

CASE 106-S-23

SUPPLEMENTAL MEMORANDUM #1
NOVEMBER 8, 2023

Petitioner: Banio and Shanelle Koroma, d.b.a. Ujima Retreat Center

Request: Authorize a Special Use Permit for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” in the AG-2 Agriculture Zoning District.

Location: The 7.5-acre Lot 1 of Werts Subdivision in the Southeast Quarter of the Northeast Quarter of Section 34, Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township, commonly known as the residence with an address of 4303 S High Cross Road, Urbana.

Site Area: 7.5 acres

Time Schedule for Development: Already in use

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

STATUS

This case was continued from the August 31, 2023 ZBA meeting. On September 1, 2023, Susan Burgstrom sent Mr. Koroma a list of items the Board wanted to see for the next ZBA meeting:

1. Contact Champaign-Urbana Public Health District regarding the new septic system and the outhouse. The Board would like the best possible evidence that the newly installed septic system meets all public health requirements. They would also like documentation that the outhouse is compliant for public use.
2. Provide the name of the licensed plumber who installed the septic system and any information they have on the capacity of the system and size of the leach field.
3. How the RV outlets will be used, maintained, or decommissioned.
4. If the plan is to keep the RV spaces as part of the retreat center, determine whether there is enough room for them to maneuver given the need to have four parking spaces in the circle drive.
5. Whether handicap accessible parking is needed and what other aspects of the retreat center need to be accessible.

In an email received October 25, 2023, Mr. Koroma provided an update for each of the items (Attachment B). The following evidence has been added under Item 5 of the revised Summary of Evidence dated November 16, 2023:

1. Septic and outhouse: “We are currently working with Jeff Blackford & Cody Clem with (ECI Underground Solutions). Cody conducted a Soil Test. We have all decided to redo the septic tank with a new tank and an additional leach field. We are scheduled to start this project on Thursday 11/16/23. For the outhouse we will be removing the outhouse. Instead we will just rent a Porta Potty.”
2. Plumber for existing septic: “Daniel Walker. The current tank is a 1000 Gal tank. However the tank and the leach field will be replaced on 11/16/23.”
3. RV outlets: “The electrical outlets will be used for electric equipment (Electric Golf cart, Electrical Landscaping equipment...etc). Our electrician will maintain/service them once a year or when service is needed.”
4. RV space: “We are not currently offering RV spaces in our advertising. If we eventually decide to purchase our own RV, there is more than enough room to maneuver around the Quonset and the circle drive. (We have had 18 wheeler Semi Trucks & Dump trucks [Dirt, Gravel and cement delivery] use this space and driveway with no problems at all.)”
5. Accessibility: “We spoke to Felicia Burton twice. Confirmed and referenced the Illinois Accessibility Code (IAC). She also forwarded us the 2018 Illinois Accessibility Code. We were instructed by Felicia based on the code to install one accessibility parking spot in front of the Quonset hut. We have followed her request and corrected this thus making us compliant. I have attached a photo for your reference.”

On October 26, 2023, Susan Burgstrom sent an email to Mr. Koroma stating the accessible parking space is not compliant with the Illinois Accessibility Code. There is already a special condition of approval for accessibility requirements that must be achieved prior to issuance of a Zoning Compliance Certificate.

Mr. Koroma has also been working with the City of Urbana to subdivide the 7.5 acres into two lots, as required by proposed special condition H. P&Z Staff have received a Preliminary Plat for review and the plat appears to conform to the Zoning Ordinance.

PROPOSED SPECIAL CONDITIONS

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 106-S-23, and this permit shall include a fee for the “Ujima Retreat Center” sign.**

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. Regarding the Illinois Accessibility Code:**
- (1) Within 30 days of approval of case 106-S-23, the petitioner shall contact the Illinois Capital Development Board to determine what aspects of the Private Indoor Recreational Development/ Outdoor Commercial**

Recreational Enterprise must be made accessible. A copy of the request for a determination and the response shall be provided to the Zoning Administrator.

- (2) **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. **The petitioner shall not allow any parking in the public street right of way.**

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

That the proposed Special Use is not injurious to pedestrians and motorists on CR 2600N.

- G. **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.

- H. **In order to resolve the violation of having a second dwelling on the subject property, the petitioners must choose one of the following remedies:**
- (1) **Within 60 days of approval of Case 106-S-23, the petitioners must permanently decommission either the bathroom or the kitchen in the Quonset cabin; or**
 - (2) **Within 180 days of approval of Case 106-S-23, the petitioners must submit an approved Plat of Subdivision from the City of Urbana to the P&Z Department.**

The special condition stated above is required to ensure the following:
That the property complies with the Zoning Ordinance.

- I. **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.

ATTACHMENTS

- A Legal advertisement
- B Email from Mr. Koroma received October 25, 2023, with attachments: photos
- C Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 106-S-23 dated November 16, 2023

LEGAL PUBLICATION: WEDNESDAY, AUGUST 16, 2023

CASE: 106-S-23

NOTICE OF A PUBLIC HEARING IN REGARD TO A SPECIAL USE PERMIT UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING ORDINANCE

CASE: 106-S-23

Banio and Shanelle Koroma, 4303 S High Cross Road, Urbana, d.b.a. Ujima Retreat Center, have filed a petition for a Special Use Permit under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, Illinois.

A public hearing will be held **Thursday, August 31, 2023, at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Authorize a Special Use Permit for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” in the AG-2 Agriculture Zoning District on the subject property described below.

Subject Property:

The 7.5-acre Lot 1 of Werts Subdivision in the Southeast Quarter of the Northeast Quarter of Section 34, Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township, commonly known as the residence with an address of 4303 S High Cross Road, Urbana.

All persons interested are invited to attend said hearing and be heard. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, AUGUST 16, 2023 ONLY

Send bill and one copy to: Champaign County Department of Planning and Zoning
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802
Phone: 384-3708

Our News Gazette account number is 99225860.

Susan Burgstrom

From: Banio Koroma Jr. <mindoverbodyinternational@gmail.com>
Sent: Wednesday, October 25, 2023 2:43 PM
To: Susan Burgstrom
Cc: Shanelle Koroma
Subject: Re: list of items needed from last night's ZBA meeting
Attachments: 20231025_143355.jpg; 20231025_143517.jpg; 20231025_143344.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
OCT 25 2023

CHAMPAIGN CO. P & Z DEPARTMENT

Good Afternoon Susan,

Thank you for the Solar application and informing us on the steps to take in order to be compliant once we go Solar.

Below is an update: (Updates & Answers are in Blue).

1. Contact Jeff Blackford, (217) 531-2919, at Champaign-Urbana Public Health District regarding the new septic system and the outhouse. The Board would like the best possible evidence that the septic system you installed meets all public health requirements. They would also like documentation that the outhouse is compliant for public use. It's possible you will need to have a Soil Investigation done toward achieving compliance with Public Health.
 - o (A) We are currently working with Jeff Blackford & Cody Clem with (ECI Underground Solutions). Cody conducted a Soil Test. We have all decided to redo the septic tank with a new tank and an additional Leach Field. We are scheduled to start this project on Thursday 11/16/23. For the outhouse we will be removing the out house. Instead we will just rent a Porta Potty.
2. Provide the name of the licensed plumber who installed the septic system and any information you/they have on the capacity of the system and size of the leach field.
 - o (Daniel Walker). The current tank is a 1000 Gal tank. However the tank and the leach field will be replaced on 11/16/23.
3. How the RV outlets will be used, maintained, or decommissioned
 - o The electrical outlets will be used for electric equipment (Electric Golf cart, Electrical Landscaping equipment...etc). Our electrician will maintain/service them once a year or when service is needed).
4. If you plan to keep the RV spaces as part of your offerings, determine whether there is enough room for them to maneuver given you need to have four parking spaces in the circle drive.
 - o We are not currently offering RV spaces in our advertising. If we eventually decide to purchase our own RV, there is more than enough room to maneuver around the quonset and the circle drive. (We have had 18 wheeler Semi Trucks & Dump trucks [Dirt, Gravel and cement delivery} use this space and driveway with no problems at all.)
5. Whether you need handicap accessible parking and what other aspects of the retreat center need to be accessible. Please contact Felicia Burton from the Illinois Capital Development Board at Felicia.Burton@Illinois.gov or (217) 782-8530 and provide her with a clear understanding of your layout. It is important that she knows that this is a residential setting that you have opened up for public use by reservation only.
 - o We spoke to Felicia Burton twice. Confirmed and referenced the Illinois Accessibility Code (IAC). She also forwarded us the 2018 Illinois Accessibility Code at <https://cdb.illinois.gov/content/dam/soi/en/web/cdb/business/codes/illinoisaccessibilitycode/documents/2018-illinois-accessibility-code.pdf>

- We were instructed by Felicia based on the code to install one accessibility parking spot in front of the Quonset hut. We have followed her request and corrected this thus making us compliant. I have attached a photo for your reference.

We look forward to continuing to work with you and your board and are available for any further questions prior to or after our next hearing date! See you on 11/16/23.

Best Regards,
Banio "B.K." Koroma Jr
217.565.9200 (Direct)

On Wed, Oct 25, 2023 at 10:50 AM Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Hi Banio and Shanelle,

Hope you're doing well. This is just a friendly reminder that I would appreciate receiving any new documentation and status updates to the items listed below by Monday 10/30.

Also, I see in the email to Marcus Ricci that you are looking into installing a solar array. A solar array requires a Zoning Use Permit through our office and must meet the required yards for detached structures established in the Zoning Ordinance: side and rear yards of 10 feet, and a front yard of 35 feet and setback to the street centerline of IL 130 of 85 feet. I have attached the Zoning Use Permit application should you decide to proceed with solar. The fee for a solar array is \$33 plus a \$33 Zoning Compliance Certificate.

Thanks,
Susan

From: Susan Burgstrom
Sent: Friday, September 1, 2023 8:42 AM
To: Banio Koroma Jr. <mindoverbodyinternational@gmail.com>; Shanelle Koroma <sbryant966@gmail.com>
Subject: list of items needed from last night's ZBA meeting

Hi Banio and Shanelle,

Thanks for your time at last night's meeting, Banio. Here is a list of items the ZBA would like to see before your next hearing on November 16, 2023. If at all possible, could you please send me any related documentation for these items by Monday, October 30th so I can prepare the Board's packet?

1. Contact Jeff Blackford, (217) 531-2919, at Champaign-Urbana Public Health District regarding the new septic system and the outhouse. The Board would like the best possible evidence that the septic system you installed meets all public health requirements. They would also like documentation that the outhouse is compliant for public use. It's possible you will need to have a Soil Investigation done toward achieving compliance with Public Health.
2. Provide the name of the licensed plumber who installed the septic system and any information you/they have on the capacity of the system and size of the leach field.
3. How the RV outlets will be used, maintained, or decommissioned
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DRAFT REVISED 11/16/23

106-S-23

**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 31, 2023~~November 16, 2023}***

Petitioners: **Banio & Shanelle Koroma, d.b.a. Ujima Retreat Center**

Request: **Authorize a Special Use Permit in the AG-2 Agriculture Zoning District for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise”.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 31, 2023, and November 16, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Banio and Shanelle Koroma own the subject property. They are the sole owners and officers of Ujima Retreat Center.
2. The subject property is the 7.5-acre Lot 1 of Werts Subdivision in the Southeast Quarter of the Northeast Quarter of Section 34, Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township, commonly known as the residence with an address of 4303 S High Cross Road, Urbana.
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. Municipalities with zoning are notified of Special Use Permit cases, but do not have protest rights in these cases.
 - B. The subject property is located within Urbana Township, which does not have a Plan 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 7.5-acre subject property is currently zoned AG-2 Agriculture and is in use as a residence and retreat center.
 - B. Land surrounding the subject property is also zoned AG-2 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 May 31, 2023, is an aerial photo, and indicates the following existing conditions and proposed improvements:
 - (1) Existing buildings and structures include:
 - a. A 1,768 square feet single-family residence;
 - b. One 1,200 square feet barn;
 - c. One 900 square feet Quonset structure that has been converted to a dwelling;
 - d. One 480 square feet garage; and
 - e. One 500 square feet pavilion.
 - (2) There are no proposed improvements.

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- B. Regarding information requested by ZBA members at the August 31, 2023 meeting, the petitioner provided the following responses in an email received October 25, 2023:
- (1) Septic and outhouse: “We are currently working with Jeff Blackford & Cody Clem with (ECI Underground Solutions). Cody conducted a Soil Test. We have all decided to redo the septic tank with a new tank and an additional leach field. We are scheduled to start this project on Thursday 11/16/23. For the outhouse we will be removing the outhouse. Instead we will just rent a Porta Potty.”
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 - (5) Accessibility: “We spoke to Felicia Burton twice. Confirmed and referenced the Illinois Accessibility Code (IAC). She also forwarded us the 2018 Illinois Accessibility Code. We were instructed by Felicia based on the code to install one accessibility parking spot in front of the Quonset hut. We have followed her request and corrected this thus making us compliant. I have attached a photo for your reference.”
- C. There are no zoning permits for the subject property.
- (1) The 7.5-acre lot was part of a 75-acre tract until the subdivision was created in 1990, so any structures built before then would have been agriculture-exempt.
 - (2) All structures listed above appeared in 1988 aerial photos.
- D. There are no previous zoning cases for the subject property.
- E. Regarding operations, the Ujima Retreat Center website offers the following:
- (1) Recreational space for small groups;
 - (2) Overnight stays in the Quonset cabin or camping on the grounds;
 - (3) Retreats and events.

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*:

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- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (4) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (5) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop 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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- (6) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (7) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (8) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (9) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
- (10) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (11) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (12) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (13) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (14) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (15) “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.
- (16) “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.

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- (17) “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.
- (18) 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.
- (19) “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.

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- e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 establishes the following standard condition for an Outdoor Commercial Recreational Enterprise:
 - a. A separation distance of 200 feet between any R DISTRICT or residential or INSTITUTIONAL USE.
- C. Section 7.4.1 refers to parking requirements for a facility such as the proposed Special Use:
- (1) For BUILDINGS and other enclosed STRUCTURES, one PARKING SPACE for each five seats provided for patrons use, or at least one PARKING SPACE for each 200 square feet of floor area, whichever requires the greater number of PARKING SPACES.
 - (2) For outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.
 - (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;

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- (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 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.

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

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Mental health is an ever-increasing issue. The property is close to town to be convenient for use but far enough from town for individuals to connect with nature and to connect with the quiet of the country. The property layout is ideal for small groups to meet and connect with nature and serves as a respite in nature for the population seeking wellness.”**
 - B. The subject property is located approximately 1.4 road miles from the City of Urbana along IL Route 130 (High Cross Road).

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, **“The property is over 7 acres and is rural in such a way that it is quite isolated. The property already has a park pavilion, small pond, and building to facilitate the proposed use. Only small groups will be hosted with no more than 6 people inside and no more than 20 people at an outside event. The owners live on the property and will be on-site to maintain its quiet use.”**
 - B. Regarding surface drainage:
 - (1) The southern portion of the subject property drains east toward the road ditch along IL 130/High Cross Road. The northern portion drains toward the pond on the subject property.
 - (2) No part of the subject property is in the flood hazard area.
 - (3) There are no proposed improvements that would trigger the requirement for a Storm Water Drainage Plan.

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- C. Regarding the effects on traffic:
- (1) The subject property fronts the west side of IL 130/High Cross Road.
 - (2) IL 130 (High Cross Road) at this location is a two-lane paved road with paved shoulders.
 - (3) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2021 near the subject property. IL 130/High Cross Road south of Curtis Road had an ADT of 6,000.
 - (4) Traffic volumes are expected to increase minimally, but no Traffic Impact Analysis has been done.
 - (5) IDOT was notified of this case and no comments have been received.
- D. The subject property is located approximately 4.2 road miles from the Philo Fire Protection District station in Philo. Notification of this case was sent to the FPD Chief, and no comments were received.
- E. Regarding flood concerns:
- (1) No part of the subject property is in the flood hazard area.
- F. Regarding soils on the 7.5-acre subject property:
- (1) The soil on the subject property is not Best Prime Farmland and consists of 152A Drummer silty clay loam, ~~and~~ 171B Catlin silt loam, and a 2.8-acre pond, and has an average Land Evaluation score of ~~10063~~.
 - (2) No land would be removed from agricultural production.
- G. Regarding outdoor lighting on the subject property:
- (1) No information was provided regarding outdoor lighting. A special condition has been added to ensure compliance.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) The main residence and the Quonset cabin each have their own septic system.
 - (2) In an email received October 25, 2023, the petitioner indicated they would be installing a legal and compliant septic system in coordination with the Health Department in mid-November 2023.
- 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.

DRAFT REVISED 11/16/23**Case 106-S-23****Page 11 of 24****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: **“The plan will not change the current layout of the structures and as the events hosted are to be small, it will not change the district. The property was previously used as a personal camp space with 3 RV hookups and the current buildings. The property will be used in much the same way, but the owners will be running the property as a business to improve the community.”**
- 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 7.5-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. There are no residential zoning DISTRICTS, residential or INSTITUTIONAL USES within 200 feet of the proposed Special Use.
 - (5) Regarding parking on the subject property for the proposed Special Use:
 - a. The petitioners stated on their application that they expected no more than 20 guests at outdoor events.
 - b. The Zoning Ordinance requires at least 1 parking space per 3 outdoor guests, or 7 parking spaces.
 - c. There is sufficient grass parking onsite to accommodate 7 parking spaces.
 - d. A special condition has been added prohibiting parking on or adjacent to streets.
 - e. The State of Illinois requires accessible parking spaces. One accessible parking space that is paved, marked, and signed is required of the 7 parking spaces.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:

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- (1) The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.
- D. Regarding the Special Flood Hazard Areas Ordinance:
 - (1) No part of the subject property is in the flood hazard area.
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction and the subject property is in compliance.
 - (1) With the establishment of the second dwelling on one lot, the subject property is no longer compliant with the Zoning Ordinance. The petitioners have decided to subdivide the lot through the City of Urbana to create two compliant zoning lots. P&Z Staff have received a Preliminary Plat for review and the plat appears to conform to the Zoning Ordinance.
- 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:
 - 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):

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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 harmony with the general purpose 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.

- (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. In regards to the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect.

- (a) If the petitioners are denied the special use permit, the property can still be used as a residence.

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- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
- a. Probable traffic impacts are reviewed under Item 8.C. of this Summary of Evidence.
 - (a) Increase in traffic volumes should be minimal.

- (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.

No part of the subject property is in the flood hazard area.

- (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.
- (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;

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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.

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 land will be removed from agricultural production.

- (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.

The onsite pond was manmade. There are no other known 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.

No land will be removed from agricultural production.

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- (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: **“Yes, the property is preserving nature of a small pond and woods. The use will allow the community to seek mental wellness by being able to plan events/retreats while enjoying nature being preserved. Use is integral in maintaining and preserving the natural aspects of the property.”**
- B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 106-S-23, and this permit shall include a fee for the “Ujima Retreat Center” sign.**

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. **Regarding the Illinois Accessibility Code:**
- (1) **Within 30 days of approval of case 106-S-23, the petitioner shall contact the Illinois Capital Development Board to determine what aspects of the Private Indoor Recreational Development/ Outdoor Commercial Recreational Enterprise must be made accessible. A copy of the request for a determination and the response shall be provided to the Zoning Administrator.**
- (2) **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/ Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

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

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

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

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

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

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

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

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

That events held on the subject property adequately consider neighbors.

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

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

That the proposed Special Use is not injurious to pedestrians and motorists on CR 2600N.

- G. **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.

- H. **In order to resolve the violation of having a second dwelling on the subject property, the petitioners must choose one of the following remedies:**

- (1) **Within 60 days of approval of Case 106-S-23, the petitioners must permanently decommission either the bathroom or the kitchen in the Quonset cabin; or**
- (2) **Within 180 days of approval of Case 106-S-23, the petitioners must submit an approved Plat of Subdivision from the City of Urbana to the P&Z Department.**

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

That the property complies with the Zoning Ordinance.

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- I. **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.

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received May 31, 2023, with attachments:
 - A Aerial photo

2. Preliminary Memorandum dated August 23, 2023, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Aerial photo received with the application on May 31, 2023
 - C Annotated Aerial Photo created by P&Z Staff
 - D Excerpts from Ujima Retreat Center website, www.ujimaretreatcenter.com
 - E Right to Farm Resolution 3425
 - F Site Visit Photos taken July 6, 2023
 - G Summary of Evidence, Finding of Fact, and Final Determination for Case 106-S-23

3. Supplemental Memorandum #1 dated November 8, 2023, with attachments:
 - A Legal advertisement
 - B Email from Mr. Koroma received October 25, 2023, with attachments: photos
 - C Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 106-S-23 dated November 16, 2023

FINDINGS OF FACT FOR CASE 106-S-23

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **106-S-23** held on **August 31, 2023**, **and November 16, 2023**, 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. *The subject property is located approximately 1.4 road miles from the City of Urbana along IL Route 130 (High Cross Road).*
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*: *the Philo Fire Protection District station is 4.2 road miles from the subject property.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because*: *the subject property is surrounded by farmland and there are no nearby residences.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because*: *no part of the subject property is in the mapped floodplain.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* because*: *the Philo Fire Protection District station is 4.2 road miles from the subject property.*
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because*: *the proposed Special Use requires 7 parking spaces, and there is sufficient grass parking for that number of spaces.*

(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}*.

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- 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 nonconforming use.

6. ***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 106-S-23, and this permit shall include a fee for the “Ujima Retreat Center” sign.**

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. **Regarding the Illinois Accessibility Code:**

- (1) **Within 30 days of approval of case 106-S-23, the petitioner shall contact the Illinois Capital Development Board to determine what aspects of the Private Indoor Recreational Development/ Outdoor Commercial Recreational Enterprise must be made accessible. A copy of the request for a determination and the response shall be provided to the Zoning Administrator.**
- (2) **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:

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

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

That the proposed Special Use is not injurious to pedestrians and motorists on CR 2600N.

- G. **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.

- H. **In order to resolve the violation of having a second dwelling on the subject property, the petitioners must choose one of the following remedies:**

- (1) **Within 60 days of approval of Case 106-S-23, the petitioners must permanently decommission either the bathroom or the kitchen in the Quonset cabin; or**
- (2) **Within 180 days of approval of Case 106-S-23, the petitioners must submit an approved Plat of Subdivision from the City of Urbana to the P&Z Department.**

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

That the property complies with the Zoning Ordinance.

- I. **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.

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Page 23 of 24****FINAL DETERMINATION FOR CASE 106-S-23**

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 **106-S-23** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Banio and Shanelle Koroma, d.b.a. Ujima Retreat Center**, to authorize the following:

Authorize a Special Use Permit in the AG-2 Agriculture Zoning District for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise”.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 106-S-23, and this permit shall include a fee for the “Ujima Retreat Center” sign.**
- B. **Regarding the Illinois Accessibility Code:**
 - (1) **Within 30 days of approval of case 106-S-23, the petitioner shall contact the Illinois Capital Development Board to determine what aspects of the Private Indoor Recreational Development/ Outdoor Commercial Recreational Enterprise must be made accessible. A copy of the request for a determination and the response shall be provided to the Zoning Administrator.**
 - (2) **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.**
- F. **The petitioner shall not allow any parking in the public street right of way.**

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

- H. **In order to resolve the violation of having a second dwelling on the subject property, the petitioners must choose one of the following remedies:**
 - (1) **Within 60 days of approval of Case 106-S-23, the petitioners must permanently decommission either the bathroom or the kitchen in the Quonset cabin; or**

 - (2) **Within 180 days of approval of Case 106-S-23, the petitioners must submit an approved Plat of Subdivision from the City of Urbana to the P&Z Department.**

- I. **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:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date