

## **CASE NO. 034-S-21**

### *PRELIMINARY MEMORANDUM*

*February 9, 2022*

Petitioner: **Anne Murray-Easterday, d.ba. Pear Tree Estate**

Request: **Authorize an expansion of the Special Use Permit for an event center approved in Case 700-S-11 to include construction and use of a chapel as an accessory use in the AG-2 Agriculture Zoning District, with the following waiver:**

**Authorize a waiver for the use of existing outdoor lighting that is not full cutoff design, per Section 6.1.2 of the Zoning Ordinance.**

Location: **A 10-acre tract of land located in the Southwest Quarter of the Northwest Quarter of Section 14, Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township, commonly known as Pear Tree Estate, with an address of 2150 CR 1000E, Champaign.**

Site Area: **10 acres**

Time Schedule for Development: **As soon as possible**

Prepared by: **Susan Burgstrom, Senior Planner  
John Hall, Zoning Administrator**

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## **BACKGROUND**

The petitioner applied for and received approval to construct an event center in rezoning case 699-AM-11 and Special Use Permit case 700-S-11. The petitioner would like to construct a 4,900 square feet chapel as an expansion to the Special Use Permit.

The chapel would be constructed where there is currently a gravel overflow parking lot. The gravel parking lot and the larger gravel lot to the north were not included in the original Storm Water Drainage Plan for the event center; they were originally planned as grass overflow lots, which would not have impacted drainage. A special condition has been added to ensure there is sufficient storm water detention for the proposed chapel and gravel overflow parking to the north.

The petitioner requests a waiver from the full-cutoff requirement for the existing fixtures around the paved area. During compliance review, P&Z Staff found that the lighting that surrounds the paved parking area is not full-cutoff in design. The full-cutoff lighting standard condition was a part of the approved Special Use Permit from case 700-S-11. The fixtures for the original event center have a maximum 100-watt bulb that is shielded only above the bulb. No specification sheets are available for these fixtures that would indicate if they were full cutoff in design. The fixtures are approximately 3 feet off the ground, and are surrounded in most locations by tall prairie grass that shields them from neighboring residences. The nearest residence is approximately 850 feet to the north. A special condition has been added that any future exterior lighting for the event center would be full cutoff in design.

## **EXTRATERRITORIAL JURISDICTION**

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

The subject property is located within Hensley Township, which has a Plan Commission. Townships with Planning Commissions do not have protest rights on a Special Use Permit. Notice was sent to the Hensley Township Plan Commission.

**EXISTING LAND USE AND ZONING**

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
Onsite	Event Center/Residential	AG-2 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

**PROPOSED SPECIAL CONDITIONS**

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the expansion of 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.**

- B. **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, with the exception of the existing lighting fixtures surrounding the parking areas that are the subject of the waiver in Case 034-S-21.**

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.**

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding editions of the International Building Code, and (B) the National Electrical Code NFPA 70.**

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

**New commercial buildings shall be in conformance with Public Act 96-704.**

- 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. **Regarding storm water drainage:**

- (1) **Prior to issuance of a Zoning Use Permit for the chapel, the petitioner's storm water engineer shall revise the Storm Water Drainage Plan to include the proposed chapel and the gravel overflow parking lot to the north, which will then be reviewed by the P&Z Department's consulting engineer.**
- (2) **Prior to occupancy of the chapel, the petitioner shall make any recommended changes to the storm water drainage system on the property as required by the storm water review.**

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

**That there is an adequate storm water drainage system in place for all uses on the subject property.**

- H. **Only one event shall be held at one time on the subject property.**

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

**That events do not exceed the capacity of the septic system and available parking spaces.**

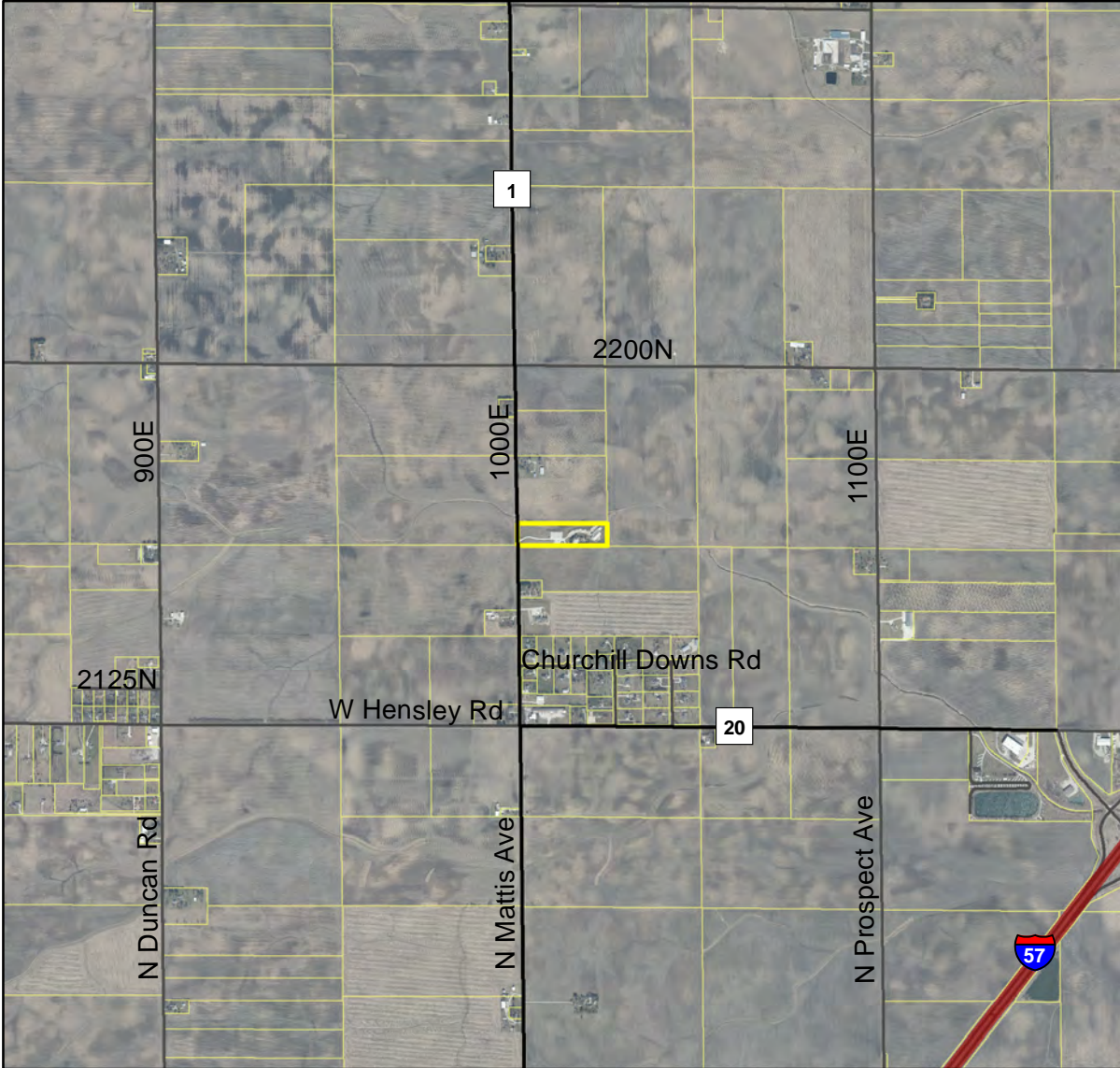
## **ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan and Revised Chapel Floor Plan received December 27, 2021 and February 9, 2022
- C Annotated 2020 Aerial created by P&Z Staff on February 9, 2022
- D 2020 aerial with proposed additional screening received January 7, 2022
- E Photo of exterior lighting by parking lots received January 7, 2022
- F Letter from Thomasboro Fire Protection District received January 12, 2022
- G Site photos dated April 12, 2021
- H Summary of Evidence, Summary Finding of Fact, and Final Determination dated February 17, 2022

# Location Map

Case 034-V-21  
February 17, 2022

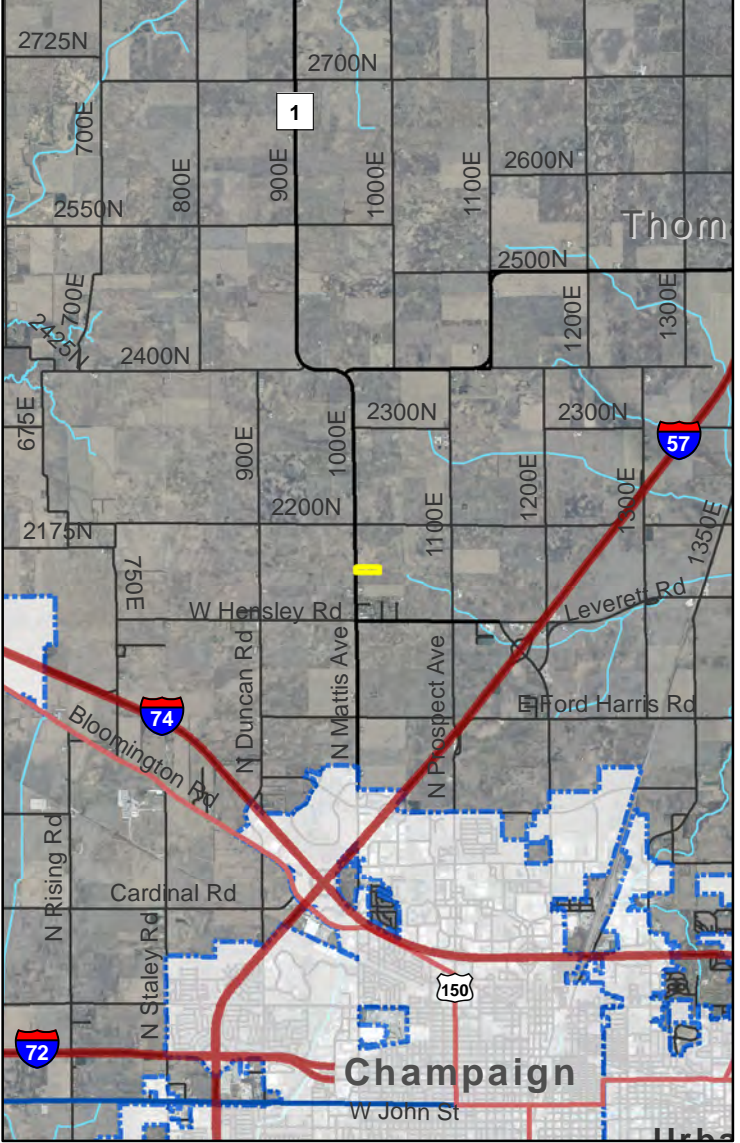
### Subject Property



- Subject Property
- Parcels
- Municipal Boundary

0 0.1250.25 0.5 Miles

### Property location in Champaign County



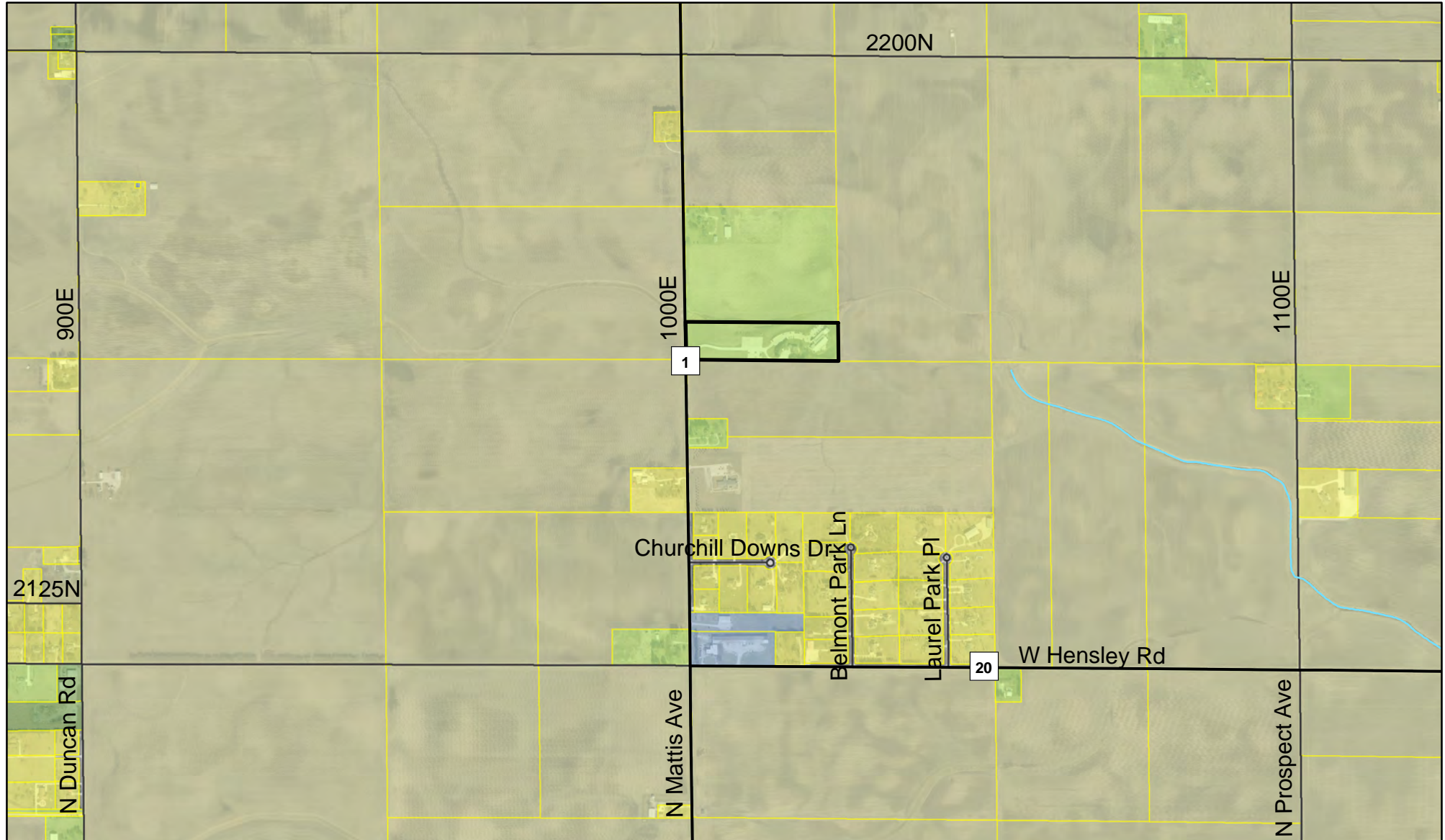
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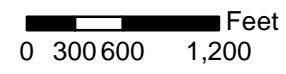
Champaign County  
Department of  
**PLANNING &  
ZONING**

# Land Use Map

Case 034-V-21  
February 17, 2022

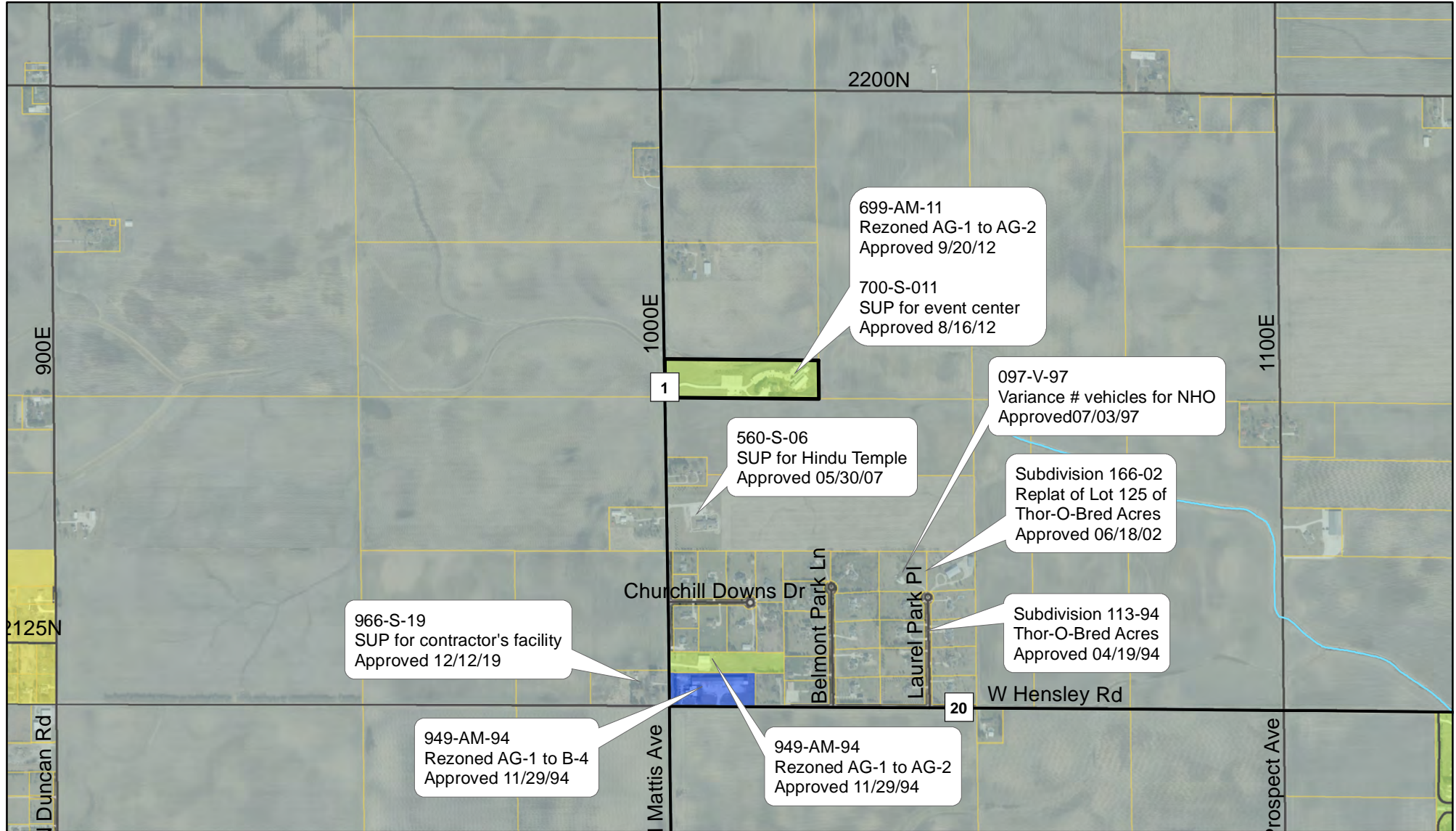


- |                  |                |             |
|------------------|----------------|-------------|
| Subject Property | Tax Exempt     | Residential |
| County Highways  | Agriculture    | Commercial  |
| Parcels          | Ag/Residential |             |

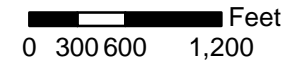


# Zoning Map

Case 034-S-21  
February 17, 2022



- Subject Property
- AG-2 Agriculture
- Parcels
- R-1 Single Family Residential
- AG-1 Agriculture
- B-4 General Business





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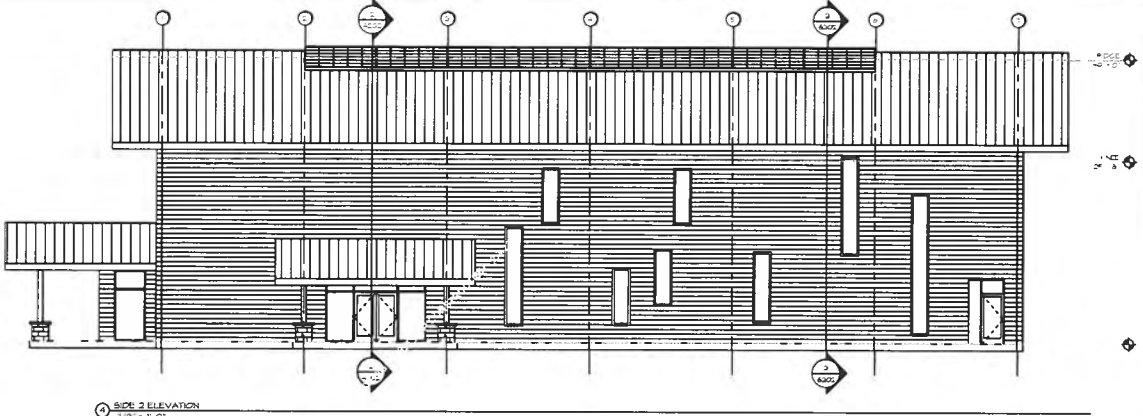
**DEC 27 2021**

**CHAMPAIGN CO. F & Z DEPARTMENT**

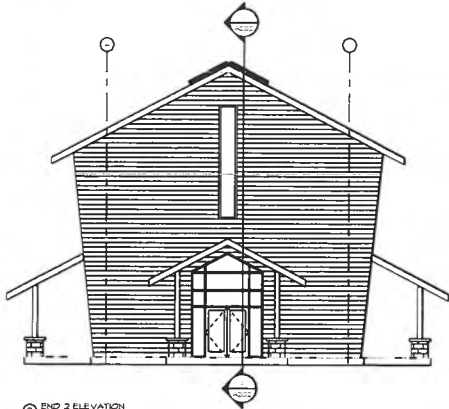




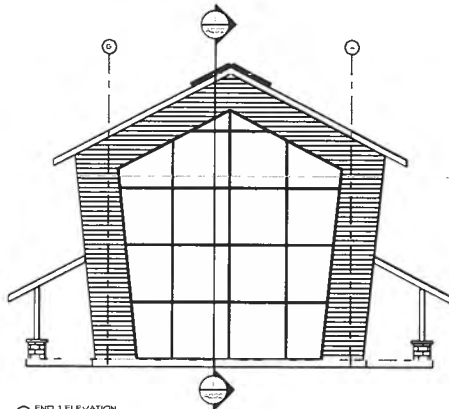
SCHEMATIC DESIGN - NOT FOR CONSTRUCTION - 2.3.22



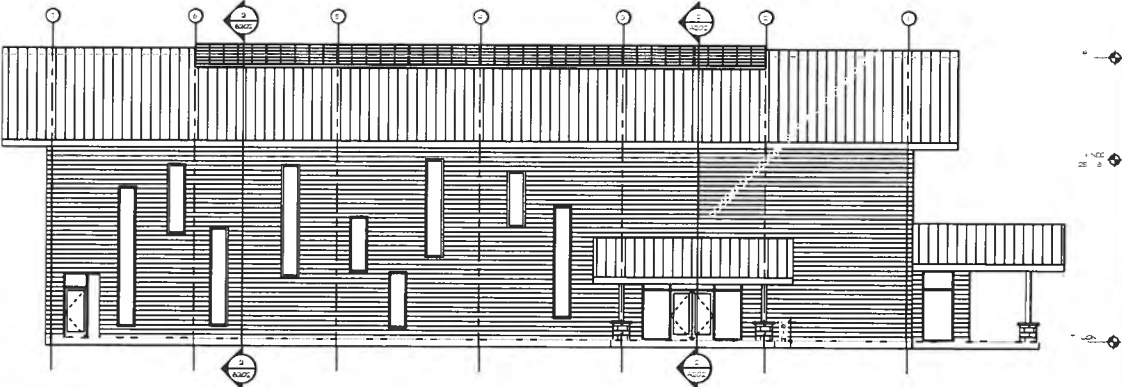
2 SIDE 2 ELEVATION  
1/8" = 1'-0"



3 END 2 ELEVATION  
1/8" = 1'-0"



4 END 2 ELEVATION  
1/8" = 1'-0"



1 SIDE 1 ELEVATION  
1/8" = 1'-0"

NO.	DATE	REVISIONS

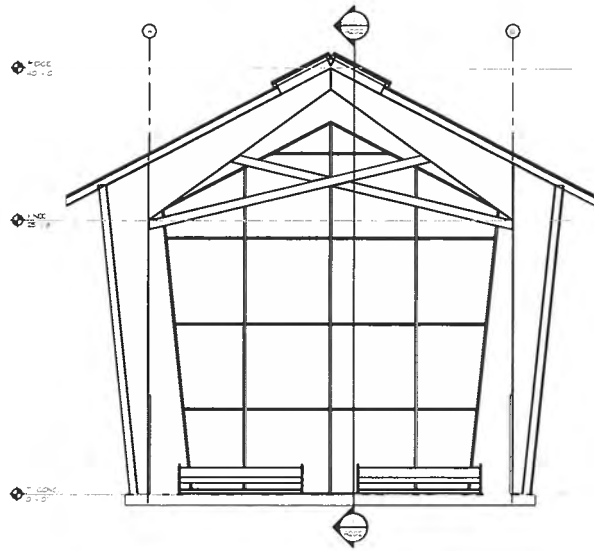
CHAMBERLAIN & ASSOCIATES, INC.  
 100 N. CLINTON, SUITE 100  
 BLOOMINGTON, ILLINOIS 61701  
 PHONE: (309) 663-1111 FAX: (309) 663-1222  
 DESIGN FLOOR #104.007110

**EA** ARCHITECTURE & DESIGN, INC.  
 802 N. CLINTON, SUITE 1  
 BLOOMINGTON, ILLINOIS 61701  
 PHONE: (309) 663-1111 FAX: (309) 663-1222  
 DESIGN FLOOR #104.007110

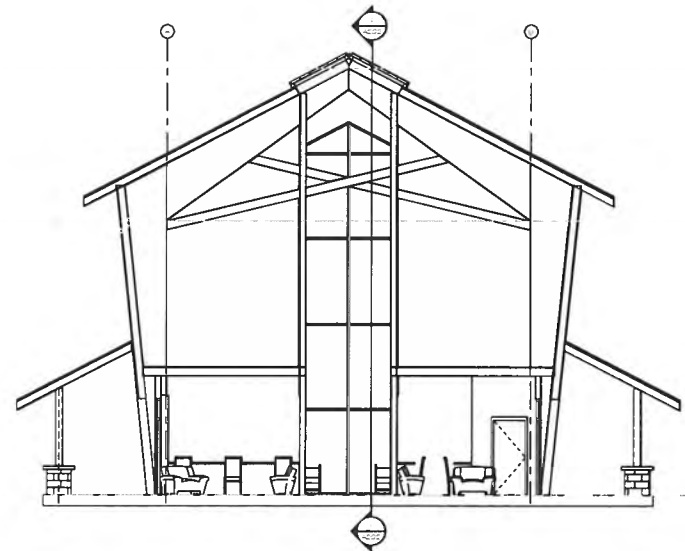
**CHapel SCHEMATIC PLAN**  
**PEAR TREE ESTATES**  
**CHAMPAIGN COUNTY, ILLINOIS**

DATE: 2/9/2022  
 SCALE: AS NOTED  
 DRAWN BY: Author  
 JOB: 21-045  
 CLE: 47-218  
 SHEET: **A201**  
 OF

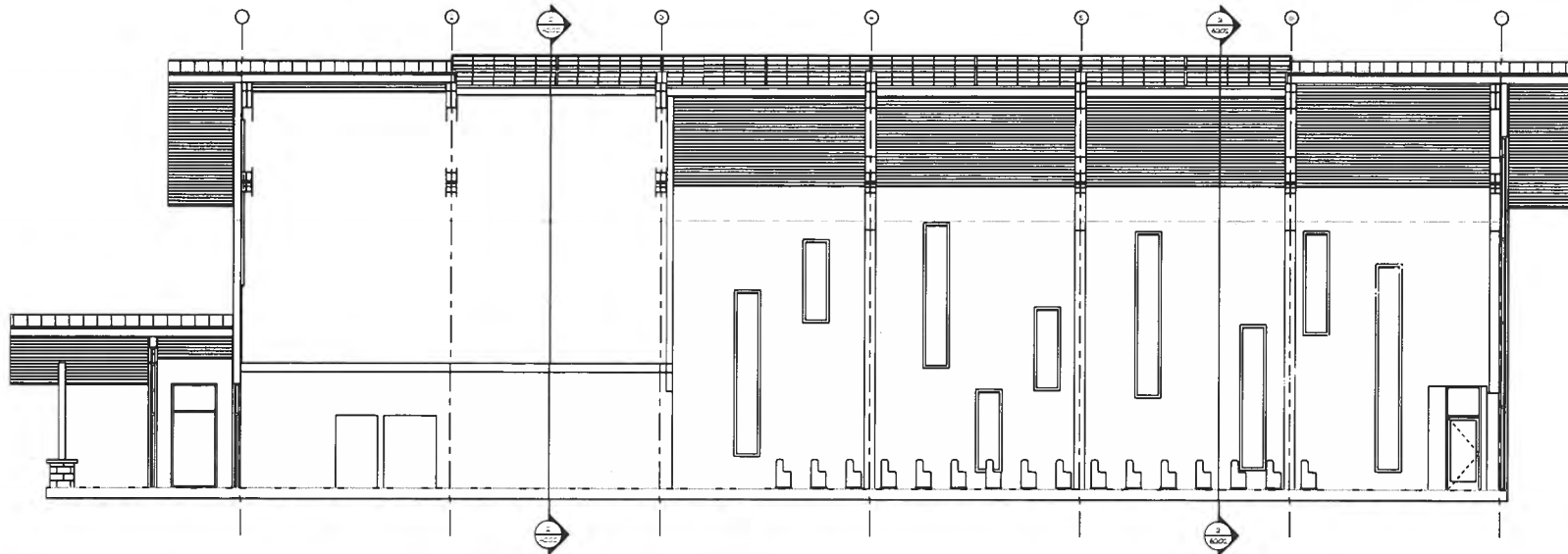
SCHEMATIC DESIGN - NOT FOR CONSTRUCTION - 2.3.22



1 BUILDING SECTION A-A  
3/16" = 1'-0"



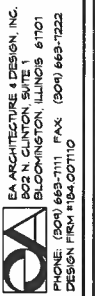
2 BUILDING SECTION B-B  
3/16" = 1'-0"



3 BUILDING SECTION C-C  
3/16" = 1'-0"

NO.	DATE	REVISIONS

EA ARCHITECTURE & DESIGN, INC.  
802 N. CLINTON, SUITE 1  
BLOOMINGTON, ILLINOIS 61701  
PHONE: (309) 663-7111 FAX: (309) 663-7223  
DESIGN FIRM #104-007110

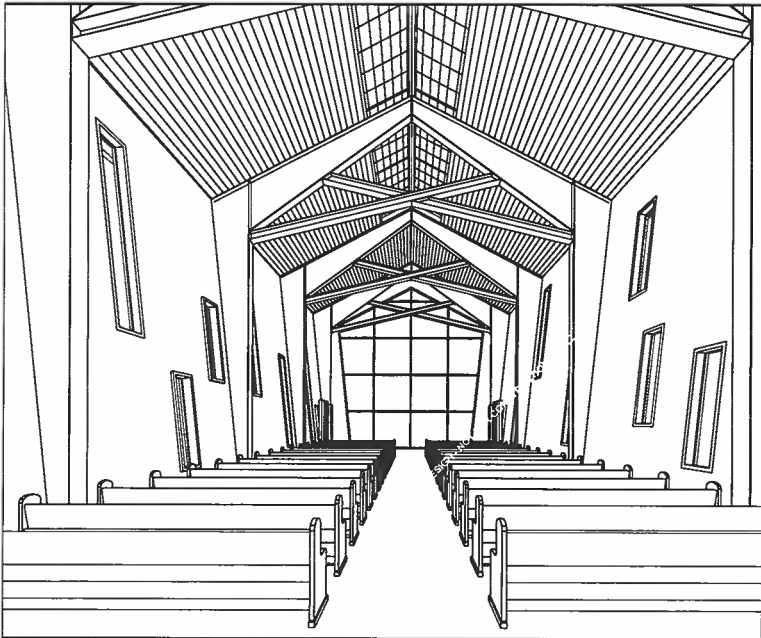
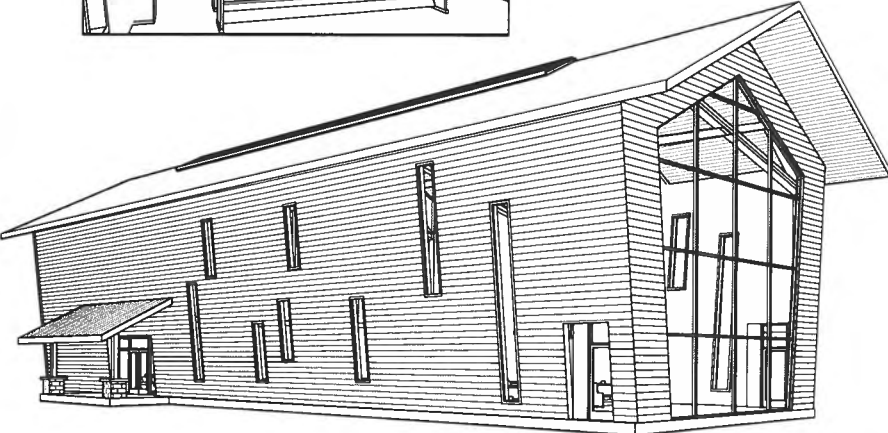
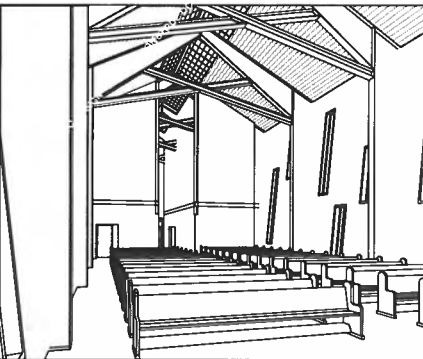
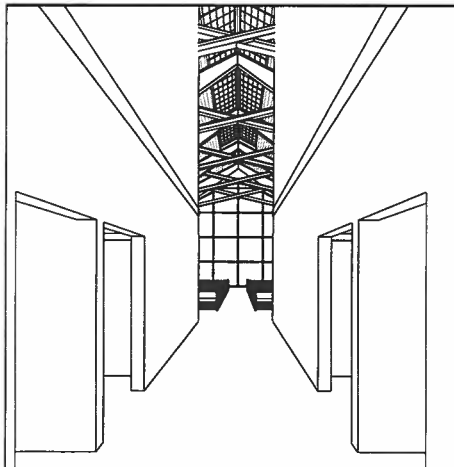
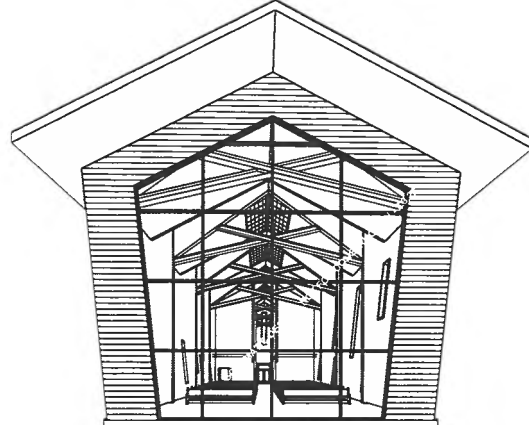
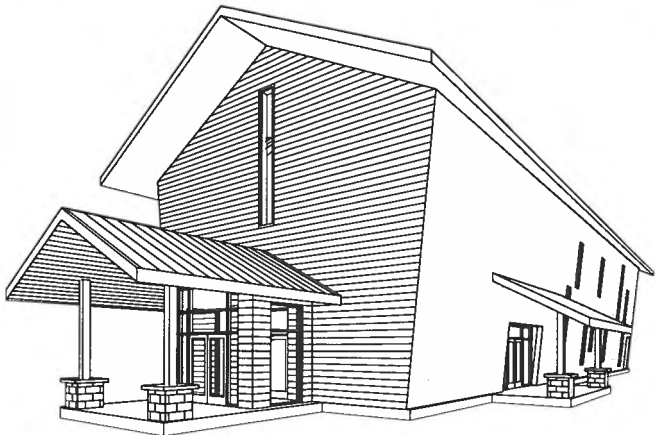


CHAPEL SCHEMATIC PLAN  
PEAR TREE ESTATES  
CHAMPAIGN COUNTY, ILLINOIS

DATE: 2/3/2022  
SCALE: AS NOTED  
DRAWN BY: Author  
JOB: 21-095  
BUILDING SECTION:  
SHEET: A202  
OF:

2/3/2022 10:10:00 PM  
E:\Users\Peer Tree\Chapel\Chapel.dwg

SCHEMATIC DESIGN - NOT FOR CONSTRUCTION - 2.3.22



P: 618 888 11 11 11 11 11 11  
S: 618 888 11 11 11 11 11 11

NO.	DATE	REVISIONS

EA ARCHITECTURE & DESIGN, INC.  
 1000 W. GARDEN AVENUE, SUITE 100  
 CHAMPAIGN, ILLINOIS 61821  
 PHONE: (309) 669-1111 FAX: (309) 669-1222  
 DESIGN: (309) 669-1111

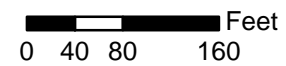
**EA** ARCHITECTURE & DESIGN, INC.  
 1000 W. GARDEN AVENUE, SUITE 100  
 CHAMPAIGN, ILLINOIS 61821  
 PHONE: (309) 669-1111 FAX: (309) 669-1222  
 DESIGN: (309) 669-1111

**CHAPEL SCHEMATIC PLAN**  
**PEAR TREE ESTATES**  
**CHAMPAIGN COUNTY, ILLINOIS**

DATE: 2/3/2022  
 SCALE: AS NOTED  
 DRAWN BY: npe  
 JOB: 21-045  
 PERSPECTIVE: 00  
 SHEET: **A203**  
 OF: 01

# Annotated 2020 Aerial

Case 034-V-21  
February 17, 2022





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 JAN 07 2022  
 CHAMPAIGN CO. P & Z DEPARTMENT

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Champaign County GIS Consortium

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JAN 07 2022

CHAMPAIGN CO P & Z DEPARTMENT



Thomasboro Fire Protection District

101 N Church St

Po Box 574

Thomasboro, IL 61878

01/10/2022

Pear Tree Estate

2150 County Road 1100 E

Champaign, IL 61822

To Whom it may concern, The Pear Tree Estate venue has installed a dry hydrant on their property that is accessible for emergency usage. We have Trained on its usage and it works as it should. It's located in an area that is accessible year around and 24-7.

If you have any questions feel free to contact me.



Paul Cundiff

Fire Chief

Pvc367@yahoo.com

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JAN 12 2022

CHAMPAIGN CO. P & Z DEPARTMENT



**034-S-21 Site Images**



**At entrance to subject property**



**From entrance facing east. Parking lot at left is gravel overflow parking lot.  
Parking lot at right is proposed chapel location.**

**034-S-21 Site Images**



**From north overflow lot facing south to proposed chapel location.**



**From main parking lot facing west to overflow lot –  
post lighting related to proposed waiver shown forefront**

**034-S-21 Site Images**



**From proposed chapel location facing north showing parking lot screening**



**View of subject property from CR 1000E/CH 1 in front of residence to north**

**034-S-21 Site Images**



**View of subject property from CR 1000E/CH 1 in front of residence to south**



**Main event center building at east end of subject property**

**PRELIMINARY DRAFT**

**034-S-21**

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

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

Date: ***{February 17, 2022}***

Petitioner: **Anne Murray-Easterday, d.ba. Pear Tree Estate**

Request: **Authorize an expansion of the Special Use Permit for an event center approved in Case 700-S-11 to include construction and use of a chapel as an accessory use in the AG-2 Agriculture Zoning District, with the following waiver:**

**Authorize a waiver for the use of existing outdoor lighting that is not full cutoff design, per Section 6.1.2 of the Zoning Ordinance.**

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***PRELIMINARY DRAFT***

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 17, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. Anne Murray-Easterday, d.b.a. Pear Tree Estate, owns the subject property with her sister, Lauren Miller, under the MSPM LLC. They are the sole shareholders and officers in the LLC.
2. The subject property is a 10-acre tract of land located in the Southwest Quarter of the Northwest Quarter of Section 14, Township 20 North, Range 8 East of the Third Principal Meridian in Hensley Township, commonly known as Pear Tree Estate, with an address of 2150 CR 1000E, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is not located within the one-and-one-half miles of a municipality with zoning.
  - B. The subject property is located within Hensley Township, which has a Planning Commission. Townships with Plan Commissions do not have protest rights on Special Use Permit cases, but are notified of such cases.

***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 10-acre subject property is zoned AG-2 Agriculture and is in use as an event center with a caretaker's residence.
  - B. Land to the north is zoned AG-1 Agriculture and is in agricultural production with a farmstead.
  - C. Land to the east is zoned AG-1 Agriculture and is in agricultural production.
  - D. Land to the south is zoned AG-1 Agriculture and is in agricultural production.
  - E. Land to the west is zoned AG-1 Agriculture and is in agricultural production.

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

5. Regarding the site plan and operations of the proposed Special Use:
  - A. The Site Plan received December 27, 2021 indicates the following existing and proposed features:
    - (1) Existing features are the following:
      - a. The existing 2,625 square feet home authorized in ZUPA #178-85-01 and attached garage authorized in ZUPA #345-87-01.
      - b. A 14,461 square foot event center authorized in ZUPAs #292-12-01 and #169-13-01.

**PRELIMINARY DRAFT****Case 034-S-21****Page 3 of 26**

- c. Four paved or gravel parking areas to the north and west of the event center.
  - d. A septic field located in the northeast corner.
  - e. Screening along the northern edges of the designated and overflow parking areas.
  - f. Numerous post-mounted lighting fixtures surrounding the paved parking area, which are the subject of the requested waiver in this case.
- (2) Proposed features include one 4,900 square foot chapel to be located west of the residence in the current south gravel parking area.
- a. The petitioner is discussing septic system options with a contractor. It is possible that no changes will be made because no additional events will occur at the same time with other events due to construction of the chapel.
- B. Previous Zoning Use Permits for the subject property include:
- (1) ZUPA #178-85-01 approved on June 27, 1985, to construct the residence.
  - (2) ZUPA #345-87-01 approved on December 11, 1987, to construct an attached garage.
  - (3) ZUPA #292-12-01 approved on March 21, 2013, to construction the foundation only for the event center.
  - (4) ZUPA #169-13-01 approved on June 27, 2013, to construct an event center.
  - (5) ZUPA #295-16-01 approved on December 8, 2016, to construct an addition to the event center.
- C. Previous Zoning Cases for the subject property are as follows:
- (1) Case 699-AM-11 was approved on September 20, 2012, to rezone the subject property from AG-1 Agriculture to AG-2 Agriculture.
  - (2) Case 700-S-11 was approved on August 16, 2012, to authorize a Special Use Permit for an event center.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for the proposed Special Use in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
    - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.

**PRELIMINARY DRAFT**

- (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) “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.
- (5) “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.
- (6) “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.
- (7) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (8) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (9) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
- (10) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (11) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (12) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A



**PRELIMINARY DRAFT****Case 034-S-21****Page 5 of 26**

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.
- (13) “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.
- (14) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be 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. Section 5.2 authorizes an event center as a combined “Outdoor Commercial Recreational Enterprise” and “Private Indoor Recreational Development” as a Special Use only in the AG-2 Agriculture Zoning District and by-right in the B-3 and B-4 business zoning districts.
- C. Section 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.

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- 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) There is one Standard Condition for the "Outdoor Commercial Recreational Enterprise" in Section 6.1.3 of the Zoning Ordinance:
- a. An "Outdoor Commercial Recreational Enterprise" is not permitted within 200 feet of any R DISTRICT or residential or INSTITUTIONAL USE.
- C. Section 7.4.1 refers to parking requirements for a facility such as the proposed Special Use:
- (1) For BUILDINGS and other enclosed STRUCTURES, one PARKING SPACE for each five seats provided for patrons use, or at least one PARKING SPACE for each 200 square feet of floor area, whichever requires the greater number of PARKING SPACES.
  - (2) For outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.
  - (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

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located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.

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

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the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:

- a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
  - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction.
  - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11. D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
  - A. The Petitioner testified on the application, **“We currently use the venue at Pear Tree Estate to host ceremonies and do room flips to host the reception. Weather often complicates things and we have come up with a plan for a beautiful ceremony + reception that is not weather dependent. A chapel will allow bride + grooms the option to have an inside ceremony and indoor reception. Their events will no longer be weather dependent.”**
  - B. The subject property is located along CR 1000E/CH 1/North Mattis Avenue, approximately 2.5 miles north of Olympian Drive.
  - C. Pear Tree Estate has been located on the property since 2014.

**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 9 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 have testified on the application, **“Pear Tree Estate will not be booking additional events – the contracted events will just have a stress free day with no weather dependent functions. Wedding ceremonies happen around 4pm and last a maximum of 30 minutes.”**
  - B. Regarding surface drainage:

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- (1) The chapel would be constructed where there is currently a gravel overflow parking lot. The gravel parking lot and the larger gravel lot to the north were not included in the original Storm Water Drainage Plan for the event center; they were originally planned as grass overflow lots, which would not have impacted drainage. A special condition has been added to ensure there is sufficient storm water detention for the proposed chapel and gravel overflow parking to the north.
- C. Regarding the effects on traffic:
- (1) The subject property fronts the east side of CR 1000E/CH 1/North Mattis Avenue. Regarding the general traffic conditions on CR 1000E at this location and the level of existing traffic and the likely increase from the proposed Special Use expansion:
    - a. The traffic generated by the proposed use will primarily occur on weekends.
    - b. There is no proposed increase in events on the property, so the addition of a chapel should not induce additional traffic.
- D. The subject property is located approximately 8 road miles from the Thomasboro Fire Protection District station. The “Fire Districts and Distances Traveled” map from the Land Resource Management Plan approved April 2010 reflects that the subject property is in an area that is fairly distant from a fire station. Notification of this case was sent to the FPD Chief, and no comments have been received.
- E. Regarding flood concerns:
- (1) No portion of the subject property is in a Special Flood Hazard Area.
  - (2) The chapel would be constructed where there is currently a gravel overflow parking lot. The gravel parking lot and the larger gravel lot to the north were not included in the original Storm Water Drainage Plan for the event center; they were originally planned as grass overflow lots, which would not have impacted drainage. A special condition has been added to ensure there is sufficient storm water detention for the proposed chapel and gravel overflow parking to the north.
- F. Regarding soils on the 10-acre subject property:
- (1) The soil on the subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam, 662C2 Wyonet silt loam, 481A Raub silt loam, and 56B Dana silt loam, and has an average Land Evaluation score of 93.
  - (2) The proposed chapel would be located on land that was already disturbed to create a gravel parking lot, and no land would be removed from production.
- G. Regarding outdoor lighting on the subject property:
- (1) The petitioners plan to install outdoor lighting that is compliant with the Zoning Ordinance. A special condition has been added to ensure compliance.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) The subject property residence and the event center have a septic system.

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- (2) The petitioner is discussing septic system options with a contractor. It is possible that no changes will be made because no additional events will occur at the same time with other events due to construction of the chapel.
  - a. A special condition has been added to ensure compliance with Champaign-Urbana Public Health District requirements.
  
- I. Regarding life safety considerations related to the proposed Special Use:
  - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
    - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
    - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
    - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
    - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
    - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
    - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
    - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
    - 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.
- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner have testified on the application, **“Yes – we plan to maintain the beautiful property as we have for 8 years. Including the 4 acres of wildflowers on the west side of the property. The new building will reflect the same aesthetics of the natural look of Pear Tree Estate.”**
  - 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) The 10-acre lot is in compliance with the maximum lot area requirement for best prime farmland.
    - (4) Regarding the requirement for a separation distance of 200 feet between the Special Use and any R DISTRICT or residential or INSTITUTIONAL USE:
      - a. The nearest residential use is over 500 feet from the subject property.

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- (5) Regarding parking on the subject property for the proposed Special Use:
- a. There is a maximum of 400 people in the Event Center and dividing 400 by 5 seats equals 80 parking spaces, which is the greater number compared to 73, which is a result of dividing 14,461 square feet by 200 square feet.
  - b. The subject property has 77 paved spaces plus 4 accessible spaces, in addition to room for 60 more vehicles in the north gravel lot. This exceeds the number required by the Zoning Ordinance.
    - (a) The chapel is proposed to be located on the existing south gravel lot, which accommodated 24 vehicles. There is still sufficient parking per the minimum requirements.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) The chapel would be constructed where there is currently a gravel overflow parking lot. The gravel parking lot and the larger gravel lot to the north were not included in the original Storm Water Drainage Plan for the event center; they were originally planned as grass overflow lots, which would not have impacted drainage. A special condition has been added to ensure there is sufficient storm water detention for the proposed chapel and gravel overflow parking to the north.
- D. Regarding the Special Flood Hazard Areas Ordinance:
- (1) The subject property is not located within a Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- 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. 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:



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

The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
  - (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- D. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning 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.
  - (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. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
      - (a) It is not clear whether or not the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

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- (b) An event center is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and an event center. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.
  - b. Regarding the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect.
    - (a) If the petitioner is denied the special use permit expansion for the chapel, the property can still be used as an event center and residence.
- (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. The traffic generated by the proposed use will primarily occur on weekends.
  - b. There is no proposed increase in events on the property, so the addition of a chapel should not induce additional traffic.
- (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. No portion of the subject property is in a Special Flood Hazard Area.
  - b. The chapel would be constructed where there is currently a gravel overflow parking lot. The gravel parking lot and the larger gravel lot to the north were not included in the original Storm Water Drainage Plan for the event center; they were originally planned as grass overflow lots, which would not have impacted drainage. A special condition has been added to ensure there is sufficient storm water detention for the proposed chapel and gravel overflow parking to the north.
- (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. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  - c. No comments have been received from relevant jurisdictions or the public.

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

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

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

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

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

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

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

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.

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- (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.

There are no natural features on the subject property.

- (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.

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

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

The petitioners have established wildflowers on the front 4 acres of the subject property, and chapels are found throughout rural areas of Champaign County.

- (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 testified on the application: “N/A”
  - B. The proposed use is not an existing non-conforming use.

**GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS**

12. Regarding the necessary waivers of standard conditions:
- A. Waive the standard condition of Section 6.1.2 of the Zoning Ordinance that requires exterior lighting that is full-cutoff in design:

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- (1) The Special Use Permit for the event center approved in August 2012 included the same special condition for exterior lighting that has been provided for all Special Use Permits since 2009.
- (2) During construction of the event center, the petitioner installed numerous post-mounted lighting fixtures surrounding the paved parking area. The fixtures are mounted at approximately 3 feet from the ground, and have a maximum 100-watt light bulb.
- (3) The lighting that the petitioner chose does not have specification sheets available, and therefore there was no indication if the lighting was dark sky friendly or not when they were purchased.
- (4) For a fixture to be full-cutoff in design, the bulb must be shielded so that light only shines below the horizontal plane; these fixtures only shield above the light bulb.
- (5) Most of the lighting is surrounded by tall grass, which shields the lighting from neighboring properties.
- (6) The nearest residence is approximately 850 feet from the lighting fixtures, and no complaints have been received.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

12. Regarding proposed special conditions of approval:

- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the expansion of 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.**

- B. **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, with the exception of the existing lighting fixtures surrounding the parking areas that are the subject of the waiver in Case 034-S-21.**

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.**

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes:**

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**(A) the current edition or most recent preceding editions of the International Building Code, and (B) the National Electrical Code NFPA 70.**

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

**New commercial buildings shall be in conformance with Public Act 96-704.**

- 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. **Regarding storm water drainage:**

(1) **Prior to issuance of a Zoning Use Permit for the chapel, the petitioner's storm water engineer shall revise the Storm Water Drainage Plan to include the proposed chapel and the gravel overflow parking lot to the north, which will then be reviewed by the P&Z Department's consulting engineer.**

(2) **Prior to occupancy of the chapel, the petitioner shall make any recommended changes to the storm water drainage system on the property as required by the storm water review.**

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

**That there is an adequate storm water drainage system in place for all uses on the subject property.**

- H. **Only one event shall be held at one time on the subject property.**

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

**That events do not exceed the capacity of the septic system and available parking spaces.**

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1. Application for Special Use Permit received on December 27, 2021, with attachments:
  - A Site Plan
  - B Chapel floor plan
  
2. Email from Annie Murray-Easterday received January 7, 2022, with attachments:
  - A 2020 aerial with chapel location
  - B 2020 aerial with proposed additional screening
  - C Event center building floor plan
  - D Photo of exterior lighting by parking lots
  - E Overall site plan dated December 1, 2012
  - F Grading & Erosion Control Plan dated December 1, 2012
  - G Details & Specifications sheet dated December 1, 2012
  - H Dry hydrant details dated December 1, 2012
  
3. Email from Annie Murray-Easterday received January 12, 2022, with attachment:
  - A Letter from Thomasboro Fire Protection District dated January 10, 2022
  
4. Email from Annie Murray-Easterday received February 9, 2022, with attachment:
  - A Revised chapel floor plan
  
5. Preliminary Memorandum dated February 9, 2022, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan and revised chapel floor plan received December 27, 2021 and February 9, 2022
  - C Annotated 2020 Aerial created by P&Z Staff on February 9, 2022
  - D 2020 aerial with proposed additional screening received January 7, 2022
  - E Photo of exterior lighting by parking lots received January 7, 2022
  - F Letter from Thomasboro Fire Protection District received January 12, 2022
  - G Site photos dated April 12, 2021
  - H Summary of Evidence, Summary Finding of Fact, and Final Determination dated February 17, 2022

**PRELIMINARY DRAFT****SUMMARY DRAFT FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **034-S-21** held on **February 17, 2022**, 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:
  - a. *Wedding clients will have a venue that will not be subject to inclement weather.*
  - b. *The event center has been at this location since 2014.*
  
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 because:
    - a. *There is no proposed increase in events on the property, so the addition of a chapel should not induce additional traffic or create safety issues.*
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:
    - a. *The subject property is located approximately 8 road miles from the Thomasboro Fire Protection District station. Notice of this zoning case was sent to the Fire Protection District, and no comments have been received.*
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:
    - a. *The subject property is surrounded by land in agricultural production.*
    - b. *The event center has been at this location since 2014.*
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:
    - a. *A special condition has been added to ensure that the original Storm Water Drainage Plan will be revised to include the proposed chapel and the gravel overflow parking lot to the north.*
  - e. Public safety will be *{ADEQUATE / INADEQUATE}* because:
    - a. *Relevant jurisdictions were notified of this case, and no comments have been received.*
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:
    - a. *Analysis by P&Z staff indicates that there is sufficient space on the property for all required parking spaces.*
  - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
    - a. *The proposed chapel location would be where there is currently a gravel parking lot, so no land would be taken out of production.*



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- h. Existing public services ***{ARE/ARE NOT}*** available to support the proposed SPECIAL USE without undue public expense ***{because\*}***:
  - a. ***No additional public services are required for the proposed chapel.***
- i. Existing public infrastructure together with the proposed development ***{IS/IS NOT}*** adequate to support the proposed development effectively and safely without undue public expense ***{because\*}***:
  - a. ***No new infrastructure is required for the proposed chapel.***

*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.
- 5. The requested Special Use ***IS NOT*** an existing non-conforming use.
- 6. ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***
  - A. Regarding the waiver of the standard condition in Section 6.1.2 of the Zoning Ordinance that requires exterior lighting that is full-cutoff in design:
    - (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:

**PRELIMINARY DRAFT**

- a. *Most of the lighting is surrounded by tall grass, which shields the lighting from neighboring properties.*
  - b. *The nearest residence is approximately 850 feet from the lighting fixtures, and no complaints have been received.*
- (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:
- a. *Most of the lighting is surrounded by tall grass, which shields the lighting from neighboring properties.*
  - b. *The nearest residence is approximately 850 feet from the lighting fixtures, and no complaints have been received.*
- (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:
- a. *There are no shields known to be available for the fixtures, so the petitioner would have to purchase approximately three dozen replacement fixtures.*
- (4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
- a. *The petitioner chose lighting with a low bulb wattage that is shielded by tall grass.*
- (5) The requested waiver ***{IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because:
- a. *There are no shields known to be available for the fixtures, so using the existing lighting with the prairie grass as a shield is the minimum variation without the petitioner taking on the expense of replacing the fixtures.*
7. **{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 Zoning Administrator shall not issue a Zoning Compliance Certificate for the expansion of 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.**

- B. **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, with the**

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**exception of the existing lighting fixtures surrounding the parking areas that are the subject of the waiver in Case 034-S-21.**

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.**

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding editions of the International Building Code, and (B) the National Electrical Code NFPA 70.**

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

**New commercial buildings shall be in conformance with Public Act 96-704.**

- 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. **Regarding storm water drainage:**

- (1) **Prior to issuance of a Zoning Use Permit for the chapel, the petitioner's storm water engineer shall revise the Storm Water Drainage Plan to include the proposed chapel and the gravel overflow parking lot to the north, which will then be reviewed by the P&Z Department's consulting engineer.**

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- (2) **Prior to occupancy of the chapel, the petitioner shall make any recommended changes to the storm water drainage system on the property as required by the storm water review.**

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

**That there is an adequate storm water drainage system in place for all uses on the subject property.**

- H. **Only one event shall be held at one time on the subject property.**

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

**That events do not exceed the capacity of the septic system and available parking spaces.**

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**FINAL DETERMINATION FOR CASE 034-S-21**

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 **034-S-21** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Anne Murray-Easterday, d.ba. Pear Tree Estate**, to authorize the following:

**Authorize an expansion of the Special Use Permit for an event center approved in Case 700-S-11 to include construction and use of a chapel as an accessory use in the AG-2 Agriculture Zoning District.**

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

**Authorize a waiver for the use of existing outdoor lighting that is not full-cutoff design, per Section 6.1.2 of the Zoning Ordinance.**

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

- A. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the expansion of 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.**
- B. 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, with the exception of the existing lighting fixtures surrounding the parking areas that are the subject of the waiver in Case 034-S-21.**
- C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition or most recent preceding editions of the International Building Code, and (B) the National Electrical Code NFPA 70.**
- 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. **Regarding storm water drainage:**
  - (1) **Prior to issuance of a Zoning Use Permit for the chapel, the petitioner's storm water engineer shall revise the Storm Water Drainage Plan to include the proposed chapel and the gravel overflow parking lot to the north, which will then be reviewed by the P&Z Department's consulting engineer.**
  
  - (2) **Prior to occupancy of the chapel, the petitioner shall make any recommended changes to the storm water drainage system on the property as required by the storm water review.**
  
- H. **Only one event shall be held at one time 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