asked staff if Case 939-AV-19 is an administrative case, why is it on the docket.
2
3 Mr. Hall stated that Case 939-AV-19 is on the docket in case anyone objects to the request and it turns into a
4 full variance, at which time it would be heard in a timely fashion.
5
6 Mr. DiNovo asked Mr. Hall if he had any reason to believe that the Administrative Variance would evolve
7 into a full variance.
8
9 Mr. Hall stated no.
10
11 Mr. DiNovo stated that he agreed with Ms. Burgstrom regarding Mr. Cope's cases being continued to the
12 May 30th meeting. He said that five cases sound like a lot, but in this case, it would be practical.
13
14 Mr. Hall stated that five cases on one night does sound like a lot, and he would anticipate a large turnout for
15 Eastern Prairie's variance requests. He said that the Board would have to decide whether the public for the
16 Eastern Prairie case would have to sit through the public input and Board's review of Mr. Cope's four cases
17 or whether Mr. Cope would have to sit through the public input and Board review for the case involving
18 Eastern Prairie Fire Protection District. He said that the problem with having five cases for one three-hour
19 meeting is that someone is going to have to sit here for a very long time.
20
21 Mr. Cope stated that he would be out of the country on June 27, 2019, but he could arrange to have a
22 representative at the meeting.
23
24 Ms. Burgstrom stated that Mr. Cope or his agent/representative must be present at the meeting.
25
26 Mr. Hall asked Mr. Cope if he would be available for the May 30th meeting.
27
28 Mr. Cope stated that he would not be available for the May 30th or June 27th meeting, because he would be
29 out of the country during both of those times.
30
31 Mr. Hall stated that Mr. Cope's cases could be continued to July 25th, or even a later meeting so that he could
32 be present during the meeting. He said that the Board could waive their by-laws for a 100-day continuance if
33 Mr. Cope required more time so that he could attend.
34
35 Mr. Cope stated that July 25th should work, and it is important that he attends the meeting to answer
36 questions and address concerns from the Board and public.
37
38 **Mr. DiNovo moved, seconded by Ms. Lee, to continue Cases 931-AM-19, 932-S-19, 934-AM-19, and**
39 **935-S-19, William Cope and Mary Kalantzis to the July 25, 2019, meeting. The motion carried by**
40 **voice vote.**
41
42 Ms. Burgstrom requested that the Board either return their mailing packets regarding Mr. Cope's cases to
43 staff or keep their packets in a safe location at home so that they can bring them to the July 25th meeting.
44
45 Ms. Lee stated that she would like to keep her packet for further review, and she would bring it with her to
46 the July 25th meeting.
47

ZBA

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1 **7. Staff Report - None**

2

3 **8. Other Business**

4 **A. Review of Docket**

5

6 Mr. DiNovo asked staff to indicate the status of the following cases: 881-S-17, Steve Gilbert; and 792-V-
7 14, Robert Frazier.

8

9 Ms. Burgstrom stated that Case 881-S-17 for Steve Gilbert has been referred to the State's Attorney for the
10 issues which remain on the property, and staff has not heard any new information since.

11

12 Mr. Hall stated that staff is still working on Case 792-V-14 and it is not to the point where the case needs to
13 be referred to the State's Attorney, but a deadline is fast approaching.

14

15 Ms. Lee asked staff to indicate the status of the event center which is in operation north of Urbana.

16

17 Mr. Hall stated that we are now in a new planting season and staff is still working through the issues, but it
18 is unknown how things will work out at this point. He said that he is currently involved in several large
19 projects which are taking up a lot of his time in the office, such as the MS4 Annual Report with a deadline
20 of June 4th, and a new Notice of Intent for the MS4 Program, and these things are a priority.

21

22 Mr. Wood noted that his vacation time has changed; therefore, he would be attending the June 13th meeting,
23 but would be absent from the July 25th meeting.

24

25 Mr. Elwell noted that he would be absent from the June 27th meeting.

26

27 **9. Audience participation with respect to matters other than cases pending before the Board**

28

29 None

30

31 **10. Adjournment**

32

33 Mr. Elwell entertained a motion to adjourn the meeting.

34

35 **Mr. DiNovo moved, seconded by Ms. Lee, to adjourn the meeting. The motion carried by voice vote.**

36

37 The meeting adjourned at 8:09 p.m.

38

39 Respectfully submitted

40

41

42

43 Secretary of Zoning Board of Appeals

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CASES 931-AM-19 & 932-S-19

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

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

Date: *{August 15, 2019}*

Petitioners: **Bill Cope and Mary Kalantzis**

Request: **Case 931-AM-19**
Amend the Zoning Map to allow for the development of 5 single-family residential lots in the CR Conservation-Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with related County Board Special Use Permit Case 932-S-19 that is also required for an RRO per Section 5.4.3 of the Zoning Ordinance.

Case 932-S-19
Authorize a Special Use Permit for a Rural Residential Overlay (RRO) Zoning District in conjunction with related map amendment Case 931-AM-19 that is also required for an RRO.

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FINDING OF FACT FOR CASE 931-AM-19 & SUMMARY OF EVIDENCE FOR CASE 932-S-19

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2019** and August 15, 2019, the Zoning Board of Appeals of Champaign County finds that:

- * *Indicates evidence from RRO Case 573-AM-06 for the subject property approved on March 29, 2007. Note that the 2007 RRO analysis included the RRO factors below, but did not include the Land Resource Management Plan analysis or the LaSalle and Sinclair factors analysis. Some information about the subject property has changed since 2007, so the analyses below have largely been redone with newer information. Some analysis results still apply, and those items are noted with the asterisk.*
1. Petitioners Bill Cope and Mary Kalantzis own the subject property.
 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 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.
 - (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. The petitioners require this RRO through the County in order to subdivide the subject property into the proposed five lots. P&Z Staff have been in communication with the City of Urbana since the subdivision was proposed.
 - (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. Townships with Plan Commissions have protest rights in Map Amendment cases.
 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: **“RRO needed for number of lots proposed in subdivision.”**
 5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning, the petitioner has indicated: **“Currently there are two residences on one lot. Subdividing the property will make legal lots for both residences. We have planned to divide this property for many years, and had an RRO approved for it in 2007, but it expired. We still want to create multiple lots beyond the two required for the two residences.”**

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.
 - (2) 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.
 - (3) 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.
 - b. The following statements summarize the Finding of Fact for RRO Case 573-AM-07:
 - (a) The proposed site was suitable overall for the development of three residences because: every RRO category was rated as “Typical” or “Better” with no negative finding; no farmland was being taken out of production; it was in accordance with the City of Urbana’s Comprehensive Plan, and no endangered species were identified on the subject property.
 - (b) The proposed site was compatible with surrounding agriculture because: the property was surrounded on two sides by agricultural property; the property drained directly to the Saline Branch with very little upstream watershed and there was no evidence of drainage tile outlets to the Saline Branch from the subject property; the ingress and egress was going to be in one location which would feed off of Lincoln Avenue, which should mitigate the effect on farming operations; the petitioner planned to maintain the tree farm close to its present condition, and the RRO would have no additional impact on the livestock management facility (Prairie Fruits Farm).
 - (4) 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.

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- 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 RRO DISTRICT

- 7. The plan that was received on November 19, 2018 toward fulfillment of the Schematic Plan requirement indicates the following:
 - A. Existing features on the subject property include:
 - (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. There are five proposed buildable lots that range in area from 1.05 acres to 5.87 acres.
 - (1) Lots 1, 2 and 5 are proposed for single-family residential development.
 - (2) Lot 3 is for the existing detached garage with guest residence; creation of this lot will make that a legal residence for zoning purposes.
 - (3) Lot 4 is for the existing residence.
 - C. There are also three outlots proposed, totaling 4.08 acres.
 - (1) Outlot A, 16,135 square feet, is located on the east side of the proposed public road adjacent to the Lincoln Avenue right-of-way.
 - (2) Outlot B, 79,400 square feet, is located in the southeast corner of the subject property on the east side of the drainage ditch.
 - (3) Outlot 5A, 82,280 square feet, is located on the east side of Lot 5 and parallels the “approximate floodway line” shown on the BCA variance request map received November 19, 2018.

- D. A revised Site Plan received July 31, 2019 indicates the following changes:
- (1) Lot 4 was reduced to 121,930 square feet, and Outlot 4A was created in order to reduce the amount of buildable area in the floodplain.
 - (2) These changes reflect the recommendations made by staff in Attachment C to the Preliminary Memorandum dated April 18, 2019.
- E. During review of the proposed rezoning for the existing event center that is the subject of Case 934-AM-19, 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. P&Z Staff worked out a slightly different proposed lot configuration that creates a dividing line based on the approximate floodway, which will create unbuildable outlots surrounding both sides of the Saline Branch Drainage Ditch rather than just 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 lots have been updated on the Schematic Plan created by Berns, Clancy and Associates, received July 31, 2019.
- (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.
- F. The RRO designation is necessary for only two of the five buildable lots proposed on the subject property because three residential lots are allowed by-right. For analysis purposes, the RRO will include lots 1 and 2, but the proposed RRO District is still for the entire tract.
- G. The subject property has access to the recently constructed North Lincoln Avenue alignment. There is a new public cul-de-sac proposed as part of this RRO. All lots are proposed to access the new road and not Lincoln Avenue.
- H. The property at the northeast corner of the subject property (parcel 25-15-32-100-003) gains access from Lincoln Avenue by means of an existing easement over what will be Outlot A. Access concerns will be addressed with the City of Urbana during the subdivision process, contingent upon RRO approval.
- I. The proposed Site Plan received ~~November 19, 2018~~ July 31, 2019, complies with all requirements with one exception.
- (1) Proposed Lot 1 has an average width of 183.2 feet in lieu of the 200 feet minimum required for the CR Conservation Recreation District.

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- (2) In related zoning case 934-AM-19, the petitioners have requested a rezoning from the CR Conservation Recreation District to the AG-2 Agriculture District for proposed Outlot A and Lots 1, 2, 3, 4, and 5 in order to continue operating their event center.
- (3) In the AG-2 district, the minimum average lot width is only 150 feet.
- (4) Should case 934-AM-19 be approved, the petitioners will not need a variance. If case 934-AM-19 is not approved, and Lot 1 remains in the CR district, they will require an administrative variance, which will be processed upon determination of case 934-AM-19. A special condition has been added regarding Lot 1.

GENERALLY REGARDING ORDINANCE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT

8. Generally regarding relevant requirements from the *Zoning Ordinance* for establishing an RRO:
 - A. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
 - B. The adoption of an RRO requires both a Map Amendment and a County Board Special Use Permit, per paragraph 5.4.3 B. of the *Zoning Ordinance*.
 - C. Paragraph 5.4.3.C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings for an RRO approval:
 - (1) That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
 - (2) That the proposed residential development will or will not be compatible with surrounding agriculture.
 - D. Paragraph 5.4.3 C.2 of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:
 - (1) Adequacy and safety of roads providing access to the site;
 - (2) Effects on nearby farmland and farm operations;
 - (3) Effects of nearby farm operations on the proposed residential development;
 - (4) The Land Evaluation and Site Assessment (LESA) score of the subject site.
 - (5) Effects on drainage both upstream and downstream;
 - (6) The suitability of the site for onsite wastewater systems;
 - (7) The availability of water supply to the site;
 - (8) The availability of public services to the site;
 - (9) The flood hazard status of the site;

- (10) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
- (11) The presence of nearby natural or manmade hazards; and
- (12) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated.

**FOR THE RRO SPECIAL USE PERMIT
GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

9. Regarding the requested Special Uses in the AG-1 Zoning District:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (3) “AREA, LOT” is the total area within the LOT LINES.
 - (4) “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.

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- (5) “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.
- (6) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
- (7) “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.
- (8) “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.
- (9) “LOT LINES” are the lines bounding a LOT.
- (10) “OVERLAY” is a DISTRICT that modifies or supplements the standards and requirements of an underlying DISTRICT. Those standards and requirements of the underlying DISTRICT that are not specifically modified by the terms of the OVERLAY DISTRICT remain in full force and effect.
- (11) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (12) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (13) “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.
- (14) “SUBDIVISION” is any division, development, or re-subdivision of any part, LOT, area or tract of land by the OWNER or agent, either by LOTS or by metes and bounds, into LOTS two or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant STREETS, ALLEYS, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or OWNERS within the tract subdivided. The division of land for AGRICULTURAL purposes not involving any new

STREET, ALLEY, or other means of ACCESS, shall not be deemed a SUBDIVISION for the purpose of the regulations and standards of this ordinance.

- (15) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.

- (16) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.

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.

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- C. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements is WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
 - (6) That the SPECIAL USE Permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).
- D. 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

10. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“The proposed residential lots will have easy access to Lincoln Avenue. They will be located in a unique rural wooded area while being close to the cities.”**

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

11. 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, **“Subdivision of the lots will be by the City of Urbana, which has more stringent standards in many cases. Residential uses are allowed in the CR District as well as the proposed AG-2 District.”**
 - B. Regarding traffic, the following evidence is provided:
 - (1) 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):
 - *a. North Lincoln Avenue near the subject property had an AADT of 450.
 - *b. Less than a mile south of the point where Lincoln Avenue passes the subject property the AADT was 2900.
 - (2) Based on the standard assumption that each proposed dwelling is the source of 10 ADT, the three residences that could be constructed by right on the property would create 30 average daily vehicle trips. The two residences in the requested RRO are estimated to account for an increase of approximately 20 ADT in total, which is a 67% increase over the non-RRO alternative. While there will be an increase in traffic, P&Z Staff consider this to be an insignificant increase to the traffic on North Lincoln Avenue.
 - (3) The subject property is located on the recently constructed new alignment of North Lincoln Avenue. The proposed new public cul-de-sac 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.
 - (4) The Somer Township Road Commissioner has been notified of this case, but no comments have been received.
 - C. 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. The Fire Chief has been notified of this request for an RRO, and no comments have been received.
 - D. Regarding flood hazards, parts of the subject property are located in the Special Flood Hazard Area, per FEMA FIRM panel 17019C0314D (effective October 2, 2013).
 - (1) As discussed in RRO Factor C.2.I: Flood Hazard Status under Item 26:
 - a. All proposed lots have sufficient buildable area for a dwelling.

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- b. For purposes of analysis, Lot 3, 4, and 5 are not considered to be part of the RRO. Lot 1 has no area under the Base Flood Elevation (BFE), and Lot 2 has only a small area under the BFE with adequate buildable area above it.
 - c. Most of the proposed cul-de-sac circle is inside the mapped floodplain.
- E. 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.
- (1) Note that the Natural Resources Report received on February 15, 2007 for the previous RRO calculated an LE score of 76. The difference in LE score is because the subject property has been reduced by approximately 2 acres due to land being taken for the new Lincoln Avenue alignment.
- F. Regarding outdoor lighting on the subject property, the petitioner did not provide information on lighting in the application. A special condition has been added to ensure compliance for any future outdoor lighting.
- G. Regarding wastewater treatment and disposal on the subject property:
- (1) There is a septic system connected to both existing residences.
 - (2) New septic systems will be required for dwellings on the proposed lots that are compliant with State and local public health regulations.
 - a. In an email received July 16, 2019, Mr. Cope stated that he has been working with Redbud Septic and Sewer on the new septic system designs, and they have been in communication with the County about requirements.
- H. 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

12. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: “Yes.”
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. The adoption of an RRO requires both a Map Amendment and a County Board Special Use Permit per paragraph 5.4.3 B. of the *Zoning Ordinance*.

- (2) The Rural Residential Overlay has been deemed appropriate only in the AG-1 Agriculture, AG-2 Agriculture, and CR Conservation Recreation Zoning Districts.
 - (3) The proposed preliminary Site Plan received ~~November 19, 2018~~July 31, 2019, complies with all requirements with one exception.
 - a. Proposed Lot 1 has an average width of 183.2 feet in lieu of the 200 feet minimum required for the CR Conservation Recreation District.
 - b. The petitioners have requested a rezoning from the CR Conservation Recreation District to the AG-2 Agriculture District in related zoning case 934-AM-19 in order to continue operating their event center.
 - c. In the AG-2 district, the minimum average lot width is only 150 feet.
 - d. Should case 934-AM-19 be approved, the petitioners will not need a variance. If case 934-AM-19 is not approved, they will require an administrative variance, which will be processed upon determination of case 934-AM-19. A special condition has been added regarding Lot 1.
 - (4) Regarding parking on the subject property, there are no parking requirements for a Rural Residential Overlay.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) An RRO does not require compliance with the SWMEC Ordinance.
 - (2) Any development within an approved RRO must comply or be exempted from the SWMEC Ordinance, which will be determined on a case-by-case basis during the construction permitting process.
- D. Regarding the *Special Flood Hazard Areas Ordinance*, parts of the subject property are located in the Special Flood Hazard Area, per FEMA FIRM panel 17019C0314D (effective October 2, 2013).
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction and the proposed subdivision will need to be approved by the City contingent upon approval of the RRO by the County.
- F. Regarding the requirement that the Special Use preserve the essential character of the CR Conservation Recreation Zoning District:
- (1) A Rural Residential Overlay is permitted in the AG-1, AG-2, and CR districts with a combined map amendment and Special Use Permit.

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

13. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:

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- A. A Rural Residential Overlay may be authorized by the County Board in the AG-1 Agriculture, AG-2 Agriculture, or CR Conservation Recreation Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.
- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.16 of the Ordinance states the general intent of the Rural Residential Overlay (RRO) District and states as follows (capitalized words are defined in the Ordinance):
- The RRO, Rural Residential OVERLAY DISTRICT is intended to provide rural areas that are suitable for residential development and whose development will not significantly interfere with AGRICULTURAL pursuits in neighboring areas.
- (2) The types of uses authorized in the AG-1, AG-2, and CR Districts are in fact the types of uses that have been determined to be acceptable in those Districts. RROs authorized by Special Use Permit are acceptable uses in those districts provided that they are determined by the ZBA to meet the criteria for RROs in Section 5.4 and for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

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

GENERALLY REGARDING SOILS ON THE SUBJECT PROPERTY

15. Evaluation of a property depends on soil characteristics in many ways, including suitability for agricultural production, septic systems, and development. The following are soil characteristics for the subject property:
- A. 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.
- (1) Note that the Natural Resources Report received on February 15, 2007 for the previous RRO calculated an LE score of 76. The difference in LE score is because the subject property has been reduced by approximately 2 acres due to land being taken for the new Lincoln Avenue alignment.
- B. Information on soils can be found under RRO Factors C.2.E and C.2.F, and Land Resource Management Goals 4 and 8.

RRO FACTOR C.1.A: OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT

16. Attachment F to the Preliminary Memorandum dated April 18, 2019 is a table summarizing each factor and the criteria used to assess the suitability for any proposed RRO. Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following (see individual RRO factor evidence starting at Item 18):
- A. “Ideal or Nearly Ideal” conditions for six factors:
 - (1) RRO Factor B: Effects on farms
 - (2) RRO Factor D: LESA score
 - (3) RRO Factor E: Effects on drainage
 - (4) RRO Factor G: Availability of water supply
 - (5) RRO Factor K: Natural or manmade hazards
 - (6) RRO Factor L: Land converted from agricultural uses

 - B. “Much Better Than Typical” conditions for four factors:
 - (1) RRO Factor A: Safety
 - (2) RRO Factor C: Effects of nearby farms
 - (3) RRO Factor F: Septic suitability
 - (4) RRO Factor H: Emergency services

 - C. “More or Less Typical” conditions for two factors:
 - (1) RRO Factor I: Flood hazard status
 - (2) RRO Factor J: Effects on sensitive natural areas

RRO FACTOR C.1.B: COMPATIBILITY WITH SURROUNDING AGRICULTURE

17. Discussion regarding compatibility of the proposed residential development with surrounding agriculture can be found under RRO Factor C.2.B (Item 19) and RRO Factor C.2.C (Item 20).

RRO FACTOR C.2.A: THE ADEQUACY AND SAFETY OF ROADS

- *18. Regarding the adequacy and safety of roads providing access to the proposed RRO District:
- *A. The Institute of Transportation Engineers publishes guidelines for estimating of trip generation from various types of land uses in the reference handbook *Trip Generation*. Various statistical averages are reported for single family detached housing in *Trip Generation* and the average “weekday” traffic generation rate per dwelling unit is 9.55 average vehicle trip ends per dwelling unit. *Trip Generation* does not report any trip generation results for rural residential development.

 - *B. The Staff report *Locational Considerations for Rural Residential Development in Champaign County, Illinois* that led to the development of the RRO Amendment, incorporated an assumed rate of 10 average daily vehicle trip ends (ADT) per dwelling unit for rural residences. The assumption that each proposed dwelling is the source of 10 ADT is a standard assumption in the analysis of any proposed RRO.

 - *C. Based on the standard assumption that each proposed dwelling is the source of 10 ADT, the three residences that could be constructed by right on the property would create 30 average daily vehicle trips. The two residences in the requested RRO are estimated to

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account for an increase of approximately 20 ADT in total, which is a 67% increase over the non-RRO alternative.

- D. The subject property is located on the recently constructed new alignment of North Lincoln Avenue. The proposed new public cul-de-sac 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 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.
- F. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access, because access is via Lincoln Avenue, which is a newly constructed township road with no deficiencies; the access location is uncontrolled and potentially has visibility issues because it is near a curve in the road.

RRO FACTOR C.2.B: THE EFFECTS ON NEARBY FARMLAND AND FARM OPERATIONS

- 19. Regarding the likely effects of the proposed development on nearby farm operations:
 - *A. The surrounding land use on three sides of the subject property is agriculture. Direct interactions between the proposed development and nearby farmland are likely to include the following:
 - (1) The added traffic from the proposed development will increase the conflicts with movement of farm vehicles. See the concerns related to adequacy and safety of roads.

The five single-family dwellings that will result from the proposed RRO (including three by-right homes) would generate 67% more traffic than the non-RRO alternative development of only three homes.
 - (2) Trespassing onto adjacent fields possible resulting into damage to crops or to the land itself.

The five single-family dwellings that will result from the proposed RRO (including three by-right homes) could generate more trespass than the non-RRO alternative development of only three homes.
 - (3) Blowing litter into the adjacent crops making agricultural operations more difficult.

The five single-family dwellings that will result from the proposed RRO (including three by-right homes) could generate more litter than the non-RRO alternative development of only three homes. Windblown litter would probably affect the farmland to the north the most.

- * (4) Discharge of “dry weather flows” of storm water or ground water (such as from a sump pump) may make agricultural operations more difficult.

Because the subject property is adjacent to the Saline Branch Drainage Ditch, there should be no problems with dry weather flows, which means there would be no difference between the proposed RRO and the non-RRO alternative.

- * (5) If trees are planted close to the property lines, they can be expected to interfere with some farming operations (such as harvesting) and may contribute to blockage of underground tiles (if any exist). Perimeter fencing, if installed, could also interfere with farming operations.

The subject property currently contains a tree farm, which has trees planted very close to the south and west property lines, and the adjacent farmland does not appear to be negatively impacted. Therefore, there would be no difference between the proposed RRO and the non-RRO alternative.

*B. The indirect effects are not as evident as the direct effects:

- * (1) A potential primary indirect effect of non-farm development on adjacent farmers is that potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers, particularly for livestock management operations.
- * (2) Champaign County has passed a “right to farm” resolution that addresses public nuisance complaints against farm activities. The resolution exempts agricultural operations from the Public Nuisance Ordinance (except for junk equipment) but does not prevent private lawsuits from being filed.
- (3) Prairie Fruits Farm, located 0.37 miles north of the subject property at 4410 North Lincoln Avenue, Urbana, is a known livestock management facility that makes dairy products from the milk produced from their head of approximately 70 goats (based on information from the Prairie Fruits Farm website).
 - a. The State of Illinois Livestock Management Facilities Act (510 ILCS 77) governs where larger livestock facilities (those with more than 50 or more animal units) can be located in relation to non-farm residences and public assembly uses (events centers and churches, for example). Livestock facilities with 50 or more animal units must be one-quarter mile from a non-farm residence and one-half mile from a populated area (an area containing a public assembly use like a church or 10 or more non-farm dwellings).
 - b. The 70 goats are equivalent to seven animal units according to the University of Illinois Extension, making no separation distance necessary from the 10 or more non-farm dwellings or public assembly areas.
 - c. The two additional residences requested in the proposed RRO would not increase the restrictions placed on the Prairie Fruits Farm beyond what the three by-right residences would impose.

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- C. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of effects on nearby farmland and farm operations, because all proposed homes will front a new public street that carries no agricultural traffic, and the traffic from the proposed homes is not likely to interfere with agricultural activities.

RRO FACTOR C.2.C: EFFECTS OF NEARBY FARM OPERATIONS ON THE PROPOSED RESIDENTIAL DEVELOPMENT

- *20. Regarding the likely effects of nearby farm operations on the proposed development:
- A. Rough analysis of land use within a one-half mile radius of the subject property indicates the following:
- (1) Row crop production agriculture occupies a significant portion of the land area within the immediate vicinity of the proposed RRO and occurs on three sides of the proposed RRO, with the Saline Branch Drainage Ditch and Lincoln Avenue providing a buffer on the east and north sides.
 - * (2) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark, exacerbating the impact of noise related to fieldwork.
 - (3) Prairie Fruits Farm is located 0.37 mile north of the subject property; the owners have been notified of the public hearing for the proposed RRO, and no comments have been received to date.
- B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the effects of nearby farmland operations on the proposed development because the subject property is bordered on only 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.

RRO FACTOR C.2.D: THE LAND EVALUATION AND SITE ASSESSMENT (LESA) SCORE OF THE SUBJECT SITE

- *21. Regarding the LESA score of the proposed RRO District:
- *A. The Champaign County, Illinois LESA system is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site as follows:
- * (1) An overall score of 251 to 300 indicates a very high rating for protection.
 - * (2) An overall score of 226 to 250 indicates a high rating for protection.
 - * (3) An overall score of 151 to 225 indicates a moderate rating for protection.
 - * (4) An overall score of 150 or lower indicates a low rating for protection.
- B. The LESA worksheets are an attachment to the Preliminary Memorandum. The component and total scores are as follows:
- (1) The Land Evaluation score for the proposed RRO is 86 out of 100 possible.

- (2) The Site Assessment score for the proposed RRO is 6 out of 200 possible.
 - (3) The total LESA score is 92 and indicates a low rating for protection of agriculture.
- C. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the LESA score because the entire property is not best prime farmland and the property received a low rating for protection in the LESA evaluation.

RRO FACTOR C.2.E: EFFECTS ON DRAINAGE

- *22. Regarding the effects of the proposed RRO on drainage both upstream and downstream:
- *A. An Engineer’s Drainage Report was received with the original RRO application on November 21, 2006. The report described the existing conditions of the subject property and the proposed conditions for the RRO (*note that lot numbers refer to the 2007 RRO, not the proposed RRO*).
 - *1) The Existing Conditions from the 2006 report were described as follows:
 - *a. The subject property slopes generally from west to east and north to south towards the Saline Branch Drainage Ditch. The average ground slope is 1%.
 - *b. There are six acres to the west that drain across the subject property.
 - *c. There are four depressional areas on the east side of the subject property. Two are located in the southeast corner of the site, while the remaining two are in the northeast corner. The area located farthest to the north is part of a much larger depression in the land that continues off the subject property.
 - *d. These depressional areas collect storm water that flows over the subject property. The water fills up until it overflows and drains into the Saline Branch Drainage Ditch.
 - *2) The Proposed Conditions from the 2006 report were as follows:
 - *a. Drainage swales will be constructed along the western and southern boundaries of the subject property. These swales will drain the subject property and the six acres from off the subject property.
 - *b. There will be two swales on the western boundary, one from north to south and one from south to north. They will meet at the line between Lots 2 and 3, where they will run along that line in one swale that will pass under the proposed street by means of a culvert.
 - *c. Once past the street, water will flow overland to the depression area on Outlot 1 that is proposed to be a storm water management area.
 - *d. The swale on the southern boundary will flow to the edge of Lot 1 and then discharge directly into the Saline Branch Drainage Ditch.
 - *e. Because runoff accumulating in the depressed areas is unlikely to overflow very often, a culvert with a flap gate is proposed to connect the bottom of

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the depressional area with the channel of the Saline Branch Drainage Ditch. This culvert outlet will allow the depressional area to drain more rapidly than it does currently.

- *f. The flap gate will allow flows from storm events to release into the channel under normal conditions. During flood events the flap will remain closed, which will maintain the existing floodplain characteristics.
- B. A pond was constructed sometime between 2008 and 2010 in proposed Lot 4/Outlot 4A.
- (1) 2017 aerial photography from the Champaign County GIS Consortium shows the pond covers approximately 0.31 acre.
 - (2) 2013 FEMA FIRM panel 17019C0314D (effective October 2, 2013) shows most of the pond located in the Special Flood Hazard Area.
 - (3) 2008 elevation contours taken at two-foot intervals from the Champaign County GIS Consortium indicate a surface level at approximately 714 to 715 feet mean sea level, and the lowest contour interval shown in the pond is 710 feet mean sea level.
- C. Overall, the proposed RRO District is comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
- (1) The buildable portions of the proposed RRO have an average slope of 2%.
 - (2) Almost all of the soils making up the buildable portion of the proposed RRO are wet soils but the site drains directly to the Saline Branch drainage ditch so dry weather flows are not likely to be a problem.
 - (3) Due to the reconstruction of Lincoln Avenue, it is unknown how much upstream area might still drain across the proposed buildable portion of the proposed RRO, but it would appear to be an insignificant amount.
 - (4) There are no known underground drainage tiles on the property and it is unlikely that any exist.

RRO FACTOR C.2.F: THE SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS

*23. Regarding the suitability of the site for onsite wastewater systems:

- *A. The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The worksheets for the relevant soil types on the subject property can be summarized as follows:
 - (1) Sawmill silty clay loam, 0-2% slopes, (map unit 3107A; formerly 402 Colo silty clay loam) has Very Low suitability for septic tank leach fields with a soil potential index of 3. Sawmill has severe wetness problems due to a water table high enough to cause flooding (1 foot above to 2 feet deep) and moderate permeability. The

typical corrective measure is subsurface drainage to lower groundwater levels. Sawmill soil makes up about 48.4% (9.15 acres) of the subject property, and makes up more than 50% of the lot area for one of the five proposed buildable lots (lot 4). Overall, Sawmill soil makes up about 33.9% of the proposed buildable area.

- (2) Sabina silt loam, 0-3% slopes, (map unit 236A) has Medium suitability for septic tank leach fields with a soil potential index of 79. Sabina has severe wetness problems due to a high water table (1 to 3 feet deep) and severely limited permeability. The typical corrective measure is curtain drains to lower groundwater levels and a large absorption field. Sabina soil makes up about 18.9% (3.25 acres) of the subject property, and makes up 50% or more of the lot area for two of the five proposed lots (lots 1 and 2), and a significant portion of lot 5. Overall, Sabina soil makes up about 28.1% of the proposed buildable area.
- (3) Birkbeck silt loam, 1-5% slopes, (map unit 233B) has High suitability for septic tank leach fields with a soil potential index of 93. Birkbeck has severe wetness problems due to a high water table (3 to 6 feet deep) and moderate permeability. The typical corrective measure is curtain drains to lower groundwater levels. Birkbeck soil makes up about 27.4% (4.7 acres) of the subject property, and makes up 50% or more of the lot area for one of the 5 proposed lots (lot 3). Overall, Birkbeck soil makes up about 38% of the proposed buildable area.

- B. If only the buildable portion of the property is considered regarding septic suitability, the subject property is comparable to “much better than typical” conditions for Champaign County because approximately 66% of the soils on the buildable area of the subject property have Medium or Better suitability, as compared to the approximately 51% of the entire County that has a Low Potential.

RRO FACTOR C.2.G: THE AVAILABILITY OF GROUNDWATER AT THE SITE

24. Regarding the availability of water supply to the site:
 - A. The Champaign County Land Resource Management Plan includes Figure 10-9: Primary Sand and Gravel Aquifers in Champaign County, which shows that the subject property is not within an area of limited groundwater availability.
 - B. The subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the availability of water supply because it is located above the Mahomet Aquifer.

RRO FACTOR C.2.H: THE AVAILABILITY OF PUBLIC SERVICES TO THE SITE

25. Regarding the availability of emergency services to the site:
 - 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 minutes. The Fire Chief has been notified of this request for an RRO, and no comments have been received.
 - B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the

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availability of emergency services because the site is approximately 3.4 road miles from the Eastern Prairie fire station.

RRO FACTOR C.2.I: FLOOD HAZARD STATUS

26. Regarding the flood hazard status of the site, pursuant to FEMA Panel No. 170190314D, some of the subject property is located within the Special Flood Hazard Area, as follows:
- A. For purposes of analysis, proposed lots 3, 4 and 5 are not included in the RRO because these lots could be created “by-right.” There are portions of proposed lots 2, 3, 4, 5, Outlot 4A, Outlot 5A, and Outlot B within the Special Flood Hazard Area.
 - B. Most of the proposed cul-de-sac circle is inside the mapped floodplain.
 - C. The existing Base Flood Elevation (BFE) is approximately 718.5 feet above mean sea level. There are portions of proposed lots 2, 3, 4, 5, Outlot 4A, Outlot 5A, and Outlot B below the BFE.
 - (1) Lot 2 has a small area in the southeast corner near the cul-de-sac below BFE, but over 85% of it is still buildable outside that area.
 - (2) Proposed lot 3 has an existing dwelling that is outside the floodplain.
 - (3) Proposed lot 4 has the existing main residence that is outside the floodplain.
 - (4) Over two-thirds of proposed lot 5 has buildable area outside the floodplain.
 - (5) The BCA variance request map received July 31, 2019 states, “Fill will be placed on Lot 5 to remove flood plane from Lot 5. Fill may be placed at owner discretion on Lot 2, on Lot 3, and on Outlot 4A westerly of the approximate floodway line.”
 - D. Overall, the proposed RRO is comparable to “more or less typical” conditions for Champaign County in terms of flood hazard status because of the following:
 - (1) All lots have sufficient buildable area for a dwelling.
 - (2) For purposes of analysis, lots 3, 4, and 5 are not considered to be part of the RRO. Lot 1 has no area under the BFE, and Lot 2 has only a small area under the BFE with adequate buildable area above it.
 - (3) Most of the proposed cul-de-sac circle is inside the mapped floodplain.

RRO FACTOR C.2.J: EFFECTS ON WETLANDS, ARCHAEOLOGICAL SITES, AND NATURAL AREAS

27. Regarding the effects on wetlands, endangered species, and natural areas:
- 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. According to the National Wetlands Inventory online mapping, there are no regulatory wetlands on the subject property.

- *C. Regarding the effects on archaeological resources, a letter reply from the Illinois Historic Preservation Agency was received on November 17, 2006, and indicated that the subject property has a high probability of containing significant prehistoric/historic archaeological resources; indicating that a Phase I archaeological survey should be performed on the subject property.
 - (1) A completed Phase 1 Archaeological Survey of the subject property was received on February 15, 2007. It indicated that no archaeological materials were located, and project clearance was recommended.

- D. 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 RRO on this vegetation:
 - (1) Existing construction on proposed lot 4 has had minimal impact on the landscape, probably due to the very large lot area.
 - (2) Development on proposed lot 5 may have a greater impact due to the smaller size of lot 5.
 - (3) The proposed outlots 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.

- E. The former tree farm on proposed lots 1, 2, and 3 provides wildlife habitat, but is not representative of the pre-settlement environment.

- *F. Overall, the subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of effects on wetlands and archaeological sites, because reports from the appropriate agencies showed there were no effects, and because there are significant natural areas and habitats that include pre-settlement conditions.

RRO FACTOR C.2.K: THE PRESENCE OF NEARBY NATURAL OR MANMADE HAZARDS

- 28. Regarding the presence of nearby natural or manmade hazards:
 - *A. There appear to be no natural or manmade hazards near the subject property.
 - *B. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the presence of nearby natural or manmade hazards because there are no manmade or natural hazards near the subject property.

RRO FACTOR C.2.L: THE AMOUNT OF LAND TO BE CONVERTED FROM AGRICULTURAL USES

- *29. Regarding the maximum number of new zoning lots that could be created out of the subject property without the authorization for the RRO Zoning District:
 - *A. As amended on February 19, 2004, by Ordinance No. 710 (Case 431-AT-03 Part A), the *Zoning Ordinance* requires establishment of an RRO for subdivisions with more than three lots (whether at one time or in separate divisions) less than 35 acres in area each (from a property larger than 50 acres) and/or subdivisions with new streets in the AG-1, AG-2, and

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CR districts (the rural districts) except that parcels between 25 and 50 acres may be divided into four parcels.

- *B. There can be no more than three new lots smaller than 35 acres in area that can be created from the subject property without authorization for the RRO Zoning District.
- C. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of effects on the amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated, because there are only two lower acreage residential lots being created on a former tree farm, and the proposed lots are closer to urban areas.

***FOR THE RRO MAP AMENDMENT
GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES***

- 30. 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.”

***FOR THE RRO MAP AMENDMENT
REGARDING RELEVANT LRMP GOALS & POLICIES***

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

- 31. 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 RRO will **NOT IMPEDE** the achievement of Goal 1.

32. 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 RRO will *NOT IMPEDE* the achievement of Goal 2.

33. 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 RRO 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 RRO is *NOT DIRECTLY RELEVANT* to any of these objectives, the proposed RRO rezoning will allow the Petitioner to seek a subdivision for the subject property from the City of Urbana, with the intent to use one of those lots for an existing events center, and therefore the proposed RRO can be said to *HELP ACHIEVE* Goal 3.

34. 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.

Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.6, and 4.9 and their policies do not appear to be relevant to the proposed RRO. The proposed RRO 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.”

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

- a. Discussion on the LESA score and soils is provided under Item 21. The soils are not Best Prime Farmland, and they received a “low rating for protection” in the LESA analysis.
- 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 RRO 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 RRO will **HELP ACHIEVE** Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
- e. No farmland will be converted for the proposed RRO.
- f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas:
 - (a) Discussion regarding protection of natural resources can be found under Item 27 and under Item 38 (Goal 8: Natural Resources).

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- (b) The ZBA has recommended that the proposed RRO will **NOT IMPEDE** Policy 8.6.2 regarding the preservation of habitat for native and game species.

- 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 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 RRO will **HELP ACHIEVE** Policy 4.1.8 for the following reasons:

- a. Discussion on the LESA score and soils is provided under Item 21. The soils are not Best Prime Farmland, and they received a “low rating for protection” in the LESA analysis.
- 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. Policy 4.2.1 does not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) **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 RRO will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. The proposed RRO is **NOT NEGATIVELY AFFECTED** by agricultural activities because the subject property is only bordered by agriculture on three sides and buffers are provided by the existing trees on the subject

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property, Lincoln Avenue to the north, and the Saline Branch Drainage Ditch to the east.

- b. The proposed RRO 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 RRO is sited on land that is not in crop production.
 - (b) Agricultural drainage should not be affected.
 - (c) Rural roads should not be affected, per discussion in Item 18.

- (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 RRO will **HELP ACHIEVE** Policy 4.2.3 for the following reasons:

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

- (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 RRO will **HELP ACHIEVE** Policy 4.2.4 for the following reasons:

- a. The subject property is only bordered by agriculture on three sides and buffers are provided by the existing trees on the subject property, 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 RRO. The proposed RRO 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 RRO will **HELP ACHIEVE** Policy 4.3.1 because the proposed site **IS SUITED OVERALL** for the proposed RRO for the following reasons:

- a. Discussion on the LESA score and soils is provided under Item 21. The soils are not Best Prime Farmland, and they received a “low rating for protection” in the LESA analysis.
- b. No farmland will be converted for the proposed RRO. Three of the proposed lots are on an old tree farm, and the petitioners intend to maintain as many of the trees as possible on the lots.

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- 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, and new septic systems will be required for new dwellings on the proposed lots.
 - 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 RRO will **HELP ACHIEVE** Policy 4.3.3 for the following reasons:

- a. Emergency services were discussed under Item 25.
 - b. Response time of the Eastern Prairie Fire Protection District would be approximately 7 minutes (3.4 road miles).
 - c. 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 RRO will **HELP ACHIEVE** Policy 4.3.4 for the following reasons:

- a. Item 18 provides information on traffic impacts.
 - b. 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.
 - c. The estimated 30 additional trips per day to the existing 2,900 average daily vehicle trips on Lincoln Avenue would be an insignificant increase in traffic volumes.
 - d. The Somer Township Highway Commissioner has been notified of this case, and no comments have been received.
- 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 RRO will **HELP ACHIEVE** Objective 4.7 because of the following:
- (1) A special condition has been added regarding Right to Farm Resolution 3425.

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- 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 RRO will **HELP ACHIEVE** Objective 4.8 because of the following:

- (1) Discussion under Item 19.B.(3) indicates that the proposed RRO will not likely impact the nearby Prairie Fruits Farm.
- (2) Approval of the RRO is a step toward the petitioner’s legal use of the existing event center proposed in zoning cases 934-AM-19 and 935-S-19; the event center purchases food from Prairie Fruits Farm for some of its events.

35. 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 RRO. The proposed RRO will **HELP ACHIEVE** Goal 5 because of the following:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states, “Champaign County will strive to ensure that the preponderance of population growth and 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 RRO. The proposed RRO will **HELP ACHIEVE** 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 RRO will **HELP ACHIEVE** Policy 5.1.1 for the following reasons:

- a. The subject property is not served by sanitary sewer.
 - b. The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
 - c. The proposed use is not considered urban development because it is too far away from a public sanitary sewer system to connect. The subject property residence has a septic system.
- (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 RRO 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, which is consistent with the proposed residential subdivision.

36. 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 6.2, 6.3, 6.4 and their subsidiary policies do not appear to be relevant to the proposed RRO. The proposed RRO 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 6.1.3 and 6.1.4 do not appear to be relevant to the proposed RRO. The proposed RRO will *HELP ACHIEVE* Objective 6.1 because of the following:

- (1) Policy 6.1.1 states, **“The County will establish minimum lot location and dimension requirements for all new rural residential development that provide ample and appropriate areas for onsite wastewater and septic systems.”**

The proposed RRO will *HELP ACHIEVE* Policy 6.1.1 for the following reason:

- a. Contingent upon approval of either the rezoning to AG-2 in Case 934-AM-19 or a variance for Lot 1 area, the proposed lots meet the minimum lot size established in the Zoning Ordinance.

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

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

- a. The subject property residence has a septic system.
- b. New septic systems will be required for dwellings on the proposed lots that are compliant with State and local public health regulations.
- c. In an email received July 16, 2019, Mr. Cope stated that he has been working with Redbud Septic and Sewer on the new septic system designs, and they have been in communication with the County about requirements.

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37. 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. The proposed RRO will **NOT IMPEDE** Goal 7.

38. 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 either are not relevant to or will not impede the proposed RRO. The proposed RRO 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.**”

Objective 8.1 includes nine subsidiary policies. 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 do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 8.1 because of the following:

(1) Policy 8.1.1 states, “**The County will not approve discretionary development using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.**”

The proposed RRO will **HELP ACHIEVE** Policy 8.1.1 for the following reason:

a. Discussion regarding water availability can be found under Item 24. The subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the availability of water supply because it is located above 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 RRO 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 RRO 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. The proposed RRO 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:
 - (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.**”

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The proposed RRO will **HELP ACHIEVE** Policy 8.4.2 for the following reasons:

- a. Discussion regarding drainage can be found under RRO Factor C.2.E (Item 22). Overall, the proposed RRO is comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
 - (a) The buildable portions of the proposed RRO have an average slope of 2%.
 - (b) Almost all of the soils making up the buildable portion of the proposed RRO are wet soils but the site drains directly to the Saline Branch drainage ditch so dry weather flows are not likely to be a problem.
 - (c) Due to the reconstruction of Lincoln Avenue, it is unknown how much upstream area might still drain across the proposed buildable portion of the proposed RRO, but it would appear to be an insignificant amount.
 - (d) There are no known underground drainage tiles on the property and it is unlikely that any exist.

- (3) 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 RRO 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 4.
- b. There is sufficient area on each proposed lot to construct a house outside of the special flood hazard area.
- c. The petitioners intend to keep as many trees as possible in the development of the proposed subdivision.
- d. In the revised Site Plan received July 31, 2019, the petitioner decreased the area of Lot 4 shown in the November 19, 2018 site plan, and included Outlot 4A in order to create less buildable area in the floodplain.

- (4) 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 RRO will **HELP ACHIEVE** Policy 8.4.4 for the following reason:

- a. New septic systems will be required for dwellings on the proposed lots that are compliant with State and local public health regulations.

b. In an email received July 16, 2019, Mr. Cope stated that he has been working with Redbud Septic and Sewer on the new septic system designs, and they are in communication with the County about requirements.

- (5) 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 RRO will *HELP ACHIEVE* Policy 8.4.5 for the following reasons:

- a. New septic systems will be required for dwellings on the proposed lots that are compliant with State and local public health regulations.
- b. The land adjacent to the Saline Branch will be left as “outlots” and thus will not be developed or used intensively.

- (6) Policy 8.4.6 states, “**The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.**”

The proposed RRO 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, and 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 RRO. The proposed RRO will *HELP ACHIEVE* 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 RRO will *HELP ACHIEVE* Policy 8.5.1 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.
- b. The petitioners intend to keep as many trees from the former tree farm as possible in the development of the proposed subdivision.

- (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 RRO will *HELP ACHIEVE* Policy 8.5.2 for the following reasons:

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- a. The proposed subdivision includes Outlots B, 4A and 5A along the Saline Branch Drainage Ditch where development cannot occur.
 - b. No further residential development can occur on lots 3 or 4.
- (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 RRO 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.”

Objective 8.6 includes six subsidiary policies. Policies 8.6.1, 8.6.5, and 8.6.6 do not appear to be relevant to the proposed RRO. The proposed RRO 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. 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 RRO 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 RRO on this vegetation:
 - (a) Existing construction on proposed lot 4 has had minimal impact on the landscape, probably due to the very large lot area.
 - (b) Development on proposed lot 5 may have a greater impact due to the smaller size of lot 5.
 - (c) The proposed outlots should ensure that much of this vegetation will remain largely undisturbed. However, this vegetation may not exist

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in this condition for the long term unless there is appropriate maintenance of the open savanna.

- b. The former tree farm on proposed lots 1, 2, and 3 provides wildlife habitat, but is not representative of the pre-settlement environment.
- (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 RRO will **HELP ACHIEVE** Policy 8.6.3 for the following reasons:

- a. P&Z Staff checked the Illinois Natural Areas Inventory for possible INAI Sites on April 15, 2019, and there were no sites on or near 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 RRO will **NOT IMPEDE** Policy 8.6.4 for the following reason:

- 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.

39. 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 RRO will **NOT IMPEDE** the achievement of Goal 9.

40. 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 RRO will **NOT IMPEDE** the achievement of Goal 10.

**FOR THE RRO MAP AMENDMENT
GENERALLY REGARDING THE LASALLE AND SINCLAIR FACTORS**

41. 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 RRO. 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, so any discussion of values is necessarily general.
 - (2) Without the proposed RRO, two of the proposed lots could not be created, which would limit the potential value of the subject property.
 - (3) In regards to the value of nearby residential properties, the requested RRO should not have any effect. Regarding the effect on nearby properties:
 - a. One residence is adjacent to the proposed RRO; the nearest existing residence is approximately 100 feet north of proposed Lot 5, providing more than the minimum separation between residences in a non-RRO setting.
 - b. The traffic generated by the proposed residential lots will be insignificant.
- 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 RRO map amendment and special use permit, the property can still be used for one residence, and two other lots could be developed by right through a subdivision with the City of Urbana. The illegal second residence in the detached garage would have to be decommissioned unless they have an approved subdivision with the City.
- 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 RRO is a step toward the petitioner's legal use of the existing event center proposed in zoning cases 934-AM-19 and 935-S-19. The petitioners indicate that the event center is in demand by the community.
 - (2) The proposed RRO will provide a unique rural setting that includes mature wooded areas and surrounding agriculture while still being only 0.27 mile from the city.
- E. ***LaSalle* factor: The suitability of the subject property for the zoned purposes.**
- (1) The RRO proposed by the petitioners in 2007 was approved for three additional lots beyond the three by-right proposed lots.
 - (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 RRO 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 RRO will **HELP ACHIEVE** Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
 - (4) The proposed RRO 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 RRO 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.
 - (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 proposed RRO will provide a unique rural setting that includes mature wooded areas and surrounding agriculture while still being only 0.27 mile from the city.
- H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The ZBA has recommended that the proposed RRO will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.

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- (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 RRO *IS* consistent with the LaSalle and Sinclair factors.

**OR BOTH THE RRO REZONING AND THE RRO SPECIAL USE PERMIT
REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

42. 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 RRO 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 RRO 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:

An RRO 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 conservation/recreation and residential uses. 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 Special Use Permit would have any effect. Regarding the effect on the value of the subject property:

- a. If the petitioners are denied the RRO, 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 subdivide it for residential and maintain use of their existing event center, all of which depend on the RRO approval.

- 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.

Probable traffic impacts are reviewed under RRO FACTOR C.2.A (Item 18). The traffic generated by the proposed residential lots will not substantially affect traffic volumes on Lincoln Avenue.

- 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) Discussion regarding drainage can be found under RRO Factor C.2.E (Item 22).
 - (2) Overall, the proposed RRO is comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
 - a. The buildable portions of the proposed RRO have an average slope of 2%.
 - b. Almost all of the soils making up the buildable portion of the proposed RRO are wet soils but the site drains directly to the Saline Branch drainage ditch so dry weather flows are not likely to be a problem.
 - c. Due to the reconstruction of Lincoln Avenue, it is unknown how much upstream area might still drain across the proposed buildable portion of the proposed RRO, but it would appear to be an insignificant amount.
 - d. There are no known underground drainage tiles on the property and it is unlikely that any exist.
- 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) No comments were received during the public hearings for previous RRO case 573-AM-06.
 - (4) No comments have been received to date regarding the proposed RRO.
- 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 RRO appears to be in compliance with those limits.

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

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

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

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

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

- (1) No agricultural land will be removed from production.
- (2) The soil on the subject property is not BEST PRIME FARMLAND.
- (3) The petitioners do not seek urban services such as sewer and public water for the proposed RRO, and therefore the use is not considered to be urban.

- 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:

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- * (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.
 - i. The CRP contract ended on September 30, 2007.
- (2) Discussion regarding natural resources can be found under RRO Factor C.2.J (Item 27) and LRMP Goal 8 (Item 38).
- a. Overall, the subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of effects on wetlands and archaeological sites, because reports from the appropriate agencies showed there were no effects, and because there are significant natural areas and habitats that include pre-settlement conditions.
- K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
- (1) The proposed RRO does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - (2) The proposed RRO will not require public investment in facilities or utilities.
- 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.
- The petitioners do not seek to change the rural nature of the property, and the proposed RRO will not take any land out of agricultural production.
- M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.
- The proposed RRO and proposed Special Use will not hinder the development of renewable energy sources.

REGARDING SPECIAL CONDITIONS OF APPROVAL FOR THE PROPOSED RRO

43. Proposed Special Conditions of Approval for Case 931-AM-19:

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

44. Proposed Special Conditions of Approval for Case 932-S-19:

- A. The Special Use is subject to the approval of Case 931-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.

- B. A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**

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

That any construction complies with the Special Flood Hazard Areas Ordinance.

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

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

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

- D. As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**

- (1) A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**
- (2) A Site Plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**
- (3) A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**

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

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

- E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5 and Outlots 4A and 5A.**

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

That future potential owners in the subdivision are aware of the event center use and the conditions under which it can operate.

- F. **Proposed Lot 1 will require a variance for average lot width if case 931-AM-19 is not approved.**

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

That Lot 1 will be compliant with the zoning ordinance as a by-right buildable lot even if the RRO is not approved.

- G. **The revised Site Plan received July 31, 2019, 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.

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DOCUMENTS OF RECORD

1. Application for a Rural Residential Overlay (RRO) received March 15, 2019, with attachments:
 - A Application for Map Amendment
 - B Application for Special Use Permit
 - C 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. Case 573-AM-06 approved Finding of Fact (previous RRO for the subject property)
3. Natural Resource Report from the Champaign County Soil and Water Conservation District received February 12, 2007 (during the previous RRO process)
4. Phase 1 Archaeological Survey of the subject property received February 15, 2007 (during the previous RRO process)
5. Preliminary EcoCAT consultation completed online by P&Z Staff on March 25, 2019
6. Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on March 27, 2019
7. 2017 aerial photo of subject property created by P&Z staff on March 25, 2019
8. Map: 2008 Contours with 2013 Flood Hazard Area on 2017 aerial created by P&Z staff on March 25, 2019
9. Excerpt of Map: LRMP Land Use Management Areas Map updated in 2016, to show the Contiguous Urban Growth Area (CUGA), created by P&Z Staff on April 15, 2019
10. 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 Revised Lot Configuration based on Approximate Floodway created by P&Z Staff on April 17, 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 Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County revised June 7, 2016
 - G LRMP Land Use Goals, Objectives, and Policies
 - H LRMP Appendix of Defined Terms
 - I Right to Farm Resolution 3425
 - J Case 573-AM-06 approved Summary Finding of Fact (previous RRO for the subject property)
 - K Natural Resource Report from the Champaign County Soil and Water Conservation District received February 12, 2007

- L Phase 1 Archaeological Survey of the subject property received February 15, 2007
- M Preliminary EcoCAT consultation completed online by P&Z Staff on March 25, 2019
- N Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on March 27, 2019
- O Excerpt of Map: LRMP Land Use Management Areas Map updated in 2016, to show the Contiguous Urban Growth Area (CUGA), created by P&Z Staff on April 15, 2019
- P Site Visit Photos taken April 9, 2019
- Q Combined Summary of Evidence, Findings of Fact, and Final Determinations for RRO Cases 931-AM-19 and 932-S-19 dated April 25, 2019

- 11. Email from Roger Meyer, BCA Project Engineer/Surveyor, received July 31, 2019, with attachment: Revised Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated July 31, 2019 and received July 31, 2019
- 12. Supplemental Memorandum #1 dated August 8, 2019, with attachments:
 - A Email from Roger Meyer, BCA Project Engineer/Surveyor, received July 31, 2019, with attachment: Revised Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated July 31, 2019 and received July 31, 2019
 - B Approved Minutes from April 25, 2019 ZBA Meeting
 - C Revised Summary of Evidence, Findings of Fact, and Final Determinations for RRO Cases 931-AM-19 and 932-S-19 dated August 15, 2019
 - D Revised Findings of Fact, Summary Findings of Fact, and Final Determination for Case 934-AM-19 dated August 15, 2019
 - E Revised Summary of Evidence, Findings of Fact, and Final Determination for Case 935-S-19 dated August 15, 2019

SUMMARY FINDING OF FACT FOR REZONING CASE 931-AM-19

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2019** and August 15, 2019, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed RRO map amendment **IS** suitable for the development of the specified maximum number of residences because: compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:
 - A. “Ideal or Nearly Ideal” conditions for six factors:
 - (1) RRO Factor B: Effects on farms
 - (2) RRO Factor D: LESA score
 - (3) RRO Factor E: Effects on drainage
 - (4) RRO Factor G: Availability of water supply
 - (5) RRO Factor K: Natural or manmade hazards
 - (6) RRO Factor L: Land converted from agricultural uses
 - B. “Much Better Than Typical” conditions for four factors:
 - (1) RRO Factor A: Safety
 - (2) RRO Factor C: Effects of nearby farms
 - (3) RRO Factor F: Septic suitability
 - (4) RRO Factor H: Emergency services
 - C. “More or Less Typical” conditions for two factors:
 - (1) RRO Factor I: Flood hazard status
 - (2) RRO Factor J: Effects on sensitive natural areas
2. The proposed RRO map amendment **WILL** be compatible with surrounding agriculture because:
 - A. Compared to the three homes allowed by-right on the subject property, the five total homes proposed in the RRO would increase traffic, increase possible trespass onto adjacent farmland, and potentially increase litter onto adjacent fields, but there is no guaranteed increase in any of these factors.
 - B. There is no difference between the RRO and the non-RRO alternative for discharge of “dry weather flows” of storm water or ground water (such as from a sump pump).
 - C. There is no difference between the RRO and the non-RRO alternative for the effect of trees planted close to the property lines on adjacent farming operations.
 - D. Potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers, particularly for livestock management operations. A special condition has been added regarding the Right to Farm Resolution.
 - E. The two additional residences requested in the proposed RRO would not increase the restrictions placed on the Prairie Fruits Farm beyond what the three by-right residences would impose.
 - F. Agricultural operations adjacent to the subject property are buffered by existing trees, the Saline Branch Drainage Ditch, and Lincoln Avenue.

3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
- A. Regarding Goal 3:
- (1) Although the proposed RRO is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed RRO 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 34.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 34.A.(2)).
 - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
 - a. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 34.B.(1)).
 - b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 34.B.(2)).
 - c. 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 34.B.(3)).
 - (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 to be suited overall (see Item 34.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 34.C.(2)).

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- 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 34.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 34.D).
 - (5) It will **HELP ACHIEVE** Objective 4.8 encouraging the production, purchase, and consumption of locally grown food because the proposed RRO will not likely impact the nearby Prairie Fruits Farm and the existing events center purchases food from Prairie Fruits Farm (see Item 34.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 RRO will **HELP ACHIEVE** Objective 5.1 because it will **HELP ACHIEVE** or 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 35.A.(1)).
 - b. Policy 5.1.3 requiring the County to consider the municipal Contiguous Urban Growth Area (CUGA) (see Item 35.A.(2)).
 - (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 5 Urban Land Use.
- D. Regarding Goal 6:
- (1) The proposed RRO will **HELP ACHIEVE** Objective 6.1 because it will **HELP ACHIEVE** the following:
 - a. Policy 6.1.1 requiring the County to establish lot requirements that provide ample and appropriate areas for wastewater and septic systems (see Item 36.A.(1)).
 - b. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 36.A.(2)).
 - (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 6 Public Health and Safety.
- E. Regarding Goal 8:
- (1) The proposed RRO 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 38.A.(1)).

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- (2) The proposed RRO will **HELP ACHIEVE** Objective 8.2 because it will **HELP ACHIEVE** the following:
 - a. Policy 8.2.1 requiring adequate supply of water for a proposed discretionary development (see Item 38.B.(1)).

- (3) The proposed RRO will **HELP ACHIEVE** Objective 8.4 because it will **HELP ACHIEVE** the following:
 - a. Policy 8.4.1 requiring adequate supply of water for a proposed discretionary development (see Item 38.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 38.C.(2)).

 - c. Policy 8.4.3 requiring the County to encourage land management that promotes good drainage (see Item 38.C.(3)).

 - d. Policy 8.4.4 requiring the County to ensure that point discharges exceed state and federal water quality standards (see Item 38.C.(4)).

 - e. Policy 8.4.5 requiring the County to ensure that non-point discharges exceed state and federal water quality standards (see Item 38.C.(5)).

 - f. Policy 8.4.6 requiring the County to recognize the importance of Drainage Districts (see Item 38.C.(6)).

- (4) The proposed RRO will **HELP ACHIEVE** Objective 8.5 because it will either will **HELP ACHIEVE** or will **NOT IMPEDE** the following:
 - a. Policy 8.5.1 requiring land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat (see Item 38.D.(1)).

 - b. Policy 8.5.2 requiring new development to cause no more than minimal disturbance to the stream corridor environment (see Item 38.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 38.D.(3)).

- (5) The proposed RRO 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 39.E.(1)).

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- b. Policy 8.6.3 requiring the County to 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 (see Item 39.E.(2)).
 - c. Policy 8.6.4 requiring implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species (see Item 39.E.(3)).
- (6) Based on achievement of the above Objective and Policies, the proposed map amendment will **NOT IMPEDE** Goal 8 Natural Resources.
- F. The proposed RRO will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 7 Transportation
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities
- G. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
4. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the existing uses and zoning of nearby property because the RRO is proposed for residential use and surrounding land is residential in use or in agricultural production.
 - B. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the extent to which property values are diminished by the particular zoning restrictions because without the proposed RRO, two of the proposed lots could not be created, which would limit the potential value of the subject property.
 - C. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public because:
 - (1) There has been no evidence submitted regarding property values.
 - (2) If the petitioners are denied the map amendment and special use permit, the property can still be used for one residence, and two other lots could be developed by right through a subdivision with the City of Urbana. The illegal second residence in the detached garage would have to be decommissioned unless they have an approved subdivision with the City.
 - D. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the relative gain to the public as compared to the hardship imposed on the individual property owner because:

- (1) Approval of the RRO is a step toward the petitioner's legal use of the existing event center proposed in zoning cases 934-AM-19 and 935-S-19. The petitioners indicate that the event center is in demand by the community.
 - (2) The proposed RRO will provide a unique rural setting that includes mature wooded areas and surrounding agriculture while still being only 0.27 mile from the city.
 - E. The proposed RRO *IS* consistent with the *LaSalle* factor regarding the suitability of the subject property for the zoned purposes because:
 - (1) The RRO proposed by the petitioners in 2007 was approved for three additional lots beyond the three by-right proposed lots.
 - (2) The RRO does not require additional public infrastructure or services.
 - (3) The RRO does not conflict with surrounding agricultural activities or agricultural infrastructure.
 - 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.
 - (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 proposed RRO will provide a unique rural setting that includes mature wooded areas and surrounding agriculture while still being only 0.27 mile from the city.
 - H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**
 - (1) The ZBA has recommended that the proposed RRO 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.
5. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. The proposed RRO should have no significant effect on the value of nearby properties (Purpose 2.0 (b) - see Item 42.B.)
 - B. The proposed RRO will not substantially affect traffic volumes (Purpose 2.0(c) - see Item 42.C.).
 - C. The proposed RRO **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 42.D.).

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- D. Establishing the RRO will **NOT IMPEDE** the protection the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0 (n) – see Item 42.I).
- E. The proposed RRO **WILL** protect natural features such as forested areas and watercourses (Purpose 2.0 (o) – see Item 42.J).
- F. The proposed RRO **WILL** minimize the cost of development of public utilities and public transportation facilities (Purpose 2.0 (p) – see Item 42.K).
- G. The proposed RRO **WILL** encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities (Purpose 2.0 (q) – see Item 42.L).
- H. The proposed RRO **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r) – see Item 42.M).

FINDINGS OF FACT FOR RRO SPECIAL USE PERMIT CASE 932-S-19

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **932-S-19** held on **April 25, 2019** and August 15, 2019, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*:
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*:
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*:
(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. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}*

A. **The Special Use is subject to the approval of Case 931-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.

B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**

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

That any construction complies with the Special Flood Hazard Areas Ordinance.

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

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

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

D. **As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**

(1) **A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**

(2) **A Site Plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**

(3) **A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**

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

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

- E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5 and Outlots 4A and 5A.**

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

That future potential owners in the subdivision are aware of the event center use and the conditions under which it can operate.

- F. **Proposed Lot 1 will require a variance for average lot width if case 931-AM-19 is not approved.**

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

That Lot 1 will be compliant with the zoning ordinance as a by-right buildable lot even if the RRO is not approved.

- G. **The revised Site Plan received July 31, 2019, 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.

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FINAL DETERMINATION FOR RRO REZONING CASE 931-AM-19

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 Map Amendment for a Rural Residential Overlay (RRO) requested in **Case 931-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

FINAL DETERMINATION FOR RRO SPECIAL USE PERMIT CASE 932-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, recommends that:

The Special Use requested in Case **932-S-19** be *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Bill Cope and Mary Kalantzis**, to authorize the following as a Special Use Permit:

Authorize a Rural Residential Overlay (RRO) Zoning District in conjunction with related map amendment Case 931-AM-19 that is also required for an RRO.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **The Special Use is subject to the approval of Case 931-AM-19.**
- B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**
- 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. **As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**
 - (1) **A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**
 - (2) **A Site Plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**
 - (3) **A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**
- E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5 and Outlots 4A and 5A.**
- F. **Proposed Lot 1 will require a variance for average lot width if case 931-AM-19 is not approved.**

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G. The revised Site Plan received July 31, 2019, 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 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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**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

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

Date: *{August 15, 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 and received July 31, 2019, in order to establish and operate the existing Private Indoor Recreational Development in related Zoning Case 935-S-19.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2019 and August 15, 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.

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- * (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 Lots 4, 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.

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. A revised Site Plan received July 31, 2019 indicates the following changes:
 - (1) Lot 4 was reduced to 121,930 square feet, and Outlot 4A was created in order to reduce the amount of buildable area in the floodplain.
 - (2) These changes reflect the recommendations made by staff in Attachment C to the Preliminary Memorandum dated April 18, 2019.
 - *C. 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.
 - *D. 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 lots have been updated on the Schematic Plan created by Berns, Clancy and Associates, received July 31, 2019.
 - * (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.

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- *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.
- ***E.** 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.~~
- ***F.** 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 connected to the home’s septic system, which was only designed for residential use. In an email received July 16, 2019, Mr. Cope stated that he has been working with Redbud Septic and Sewer on the new septic system designs, and they have been in communication with the County about requirements.
- ***G.** 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:

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- 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 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.
 - a. The indoor part of the event center would be limited to proposed lot 4 and proposed lot 3, which will include accessible parking in front of the garage.
 - (2) An “Outdoor Commercial Recreational Enterprise” is allowed via Special Use Permit in both the AG-2 and CR districts.
 - a. The outdoor part of the event center would be limited to proposed lots 3, 4, 5, Outlot 4A, and Outlot 5A, which will include accessible parking in front of the garage in lot 3, and event center parking in lot 5 and Outlot 5A.
- 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.

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- 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.

- 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;

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- (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.
- 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;

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- (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;
 - (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.”

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.

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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.

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.

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- 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.
 - 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:

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- (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.”**

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.”**

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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.

- (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:

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- 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 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. In an email received July 16, 2019, Mr. Cope stated that he has been working with Redbud Septic and Sewer on the new septic system designs, and they have been in communication with the County about requirements.
- 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:

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- (1) Policy 8.1.1 states, **“The County will not approve discretionary development using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.”**
 - a. 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.
 - b. The petitioners do not propose any additional construction, so there will be no increase in impervious area.

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c. The petitioners intend to keep as many trees as possible.

d. In the revised Site Plan received July 31, 2019, the petitioner decreased the area of Lot 4 shown in the November 19, 2018 site plan, and included Outlot 4A in order to create less buildable area in the floodplain.

- (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 reasons:

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.

b. In an email received July 16, 2019, Mr. Cope stated that he has been working with Redbud Septic and Sewer on the new septic system designs, and they are in communication with the County about requirements.

- (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.”**

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The proposed rezoning will **HELP ACHIEVE** Policy 8.5.1 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.
- b. The petitioners intend to keep as many trees 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.
- b. P&Z Staff checked the Illinois Natural Areas Inventory for possible INAI Sites on April 15, 2019, and there were no sites on or near 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.

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

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

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

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

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

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

GENERALLY REGARDING THE LASALLE 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, 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.

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- (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.
- 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.

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- 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.
 - (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

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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.
- * (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.

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* (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.

*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.

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- *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.
 - *(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.

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- *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.
- * (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

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of urban areas to minimize the cost of development of public utilities and public transportation facilities.

- * (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 Condition 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.

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

15. Email from Roger Meyer, BCA Project Engineer/Surveyor, received July 31, 2019, with attachment: Revised Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated July 31, 2019 and received July 31, 2019
16. Supplemental Memorandum #1 dated August 8, 2019, with attachments:
- A Email from Roger Meyer, BCA Project Engineer/Surveyor, received July 31, 2019, with attachment: Revised Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated July 31, 2019 and received July 31, 2019
- B Approved Minutes from April 25, 2019 ZBA Meeting
- C Revised Summary of Evidence, Findings of Fact, and Final Determinations for RRO Cases 931-AM-19 and 932-S-19 dated August 15, 2019
- D Revised Findings of Fact, Summary Findings of Fact, and Final Determination for Case 934-AM-19 dated August 15, 2019
- E Revised Summary of Evidence, Findings of Fact, and Final Determination for Case 935-S-19 dated August 15, 2019

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 25, 2019 and August 15, 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**

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

Date: ***{August 15, 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 and August 15, 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. A revised Site Plan received July 31, 2019 indicates the following changes:
- (1) Lot 4 was increased to 121,930 square feet, and Outlot 4A was reduced to 133,800 square feet in order to reduce the amount of buildable area in the floodplain.
 - (2) The 30 feet wide “flag pole driveway” for Lot 4 was removed.
 - (3) These changes reflect the recommendations made by staff in Attachment C to the Preliminary Memorandum dated April 18, 2019.
- *C. 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.
- *D. 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 lots have been updated on the Schematic Plan created by Berns, Clancy and Associates, received July 31, 2019.
- * (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.
- *E. 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.

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- * (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.~~

* **F.** 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. In an email received July 16, 2019, Mr. Cope stated that he has been working with Redbud Septic and Sewer on the new septic system designs, and they have been in communication with the County about requirements.

* **G.** The petitioners do not propose additional features or construction for the event center.

H. 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

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for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.

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

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- (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 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.

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- (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;
 - 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.

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

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

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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.

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

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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 near 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.
 - (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

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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:

*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."

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* (3) In an email received July 16, 2019, Mr. Cope stated that he has been working with Redbud Septic and Sewer on the new septic system designs, and they are in communication with the County about requirements.

* (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.
 - 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

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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.
- 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.

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- c. The neighbor's detached garage partially obstructs the view of the parking area from the neighbor's residence.
 - d. 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 on April 15, 2019:
 - *(a) She does not have a problem with the petitioners having an event center.
 - *(b) 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.
 - *(c) 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. A waiver has been requested by the petitioner to maintain the existing separation distance; see related items 12 through 16 below.
- (4) Regarding parking on the subject property for the proposed Special Use:
- *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:

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- * (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.
- *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.

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- 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.
 - (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.

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- 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.
- 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

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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.
- * (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.

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- *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.
 - *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.

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- * (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.

- * (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

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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.

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.

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- *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.
 - *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.

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- (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 does not have a problem with the petitioners having an event center.
 - *b. 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.
 - *c. 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.

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:
 - (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**

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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**

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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 July 31, 2019, 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.

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- 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.

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

15. Email from Roger Meyer, BCA Project Engineer/Surveyor, received July 31, 2019, with attachment: Revised Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated July 31, 2019 and received July 31, 2019
16. Supplemental Memorandum #1 dated August 8, 2019, with attachments:
- A Email from Roger Meyer, BCA Project Engineer/Surveyor, received July 31, 2019, with attachment: Revised Site Plan: Variance Request for Kalantzis/Cope First Subdivision by Berns Clancy and Associates dated July 31, 2019 and received July 31, 2019
- B Approved Minutes from April 25, 2019 ZBA Meeting
- C Revised Summary of Evidence, Findings of Fact, and Final Determinations for RRO Cases 931-AM-19 and 932-S-19 dated August 15, 2019
- D Revised Findings of Fact, Summary Findings of Fact, and Final Determination for Case 934-AM-19 dated August 15, 2019
- E Revised Summary of Evidence, Findings of Fact, and Final Determination for Case 935-S-19 dated August 15, 2019

FINDINGS OF FACT FOR CASE 935-S-19 PARTS A AND B

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** and August 15, 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.
 - 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.

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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.

- 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.**

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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.

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- 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 July 31, 2019, 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.

FINAL DETERMINATION FOR CASE 935-S-19 PARTS A & B

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.**

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- 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 July 31, 2019, 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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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