

## **CASES 830-AM-16 and 831-S-16**

**SUPPLEMENTAL MEMORANDUM #4**

February 23, 2017

**Petitioner:** Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc, d.b.a. Willow Creek Farm

### **Case 830-AM-16**

**Request:** Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related Zoning Case 831-S-16.

### **Case 831-S-16**

**Request:** Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning case 830-AM-16.

**Location:** A 37 acre tract in Somer Township in the Southwest Quarter of the Northeast Quarter of Section 36 of Township 20 North, Range 9 East of the Third Principal Meridian and commonly known as the farmstead located at 1766 CR 1850 North, Urbana.

**Site Area:** 37 acres

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

**Prepared by:** **Susan Chavarria**  
Senior Planner

**John Hall**  
Zoning Administrator

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## **STATUS**

On August 12, 2016, staff sent an email to the petitioners that included a list of information requested by ZBA members and staff in time for the continued hearing on October 27, 2017 (Attachment A). That hearing was later postponed to early 2017. Ms. Lipps sent a response via email received by staff on January 24, 2017 (Attachment C), and staff received a Revised Site Plan on February 6, 2017 (Attachment E). Regarding screening for the overflow parking lot, Ms. Lipps consulted with Jonathon Manuel from Champaign County Soil and Water Conservation District and provided an email received February 7, 2017 (Attachment F).

On November 23, 2016, staff spoke by phone with Mr. Gregory Stanton, 4109 East Oaks Road, Urbana, who requested information about the case to date.

On January 24, 2017, staff received an email from Ken Mathis, Somer Township Supervisor, stating that the Township does not have issues with Mrs. Lipps’ plans (Attachment D).

On February 8, 2017, staff received and responded to a request for information from David Jackson, 4209 East Oaks Road, Urbana. Mr. Jackson has submitted no other comments (Attachment G).

On February 8, 2017, staff received an email from Colleen Ruebke with a list of possible solutions to neighborhood concerns (Attachment H). This email was forwarded to the petitioners. Also on February 8, 2017, co-petitioner Victor Fuentes responded to Mrs. Ruebke's solutions (Attachment I).

On February 15, 2017, staff received a letter from Ken Johnson (Attachment J).

Staff created a table comparing Temporary Use Permit Limits to Proposed Special Use Permit Limits in order to illustrate what the petitioners could do by-right with a Temporary Use Permit versus what they could do with the proposed Special Use Permit (Attachment K). A summary of the table is included under Item 8.O.

## **NUMBER AND FREQUENCY OF EVENTS**

In the email received January 24, 2017, Ms. Lipps states, "We anticipate 15-20 events per year of fewer than 20 vehicles. We anticipate 26 large events per year of more than 20 vehicles. Field trips of local schools are anticipated to be no more than 2 per month."

A proposed special condition was created so that the proposed events center would generate a similar amount of traffic to what would be created under by-right development conditions on best prime farmland, using the Temporary Use Permit framework to set the maximum number of events. Temporary Use Permits allow 5 events within a 90-day time period, equivalent to 20 events per year.

Staff requests a determination by ZBA members regarding whether the 26 larger events proposed by Ms. Lipps is acceptable. Staff proposes revising special condition M and renumbering it to condition K, to include tracking of the larger events:

- K. Larger events with more than 20 guest vehicles at the subject property shall be limited as follows:**
- (1) The total number of larger events shall be limited to no more than 20 events in any 365-day period.**
  - (2) No larger event shall occur during planting season (mid-April to end of May) or during harvest season (mid-September to end of October).**
  - (3) Willow Creek Farm shall notify the Zoning Administrator of each larger event at least one week prior to the event.**

## **REVISED SITE PLAN SHOWING PARKING AND SCREENING CHANGES**

The Revised Site Plan received February 6, 2017, includes changes to event center parking and screening.

Staff requested that the Revised Site Plan include the limits of the Special Use Permit area within the subject property so it is clear that the Special Use Permit does not apply to the entire property, but that is not shown on the revised Site Plan received February 6, 2017.

In a meeting with the petitioners on December 20, 2016, staff discussed only using the portion of the south parking area for overflow parking that is at least 200 feet from the nearest residential lot. Mrs.

Lipps indicated that the remaining part of the gravel area might be used for her kids' horse training. Staff told Mrs. Lipps that some sort of divider would need to be placed in the gravel area so that any overflow parking users are aware that they can only park on the eastern portion of that gravel area.

The Zoning Ordinance requires that parking for Outdoor Commercial Recreational Enterprises not be located within 200 feet of any residential use. An annotated aerial photo created by staff shows the 200 feet distance from the nearest residential lot and the south parking lot (Attachment B). The western portion of the parking lot within that 200 feet separation distance will not be used for event center parking. The eastern portion beyond the 200 feet separation distance can still be used for event center parking. A special condition has been proposed by staff to ensure there is a divider that limits parking.

- L. Only the eastern 100 feet of the existing 100 feet by 250 feet gravel area on the south end of the property may be used for event center overflow parking, and a divider must be placed to show where no parking is permitted.**

In the email received January 24, 2017, Ms. Lipps states, "We agree to move parking up to the event center. See attached Plan. The front parking will only be used for overflow parking. Cars will not be parked within 200 feet of neighboring property. See attached plan."

As per the revised Site Plan received February 6, 2017, the petitioners propose moving the event center parking area from the south end of the property along Oaks Road to the north end of the property, just west of the stable. The 35 proposed spaces would be in addition to the existing accessible parking spaces in front of the event center, and would be compliant with the Zoning Ordinance for the number of spaces required for a maximum event center capacity of 150 persons.

In the email received January 24, 2017, Ms. Lipps states, "Traci Lipps and Victor Fuentes are willing to provide screening along Oaks Road (CR 1850N). We are collaborating with Jonathon Manuel of the Champaign County Soil and Water Conservation District to provide the best screening. Before planting, screening will meet ZBA Ordinance and will be approved." Per the revised Site Plan received February 6, 2017, a new privacy fence and tree planting are indicated along Oaks Road. More information about the proposed screening can be found in the email from Mrs. Lipps received February 7, 2017.

### **DRIVEWAY LIGHTING**

In the email received January 24, 2017, Ms. Lipps states, "Lower wattage bulbs will be installed in the driveway lights. The driveway lights were installed prior to the event center for homeowner's safety. Traci Lipps has agreed to only have the spotlight on during events."

The revised Site Plan received February 6, 2017, has annotations for the driveway lighting: "9 volt LED lights on residential 7' poles – typical". It is not clear from the Site Plan if this is existing or proposed lighting.

### **LONG TERM PLANS FOR EVENT CENTER AMENITIES**

In the email received January 24, 2017, Mrs. Lipps stated that they will not allow horseback riding for events, nor will they board horses. She stated that "all horses on property are owned by Traci Lipps and/or her children and are used for competitive purposes."

In response to ZBA members requesting information on any long-term improvements that might be made for the events center, Mrs. Lipps also stated that no structures will be constructed for service of the event center, and that the event center is not and will never be a full-time restaurant.

## QUESTIONS AND COMMENTS FROM NEIGHBORS

On November 23, 2016, staff spoke by phone with Mr. Gregory Stanton, 4109 East Oaks Road, Urbana. Mr. Stanton requested information about the hearings to date. Mr. Stanton mentioned general concerns of guest capacity, road improvements, increase in traffic, and having a liquor license.

On February 8, 2017, staff received and responded to a request for information from David Jackson, 4209 East Oaks Road, Urbana. Mr. Jackson has submitted no other comments. His email and staff response are attached to this Memorandum.

On February 8, 2017, staff received an email from Colleen Ruebke with a list of possible solutions to neighborhood concerns. This email was forwarded to the petitioners. Also on February 8, 2017, co-petitioner Victor Fuentes responded with comments based on Mrs. Ruebke's solutions. Mrs. Ruebke's email and Mr. Fuentes' response are attached to this Memorandum.

### *Staff synopsis of comments, solutions, and response*

1. Concern 1: Loud noise late at night  
Mrs. Ruebke's solution: limit the number of events, shuttle guests from town to reduce traffic  
Mr. Fuentes' response: they will comply with the Nuisance Ordinance
2. Concern 2: Increased traffic wearing road down faster  
Mrs. Ruebke's solution: shuttle guests from town to reduce traffic  
Mr. Fuentes' response: they have already partnered with Reserve Car Services Inc. Shuttle Service
3. Concern 3: Guests drinking alcohol and driving increase risk of road accidents  
Mrs. Ruebke's solution: shuttle guests from town – shuttle driver would not have consumed alcohol  
Mr. Fuentes' response: petitioners are mindful of this and can call Uber or the shuttle service
4. Concern 4: Drainage/water issues due to all septic systems draining into the same farm tile  
Mrs. Ruebke's solution: enlist the advice of a farmland water drainage expert  
Mr. Fuentes' response: the large septic tank installed for the event center was inspected and approved by Champaign Health Department and the State Plumbing Inspector
5. Concern 5: Bright lights shining at night  
Mrs. Ruebke's solution: load shuttle guests up by event center to reduce lighting in the south parking area  
Mr. Fuentes' response: He offers to show the nighttime lighting levels to anyone concerned with the driveway lighting brightness

On February 15, 2017, staff received a letter from Ken Johnson, a copy of which is attached to this Memorandum. Mr. Johnson commented on concerns such as the petitioners proceeding with the development of the property without always having the proper permits; lighting being too bright along the driveway; excessive noise coming from the property; and requested some rules they would like the petitioners to abide by. The rules he requested are:

1. Drive way lights off by at least 10 PM;
2. Parking lot moved, that's by road 1850 (so there won't be a chance of it being used);
3. Barrier on all 4 sides of this property;
4. Licensed Security at all the events and learning, teaching and dinners;
5. Animals rounded up and kept on their property as soon as they get out of their pens or as soon as possible (not left to come home when feeding time comes around), horses, cattle, sheep, dogs. Also, there are leash laws in Champaign County;
6. Limited number of diners, events;
7. No events or dinners around holidays;
8. No alcohol after 8 pm;
9. None of these events to be taken on any place on the property EXCEPT their center and maybe their round house bar, (No lake, or pond parties, grassy area, no drive way or as there going to say farm parking area) just the center;
10. No gun events or firearm events; and
11. We would like to be in part of the conditions process, I.E. what is allowed and not.

### **PROPOSED SPECIAL CONDITION FOR THE MAP AMENDMENT**

The only special condition proposed for Case 830-AM-16 is agreement with the Right to Farm resolution. Despite all the special conditions proposed for the Special Use Permit, there are no staff recommendations for the map amendment Findings.

### **PROPOSED SPECIAL CONDITIONS FOR THE SPECIAL USE PERMIT, REVISED**

- A. The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:**
- (1) The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 830-AM-16; and**
  - (2) A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 830-AM-16; and**
  - (3) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.**

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

**The ongoing operations may continue but will comply with all special conditions by a date certain.**

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

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

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

**B. 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.**

**C. 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 necessary to ensure the following:

**That events held on the subject property adequately consider prior noise complaints and current neighbors.**

**D. No parking shall occur 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 the neighborhood.**

**E. Within 6 months of approval of Special Use Permit 831-S-16, the ~~25,000-square feet~~ gravel parking area adjacent to Oaks Road (CR 1850 N) must be screened with a Type D Screen and this screening must be maintained over the lifetime of the Special Use Permit.**

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

**That the parking area is in compliance with the Zoning Ordinance.**

*Note: the following condition was combined to create condition J.*

~~**F. There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**~~

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

~~**A clear understanding that there are no limits on the number of events or limits on when events may occur.**~~

**F. The Special Use is subject to the approval of Case 830-AM-16.**

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

**That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.**

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

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

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

**H. No additional residential lots may be created from the 37 acre Lipps property.**

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

**To ensure that traffic conditions do not deteriorate by permitting additional residential development.**

**I. This Special Use Permit authorizes and “event center” and not a restaurant and shall operate within the following requirements:**

- 1. All guests shall be invited and “walk in” guests shall not be allowed.**
- 2. A list of invitees shall be prepared for each event and both the invited guest list and a guest sign-in list shall be maintained as an official business record.**
- 3. Both the invited guest list and the guest sign-in list for each event shall be maintained onsite for at least 5 years and shall be made available to the Champaign County Zoning Administrator when requested.**

The special condition above is required to ensure the following:

**A permanent record of attendance that can at all times substantiate the operation as an event center and not simply a restaurant.**

**J. For events with 20 vehicles or fewer (includes shuttles and buses), there are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**

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

**A clear understanding that there are no limits on the number of smaller events or limits on when smaller events may occur.**

**K. Larger events with more than 20 guest vehicles at the subject property shall be limited as follows:**

- (1) The total number of larger events shall be limited to no more than 20 events in any 365-day period.**
- (2) No larger event shall occur during planting season (mid-April to end of May) or during harvest season (mid-September to end of October).**
- (3) Willow Creek Farm shall notify the Zoning Administrator of each larger event at least one week prior to the event.**

The above special condition is necessary to ensure the following:

**That neighborhood noise, traffic, privacy, and safety concerns are taken into consideration when holding events, and that larger events can be tracked to ensure they occur at an approved frequency and do not occur during planting and harvesting season.**

**L. Only the eastern 100 feet of the existing 100 feet by 250 feet gravel area on the south end of the property may be used for event center overflow parking, and a divider must be placed to show where no parking is permitted.**

The above special condition is necessary to ensure the following:

**That parking for the events center complies with the Zoning Ordinance.**

~~**N. Within 90 days of approval of Case 830-AM-16 by the County Board, the petitioners must remove the unauthorized gravel parking area located adjacent to CR1850N.**~~

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

~~**That the Special Use is compliant with the separation distance requirement that is a standard condition of the Zoning Ordinance, and to minimize conversion of best prime farmland.**~~

## ATTACHMENTS

- A Email from Susan Chavarria to Victor Fuentes and Traci Lipps dated August 12, 2016
- B Annotated aerial photo showing south parking lot overflow limit created by staff
- C Email from Traci Lipps received January 24, 2017, with attachment: responses to ZBA request for information
- D Email from Ken Mathis, Somer Township Supervisor, received January 24, 2017
- E Email from Traci Lipps received February 6, 2017, with attachment: revised Site Plan
- F Email from Traci Lipps received February 7, 2017, with attachments: information sheets on plant varieties from Jonathon Manuel, Champaign County Soil and Water Conservation District
- G Email from David Jackson received February 8, 2017, and response from Susan Burgstrom
- H Email from Colleen and Mark Ruebke received February 8, 2017, with attachment: possible solutions for neighborhood concerns
- I Email from Victor Fuentes received February 8, 2017
- J Letter from Ken Johnson received February 15, 2017
- K Table Comparing Temporary Use Permit Limits to Proposed Special Use Permit Limits dated February 23, 2017
- L Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16 dated February 23, 2017
- M Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16 dated February 23, 2017

## Susan Burgstrom

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**From:** Susan Chavarria  
**Sent:** Friday, August 12, 2016 10:14 AM  
**To:** tracilipps@yahoo.com; victor FUENTES (torero2302@sbcglobal.net)  
**Cc:** John Hall  
**Subject:** follow-up from last night's ZBA meeting

Hi Traci and Victor,

Wow, that was a long meeting. I appreciate your patience and your efforts to work with the ZBA, staff and neighbors. I took notes on the items the ZBA members and staff would like you to consider solutions for, in the interest of finding a middle ground where neighbors are more content and approval is more likely.

1. Please consider where else you could put the guest parking lot. As the Board said, it can probably be a smaller lot than the one you made by the road. It will need to be able to hold at least 30 vehicles (1 parking space per 5 guests) according to our parking requirements. It seemed clear last night that ZBA members would not vote in favor of the Special Use Permit if the existing gravel lot by the road is part of the plan. I created a map of a potential Special Use Area (Attachment L in the Supplemental Memo #1 Packet) that could accommodate the parking lot between the pond and the driveway. At this location, it would be at least 200 feet from the nearest residence, would not take any additional farmland out of production, and would still be far enough away from the barn so that animals and guests would be less disturbed.
2. Please create a list of how often you plan to hold the following events over a 1 year time period:
  - Small events (fewer than 20 vehicles)
  - Large events (20+ vehicles) – we assume you would maximize the number of large events allowed by-right to 5 every 3 months, or 20 per year.
  - School or children's groups visits
  - Farm to Table meals
3. If you want to have horseback riding available for event center guests, you will need to draw the area they would utilize on the Site Plan for the Special Use Permit. Keep in mind that the Special Use Permit area must be at least 200 feet from the nearest residential property boundary.
4. Think 5 years out – what activities/amenities might you have to offer as part of the Events Center? Please show any proposed activities/amenities on the site plan – e.g. “proposed merry-go-round”, “proposed hay rack ride path”. This will help us identify the Special Use Permit boundary.
5. Consider changes to the lighting along the driveway. While it seems that the ZBA has determined that the existing lampposts can be considered residential rather than for the Special Use, there are still complaints from neighbors about how bright they appear. If you come back to the next hearing with a proposal for such things as screening the lights, using a less intrusive light bulb, only using them during events and turning them off at 10pm, and/or putting some sort of cover to reduce the amount of light facing the neighbors, anything you can offer I think would help.
6. Parking for the special use permit area must be screened. Please consider what type of screening you want to use (based on Zoning Ordinance requirements) and be ready to depict that screening on the site plan. Please do not construct or plant any new screening because the ZBA might have you do something different than what you are considering. A “Type A screen” is the most likely option that the ZBA will require to screen the parking area: “Type A: Decorative opaque fence, shrubs or other vegetative material or a landscaped berm planted and maintained with a minimum HEIGHT of four feet as measured from the highest adjacent grade.” Further, if you choose vegetative material (or the ZBA requires it), as per standard Department practice, a vegetative screen

must (1) consist of an evergreen species and (2) the actual plants must be 2/3 of desired height at time of planting and (3) the selected evergreen species must provide 50% of the required screen within 2 years and (4) if recommended spacing of a single row of the selected evergreen species will not provide 50% screen in 2 years, then screen must be planted in staggered rows.

7. Consider whether you would accept the following additional types of Special Conditions for the Special Use Permit:

- moving the parking lot and/or decommissioning the unauthorized gravel lot for events
- never install a full-service kitchen
- limit number of guests to 150 and 10 employees to serve those guests for large events
- changing the driveway lighting
- screening for the special use area and screening for the parking area

Your hearing was continued to Thursday, October 27, 2016 at 7 p.m. Please do not hesitate to contact me with any questions or concerns.

Thanks,  
Susan

**Susan Chavarria**, AICP, PCED

Senior Planner  
Champaign County Planning and Zoning  
1776 East Washington Street  
Urbana, IL 61802  
217-819-4086  
[www.co.champaign.il.us](http://www.co.champaign.il.us)

# South Parking Lot - 200 feet from nearest residential lot

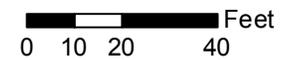
Cases 830-AM-16 and 831-S-16

December 20, 2016, revised February 10, 2017



## Legend

 Parcels



**Susan Burgstrom**

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**From:** Traci Lipps <tracilipps@yahoo.com>  
**Sent:** Tuesday, January 24, 2017 10:03 AM  
**To:** Susan Burgstrom  
**Cc:** Victor FUENTES; John Hall  
**Subject:** Willow Creek Farm  
**Attachments:** Special Use Permit 1.23.17.pdf

Hi Susan-

Attached is our "homework". I will attach the new site plan and drawings in a separate email. Please let me know if you have any questions.

Thanks-  
Traci

RECEIVED

JAN 24 2017

CHAMPAIGN CO. P & Z DEPARTMENT

Case 831-S-16

Page 2

January 23, 2017

Champaign County Zoning Board  
RE: Special Use Permit Case 831-S-16  
Willow Creek Farm  
1766 CR 1850 N  
Urbana, IL 61802

RECEIVED

JAN 24 2017

CHAMPAIGN CO. P & Z DEPARTMENT

**Boarding of horses/Horseback riding:**

There will be no boarding of horses. All horses on property are owned by Traci Lipps and/or her children and are used for competitive purposes.

Horseback riding is not allowed for events as this creates a liability for Traci Lipps and Willow Creek Farm.

Furthermore, no merry-go-rounds or other structures will be constructed for service of the event center. No petting zoo is allowed.

**Screening for customer vehicles:**

Traci Lipps and Victor Fuentes are willing to provide screening along Oaks Road. We are collaborating with Jonathan Manuel of the Champaign County Soil and Water Conservation District to provide the best screening. Before planting, screening will meet ZBA Ordinance and will be approved.

**Number of Events per year:**

We anticipate 15-20 events per year of fewer than 20 vehicles.

We anticipate 26 large events per year of more than 20 vehicles.

Field Trips of local schools are anticipated to be no more than 2 per month.

**Parking Lot:**

We agree to move parking up to the event center. See attached plan. The front parking will only be used for overflow parking. Cars will not be parked within 200 feet of neighboring property. See attached plan.

**Driveway Lights:**

Lower wattage bulbs will be installed in the driveway lights. The driveway lights were installed prior to the event center for homeowner's safety. Traci Lipps has agreed to only have the spotlight on during events.

Case 831-S-16  
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**Miscellaneous Items:**

Petitioners have contacted Somer Township Road Commission several times with no return response.

For all intents and purposes, the event center is not nor will be a full-time restaurant. We would like to have a hood installed, as approved by the Champaign County Health Department.

**Susan Burgstrom**

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**From:** Ken Mathis <kmathis@macksrecycling.com>  
**Sent:** Tuesday, January 24, 2017 1:52 PM  
**To:** Susan Burgstrom  
**Subject:** Re: zoning case  
**Attachments:** kmathis.vcf

He's out of town. I talked to him and we discussed it at our last meeting. We have no objections to the zoning change.

On 1/24/2017 1:18 PM, Susan Burgstrom wrote:

Hi Ken,

It's Susan Burgstrom (formerly Chavarria) from the County Planning and Zoning Department. Hope you're doing well.

I tried calling Rick Wolken at the number listed on the County Clerk's website, but it has been disconnected. Would you be willing to ask him a question for us?

The Lipps property at 1766 E CR 1850 N has an events center currently in our ZBA public hearing process. Last week, Rick stopped by the Zoning office on another matter, but indicated to John Hall that he had no concerns, as the Somer Township Road Commissioner, about the proposed rezoning and special use events center. I just wanted to double check if he is ok that we tell the ZBA members that he has no concerns.

Thanks,  
Susan

**Susan Burgstrom**, AICP, PCED  
Senior Planner  
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RECEIVED

JAN 24 2017

CHAMPAIGN CO P & Z DEPARTMENT

## Susan Burgstrom

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**From:** Traci Lipps <tracilipps@yahoo.com>  
**Sent:** Monday, February 06, 2017 8:16 AM  
**To:** Susan Burgstrom  
**Cc:** Victor  
**Subject:** Site plan  
**Attachments:** A-1 Site-Revised.pdf

Susan

Here is the site plan showing the new parking area. I am meeting with Jonathan this morning.

Resolving lighting and providing the drawing for the overflow parking are the two items I need to provide. Am I missing anything?

Thank you for your assistance  
Traci

Sent from my iPhone

RECEIVED

FEB 06 2017

CHAMPAIGN CO. P & Z DEPARTMENT



**Susan Burgstrom**

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**From:** Traci Lipps <tracilipps@me.com>  
**Sent:** Monday, February 06, 2017 6:10 PM  
**To:** Susan Burgstrom  
**Cc:** Victor  
**Subject:** Living fence  
**Attachments:** 20170206113604050.pdf

Susan

Please fine attached Jonathan's recommendation for additional screening. Please let me know if you have any questions.

Thank you  
Traci

Sent from my iPhone

Begin forwarded message:

RECEIVED  
FEB 07 2017  
CHAMPAIGN CO. P & Z DEPARTMENT

**From:** "Manuel, Jonathon - NRCS-CD, Champaign, IL" <[Jonathon.Manuel@il.nacdnet.net](mailto:Jonathon.Manuel@il.nacdnet.net)>  
**Date:** February 6, 2017 at 12:07:50 PM CST  
**To:** Traci Lipps <tracilipps@me.com>  
**Subject:** Living fence

Hello,  
It was great to visit with you this morning!  
I always love to hear how people are improving their farms.

On the living fence you would like to place along the front of the property, I would recommend planting 4 to 5 different shrubs. The mixture that I am recommending will provide a year around visual fence and provide great habitat for wildlife. I do recommend on the west side of the drive you keep the planting of shrubs on the inside of the fence. This should keep them from effecting the wonderful trees you have planted. On the East side the shrubs should do fine on the outside of the fence. You may wish to make sure that they stay trimmed back from the fence a couple of feet, to keep the animals from grazing on them. The verities I am recommending should be safe, however, as you know horses have very delicate stomachs.

The five shrubs that I am recommending will also provide flowers for your bees thru out the summer. They will also be able to handle the different soil and moisture issues along the front of the property.

I would recommend:  
Old Fashioned Lilacs  
Hazelnut  
Silky Dogwood or Gray Dogwood  
Coralberry

I have attached informational sheets on the ones listed along with several others in case you have trouble with locating enough stock.

Please let us know at the office if we can do anything else to help.

Jonathon Manuel CPESC-IT  
Resource Conservationist

**Hazelnut (*Corylus americana*)**

**Species code number 14**

- General description:** Round-topped, broad-spreading shrub with pendulous branches; moderately fast growing on moist soils.
- Mature height:** Usually 3 to 8 feet, but may reach 15 feet and spread 5 to 10 feet.
- Flowers:** Male flowers in catkins 1 1/2 to 3 inches in length; female flowers small starlike tufts; April.
- Fruit:** Hard-shelled nut 1/2 inch in diameter tightly encased in an involucre; abundance varies yearly; September and October.
- Natural habitat:** Dry or moist woods and thickets, roadsides.
- Soil suitability:** Performs best on well drained soils but displays a wide tolerance to soil types if provided with adequate moisture during initial establishment period.
- Shade tolerance:** Intolerant.
- Range in Illinois:** Statewide.
- Planting range:** Statewide.
- Insect and disease problems:** Blight, crown gall, black knot, caterpillars, and scales. These pests are not serious threats to the hazelnut but may use the tree as a host.
- Use by wildlife:** Provides good cover for wildlife. Nuts eaten by turkey, bobwhite, ring-necked pheasant, red-bellied woodpecker, hairy woodpecker, blue jay, fox squirrel, gray squirrel, and chipmunks.
- Spacing:** 6 feet within row; 16 feet between rows.

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FEB 07 2017

CHAMPAIGN CO. P & Z DEPARTMENT

**Silky Dogwood (*Cornus obliqua*)**

**Species code number 25**

- General description:** A multi-stemmed shrub that is moderate to fast growing on soils with adequate moisture.
- Mature height:** 6 to 10 feet; spread 6 to 10 feet.
- Flowers:** Creamy white in flat clusters, 1 1/2 to 2 1/2 inches in diameter; May and June.
- Fruit:** Blue, fleshy, single-seeded, 1/4 to 3/8 inch in diameter; abundant August to October.
- Natural habitat:** Low, moist locations, along stream banks, pond edges and swamps. Usually grows in thickets.
- Soil suitability:** Performs best on somewhat poorly drained or wetter soils. However, it will grow well on well drained soils if adequate water is provided during the establishment period.
- Shade tolerance:** Intolerant to intermediate.
- Range in Illinois:** Statewide.
- Planting range:** Statewide.
- Insect and disease problems:** Susceptible to scale insects, borers, and leaf miners. Damaged planting stock may be susceptible to fungal diseases including crown canker and blight.
- Use by wildlife:** Used by songbirds, small mammals, and deer.

**Gray Dogwood (*Cornus racemosa*)**  
**Species code number 13**

- General description:** An erect shrub, twigs reddish, soon becoming gray; moderately to fast growing on soils with adequate moisture. Usually forming thickets.
- Mature height:** 3 to 15 feet; spread 4 to 6 feet.
- Flowers:** Small, white, on elongated clusters 1 1/2 to 2 inches in diameter; May and June.
- Fruit:** White, fleshy, single-seeded, 1/6 to 1/5 inch in diameter on reddish stalks; August to October.
- Natural habitat:** Moist woods, thickets, roadsides, and stream banks.
- Soil suitability:** Performs best on moderately well drained to somewhat poorly drained soil. However, it will grow well on well drained soils if adequate moisture is available during the establishment period.
- Shade tolerance:** Intolerant to intermediate.
- Range in Illinois:** Statewide.
- Planting range:** Statewide.
- Insect and disease problems:** Susceptible to scale insects, borers, and leaf miners. Plants damaged during transplant may be susceptible to fungal diseases including crown canker and blights.
- Use by wildlife:** Fruit is eaten by birds including bluebirds, cardinals, and pheasants.
- Spacing:** 6 feet within row; 16 feet between rows.

**Coralberry (*Symphoricarpos orbiculatus*)**

**Species code number 10**

- General description:** A low shrub, often suckering with slender, upright, spreading branches. Rapid to moderate growth on moist soils.
- Mature height:** 1 to 5 feet; spread 2 to 8 feet.
- Flowers:** Small, yellow-white, in dense clusters not easily seen; July.
- Fruit:** About 3/8 inch in diameter, in clusters, purplish-red; September and October.
- Natural habitat:** Roadsides, open woods, pastured fields.
- Soil suitability:** Performs best on well drained to somewhat poorly drained soils. Will also grow in dry and rocky soils.
- Shade tolerance:** Tolerant.
- Range in Illinois:** Found throughout the state.
- Planting range:** Statewide.
- Insect and disease problems:** None known.
- Use by wildlife:** Fruit used by bobwhite, turkey, ring-necked pheasant, brown thrasher, American robin, wood thrush, hermit thrush, cedar waxwing, warbling vireo, northern cardinal, evening grosbeak, purple finch, and pine grosbeak. The floral nectar is used by ruby-throated hummingbirds.
- Spacing:** 4 feet within row; 16 feet between rows.

**Black Chokeberry (*Aronia melanocarpa*)**

**Species code number 4**

- General description:** A loose, erect, open shrub with slender stems; a moderate grower noted for its handsomely colored fall foliage.
- Mature height:** 3 to 6 feet, rarely to 10 feet; spread 3 to 4 feet; sometimes suckers spread profusely, forming large colonies.
- Flowers:** Small, white, showy on terminal clusters; clusters 1 to 2 inches in diameter; May and June.
- Fruit:** Black, lustrous berries; late August and September.
- Natural habitat:** Low, moist locations in swamps and wet woods; also locally in sandy, wet prairies and on sandstone ledges.
- Soil suitability:** Performs best on somewhat poorly drained or wet soils; will grow well on any good and moist soil; will tolerate drier or rocky soils if adequate moisture is supplied during the establishment period.
- Shade tolerance:** Intolerant to intermediate.
- Range in Illinois:** Occasionally in the northeast quarter of the state, also in Johnson, St. Clair, and Saline counties.
- Planting range:** Statewide.
- Insect and disease problems:** None known.
- Use by wildlife:** Fruit used by cedar waxwings, black-capped chickadee, bobwhite, gray catbird, brown thrasher, and eastern meadowlark.
- Spacing:** 4 feet within row; 16 feet between rows.

**American Plum (*Prunus americana*)**

**Species code number 2**

**General description:** A shrub or small tree with a spreading crown, often forming thickets. Moderately slow growing.

**Mature height:** Usually 8 to 15 feet, but may reach as much as 20 to 30 feet; spread 10 to 15 feet.

**Flowers:** White in small showy clusters of 2 to 4 flowers, each 1 inch in diameter; appear before the leaves; April to May.

**Fruit:** Round or nearly so, up to 1 inch in diameter, red with a whitish waxy covering; August and September.

**Natural habitat:** Roadsides, thickets, and open woods.

**Soil suitability:** Performs well on a wide variety of soil conditions from excessively well drained to somewhat poorly drained.

**Shade tolerance:** Intolerant to intermediate.

**Range in Illinois:** Statewide.

**Planting range:** Statewide.

**Insect and disease problems:** The Eastern tent caterpillar may use the American plum, defoliating portions of the tree; damage can be reduced by clipping and destroying the tents at night when the caterpillars are in them. Some wood-boring insects may also cause slight problems with the American plum.

**Use by wildlife:** Fruits are eaten by mammals such as raccoons, woodchucks, and squirrels.

**Spacing:** 15 feet within row; 16 feet between rows.

**Downy Arrowwood (*Viburnum rafinesquianum*)**

**Species code number 12**

- General description:** An attractive shrub with erect branches; moderate growth rate on moist soils.
- Mature height:** 3 to 6 feet; spread 1 to 3 feet.
- Flowers:** Small, creamy, in clusters 2 to 4 inches across, May and June.
- Fruit:** Blue-black, fleshy, single-seeded, 1/5 to 1/4 inch in diameter; August and September.
- Natural habitat:** Wooded slopes, rocky open woods, bluffs, and thickets along stream margins.
- Soil suitability:** Performs best on well drained or moderately well drained soils. However, it will grow on wetter or somewhat poorly drained clay soils.
- Shade tolerance:** Intolerant to intermediate.
- Range in Illinois:** Restricted to the northern half of the state.
- Planting range:** Throughout Illinois.
- Insect and disease problems:** Four-lined plant bug, dogwood borers, Asiatic weevils, obscure weevil, Japanese weevil and cottony maple leaf scale.
- Use by wildlife:** Many species of birds and mammals utilize the fruits, which may persist into the cold season. Leaves, twigs, and bark used by several mammals. Provides cover and nest sites for birds and small mammals.
- Spacing:** 6 feet within row; 16 feet between rows.

**Highbush Cranberry (*Viburnum trilobum*)**

**Species code number 15**

- General description:** A large, very hardy, broad-spreading shrub that has a moderately rapid growth rate on moist soils.
- Mature height:** 6 to 12 feet; spread 8 to 12 feet.
- Flowers:** Small, white, in loose clusters 2 to 4 inches in diameter; May and June.
- Fruit:** Bright red, fleshy, single-seeded 2/5 to 3/5 inch in diameter; August and September
- Natural habitat:** Rocky, talus slopes and moist, cool woods.
- Soil suitability:** Performs best on moderately well drained or well drained soils. However, it will grow well on fragipan soils with slow permeability.
- Shade tolerance:** Intolerant to intermediate.
- Range in Illinois:** Restricted to northern half of state.
- Planting range:** Throughout Illinois.
- Insect and disease problems:** Relatively few: borers, weevils, and scales.
- Use by wildlife:** Many species of birds and mammals utilize the fruits, which may persist into the cool season. Leaves, twigs, and bark used by several mammals. Provides cover and nest sites for birds and small mammals.
- Spacing:** 6 feet within row; 16 feet between rows.

**Maple-leaved Arrowwood (*Viburnum acerifolium*)**

**Species code number 17**

- General description:** A hardy, small shrub that is moderate to slow growing on soils with adequate moisture.
- Mature height:** 4 to 6 feet; spread 3 to 4 feet.
- Flowers:** Small, white, in clusters 1 to 2 inches in diameter; May and June.
- Fruit:** Purple-black, oval, fleshy, single-seeded, 1/4 to 1/3 inch in diameter; August and September.
- Natural habitat:** Moist to dry woods.
- Soil suitability:** Performs best on moist well drained soils. However, it will tolerate some dryness.
- Shade tolerance:** Tolerant to intermediate.
- Range in Illinois:** Generally restricted to the northern half of the state.
- Planting range:** Throughout Illinois.
- Insect and disease problems:** Susceptible to four-lined plant bug, dogwood borers, Asiatic weevil, Japanese beetle, obscure weevil, and cottony maple leaf scale.
- Use by wildlife:** Many species of birds and mammals utilize the fruits, which may persist into the cold season. Leaves, twigs, and bark used by several mammals. Provides cover and nest sites for birds and small mammals.
- Spacing:** 6 feet within row; 16 feet between rows.

**Rod-oesler Dogwood (*Cornus stolonifera*)**

**Species code number 22**

- General description:** Hardy, upright, round-topped shrub. Twigs are bright red during the winter and early spring months, then fading to bronze-brown once leaf development occurs. Twig pith white. Rather slow growing, forming dense thickets.
- Mature height:** 8 to 10 feet; spread 6 to 10 feet.
- Flowers:** White, flat-topped clusters; May and June.
- Fruit:** White clusters, fruits 1/4 to 3/8 inch in diameter, falling in late summer or early fall.
- Natural habitat:** Open marshes, pond edges, and wet areas; forms thickets.
- Soil suitability:** Performs best on somewhat poorly drained or wetter soils. However, it will thrive on well drained soils if adequate water is available during the establishment period.
- Shade tolerance:** Intolerant to intermediate.
- Range in Illinois:** Scattered throughout the state.
- Planting range:** Statewide.
- Insect and disease problems:** Susceptible to scale insects, bag worms, borers, and leaf miners. Plants damaged due to transplant may be infected by fungal diseases including crown canker and blights.
- Use by wildlife:** Fruit used by songbirds, bobwhite, quail, and pheasant. Twigs eaten by deer, cottontail, and other small mammals.
- Spacing:** 6 feet within row; 16 feet between rows.

**Smooth Arrowwood (*Viburnum recognitum*)**

**Species code number 26**

- General description:** A medium, multi-stemmed shrub with erect branches; moderate to rapid growth rate on soils with adequate moisture.
- Mature height:** 5 to 15 feet; spread 6 to 15 feet.
- Flowers:** Small, creamy, in clusters 2 to 4 inches across; May and June.
- Fruit:** Blue-black, fleshy, single-seeded, 1/5 to 1/4 inch diameter; July to September.
- Natural habitat:** Moist woodlands and along streams.
- Soil suitability:** Performs best on somewhat poorly drained soils. However, it will grow well on moderately well drained soils if adequate moisture is available during the establishment period.
- Shade tolerance:** Intolerant to intermediate.
- Range in Illinois:** Scattered throughout the state.
- Planting range:** Throughout Illinois.
- Insect and disease problems:** Four-lined plant bug, dogwood borer, Asiatic weevil, obscure weevil, Japanese beetle, and cottony maple leaf scale.
- Use by wildlife:** Many species of birds and mammals utilize the fruits, which may persist into the cold season. Leaves, twigs, and bark used by several mammals. Provides cover and nest sites for birds and mammals.
- Spacing:** 8 feet within row; 16 feet between rows.

**Southern Arrowwood (*Viburnum dentatum*)**

**Species code number 27**

- General description:** A large, erect, handsome shrub with broad, spreading and arching branches; moderate to rapid growth rate on soil with adequate moisture.
- Mature height:** 4 to 6 feet, occasionally to 15 feet; spread 6 to 15 feet.
- Flowers:** Small, white, in dense clusters, 2 to 4 inches in diameter; May to June.
- Fruit:** Blue-black, fleshy, single-seeded, oval, 1/5 to 2/5 inch in diameter; July and August.
- Natural habitat:** Low alluvial woods.
- Soil suitability:** A widely adapted shrub to moist and dry soils. However, adequate moisture should be available during establishment period.
- Shade tolerance:** Intolerant to intermediate.
- Range in Illinois:** Restricted to the extreme southern counties of the state.
- Planting range:** Throughout Illinois.
- Insect and disease problems:** Four-lined plant bug, dogwood borers, Asiatic weevil, obscure weevil, Japanese beetle, and cottony maple leaf scale.
- Use by wildlife:** Various species of birds and mammals utilize the fruits, which may persist into the cold season. Leaves, twigs, and bark used by several mammals. Provides cover and nest sites for birds and small mammals.
- Spacing:** 6 feet within row; 16 feet between rows.

**Swamp Holly (*Ilex verticillata*)**

**Species code number 29**

- General description:** A hardy, oval, erect shrub that is moderate to slow growing on soils with adequate moisture.
- Mature height:** 6 to 8 feet; spread 3 to 5 feet.
- Flowers:** Small, inconspicuous, greenish-white, in clusters, male and female borne separately; September and October.
- Fruit:** Bright red-scarlet, fleshy, seeded, 1/6 to 1/5 inch in diameter; abundant September and October.
- Natural habitat:** Swamps and wet woods.
- Soil suitability:** Performs best on somewhat poorly drained soils or wetter soils. However, it will grow well on rich, well drained, moist soils.
- Shade tolerance:** Intermediate.
- Range in Illinois:** Occasional in northeastern counties, rare in southern counties.
- Planting range:** Throughout Illinois.
- Insect and disease problems:** None noted.
- Use by wildlife:** Fruits are prime source of food for birds, including the common flicker, mockingbird, gray catbird, brown thrasher, American robin, bobwhite, veery, and cedar waxwing.
- Spacing:** 6 feet within row; 16 feet between rows.

## Susan Burgstrom

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**From:** Susan Burgstrom  
**Sent:** Wednesday, February 08, 2017 8:02 AM  
**To:** 'David Jackson'  
**Subject:** RE: CASE 830-AM-16 & CASE 831-S-16

Mr. Jackson,

The hearing for Cases 830-AM-16 and 831-S-16 has been rescheduled to Thursday, March 2, 2017 at 6:30 pm in the Lyle Shields Meeting Room, Brookens Administrative Center, 1776 East Washington, Urbana.

Here is the link to the Champaign County Zoning Ordinance:  
[http://www.co.champaign.il.us/planningandzoning/PDF/forms/Ordinance\\_Zoning.pdf](http://www.co.champaign.il.us/planningandzoning/PDF/forms/Ordinance_Zoning.pdf)

Regarding AG-1 and AG-2 zoning districts, AG-2 is generally applied within 1.5 miles of urbanized areas, but this is not a concrete dividing line. AG-1 can be applied throughout the county.

AG-2 zoning has more land uses allowed in it than AG-1, but a Special Use Permit is required for those additional AG-2 potential uses with the exception of a Commercial Breeding Facility, which is allowed by right in AG-2. Zoning Ordinance section 5.2 shows which uses are allowed in each district.

The deciding factors for a Special Use Permit are found in Section 9.1.11 B: Special Use Criteria.

The Zoning Board of Appeals can include special conditions of approval at its discretion based on the unique situation of each zoning case. The petitioner must agree to the special conditions in order for approval to be given.

Thanks,  
Susan

**Susan Burgstrom**, AICP, PCED

Senior Planner  
Champaign County Planning and Zoning  
1776 East Washington Street  
Urbana, IL 61802  
217-819-4086  
[www.co.champaign.il.us](http://www.co.champaign.il.us)

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**From:** David Jackson [<mailto:djackson@mrview.com>]  
**Sent:** Tuesday, February 07, 2017 7:25 PM  
**To:** Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)>  
**Subject:** CASE 830-AM-16 & CASE 831-S-16



Ms. Chavarria,

I would like to know what the difference is between an AG-1 Agriculture Zoning District and a AG-2 Agriculture Zoning District, and what the applicant for such a change has to comply with in order to be granted a "Special Use" in the re-zoning.

I take it the board is considering such a change on February 16, 2017, and I would like to be educated on what impact studies have been conducted that would help the Board make such a determination.

Dave Jackson  
4209 East Oaks Road  
Urbana, IL 61802

## Susan Burgstrom

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**From:** Lori Busboom  
**Sent:** Wednesday, February 08, 2017 8:22 AM  
**To:** Susan Burgstrom; John Hall  
**Subject:** FW: Solutions to Cases 830-AM-16 and 831-S-16  
**Attachments:** Solutions RE Cases 830-AM-16 and 831-S-16.rtf

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**From:** Mark/Colleen Ruebke [mailto:cruebke@hotmail.com]  
**Sent:** Monday, February 06, 2017 4:31 PM  
**To:** zoningdept <zoningdept@co.champaign.il.us>  
**Subject:** Solutions to Cases 830-AM-16 and 831-S-16

Attn: Susan Chavarria, Planning & Zoning Dept.

Good Afternoon, Susan!

Attached are some suggested solutions to neighborhood concerns regarding Cases 830-AM-16 and 831-S-16. I appreciate the opportunity to share them with the Zoning Committee.

Colleen Ruebke

==== Mark/Colleen Ruebke [cruebke@hotmail.com](mailto:cruebke@hotmail.com)

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FEB 08 2017

CHAMPAIGN CO. P & Z DEPARTMENT

TO: Zoning Committee, Champaign County  
FROM: Colleen Ruebke, 1865 South Forty Dr., Urbana, IL 61802  
SUBJECT: Possible Solutions to Case 830-AM-16 & Case 831-S-16 (Lipps & Fuentes)  
DATE: February 2, 2017

Residents near the Willow Creek Farm are concerned about the following items:

01. Loud noise late at night.
02. Increased traffic wearing out the county road faster; township has limited road repair funds.
03. Event goers who consumed excessive alcohol driving on the narrow county roads, increasing the risk of accidents.
04. Drainage/water issues due to all septic systems draining into the same farm tile.
05. Bright lights shining at night.

Possible solutions to #1, 2, 3, & maybe 5:

Have the event goers shuttled from town, especially for the evening events. Having a shuttle would decrease the number of vehicles on the county road (although I don't know what the effect of the weight of a shuttle on the wear and tear of the road would be versus a large number of regular vehicles). The driver of the shuttle would not have consumed alcohol, so the risk of alcohol-related accidents would not increase. The noise problem might be less as people could load the shuttle by the event center rather than in the parking lot which is close to residents. With the event goers loading by the center, perhaps the parking lot lights could be turned off, lessening the negative effect on neighbors.

Possible solution to #4:

I have none except to enlist the advice of a farm tile/farmland water drainage expert.

Possible solution to #1:

In addition to the suggestion above, another solution would be to limit the number of events. It has been proposed that events can't be scheduled during planting season (defined as Mid-April to the end of May in the case documents) nor during harvest time (defined as Mid-September to the end of October in the same documents). With those restrictions, twelve weeks out of the year are off limits for events, leaving 40 weeks for all the events they want to schedule. Thus, every weekend during those 40 weeks could have at least one event, and quite possibly more. That's asking a lot for the neighbors to put up with.

Thank you for allowing me to make these suggestions.

Colleen Ruebke

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FEB 08 2017  
CHAMPAIGN CO. P & Z DEPARTMENT

**Susan Burgstrom**

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**From:** victor fuentes <fuentes.victor11@gmail.com>  
**Sent:** Wednesday, February 08, 2017 9:41 AM  
**To:** Susan Burgstrom  
**Cc:** tracilipps@yahoo.com  
**Subject:** Re: Solutions to Cases 830-AM-16 and 831-S-16

**RECEIVED**  
**FEB 08 2017**  
**CHAMPAIGN CO. P & Z DEPARTMENT**

Hello Susan,

Thanks for forwarding this email to us. We truly appreciate the input from Mrs. Ruebke. Here are some responses:

Concern #1

We do not intend to have events that go past the city noise nuisance ordinance.

Concern#2

We have already partnered up with the Reserve Car Services Inc. Shuttle Service to do shuttling whenever needed and people may want it when hotels may not provide it. We have also made numerous attempts to contact the township commissioner with no luck of getting a response.

Concern #3

As we serve alcohol, we are very mindful of this and will encourage that if anyone needs a ride that we can call Uber or make sure they are driven home safely by our shuttle service.

Concern #4

We have installed a large septic tank that has been inspected and passed by the CHAMPAIGN Health Dept. We have also had a state plumbing inspector here. We have complied with everything the health department recommended and closely monitor things, so I don't believe we will need to install tile. We will not have events every day, so this should not be a problem.

Concern #5

As far as the "bright lights" go, I would like to invite Mrs. Reubke and any other concerned neighbors to walk the driveway with me at night, along with any council members, so I can show how "bright" it truly is.

Traci and I are willing to work with everyone on their concerns to come up with solutions that work for us all. I believe we have been cooperative and open minded regarding all of these concerns, and we intend to continue this so we can all move forward.

Thank you,  
Victor Fuentes

On Feb 8, 2017, at 8:51 AM, Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:

Hi Traci and Victor,

We received this email and attachment on Monday. Thought I'd pass it along for your consideration.

Thanks,  
Susan

**Susan Burgstrom**, AICP, PCED  
Senior Planner  
Champaign County Planning and Zoning

1776 East Washington Street  
Urbana, IL 61802  
217-819-4086  
[www.co.champaign.il.us](http://www.co.champaign.il.us)

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**From:** Mark/Colleen Ruebke [<mailto:cruebke@hotmail.com>]  
**Sent:** Monday, February 06, 2017 4:31 PM  
**To:** zoningdept <[zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us)>  
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Attn: Susan Chavarria, Planning & Zoning Dept.

Good Afternoon, Susan!

Attached are some suggested solutions to neighborhood concerns regarding Cases 830-AM-16 and 831-S-16. I appreciate the opportunity to share them with the Zoning Committee.

Colleen Ruebke

===== Mark/Colleen Ruebke [cruebke@hotmail.com](mailto:cruebke@hotmail.com)

<Solutions RE Cases 830-AM-16 and 831-S-16.rtf>

RECEIVED

FEB 15 2017

Lipps Event Center

CHAMPAIGN CO. P & Z DEPARTMENT

To; The Zoning Board and County Board,

Let me try to start from the beginning as I know it, The Lipps got this land, got a building permit or zoning permit or whatever they need to cut off 3 acres for a house, then build another house on the 37 acres left of the 40. Dig a pond and build barns and move field tile.

Victor has opened a few restaurants around the city and other villages, I'm pretty sure he had to get permits and maybe even zoning.

Now we'll get to this event center, both just didn't know they would have to get permits or even zoning as I was told. They could just go out in to the wild country and do as they will. Not only that they must have some kind of agreement between them or there not very good business people, so I figured they had their lawyers wrote something up for them, but these lawyers probable never said anything about permits or zoning either for this center.

As I understand from when the zoning found out about this "event center" the zoning people had told them not to do anything more until they got the zoning passed, mean while they kept doing thing and then said oh it's for the farm, like the driveway lights and parking lot. In the first meeting I went to they were told again not to do thing as they may have to move or change things that would cost them more of course.

Since the zoning board notified them and told them that the Driveway lights that was being put in went to being for the event center to being too dark for the Lipps farm, a large parking lot was put in by the road(1850) because they didn't want the nuisance up by their house or the event center, then those lights that was put in because it was too dark now out here in the country was extended down to this parking lot (they add more lights to the drive, again after they were told not to do more things). Now they were told or it was said if this parking lot is for farm use then its ok, but they been using it for parking for these events ,so now they parked a trailer in the lot so I'm sure it's a farm parking lot now. Not only that after they were told not to do these things, I was told they probably wouldn't be made to move this" farm parking" because it would be too expensive for them, now this I tried to tell the zoning office is what they are doing so they can do things and won't be made to remove or redo the things they want to do.

Almost all of the neighbors surrounding this property does not want this, we've asked the zoning office how to stop it or what we can do, we were told to have a petition, and we did all sign except one person that doesn't live by this property, and one that missed the petition paper work but they signed the grievance paper ( I think it is called), besides that most all the neighbors within ½ mile and some further signed the this grievance paper as they don't want it either.

Now most of the neighbors are worried about all the shooting and explosions that was and sometimes still is going on, the event center people told the zoning board that the sheriff ok'd where it is, but he didn't tell you that the Sheriff was called by someone complaining, when the deputy went over

there they were shooting towards the South Forty subdivision (less than a quarter mile away). The deputy, I'm pretty sure had them move their target so they would be shooting to the North with no house in that direction. So yes the deputy did ok the way they were shooting, but only after they were told to move their target.

Then in the last meeting that the petitioners could be there, Victor was told about a loop hole by a person from the zoning office (very nice job, could they help us now too) that he could have these events by some "by rite law". I was told by different people that they were going to have these events even if they couldn't get the zoning. If they do, which all of us are pretty sure they are going to do it one way or another, they will not go by any rules (by rite rules, or zoning rule) they have showed this to us already. Parking lot, lights etc. I was also told by the zoning office that if they did break the rule that may be set that the people checking this misconduct out or enforcing the rules are so busy that probably nothing will ever be done.

I'm sure that you on these boards (zoning and county) would like to have a party central with all the traffic, noise, litter, lights, disruption on holidays and all that goes with it in the neighborhood you live in. This is a farm and small residential area.

So if you give this to them, we would like some very strict rules, here are some we would like them to have. From what we have seen in the past none will be abided by anyway but we can always hope

1. Drive way lights off by at least 10 PM
2. Parking lot moved, that's by road 1850 (so there won't be a chance of it being used)
3. Barrier on all 4 sides of this property (they have put looks like 20 ft. tree on West side a ¼ mile away from this center, and looks like 10 ft. trees by the parking lot that's next to houses, and nothing on the East along there drive way and this center event building, dust and noise up and down the drive with no buffer to these neighbors on the East.
4. Licensed Security at all the events and learning, teaching and dinners, not just call the sheriff as they pulled in the past (these people have safe rooms and home security systems put in but they call the sheriff to let them know they are have a party when they were asked to have security there)
5. Animals rounded up and kept on their property as soon as they get out of their pens or as soon as possible (not left to come home when feeding time comes around), horses, cattle, sheep, dogs. Also, there are leash laws in Champaign County, which should come to light to Ms. Lipps, After her dogs have had encounters with my children on MY OWN property several times. Chased, backed, down, growled at, scared, by 2 large dogs (Again, How can she or her word be trusted)
6. Limited number of diners, events
7. No events, or dinners around holidays

8. No alcohol after 8 pm (everybody knows you can go out to the country and drink, we don't need any more of that)
9. None of these events to be taken on any place on the property EXCEPT their center and maybe their round house bar, ( No lake, or pond parties , grassy area, no drive way or as there going to say farm parking area) just the center. This to keep the noise away as much as possible from most of the neighbors. Also this IS what they originally asked for anyway.
10. No gun events or firearm events.
11. We would like to be in part of the conditions process, I.E. what is allowed and not.

We know being a good neighbor is not a priority for a business, but you would think they would have some consideration and not use hand signal's (middle finger) to a child who's been outside riding a bike and can see where exactly the vehicle come from or use racist comments to neighbors.



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### Table Comparing Temporary Use Permit Limits to Proposed Special Use Permit Limits

Case 831-S-16  
February 23, 2017

Parameter	By-Right or Temporary Use Permit	Proposed Special Use Permit	Notes
<b>Creation of additional by-right residential lots</b>	Two additional by-right lots	<b>Proposed Special Condition:</b> Petitioner agrees that no additional by-right lots shall be created.	By-right residential lots would add ± 20 vehicle trips per day.  Petitioners have not shared any plans for further dividing the property.
<b>Conversion of Best Prime Farmland</b>	Creating two additional by-right lots would convert 6 acres of BPF to residential use	Approved Site Plan limits uses so that no additional BPF should be taken out of production.	Petitioner converted ± 0.5 acre of BPF for south gravel parking area, but propose no other conversion.
<b>Number of events per year</b>	Temporary Use Permits allow 5 events per 90 day period, totaling 20 events in a 360 day period, per Zoning Ordinance Section 9.1.2 F.  Temporary Uses can occur during planting and harvesting seasons.	<b>Proposed Special Condition:</b>  <b>SMALLER EVENTS:</b> No proposed limit on events with fewer than 20 vehicles. No limits as to when events may occur during the calendar year.  <b>LARGER EVENTS:</b> 20 events per year with 20 or more vehicles (includes shuttles and buses) per event, provided that no Large Event may occur during “planting season” that is assumed to be mid-April to end of May and “harvest season” that is assumed to be mid-September to the end of October.  The petitioner shall agree that this limit shall include any Temporary Use that may occur so that the total limit on Large Events under both the SUP and the TUP shall be no more than 20 Large Events per year.  <i>(Staff needs to consult State’s Attorney’s Office for enforceability)</i>  <b>TOTAL LIMIT ON EVENTS PER YEAR:</b> <ul style="list-style-type: none"> <li>● No more than 20 Large Events</li> <li>● Smaller Events cannot occur on same day as Large Events</li> </ul>	Petitioners testified that they would like to hold up to 26 Large Events per year.

Continues on next page

Parameter	By-Right or Temporary Use Permit	Proposed Special Use Permit	Notes
<b>Number of customers onsite at one time</b>	<p>No limit other than as limited by the requirement for onsite parking.</p> <p>Temporary Use Permit could utilize portable restrooms.</p>	<p><i>See the limit on number of events and number of customer vehicles below</i></p>	<p>Petitioners testified there will be no more than 150 people at any event.</p> <p>Petitioners have installed an adequate septic system for 150 people.</p>
<b>Limit on customer vehicles</b>	<p>No limit other than as limited by the requirement for onsite parking</p>	<p><b>Proposed Special Condition:</b> No more than 20 customer vehicles at any time (includes shuttles and buses) for Small Events.</p> <p>The petitioner shall agree that this limit shall include any Temporary Use that may occur so that the total limit of 20 customer vehicles shall apply to both the SUP and any TUP.</p>	<p>20 vehicles at Small Events equals <math>\pm</math> 40 vehicle trips.</p> <p>Petitioners note 35 parking spaces plus 6 accessible spaces near the center, and south gravel area can fit up to 36 more vehicles in overflow parking as proposed.</p>
<b>Screening for customer vehicles</b>	<p>Screening is required for more than 4 vehicles within 100 feet of the building restriction line for a lot with Conforming dwelling.</p> <p>Temporary Use Permit would not require additional screening.</p>	<p><b>Proposed Special Condition:</b> Within 6 months of approval of Special Use Permit 831-S-16, the gravel parking area adjacent to Oaks Road (CR 1850 N) must be screened with a Type D Screen.</p>	<p>Petitioners propose additional screening along the west property line, even though parking is greater than 100 feet from a residential lot.</p>
<b>Required separation for Outdoor Comm. Recreational Enterprise</b>	<p>Temporary Use Permit does not require a 200 feet separation from nearest residential use.</p>	<p>No part of SUP allowed within 200 feet of adjacent residential use without a waiver approved by the ZBA.</p>	<p>As proposed, no part of the SUP, including parking, will be within 200 feet of adjacent residential use.</p>
<b>Driveway lighting</b>	<p>Temporary Use Permit would not include condition about lower wattage lamps in the driveway lights, and any new lighting would not be required to be full-cutoff.</p>	<p>Full-cutoff lighting is required for any new lighting for a Special Use Permit.</p>	<p>Owner installed driveway lighting for personal safety prior to creating the event center.</p> <p>Petitioners propose to reduce the wattage of driveway lights.</p>

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**830-AM-16**

**FINDING OF FACT  
AND FINAL DETERMINATION**

**of  
Champaign County Zoning Board of Appeals**

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

Date:                         ***{March 2, 2017}***

Petitioners:               **Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc, d.b.a. Willow  
Creek Farm**

Request:                   **Amend the Zoning Map to change the zoning district designation from  
the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning  
District in order to operate the proposed Special Use in related Zoning  
Case 831-S-16.**

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## **FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 12, 2016, August 11, 2016, and March 2, 2017**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 831-S-16)

- \*1. Petitioner Traci Lipps owns the subject property and is the sole owner and officer of Lipps Farm, Inc. Petitioners Traci Lipps and Victor Fuentes are partners in the proposed Special Use that is the subject of Case 831-S-16.
- \*2. The subject property is a 37 acre tract in Somer Township in the Southwest Quarter of the Northeast Quarter of Section 36 of Township 20 North, Range 9 East of the Third Principal Meridian and commonly known as the farmstead located at 1766 CR1850N, Urbana.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana, which is approximately 2.2 miles from the subject property as the crow flies and 2.65 miles by road.
  - \*B. The subject property is located within Somer Township, which does not have a Planning Commission.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“Would like property to remain agriculture. Need Special Use Permit for 2,500 square feet in existing barn to accommodate events.”**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning: the petitioner did not provide comments.

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

- \*6. Land use and zoning on the subject property and in the vicinity are as follows:
  - \*A. The subject property is a 37 acre tract and is currently zoned AG-1 Agriculture.
  - \* B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
    - \*(1) Land to the north is in agriculture production.
    - \*(2) Land to the east and west is in use as single family residential.
    - \*(3) Land to the south is in use as single family residences and agricultural production.

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- \*7. Regarding the site plan and proposed operations of the subject property:
- \*A. The Petitioners submitted a Boundary and Topographic Survey, an aerial photo of the property, and a framing plan for the proposed Events Center, received February 19, 2016. The documents indicate the following existing conditions and in-progress improvements:
- \* (1) Existing buildings and structures include:
- \*a. An 11,984 square feet residence that was constructed in 2008.
  - \*b. An 8,700 square feet barn to the north of the residence, of which:
    - \* (a) The proposed Events Center is approximately 2,700 square feet, not including a 930 square feet open, covered porch around the south and east sides;
    - \* (b) 6,000 square feet is for personal/agricultural use;
    - \* (c) There is a storage area above the main event room that will be closed during events.
    - \* (d) The events center has 3 man doors and 2 additional overhead doors can serve as emergency egress in the barn.
  - \*c. A greenhouse, no measurements provided, adjacent to the northwest corner of the barn;
  - \*d. A corn crib, no measurements provided, adjacent to the east side of the proposed Events Center;
  - \*e. A concrete parking area that will be marked for 5 accessible spaces;
  - \*f. A 100 feet by 250 feet gravel parking area near the entrance to the property;
    - (a) The parking lot is approximately 40 feet from the front property line.
    - (b) The Petitioners estimate that the parking lot can hold 100 cars. The petitioners plan to use golf carts to shuttle people between the events center and the parking lot, with exception of those using the accessible spaces adjacent to the events center.
  - \*g. A 5-acre pond (not associated with the proposed Special Use);
  - \*h. A well to the north of the residence; and
  - \*i. A septic tank and leach field with capacity for 150 guests north of the proposed events center.
    - \* (a) As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received May 4, 2016, the septic system was sized for 150 meals and 1800 gallons of water usage per day. It has full restaurant with bar capabilities for septic use.

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- \* (2) The petitioners are in the process of renovating the following:
  - \* a. One two-stall accessible women's restroom inside the proposed events center;
  - \* b. One accessible men's restroom inside the proposed events center; and
  - \* c. A beverage bar to be constructed from the corn crib adjacent to the proposed events center.
  
- \* (3) Proposed longer term improvements include:
  - \* a. A commercial kitchen in the events center where currently there is a prep kitchen.
  
- \* (4) The framing plan for the Events Center did not appear to show the as-built barn structure, and staff could not discern some of the measurements provided. Staff requested a more detailed Floor Plan to replace the framing plan via email and phone on May 3, 2016.
  
- \* (5) No floor plans were submitted to show the renovations to the restrooms. The Petitioners have indicated that the restrooms will be accessible. Staff has requested that the Petitioners acquire professionally drawn floor plans so that they can be certified as ADA/Illinois Environmental Barriers Act compliant.
  
- \* B. The Approved Site Plan from Zoning Case 257-07-01 is a clearer version of the property with more specific details; however, the barn proposed to house the events center is not drawn as-built and the gravel parking lot on the south end is not shown. Staff recommends referring to this site plan to supplement the information in the Site Plan submitted February 19, 2016 but not to use this as the official Site Plan for the current case.
  
- \* C. In an email from Petitioner Victor Fuentes received February 5, 2016, he stated the following:
  - \* (1) He and Traci are the only two people who work at the farm; there are no employees.
  - \* (2) As of that date, they only held dinners once a month. The goal is to have events once the facility is better prepared for it.
  - \* (3) They only put up a banner the night of the event, which is removed the following morning. They would like to put up a more permanent sign just with the name of Willow Creek Farm on the sign.
  - \* (4) Guests park on a gravel packed area on the farm itself. We intend as we grow to maybe designate another area similarly set up with gravel.
  - \* (5) The Events Center has a capacity of 150, but right now we have only had 25-35 people there for dinners at the farm. There is one bathroom there right now and we are in communication with the health department regarding a bigger septic tank so we can start constructing a second bathroom.

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- \* (6) They use a caterer, V. Picasso Restaurant, which Mr. Fuentes owns. They are certified by the health department.
- \* (7) The only improvements they were planning was the bathroom (mentioned above), which is in an existing building.
- \*D. The Petitioners submitted a description of Willow Creek Farm with their application, received February 19, 2016, which includes the following:
  - \* (1) They raise animals and grow food exclusively for V. Picasso Wine Bar and Restaurant;
  - \* (2) Cultivated gardens supply fresh herbs, honey, and vegetables;
  - \* (3) The farm has cattle, goats, sheep, and chickens, all raised on the farm, antibiotic and hormone free;
  - \* (4) Remaining acres are used for hay and rotational pastures for the cattle, sheep, and goats;
  - \* (5) The Champaign County Soil and Water Conservation District worked closely with them to effectively use the land; and
  - \* (6) The petitioners partner with local schools and the Boys and Girls Club, and are seeking to expand educational and field trip opportunities. They were contacted by the University of Illinois Veterinary School Productive Medicine Club to be an educational site for their students.
- \*E. Staff visited the subject property on April 27, 2016, and received the following information from the petitioners:
  - \* (1) The proposed events center has both heat and air conditioning.
  - \* (2) The events center will limit guests to the indoor events space and a fenced yard outside the center's east door and the front porch area.
  - \* (3) The petitioners hope to hold events year-round, to include weekend events such as weddings and possibly weekday training events.
  - \* (4) They have not held any events in the proposed center to date; their first wedding event is scheduled for late June 2016.
  - \* (5) Any previous farm-to-table dinners have been for 20 to 35 people and held inside the residence.
  - \* (6) Food preparation will occur off-site at V. Picasso restaurant, which is owned by Mr. Fuentes. He has both catering and liquor licenses via V. Picasso. They anticipate acquiring a liquor license for Willow Creek Farm in the future.

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- \* (7) The events center will use the property's well as its water source.
- \* (8) The petitioners intend to shuttle guests between the gravel parking area and the proposed events center using golf carts.
- \* F. The Petitioners submitted a revised site plan, received May 3, 2016, which illustrates the following:
  - \* (1) The residence;
  - \* (2) The barn and connected Events Center north of the house;
    - a. The petitioners measured 147 feet between the north side of the Events Center and the north property line, and 253 feet between the east side of the Events Center and the east property line.
  - \* (3) Handicap parking in front of the Events Center;
  - \* (4) A 100 feet by 250 feet gravel parking area near the entrance to the property;
  - \* (5) A pond; and
  - \* (6) Land in agricultural production: pasture, rotational pastures, alfalfa, beef master grass mixture, a garden and adjacent hill.
  - \* (7) This revised site plan did not include the Greenhouse west of the barn or the corn crib that will be turned into a bar that is east of the events center.
  - \* (8) Staff requested via email and by phone on May 3, 2016 that the petitioners have a professionally drawn site plan and floor plan that would provide necessary details for the Board to consider; Mr. Fuentes indicated by phone on May 3, 2016 that he would contact an architect.
- \* G. Revised Site Plan Sheet S-1 was received from the petitioners on July 28, 2016, which illustrates the following:
  - \* (1) The proposed event center with handicap accessible parking;
  - \* (2) Exterior event area with existing fence;
  - \* (3) Stable attached to the event center;
  - \* (4) Gravel driveway west of the stable;
  - \* (5) New gravel parking lot on the south end of the property, 103 feet by 284 feet;
  - \* (6) All field crops and uses; and
  - \* (7) New privacy fence and tree plantings.

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- \*H Revised Floor Plan Sheet A-1 of the proposed event center was received from the petitioners on July 28, 2016, which illustrates the following:
- \* (1) A 2,317 square feet dining area;
  - \* (2) A 1,278 square feet preparation area;
  - \* (3) Two handicap accessible restrooms;
  - \* (4) Five handicap accessible parking spaces;
  - \* (5) A fenced exterior entertainment area with the following features:
    - \* a. One pergola with one 8-place table;
    - \* b. One pergola with one 5-place table;
    - \* c. 11 stand-up type tables (1 accessible);
    - \* d. A silo converted to a bar with an accessible service height; and
    - \* e. Concrete paving connecting the entryway to the events center, 5-place pergola, silo bar, and accessible parking in front of the event center.
  - \* (6) A note that maximum interior occupancy is 160 persons, maximum interior plus exterior occupancy is 200 as determined by the restrooms.
  - \* (7) Accessibility compliance statement by Illinois Licensed Architect Gaylord H. Swisher.

\*I The Petitioners submitted responses to requests for information from ZBA members and Zoning Department staff, received January 24, 2017, which indicated the following:

- \* (1) The petitioners stated that there will be no boarding of horses. All horses on property are owned by Traci Lipps and/or her children and are used for competitive purposes. Horseback riding is not allowed for events as this creates a liability for Traci Lipps and Willow Creek Farm.
- \* (2) The petitioners stated that no structures will be constructed for service of the event center. No petting zoo is allowed.
- \* (3) Traci Lipps and Victor Fuentes are willing to provide screening along Oaks Road. We are collaborating with Jonathan Manuel of the Champaign County Soil and Water Conservation District to provide the best screening. Before planting, screening will meet ZBA Ordinance and will be approved.
- \* (4) Regarding number of events per year, the petitioners stated:
  - \* a. We anticipate 15-20 events per year of fewer than 20 vehicles.
  - \* b. We anticipate 26 large events per year of more than 20 vehicles.
  - \* c. Field Trips of local schools are anticipated to be no more than 2 per month.

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- \*(5) Regarding parking, the petitioners stated:
- \*a. The petitioners agree to move parking up to the events center.
  - \*b. The front parking (south gravel area) will only be used for overflow parking.
  - \*c. Cars will not be parked within 200 feet of neighboring property.
- \*(6) Regarding driveway lights, the petitioners stated:
- \*a. Lower wattage bulbs will be installed in the driveway lights. The driveway lights were installed prior to the event center for homeowner's safety.
  - \*b. Traci Lipps has agreed to only have the spotlight on during events.
- \*(7) Regarding potential restaurant plans, the petitioners stated:
- \*a. For all intents and purposes, the event center is not nor will be a full-time restaurant. We would like to have a hood installed, as approved by the Champaign County Health Department.
- \*J The Petitioners submitted a revised site plan, received February 6, 2017, which illustrates the following:
- \* (1) The main parking area for the events center has been moved from the south gravel area up to the west side of the existing stable. The revised plan shows 35 parking spaces by the stable, in addition to the existing handicap accessible parking in front of the event center.
  - \* (2) The south gravel area has an annotation for "open space". Per her email received January 24, 2017, the south gravel parking area will only be for overflow parking, and per proposed special condition, will be limited to the east 100 feet of the existing gravel area.
  - \* (3) A new privacy fence and tree planting are indicated along Oaks Road. More information about the proposed screening can be found in the email from Mrs. Lipps received February 7, 2017.
  - \* (4) The revised Site Plan has annotations for the driveway lighting: "9 volt LED lights on residential 7' poles – typical". It is not clear from the Site Plan if this is existing or proposed lighting.
- \*K. The Zoning Ordinance requires that parking for Outdoor Commercial Recreational Enterprises not be located within 200 feet of any residential use. Staff created an annotated aerial photo that shows the 200 feet distance from the nearest residential lot and the south parking lot. The western portion of the parking lot within that 200 feet separation distance will not be used for event center parking. The eastern portion beyond the 200 feet separation distance can still be used for event center parking. A special condition has been proposed by staff to ensure there is a divider that limits parking.

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- \*L.** The following are previous Zoning Use Permits for the subject property:
- \* (1) ZUPA #257-07-01 was approved September 21, 2007 for construction of a single family home with attached garage and detached garage/storage shed.
  - \* (2) ZUPA #345-06-01 was approved May 18, 2007 for construction of a 5 acre pond.
- \*M.** There was one previous zoning case for the subject property:
- \* (1) Case 535-S-06 was approved September 28, 2006 for construction of the 5 acre pond.

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

- \*8. Regarding the existing and proposed zoning districts:
- \*A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
    - \* (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
    - \* (2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development.
  - B. Regarding the general locations of the existing and proposed zoning districts:
    - (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
    - (2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
    - (3) The subject property is 2.2 miles as the crow flies from the City of Urbana and 2.65 miles by road.
    - (4) The Zoning Map has always contained locations of the AG-2 District that are more than one and one-half miles from existing municipalities.
  - C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
    - (1) There are 11 types of uses authorized by right in the AG-1 District and there are 13 types of uses authorized by right in the AG-2 District:
      - a. All 11 uses authorized by right in the AG-1 District are also authorized by right in the AG-2 District:
        - (a) Single family dwelling;
        - (b) Subdivisions totaling three lots or less;
        - (c) Agriculture, including customary accessory uses;
        - (d) Roadside stand operated by farm operator;

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- (e) Minor rural specialty business;
  - (f) Plant nursery;
  - (g) Township Highway maintenance garage;
  - (h) Christmas tree sales lot;
  - (i) Off-premises sign within 660 feet of the edge of the right-of-way of an interstate highway;
  - (j) Off-premises sign along federal highways except interstate highways; and
  - (k) Temporary uses.
- b. The following two uses are authorized by right in the AG-2 District and not at all in the AG-1 District:
- (a) Country club or golf course, and
  - (b) Commercial breeding facility.
- c. There are no uses that are authorized by right in the AG-2 District but require a Special Use Permit in the AG-1 District.
- (2) There are 53 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 11 uses authorized by right in the AG-2 District, see above) and 35 types of uses authorized by SUP in the AG-2 District:
- a. The following 42 uses may be authorized by SUP in the both the AG-1 District and AG-2 District:
    - (a) Hotel – no more than 15 lodging units;
    - (b) Residential Planned Unit Development;
    - (c) Subdivisions totaling more than three lots or with new streets or private accessways (SUP requires approval by County Board);
    - (d) Major rural specialty business;
    - (e) Artificial lake of 1 or more acres;
    - (f) Mineral extraction, quarrying, topsoil removal and allied activities;
    - (g) Elementary school, Jr. High school, or High school;
    - (h) Church, temple, or church related temporary uses on church property;
    - (i) Municipal or government building;
    - (j) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
    - (k) Penal or correctional institution;
    - (l) Police station or fire station;
    - (m) Library, museum or gallery;
    - (n) Public park or recreational facility;
    - (o) Sewage disposal plant or lagoon;
    - (p) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
    - (q) Radio or television station;
    - (r) Electrical substation;
    - (s) Telephone exchange;
    - (t) Residential airports;

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- (u) Restricted landing areas;
  - (v) Heliport-restricted landing areas;
  - (w) Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer;
  - (x) Livestock sales facility and stockyards;
  - (y) Slaughter houses;
  - (z) Grain storage elevator and bins;
  - (aa) Riding stable;
  - (bb) Commercial fishing lake;
  - (cc) Cemetery or crematory;
  - (dd) Pet cemetery;
  - (ee) Kennel;
  - (ff) Veterinary hospital;
  - (gg) Off-premises sign beyond 660 feet of the edge of the right-of-way of an interstate highway;
  - (hh) Contractors facilities (with no outdoor storage nor outdoor operations);
  - (ii) Contractors facilities with outdoor storage and/or outdoor operations;
  - (jj) Agricultural drainage contractor facility with no outdoor storage and/or outdoor operations;
  - (kk) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations;
  - (ll) Small scale metal fabricating shop;
  - (mm) Gas turbine peaker;
  - (nn) Big wind turbine tower (1-3 big wind turbine towers);
  - (oo) Sawmills and planing mills, and related activities; and
  - (pp) Pre-existing industrial uses (existing prior to October 10, 1973).
- b. The following use may be authorized by Special Use Permit in the AG-1 District and not at all in the AG-2 District:
- (1) Wind Farm (requires SUP approval by County Board).
- c. The following 35 uses may be authorized by SUP in the AG-2 District and not at all in the AG-1 District:
- (a) Two family dwelling;
  - (b) Home for the aged;
  - (c) Nursing home;
  - (d) Travel trailer camp;
  - (e) Commercial greenhouse;
  - (f) Greenhouse (not exceeding 1,000 square feet);
  - (g) Garden shop;
  - (h) Water treatment plant;
  - (i) Public fairgrounds;
  - (j) Motor bus station;
  - (k) Truck terminal;
  - (l) Railroad yards and freight terminals;

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- (m) Airport;
- (n) Heliport/helistops;
- (o) Mortuary or funeral home;
- (p) Roadside produce sales stand;
- (q) Feed and grain (sales only);
- (r) Artist studio;
- (s) Residential recovery center;
- (t) Antique sales and service;
- (u) Amusement park;
- (v) Resort or organized camp;
- (w) Bait sales;
- (x) Country club clubhouse;
- (y) Lodge or private club;
- (z) Outdoor commercial recreational enterprise (except amusement park);
- (aa) Private indoor recreational development;
- (bb) Public camp or picnic area;
- (cc) Seasonal hunting or fishing lodge;
- (dd) Stadium or coliseum;
- (ee) Outdoor theatre;
- (ff) Aviation sales, service or storage;
- (gg) Self-storage warehouses, not providing heat/utilities to individual units;
- (hh) Landscape waste processing facilities; and
- (ii) Wood fabricating shop and related activities.

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

9. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
  - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
 

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
  - B. The LRMP defines Goals, Objectives, and Policies as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal

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- (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

**REGARDING RELEVANT LRMP GOALS & POLICIES**

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

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

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

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

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

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

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

12. LRMP Goal 3 is entitled “Prosperity” and states:

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

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

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

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

13. LRMP Goal 4 is entitled “Agriculture” and states:

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

Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.6, 4.8, and 4.9 and their policies do not appear to be relevant to the proposed rezoning. The proposed amendment {**WILL/WILL NOT**} **HELP ACHIEVE** Goal 4 for the following reasons:

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

The proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Policy 4.1.1 because the petitioners want to establish a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use, which requires use of Best Prime Farmland for parking areas.

- (3) Policy 4.1.6 states: “**Provided that the use, design, site and location are consistent with County policies regarding:**
  - i. **Suitability of the site for the proposed use;**
  - ii. **Adequacy of infrastructure and public services for the proposed use;**
  - iii. **Minimizing conflict with agriculture;**
  - iv. **Minimizing the conversion of farmland; and**
  - v. **Minimizing the disturbance of natural areas; then**
  - a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development)**

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**not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**

- b) On best prime farmland, the County may authorize non-residential discretionary development; or**
- c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Policy 4.1.6 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 171B Catlin silt loam, and has an average LE of 95.
- b. The Site Assessment (SA) portion of the LESA analysis scored 169 out of 200 points.
- c. The total LESA Score of 264 receives the highest protection rating in LESA which is “very high rating for protection.” The petitioners propose to maintain agricultural operations on the property and supplant those with educational and entertainment opportunities related to farm-to-table operations. No land will be taken out of production, although approximately 0.5 acres of land was converted to a gravel parking lot to accommodate events center guests without prior authorization from the Zoning Department.
- d. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland.
- e. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- f. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Policy 4.2.1, Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
- g. There are no relevant policies having to do with minimizing the conversion of farmland but the proposed development will take no land out of production.
- h. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject

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property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.

- i. A special condition has been added for the proposed Special Use in related Case 831-S-16 to require a Temporary Use Permit for those events anticipating greater than 20 vehicles such that the proposed events center generates a similar amount of traffic to what would be created under by-right development conditions on best prime farmland.

~~j. A special condition has been added for the proposed Special Use in related Case 831-S-16 to require removal of the unauthorized gravel parking lot.~~

- (4) Policy 4.1.8 states, “**The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.**”

The proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Policy 4.1.8 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 171B Catlin silt loam, and has an average LE of 95.
- b. The Site Assessment (SA) portion of the LESA analysis scored 169 out of 200 points.
- c. The total LESA Score of 264 receives the highest protection rating in LESA which is “very high rating for protection.” The petitioners propose to maintain agricultural operations on the property and supplant those with educational and entertainment opportunities related to farm-to-table operations.

- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Objective 4.2 because of the following:

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

The proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.

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- b. The proposed development in related Case 831-S-16 **DOES NOT** support agriculture.
- c. Regarding whether the proposed development in related Case 831-S-16 **{IS/IS NOT}** a service better provided in a rural area:
  - (a) The Petitioner has testified on the application in related Case 831-S-15: **“To bring the benefits and the experience of a sustainable farm to Central Illinois through both educational opportunities and farm sourced meals and events.”**
  - (b) The proposed Special Use Permit will host agricultural themed weddings and events which rely on and benefit from agricultural surroundings.
  - (c) The proposed Special Use Permit repurposes an existing barn and does not include any new buildings.
  - (d) The subject property is 2.2 miles as the crow flies from the City of Urbana and 2.65 miles by road.
  - (e) A special condition for the proposed Special Use Permit in related Case 831-S-16 has been proposed to limit the number of vehicles permitted at a ~~typical~~ smaller event to 20 or fewer.
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
  - a) **is a type that does not negatively affect agricultural activities; or**
  - b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
  - c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed rezoning **{WILL/WILL NOT}** **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. The proposed use of the subject property is **NOT NEGATIVELY AFFECTED** by agricultural activities because it will host agricultural themed events which rely on and benefit from the agricultural surroundings.
- b. The subject property is 37.5 acres, which provides a natural buffer from adjacent farmland.
- c. The proposed development in related Case 831-S-16 **{WILL/WILL NOT}** interfere with agricultural activities or damage or negatively affect the

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operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:

- (a) The proposed events center is sited on land that is not in crop production; creation of the 25,000 square feet south parking area did not take any land out of crop production but was placed on best prime farmland without authorization from the Zoning Department.
- (b) Agricultural drainage should not be affected.
- (c) The Township Highway Commissioner has been notified of this case. On January 24, 2017, staff received an email from Ken Mathis, Somer Township Supervisor, stating that the Township does not have issues with Mrs. Lipps' plans.
- (d) 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 2011 in the vicinity of the subject property CR1850N approximately 1 mile east of the subject property had an ADT of 400. CR1850N approximately 2 miles west of the subject property had an ADT of 500.
- (e) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are two feet of gravel shoulder on each side of CR1850N.
- (f) The pavement surface of CR1850N in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a design volume of no more than 250 ADT. Traffic volumes on the adjacent roadway already exceed the design capacity, and a use such as an events center will contribute to increased use of the road and related deterioration.
- (g) The events center will primarily hold events during evenings on weekends, which should not impact the typical peak travel hours associated with work commutes.
- (h) There is a proposed special condition of approval for the Special Use Permit Case 831-S-16 to limit the number of vehicles at smaller events to no more than 20 (including buses and shuttles). There is another proposed special condition to limit the number of events per year that can have greater than 20 vehicles.
- (i) The petitioners propose to create pop-up, day-of onsite signage cautioning visitors to farm and bike related activity and traffic

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~~around them. They provided examples of signage. When necessary, they will have volunteer traffic monitors to control traffic. There is no proposed limit on the number of events, and the petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.~~

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

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

- a. The Petitioners understand that this is a rural area where agricultural activities take place and desire the agricultural setting for their business.
- b. A special condition has been proposed to ensure that any subsequent owner recognizes the rights of agricultural activities.

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

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

- a. The subject property is 37.5 acres, which provides a natural buffer from adjacent farmland.
- b. The use on the subject property is intended to benefit from the adjacent agricultural activities so a buffer between the use and nearby agriculture is not warranted.
- c. In a prepared statement read at the May 12, 2016 ZBA public hearing, Mr. Fuentes stated “there are proper, if not generous, setbacks throughout the farm creating additional distance buffers for noise and sound including the following: a distance of over 300 feet from nearest non-family neighbors from the meeting facility; and a distance of over 300 feet from the parking area from the nearest non-family neighbors”.

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

Policy 4.3.1 does not appear to be relevant to the proposed rezoning. The proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Objective 4.3 because of the following:

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- (1) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

The proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Policy 4.3.2 because the proposed site {**IS/IS NOT**} **WELL SUITED OVERALL** for the development proposed in related Case 831-S-16 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 171B Catlin silt loam, and has an average LE of 95.
- b. The Site Assessment (SA) portion of the LESA analysis scored 169 out of 200 points.
- c. The total LESA Score of 264 receives the highest protection rating in LESA which is “very high rating for protection.” The petitioners propose to maintain agricultural operations on the property and supplant those with educational and entertainment opportunities related to farm-to-table operations.
- d. The Revised Site Plan received May 3, 2016 indicates a 25,000 square feet gravel parking area on the south end of the property. The parking removed no land from agricultural production, but did convert Best Prime Farmland.
- e. The petitioners have installed a septic system with a capacity for 150 guests approved by the Champaign County Health Department.
  - (a) As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received May 4, 2016, the septic system was sized for 150 meals and 1800 gallons of water usage per day. It has full restaurant with bar capabilities for septic use.
- f. The proposed events center, associated parking, and outdoor event area are all sited on land that is not in crop production. The entire subject property was in agricultural production as late as 2005 per aerial photography.
- g. Agricultural drainage should not be affected.
- h. The proposed Special Use Permit repurposes an existing barn and does not include any new buildings.
- i. The subject property is 2.2 miles as the crow flies from the City of Urbana and 2.65 miles by road.

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

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The proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.3.3 for the following reasons:

- a. The subject property is located approximately 3.6 miles from the Carroll Fire Protection District station. Notification of this case was sent to the FPD Chief on April 27, 2016 and no comments were received. The petitioners requested a review of the subject property by Carroll Fire Protection District. In a letter dated July 25, 2016 and received July 28, 2016, FPD Chief James Green stated that the facility appears to be in compliance in terms of panic door equipment, exit lights, extinguishers, handicap ramp and needs, and the property meets all current ADA rules.

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

The proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.3.4 for the following reasons:

- a. The Site Plan received May 3, 2016 indicates a 25,000 square feet off street gravel parking area on the south end of the property. The off-street parking will not impact the adjacent roadway infrastructure and roadside grass ditch.
- b. Item 13.B.(2) regarding Policy 4.2.2. provides information on traffic impacts that is relevant to Policy 4.3.4.

- (4) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
  - a) **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
  - b) **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- a. The proposed use in related Case 831-S-16 **DOES NOT** serve surrounding agricultural land uses or an important public need.
- b. Regarding whether the proposed development in related Case 831-S-16 **{IS/IS NOT}** otherwise appropriate in a rural area:
  - (a) The events center hosts agricultural themed events which rely on and benefit from the agricultural surroundings.
  - (b) The proposed events center is sited on land that is not in crop production.

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- (c) The subject property is 37.5 acres, which provides a natural buffer from adjacent farmland.
- (d) The Petitioner has testified on the application in related Case 831-S-16: **“To bring the benefits and the experience of a sustainable farm to Central Illinois through both educational opportunities and farm sourced meals and events.”**
- (e) The traffic generated by the proposed use will primarily occur on weekends.
- (f) The Site Plan received May 3, 2016 indicates a 25,000 square feet off-street gravel parking area on the south end of the property.
  - a. The revised Site Plan received February 6, 2017, shows the main parking lot will be relocated to an existing gravel area west of the stable. The south gravel area will only be used for overflow parking, which as a special condition would be limited to the eastern 100 feet of the gravel area.
- (g) The subject property is 2.2 miles as the crow flies from the City of Urbana and 2.65 miles by road.

- c. Regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.

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

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

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

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

The proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Objective 5.1 because of the following:

- (1) Objective 5.1 includes nine subsidiary policies. Policies 5.1.2, 5.1.3, 5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 do not appear to be relevant to the proposed amendment.

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

The proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Policy 5.1.1 because of the following:

- a. The subject property is not served by sanitary sewer.
- b. The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
- c. The AG-2 District contains many uses that can be considered urban development as defined by the LRMP such as a stadium or coliseum and any use which generates a substantial wastewater load but the proposed use is not urban development because it is too far away from a public sanitary sewer system to connect. The subject property residence has a septic system, and the Petitioners have installed a septic system with a capacity for 150 guests approved by the Champaign County Health Department.
- d. Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined that Willow Creek Farm needed to have a septic system installed that will serve 150 people.
  - (a) As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received May 4, 2016, the septic system was sized for 150 meals and 1800 gallons of water usage per day. It has full restaurant with bar capabilities for septic use.
- e. Neighbors’ concerns are discussed in Item 21. E. and include complaints about increased lighting, noise, and traffic.

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

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

Goal 6 has 4 objectives and 7 policies. Objectives 6.2, 6.3, 6.4 and their subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment {**WILL/WILL NOT**} **HELP ACHIEVE** Goal 6 for the following reasons:

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

The proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Objective 6.1 because of the following:

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- (1) Policy 6.1.1 does not appear to be relevant to the proposed rezoning.
- (2) Policy 6.1.2 states, **“The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.”**

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

- a. The subject property residence has a septic system, and the petitioners have installed a septic system with a capacity for 150 guests approved by the Champaign County Health Department. Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined that Willow Creek Farm needs to have a septic system that will serve 150 people.
  - (a) As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received May 4, 2016, the septic system was sized for 150 meals and 1800 gallons of water usage per day. It has full restaurant with bar capabilities for septic use.

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

The proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Policy 6.1.3 for the following reasons:

- a. No additional lighting is planned for the events center.
- b. Neighbors’ concerns about excessive lighting are discussed in Item 21.E.
- c. In an email received January 24, 2017, Mrs. Lipps stated that lower wattage bulbs will be installed in the driveway lights. The driveway lights were installed prior to the event center for homeowner's safety. Traci Lipps has agreed to only have the spotlight on during events.

- (4) Policy 6.1.4 states, **“The County will seek to abate blight and to prevent and rectify improper dumping.”**

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.4 for the following reason:

- a. The petitioners already have weekly garbage collection for the residence and also have a small dumpster with that service. They anticipate leasing a larger dumpster that will accommodate garbage from the events center.

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

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

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Goal 7 has 2 objectives and 7 policies. Objective 7.2 and its subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment **{ WILL/WILL NOT } HELP ACHIEVE** Goal 7 for the following reasons:

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

The proposed rezoning **{ WILL/WILL NOT } HELP ACHIEVE** Objective 7.1 because of the following:

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

The proposed rezoning **{ WILL/WILL NOT } HELP ACHIEVE** Policy 7.1.1 because:

- a. The proposed Event Center will accommodate up to 150 people and the Zoning Ordinance requires at least 30 parking spaces.

- (a) The Site Plan received May 3, 2016 indicates a 25,000 square feet off street gravel parking area on the south end of the property. The parking lot should be able to accommodate 83 spaces if calculated by square footage. However, if the lot does not have marked spaces, its capacity will likely be less.

- (b) The Petitioners submitted a revised site plan, received February 6, 2017, which illustrates the following:

\*(1) The main parking area for the events center has been moved from the south gravel area up to the west side of the existing stable. The revised plan shows 35 parking spaces by the stable, in addition to the existing handicap accessible parking in front of the event center.

\*(2) The south gravel area has an annotation for “open space”. Per her email received January 24, 2017, the south gravel parking area will only be for overflow parking, and per proposed special condition, will be limited to the east 100 feet of the existing gravel area.

- b. The subject property fronts the north side of CR1850N approximately 3 miles straight east of US 45. As reviewed in related Case 831-S-16 regarding the general traffic conditions on CR1850N at this location and the level of existing traffic and the likely increase from the proposed Special Use:

- (a) 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 2011 in the vicinity of the subject property: CR1850N

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approximately 1 mile east of the subject property had an ADT of 400. CR1850N approximately 2 miles west of the subject property had an ADT of 500.

- (b) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are two feet of gravel shoulder on each side of CR1850N.
- (c) The pavement surface of CR1850N in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a design volume of no more than 250 ADT. Traffic volumes on the adjacent roadway already exceed the design capacity, and a use such as an events center will contribute to increased use of the road and related deterioration.
- (d) The events center will primarily hold events during evenings on weekends, which should not impact the typical peak travel hours associated with work commutes.

c. There is a proposed special condition of approval for the Special Use Permit Case 831-S-16 to limit the number of vehicles at smaller events to no more than 20 (including buses and shuttles). There is another proposed special condition to limit the number of events per year that can have greater than 20 vehicles.

d. The petitioners propose to create pop-up, day-of onsite signage cautioning visitors to farm and bike related activity and traffic around them. They provided examples of signage. When necessary, they will have volunteer traffic monitors to control traffic.

~~There is no proposed limit on the number of events, and the petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.~~

- e. The traffic generated by the proposed use will primarily occur on weekends.
- f. A special condition has been added for the proposed Special Use in related Case 831-S-16 to require a Temporary Use Permit for those events anticipating greater than 20 vehicles.

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

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

The proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.

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

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

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

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

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

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

**GENERALLY REGARDING THE LASALLE FACTORS**

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

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

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

Direction	Land Use	Zoning
Onsite	Agriculture, Residential	AG-1 Agriculture (Proposed rezoning to AG-2)
North	Agriculture	AG-1 Agriculture
East	Residential	AG-1 Agriculture
West	Residential	AG-1 Agriculture
South	Agriculture, Residential	AG-1 Agriculture

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

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

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- (2) This area is primarily an agricultural area; the subject property was in agricultural production as late as 2005 per aerial photography and has been a farmstead with continuing agricultural production since 2008.
  - (3) In regards to the value of nearby residential properties, the requested map amendment should not have any effect. Regarding the effect on nearby properties:
    - a. The traffic generated by the proposed use will primarily occur on weekends. The Revised Site Plan received May 3, 2016 indicates a 25,000 square feet off-street parking area on the south end of the property.
      - (a) The Petitioners submitted a revised site plan, received February 6, 2017, which illustrates the following:
        - \*i. The main parking area for the events center has been moved from the south gravel area up to the west side of the existing stable. The revised plan shows 35 parking spaces by the stable, in addition to the existing handicap accessible parking in front of the event center.
        - \*ii. The south gravel area has an annotation for “open space”. Per her email received January 24, 2017, the south gravel parking area will only be for overflow parking, and per proposed special condition, will be limited to the east 100 feet of the existing gravel area.
- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
- (1) There has been no evidence submitted regarding property values.
  - (2) This area is primarily an agricultural area; the subject property is on best prime farmland and was in agricultural production as late as 2005 per aerial photography; it has been a farmstead with continuing agricultural production since 2008.
  - (3) If the petitioner is denied the map amendment and special use permit, the property can still be used as a residence and farm.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural land uses and activities.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.

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- (2) The subject property is adjacent to a rural road that was designed for 250 vehicles per day; the proposed special use would increase traffic and create additional wear and tear on the road.
- (3) The Township Highway Commissioner has been notified of this case. On January 24, 2017, staff received an email from Ken Mathis, Somer Township Supervisor, stating that the Township does not have issues with Mrs. Lipps' plans.
- (4) A special condition for the proposed Special Use Permit in related Case 831-S-16 has been proposed to limit the number of vehicles permitted at a ~~typical~~-smaller event to 20 or fewer.
- (5) A special condition has been added for the proposed Special Use in related Case 831-S-16 to require a Temporary Use Permit for those events anticipating greater than 20 vehicles.
- (6) The subject property was 37 acres of best prime farmland in agricultural production prior to it being developed as a single family residence with a large pond, fewer acres in agricultural production, and livestock management areas.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property is occupied and in agricultural use as zoned AG-1.
- (2) This area is primarily an agricultural area; the subject property was in agricultural production as late as 2005 per aerial photography and has been a farmstead with continuing agricultural production since 2008.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) In the application for related Zoning Case 831-S-16, the Petitioner testified: **“To bring the benefits and the experience of a sustainable farm to Central Illinois through both educational opportunities and farm sourced meals and events.”**
- (2) The ZBA has recommended that the proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use {**IS/IS NOT**} a service better provided in a rural area.
- (3) In the review of Policy 4.3.5 the ZBA has recommended the following:
- a. The proposed use **DOES NOT** serve surrounding agricultural land uses or an important public need.
- b. The proposed development {**IS/IS NOT**} otherwise appropriate in a rural area.
- H. **Sinclair factor: The extent to which the use conforms to the municipality’s comprehensive planning.** The ZBA has recommended that the proposed rezoning

{**WILL/WILL NOT**} **HELP ACHIEVE** the Champaign County Land Resource Management Plan.

- I. Overall, the proposed map amendment {**IS/IS NOT**} **CONSISTENT** with the LaSalle and Sinclair factors.

**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

21. The proposed amendment {**WILL/WILL NOT**} **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.

- \*B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed rezoning {**WILL/WILL NOT**} conserve the value of real estate throughout the COUNTY, based on the following:

- (1) It is not clear whether or not the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) The proposed rezoning could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
  - a. 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.
- (3) In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
  - a. The subject property has been a farmstead since 2008 and if the rezoning is denied it can continue to be used as a farmstead or as simply a single family residence.

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- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed rezoning { **WILL/WILL NOT** } lessen and avoid congestion in the public streets as follows:

- (1) Probable traffic impacts are reviewed under Policy 7.1.1. The traffic generated by the proposed use will primarily occur on weekends. The Revised Site Plan received May 3, 2016 indicates a 25,000 square feet off-street parking area on the south end of the property.

\*a. The Petitioners submitted a revised site plan, received February 6, 2017, which illustrates the following:

\*a) The main parking area for the events center has been moved from the south gravel area up to the west side of the existing stable. The revised plan shows 35 parking spaces by the stable, in addition to the existing handicap accessible parking in front of the event center.

\*b) The south gravel area has an annotation for "open space". Per her email received January 24, 2017, the south gravel parking area will only be for overflow parking, and per proposed special condition, will be limited to the east 100 feet of the existing gravel area.

- \*2) There is a proposed special condition of approval for the Special Use Permit Case 831-S-16 to limit the number of vehicles at smaller events to no more than 20 (including buses and shuttles). There is another proposed special condition to limit the number of events per year that can have greater than 20 vehicles.

- \*3) The petitioners propose to create pop-up, day-of onsite signage cautioning visitors to farm and bike related activity and traffic around them. They provided examples of signage. When necessary, they will have volunteer traffic monitors to control traffic. There is no proposed limit on the number of events, and the petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.

- (4) Neighbors' concerns about traffic, wear and tear on the road, and public expense for maintaining a road with heavier traffic due to the events center are discussed in Item 21. E.

- \*D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

- \*1) A stormwater drainage plan completed for the 5 acre pond that was the subject of Zoning Case 535-S-06 and ZUPA #345-06-01 was submitted for review and approved by consulting engineers for the Zoning Department on May 18, 2007.

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\* (2) The Petitioners installed a 25,000 square feet gravel parking lot on the south end of the property after the stormwater drainage plan review was approved; staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance.

\*E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed rezoning {**WILL/WILL NOT**} promote the public health, safety, comfort, morals, and general welfare as follows:

\* (1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

\* (2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

\* (3) At the May 12, 2016 ZBA public hearing, the following people testified regarding the proposed Special Use:

\*a. Ms. Bobbie Johnson, 1755 CR 1850N, Urbana, stated that she lives across from the parking lot. She said that the location of the parking lot does not make sense because there will be noise and trash created. She said that when the parties are over, guests will be shuttled down to the parking lot for access to their vehicles and she is concerned whether the guests will leave or sit and chat for a long period of time. She said that she does not understand why the parking lot is not near the main road rather than close to the event center. She said that the parking lot and the edge of her yard almost meet therefore she has a lot of concerns. She said that since the parking lot is located near a main road she does not know how the petitioners will maintain the activity that could possibly occur in the parking lot. She said that guests will be taken to the parking lot and dropped off therefore she believes that there will be a security risk.

\*b. Mr. James Talley, 1748 CR1850N, Urbana, testified that he has many of the same concerns as Ms. Johnson. Mr. Talley stated that he is concerned about additional noise that will be created by the proposed use. He said that there is no way that there will not be additional noise created. He said that the neighborhood consists of approximately one dozen houses and they will all be impacted by the additional noise. He said that the area is located on a high water table; therefore any additional treatment that goes into this water table could have a lasting effect on potability because every residence is connected to private wells.

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- \*c. Mr. Kenneth Johnson, 1751 CR1850N, Urbana, expressed concern about potential drainage issues, increased runoff from increased impervious area, and pressure on existing field tiles.
- \* (4) Several neighbors submitted letters against the proposed rezoning and special use permit, received July 19 and July 20, 2016:
- \*a. Gwennatra Jackson, 1870 S. Forty Drive, Urbana, expressed concern about loud noise late at night.
  - \*b. DeWayne and Shaennon Clark, 1866 S Forty Drive, Urbana, have concerns about more traffic, noise at night and unwanted activity, including noise and activity after 10 p.m. They stated “This is a quiet area and this will cause more noise and people in the area we don’t know.”
  - \*c. Bobbie Jo Johnson, 1755 CR1850N, Urbana, stated that the parking lot constructed next to CR1850N is a nuisance to neighbors. She noted high speed traffic, including a shuttle leaving the subject property from a recent wedding. She stated that the golf carts used during the recent wedding event added extra noise. She has concerns that more of the property will be used for events than just the immediate area of the events center. She stated that the lights lining the driveway are a distraction and impact the quiet and solitude of “being and living in the country”. She requested that the lighting only be used during events, and that no additional lights be installed around or near the parking lot. She expressed that having the event center at that location will change the way neighbors live and what they will have to endure.
  - \*d. Mark and Colleen Ruebke, 1865 S. Forty Drive, Urbana, state that they are opposed to the rezoning because it goes against several purposes of the Champaign County Zoning Ordinance and Champaign County Nuisance Ordinance. They mention concerns with increased noise from people and vehicles; increased traffic on a very narrow country road; increased chance of a pedestrian accident; decreased privacy; increased lights outdoors, which is a nuisance for neighbors who want to be away from “city” lights; and potential for increased crime. They stated that they “moved out to the country for peace and quiet and privacy”.
  - \*e. Kenneth Johnson, 1751 CR1850N, Urbana, has concerns about noise, traffic, and trash. He states that the parking lot is a nuisance with cars’ headlights and the golf carts traveling back and forth to the event center. He requested that the lights along the driveway only be used for events, and turned off at 10 pm. He complained about a variant of noise and past noise violations. He suggested that security at the events should be a consideration. He is concerned about drainage and water issues that may increase due to the proposed use. He expressed concern about traffic and people traveling who might not be aware of county roads and how they can

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be more dangerous to travel, and also for the wear and tear on the road that the Township cannot afford to maintain.

- \*f. Richard and Teresa Gabel, 1862 S. Forty Drive, Urbana, are concerned about drainage and the impact of the new septic on the field tile that is already stressed in the subdivision. They also stated concerns for traffic; potential alcohol consumption by event guests who possibly drive after; whether the events will end late at night; how the township will be able to afford the wear and tear on the road, and a variety of noises occurring after 10 p.m. from the subject property.
- \*g. Douglas Hanshaw, 1773 CR1850N, Urbana, expressed concerns about the number of people attending events and disruptions from events that may go late into the night. He is also concerned about so many people then going back to the parking lot that is across the street from his house late at night and being disruptive.
- \*h. Ron and Kay Weidner, 1776 CR1850N, Urbana, are opposed to the petition and concerned with the business next door, the traffic it creates, and related wear and tear on the roads. They are concerned about late night events with people drinking and possibly driving. They also mention noise from the events and protecting their privacy (they have had people come to their home looking for the Lipps property). They state that “if a person wants a night club, there are plenty of locations already zoned for that in town. Keep these businesses in town, or an area already zoned appropriately.”

\* (5) A Written Protest Petition opposing cases 830-AM-16 and 831-S-16 was received on July 19, 2016. Staff wrote a follow up letter to petitioners after receipt of written protest, dated July 25, 2016, to make the petitioners aware of the more restrictive voting requirements triggered by a written protest.

\* (6) The following communications were received since the last public hearing:

- \*a. On February 8, 2017, staff received and responded to a request for information from David Jackson, 4209 East Oaks Road, Urbana. Mr. Jackson has submitted no other comments.
- \*b. On February 15, 2017, staff received a letter from Ken Johnson, a copy of which is attached to this Memorandum. Mr. Johnson commented on concerns such as the petitioners proceeding with the development of the property without always having the proper permits; lighting being too bright along the driveway; excessive noise coming from the property; and requested some rules they would like the petitioners to abide by. The rules he requested are:
  - (a) Drive way lights off by at least 10 PM;
  - (b) Parking lot moved, that's by road 1850 (so there won't be a chance of it being used);
  - (c) Barrier on all 4 sides of this property;

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- (d) Licensed Security at all the events and learning, teaching and dinners;
- (e) Animals rounded up and kept on their property as soon as they get out of their pens or as soon as possible (not left to come home when feeding time comes around), horses, cattle, sheep, dogs. Also, there are leash laws in Champaign County;
- (f) Limited number of diners, events;
- (g) No events or dinners around holidays;
- (h) No alcohol after 8 pm;
- (i) None of these events to be taken on any place on the property EXCEPT their center and maybe their round house bar, (No lake, or pond parties, grassy area, no drive way or as there going to say farm parking area) just the center;
- (j) No gun events or firearm events; and
- (k) We would like to be in part of the conditions process, I.E. what is allowed and not.

\*(7) The Township Highway Commissioner has been notified of this case. On January 24, 2017, staff received an email from Ken Mathis, Somer Township Supervisor, stating that the Township does not have issues with Mrs. Lipps' plans.

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

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

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

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

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

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

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

The proposed rezoning {**WILL/WILL NOT**} protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses as follows:

- \* (1) The proposed Special Use in related Case 831-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- (2) The ZBA has recommended that the proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.
- \* (3) The subject property was 37 acres of best prime farmland in agricultural production prior to it being developed as a single family residence with a large pond, fewer acres in agricultural production, and livestock management areas.
- (4) Neighbors’ concerns are discussed in Item 21. E. and include complaints about increased lighting, noise, and traffic.
- ~~(5) — A special condition has been added for the proposed Special Use in related Case 831-S-16 to require removal of the unauthorized gravel parking lot.~~

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

The subject property does not contain any natural features.

- \*K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development

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

- \* (1) The proposed Special Use in related Case 831-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
  - \* (2) Neighbors’ concerns are discussed in Item 21. E. and several question how additional wear and tear on an already busy rural road will be able to be maintained by the Township, which does not have much funding.
- \*L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
- \* (1) The Petitioners told staff at the April 27, 2016 site visit that no agricultural land will be removed from production.
  - \* (2) The subject property was 37 acres of best prime farmland in agricultural production prior to it being developed as a single family residence with a large pond, fewer acres in agricultural production, and livestock management areas.
- \*M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

***REGARDING WRITTEN PROTEST FROM LANDOWNERS WITH BORDERING FRONTAGE***

22. The following land owners signed the written protest received July 19, 2016:
- Kenneth Lee Johnson, 1751 CR1850N
  - Bobbie Jo Johnson, 1755 CR1850N
  - James A Talley, Jr., 1748 CR1850N
  - J. Ronald Weidner, 1776 CR1850N
  - Teresa M Gabel, 1862 South Forty
  - Shaennon Clark, 1866 South Forty
  - Doug Hanshaw, 1773 CR1850N

***REGARDING SPECIAL CONDITIONS OF APPROVAL***

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

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The above special condition is necessary to ensure the following:

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

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**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received February 19, 2016, with attachments:
  - A Floor plan
  - B Boundary and Topographic Survey stamped “As Built” dated July 7, 2008
  - C Aerial photograph of subject property
  - D Willow Creek Farm description
  - E Illinois Business Authorization Certificate of Registration for Willow Creek Farm, issued August 1, 2015 and expires August 1, 2020
  - F IL Dept. of Agriculture Meat & Poultry Broker License, issued August 12, 2015 and expires June 30, 2016
  - G IL Dept. of Agriculture Division of Food Safety and Animal Protection, expires June 30, 2016
2. Application for Map Amendment received February 19, 2016
3. Natural Resource Report from the Champaign County Soil and Water Conservation District dated June 23, 2006 and received June 27, 2006 as part of Special Use Case 535-S-06
4. Preliminary EcoCAT consultation completed online April 21, 2016
5. Email from Victor Fuentes received February 5, 2016
6. Letter from Champaign County Public Health Department for approval of new septic system dated April 1, 2016 and received April 27, 2016
7. Email from Traci Lipps received May 3, 2016, with attachments:
  - A Revised Site Plan
  - B Invoice from Illinois Fire Equipment dated May 3, 2016
8. Email from Michael Flanagan received May 4, 2016
9. Preliminary Memorandum dated April 9, 2015 for Cases 830-AM-16 and Case 831-S-16, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Floor plan received February 19, 2016
  - C Boundary and Topographic Survey stamped “As Built” dated July 7, 2008 and received February 19, 2016
  - D Approved Site Plan from ZUPA #257-07-01 dated September 21, 2007
  - E Revised Site Plan received May 3, 2016
  - F LRMP Land Use Goals, Objectives, and Policies
  - G LRMP Appendix of Defined Terms
  - H Willow Creek Farm description
  - I Illinois Business Authorization Certificate of Registration for Willow Creek Farm, issued August 1, 2015 and expires August 1, 2020
  - J Illinois Department of Agriculture Meat & Poultry Broker License, issued August 12, 2015 and expires June 30, 2016

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- K Illinois Department of Agriculture Division of Food Safety and Animal Protection, expires June 30, 2016
  - L Natural Resource Report from the Champaign County Soil and Water Conservation District received June 27, 2006 as part of Special Use Case 535-S-06
  - M Preliminary EcoCAT consultation completed online April 21, 2016
  - N Email from Victor Fuentes received February 5, 2016
  - O Letter from Champaign County Public Health Department for approval of new septic system dated April 1, 2016 and received April 27, 2016
  - P Site Visit Photos taken April 27, 2016
  - Q Invoice from Illinois Fire Equipment, received May 3, 2016
  - R Email from Michael Flanagan received May 4, 2016
  - S Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16
  - T Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16
- 
- 10. Prepared statement by Victor Fuentes, received at May 12, 2016, public hearing
  - 11. Video and aerial tour of Willow Creek Farm, received and viewed at May 12, 2016 public hearing
  - 12. Handout from petitioners received during May 12, 2016, public hearing: Revised Floor Plan
  - 13. Handout from petitioners received during May 12, 2016, public hearing: Traffic Safety Mitigation Plans
  - 14. Handout from petitioners received during May 12, 2016, public hearing: James plumbing invoice
  - 15. Handout from petitioners received during May 12, 2016, public hearing: Nuptiae Letter of Support
  - 16. Handout from petitioners received during May 12, 2016, public hearing: Visit Champaign (Convention & Visitors Bureau) Letter of Support
  - 17. Illinois Department of Health well water test, received July 19, 2016
  - 18. Written Protest to Cases 830-AM-16 and 831-S-16 received July 19, 2016 and related letters of opposition received July 19-21, 2016
  - 19. Map of land owners participating in the written protest:
    - 1. Kenneth Lee Johnson, 1751 CR1850N
    - 2. Bobbie Jo Johnson, 1755 CR1850N
    - 3. James A Talley, Jr., 1748 CR1850N
    - 4. J. Ronald Weidner, 1776 CR1850N
    - 5. Teresa M Gabel, 1862 South Forty
    - 6. Shaennon Clark, 1866 South Forty
    - 7. Doug Hanshaw, 1773 CR1850N
  - 20. Revised Site Plan Sheet S-1 received July 28, 2016
  - 21. Revised Floor Plan Sheet A-1 received July 28, 2016

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22. Open House Invitation to Neighbors received July 25, 2016
23. Letter of Support from Don Moyer Boys & Girls Club received July 28, 2016
24. Letter from Carroll Fire Protection District received July 28, 2016
25. Photo of Health Permit from Champaign County Public Health Department received July 21, 2016
26. Supplemental Memorandum #1 dated August 4, 2016, with attachments:
  - A Letter from staff to petitioners following May 12, 2016 ZBA public hearing, dated May 13, 2016 hearing
  - B Revised Site Plan Sheet S-1 received July 28, 2016
  - C Revised Floor Plan Sheet A-1 received July 28, 2016
  - D Illinois Department of Health well water test, received July 19, 2016
  - E Open House Invitation to Neighbors received July 25, 2016
  - F Letter of Support from Don Moyer Boys & Girls Club received July 28, 2016
  - G Letter from Carroll Fire Protection District received July 28, 2016
  - H Photo of Health Permit from Champaign County Public Health Department received July 21, 2016
  - I Written Protest to Cases 830-AM-16 and 831-S-16 received July 19, 2016 and related letters of opposition received July 19-21, 2016
  - J Map of land owners participating in the written protest dated August 4, 2016
  - K Map of estimated Best Prime Farmland conversion dated August 4, 2016
  - L Map of possible Special Use Area created by staff, dated August 4, 2016
  - M Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16 dated August 4, 2016
  - N Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16 dated August 4, 2016
27. Email from Susan Chavarria to Victor Fuentes and Traci Lipps dated August 12, 2016
28. Supplemental Memorandum #2 dated October 20, 2016
29. Supplemental Memorandum #3 dated October 27, 2016, with attachments:
  - A Email from Ken Johnson received October 26, 2016
  - B Email from Bobbie Johnson received October 26, 2016
  - C Anonymous flyer distributed to neighbors, received October 27, 2016
30. Annotated aerial photo showing south parking lot overflow limit created by staff
31. Email from Traci Lipps received January 24, 2017, with attachment: responses to ZBA request for information
32. Email from Ken Mathis, Somer Township Supervisor, received January 24, 2017
33. Email from Traci Lipps received February 6, 2017, with attachment: revised Site Plan

34. Email from Traci Lipps received February 7, 2017, with attachments: information sheets on plant varieties from Jonathon Manuel, Champaign County Soil and Water Conservation District
35. Email from David Jackson received February 8, 2017, and response from Susan Burgstrom
36. Email from Colleen and Mark Ruebke received February 8, 2017, with attachment: possible solutions for neighborhood concerns
37. Email from Victor Fuentes received February 8, 2017
38. Supplemental Memorandum #4 dated February 23, 2017, with attachments:
  - A Email from Susan Chavarria to Victor Fuentes and Traci Lipps dated August 12, 2016
  - B Annotated aerial photo showing south parking lot overflow limit created by staff
  - C Email from Traci Lipps received January 24, 2017, with attachment: responses to ZBA request for information
  - D Email from Ken Mathis, Somer Township Supervisor, received January 24, 2017
  - E Email from Traci Lipps received February 6, 2017, with attachment: revised Site Plan
  - F Email from Traci Lipps received February 7, 2017, with attachments: information sheets on plant varieties from Jonathon Manuel, Champaign County Soil and Water Conservation District
  - G Email from David Jackson received February 8, 2017, and response from Susan Burgstrom
  - H Email from Colleen and Mark Ruebke received February 8, 2017, with attachment: possible solutions for neighborhood concerns
  - I Email from Victor Fuentes received February 8, 2017
  - J Letter from Ken Johnson received February 15, 2017
  - K Table Comparing Temporary Use Permit Limits to Proposed Special Use Permit Limits dated February 23, 2017
  - L Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16 dated February 23, 2017
  - M Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16 dated February 23, 2017

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**Page 43 of 47****SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 12, 2016, August 11, 2016, and March 2, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment **{WILL/WILL NOT} HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 3:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
    - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment **WILL HELP ACHIEVE** Goal 3 Prosperity.
  - B. Regarding Goal 4:
    - (1) It **{WILL/WILL NOT} HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it **{WILL/WILL NOT} HELP ACHIEVE** the following:
      - a. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 13.C.(4)).
      - b. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
      - c. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).
      - d. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
    - (2) It **{WILL/WILL NOT} HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it **{WILL/WILL NOT} HELP ACHIEVE** the following:
      - a. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(4)).
      - b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(3)).

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- c. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(2)).
  - d. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.B.(1)).
- (3) It **{WILL/WILL NOT} HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it **{WILL/WILL NOT} HELP ACHIEVE** the following:
- a. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding discretionary development (see Item 13.A.(4)).
  - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(3)).
  - c. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.A.(2)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment **{WILL/WILL NOT} HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 5:
- (1) The proposed amendment **{WILL/WILL NOT} HELP ACHIEVE** Goal 5 because it **{WILL/WILL NOT} HELP ACHIEVE** the following:
    - a. Policy 5.1.1 requiring that the County will encourage new urban development to occur within the boundaries of incorporated municipalities (see Item 14.A.(2)).
  - (2) Based on achievement of the above Objective and Policy, the proposed map amendment **{WILL/WILL NOT} HELP ACHIEVE** Goal 5 Urban Land Use.
- D. Regarding Goal 6:
- (1) The proposed amendment **{WILL/WILL NOT} HELP ACHIEVE** Goal 6 because it **{WILL/WILL NOT} HELP ACHIEVE** the following:
    - a. Policy 6.1.4 requiring that the County seek to abate blight and prevent and rectify improper dumping (see Item 14.A.(4)).



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- D. The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural land uses and activities.
  - E. The subject property is occupied and in agricultural use as zoned AG-1.
  - F. The ZBA has recommended that the proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **{IS/IS NOT}** a service better provided in a rural area.
  - G. The subject property is adjacent to a rural road that was designed for 250 vehicles per day; the proposed special use would increase traffic and create additional wear and tear on the road.
  - H. The ZBA has recommended that the proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** the Champaign County Land Resource Management Plan.
  - I. A special condition for the proposed Special Use Permit in related Case 831-S-16 has been proposed to limit the number of vehicles permitted at a ~~typical~~smaller event to 20 or fewer.
  - J. A special condition has been added for the proposed Special Use in related Case 831-S-16 to require a Temporary Use Permit for those events anticipating greater than 20 vehicles.
3. The proposed Zoning Ordinance map amendment **{WILL/WILL NOT} HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the special use as originally proposed by the Petitioner, which requires rezoning to AG-2, **{WILL/WILL NOT}** lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).
  - B. The proposed rezoning **{WILL/WILL NOT}** lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0 (d) see Item 21.D.).
  - C. Establishing the AG-2 District in this location **{WILL/WILL NOT}** help protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0 (n) Item 21.I).
  - D. Establishing the AG-2 District at this location will maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).
  - E. The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

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**FINAL DETERMINATION**

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

The Zoning Ordinance Amendment requested in **Case 830-AM-16** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

**SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

- A. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

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

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

SIGNED:

ATTEST:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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**831-S-16**

**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: *{March 2, 2017}*

Petitioners: **Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc, d.b.a. Willow Creek Farm**

Request: Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning case 830-AM-16.

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 12, 2016, August 11, 2016, and March 2, 2017**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 830-AM-16)

- \*1. Petitioner Traci Lipps owns the subject property and is the sole owner and officer of Lipps Farm, Inc. Petitioners Traci Lipps and Victor Fuentes are partners in the proposed Special Use that is the subject of Case 831-S-16.
- \*2. The subject property is a 37 acre tract in Somer Township in the Southwest Quarter of the Northeast Quarter of Section 36 of Township 20 North, Range 9 East of the Third Principal Meridian and commonly known as the farmstead located at 1766 CR1850N, Urbana.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana, which is approximately 2.2 miles from the subject property as the crow flies and 2.65 miles by road.
  - \*B. The subject property is located within Somer Township, which does not have a Planning Commission.

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

- \*4. Land use and zoning on the subject property and in the vicinity are as follows:
  - \*A. The subject property is a 37 acre tract and is currently zoned AG-1 Agriculture.
  - \* B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
    - \*(1) Land to the north is in agriculture production.
    - \*(2) Land to the east and west is in use as single family residential.
    - \*(3) Land to the south is in use as single family residences and 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 February 19, 2016 consists of a Boundary and Topographic Survey, an aerial photo of the property, and a floor plan for the proposed Events Center. The documents indicate the following existing conditions and in-progress improvements:
    - \*(1) Existing buildings and structures include:
      - \*a. An 11,984 square feet residence that was constructed in 2008.
      - \*b. An 8,700 square feet barn to the north of the residence, of which:
        - \*(a) The proposed Events Center is approximately 2,700 square feet, not including a 930 square feet open, covered porch around the south and east sides;

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- \* (b) 6,000 square feet is for personal/agricultural use;
- \* (c) There is a storage area above the main event room that will be closed during events.
- \* (d) The events center has 3 man doors and 2 additional overhead doors can serve as emergency egress in the barn.
- \* c. A greenhouse, no measurements provided, adjacent to the northwest corner of the barn;
- \* d. A corn crib, no measurements provided, adjacent to the east side of the proposed Events Center;
- \* e. A concrete parking area that will be marked for 5 accessible spaces;
- \* f. A 100 feet by 250 feet gravel parking area near the entrance to the property;
  - (a) The parking lot is approximately 40 feet from the front property line.
  - (b) The Petitioners estimate that the parking lot can hold 100 cars. The petitioners plan to use golf carts to shuttle people between the events center and the parking lot, with exception of those using the accessible spaces adjacent to the events center.
- \* g. A 5-acre pond (not associated with the proposed Special Use);
- \* h. A well to the north of the residence; and
- \* i. A septic tank and leach field with capacity for 150 guests north of the proposed events center.
  - (a) As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received May 4, 2016, the septic system was sized for 150 meals and 1800 gallons of water usage per day. It has full restaurant with bar capabilities for septic use.
- \* (2) The petitioners are in the process of renovating the following:
  - \* a. One two-stall accessible women's restroom inside the proposed events center;
  - \* b. One accessible men's restroom inside the proposed events center; and
  - \* c. A beverage bar to be constructed from the corn crib adjacent to the proposed events center.
- \* (3) Proposed longer term improvements include:
  - \* a. A commercial kitchen in the events center where currently there is a prep kitchen.

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- \* (4) The framing plan for the Events Center did not appear to show the as-built barn structure, and staff could not discern some of the measurements provided. Staff requested a more detailed Floor Plan to replace the framing plan via email and phone on May 3, 2016.
- \* (5) No floor plans were submitted to show the renovations to the restrooms. The Petitioners have indicated that the restrooms will be accessible. Staff has requested that the Petitioners acquire professionally drawn floor plans so that they can be certified as ADA/Illinois Environmental Barriers Act compliant.
- \* B. The Approved Site Plan from Zoning Case 257-07-01 is a clearer version of the property with more specific details; however, the barn proposed to house the events center is not drawn as built and the gravel parking lot on the south end is not shown. Staff recommends referring to this site plan to supplement the information in the Site Plan submitted February 19, 2016 but not to use this as the official Site Plan for the current case.
- \* C. In an email from Petitioner Victor Fuentes received February 5, 2016, he stated the following:
  - \* (1) He and Traci are the only two people who work at the farm; there are no employees.
  - \* (2) As of that date, they only held dinners once a month. The goal is to have events once the facility is better prepared for it.
  - \* (3) They only put up a banner the night of the event, which is removed the following morning. They would like to put up a more permanent sign just with the name of Willow Creek Farm on the sign.
  - \* (4) Guests park on a gravel packed area on the farm itself. We intend as we grow to maybe designate another area similarly set up with gravel.
  - \* (5) The Events Center has a capacity of 150, but right now we have only had 25-35 people there for dinners at the farm. There is one bathroom there right now and are in communication with the health department regarding a bigger septic tank so we can start constructing a second bathroom.
  - \* (6) They use a caterer, V. Picasso Restaurant, which Mr. Fuentes owns. They are certified by the health department.
  - \* (7) The only improvements they were planning was the bathroom (mentioned above), which is in an existing building.
- \* D. The Petitioners submitted a description of Willow Creek Farm with their application, received February 19, 2016, which includes the following:
  - \* (1) They raise animals and grow food exclusively for V. Picasso Wine Bar and Restaurant;

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- \* (2) Cultivated gardens supply fresh herbs, honey, and vegetables;
  - \* (3) The farm has cattle, goats, sheep, and chickens, all raised on the farm, antibiotic and hormone free;
  - \* (4) Remaining acres are used for hay and rotational pastures for the cattle, sheep, and goats;
  - \* (5) The Champaign County Soil and Water Conservation District worked closely with them to effectively use the land; and
  - \* (6) The petitioners partner with local schools and the Boys and Girls Club, and are seeking to expand educational and field trip opportunities. They were contacted by the University of Illinois Veterinary School Productive Medicine Club to be an educational site for their students.
- \*E. Staff visited the subject property on April 27, 2016, and received the following information from the petitioners:
- \* (1) The proposed events center has both heat and air conditioning.
  - \* (2) The events center will limit guests to the indoor events space and a fenced yard outside the center's east door and the front porch area.
  - \* (3) The petitioners hope to hold events year-round, to include weekend events such as weddings and possibly weekday training events.
  - \* (4) They have not held any events in the proposed center to date; their first wedding event is scheduled for late June 2016.
  - \* (5) Any previous farm-to-table dinners have been for 20 to 35 people and held inside the residence.
  - \* (6) Food preparation will occur off-site at V. Picasso restaurant, which is owned by Mr. Fuentes. He has both catering and liquor licenses via V. Picasso. They anticipate acquiring a liquor license for Willow Creek Farm in the future.
  - \* (7) The events center will use the property's well as its water source.
  - \* (8) The petitioners intend to shuttle guests between the gravel parking area and the proposed events center using golf carts.
- \*F. The Petitioners submitted a revised site plan, received May 3, 2016, which illustrates the following:
- \* (1) The residence;
  - \* (2) The barn and connected Events Center north of the house;
    - a. The petitioners measured 147 feet between the north side of the Events Center and the north property line, and 253 feet between the east side of the Events Center and the east property line.

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- \* (3) Handicap parking in front of the Events Center;
  - \* (4) A 100 feet by 250 feet gravel parking area near the entrance to the property;
  - \* (5) A pond; and
  - \* (6) Land in agricultural production: pasture, rotational pastures, alfalfa, beef master grass mixture, a garden and adjacent hill.
  - \* (7) This revised site plan did not include the Greenhouse west of the barn or the corn crib that will be turned into a bar that is east of the events center.
  - \* (8) Staff requested via email and by phone on May 3, 2016 that the petitioners have a professionally drawn site plan and floor plan that would provide necessary details for the Board to consider; Mr. Fuentes indicated by phone on May 3, 2016 that he would contact an architect.
- \*G. Revised Site Plan Sheet S-1 was received from the petitioners on July 28, 2016, which illustrates the following:
- \* (1) The proposed event center with handicap accessible parking;
  - \* (2) Exterior event area with existing fence;
  - \* (3) Stable attached to the event center;
  - \* (4) Gravel driveway west of the stable;
  - \* (5) New gravel parking lot on the south end of the property, 103 feet by 284 feet;
  - \* (6) All field crops and uses; and
  - \* (7) New privacy fence and tree plantings.
- \*H. Revised Floor Plan Sheet A-1 of the proposed event center was received from the petitioners on July 28, 2016, which illustrates the following:
- \* (1) A 2,317 square feet dining area;
  - \* (2) A 1,278 square feet preparation area;
  - \* (3) Two handicap accessible restrooms;
  - \* (4) Five handicap accessible parking spaces;
  - \* (5) A fenced exterior entertainment area with the following features:
    - \*a. One pergola with one 8-place table;
    - \*b. One pergola with one 5-place table;
    - \*c. 11 stand-up type tables (1 accessible);
    - \*d. A silo converted to a bar with an accessible service height; and

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- \*e. Concrete paving connecting the entryway to the events center, 5-place pergola, silo bar, and accessible parking in front of the event center.
- \* (6) A note that maximum interior occupancy is 160 persons, maximum interior plus exterior occupancy is 200 as determined by the restrooms.
- \* (7) Accessibility compliance statement by Illinois Licensed Architect Gaylord H. Swisher.

\*I The Petitioners submitted responses to requests for information from ZBA members and Zoning Department staff, received January 24, 2017, which indicated the following:

- \* (1) The petitioners stated that there will be no boarding of horses. All horses on property are owned by Traci Lipps and/or her children and are used for competitive purposes. Horseback riding is not allowed for events as this creates a liability for Traci Lipps and Willow Creek Farm.
- \* (2) The petitioners stated that no structures will be constructed for service of the event center. No petting zoo is allowed.
- \* (3) Traci Lipps and Victor Fuentes are willing to provide screening along Oaks Road. We are collaborating with Jonathan Manuel of the Champaign County Soil and Water Conservation District to provide the best screening. Before planting, screening will meet ZBA Ordinance and will be approved.
- \* (4) Regarding number of events per year, the petitioners stated:
  - \*a. We anticipate 15-20 events per year of fewer than 20 vehicles.
  - \*b. We anticipate 26 large events per year of more than 20 vehicles.
  - \*c. Field Trips of local schools are anticipated to be no more than 2 per month.
- \* (5) Regarding parking, the petitioners stated:
  - \*a. The petitioners agree to move parking up to the events center.
  - \*b. The front parking (south gravel area) will only be used for overflow parking.
  - \*c. Cars will not be parked within 200 feet of neighboring property.
- \* (6) Regarding driveway lights, the petitioners stated:
  - \*a. Lower wattage bulbs will be installed in the driveway lights. The driveway lights were installed prior to the event center for homeowner's safety.
  - \*b. Traci Lipps has agreed to only have the spotlight on during events.
- \* (7) Regarding potential restaurant plans, the petitioners stated:
  - \*a. For all intents and purposes, the event center is not nor will be a full-time restaurant. We would like to have a hood installed, as approved by the Champaign County Health Department.

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- \*J The Petitioners submitted a revised site plan, received February 6, 2017, which illustrates the following:
- \*(1) The main parking area for the events center has been moved from the south gravel area up to the west side of the existing stable. The revised plan shows 35 parking spaces by the stable, in addition to the existing handicap accessible parking in front of the event center.
  - \*(2) The south gravel area has an annotation for “open space”. Per her email received January 24, 2017, the south gravel parking area will only be for overflow parking, and per proposed special condition, will be limited to the east 100 feet of the existing gravel area.
  - \*(3) A new privacy fence and tree planting are indicated along Oaks Road. Information about the proposed screening can be found in the email from Mrs. Lipps received February 7, 2017.
  - \*(4) The revised Site Plan has annotations for the driveway lighting: “9 volt LED lights on residential 7’ poles – typical”. It is not clear from the Site Plan if this is existing or proposed lighting.
- \*K. The Zoning Ordinance requires that parking for Outdoor Commercial Recreational Enterprises not be located within 200 feet of any residential use. Staff created an annotated aerial photo that shows the 200 feet distance from the nearest residential lot and the south parking lot. The western portion of the parking lot within that 200 feet separation distance will not be used for event center parking. The eastern portion beyond the 200 feet separation distance can still be used for event center parking. A special condition has been proposed by staff to ensure there is a divider that limits parking.
- \*L. The following are previous Zoning Use Permits for the subject property:
- \*(1) ZUPA #257-07-01 was approved September 21, 2007 for construction of a single family home with attached garage and detached garage/storage shed.
  - \*(2) ZUPA #345-06-01 was approved May 18, 2007 for construction of a 5 acre pond.
- \*M. There was one previous zoning case for the subject property:
- \*(1) Case 535-S-06 was approved September 28, 2006 for construction of the 5 acre pond.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a combined “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
  - A. 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:

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- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
    - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
    - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
    - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
    - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
    - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
  - (2) Subsection 6.1.3 establishes the following standard condition for an Outdoor Commercial Recreational Enterprise:
    - a. A separation distance of 200 feet between any R DISTRICT or residential or INSTITUTIONAL USE.
- B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
  - (2) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
  - (3) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the 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

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**AGRICULTURE** all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (4) “ALTERATION” is any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or any movement of a STRUCTURE from one location or position to another.
- (5) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
- (6) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
  - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
  - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
  - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (7) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (8) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (9) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (10) “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) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.

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- (12) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (13) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (14) “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.
- (15) “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.
- (16) “SIGN” is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (17) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (18) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (19) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (a) MAJOR STREET: Federal or State highways.
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.
- (20) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (21) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (22) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
  - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;

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- c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
  - d. Necessary infrastructure is in place or provided by the proposed development; and
  - e. Available public services are adequate to support the proposed development effectively and safely.
- (23) “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.
- 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.

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- 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 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:

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

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, ***“To bring the benefits and the experience of a sustainable farm to Central Illinois through both educational opportunities and farm sourced meals and events.”***
  - B. In a letter received July 28, 2016 from Samuel Banks, Executive Director of the Don Moyer Boys and Girls Club, Mr. Banks stated that he supports Traci Lipps and Willow Creek Farm because youth from the Club have a rare opportunity to learn about farm life and educational experiences.
  - C. In a prepared statement read at the May 12, 2016 ZBA public hearing, Mr. Fuentes stated “last year they decided to join the growing ranks of farm-to-table agricultural operations who offer on-the-farm experiences. He said that it’s an idea that is already taking off nationwide and in our area demand is outpacing availability.”

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

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

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, ***“One of the improvements we would like to develop is a gravel parking area so that no vehicles are parked on the County Road.”***
  - B. Regarding surface drainage:

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- (1) The Natural Resource Report from the Champaign County Soil and Water Conservation District dated June 23, 2006 and received June 27, 2006 as part of Special Use Case 535-S-06 stated: “The site has a significant amount of water draining toward it, including from the adjacent subdivision. This is acceptable since the project consists of only a pond.”
- (2) A stormwater drainage plan completed for the 5 acre pond that was the subject of Zoning Case 535-S-06 and ZUPA #345-06-01 was submitted for review and approved by consulting engineers for the Zoning Department on May 18, 2007.
- (3) The Petitioners installed the a 25,000 square feet off street gravel parking area on the south end of the property after the stormwater drainage plan review was approved; staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance.
- (4) No additional construction is planned for the proposed Special Use.

C. Regarding the effects on traffic:

- (1) The subject property fronts the north side of CR1850N approximately 3 miles straight east of US 45. Regarding the general traffic conditions on CR1850N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
  - a. 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 2011 in the vicinity of the subject property CR1850N approximately 1 mile east of the subject property had an ADT of 400. CR1850N approximately 2 miles west of the subject property had an ADT of 500.
  - b. The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are two feet of gravel shoulder on each side of CR1850N.
  - c. The pavement surface of CR1850N in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a design volume of no more than 250 ADT.
  - d. The events center will primarily hold events during evenings on weekends, which should not impact the typical peak travel hours associated with work commutes.
  - e. There is no proposed limit on the number of events, and the petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.

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- (2) The Township Highway Commissioner has been notified of this case. On January 24, 2017, staff received an email from Ken Mathis, Somer Township Supervisor, stating that the Township does not have issues with Mrs. Lipps' plans.
  - (3) At the May 12, 2016 ZBA public hearing, Mr. Fuentes handed out a sheet of traffic sign examples they intend to implement for events. He stated they will create pop-up, day of, onsite signage cautioning visitors to farm and bike related activity and traffic around them and including, when necessary, volunteer traffic monitors to control traffic.
  - (4) At the May 12, 2016 ZBA public hearing, Mr. Fuentes stated "the patron parking is located so far away so that the patrons maintain their feeling of being on the farm. He said that they did not want the parking to invade the farm atmosphere and they did not want vehicles to be traveling where small children may be located. He said that they will have the farm workers transport the patrons to and from their vehicles".
  - (5) At the May 12, 2016 ZBA public hearing, Ms. Bobbie Johnson, 1755 CR 1850N, Urbana, stated that she lives across from the parking lot. She said that the location of the parking lot does not make sense because there will be noise and trash created. She said that when the parties are over, guests will be shuttled down to the parking lot for access to their vehicles and she is concerned whether the guests will leave or sit and chat for a long period of time. She said that she does not understand why the parking lot is not near the main road rather than close to the event center. She said that the parking lot and the edge of her yard almost meet therefore she has a lot of concerns. She said that since the parking lot is located near a main road she does not know how the petitioners will maintain the activity that could possibly occur in the parking lot. She said that guests will be taken to the parking lot and dropped off therefore she believes that there will be a security risk.
  - (6) A special condition for the proposed Special Use Permit has been proposed to limit the number of vehicles permitted at a typical event to 20 or fewer.
  - (7) A special condition has been added for the proposed Special Use to require a Temporary Use Permit for those events anticipating greater than 20 vehicles such that the proposed events center generates a similar amount of traffic to what would be created under by-right development conditions on best prime farmland.
- D. Regarding fire protection on the subject property, the subject property is located approximately 3.6 miles from the Carroll Fire Protection District station. The FPD Chief was notified of this case on April 27, 2016 and no comments were received.
- (1) The Petitioners submitted an invoice received May 3, 2016 for 6 fire extinguishers that were delivered on May 2, 2016 for the proposed Events Center.
  - (2) The petitioners requested a review of the subject property by Carroll Fire Protection District. In a letter dated July 25, 2016 and received July 28, 2016, FPD Chief James Green stated that the facility appears to be in compliance in terms of

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panic door equipment, exit lights, extinguishers, handicap ramp and needs, and the property meets all current ADA rules.

- E. No part of the subject property is located within a mapped floodplain.
- F. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 171B Catlin silt loam, and has an average LE of 95.
- G. Regarding outdoor lighting on the subject property:
  - (1) Standard residential lampposts are installed approximately every 50 feet along the driveway between the gravel parking lot and the events center. They would only be turned on via generator during events.
  - (2) No new lighting is proposed for the events center.
  - (3) Neighbors' concerns regarding lighting are discussed in Item 8.J.(3).
  - (4) In an email received January 24, 2017, Mrs. Lipps stated the following:
    - a. Lower wattage bulbs will be installed in the driveway lights.
    - b. The driveway lights were installed prior to the event center for homeowner's safety.
    - c. Traci Lipps has agreed to only have the spotlight on during events.
- H. Regarding wastewater treatment and disposal on the subject property:
  - (1) The subject property residence has a septic system, and the petitioners have installed a septic system with a capacity for 150 guests approved by the Champaign County Health Department. Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined that Willow Creek Farm needs to have a septic system that will serve 150 people.
    - a. As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received May 4, 2016, the septic system was sized for 150 meals and 1800 gallons of water usage per day. It has full restaurant with bar capabilities for septic use.
- 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.

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- b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
- c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

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- \*J. Three neighbors expressed concerns prior to the May 12, 2016, public hearing:
- (1) All three were concerned about gunfire noise coming from the subject property.
    - \*a. When staff asked Mr. Fuentes by phone on May 3, 2016 about the gunfire, he stated that they do target shooting at the mound on the northwest corner of the property, and that it had been 3 to 4 months since they had last done that. He stated that someone had called the Sheriff, who came out when they were out shooting, and that the Sheriff observed what they were doing and said that they were not doing anything wrong.
  - \* (2) One of the three neighbors is concerned about potential traffic and noise related to the proposed Special Use.
- \*K. At the May 12, 2016 ZBA public hearing, the following people testified regarding the proposed Special Use:
- \* (1) Ms. Bobbie Johnson, 1755 CR 1850N, Urbana, stated that she lives across from the parking lot. She said that the location of the parking lot does not make sense because there will be noise and trash created. She said that when the parties are over, guests will be shuttled down to the parking lot for access to their vehicles and she is concerned whether the guests will leave or sit and chat for a long period of time. She said that she does not understand why the parking lot is not near the main road rather than close to the event center. She said that the parking lot and the edge of her yard almost meet therefore she has a lot of concerns. She said that since the parking lot is located near a main road she does not know how the petitioners will maintain the activity that could possibly occur in the parking lot. She said that guests will be taken to the parking lot and dropped off therefore she believes that there will be a security risk.
  - \* (2) Mr. James Talley, 1748 CR1850N, Urbana, testified that he has many of the same concerns as Ms. Johnson. Mr. Talley stated that he is concerned about additional noise that will be created by the proposed use. He said that there is no way that there will not be additional noise created. He said that the neighborhood consists of approximately one dozen houses and they will all be impacted by the additional noise. He said that the area is located on a high water table; therefore any additional treatment that goes into this water table could have a lasting effect on potability because every residence is connected to private wells.
  - \* (3) Mr. Kenneth Johnson, 1751 CR1850N, Urbana, expressed concern about potential drainage issues, increased runoff from increased impervious area, and pressure on existing field tiles.
- \*L. Several neighbors submitted letters against the proposed rezoning and special use permit, received July 19 and July 20, 2016:
- \* (1) Gwennatra Jackson, 1870 S. Forty Drive, Urbana, expressed concern about loud noise late at night.
  - \* (2) DeWayne and Shaennon Clark, 1866 S Forty Drive, Urbana, have concerns about more traffic, noise at night and unwanted activity, including noise and

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activity after 10 p.m. They stated “This is a quiet area and this will cause more noise and people in the area we don’t know.”

- \* (3) Bobbie Jo Johnson, 1755 CR1850N, Urbana, stated that the parking lot constructed next to CR1850N is a nuisance to neighbors. She noted high speed traffic, including a shuttle leaving the subject property from a recent wedding. She stated that the golf carts used during the recent wedding event added extra noise. She has concerns that more of the property will be used for events than just the immediate area of the events center. She stated that the lights lining the driveway are a distraction and impact the quiet and solitude of “being and living in the country”. She requested that the lighting only be used during events, and that no additional lights be installed around or near the parking lot. She expressed that having the event center at that location will change the way neighbors live and what they will have to endure.
- \* (4) Mark and Colleen Ruebke, 1865 S. Forty Drive, Urbana, state that they are opposed to the rezoning because it goes against several purposes of the Champaign County Zoning Ordinance and Champaign County Nuisance Ordinance. They mention concerns with increased noise from people and vehicles; increased traffic on a very narrow country road; increased chance of a pedestrian accident; decreased privacy; increased lights outdoors, which is a nuisance for neighbors who want to be away from “city” lights; and potential for increased crime. They stated that they “moved out to the country for peace and quiet and privacy”.
- \* (5) Kenneth Johnson, 1751 CR1850N, Urbana, has concerns about noise, traffic, and trash. He states that the parking lot is a nuisance with cars’ headlights and the golf carts traveling back and forth to the event center. He requested that the lights along the driveway only be used for events, and turned off at 10 pm. He complained about a variety of noise and past noise violations. He suggested that security at the events should be a consideration. He is concerned about drainage and water issues that may increase due to the proposed use. He expressed concern about traffic and people traveling who might not be aware of county roads and how they can be more dangerous to travel, and also for the wear and tear on the road that the Township cannot afford to maintain.
- \* (6) Richard and Teresa Gabel, 1862 S. Forty Drive, Urbana, are concerned about drainage and the impact of the new septic on the field tile that is already stressed in the subdivision. They also stated concerns for traffic; potential alcohol consumption by event guests who possibly drive after; whether the events will end late at night; how the township will be able to afford maintaining additional wear and tear on the road, and a variety of noises occurring after 10 p.m. from the subject property.
- \* (7) Douglas Hanshaw, 1773 CR1850N, Urbana, expressed concerns about the number of people attending events and disruptions from events that may go late into the night. He is also concerned about so many people then going back to the parking lot that is across the street from his house late at night and being disruptive.

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- \* (8) Ron and Kay Weidner, 1776 CR1850N, Urbana, are opposed to the petition and concerned with the business next door, the traffic it creates, and related wear and tear on the roads. They are concerned about late night events with people drinking and possibly driving. They also mention noise from the events and protecting their privacy (they have had people come to their home looking for the Lipps property). They state that “if a person wants a night club, there are plenty of locations already zoned for that in town. Keep these businesses in town, or an area already zoned appropriately.”
- \*M. A Written Protest Petition opposing cases 830-AM-16 and 831-S-16 was received on July 19, 2016. Staff wrote a follow up letter to petitioners after receipt of written protest, dated July 25, 2016, to make the petitioners aware of the more restrictive voting requirements triggered by a written protest.
- \*N. The following communications were received since the last public hearing:
- \* (1) On February 8, 2017, staff received and responded to a request for information from David Jackson, 4209 East Oaks Road, Urbana. Mr. Jackson has submitted no other comments.
- \* (2) On February 15, 2017, staff received a letter from Ken Johnson, a copy of which is attached to this Memorandum. Mr. Johnson commented on concerns such as the petitioners proceeding with the development of the property without always having the proper permits; lighting being too bright along the driveway; excessive noise coming from the property; and requested some rules they would like the petitioners to abide by. The rules he requested are:
- a. Drive way lights off by at least 10 PM;
  - b. Parking lot moved, that's by road 1850 (so there won't be a chance of it being used);
  - c. Barrier on all 4 sides of this property;
  - d. Licensed Security at all the events and learning, teaching and dinners;
  - e. Animals rounded up and kept on their property as soon as they get out of their pens or as soon as possible (not left to come home when feeding time comes around), horses, cattle, sheep, dogs. Also, there are leash laws in Champaign County;
  - f. Limited number of diners, events;
  - g. No events or dinners around holidays;
  - h. No alcohol after 8 pm;
  - i. None of these events to be taken on any place on the property EXCEPT their center and maybe their round house bar, (No lake, or pond parties, grassy area, no drive way or as there going to say farm parking area) just the center;
  - j. No gun events or firearm events; and
  - k. We would like to be in part of the conditions process, I.E. what is allowed and not.
- O. Staff created a table comparing Temporary Use Permit Limits to Proposed Special Use Permit Limits in order to illustrate what the petitioners could do by-right with a Temporary

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Use Permit versus what they could do with the proposed Special Use Permit. The table is a Document of Record and includes the following factors:

- (1) Creation of additional by-right residential lots;
  - a. Two additional by-right lots could be constructed versus no additional lots with the proposed Special Use Permit.
  
- (2) Conversion of Best Prime Farmland;
  - a. Creating two additional by-right lots would convert more Best Prime Farmland than the proposed Special Use indicates on the revised Site Plan received February 6, 2017.
  
- (3) Number of events per year;
  - a. Temporary Use Permits allow 5 events per 90 day period, totaling 20 events in a 360 day period, and could occur during planting and harvesting seasons.
  
  - b. Proposed Special Use Permit allows no more than 20 large events with 20 or more vehicles and any number of smaller events with fewer than 20 vehicles (including buses and shuttles).
  
- (4) Number of customers onsite at one time;
  - a. Temporary Use Permits allow any number of customers, limited only by the onsite parking requirements.
  
  - b. Special Use Permit would limit number of customers based on number of events and number of vehicles according to proposed special conditions of approval.
  
- (5) Limit on customer vehicles;
  - a. Temporary Use Permits allow any number of vehicles, limited only by the onsite parking requirements.
  
  - b. Special Use Permit would allow no more than 20 vehicles for smaller events.
  
- (6) Screening for customer vehicles;
  - a. Temporary Use Permit would not require additional screening.
  
  - b. For commercial facilities such as an events center, screening is required for more than 4 vehicles within 100 feet of the building restriction line for a lot with Conforming dwelling.
  
- (7) Required separation between an Outdoor Commercial Recreational Enterprise and an adjacent residential use; and
  - a. This use requires 200 feet separation distance, while a Temporary Use Permit does not require separation.
  
- (8) Driveway lighting.
  - a. Temporary Use Permit would not include condition about lower wattage lamps along the driveway, and any new lighting would not be required to be full-cutoff.

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- P. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: the petitioner did not provide a response.
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning Districts and by right in the B-2, B-3, and B-4 Zoning Districts.
  - (2) An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts.
  - (3) Regarding the requirement for a separation distance of 200 feet between the Special Use and any R DISTRICT or residential or INSTITUTIONAL USE:
    - a. ~~As per the revised Site Plan received February 6, 2017, the petitioners propose moving the main parking area up to the west side of the existing stable. The proposed Special Use, which includes the parking lot on the south end of the subject property, is only 65 feet from the nearest residential use. The Petitioner has been advised by staff that they can reduce the size of the parking lot so it is at least 200 feet from the nearest residence; move the parking lot to a different area on the property, or they can request a waiver to a standard condition to keep the parking lot where it is.~~
      - (a) The south gravel area has an annotation for “open space.” Per her email received January 24, 2017, Traci Lipps stated that the south gravel parking area will only be for overflow parking, and per proposed special condition, will be limited to the east 100 feet of the existing gravel area.
      - (b) If the south parking area is limited to the east 100 feet of the existing gravel area, then the required 200 feet separation will be achieved.
    - b. ~~A special condition has been added to require removal of the unauthorized gravel parking lot.~~
  - (4) Regarding parking on the subject property for the proposed Special Use:

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- a. Regarding the number of required onsite parking spaces: There is a proposed capacity of 150 people in the Events Center; dividing 150 by 5 seats equals 30 parking spaces, which is the greater number compared to 13 spaces, which is the result of dividing 2,500 square feet by 200 square feet.
- b. As per the revised Site Plan received February 6, 2017, the petitioners propose moving the main parking area up to the west side of the existing stable. The Petitioners installed a 25,000 square foot gravel parking area just inside the entrance to the subject property. The parking lot should be able to accommodate 83 spaces if calculated by square footage. However, if the lot does not have marked spaces, its capacity will likely be less.  
(a) The revised plan shows 35 parking spaces by the stable, in addition to the existing handicap accessible parking in front of the event center.
- c. The parking area does not have any screening, which is a requirement as per Section 7.4.1. A special condition is included regarding screening for the parking area.
- d. At the May 12, 2016 public hearing, Mr. Fuentes states “the patron parking is located so far away so that the patrons maintain their feeling of being on the farm. He said that they did not want the parking to invade the farm atmosphere and they did not want vehicles to be traveling where small children may be located. He said that they will have the farm workers transport the patrons to and from their vehicles”.
- ~~e. A special condition has been added to require removal of the unauthorized gravel parking lot.~~
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
- (1) A stormwater drainage plan completed for the 5 acre pond that was the subject of Zoning Case 535-S-06 and ZUPA #345-06-01 was submitted for review and approved by consulting engineers for the Zoning Department on May 18, 2007.
  - (2) The Petitioners installed the a 25,000 square feet off street gravel parking area on the south end of the property after the stormwater drainage plan review was approved; staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance.
  - (3) No additional construction is planned for the proposed Special Use.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.

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- 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 and agricultural production will still occur onsite.
- G. Currently, the subject property is zoned AG-1 Agriculture and the Petitioner has requested to rezone the property to AG-2 Agriculture in related Case 830-AM-16. Regarding whether or not the proposed Special Use will preserve the essential Character of the surrounding AG-1 District:
- (1) As reviewed in Case 830-AM-16, the types of uses authorized by right in the AG-1 DISTRICT are the same as by-right uses in the AG-2 DISTRICT. However, a Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise is only authorized as a Special Use in the AG-2 District and not the AG-1 District. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent AG-1 uses.
  - (2) The subject property is located on CR1850N. Land use and zoning in the immediate area of the subject property are as follows:
    - \*a. Land on the north, south, east, and west of the subject property is zoned AG-1 Agriculture and is in use as follows:
      - \*(a) Land to the north is in agriculture production.
      - \*(b) Land to the east and west is in use as single family residential.
      - \*(c) Land to the south is in use as single family residences and agricultural production.
- H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
  - A. A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning District and by right in the B-2, B-3, and B-4 Zoning District.

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- B. An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts. Note that the Outdoor Commercial Recreational Enterprise and the Private Indoor Recreational Development are actually the same proposed use and not separate uses which would not be permissible on a lot in the AG-1 District.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):  
The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
  - (2) 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. The proposed Special Use Permit **{IS/IS NOT}** in harmony with the general purpose of the Zoning Ordinance, as follows:
- \* (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. 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. 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:  
  
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

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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.

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

The subject property has been a farmstead since 2008 and if the rezoning is denied it can continue to be used as a farmstead or as simply a single family 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. The Revised Site Plan received May 3, 2016 indicates a 25,000 square feet off-street parking area on the south end of the property.

\* (a) The Petitioners submitted a revised site plan, received February 6, 2017, which illustrates the following:

\*i. The main parking area for the events center has been moved from the south gravel area up to the west side of the existing stable. The revised plan shows 35 parking spaces by the stable, in addition to the existing handicap accessible parking in front of the event center.

\*ii. The south gravel area has an annotation for "open space". Per her email received January 24, 2017, the south gravel parking area will only be for overflow parking, and per proposed special condition, will be limited to the east 100 feet of the existing gravel area.

- \*b. There is a proposed special condition of approval for the Special Use Permit Case 831-S-16 to limit the number of vehicles at smaller events to no more than 20 (including buses and shuttles). There is another proposed special condition to limit the number of events per year that can have greater than 20 vehicles.

- \*c. The petitioners propose to create pop-up, day-of onsite signage cautioning visitors to farm and bike related activity and traffic around them. They provided examples of signage. When necessary, they will have volunteer traffic monitors to control traffic.

~~There is no proposed limit on the number of events, and the petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.~~

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- \*d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
  - e. Neighbors' concerns about traffic, wear and tear on the road, and public expense for maintaining a road with heavier traffic due to the events center are discussed in Item 8.C.
- \* (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. A stormwater drainage plan completed for the 5 acre pond that was the subject of Zoning Case 535-S-06 and ZUPA #345-06-01 was submitted for review and approved by consulting engineers for the Zoning Department on May 18, 2007.
  - \*b. The Petitioners installed a 25,000 square feet off street gravel parking area on the south end of the property after the stormwater drainage plan review was approved; staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance.
- \* (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- \*a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - \*b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  - c. Neighbors' concerns are discussed in Item 8.
- \* (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.

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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.

\*a. The proposed Special Use in related Case 831-S-16 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. The subject property was 37 acres of best prime farmland in agricultural production prior to it being developed as a single family residence with a large pond, fewer acres in agricultural production, and livestock management areas.

\*c. Neighbors’ concerns are discussed in Item 8. and include complaints about increased lighting, noise, and traffic.

~~\*d. A special condition has been added to require removal of the unauthorized gravel parking lot.~~

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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.

The subject property does not contain any natural features.

- \*(11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

- \*a. The proposed Special Use in related Case 831-S-16 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. Neighbors’ concerns are discussed in Item 8.J.(3) and several question how additional wear and tear on an already busy rural road will be able to be maintained by the Township, which does not have much funding.

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

- \*a. The Petitioners told staff at the April 27, 2016 site visit that no agricultural land will be removed from production.
- \*b. The subject property was 37 acres of best prime farmland in agricultural production prior to it being developed as a single family residence with a large pond, fewer acres in agricultural production, and livestock management areas.

- \*(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: **“This event venue will be within the existing barn which blends in with the surroundings.”**
  - 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. The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:**

**(1) The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 830-AM-16; and**

**(2) A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 830-AM-16; and**

**(3) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.**

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

**The ongoing operations may continue but will comply with all special conditions by a date certain.**

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

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

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

**B.** 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.**

**C.** 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 necessary to ensure the following:

**That events held on the subject property adequately consider prior noise complaints and current neighbors.**

**D.** No parking shall occur in the public street right of way.

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

**That the proposed Special Use is not injurious to the neighborhood.**

- E.** Within 6 months of approval of Special Use Permit 831-S-16, the ~~25,000 square feet~~ gravel parking area adjacent to Oaks Road (CR 1850 N) must be screened with a Type D Screen and this screening must be maintained over the lifetime of the Special Use Permit.

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

**That the parking area is in compliance with the Zoning Ordinance.**

*Note: the following condition was combined to create renumbered condition J.*

- ~~**F.** There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.~~

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

~~**A clear understanding that there are no limits on the number of events or limits on when events may occur.**~~

- E.** The Special Use is subject to the approval of Case 830-AM-16.

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

**That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.**

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

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

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

- H.** No additional residential lots may be created from the 37 acre Lipps property.

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

**To ensure that traffic conditions do not deteriorate by permitting additional residential development.**

- I.** This Special Use Permit authorizes and “event center” and not a restaurant and shall operate within the following requirements:

1. All guests shall be invited and “walk in” guests shall not be allowed.
2. A list of invitees shall be prepared for each event and both the invited guest list and a guest sign-in list shall be maintained as an official business record.
3. Both the invited guest list and the guest sign-in list for each event shall be maintained onsite for at least 5 years and shall be made available to the Champaign County Zoning Administrator when requested.

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The special condition above is required to ensure the following:

**A permanent record of attendance that can at all times substantiate the operation as an event center and not simply a restaurant.**

- J. For events with 20 vehicles or fewer (includes shuttles and buses), there are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.

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

A clear understanding that there are no limits on the number of smaller events or limits on when smaller events may occur.

- K. Larger events with more than 20 guest vehicles at the subject property shall be limited as follows:

- (1) The total number of larger events shall be limited to no more than 20 events in any 365-day period.
- (2) No larger event shall occur during planting season (mid-April to end of May) or during harvest season (mid-September to end of October).
- (3) Willow Creek Farm shall notify the Zoning Administrator of each larger event at least one week prior to the event.

The above special condition is necessary to ensure the following:

**That neighborhood noise, traffic, privacy, and safety concerns are taken into consideration when holding events, and that larger events can be tracked to ensure they occur at an approved frequency and do not occur during planting and harvesting season.**

- L. Only the eastern 100 feet of the existing 100 feet by 250 feet gravel area on the south end of the property may be used for event center overflow parking, and a divider must be placed to show where no parking is permitted.

The above special condition is necessary to ensure the following:

That parking for the events center complies with the Zoning Ordinance.

**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received February 19, 2016, with attachments:
  - A Floor plan
  - B Boundary and Topographic Survey stamped "As Built" dated July 7, 2008
  - C Aerial photograph of subject property
  - D Willow Creek Farm description
  - E Illinois Business Authorization Certificate of Registration for Willow Creek Farm, issued August 1, 2015 and expires August 1, 2020
  - F IL Dept. of Agriculture Meat & Poultry Broker License, issued August 12, 2015 and expires June 30, 2016
  - G IL Dept. of Agriculture Division of Food Safety and Animal Protection, expires June 30, 2016
2. Application for Map Amendment received February 19, 2016
3. Natural Resource Report from the Champaign County Soil and Water Conservation District dated June 23, 2006 and received June 27, 2006 as part of Special Use Case 535-S-06
4. Preliminary EcoCAT consultation completed online April 21, 2016
5. Email from Victor Fuentes received February 5, 2016
6. Letter from Champaign County Public Health Department for approval of new septic system dated April 1, 2016 and received April 27, 2016
7. Email from Traci Lipps received May 3, 2016, with attachments:
  - A Revised Site Plan
  - B Invoice from Illinois Fire Equipment dated May 3, 2016
8. Email from Michael Flanagan received May 4, 2016
9. Preliminary Memorandum dated April 9, 2015 for Cases 830-AM-16 and Case 831-S-16, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Floor plan received February 19, 2016
  - C Boundary and Topographic Survey stamped "As Built" dated July 7, 2008 and received February 19, 2016
  - D Approved Site Plan from ZUPA #257-07-01 dated September 21, 2007
  - E Revised Site Plan received May 3, 2016
  - F LRMP Land Use Goals, Objectives, and Policies
  - G LRMP Appendix of Defined Terms
  - H Willow Creek Farm description
  - I Illinois Business Authorization Certificate of Registration for Willow Creek Farm, issued August 1, 2015 and expires August 1, 2020
  - J Illinois Department of Agriculture Meat & Poultry Broker License, issued August 12, 2015 and expires June 30, 2016

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- K Illinois Department of Agriculture Division of Food Safety and Animal Protection, expires June 30, 2016
  - L Natural Resource Report from the Champaign County Soil and Water Conservation District received June 27, 2006 as part of Special Use Case 535-S-06
  - M Preliminary EcoCAT consultation completed online April 21, 2016
  - N Email from Victor Fuentes received February 5, 2016
  - O Letter from Champaign County Public Health Department for approval of new septic system dated April 1, 2016 and received April 27, 2016
  - P Site Visit Photos taken April 27, 2016
  - Q Invoice from Illinois Fire Equipment, received May 3, 2016
  - R Email from Michael Flanagan received May 4, 2016
  - S Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16
  - T Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16
10. Prepared statement by Victor Fuentes, received at May 12, 2016, public hearing
  11. Video and aerial tour of Willow Creek Farm, received and viewed at May 12, 2016 public hearing
  12. Handout from petitioners received during May 12, 2016, public hearing: Revised Floor Plan
  13. Handout from petitioners received during May 12, 2016, public hearing: Traffic Safety Mitigation Plans
  14. Handout from petitioners received during May 12, 2016, public hearing: James plumbing invoice
  15. Handout from petitioners received during May 12, 2016, public hearing: Nuptiae Letter of Support
  16. Handout from petitioners received during May 12, 2016, public hearing: Visit Champaign (Convention & Visitors Bureau) Letter of Support
  17. Illinois Department of Health well water test, received July 19, 2016
  18. Written Protest to Cases 830-AM-16 and 831-S-16 received July 19, 2016 and related letters of opposition received July 19-21, 2016
  19. Map of land owners participating in the written protest:
    1. Kenneth Lee Johnson, 1751 CR1850N
    2. Bobbie Jo Johnson, 1755 CR1850N
    3. James A Talley, Jr., 1748 CR1850N
    4. J. Ronald Weidner, 1776 CR1850N
    5. Teresa M Gabel, 1862 South Forty
    6. Shaennon Clark, 1866 South Forty
    7. Doug Hanshaw, 1773 CR1850N
  20. Revised Site Plan Sheet S-1 received July 28, 2016
  21. Revised Floor Plan Sheet A-1 received July 28, 2016

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22. Open House Invitation to Neighbors received July 25, 2016
23. Letter of Support from Don Moyer Boys & Girls Club received July 28, 2016
24. Letter from Carroll Fire Protection District received July 28, 2016
25. Photo of Health Permit from Champaign County Public Health Department received July 21, 2016
26. Supplemental Memorandum #1 dated August 4, 2016, with attachments:
  - A Letter from staff to petitioners following May 12, 2016 ZBA public hearing, dated May 13, 2016 hearing
  - B Revised Site Plan Sheet S-1 received July 28, 2016
  - C Revised Floor Plan Sheet A-1 received July 28, 2016
  - D Illinois Department of Health well water test, received July 19, 2016
  - E Open House Invitation to Neighbors received July 25, 2016
  - F Letter of Support from Don Moyer Boys & Girls Club received July 28, 2016
  - G Letter from Carroll Fire Protection District received July 28, 2016
  - H Photo of Health Permit from Champaign County Public Health Department received July 21, 2016
  - I Written Protest to Cases 830-AM-16 and 831-S-16 received July 19, 2016 and related letters of opposition received July 19-21, 2016
  - J Map of land owners participating in the written protest dated August 4, 2016
  - K Map of estimated Best Prime Farmland conversion dated August 4, 2016
  - L Map of possible Special Use Area created by staff, dated August 4, 2016
  - M Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16 dated August 4, 2016
  - N Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16 dated August 4, 2016
27. Email from Susan Chavarria to Victor Fuentes and Traci Lipps dated August 12, 2016
28. Supplemental Memorandum #2 dated October 20, 2016
29. Supplemental Memorandum #3 dated October 27, 2016, with attachments:
  - A Email from Ken Johnson received October 26, 2016
  - B Email from Bobbie Johnson received October 26, 2016
  - C Anonymous flyer distributed to neighbors, received October 27, 2016
30. Annotated aerial photo showing south parking lot overflow limit created by staff
31. Email from Traci Lipps received January 24, 2017, with attachment: responses to ZBA request for information
32. Email from Ken Mathis, Somer Township Supervisor, received January 24, 2017
33. Email from Traci Lipps received February 6, 2017, with attachment: revised Site Plan

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- 34. Email from Traci Lipps received February 7, 2017, with attachments: information sheets on plant varieties from Jonathon Manuel, Champaign County Soil and Water Conservation District
- 35. Email from David Jackson received February 8, 2017, and response from Susan Burgstrom
- 36. Email from Colleen and Mark Ruebke received February 8, 2017, with attachment: possible solutions for neighborhood concerns
- 37. Email from Victor Fuentes received February 8, 2017
- 38. Supplemental Memorandum #4 dated February 23, 2017, with attachments:
  - A Email from Susan Chavarria to Victor Fuentes and Traci Lipps dated August 12, 2016
  - B Annotated aerial photo showing south parking lot overflow limit created by staff
  - C Email from Traci Lipps received January 24, 2017, with attachment: responses to ZBA request for information
  - D Email from Ken Mathis, Somer Township Supervisor, received January 24, 2017
  - E Email from Traci Lipps received February 6, 2017, with attachment: revised Site Plan
  - F Email from Traci Lipps received February 7, 2017, with attachments: information sheets on plant varieties from Jonathon Manuel, Champaign County Soil and Water Conservation District
  - G Email from David Jackson received February 8, 2017, and response from Susan Burgstrom
  - H Email from Colleen and Mark Ruebke received February 8, 2017, with attachment: possible solutions for neighborhood concerns
  - I Email from Victor Fuentes received February 8, 2017
  - J Letter from Ken Johnson received February 15, 2017
  - K Table Comparing Temporary Use Permit Limits to Proposed Special Use Permit Limits dated February 23, 2017
  - L Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16 dated February 23, 2017
  - M Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16 dated February 23, 2017

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning Case **831-S-16** held on **May 12, 2016, August 11, 2016, and March 2, 2017**, the Zoning Board of Appeals of Champaign County finds that:

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

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

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

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

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- b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
  - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS NOT* an existing nonconforming use.
6. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:*

**A. The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:**

- (1) The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 830-AM-16; and**
- (2) A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 830-AM-16; and**
- (3) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.**

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

**The ongoing operations may continue but will comply with all special conditions by a date certain.**

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

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

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

**B. 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.**

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- C.** 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 necessary to ensure the following:

**That events held on the subject property adequately consider prior noise complaints and current neighbors.**

- D.** No parking shall occur 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 the neighborhood.**

- E.** Within 6 months of approval of Special Use Permit 831-S-16, the **25,000 square feet** gravel parking area **adjacent to Oaks Road (CR 1850 N)** must be screened with a Type D Screen **and this screening must be maintained over the lifetime of the Special Use Permit.**

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

**That the parking area is in compliance with the Zoning Ordinance.**

*Note: the following condition was combined to create renumbered condition J.*

- ~~F. **There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**~~

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

~~**A clear understanding that there are no limits on the number of events or limits on when events may occur.**~~

- F.** The Special Use is subject to the approval of Case 830-AM-16.

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

**That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.**

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

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

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

- H.** No additional residential lots may be created from the 37 acre Lipps property.

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

**To ensure that traffic conditions do not deteriorate by permitting additional residential development.**

**I. This Special Use Permit authorizes and “event center” and not a restaurant and shall operate within the following requirements:**

- 1. All guests shall be invited and “walk in” guests shall not be allowed.**
- 2. A list of invitees shall be prepared for each event and both the invited guest list and a guest sign-in list shall be maintained as an official business record.**
- 3. Both the invited guest list and the guest sign-in list for each event shall be maintained onsite for at least 5 years and shall be made available to the Champaign County Zoning Administrator when requested.**

The special condition above is required to ensure the following:

**A permanent record of attendance that can at all times substantiate the operation as an event center and not simply a restaurant.**

**J. For events with 20 vehicles or fewer (includes shuttles and buses), there are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**

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

**A clear understanding that there are no limits on the number of smaller events or limits on when smaller events may occur.**

**K. Larger events with more than 20 guest vehicles at the subject property shall be limited as follows:**

- (1) The total number of larger events shall be limited to no more than 20 events in any 365-day period.**
- (2) No larger event shall occur during planting season (mid-April to end of May) or during harvest season (mid-September to end of October).**
- (3) Willow Creek Farm shall notify the Zoning Administrator of each larger event at least one week prior to the event.**

The above special condition is necessary to ensure the following:

**That neighborhood noise, traffic, privacy, and safety concerns are taken into consideration when holding events, and that larger events can be tracked to ensure they occur at an approved frequency and do not occur during planting and harvesting season.**

**L. Only the eastern 100 feet of the existing 100 feet by 250 feet gravel area on the south end of the property may be used for event center overflow parking, and a divider must be placed to show where no parking is permitted.**

The above special condition is necessary to ensure the following:

**That parking for the events center complies with the Zoning Ordinance.**

**FINAL DETERMINATION**

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

The Special Use requested in Case **831-S-16** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant **Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc, d.b.a. Willow Creek Farm**, to authorize the following as a Special Use on land that is proposed to be rezoned to the **AG-2 Agriculture Zoning District** from the current **AG-1 Agriculture Zoning District** in related Zoning Case **830-AM-16**:

Authorize the remodeling of existing farm buildings 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. The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:**
- (1) The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 830-AM-16; and**
  - (2) A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 830-AM-16; and**
  - (3) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.**
- B. 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.**
- C. 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.**
- D. No parking shall occur in the public street right of way.**
- E. Within 6 months of approval of Special Use Permit 831-S-16, the ~~25,000 square feet~~ gravel parking area adjacent to Oaks Road (CR 1850 N) must be screened with a Type D Screen and this screening must be maintained over the lifetime of the Special Use Permit.**

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- F. The Special Use is subject to the approval of Case 830-AM-16.**
- G. This Special Use Permit shall expire if no events are held during any consecutive 365 day period.**
- H. No additional residential lots may be created from the 37 acre Lipps property.**
- I. This Special Use Permit authorizes and “event center” and not a restaurant and shall operate within the following requirements:**
- 1. All guests shall be invited and “walk in” guests shall not be allowed.**
  - 2. A list of invitees shall be prepared for each event and both the invited guest list and a guest sign-in list shall be maintained as an official business record.**
  - 3. Both the invited guest list and the guest sign-in list for each event shall be maintained onsite for at least 5 years and shall be made available to the Champaign County Zoning Administrator when requested.**
- J. For events with 20 vehicles or fewer (includes shuttles and buses), there are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**
- K. Larger events with more than 20 guest vehicles at the subject property shall be limited as follows:**
- (1) The total number of larger events shall be limited to no more than 20 events in any 365-day period.**
  - (2) No larger event shall occur during planting season (mid-April to end of May) or during harvest season (mid-September to end of October).**
  - (3) Willow Creek Farm shall notify the Zoning Administrator of each larger event at least one week prior to the event.**
- L. Only the eastern 100 feet of the existing 100 feet by 250 feet gravel area on the south end of the property may be used for event center overflow parking, and a divider must be placed to show where no parking is permitted.**

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

SIGNED:

ATTEST:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date