

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61802

DATE: March 30, 2017

PLACE: John Dimit Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 7:00 p.m.

MEMBERS PRESENT: Catherine Capel, Frank DiNovo, Debra Griest, Brad Passalacqua, Jim Randol, Eric Thorsland

MEMBERS ABSENT: Marilyn Lee

STAFF PRESENT: Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT: Victor Fuentes, Bobbie Johnson, Ken Johnson

1. Call to Order

The meeting was called to order at 7:00 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with one member absent.

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

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearing

Case 830-AM-16 Petitioner: Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc., d.b.a. Willow Creek Farm Request to 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

1 proposed Special Use in related Zoning Case 831-S-16. Location: A 37-acre tract in Somer Township
2 in the Southwest Quarter of the Northeast Quarter of Section 36 of Township 20 North, Range 9 East
3 of the Third Principal Meridian and commonly known as the farmstead located at 1766 CR 1850N,
4 Urbana.

5
6 Case 831-S-16 Petitioner: Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc., d.b.a. Willow
7 Creek Farm. Request to authorize the remodeling of existing farm buildings for the establishment
8 and use of an Event Center as a combination “Private Indoor Recreational Development” and
9 “Outdoor Commercial Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-
10 2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning
11 case 830-AM-16. Location: A 37-acre tract in Somer Township in the Southwest Quarter of the
12 Northeast Quarter of Section 36 of Township 20 North, Range 9 East of the Third Principal Meridian
13 and commonly known as the farmstead located at 1766 CR 1850N, Urbana.

14
15 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
16 the witness register for that public hearing. He reminded the audience that when they sign the witness
17 register they are signing an oath.

18
19 Mr. Thorsland informed the audience that Case 831-S-16 is an Administrative Case and as such, the County
20 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for
21 a show of hands for those who would like to cross-examine and each person will be called upon. He
22 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.
23 He said that those who desire to cross-examine are not required to sign the witness register but are requested
24 to clearly state their name before asking any questions. He noted that no new testimony is to be given during
25 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
26 exempt from cross-examination.

27
28 Mr. Thorsland stated that, since the last public hearing, staff has had contact with adjacent neighbors and
29 Ms. Burgstrom will summarize those conversations for the Board.

30
31 Ms. Burgstrom stated that she spoke with Ken Johnson and Bobbie Johnson yesterday and she will
32 summarize those conversations. She said that Mr. Johnson stated that Mr. Fuentes has told the neighbors
33 that they should go to the subject property to tell him if there are any problems, but Mr. Johnson has been
34 told to stay off the subject property. Mr. Johnson stated that he does not understand how he can go the
35 subject property to speak with Mr. Fuentes, if he has been told to stay off the property. Mr. Johnson
36 indicated that it is his belief that Mr. Fuentes and Ms. Lipps could take the time after the public hearings to
37 discuss concerns, but they have not done so. Mr. Johnson believes that the two new lights that have been
38 installed at the south graveled area should have a full cutoff switch. Mr. Johnson and four other residences
39 have had more water issues than before Ms. Lipps constructed the pond and made changes to the drainage
40 tile along with that pond. Mr. Johnson said that his house had never had water in the basement before, and
41 he was born and raised there. Mr. Johnson believes that there should be more screening to not only block the
42 lights, but also the noise generated from the event center. Mr. Johnson indicated that vandalism in the area

1 has been an issue and he is concerned that it will continue. Mr. Johnson is concerned that Mr. Fuentes and
2 Ms. Lipps will open a tavern and they will continue to provide rides with hayracks and trailers pulled by an
3 ATV, which will turn the property into an attraction. Mr. Johnson is glad that Mr. Fuentes and Ms. Lipps
4 will accommodate the busy farming days, but he would like no events on or around major holidays, such as,
5 Easter, Memorial Day, Labor Day, Thanksgiving, Christmas and New Year's, so as to allow the neighbors to
6 have peaceful holidays. Mr. Johnson indicated that security could be an issue during events on the subject
7 property and calling the Sheriff out is not enough, because things could happen while they are on their way
8 to the subject property.

9
10 Ms. Burgstrom stated that Bobbie Johnson indicated that she would like to have the south graveled area
11 removed. Ms. Johnson indicated that she is against the petitioners expanding the special use permit area to
12 include the pond and the grass which is south of the house and only having the special use area be around the
13 event center on the north end. Ms. Johnson indicated that she continues to have concerns about noise, dust,
14 people along the driveway and the use of golf carts and she would like screening required along CR 1850N
15 to help with these concerns.

16
17 Mr. Thorsland asked the Board if there were any questions for Ms. Burgstrom and there were none.

18
19 Mr. Thorsland asked Mr. Hall if he has any additional information for the Board.

20
21 Mr. Hall stated that he did not have any additional information for the Board.

22
23 Mr. Thorsland asked the petitioner if they desired to make a statement outlining the nature of the request.

24
25 Mr. Victor Fuentes, who resides at 2305 Firethorn Lane, Champaign, stated that the only thing that has been
26 done since the last public hearing is the revision of the Site Plan, removing the parking lot out front. He said
27 that he would replace all the lights on the driveway and he has provided the manufacturer's specifications for
28 the updated lighting.

29
30 Mr. Thorsland asked the Board if there were any questions for Mr. Fuentes, and there were none.

31
32 Mr. Thorsland stated that there are two new site plans, with the one dated March 22, 2017, being the most
33 current. He said the difference could be seen from the one dated March 21, 2017, responding to the front
34 parking area by making it a bit smaller. He said there is another layout of the inside of the building that was
35 included in the mailing packet. Mr. Thorsland stated that Ms. Burgstrom provided the neighbors' concern
36 about the possibility that the petitioner would open a tavern at some point, although this is not something
37 that has not been included on the current Site Plan yet.

38
39 Mr. Fuentes stated that opening a tavern is not going to happen, and that one of the special conditions that he
40 had spoken about with Ms. Burgstrom was to not open a restaurant, which is the same principle with people
41 walking in for a meal or a cocktail.

1 Mr. Thorsland said there is a concern about hayrack rides, but Mr. Fuentes previously testified that they were
2 not going to do that anymore.

3
4 Mr. Fuentes stated that they will not do hayrack rides during events, but if he has kids over for private use,
5 not paid events, he will continue to do that.

6
7 Mr. Thorsland stated that outside of paid events, nothing precludes the petitioners from having private
8 hayrack rides.

9
10 Mr. Fuentes stated that by not having the parking lot on the south end of the property, he thought that he
11 would not be required to do screening, but he has planted some trees already, and he plans to plant more
12 trees on his own. He asked for verification that he is not required to do screening.

13
14 Mr. Thorsland stated that he is not required to have screening if the parking lot is not in the Special Use
15 Permit area.

16
17 Mr. Fuentes stated that the planting he has done, and plans to do, should help alleviate some of the concerns
18 about the property.

19
20 Mr. Thorsland stated that it not would hurt to have screening and it might help with some of the incidental
21 light along the driveway. He asked Mr. Fuentes if he still planned on leaving the gravel and maybe parking
22 some of their personal trailers in the front area, which is allowed.

23
24 Mr. Fuentes stated that is correct.

25
26 Mr. Thorsland said that earlier testimony from Mr. Fuentes was that nature was going to take its course with
27 the gravel, and it will probably disappear in a year or two.

28
29 Mr. Fuentes stated there were two conversations going on. He said that first, he originally was going to be
30 able to use some of the parking, so at that point parking on the north end would be smaller, and this is the
31 reason we have two different site plans. He said that after removing the south lot from the site plan so that
32 cars cannot be parked there, but he can still use the gravel space to park all his trailers. He said that when he
33 has an event that will need gravel parking space, the trailers he has on the back end of the property would
34 probably be moved to the front.

35
36 Mr. Hall asked Mr. Fuentes if the trailers are for agricultural use.

37
38 Mr. Fuentes stated that two of the trailers are horse/cattle trailers, and then some of the other ones they use
39 when they pick up meat from the meat locker. He said that they have a total of 4 trailers, a wagon, and some
40 open flatbed trailers they use when they buy hay.

41
42 Mr. Thorsland stated that it sounds like the trailers are generally agricultural related. Mr. Thorsland said that

1 during a previous meeting, the Board and Mr. Fuentes discussed the pond and the tile. He said that the Board
2 heard that one of the phone calls was about changes in water, and water is always an issue with anything. He
3 said water concerns are hard to gauge because in general, things have been different than they were 10 years
4 ago, as far as runoff. He asked if when the pond was put in, tiles were repaired and moved and all of this was
5 completed up to specifications.

6
7 Mr. Fuentes responded that is correct.

8
9 Mr. Passalacqua asked Mr. Fuentes to indicate the date that the pond was created.

10
11 Mr. Fuentes said that the pond was created about 10 years ago, in 2007-2008.

12
13 Mr. Passalacqua stated that the Board has had some other cases relating to water, and the Board knows that
14 in the last two years we have had 100-year rains multiple times. He said that if the pond dates 10 years ago, it
15 is possible that conditions have changed.

16
17 Mr. Thorsland said that the Board cannot relate any functions of the Special Use Permit to past drainage
18 changes. He said that everything the petitioners have back there is gravel, and most of the buildings have
19 been in existence for a while.

20
21 Mr. Fuentes stated that Mr. Thorsland was correct.

22
23 Mr. Hall stated that to be fair, Mr. Johnson has had concerns about drainage since the day that the pond was
24 dug, so these are not recent concerns and date back to the beginning of the pond. Mr. Hall said that he
25 couldn't find that there were any problems as a result of the pond, but he cannot document that. He said that
26 staff had a professional engineer involved in the pond, the major tile was rerouted, and no one said they had
27 found other tiles. He said he would take a registered professional engineer at his word; therefore, he has been
28 unable to help Mr. Johnson with his drainage concerns.

29
30 Mr. Thorsland said that what he was trying to get at is that the pond skirts the Special Use Permit area, but
31 the pond was not built for the Special Use.

32
33 Mr. Hall stated that is correct, but the pond had to be put in according to County ordinance, and as far as he
34 knows, it was.

35
36 Mr. Thorsland said that was his point exactly and he understands Mr. Johnson's concern with water and
37 things related to the pond, but this pond is not really related to this case. He said that what Mr. Hall has done
38 for Mr. Johnson is appropriate in trying to find some sort of backup with what happened with the pond and if
39 there had been any documented changes.

40
41 Mr. Thorsland asked Mr. Fuentes if there was anything else he wanted to add.

1 Mr. Fuentes stated that he had no additional information to add.
2
3 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Fuentes, and there
4 were none.
5
6 Mr. Thorsland asked the audience if anyone would like to cross-examine Mr. Fuentes based on the testimony
7 presented tonight, and there was no one.
8
9 Mr. Thorsland called Ms. Bobbie Johnson to testify.
10
11 Mr. Thorsland noted that Ms. Burgstrom had summarized Ms. Johnson’s communication earlier, and asked
12 Ms. Johnson to limit her testimony to anything new.
13
14 Ms. Bobbie Johnson, 1755 CR 1850 N, Urbana, stated that she had nothing new to add.
15
16 Mr. Thorsland stated that Ms. Johnson had heard some of the questions he asked Mr. Fuentes tonight, and
17 asked Ms. Johnson if the answers to those questions helped alleviate her concerns. He said that Ms. Johnson
18 voiced her concern about taking out all the gravel out of the south parking area. He asked Ms. Johnson to
19 indicate what her concern would be if it that area was not going to be used commercially anymore.
20
21 Ms. Johnson stated that she does not trust that the south parking area will be used for agriculture.
22
23 Mr. Thorsland said that the south parking area is not in the Special Use Permit now, and the petitioner is
24 bound by the Special Use Permit to not use that area. He said that if Ms. Johnson sees it being used, there is
25 recourse.
26
27 Ms. Johnson asked Mr. Thorsland to indicate what the recourse would be.
28
29 Mr. Thorsland responded that Ms. Johnson could call the office, and staff would go to the property to
30 confirm whether the south parking area was being used for agriculture or commercial use.
31
32 Ms. Johnson asked what would happen if vehicles were moved by the time staff got out there, or if staff or
33 the Board is lied to.
34
35 Mr. Thorsland stated that each case is individual, but the Board has set up parameters that prohibits that area
36 as a parking lot for the Special Use events center, and the petitioner has testified that it will not be used for
37 that. He said that if Ms. Johnson suspects it is being used, she should try to document it, take a picture of it
38 and send it to staff with a date stamp on it. He said that once this information is received, staff will visit the
39 property to investigate and discuss the concerns with the petitioners. He said that there are teeth to what this
40 Board does, and as the petitioners could confirm, the Board’s teeth sometimes will mean that changes are
41 involved, and there are repercussions when those changes are not followed. He said that Ms. Johnson was
42 concerned about screening, but the petitioner has indicated that he intends to plant more screening regardless

1 of whether it is required or not.

2
3 Ms. Johnson stated that most of the things that the petitioners have done were because the Board required
4 them to do so. She asked Mr. Thorsland to indicate the things that the petitioners are doing that the Board is
5 not requiring them to do.

6
7 Mr. Thorsland stated that the Board cannot answer this question, because this Board will only tell the
8 petitioners what they are required to do.

9
10 Ms. Johnson stated that it appears that the Board is giving them applause for doing things that they don't
11 have to do.

12
13 Mr. Thorsland asked Ms. Johnson to be more specific.

14
15 Ms. Johnson stated that the Board has stated that the petitioners are doing this or that when they don't have
16 to, such as the driveway lighting and the screening. She said that when this case first started, the Board
17 members indicated that the front gravel lot should not have been created, but it was the petitioners' money
18 and liability if the gravel had to be removed. She said that since the petitioners have agreed that they will
19 use the front gravel lot for agriculture, the Board is okay with the gravel remaining at that location. She said
20 it is like the petitioners got a slap on the hand for placing the gravel before receiving permission, but it can
21 stay because it is going to be used for agriculture.

22
23 Mr. Thorsland stated that the Board stressed that the front gravel lot should not have been created for parking
24 for the event center and that use of the lot was to cease. He said that if Ms. Johnson desired to place gravel
25 on her lot to park her horse trailer or car she could do that. He said that the gravel already exists and if the
26 petitioners desire to purpose it for something else, they could. He said that placing the event center parking
27 at the rear of the subject property is a benefit, as it would remedy some of the concerns that were voiced by
28 the neighbors. He said that there have been a lot of changes required for this request which will benefit the
29 neighbors and remedy their concerns and to make this a better special use permit overall, and not without
30 cost to the petitioner. He said that the Board has accepted the fact that the gravel exists and it will cost the
31 petitioner money to remove it, but if the petitioner does not maintain that area the gravel will eventually
32 disappear. He said that if the gravel is going to be used for agricultural parking, which is allowed, it may
33 still be visible but it cannot be utilized for the event center. He said that it may appear that the Board only
34 slapped the petitioners on the hand, but the Board's decision regarding the front parking lot was partly based
35 upon the concerns voiced by the neighbors.

36
37 Mr. Thorsland asked Ms. Johnson if she had any additional questions regarding the Board's decisions.

38
39 Ms. Johnson requested clarification of the areas that do and do not require screening.

40
41 Mr. Thorsland stated that if the parking lot were going to be used as part of the special use permit, screening
42 would be required. He said that Mr. Fuentes testified that he has already planted trees for screening and he

1 intends to plant more trees.

2
3 Ms. Griest stated that it is significant to appreciate that any landowner can put gravel by the road for their
4 personal use without any permits or oversight or screening. She said that if the petitioner had been doing
5 nothing but placing the gravel for their own agricultural use, they could do so. She said that the Board
6 cannot require the petitioners to move the gravel because they are using it just for agricultural purposes, and
7 not as part of the event center. She said that the Board has prohibited the use of the gravel parking area to be
8 used by the petitioners' employees, guests, or any vehicles related to the special use. She said that the Board
9 asked Mr. Fuentes to indicate the type of trailers and vehicles that would be parked in this area because the
10 Board needed to verify whether they were agricultural vehicles or not, and if they are the Board has no
11 authority over that. She said that a homeowner could gravel their entire front yard if they so desired, but it
12 would be very expensive and would be done at their own risk. She said that it was not in the petitioner's
13 best interest to start out with graveling this area with the expectation of using that area as part of the special
14 use. She said that the petitioner put their funds and resources at risk, and in this case, the parking area
15 cannot be used for their intended purpose, but they are able to use it for agricultural purposes and no
16 screening is required.

17
18 Ms. Johnson asked how far the parking area goes along the front property line, because it is difficult to tell
19 on the site plan that includes the red lines.

20
21 Ms. Griest stated that the graveled parking area is outside of the special use area.

22
23 Ms. Johnson stated that she is concerned about the screening because of the dust and noise that will be
24 generated from the events.

25
26 Ms. Griest stated that, as a Board member, she sees nothing in the proposal that indicates that there will be
27 activity in that area, and the Board must allow the petitioners and emergency vehicles access in and out of
28 the property.

29
30 Mr. Thorsland stated that the site plan indicates the privacy fence and tree plantings and it basically goes
31 from the driveway to the out lot, and in a few years those tree plantings will fill in.

32
33 Ms. Griest stated that the Board cannot require the privacy fence or the tree plantings.

34
35 Mr. Thorsland agreed with Ms. Griest, but testimony has been received indicating that this is the petitioner's
36 intent and it is on the site plan. He said that the privacy fence and tree planting cannot be enforced by the
37 Zoning Board of Appeals, but as a good neighbor, he believes it will go in. He said that testimony has been
38 received indicating that golf carts will no longer be used, as they were to transport people from the front
39 parking lot to the event center.

40
41 Ms. Johnson asked if vehicles could be parked along the driveway.

- 1 Mr. Randol stated that parking could be used for overflow parking only.
- 2
- 3 Mr. Thorsland stated that there is now parking for 20 vehicles in the rear of the property, and if the vehicles
- 4 are not parked in the road, the petitioner’s driveway can be used. He said that if someone has a large party at
- 5 their property, they can have people park along their driveway so that they are not parked along the road. He
- 6 said that the subject event center is not the only one in the County and parking in the road has been one of
- 7 the biggest problems that this Board has had to address.
- 8
- 9 Ms. Griest stated that as human nature dictates, most people will not park any farther than they should, so if
- 10 vehicles park closer to the road, the event center could be over capacity.
- 11
- 12 Ms. Johnson stated that she was only pointing out things that she was concerned about.
- 13
- 14 Ms. Griest stated that if Ms. Johnson has a concern about something occurring at the subject property, she
- 15 should submit dated photographs to staff so that they can address those concerns. She said that there are
- 16 some very tenacious staff members who go out and vigorously work on enforcement issues, not a job that
- 17 she would want to have, but they do a very good job.
- 18
- 19 Mr. Thorsland stated that the Board will review the special conditions and those special conditions must be
- 20 agreed to by the petitioner and if those special conditions are not followed, staff will receive a call and, if
- 21 necessary, staff will follow up with enforcement. He said that the petitioner installed an adequate
- 22 wastewater system that was installed per state and county specifications. He said that the Board is obligated
- 23 to ensure that the wastewater system complies and the petitioner willingly spent whatever amount required to
- 24 make sure that it was a system that would comply. He said that the petitioner also willingly agreed to change
- 25 the driveway lights so that they are full cut-off.
- 26
- 27 Ms. Johnson asked if the new driveway lights are only to be full cut-off now, or are they required to have a
- 28 shade as well.
- 29
- 30 Mr. Thorsland stated that the petitioner submitted the manufacturer’s information for the new driveway
- 31 lights and they met the ordinance’s requirements. He said that the lights will be such that no light will shine
- 32 anywhere other than below the lights.
- 33
- 34 Ms. Burgstrom stated that there appears to be a misunderstanding regarding full cut-off.
- 35
- 36 Mr. Passalacqua stated that the driveway lights are to be full cut-off lights and not shut-off lights. He said
- 37 that any light glare only sprays on the ground and the shade hides the bulb.
- 38
- 39 Ms. Burgstrom stated that the Board could ask Mr. Fuentes if there is a shut-off switch available for the
- 40 driveway lights.
- 41
- 42 Mr. Thorsland stated that testimony was provided indicating that the lights would not be on all the time and

1 the events end at 11:00 p.m. He said that a full cut-off light means that when you look at the light the bulb is
2 not visible. He said that, as one Board member, he hates someone's light shining in his eyes. He said that
3 approximately six years ago, this special condition was added as part of any special use permit approval.
4

5 Mr. Randol stated that Mr. Fuentes testified that the lights were already installed.
6

7 Mr. Thorsland stated that he can ask Mr. Fuentes, but Mr. Fuentes has submitted the manufacturer's
8 specifications for the replacement lights to staff for review and approval.
9

10 Ms. Johnson stated that red lines on the site plan are indicating the area for the special use.
11

12 Mr. Thorsland stated yes, and the driveway is included in that red lined area, which is why the Board can
13 require the full cut-off lighting.
14

15 Ms. Johnson asked why the entire grass area was included and not just the driveway.
16

17 Mr. Thorsland stated that there was previous discussion about inclusion of the house in the special use area.
18 He said that pictures are taken near the pond and near the house, which is why they are required to be
19 included in the special use area. He said that the fact that the red lines are on the site plan indicating the
20 specific special use area is beneficial to the neighbors, because this Board has control over that area and the
21 petitioners are not to extend their use beyond that designated area.
22

23 Mr. Hall stated that Ms. Johnson would prefer that the grass area next to the pond not be included in the
24 special use permit.
25

26 Mr. Thorsland stated that Mr. Fuentes testified that wedding ceremonies are held next to the pond.
27

28 Mr. Hall stated that the Board could request a note on the site plan or a special condition that specifies that
29 the area near the pond would only be used for short events that might take place there, as opposed to an
30 entire event that might take place there.
31

32 Mr. Thorsland stated that such a condition would be hard to write. He said that the petitioner attended all the
33 public hearings and has heard all the witness testimony; therefore, Mr. Fuentes is aware of the neighbor's
34 concerns.
35

36 Mr. Hall stated that the Board should think 30 years from now.
37

38 Mr. Thorsland stated that he is only one member on the Board, and the rest of the Board can voice their
39 opinions regarding this topic when they review the special conditions.
40

41 Ms. Johnson stated that Mr. Fuentes has always been in attendance, but Ms. Lipps has not. Ms. Johnson
42 stated that she has spoken with Mr. Fuentes several times regarding her concerns and Mr. Fuentes

1 understands those concerns, but Ms. Lipps does not. Ms. Johnson said that she does not have a good
2 relationship with Ms. Lipps, and if Mr. Fuentes is not present during an event, Ms. Johnson is concerned that
3 the event may get out of hand. She asked the Board how they would handle an event getting out of hand and
4 outside of the special use area.
5

6 Mr. Thorsland stated that Champaign County has a Nuisance Ordinance and if the event continues past
7 10:00 p.m., the Champaign County Sheriff's office is available. He said that a lot of these concerns are
8 spelled out in the special conditions, and neighbors are welcome to contact staff and submit photographs
9 regarding their concerns.
10

11 Ms. Johnson stated that she has called the Champaign County Sheriff's office before and it takes them a long
12 time in finding her house.
13

14 Mr. Thorsland stated that he understands Ms. Johnson's concern.
15

16 Mr. Passalacqua stated that regardless of whether Ms. Lipps is present at the public hearing, she is a
17 petitioner and the rules still apply. He said that ignorance is not an excuse for Ms. Lipps to hold an event
18 without Mr. Fuentes being present and claim that she does not know what the rules are. He said that the
19 special use permit lies with the property.
20

21 Mr. Thorsland suggested that Ms. Johnson not go to the property during an event to rectify her concerns.
22

23 Ms. Johnson stated that she would not.
24

25 Mr. Thorsland recommended that Ms. Johnson should utilize the Champaign County Sheriff's office and the
26 Department of Planning and Zoning staff to address her concerns regarding any event. He also
27 recommended that Ms. Johnson should continue her good relationship with Mr. Fuentes. He said that the
28 Board could set strict restraints on the special use permit and an event could still get out of hand, and even
29 though these things occur, they are not supposed to and there are actions that would be taken.
30

31 Mr. Passalacqua stated that the Board setting strict restraints on the special use provides more protection for
32 the neighbors. He said that if this was only a temporary use permit, the Board has no authority over the
33 events and the neighbors have no protection other than the Sheriff's office. He said that a lot of people who
34 attend the ZBA meetings believe that the Board favors the petitioner, but that is not the case. He said that
35 the Board has no more love for the petitioner than they do for the witnesses, staff, or other Board members,
36 but the Board's review provides the neighbors with more tools.
37

38 Ms. Johnson stated that she understands what Mr. Passalacqua is saying and it is frustrating for everyone.
39

40 Mr. Passalacqua stated that the Board would really like everyone to be able to do whatever they want to on
41 their property, and he always looks at a case as if it were going to be next door to his residence. He said that
42 this special use is being screwed down tight, and he understands the concern about headlights from vehicles

1 exiting the subject property spraying over onto Ms. Johnson’s property. He said that the Board is trying to
2 formulate clean tools, roadmap, for the entire neighborhood and the petitioners to follow, and if an event
3 goes off course, there is recourse. He said that he understands that Ms. Johnson is frustrated, but this Board
4 is not against her and we all are in this together.
5

6 Ms. Johnson stated that she appreciates Mr. Passalacqua’s comments.
7

8 Mr. Thorsland stated that Ms. Johnson should keep her meeting documents and her notes from the public
9 hearings, and if she has any questions regarding an event, she should contact staff. He said that staff, not the
10 Board, enforces the special conditions and any violations; therefore, if Ms. Johnson or any of the other
11 neighbors have concerns regarding an event, they should contact staff to determine if enforcement is
12 necessary.
13

14 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Johnson and there were none.
15

16 Mr. Thorsland asked if anyone desired to cross-examine Mr. Johnson and there was no one.
17

18 Mr. Thorsland called Kenneth Johnson to testify.
19

20 Mr. Kenneth Johnson, who resides at 1751 CR 1850N, Urbana, stated that he had no additional information
21 to add. He said that he would like to explain his previous comments regarding the water situation. He said
22 that he knew that the pond would raise the water level, but he believes that when the original tile was
23 interrupted, a solid pipe was installed rather than drainage tile, and that is the reason why the water backs up.
24 He said that he is concerned about the 1,800 gallons of liquid in their septic tank.
25

26 Mr. Thorsland stated that the septic tank has nothing to do with the drain tile.
27

28 Mr. Johnson stated that since the original tile was replaced with a solid pipe, it will not drain. He said that
29 he is concerned about the pond raising the water level, the tile, solid pipe, that doesn’t drain properly, the
30 new 1,800-gallon septic system, and the rains that the area receives. He said that if the Board indicates that
31 the pond and the tile is okay, then it is okay.
32

33 Mr. Thorsland stated that the pond was the subject of a zoning case.
34

35 Mr. Johnson stated that he is just guessing that a sold pipe was installed, he does not know for sure.
36

37 Mr. Thorsland stated that perhaps we shouldn’t talk about it if we do not know for sure whether a solid pipe
38 was installed or not.
39

40 Mr. Hall stated that he does not remember the details of the case regarding the pond, but the policy probably
41 required a solid tile, because as the area is developed it is expected that vegetation would be planted and
42 their roots would tend to block regular tile, a solid tile is more secure. He said that he does not believe that

1 even if it were drain tile Mr. Johnson's property would not be affected. He said that Mr. Johnson is more
2 than 200 feet from away from the tile and drain tile does not drain an area 200 feet wide, because the soils
3 are not that permeable. He said that he is not an engineer, but he does know that drain tile does not have a
4 drainage area that is 200 feet away from the tile, it just doesn't work that way.

5
6 Mr. Thorsland stated that farm drainage tiles are 15 feet apart, and, at times, the soil is still wet.

7
8 Mr. DiNovo stated that the engineering drawings indicate an 18-inch clay tile.

9
10 Mr. Hall stated that the 18-inch clay tile was the original tile.

11
12 Mr. Thorsland stated that questions regarding drainage should be outside of this case because, except for the
13 outside skirting, the pond is not part of this case. He said that there are always factors with water being
14 where it didn't used to be. He said that discussion about the special use permit for the pond should be held
15 outside of the public hearing.

16
17 Mr. Johnson stated that he is concerned about this area being a mini-valley where the water flows with no
18 outlet.

19
20 Mr. Thorsland stated that he would assume that when they rerouted the tile that they did not route it to a dead
21 end, but connected it to a continual tile. He said that the water is not stopping just because the pond is there
22 and the water will still flow.

23
24 Mr. Johnson stated that he is retired and he sees Mr. Fuentes and others zip up and down the driveway on the
25 subject property creating a lot of dust, and Mr. Johnson believes that the screening would assist with the dust
26 concern. He said that at one time, the Board compared the dust created by a tractor to the dust from the
27 driveway, but he disagrees. He said that he believes that some screening is necessary for the people who live
28 on the east side of the property too.

29
30 Mr. Thorsland stated that a fence already exists on the east side of the driveway and the petitioners are
31 growing pasture grass; therefore, they are not going to want to shade it and it is considered agriculture.

32
33 Mr. Johnson stated that they drive 60 miles per hour up and down the driveway.

34
35 Mr. Thorsland stated that if Mr. Johnson can document the speed of the vehicles traveling up and down the
36 driveway, he can present that information to staff and they can determine if there is anything that they can do
37 about it other than request that they slow down.

38
39 Mr. Randol stated that if there is no event occurring on the subject property and if Mr. Fuentes or Ms. Lipps
40 drive 60 miles per hour up and down their driveway, then that is their business.

41
42 Mr. Thorsland agreed with Mr. Randol, and indicated that the same scenario is true for Mr. Johnson. He

1 said that Mr. Fuentes testified that a tavern will not be established on the subject property and the hayrides
2 will not be part of an event. He said that Mr. Johnson should call staff if hayrides do occur during an event
3 so that it can be addressed with the petitioner. He said it was requested that events not be held on holidays,
4 but the Board has not seen a business model and most people will not get married outside on New Year's
5 Eve. He said that the Board has placed very hard brackets on the farming portion, which is one of the
6 County's big concerns. He said that the County wants to assure people's right to farm and the petitioners
7 compromised on events held in the spring and fall, the Board pushed hard for that requirement and the
8 petitioners agreed. He said that one of the goals in the Land Resource Management Plan is to allow
9 prosperity and reasonable use; therefore, if the Board put too many brackets on the special use permit, they
10 would be violating their own guidelines. He said that the Board has worked hard on this case and the Board
11 has changed the request that was first presented at the first hearing. He said that the Board did not change it
12 to make it super flexible for the petitioner, but there are special conditions on the request and the petitioner
13 will either agree to the special condition or its modified version. He said that the special conditions are
14 enforceable and the neighbors will have recourse if the special conditions are violated. He said that the
15 neighbors should contact the Sheriff's office regarding any concerns and/or staff. He said that he
16 understands the response time from the Sheriff's office, but the report can still be filed.

17
18 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Johnson and there were none.

19
20 Mr. Thorsland asked if anyone desired to cross-examine Mr. Johnson and there was no one.

21
22 Mr. Thorsland called Victor Fuentes to the witness microphone.

23
24 Mr. Passalacqua asked Mr. Fuentes if the new privacy fence and tree plantings exist at the abandoned
25 parking area.

26
27 Mr. Fuentes stated yes.

28
29 Mr. Passalacqua asked if the trees already exist, and if so, what kind are they.

30
31 Mr. Fuentes stated that they are pear trees. He said that Ms. Johnson had previously indicated her concern
32 about the driveway lights and the Board was trying to determine whether they would need to be replaced
33 with full cut-off fixtures, so he volunteered to replace the lights so that they would be compliant. He said
34 that he also conceded and abandoned the front parking lot and agreed to move it to the rear of the property.
35 He said that he wants to be as helpful to his neighbors as possible, and he is planting more screening. He
36 said that he understands Mr. Johnson's concern about people driving fast up and down the driveway, and he
37 may even be guilty himself, but he will talk to the farm employees and curtail this practice, not just because
38 of the dust, he does not want any accidents occurring due to the fast driving on gravel. He said that Ms.
39 Lipps has all the documentation for the pond which should indicate what type of tile was installed. He said
40 that he would be more than happy to provide the documentation to the Board and/or Mr. Johnson for review.

41
42 Mr. Thorsland thanked Mr. Fuentes. He said that there are decision points required for the Land Resource

1 Management Plan (LRMP) and Ms. Burgstrom has provided a wonderful table indicating those decision
2 points. He noted that the decision points begin on page 14 of 50 of the Draft Findings of Fact and Final
3 Determination for Case 830-AM-16 dated March 30, 2017.

4
5 Mr. Thorsland read LRMP Goal 1 as follows: LRMP Goal 1 is entitled “Planning and Public Involvement”
6 and states: Champaign County will attain a system of land resource management planning built on broad
7 involvement that supports effective decision making by the County. He said that staff’s recommendation for
8 Goal 1 is that the proposed rezoning will NOT IMPEDE the achievement of Goal 1.

9
10 Mr. Thorsland asked the Board if they agreed with staff’s recommendation for Goal 1, and the Board agreed.

11
12 Mr. Thorsland read LRMP Goal 2 as follows: LRMP Goal 2 is entitled “Governmental Coordination” and
13 states” Champaign County will collaboratively formulate land resource and development policy with other
14 units of government in areas of overlapping land use planning jurisdiction. He said that staff’s
15 recommendation for Goal 2 is that the proposed rezoning will NOT IMPEDE the achievement of Goal 2.

16
17 Mr. Thorsland asked the Board if they agreed with staff’s recommendation for Goal 2, and the Board agreed.

18
19 Mr. Thorsland read LRMP Goal 3 as follows: LRMP Goal 3 is entitled “Prosperity” and states: Champaign
20 County will encourage economic growth and development to ensure prosperity for its residents and the
21 region. He said that staff’s recommendation for Goal 3 is that the proposed rezoning will HELP ACHIEVE
22 Goal 3.

23
24 Mr. Thorsland asked the Board if they agreed with staff’s recommendation for Goal 3, and the Board agreed.

25
26 Mr. Thorsland stated that the Board will now review Goal 4, and the first decision point on page 21 of 50,
27 item 12.C.(1). He read Policy 4.3.2 as follows: Policy 4.3.2 states, “On best prime farmland, the County
28 may authorize a discretionary review development provided the site with proposed improvements is well-
29 suited overall for the proposed land use.”

30
31 Mr. Passalacqua stated that the proposed zoning IS WELL SUITED OVERALL for the development
32 proposed in related Case 831-S-16, because it co-mingles with agriculture. The Board agreed

33 Mr. Thorsland stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.2, and the Board agreed.

34
35 Mr. Thorsland stated that Policy 4.3.3 states, “The County may authorize a discretionary review
36 development provided that existing public services are adequate to support the proposed development
37 effectively and safely without undue public expense.”

38
39 Ms. Griest stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.3., and the Board agreed.

40
41 Mr. Thorsland stated that Policy 4.3.4 states, “The County may authorize a discretionary review
42 development provided that existing public infrastructure, together with proposed improvements, is adequate

1 to support the proposed development effectively and safely without undue public expense.”

2
3 Mr. Randol stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.4.

4
5 Mr. Thorsland stated that Policy 4.3.5 states, “On best prime farmland, the County will authorize a business
6 or other non-residential use only if: a) It also serves surrounding agricultural uses or an important public
7 need; and cannot be located in an urban area or on a less productive site; or b) the use is otherwise
8 appropriate in a rural area and the site is very well suited to it. He said that staff has recommended that the
9 proposed use in related Case 831-S-16 DOES NOT serve surrounding agricultural land uses or an important
10 public need.

11
12 Mr. Passalacqua stated that in all other cases like this, it was necessary to the public convenience.

13
14 Mr. Hall stated that the Board should not get the special use permit criteria confused with rezoning, but it is
15 easy to do.

16
17 Ms. Griest stated it is an important distinction that the petitioners and the witnesses will struggle with more
18 than the Board will, so keeping that in the forefront will be helpful.

19
20 Mr. Thorsland asked the Board if they wanted to follow staff’s recommendation.

21
22 Ms. Griest stated that she agrees with staff’s recommendation that the use does not serve surrounding
23 agricultural, but agriculture serves the use. She asked Mr. Hall to clarify what the Board is saying by not
24 being in the affirmative for this finding.

25
26 Mr. Hall stated that Policy 4.3.5 lays out two instances when a non-agriculture or non-residential use can be
27 approved. He said that in the first case it either serves agriculture or an important public need. He said that
28 an important public need, in his opinion, is not the same thing as when establishing a special use permit there
29 is a need for the use. He said that, in his mind, an important need is a waste water treatment facility, water
30 plant, or something like a major public facility, which this is not, and it does not serve agriculture. He said
31 that the use does not take in grain or livestock from other places.

32
33
34 Mr. Randol stated that the use provides agricultural education to the public.

35
36 Ms. Capel stated that the petitioners are not growing all the feed that the livestock consumes; therefore, they
37 are supporting agriculture by purchasing the grain feed somewhere else.

38
39 Mr. Hall stated that Mr. Randol is correct, but with zoning we are always concerned about the principal use,
40 and providing agricultural education is not the principal use.

41
42 Ms. Burgstrom stated that staff has already discussed the fact that the petitioners could conduct the

1 agricultural education tours on the farm without the special use permit.

2
3 Mr. Passalacqua stated that the Board is currently discussing the map amendment.

4
5 Ms. Burgstrom agreed, but in other cases regarding event centers the Board has indicated that, in this case,
6 the use does not serve surround agricultural land uses or an important public need.

7
8 Mr. Hall stated that there is another instance when this use could help achieve this policy, and that is whether
9 it is otherwise appropriate in a rural area and that depends on whether it overburdens the streets and if the
10 site is well suited. He said that there is a wonderful septic system installed and the use is set back far from
11 the neighbors, as much as it can be, so the second part of Policy 4.3.5 is what applies here; therefore, staff's
12 recommendation is that the proposed use in related Case 831-S-16 DOES NOT serve surrounding
13 agricultural land uses or an important public need.

14
15 Mr. Passalacqua asked Mr. Hall if 13.C. (4) a. needs to be included or does it just need to be reviewed. He
16 asked if 13.C. (4) a. and b. needs to be found in the affirmative.

17
18 Mr. Hall stated that one of them does need to be found in the affirmative. He said that if they are not found
19 in the affirmative the Board needs to weigh their overall recommendation for the map amendment.

20
21 Mr. Thorsland stated that it appears that the Board agrees with staff recommendations for 13.C. (4) a. He
22 said that the Board will now review 13.C. (4) b. He read 13.C. (4) b. as follows: Regarding whether the
23 proposed development in related Case 831-S-16 {IS/IS NOT} otherwise appropriate in a rural area. He said
24 that there has been a lot of testimony which would indicate that the site is very well suited to the proposed
25 land use, because of the waste water, the use's location on the lot, and other changes which are proposed to
26 be made.

27
28 Ms. Griest recommended that the proposed development in related Case 832-S-16 IS otherwise appropriate
29 in a rural area, because you could not have a farm to table operation without having a farm.

30
31 Ms. Capel stated that engaging in agricultural activity, such as crop production and livestock, serves
32 surrounding agricultural practices.

33
34 Ms. Griest stated that the use is not serving other farms.

35
36 Mr. Thorsland read 13. C. (4) c. as follows: Regarding whether the site is very well suited to the proposed
37 land use, the ZBA has recommended that the proposed rezoning {WILL/WILL NOT} HELP ACHIEVE
38 Policy 4.3.2. regarding whether the site with proposed improvements is well-suited overall for the proposed
39 land use.

40
41 Mr. Hall stated that 13.C.(4) c. contains a typo and should refer to Policy 4.3.5, not Policy 4.3.2.

1 Ms. Griest recommended that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.5. regarding
2 whether the site with proposed improvements is well-suited overall for the proposed land use, and the Board
3 agreed.

4
5 Mr. Thorsland requested an overall recommendation for Policy 4.3.5.

6
7 Ms. Griest stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.5., and the Board agreed.

8
9 Mr. Thorsland requested an overall recommendation for Objective 4.3.

10
11 Mr. Passalacqua recommended that the proposed rezoning WILL HELP ACHIEVE Objective 4.3., and the
12 Board agreed.

13
14 Mr. Thorsland stated that the Board will now review Policy 4.2.1. He read item 13. B. (1) b., Policy 4.2.1 as
15 follows: “The County may authorize a proposed business or other non-residential discretionary review
16 development in a rural area if the proposed development supports agriculture or involves a product or service
17 that is better provided in a rural area than in an urban area.” He said that the staff recommendation is that
18 the proposed development in related Case 831-S-16 DOES NOT support agriculture. He said that Mr.
19 Randol and Ms. Capel made the point that the special use permit does support agriculture due to the
20 educational aspect, livestock, and farm to table operation. He said that, as Ms. Capel previously stated, the
21 petitioners are bringing in agricultural products to sustain the livestock used for the special use permit.

22
23 Mr. DiNovo stated that Policy 4.2.1. discusses agriculture on the site. He asked if agriculture supports
24 agriculture.

25
26 Ms. Capel stated that not all the livestock and grain are raised on site, but are purchased from other places.

27
28 Mr. Thorsland stated that the beef cows are probably not born, raised, and processed on site.

29
30 Mr. Fuentes stated that they purchased some feeder calves, but they do raise some of the lambs and cows on
31 site. He said that they do buy grain and hay off-site, because their pastures are not large enough to sustain the
32 livestock during the winter.

33
34 Mr. Thorsland stated that Mr. Randol mentioned the educational tours, which could be conducted without a
35 special use permit, but those tours are supported by the agricultural aspect. He said that the Board has been
36 informed that not all the decision points need to be in the affirmative, but the overall needs to be in the
37 affirmative.

38
39 Ms. Griest stated that the Board is back to the point whether the proposed use supports agriculture by serving
40 other farms and farmers, and the consensus was that it does not. She said that the proposed use utilizes
41 products from surrounding farms, so it does not support agriculture but is best suited in an agricultural
42 environment because it uses products from other farms.

1
2 Mr. Thorsland stated that Policy 4.2 does not talk about utilizing other agriculture but focuses on negative
3 effects and interference with other agriculture.
4
5 Ms. Griest stated that it clearly is, because you cannot have a farm to table without a farm.
6
7 Mr. Thorsland stated that this is really a hard policy. He stated that he agrees with staff's recommendation
8 that the proposed development in related Case 831-S-16 DOES NOT support agriculture, which is consistent
9 with decision point #8 (item 13.C.(4) a.)
10
11 Ms. Griest agreed.
12
13 Mr. Thorsland stated that the Board will now review item 13.B.(1) c. regarding whether the proposed
14 development in related Case 831-S-16 {IS/IS NOT} a service better provided in a rural area.
15
16 Ms. Griest stated that the proposed development in related Case 831-S-16 IS a service better provided in a
17 rural area.
18
19 Mr. Thorsland recommended that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.1, and the
20 Board agreed.
21
22 Mr. Thorsland stated that staff recommendation is that the proposed use of the subject property is NOT
23 NEGATIVELY AFFECTED by agricultural activities because it will host agricultural themed events which
24 rely on and benefit from the agricultural surroundings.
25
26 Mr. Passalacqua agreed with staff's recommendation because this is the teeth of the Board's discussion so
27 far.
28
29 Mr. Thorsland read item 13.B.(2) c. regarding Policy 4.2.2 as follows: The proposed development in related
30 Case 831-S-16 {WILL/WILL NOT} interfere with agricultural activities or damage or negatively affect the
31 operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure. Mr.
32 Thorsland stated that the Board has not reviewed the special conditions, but he is sure that the Board has
33 read the special conditions, and one of those special conditions reference the *Right to Farm Act* and the
34 petitioner will have to agree to that special condition. He said that on a fundamental basis, the proposed use
35 cannot interfere with agriculture.
36
37 Ms. Griest stated that exclusive of the special use permit, the map amendment WILL NOT interfere with
38 agriculture.
39
40 Mr. Passalacqua agreed.
41
42 Mr. Thorsland stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.2., and the Board

1 agreed.

2
3 Mr. Thorsland stated that staff recommendation for item 13.B. (3), regarding Policy 4.2.3 is that the
4 proposed rezoning will HELP ACHIEVE Policy 4.2.3, and the Board agreed.

5
6 Mr. Thorsland stated that staff recommendation for item 13.B. (4) is that the proposed rezoning will HELP
7 ACHIEVE Policy 4.2.4., and the Board agreed.

8
9 Mr. Thorsland requested a recommendation for item 13.B, regarding Objective 4.2.

10
11 Ms. Griest stated that the proposed rezoning WILL HELP ACHIEVE Objective 4.2., and the Board agreed.

12
13 Mr. Thorsland read item 13.A. (2) regarding Policy 4.1.1 as follows: “Commercial agriculture is the highest
14 and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage,
15 suited to it pursuit. The County will not accommodate other land uses except under very restricted
16 conditions or in areas of less productive soils.” He recommended that the proposed rezoning WILL HELP
17 ACHIEVE Policy 4.1.1, and the Board agreed.

18
19 Mr. Thorsland requested a recommendation for item 13.A. (3) d. regarding Policy 4.1.6. and whether the
20 proposed rezoning {WILL/WILL NOT} HELP ACHIEVE Policy 4.3.2 regarding site suitability on best
21 prime farmland.

22
23 Mr. Passalacqua recommended that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.2 regarding
24 site suitability on best prime farmland, and the Board agreed.

25
26 Mr. Thorsland requested a recommendation for item 13.A.(3) e., regarding Policy 4.1.6, regarding
27 compliance with policies having to do with the adequacy of infrastructure and public services for the
28 proposed use.

29
30 Ms. Capel stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.3 regarding public services
31 and Policy 4.3.4 regarding infrastructure, and the Board agreed.

32
33 Mr. Thorsland requested a recommendation for item 13.A.(3) f, regarding Policy 4.1.6. He noted that item
34 13.A.(3) f. refers to compliance with policies having to do with minimizing conflict with agriculture.

35
36 Mr. Randol stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.1, Policy 4.2.2, Policy
37 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture, and the Board agreed.

38
39 Mr. Thorsland stated that staff recommendation for item 13.A. (3) h., regarding Policy 4.1.6, is as follows:
40 Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are
41 no natural areas on the subject property and the proposed amendment WILL NOT IMPEDE the achievement
42 of Goal 8, and the Board agreed.

- 1
2 Mr. Thorsland requested a recommendation for item 13.A.(3), regarding Policy 4.1.6.
3
4 Ms. Griest recommended that the proposed rezoning WILL HELP ACHIEVE Policy 4.1.6, and the Board
5 agreed.
- 6 Mr. Thorsland requested a recommendation for item 13.A.(4), regarding Policy 4.1.8.
7
- 8 Ms. Griest recommended that the proposed rezoning WILL HELP ACHIEVE Policy 4.1.8, and the Board
9 agreed.
- 10 Mr. Thorsland requested a recommendation for item 13.A, regarding Objective 4.1.
- 11 Ms. Griest recommended that the proposed rezoning WILL HELP ACHIEVE Objective 4.1, and the Board
12 agreed.
- 13 Mr. Thorsland requested a recommendation for item 13, regarding Goal 4.
- 14 Ms. Griest recommended that the proposed amendment WILL HELP ACHIEVE Goal 4, and the Board
15 agreed.
- 16 Mr. Thorsland stated that the Board will now review Goal 5, Urban Land Use and requested a
17 recommendation for item 14.A.(2), regarding Policy 5.1.1.
- 18 Mr. Randol recommended that the proposed rezoning WILL HELP ACHIEVE Policy 5.1.1, and the Board
19 agreed.
- 20 Mr. Thorsland recommended the following for item 14.A, regarding Objective 5.1: the proposed rezoning
21 WILL HELP ACHIEVE Objective 5.1, and the Board agreed.
- 22 Mr. Thorsland requested a recommendation regarding item 14, regarding Goal 5.
- 23 Mr. Randol recommended that the proposed amendment WILL HELP ACHIEVE Goal 5, and the Board
24 agreed.
- 25 Mr. Thorsland stated that the Board will now review Goal 6, Public Health and Safety. He said that staff
26 recommendation for item 15.A.(2) is that the proposed rezoning WILL HELP ACHIEVE Policy 6.1.2, and
27 the Board agreed.
- 28 Mr. Thorsland recommended that for item 15.A.(3), regarding Policy 6.1.3., that the proposed rezoning will
29 HELP ACHIEVE Policy 6.1.3, and the Board agreed.

1 Mr. Thorsland stated that staff recommendation for item 15.A.(4), regarding Policy 6.1.4, is that the
2 proposed rezoning WILL HELP ACHIVE Policy 6.1.4, and the Board agreed.

3

4 Mr. Thorsland recommended that for item 15.A., regarding Objective 6.1, that the proposed rezoning WILL
5 HELP ACHIEVE Objective 6.1, and the Board agreed.

6 Mr. Thorsland recommended that for item 15, Goal 6, that the proposed amendment WILL HELP Goal 6,
7 and the Board agreed.

8 Mr. Thorsland stated that the Board will now review Goal 7, Transportation.

9 Mr. Thorsland requested a recommendation for item 16.A.(3) regarding Policy 7.1.1.

10 Mr. Passalacqua stated that the proposed rezoning WILL HELP ACHIEVE Policy 7.1.1., see special
11 conditions.

12 Mr. Thorsland requested a recommendation for item 16.A, regarding Objective 7.1.

13 Mr. Randol stated that the proposed rezoning WILL HELP ACHIEVE Objective 7.1, and the Board agreed.

14 Mr. Thorsland stated that for item 16, Goal 7, the proposed amendment WILL HELP ACHIEVE Goal 7, and
15 the Board agreed.

16 Mr. Thorsland stated that the Board will now review Goal 8, Natural Resources. He said that staff
17 recommendation for item 17, Goal 8, is that the proposed rezoning will NOT IMPEDE the achievement of
18 Goal 8, and the Board agreed.

19 Mr. Thorsland stated that the Board will now review Goal 9, Energy Conservation. He said that staff
20 recommendation for item 18, Goal 9, is that the proposed rezoning will NOT IMPEDE the achievement of
21 Goal 9, and the Board agreed.

22 Mr. Thorsland stated that the Board will now review Goal 10, Cultural Amenities. He said that the staff
23 recommendation for item 19, Goal 10, is that the proposed rezoning will NOT IMPEDE the achievement of
24 Goal 10, and the Board agreed.

25 Mr. Thorsland stated that the Board would now move to the review of the *LaSalle & Sinclair* factors. He
26 said that item 20.E, regarding the *LaSalle* factor, the decision for Policy 4.3.2, item 13.C.(1), indicated that
27 the proposed rezoning WILL HELP ACHIEVE Policy 4.3.2 regarding whether the site with proposed
28 improvements is well-suited overall for the proposed land use, and the Board agreed.

29 Mr. Thorsland stated the item 20.G.(2), regarding the *Sinclair* factor, the decision for Policy 4.2.1, Item
30 13.B.(1), indicated that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.1 regarding whether the

- 1 site with proposed improvements is well-suited overall for the proposed land use, and the Board agreed.
- 2 Mr. Thorsland stated that item 20.G.(3) a., regarding the *Sinclair* factor, staff recommends that the proposed
3 use DOES NOT serve surrounding agricultural land uses or an important public need, and the Board agreed.
- 4 Mr. Thorsland stated that item 20.G.(3) b., regarding the *Sinclair* factor, the decision for Policy 4.3.5, item
5 13.C.(4), indicated that the proposed development IS otherwise appropriate in a rural area, and the Board
6 agreed.
- 7 Mr. Thorsland requested a recommendation for item 20.H, regarding the *Sinclair* factor.
- 8 Ms. Griest recommended that the proposed rezoning WILL HELP ACHIEVE the Champaign County Land
9 Resource Management Plan, and the Board agreed.
- 10 Mr. Thorsland recommended that for item 20.I, regarding the LaSalle and Sinclair factors, that overall, the
11 proposed map amendment IS CONSISTENT with the *LaSalle* and *Sinclair* factors, and the Board agreed.
- 12 Mr. Thorsland stated that the Board will now review the purpose of the Zoning Ordinance. He requested a
13 recommendation for item 21.B, regarding Purpose 2.0 (b).
- 14 Mr. Randol recommended that the proposed rezoning WILL conserve the value of real estate throughout the
15 County, and the Board agreed.
- 16 Mr. Thorsland requested a recommendation for item 21.C, regarding Purpose 2.0 (c). He noted that the
17 Board placed restrictions to help minimize the amount of traffic and it is arguable whether those conditions
18 lessen and avoid congestion. He said that for the map amendment, the petitioners could have by-right events
19 without any special use permit approval.
- 20 Ms. Capel recommended that the proposed rezoning WILL lessen and avoid congestion in the public streets,
21 and the Board agreed.
- 22 Mr. Thorsland requested a recommendation for item 21.E, regarding Purpose 2.0 (e).
- 23
- 24 Mr. Randol recommended that the proposed rezoning WILL promote the public health, safety, comfort,
25 morals, and general welfare, and the Board agreed.
- 26 Mr. Thorsland requested a recommendation for item 21.I.(2), regarding Purpose 2.0 (n).
- 27 Ms. Capel recommended that the proposed rezoning WILL HELP ACHIEVE Goal 4 Agriculture, and the
28 Board agreed.
- 29 Mr. Thorsland requested recommendation for item 21.I, regarding Purpose 2.0 (n).

1 Mr. Randol recommended that the proposed rezoning WILL protect the most productive agricultural lands
2 from haphazard and unplanned intrusions of urban uses, and the Board agreed.

3 Mr. Thorsland requested a recommendation for item 21, regarding the purpose of the Zoning Ordinance.

4 Ms. Capel stated that the proposed amendment WILL HELP ACHIEVE the purpose of the Zoning
5 Ordinance as established in Section 2 of the Ordinance, and the Board agreed.

6
7 Mr. Thorsland asked staff if there were any new Documents of Record for Case 830-
8 AM-16.

9
10 Ms. Burgstrom stated that the Documents of Record for Cases 830-AM-16 and 831-S-16 are the same and
11 one new Document of Record should be added as new item #40 and the following items should be revised
12 accordingly. She said that new item #40 is as follows: handout from David Jackson received on March 2,
13 2017.

14
15 Mr. Thorsland read the proposed special condition of approval as follows:

16
17 **A. The owners of the subject property hereby recognize and provide for the right of**
18 **agricultural activities to continue on adjacent land consistent with the Right to Farm**
19 **Resolution 3425.**

20
21 The above special condition is necessary to ensure the following:
22 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

23
24 Mr. Thorsland asked Mr. Fuentes if he agreed to proposed Special Condition A.

25
26 Mr. Fuentes stated that he agreed with proposed Special Condition A.

27
28 Mr. Thorsland entertained a motion to approve the special condition as read.

29
30 **Ms. Griest moved, seconded by Mr. Randol, to approve the special condition. The motion carried by**
31 **voice vote.**

32
33 Mr. Thorsland entertained a motion to adopt the Findings of Fact and Documents of Record as amended.

34
35 **Ms. Capel moved, seconded by Mr. Randol to adopt the Findings of Fact and Documents of Record as**
36 **amended. The motion carried by voice vote, with one opposing vote.**

37
38 Mr. Thorsland entertained a motion to move to the Final Determination for Case 830-AM-16.

39
40 **Mr. Passalacqua moved, seconded by Ms. Capel to move to the Final Determination for Case 830-AM-**

16. The motion carried by voice vote, with one opposing vote.

Mr. Thorsland stated that currently the Board has one member absent; therefore, it is at the petitioners' discretion to either continue Case 830-AM-16 until a full Board is present or request that the present Board move to the Final Determination. He informed the petitioner that four affirmative votes are required for a recommendation of approval.

Mr. Fuentes requested that the present Board move to the Final Determination for Case 830-AM-16.

Mr. Hall noted that when cases are forwarded to the Environment and Land Use Committee, one of the first things that he indicates is how the case was recommended by the Zoning Board of Appeals. He said that there is one vote in opposition of approval of Case 830-AM-16 with no explanation as to why, and he would appreciate some explanation why this is not a unanimous recommendation of approval.

Mr. Thorsland asked Mr. DiNovo if he would like to indicate why he voice his opposition.

Mr. Hall stated that if Mr. DiNovo declines to indicate the reasoning behind his vote, then fine, but this is Mr. Hall's opportunity to ask for an explanation and he is going to ask for it.

Mr. DiNovo declined to indicate his reasoning for opposing the map amendment.

Mr. Hall stated that he will indicate to the County Board that Mr. DiNovo declined to provide a statement regarding his opposition for the map amendment.

Final Determination for Case 830-AM-16:

Ms. Griest moved, seconded by Ms. Capel, that 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 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.

1 Mr. Thorsland requested a roll call vote.

2
3 The roll was called as follows:

5	Lee – absent	Passalacqua – yes	Randol – yes
6	Capel – yes	DiNovo – no	Griest – yes
7	Thorsland – yes		

8
9 Mr. Hall informed Mr. Fuentes that he has received a recommendation of approval for Case 830-AM-16. He
10 said that Case 830-AM-16 will be forwarded to the Environment and Land Use Committee for their
11 consideration at their September 7th meeting.

12
13 Mr. Thorsland called for a five-minute recess.

14
15 **The Board recessed at 8:45 p.m.**
16 **The Board resumed at 8:50 p.m.**

17
18 Mr. Thorsland stated that the Board will now review the special conditions of approval for Case 831-S-16.

19
20 Mr. Thorsland read proposed Special Condition A. as follows:

- 21
- 22 **A. The Petitioner may continue ongoing operations on the subject property provided**
- 23 **the Petitioner complies with the following:**
 - 24 **(1) The Petitioner shall apply to the Department of Planning and Zoning for a**
 - 25 **Change of Use Permit within four weeks of receiving a final determination by**
 - 26 **the County Board in related Case 830-AM-16; and**
 - 27 **(2) A Zoning Compliance Certificate certifying compliance with all special**
 - 28 **conditions in this zoning Case shall be received within 12 months of an**
 - 29 **application for the Change of Use Permit; and**
 - 30 **(3) Failure to meet any of the above deadlines shall be a violation of the Zoning**
 - 31 **Ordinance and subject to normal enforcement procedures including**
 - 32 **appropriate legal action.**

33

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

35 **The ongoing operations may continue but will comply with all special conditions**

36 **by a date certain.**

37
38 Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition A.

39
40 Mr. Fuentes stated that he agreed to Special Condition A.

41
42 Mr. Thorsland read proposed Special Condition B. as follows:

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B. The 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.

Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition B.

Mr. Fuentes stated that he agreed to Special Condition B.

Mr. Thorsland read proposed Special Condition C. as follows:

C. The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 p.m. 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 p.m., and all events shall end no later than 11 p.m.

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.

Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition C.

Mr. Fuentes stated that he agreed to Special Condition C.

Mr. Thorsland read proposed Special Condition D. as follows:

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

The special condition stated above is required to ensure the following:
That the proposed Special Use is not injurious to the neighborhood.

Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition D.

Mr. Fuentes stated that he agreed to Special Condition D.

Mr. Thorsland read proposed Special Condition E. as follows:

1 E. All activity related to the Special Use Permit shall occur only within the Special Use
2 Permit area shown on the approved Site Plan for Case 831-S-16.

3
4 The special condition stated above is required to ensure the following:

5 That neighborhood noise, traffic, privacy, and safety concerns are taken into
6 consideration when holding events.

7
8 Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition E.

9
10 Mr. Fuentes stated that he agreed to Special Condition E.

11
12 Mr. Thorsland read proposed Special Condition F. as follows:

13
14 F. The Special Use is subject to the approval of Case 830-AM-16.

15
16 The special condition stated above is necessary to ensure the following:

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

19
20 Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition F.

21
22 Mr. Fuentes stated that he agreed to Special Condition F.

23
24 Mr. Thorsland read proposed Special Condition G. as follows:

25
26 G. This Special Use Permit shall expire if no events are held during any consecutive 365-
27 day period.

28
29 The special condition stated above is required to ensure the following:

30 To provide both a sense of continuity and a sense of closure for the neighbors.

31
32 Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition G.

33
34 Mr. Fuentes stated that he agreed to Special Condition G.

35
36 Mr. Thorsland read proposed Special Condition H. as follows:

37
38 H. This Special Use Permit shall expire with the development of any additional residential
39 lots on the subject property.

40
41 The special condition stated above is required to ensure the following:

42 To ensure that traffic conditions do not deteriorate by permitting additional

residential development while the Special Use is in effect, and to ensure that potential future owners may develop the property as allowed by-right.

Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition H.

Mr. Fuentes asked Mr. Thorsland if this special condition is for the entire 37-acre parcel, or just for the area included in the Special Use Permit.

Ms. Griest stated that it is for the entire parcel.

Mr. Thorsland stated that the subject property is spelled out in the map amendment as 37-acres, and the Special Use Permit area is 6-acres.

Mr. Passalacqua stated that the special condition should be revised as follows:

H. This Special Use Permit shall expire with the development of any additional residential lots on the 37-acre subject 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 while the Special Use is in effect, and to ensure that potential future owners may develop the property as allowed by-right.

Mr. Fuentes asked the Board if he would be able to construct another Morton building.

Mr. Thorsland stated yes.

Mr. Fuentes stated that he agreed to revised Special Condition H.

Mr. Fuentes stated that he agreed to revised Special Condition H.

Mr. Thorsland read proposed Special Condition I. as follows:

- I. This Special Use Permit authorizes an “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. The number of guests shall be limited to 150 due to the size of the septic system and maximum interior capacity for fire safety.**

The special condition above is required to ensure the following:

That the event center never operates as a restaurant.

1 Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition I.

2
3 Mr. Fuentes stated that he agreed to Special Condition I.

4
5 Mr. Thorsland stated that the Board will now review two versions of Special Condition J. He said that the
6 Board and the petitioner will need to decide which version best fits the Special Use. He said that one
7 version provides a different limit on the number of events. He read the first version of Special Condition J.
8 as follows:

9
10 **J. Limits on the number of events, guest attendance, and traffic shall be limited as**
11 **follows:**

- 12 (1) **For event with no more than 20 guest vehicles (including shuttles and buses),**
13 **there are no limits to the number of events that may be held at the proposed**
14 **special use and no limit as to when events may occur during the calendar year**
15 **and the guest attendance at each event shall be limited to no more than 150**
16 **guest based on the septic system capacity.**
- 17 (2) **“Larger” events with more than 20 guest vehicles at the subject property shall**
18 **be limited as follows:**
 - 19 a. **The guest attendance at each event shall be limited to no more than 150**
20 **guests based on the septic system capacity; and**
 - 21 b. **The total number of larger events shall be limited to no more than 20**
22 **events in any 365-day period; and**
 - 23 c. **No larger event shall occur during planting season (April 15 to May 31)**
24 **or during harvest season (September 15 to October 31); and**
 - 25 d. **The number of guests at events shall be kept on file by the petitioner and**
26 **be available for inspection by the Zoning Administrator when requested.**

27
28 Mr. Thorsland stated that the first version of J. includes the harvest windows and the total number of larger
29 events limited to 20, which is also the amount allowed by-right.

30
31 Ms. Griest stated that planting season begins April 5th not the 15th, because that is the first day that
32 crop insurance companies allow farmers to plant and be insured. She said that there could be a lot of
33 planting during this 10-day window and the Board should at least discuss it.

34
35 Mr. Thorsland asked if the end date should also be moved.

36
37 Ms. Griest stated that she would have no objection in moving the end date back, but it will vary
38 each year based upon the environmental conditions for that particular year. She said that with a warm year
39 like this, farmers will be in full swing planting their fields by April 5th, and the Board should have this
40 information in the record as proof that it was considered.

41
42 Mr. Thorsland stated that based on the past five years the planting date may not be until May 5th. He said

1 that planting and harvest dates vary year to year.

2
3 Mr. Randol stated that the Board should note the crop insurance and note that the Board is aware that
4 planting and harvest seasons can vary two to three weeks either way.

5
6 Mr. DiNovo requested staff to indicate the difference between the two options for Special Condition J.

7
8 Mr. Thorsland stated that he hasn't read Alternative Special Condition J., because he would like the Board
9 to work through the first option and then move to the second option.

10
11 Mr. Passalacqua stated that he understands that planting and harvest seasons are moving targets; therefore,
12 he has no issue with how Special Condition J. is written.

13
14 Mr. Thorsland read Alternate Special Condition J. as follows:

- 15 **J. The number of events, event attendance, and traffic shall be limited as follows:**
- 16 **(1) Events with no more than 20 guest vehicles (including shuttles and buses) shall**
- 17 **be limited as follows:**
- 18 **a. There shall be no more than 100 guests per event and no more than 150**
- 19 **attendees per day based on the septic system capacity; and**
- 20 **b. There shall be no more than one event of any size every two days.**

21
22 Mr. Randol stated that he finds (1) a. confusing.

23
24 Mr. Hall agreed, but the intent is to only allow one event per day and no more than one every two days. He
25 said that the last portion of (1) a. should be stricken, because it already indicates that there shall be no more
26 than 100 guests per event, and (1) b. indicates that no more than one event of any size every two days.

27
28 Mr. Randol stated that the septic system capacity is for 150 guests.

29
30 Mr. Hall agreed, but it isn't relevant.

31
32 Mr. Thorsland read revised (1) a. as follows:

- 33
- 34 **a. There shall be no more than 100 guests per event.**
- 35

36 Mr. Randol asked why the number of allowed guests is 100 versus 150.

37
38 Ms. Capel stated that the special condition relates to small events.

39
40 Ms. Griest stated that previous discussion at the last meeting indicated that if the Petitioner used buses,
41 their capacity would not be limited. She asked if the intent is to limit the number of guests beyond the
42 limits of the septic, and if so, what is the rationale.

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Mr. Hall stated that the rationale is that the Board should put themselves in place of the neighbors and consider how many guests they would be subjected to for these small events.

Mr. DiNovo stated that in exchange for more, larger events the smaller events are smaller and are constrained by the fact that they cannot have consecutive events.

Mr. Thorsland stated that the notable difference in the larger event count is 26 instead of 20, which was at the petitioner’s request because he could have 20 events, of any size, by-right. Mr. Thorsland stated that there was a willingness to put some caps on things, so there was a request to allow 26 larger events so that, economically, the petitioner would have the opportunity to make more money.

Ms. Griest stated that Alternate Special Condition J. also indicates that there shall be no more than one event of any size every two days.

Mr. Thorsland continued to read proposed Alternative J. as follows:

- (2) **“Larger” events with more than 20 guest vehicles at the subject property shall be limited as follows:**
 - a. **There shall be no more than one event of any size every two days; and**
 - b. **The guest attendance at each event shall be limited to no more than 150 guests based on the septic system capacity; and**
 - c. **The total number of larger events shall be limited to no more than 26 events in and 365-day period; and**
 - d. **No larger event shall occur during planting season (April 15 to May 31) or during harvest season (September 15 to October 31); and**
 - e. **The number of guests served at events shall be kept on file by the petitioner and be available for inspection by the Zoning Administrator when requested.**

Mr. Thorsland stated that the difference between Special Condition J. and Alternate Special Condition J. is 26 large events at maximum capacity and no more than one event of any size every two days, and a limitation of 100 guests allowed per small event, again not occurring more than one event every two days. He said that the petitioner has already indicated that they would prefer to be allowed 26 large events, and in exchange for that courtesy they agreed to limit the number of guests for small events to 100, which is two-thirds the capacity of the septic system.

Mr. Fuentes stated that he is still unsure about the difference between the two conditions.

Mr. Thorsland stated that Alternative J. the petitioners could hold 26 large events with maximum capacity, but there shall be no more than one event of any size every two days, 20 small events with no more than 100 guests per event, and shall be no more than one event of any size every two days. He said that in the first Special Condition J. there is no limit of one event of any size every two days, but all events are

1 limited to 20 per year with a capacity of 150 guests.

2
3 Mr. Fuentes stated that due to planting and harvesting season, he is already limited on the number of events
4 that he can have per year. He said that he prefers the first Special Condition J. He said that he does not
5 know if he would ever have a Friday and Saturday event, but he would be shooting himself in the foot if he
6 agreed to such a limitation.

7
8 Mr. Thorsland clarified that Mr. Fuentes has agreed to Special Condition J. which limits the large events to
9 20, but does not limit events occurring on consecutive days.

10
11 Mr. Thorsland stated that he will read revised Special Condition J. so that the petitioner and the Board are
12 clear on what is being agreed to.

13
14 **J. Limits on the number of events, guest attendance, and traffic shall be limited as**
15 **follows:**

16 **(1) For events with no more than 20 guest vehicles (including shuttles and buses),**
17 **there are no limits to the number of events that may be held at the proposed**
18 **special use and no limit as to when events may occur during the calendar year**
19 **and the guest attendance at each event shall be limited to no more than 150**
20 **guest based on the septic system capacity.**

21 **(2) “Larger” events with more than 20 guest vehicles at the subject property shall**
22 **be limited as follows:**

- 23 **a. The guest attendance at each event shall be limited to no more than 150**
24 **guests based on the septic system capacity; and**
- 25 **b. The total number of larger events shall be limited to no more than 20**
26 **events in any 365-day period; and**
- 27 **c. No larger event shall occur during planting season (April 15 to May 31)**
28 **or during harvest season (September 15 to October 31); and**
- 29 **d. The number of guests at all events shall be kept on file by the petitioner**
30 **and be available for inspection by the Zoning Administrator when**
31 **requested.**

32
33 Ms. Griest asked Mr. Hall to clarify how shuttle trips are counted. She asked if they are counted as one
34 shuttle bus making multiple trips as one vehicle, or one shuttle bus making multiple trips as multiple
35 vehicles.

36
37 Mr. Randol stated that he interprets this as the number of vehicles being parked on the subject property.

38
39 Ms. Griest stated that the special condition indicates, including shuttles and buses, so they are clearly
40 counted in the vehicle count. She said that she only wants the intent to be clear, because she sees this as a
41 potential area of concern by the neighborhood in having multiple buses coming in and out of the subject
42 property. She said that she has been to events where buses come and go every hour to shuttle people to and

1 from an event.
2
3 Mr. Thorsland stated that they are limited to 150 guests.
4
5 Ms. Griest stated that a bus may only hold 20 people; therefore, it could come and go multiple times. She
6 asked if the bus is counted as one vehicle or multiple vehicles.
7
8 Mr. Thorsland stated that even if you counted them as a vehicle, 20 trips for 20 people would put them over
9 capacity for the number of guests.
10
11 Ms. Griest stated that some guests may take a bus or shuttle and some may drive their own vehicles.
12
13 Mr. Thorsland stated that if a bus or shuttle comes and goes from the subject property twice, it is still better
14 than 20 vehicles coming and going.
15
16 Ms. Griest agreed, and only indicated that she only wanted to know how the buses and shuttles were being
17 counted.
18
19 Mr. Thorsland stated that the bus or shuttle should be counted as one vehicle. He said that the Board could
20 write four paragraphs on different sized buses and the number of trips that they can make, but the guest
21 limitation is what counts.
22
23 Mr. Hall stated that an easy fix would be to revise Special Condition J. (1) as follows: For events with no
24 more than 20 guest vehicles and no more than 40 vehicle trips in total, there are no limits to the number of
25 events that may be held at the proposed special use and no limit as to when events may occur during the
26 calendar year and the guest attendance at each event shall be limited to no more than 150 guests based on
27 the septic system capacity. Mr. Hall stated that this takes care of the bus and shuttle issue, because there can
28 be no more than 40 trips total, period.
29
30 Ms. Griest agreed, because this takes care of the personal vehicles and buses.
31
32 Mr. DiNovo asked if the 20 vehicles limit was supposed to represent 40 one-way trips.
33
34 Mr. Hall stated no.
35
36 Mr. Passalacqua stated that it could include the following: including shuttles and buses parked on the site.
37
38 Mr. Hall disagreed. He said that perhaps the special condition should indicate, or the equivalent to 20 round
39 trips. He said that anyone who comes to the property will leave the property.
40
41 Mr. Randol agreed.
42

1 Mr. DiNovo asked who would police the number of trips.

2
3 Mr. Thorsland stated that he does not know who is going to count the number of trips, but he agrees that
4 including the statement, equivalent to 20 round trips, is good enough. He said that the number of guests is
5 already limited, so if they want to drive back and forth in a ten-passenger van, it is still better than 20
6 vehicles showing up.

7
8 Ms. Griest agreed with Mr. Hall’s addition to the special condition.

9
10 Mr. Thorsland read revised Special Condition J. as follows:

11 J. **Limits on the number of events, guest attendance, and traffic shall be limited as**
12 **follows:**

13 (1) **For events with no more than 20 guest vehicles or the equivalent 20 vehicle**
14 **round trips (including shuttles and buses), there are no limits to the number**
15 **of events that may be held at the proposed special use and no limit as to when**
16 **events may occur during the calendar year and the guest attendance at each**
17 **event shall be limited to no more than 150 guests based on the septic system**
18 **capacity.**

19
20 (2) **“Larger” events with more than 20 guest vehicles at the subject property shall**
21 **be limited as follows:**

- 22 a. **The guest attendance at each event shall be limited to no more than**
23 **150 guests based on the septic system capacity; and**
- 24
25 b. **The total number of larger events shall be limited to no more than 20**
26 **events in any 365-day period; and**
- 27
28 c. **No larger event shall occur during planting season (April 15 to May**
29 **31) or during harvest season (September 15 to October 31); and**
- 30
31 d. **The number of guests at all events shall be kept on file by the petitioner**
32 **and be available for inspection by the Zoning Administrator when**
33 **requested.**

34
35 Mr. Thorsland asked Mr. Fuentes if he agreed to revised Special Condition J.

36
37 Mr. Fuentes stated that he agreed to revised Special Condition J.

38
39 Mr. Hall asked the Board if they agreed to revised Special Condition J. since all the parameters have been
40 tallied. He said that Special Condition J. was what staff initially proposed and the last discussion made
41 him realize that 20 vehicles does limit the number of vehicles, but there could be 150 people at the subject
42 property every day of the year.

1 Mr. Fuentes stated that if that were the case, the event center would be considered a restaurant and that is
2 not going to happen. He said that the restriction will impede him from having a restaurant.

3
4 Mr. Thorsland stated that Mr. Fuentes has testified that he is not running a restaurant or a tavern.

5
6 Ms. Burgstrom agreed, and Mr. Fuentes has indicated his intent to not operate a restaurant, a tavern, or
7 hold events every day of the year on the subject property, so there is no point in discussing whether there
8 is 100 or 150 people at the subject property on one day.

9
10 Ms. Capel asked why such a distinction is necessary.

11
12 Ms. Griest stated that it is necessary because it creates a huge traffic impact on the neighborhood.

13
14 Mr. Thorsland stated that this is in a rural area on a township road and the event center is located at the
15 back of the property. He said that if 100 or 150 people are in the building using the facility, the impact on
16 the neighborhood is not substantial, but the number of vehicles that go up and down the driveway at 60
17 miles per hour does have an impact. He said that Special Condition J. was chosen, which had a higher
18 number of events and people, and in reality, Mr. Fuentes would be running a restaurant, and he would
19 probably be doing it somewhere else, which he is.

20
21 Mr. DiNovo stated that if the petitioner wanted to max out the 150 guests, the petitioner would have to
22 plan ahead so that he could provide buses or shuttles. He said that for the 20 events, the petitioner would
23 not have to plan ahead and people could drive their own vehicles. He said that the petitioner could have
24 weddings every Saturday and Sunday throughout the year, including during planting and harvest season,
25 because they could be planned in advance with shuttles. He said that in terms of the events that are likely
26 to be larger events, Special Condition J. is not much of a limit at all. He said that this is a limit on traffic
27 generation, but it is not a limit on the number of events.

28
29 Mr. Thorsland stated that it was written to be a limit on the number of trips on the rural roads and the
30 impact on agriculture operations during planting and harvest seasons.

31
32 Mr. Hall stated that after the last meeting, staff and the Board overlooked the issue regarding the number
33 of people. He said that for a rural use like this, you should ask if it is reasonable for it to operate every
34 day in this rural location, because he believes that, in the beginning, staff and the Board were lax about
35 that.

36
37 Mr. DiNovo stated that he cannot imagine events that require organized bus shuttles occurring every day.
38 He said that day-to-day things are going to have to be more casually organized, so there may not be a huge
39 danger most of the time if the limit is 20 vehicles to accommodate 150 people or less. He said that it may
40 be a theoretical danger and not a practical one.

41
42 Mr. Thorsland stated that he believes that the level of effort will put its own limits on it and the business

1 model does not lend itself to seven days per week with the maximum amount of people in the facility. He
2 said that staff did an excellent job in offering Special Condition J. in two ways to accommodate the
3 petitioner’s request regarding the maximum number of guest and traffic concerns. He said that the septic
4 system places a hard cap on the number of guests, and the Board could provide individual nuances on how
5 people are going to come and go from the property, but then what is the Board doing regarding zoning.
6 He said that the Board is keeping people off the road, keeping the neighbors relatively happy, and limiting
7 the impacts on agriculture, which is the whole point of the Land Resource Management Plan. He said that
8 if there are 150 people at the subject property every day, people will be calling staff.

9
10 Mr. Passalacqua stated that staff will have nothing to say if there are 150 people at the subject property
11 every day. He said that to make everyone happy, the Board should come up with a number, and the Board
12 has the luxury of having the petitioner in attendance.

13
14 Mr. Thorsland stated that the Board has placed a lot of brackets on the special use permit, and he does not
15 know how far into that definition the Board wants to go. He said that it is 9:30 p.m. and he does not want
16 to hastily finalize this case, and if he is forced to continue it to another meeting he will. He said that if the
17 Board can figure out how to cap event numbers or the number of people for small events, then we need to
18 discuss it now while the petitioner is present.

19
20 Ms. Griest asked Mr. Hall if the Board has done this with other event centers in the County.

21
22 Mr. Hall stated no, because we have never had one in such a remote location. He said that L.A. Gourmet
23 was in a remote location, but was on a County Highway.

24
25 Ms. Griest stated that Hudson Farm does not have adjacent neighbors, but the road is of less quality than
26 the road for the subject property.

27
28 Mr. Hall stated that Hudson Farm coordinates with the neighboring farmers.

29
30 Mr. Thorsland stated that regarding traffic, Bluestem Hall is located on a terrible road.

31
32 Ms. Griest stated that Bluestem Hall is not any closer than the subject event center.

33
34 Mr. Hall stated that Bluestem Hall is closer.

35
36 Ms. Griest stated that she is not inclined in spending a lot of time in limiting the numbers, because the
37 number of trips will provide adequate protection.

38
39 Mr. DiNovo stated that the Board is potentially allowing a lot of weekend events.

40
41 Ms. Griest stated that the Board is limiting the use to no more than 20 large events within a 365-day
42 period and coordination with buses for the large events with trip limitation will cause difficulty for the

1 petitioner. She said that in reality, they will have events on Friday, Saturday and Sunday, but in the
2 winter, they will have virtually nothing, because it will be seasonal.

3
4 Mr. Thorsland stated that the petitioner has indicated that he agreed to revised Special Condition J. Mr.
5 Thorsland asked the Board if they desired to modify Special Condition J. further, or create a new special
6 condition.

7
8 Mr. DiNovo stated that this is a commercial operation in a rural district where there are several residents
9 who have certain expectations, and those expectations are being compromised. He said that the site is
10 arranged in such a way and special conditions are in place to mitigate any impacts from this use, and the
11 activities are a considerable distance the neighbors. He said that the potential for large regular events
12 every weekend is not disqualifying and he is prepared to support this special condition.

13
14 Mr. Thorsland stated that, personally, he has a neighbor who has multiple cars on their property, and they
15 have four children, and combined they probably make 100 trips up and down the road, and he knows this
16 because he sees them while he is in his tractor. He asked the Board if they agreed with revised Special
17 Condition J., because there has been a lively discussion and he is sure that there will be another just like
18 it.

19
20 The Board indicated that they agreed with revised Special Condition J.

21
22 Mr. Thorsland asked Mr. Fuentes if he agreed to revised Special Condition J.

23
24 Mr. Fuentes stated that he agreed to revised Special Condition J.

25
26 Mr. Thorsland read proposed Special Condition K. as follows:

27
28 **K. The revised Site Plan received March 22, 2017, and the revised Floor Plan received**
29 **July 28, 2016, comprise the official site plan for approval in Case 831-S-16. The**
30 **standard Special Use Permit limitations regarding no expansion unless indicated on**
31 **the approved site plan shall not apply to the dwelling on the subject property.**

32
33 The above special condition is necessary to ensure the following:

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

36
37 Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition K.

38
39 Mr. Fuentes stated that he agreed to Special Condition K.

40
41 Mr. Thorsland read proposed Special L. as follows:

1 L. No firearms shall be discharged on the property during scheduled events.

2
3 The above special condition is necessary to ensure the following:

4 **That life safety concerns and public welfare are adequately considered in**
5 **management of the proposed Special Use.**
6

7 Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition L.

8
9 Mr. Fuentes stated that he agreed to Special Condition L.

10
11 Mr. Thorsland read proposed Special M. as follows:

12
13 **M. The Zoning Administrator shall not authorize a Zoning Compliance Certificate on**
14 **the subject property until the existing driveway lights are retrofitted to be full-cutoff**
15 **or are replaced with full-cutoff lights.**
16

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

18 **That exterior lighting for the proposed Special Use meets the requirements**
19 **established for Special Uses in the Zoning Ordinance.**
20

21 Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition M.

22
23 Mr. Fuentes stated that he agreed to Special Condition M.

24
25 Mr. Thorsland read proposed Special N. as follows:

26
27 **N. All necessary construction required to make the Special Use compliant with the**
28 **Illinois Accessibility Code shall be completed within 180 days and shall be**
29 **documented by an approved partial Zoning Compliance Certificate within 180 days**
30 **of the County Board approval of related Case 830-AM-16.**
31

32 The special condition stated above is required to insure the following:

33 **That the on-going operations are compliant with the Illinois Accessibility**
34 **Code.**
35

36 Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition N.

37
38 Mr. Fuentes stated that he has already submitted this information to staff; he agreed to Special Condition
39 N.

40
41 Mr. Thorsland read proposed Special O. as follows:
42

- O. The private sewage disposal system serving the Special Use Permit shall be maintained in good working condition as follows:
 - (1) The private sewage disposal system serving the Special Use Permit shall be maintained as required by the Private Sewage Disposal Code or as recommended by the County Health Department and at a minimum shall include an evaluation of the private sewage disposal system per the requirements of the Private Sewage Disposal Code which shall occur on at least a triennial basis; and
 - (2) The results of any evaluation of the private sewage disposal system shall be copied to the Zoning Administrator; and
 - (3) Failure to provide the results of any evaluation of the private sewage disposal system to the Zoning Administrator and/or failure to maintain the private sewage disposal system as recommended by the County Health Department shall constitute a violation of this Special Use Permit approval, shall void the Special Use Permit, and the Zoning Administrator shall refer the violation to the Champaign County State’s Attorney for legal action.

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

That the septic system continues to be in compliance with the Private Sewage Disposal Code (77 ILCS 905) and that the Zoning Administrator receives documentation of its maintenance on a regular basis.

Mr. Thorsland asked Mr. Fuentes if he agreed to Special Condition O.

Mr. Fuentes stated that he agreed to Special Condition O.

Mr. Thorsland entertained a motion to approve the special conditions, as amended.

Ms. Capel moved, seconded by Mr. DiNovo, to approve the special conditions, as amended. The motion carried by voice vote.

Mr. Thorsland asked staff if there were any new Documents of Record.

Ms. Burgstrom stated that the same revisions that were made to the Documents of Record for Case 830-AM-16 should be made to the Documents of Record for Case 831-S-16.

Mr. Thorsland moved to the Findings of Fact for Case 831-S-16.

Findings of Fact for Case 831-S-16

From the documents of record and the testimony and exhibits received at the public hearing conducted on May 12, 2016, August 11, 2016, October 27, 2016, March 2, 2017, and March 30,

1 2017, the Zoning Board of Appeals of Champaign County finds that:

2 1. The requested Special Use Permit IS necessary for the public convenience at this location.

3
4 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this
5 location.

6
7 Ms. Griest stated that it is best suited to have a farm to table environment located on an actual farm.

8
9 2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
10 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL
11 NOT be injurious to the district in which it shall be located or otherwise detrimental to the
12 public health, safety, and welfare because:

13 a. The street has ADEQUATE traffic capacity and the entrance location has
14 ADEQUATE visibility.

15
16 Ms. Griest stated that the street has ADEQUATE traffic capacity and the entrance location has
17 ADEQUATE visibility.

18
19 b. Emergency services availability is ADEQUATE.

20
21 Ms. Capel stated that emergency services availability is ADEQUATE.

22
23 c. The Special Use WILL be compatible with adjacent uses.

24
25 Ms. Griest stated that the Special Use WILL be compatible with adjacent uses because conditions have
26 been created to minimize impacts.

27
28 d. Surface and subsurface drainage will be ADEQUATE.

29
30 Mr. Passalacqua stated that surface and subsurface drainage will be ADEQUATE because drainage will
31 be unchanged by this use.

32
33 e. Public safety will be ADEQUATE.

34
35 Mr. Thorsland stated that public safety will be ADEQUATE.

36
37 f. The provisions for parking will be ADEQUATE.

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39 Ms. Capel stated that provision for parking will be ADEQUATE.

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41 g. The property IS WELL SUITED OVERALL for the proposed improvements.

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Mr. Thorsland stated that the property IS WELLSUITED OVERALL for the proposed improvements.

- h. Existing public services ARE available to support the proposed SPECIAL USE without undue public expense.**

Ms. Capel stated that existing public services ARE available to support the proposed SPECIAL USE without undue public expense.

- i. Existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense.**

Mr. Passalacqua stated that existing public infrastructure together with the proposed development IS adequate to support the proposed development effectively and safely without undue public expense because it uses no public infrastructure.

Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED, is so designed, located and proposed 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 health, safety, and welfare.

- 3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.**

Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES 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 preserve the essential character of the DISTRICT in which it is located because:**

- a. The Special Use will be designed to CONFORM to all relevant County ordinances and codes.**

Mr. Thorsland stated that the Special Use will be designed to CONFORM to all relevant County ordinances and codes.

- b. The Special Use WILL be compatible with adjacent uses.**

1 Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.

2

3 c. Public safety will be ADEQUATE.

4 Mr. Thorsland stated that public safety will be ADEQUATE.

5 Mr. Thorsland stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL
6 CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which
7 it is location.

8 4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
9 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance
10 because:

11 a. The Special Use is authorized in the District.

12 b. The requested Special Use Permit IS necessary for the public convenience at this
13 location.

14

15 Mr. Thorsland stated that the requested Special Use Permit IS necessary for the public convenience at
16 this location.

17

18 c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
19 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it
20 WILL NOT be injurious to the district in which it shall be located or otherwise
21 detrimental to the public health, safety, and welfare.

22

23 Ms. Capel stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
24 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
25 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
26 and welfare.

27

28 d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
29 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in
30 which it is located.

31 Ms. Capel stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
32 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

33 5. The requested Special Use IS NOT an existing nonconforming use.

34 6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE
35 COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE
36 PARTICULAR PURPOSES DESCRIBED BELOW:

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- 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 an application for the Change of Use Permit; 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. **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, and all events shall end no later than 11:00 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. **The petitioner shall not allow any parking in the public street right of way.**

The special condition state above is required to ensure the following:
That the proposed Special Use is not injurious to the neighborhood.

- E. **All activity related to the Special Use Permit shall occur only within the Special Use Permit area shown on the approved Site Plan for Case 831-S-16.**

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The special condition stated above is necessary to ensure the following:
That neighborhood noise, traffic, privacy, and safety concerns are taken into consideration when holding events.

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. This Special Use Permit shall expire with the development of any additional residential lots on the 37-acre subject 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 while the Special Use is in effect, and to ensure that potential future owners may develop the property as allowed by-right.

I. This Special Use Permit authorizes an “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. The number of guests shall be limited to 150 due to the size of the septic system and maximum interior capacity for fire safety.**

The special condition above is required to ensure the following:
That the event center never operates as a restaurant.

J. Limits on the number of events, guest attendance, and traffic shall be limited as follows:

- (1) For events with no more than 20 guest vehicles or the equivalent 20 vehicle round trips (including 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 and the guest attendance at each event shall be limited to no more than 150 guests based on the septic system capacity.**
- (2) “Larger” events with more than 20 guest vehicles at the subject property**

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shall be limited as follows:

- a. The guest attendance at each event shall be limited to no more than 150 guests based on the septic system capacity; and
- b. The total number of larger events shall be limited to no more than 20 events in any 365-day period; and
- c. No larger event shall occur during planting season (April 15 to May 31) or during harvest season (September 15 to October 31); and
- d. The number of guests at all events shall be kept on file by the petitioner and be available for inspection by the Zoning Administrator when requested.

K. The revised Site Plan received March 22, 2017, and the revised Floor Plan received July 28, 2016, comprise the official site plan for approval in Case 831-S-16. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.

The above special condition is necessary to ensure the following:

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

L. No firearms shall be discharged on the property during scheduled events.

The above special condition is necessary to ensure the following:

That life safety concerns and public welfare are adequately considered in management of the proposed Special Use.

M. The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the existing driveway lights are retrofitted to be full-cutoff or are replaced with full-cutoff lights.

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

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

N. All necessary construction required to make the Special Use compliant with the Illinois Accessibility Code shall be completed within 180 days and shall be documented by an approved partial Zoning Compliance Certificate within 180 days of the County Board approval of related Case 830-AM-16.

The special condition above is required to ensure the following:

That the on-going operations are compliant with the Illinois Accessibility Code.

- O. The private sewage disposal system serving the Special Use Permit shall be maintained in good working condition as follows:
 - (1) The private sewage disposal system serving the Special Use Permit shall be maintained as required by the Private Sewage Disposal Code or as recommended by the County Health Department and at a minimum shall include an evaluation of the private sewage disposal system per the requirements of the Private Sewage Disposal Code which shall occur on at least a triennial basis; and
 - (2) The results of any evaluation of the private sewage disposal system shall be copied to the Zoning Administrator; and
 - (3) Failure to provide the results of any evaluation of the private sewage disposal system to the Zoning Administrator and/or failure to maintain the private sewage disposal system as recommended by the County Health Department shall constitute a violation of this Special Use Permit approval, shall void the Special Use Permit, and the Zoning Administrator shall refer the violation to the Champaign County State’s Attorney for legal action.

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

That the septic system continues to be in compliance with the Private Sewage Disposal Code (77 ILCS 905) and that the Zoning Administrator receives documentation of its maintenance on a regular basis.

Mr. Hall noted that on page 30 of the Summary of Evidence for Case 831-S-16, is a decision point whether the proposed special use permit IS/IS NOT in harmony with the general purpose of the Zoning Ordinance. He said that there are no subsidiary decision points, as there sometimes are, and the Board can eliminate this decision point if so desired.

Mr. Thorsland stated that based on the Board’s findings for the Findings of Fact, he would indicate that the proposed Special Use Permit IS in harmony with the general purpose of the Zoning Ordinance. r. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact, as amended.

Ms. Griest moved, seconded by Mr. DiNovo, to adopt the Summary of Evidence, Documents of Record and Findings of Fact, as amended. The motion carried by voice vote.

Mr. Thorsland entertained a motion to move to the Final Determination for Case 831-S-16.

Ms. Griest moved, seconded by Mr. Randol, to move to the Final Determination for Case 831-S-16. The motion carried by voice vote.

1 Mr. Thorsland stated that currently the Board has one member absent; therefore, it is at the petitioners’
2 discretion to either continue Case 831-S-16 until a full Board is present or request that the present Board
3 move to the Final Determination. He informed the petitioner that four affirmative votes are required for a
4 recommendation of approval.

5
6 Mr. Fuentes requested that the present Board move to the Final Determination for Case 831-S-16.
7

8 **FINAL DETERMINATION FOR CASE 831-S-16:**
9

10 Ms. Griest moved, seconded by Mr. DiNovo, that the Champaign County Zoning Board of Appeals
11 finds that, based upon the application, testimony, and other evidence received in this case, the
12 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted
13 by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

14 The Special Use requested in Case 831-S-16 is hereby GRANTED WITH SPECIAL
15 CONDITIONS to the applicants Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc,
16 d.b.a. Willow Creek Farm, to authorize the following as a Special Use on land that is
17 proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1
18 Agriculture Zoning District in related Zoning Case 830-AM-16:
19

20 Authorize the remodeling of existing farm buildings for the establishment and use of
21 an Event Center as a combination “Private Indoor Recreational Development” and
22 “Outdoor Commercial Recreational Enterprise”.
23

24 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**
25

- 26 A. The Petitioner may continue ongoing operations on the subject property provided
27 the Petitioner complies with the following:
 - 28 (1) The Petitioner shall apply to the Department of Planning and Zoning for a
29 Change of Use Permit within four weeks of receiving a final determination by
30 the County Board in related Case 830-AM-16; and
31
 - 32 (2) A Zoning Compliance Certificate certifying compliance with all special
33 conditions in this zoning case shall be received within 12 months of an
34 application for the Change of Use Permit; and
35
 - 36 (3) Failure to meet any of the above deadlines shall be a violation of the Zoning
37 Ordinance and subject to normal enforcement procedures including
38 appropriate legal action.
39
- 40 B. All onsite Special Use activities shall be in compliance at all times with the
41 Champaign County Health Ordinance, the Champaign County Liquor Ordinance,
42 and the Champaign County Recreation and Entertainment Ordinance.
43

- 1 C. The Petitioner shall ensure that the guests are made aware of the County Ordinance
- 2 prohibiting nuisance noise past 10 pm and that the use of the facility requires
- 3 compliance to avoid complaints from neighboring residences. Music and other
- 4 nuisance noise shall not be audible at the property line past 10 pm, and all events
- 5 shall end no later than 11:00 pm.
- 6
- 7 D. The petitioner shall not allow any parking in the public street right of way.
- 8
- 9 E. All activity related to the Special Use Permit shall occur only within the Special
- 10 Use Permit area shown on the approved Site Plan for Case 831-S-16.
- 11
- 12 F. The Special Use is subject to the approval of Case 830-AM-16.
- 13
- 14 G. This Special Use Permit shall expire if no events are held during any consecutive
- 15 365-day period.
- 16
- 17 H. This Special Use Permit shall expire with the development of any additional
- 18 residential lots on the 37-acre subject property.
- 19
- 20 I. This Special Use Permit authorizes an “event center” and not a restaurant and shall
- 21 operate within the following requirements:
- 22 1. All guests shall be invited and “walk in” guests shall not be allowed.
- 23
- 24 2. The number of guests shall be limited to 150 due to the size of the septic
- 25 system and maximum interior capacity for fire safety.
- 26
- 27 J. Limits on the number of events, guest attendance, and traffic shall be limited as
- 28 follows:
- 29 (1) For events with no more than 20 guest vehicles or the equivalent 20 vehicle
- 30 round trips (including shuttles and buses), there are no limits to the number
- 31 of events that may be held at the proposed special use and no limit as to when
- 32 events may occur during the calendar year and the guest attendance at each
- 33 event shall be limited to no more than 150 guests based on the septic system
- 34 capacity.
- 35 (2) “Larger” events with more than 20 guest vehicles at the subject property
- 36 shall be limited as follows:
- 37 a. The guest attendance at each event shall be limited to no more than
- 38 150 guests based on the septic system capacity; and
- 39 b. The total number of larger events shall be limited to no more than 20
- 40 events in any 365-day period; and
- 41 c. No larger event shall occur during planting season (April 15 to May
- 42

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AS APPROVED FEBRUARY 15, 2018 3/30/17
31) or during harvest season (September 15 to October 31); and

d. The number of guests at all events shall be kept on file by the petitioner and be available for inspection by the Zoning Administrator when requested.

K. The revised Site Plan received March 22, 2017, and the revised Floor Plan received July 28, 2016, comprise the official site plan for approval in Case 831-S-16. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.

L. No firearms shall be discharged on the property during scheduled events.

M. The Zoning Administrator shall not authorize a Zoning Compliance Certificate on the subject property until the existing driveway lights are retrofitted to be full-cutoff or are replaced with full-cutoff lights.

N. All necessary construction required to make the Special Use compliant with the Illinois Accessibility Code shall be completed within 180 days and shall be documented by an approved partial Zoning Compliance Certificate within 180 days of the County Board approval of related Case 830-AM-16.

O. The private sewage disposal system serving the Special Use Permit shall be maintained in good working condition as follows:

(1) The private sewage disposal system serving the Special Use Permit shall be maintained as required by the Private Sewage Disposal Code or as recommended by the County Health Department and at a minimum shall include an evaluation of the private sewage disposal system per the requirements of the Private Sewage Disposal Code which shall occur on at least a triennial basis; and

(2) The results of any evaluation of the private sewage disposal system shall be copied to the Zoning Administrator; and

(3) Failure to provide the results of any evaluation of the private sewage disposal system to the Zoning Administrator and/or failure to maintain the private sewage disposal system as recommended by the County Health Department shall constitute a violation of this Special Use Permit approval, shall void the Special Use Permit, and the Zoning Administrator shall refer the violation to the Champaign County State's Attorney for legal action.

Mr. Thorsland requested a roll call vote.

The roll was called as follows:

Lee – absent

Passalacqua – yes

Randol – yes

Capel – yes

DiNovo – yes

Griest – yes

Thorsland – yes

Mr. Thorsland informed Mr. Fuentes that he has received an approval for Case 831-S-16 and Ms. Burgstrom will be in touch regarding the final paperwork.

Mr. Fuentes thanked the Board and staff.

6. New Public Hearings

None

7. Staff Report

None

8. Other Business

A. Review of Docket

Ms. Griest indicated that she would be absent from the April 27, 2017, meeting.

Mr. Thorsland stated that he would be absent from the June 15, 2017, meeting.

Mr. Thorsland stated that it appears that a full Board be present for the May 25, 2017, meeting.

Ms. Burgstrom noted that the representative for Stonetown, LLC will be traveling from Colorado, and it would be nice to have a quorum present for the June 15th meeting. She said that the petitioner does have a local representative, who is an engineer, that will also attend the meeting.

9. Audience Participation with respect to matters other than cases pending before the Board

None

Ms. Griest thanked staff for the decision point table that was provided to the Board tonight. She that if the screen was not available it would be helpful if under the description area of the table, the text where the decision point was embodied was included. She said that table places the decision points in correct order so that the Board does not miss a crucial decision point.

Mr. Thorsland agreed.

1 Ms. Burgstrom stated that the audience, although they are not as participatory as the audience here tonight,
2 found the decision points to be very confusing because they did not have the table. She said the audience
3 appeared to be wondering what was going on while the Board was going through the decision points, but this
4 is a process that the Board and staff must work through when determining those decision points. She said
5 that maybe it isn't a big deal, but the audience certainly seemed confused.
6

7 **10. Adjournment**

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9 Mr. Thorsland entertained a motion to adjourn the meeting.
10

11 **Ms. Griest moved, seconded by Ms. Capel, to adjourn the meeting. The motion carried by voice vote.**
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13 The meeting adjourned at 9:45 p.m.
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17 Respectfully submitted
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22 Secretary of Zoning Board of Appeals
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