

CASES 924-AM-19 & 925-S-19

SUPPLEMENTAL MEMORANDUM #1

MARCH 21, 2019

Petitioners: Arik and Kyli Miller, d.b.a. Miller Farms Barn LLC

Case 924-AM-19

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related Zoning Case 925-S-19.

Case 925-S-19

Request: Authorize the remodeling of existing farm buildings and/or the construction of new buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 924-AM-19, with the following waiver:

Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

Location: A 10.3 acre tract in the East Half of the Northeast Quarter of Section 28 of Township 21N, Range 10 East of the Third Principal Meridian in Compromise Township and commonly known as the farmstead located at 2079 CR 2600N, Gifford.

Site Area: 10.3 acres

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

STATUS

P&Z Staff has received new information regarding:

- a revised site plan
- right to farm
- plans and operations for the event center from petitioner Kyli Miller
- septic system requirements from Michael Flanagan, Champaign-Urbana Public Health District
 - septic and bathrooms required within one year of Special Use Permit approval
- life safety requirements from Chief McFadden, Gifford Fire Protection District

Please see the relevant sections below and attached documentation. It appears that all concerns have been addressed to the extent requested at the previous hearing on February 28, 2019.

The Summary of Evidence has been revised – see Attachment H. New information is in red cross-out and underline.

REVISED SITE PLAN

The petitioners have provided more details about event center design and operations. Related documents are provided as attachments to this memo. The petitioners have provided two “options” in their March 15, 2019 submittal. Option 1 shows what the petitioners feel they are able to do in order to comply with getting restrooms and septic in within one year. Option 2 is what they would rather do, but it will take more than a year to get that done, and restrooms could not be built within one year.

The following evidence has been added under item 5.A in the revised Summary of Evidence dated March 28, 2019:

- (7) On March 15, 2019, Arik Miller submitted the following materials:
 - a. Revised Site Plan “Option 1”, which includes the following:
 - (a) Option 1 is what the petitioners believe will need to happen in order to install the required septic system and restrooms within one year of Special Use Permit approval.
 - (b) Based on comments received during the February 28, 2019 ZBA meeting, the petitioners have included 100 parking spaces in their revised Site Plan received March 15, 2019. This includes four accessible parking spaces. The new design will be just under one acre in area.
 - (c) Add restrooms to the existing barn south of the house and possibly make renovations for a Reception Hall;
 - (d) Add an accessible sidewalk between the event center barn and the Reception Hall;
 - (e) Add a gazebo south of the event center barn;
 - (f) Add a sign near new driveway;
 - (g) Add a new septic system.
 - b. Revised Site Plan “Option 2”, which includes the following:
 - (a) Option 2 is what the petitioners would like to achieve with the property, but these changes would likely not be possible within the 1-year septic system required by Public Health.
 - (b) The same number of proposed parking spaces as Option 1;
 - (c) New 7,000 square feet reception hall with restrooms south of the event center barn;
 - (d) Two concrete pads on the north and east sides of the Reception Hall;
 - (e) Add a gazebo south of the event center barn;
 - (f) Add a sign near new driveway;
 - (g) Add a new septic system.

- c. Conceptual floor plan of future Reception Hall, including the following:
 - (a) Large open area;
 - (b) Bathrooms;
 - (c) Storage area;
 - (d) Bar; and
 - (e) Three person doors and two larger doors.

- d. Updated plan details, which includes the following:
 - (a) Regarding life safety, to be implemented per the recommendations of the Gifford Fire Department:
 - i. Installing a Farm Safety Tube for first responders;
 - ii. Evacuation plan maps to be located near fire extinguishers;
 - iii. Installing exit signs, emergency lighting, panic hardware on doors, and fire extinguishers;
 - iv. Driveway will have a 40 feet wide entrance to accommodate fire trucks;
 - (b) Regarding accessibility:
 - i. 4 accessible spaces and with an access aisle between each pair of accessible spaces;
 - ii. Bathrooms in Ag shed will have completely separate entrance from ag storage side;
 - iii. Accessible sidewalks will connect bathrooms and event center barn;
 - (c) Regarding right to farm:
 - i. The petitioners contacted adjacent farmers regarding traffic during planting and harvest seasons, and created a contact list of those farmers that they submitted as a Document of Record.
 - ii. The petitioners state that none of the farmers expressed concerns and all are supportive of the event center.

- e. Service Quote from Illini Fire Equipment dated March 14, 2019:
 - (a) Illini Fire Equipment recommended three fire extinguishers based on the square footage and areas in the barn.

- f. Contact information for neighboring farmers who were contacted since February 28, 2019 ZBA meeting.
 - (a) One of those listed was out of town during this time, but the petitioner plans to contact him upon return.

PLANS AND OPERATIONS UPDATE

In an email received March 12, 2019, petitioner Kyli Miller answered questions posed by Susan Burgstrom – see Attachment D. The following information was added to the revised Summary of Evidence dated March 28, 2019 under Item 5.A.(6).

- a. The Millers have not decided if they will renovate the existing shed (southwest of the event center barn) for a reception hall, or build a new building south of the event center barn for a reception hall. Mrs. Miller stated, “If there were ever two sheds on the property, one would remain used for only ag purposes and personal storage.”
- b. The Millers have discussed heating and cooling the event center barn, but stated, “all is contingent on what the board deems necessary for the bathrooms, sheds, and other special conditions.”
- c. The barn has a second level that is approximately 412 square feet that they might use for an alternative photo location, a bar, or other minimal use.
- d. The proposed reception hall would have restrooms, beverage bar, general reception area, possible storage space for tables/chairs, and possibly two dressing rooms.

UPDATE ON PROPOSED SEPTIC SYSTEM

The petitioners indicated in previous documents that they would like to use portable restrooms until they are more certain that the business will be successful. The following new information has been added under item 8.H.(1) in the revised Summary of Evidence dated March 28, 2019:

- a. P&Z Staff emailed Mike Flanagan with the Champaign-Urbana Public Health District on February 11, 2019, to ask what trigger/threshold there might be to determine when portable facilities would no longer be allowed.
- b. In an email received March 6, 2019, Mr. Flanagan stated, “the Champaign County Public Health Department is willing to grant a period of time not to exceed one calendar year from the issuance of the Special Use Permit for the use of portable toilets to serve the onsite sanitary needs for the Miller Wedding Venue... The use of portable sanitation for serving the sanitary needs of the venue shall cease after one year, after which an appropriately sized and constructed and permitted onsite or municipal wastewater treatment system shall be installed in accordance with the Illinois Private Sewage Licensing Act and Code and the Health Ordinance of Champaign County to serve the needs of the aforementioned venue.”
- c. In an email received by P&Z Staff on March 11, 2019, Mr. Miller asked for more information about septic system requirements from Mr. Flanagan. Mr. Miller explained to Mr. Flanagan that “We had hoped for 2 years to give us enough time to build a reception hall but if not, we have some back up plans that would not be ideal but could be accomplished. We do have an existing ag shed that we could take part of to install the bathrooms and either somehow tie the new building to these bathrooms so we didn't have to have 2 full sets of restrooms.”

- d. Mr. Flanagan responded to the questions posed by Arik Miller. Mr. Flanagan provided Mr. Miller with the required one year timeline for installing septic; the regulations for that decision; a link to the permit application for constructing a new septic system; and a list of State codes that are relevant to the event center.
- e. A special condition has been added to ensure compliance with Champaign-Urbana Public Health District requirements.

ONGOING LIFE SAFETY REVIEW

The petitioners requested an inspection of the event center from the Gifford Fire Protection District. Chief Rich McFadden and his staff inspected the property and provided minimum recommendations. Based on discussion at the last ZBA meeting, P&Z Staff attached the “Fire Districts and Distances Traveled” map from the Land Resource Management Plan – see Attachment G.

The following evidence has been added under Item 8.D. in the revised Summary of Evidence dated March 28, 2019:

- D.(1) The petitioners asked Gifford Fire Protection District Chief Rich McFadden to tour the event center and provide recommendations toward improved life safety. In an email to Susan Burgstrom received March 13, 2019, Chief McFadden listed physical characteristics pertaining to life safety, and attached a letter listing his minimum recommendations for the event center. In the letter, Chief McFadden wrote, “The following recommendations are to be considered only as a minimum in scope:
- a. Provide illuminated Exit lighting at all points of egress as per NFPA 101-7.10.
 - b. Provide the necessary emergency egress lighting as per NFPA 101-7.9. You can incorporate emergency lighting with the Exit Lights, which would satisfy this recommendation.
 - c. Provide panic hardware on all exterior egress doors that will be used as an exit as per NFPA 101-12.2.
 - d. Provide the necessary fire extinguishers for your facility as recommended by your local supplier of fire extinguishers, such as Illini Fire Equipment or Getz Fire Equipment, supplier name samples only.
 - e. Provide adequate parking on site so that in the event of an emergency, safe exiting from the facility is possible and that emergency first responders are not hampered by congestion upon arrival to the emergency on site. We also recommend a 40-foot minimum entrance to the parking lot off of 2600N.
 - f. No pyrotechnics, fireworks, petroleum accelerants or any other type of combustible fluids be allowed within the Event Center.
 - g. No parking be allowed on County Road 2600N as part of a scheduled event at the Event Center.”
 - h. Chief McFadden also provided average response time calculations for the event center for the following, noting they are only estimates for a volunteer fire service:
 - (a) Medical emergency: 8 to 12 minutes

- (b) Emergency requiring larger fire apparatus: 9 to 13 minutes
- (2) In an email received March 14, 2019, Chief McFadden stated that they recommend a 40 feet wide entrance rather than a 30 feet wide entrance that Mr. Miller had planned. He also said that he and Mr. Miller agreed that a fire lane will not be necessary.
- (3) A special condition has been added to ensure that the petitioners implement Chief McFadden's recommendations.

REVISED AND NEW SPECIAL CONDITIONS O. AND P.

The following are proposed special conditions for Case 925-S-19.

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 924-AM-19 by the County Board.**

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

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

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

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

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

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

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

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

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

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

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

- E. **The petitioner shall undertake construction of the proposed driveway as follows:**

- (1) **Prior to construction, the petitioner shall secure the approval of the location and design of the new driveway access from the Compromise Township Highway Commissioner.**
- (2) **After construction, the petitioner shall secure the written ~~acceptance~~ approval of the new driveway from the Compromise Township Highway Commissioner and a**

copy of that written ~~acceptance~~ approval shall be provided to the Zoning Administrator.

The special condition stated above is to ensure the following:

That the street right of way functions according to its original design and traffic safety is prioritized.

- F. **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.

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

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

That events held on the subject property adequately consider neighbors.

- H. **The petitioner shall not allow any parking for the event center in the public street right of way, and will ensure that all guests and service providers related to the events center area made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.**

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

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

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

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

To protect public health.

The petitioners request removal of condition J:

- 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 300 guests.**
 - (2) **“Larger” events with more than 20 guest vehicles at the subject property shall be limited as follows:**
 - a. **The guest attendance at each event shall be limited to no more than 300 guests; 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.

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

That traffic created by the event center is minimally disruptive to agricultural activities.

~~K. The Special Use Permit shall be void upon the receipt by the Zoning Administrator of written complaints about interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland frontage on CR2600N between CR 2000E and CR 2200E, or on CR 2100E between CR 2500N and CR 2700N, during any one planting season (April 15 through May 31) or during any one harvest season (September 15 through October 31).~~

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

~~To provide a means of enforcement and accountability if the proposed special use (particularly under different ownership) does not adequately respect the needs of nearby farmers.~~

L. The Special Use is subject to the approval of Case 924-AM-19.

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

That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.

M. 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.

N. The revised Site Plan “Option ” received March 15, 2019, is the official site plan for approval in Case 925-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.

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

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

O. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioners have

complied with the recommendations from the Gifford Fire Protection District, as outlined in a letter from Chief Rich McFadden dated March 9, 2019.

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

That the Special Use complies with life safety regulations.

P. Within one year of approval of Case 925-S-19, the petitioners shall install a new septic system as approved by the Champaign County Health Department, and a Zoning Compliance Certificate from the Event Center's Change of Use Permit will not be issued until the Zoning Administrator has received each of the following:

(1) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.

(2) A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.

(3) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.

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

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

ATTACHMENTS

- A Materials submitted by Arik Miller on March 15, 2019:
- Revised Site Plan "Option 1"
 - Revised Site Plan "Option 2"
 - Conceptual floor plan of future Reception Hall
 - Updated plan details
 - Service Quote from Illini Fire Equipment dated March 14, 2019:
 - Contact information for neighboring farmers who were contacted since February 28, 2019 ZBA meeting
- B Email from Michael Flanagan, C-U Public Health District, received March 6, 2019
- C Email from Michael Flanagan, C-U Public Health District, received March 11, 2019
- D Email from Kyli Miller received March 12, 2019
- E Email from Gifford Fire Protection District received March 13, 2019, with attachment:
- Letter to the Millers with minimum recommendations for life safety
- F Email from Gifford Fire Protection District received March 14, 2019
- G Fire Districts and Distances Traveled map from the Land Resource Management Plan dated April 2010
- H Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 925-S-19 dated March 28, 2019

Revised Site Plan
 Cases 924-AM-19 and 925-S-19
 for March 28, 2019 ZBA

OPTION 1

Champaign County
 Department of
 PLANNING &
 ZONING

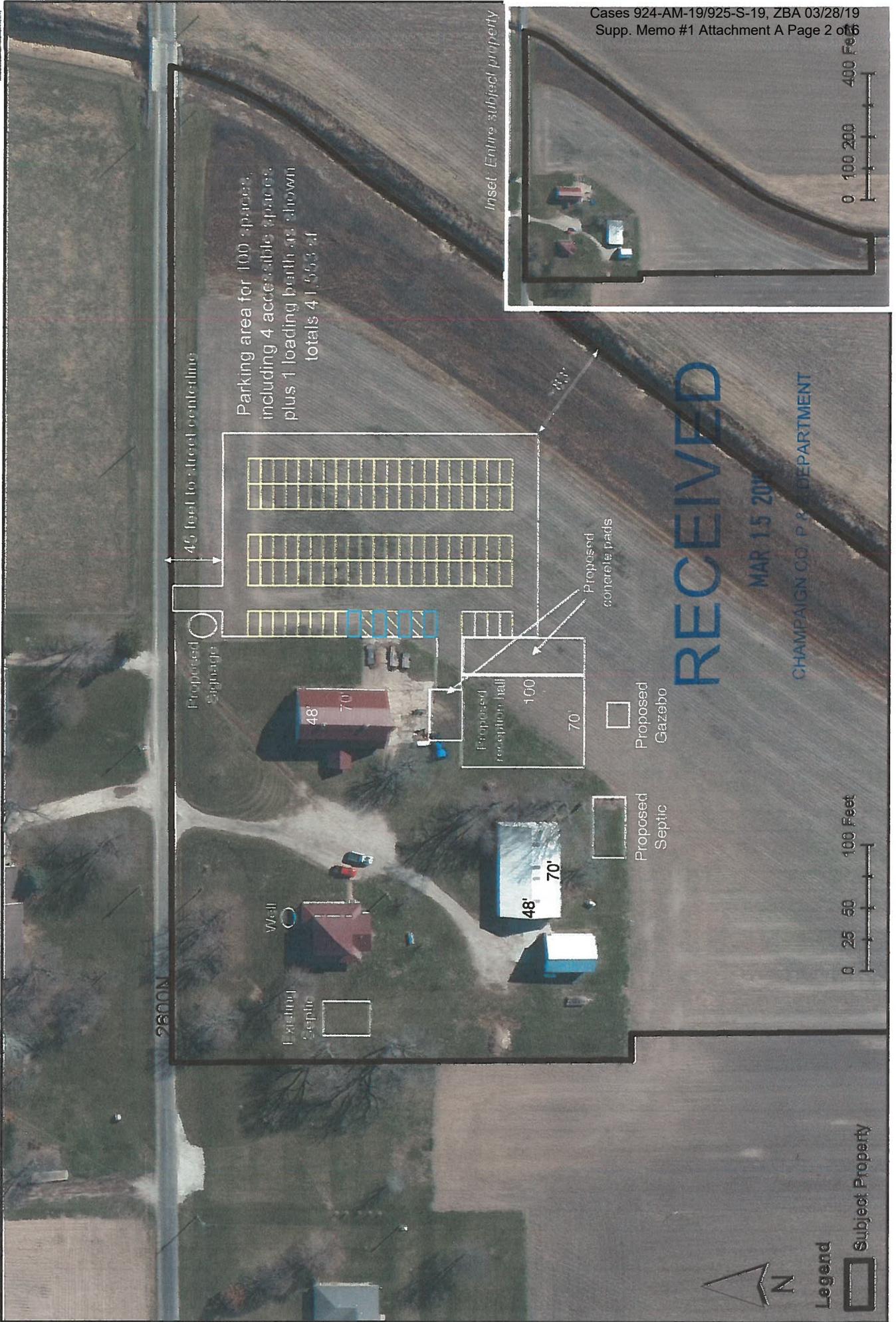


Revised Site Plan

Cases 924-AM-19 and 925-S-19
for March 28, 2019 ZBA

OPTION 2

Champaign County
Department of
PLANNING &
ZONING



2800N

Parking area for 100 spaces, including 4 accessible spaces, plus 1 loading berth as shown totals 41,553 sq ft

45 foot to street centerline

Proposed Signage

Well

Existing Septic

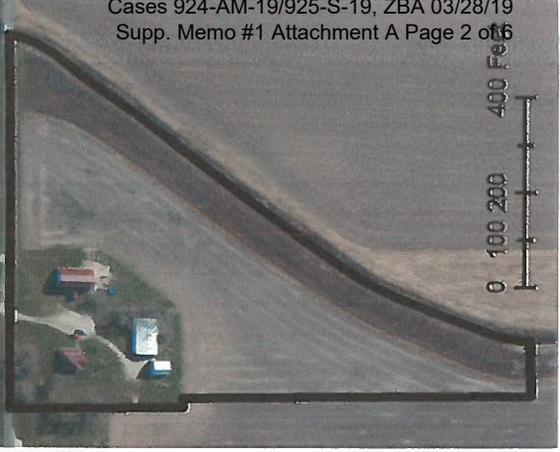
48' 70'

Proposed Reception Hall
100' 70'

Proposed concrete pads

Proposed Gazebo

Proposed Septic



RECEIVED

MAR 15 2019

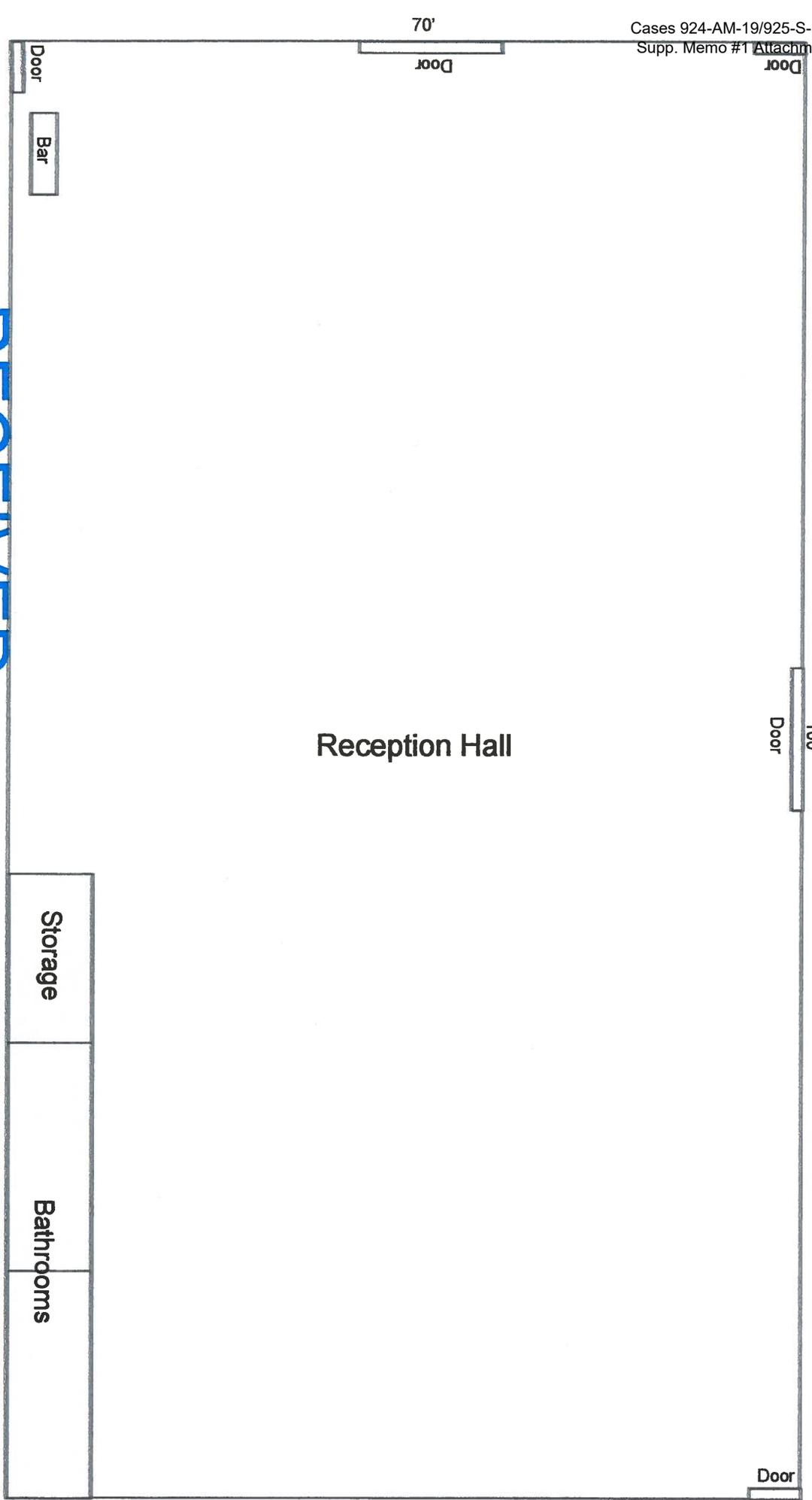
CHAMPAIGN COUNTY DEPARTMENT

0 25 50 100 Feet



Legend





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MAR 15 2019

CHAMPAIGN POLICE DEPARTMENT

Miller Farms Barn Updated Plans

- We have contacted Amy Rademaker at Carle Rural Ag Safety office in regards to a Farm Safety Tube. This provides necessary safety information including electrical and fuel shut offs for any fire and emergency response units.*
- Evacuation plan maps located near fire extinguishers.*
- Installation of exit signs with emergency lighting, panic hardware, and fire extinguishers.*
- Parking lot will have a 40' wide entrance.*
- Parking lot will include 4 ADA spaces and 2 access aisles.
- Bathrooms in Ag shed will have completely separate entrance from ag storage side.
 - Bathrooms will have ADA compliant sidewalks from the barn.
- Contacted local farmers regarding traffic during planting and harvest seasons.
 - Created contact list with farmers names, addresses, and phone numbers.
 - No one expressed concerns and all are supportive of the event center.

*Plans to be carried out per recommendations of Gifford fire department.

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MAR 15 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Miller Farms Barn has contacted the following local farmers and should any concerns with traffic arise during planting and harvest season, we will work together to develop an appropriate solution.

Evan Huls
2117 County Road 2600N
Gifford, IL 61847
(217) 202-0974

Dale Miller
2078 County Road 2600N
Gifford, IL 61847
(217) 841-1790

Edgar Busboom
2106 County Road 2500N
Thomasboro, IL 61878
(217) 369-4170

Byran Martin
248 County Road 2600N
Gifford, IL 61847
(217) 649-4159

Gary Busboom
2073 County Road 2600N
Gifford, IL 61847
(217) 493-4738

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MAR 15 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Burgstrom

From: Michael Flanagan <mflanagan@c-uphd.org>
Sent: Wednesday, March 6, 2019 2:14 PM
To: Susan Burgstrom
Cc: Jim Roberts
Subject: Miller Wedding Venue sanitary disposal requirements for Special Use Permit

Follow Up Flag: Follow up
Due By: Friday, March 15, 2019 8:00 AM
Flag Status: Flagged

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MAR 06 2019

CHAMPAIGN CO P & Z DEPARTMENT

Susan,

Regarding the Miller Special Use Permit that they have applied for through Champaign County Planning and Zoning, the Champaign County Public Health Department is willing to grant a period of time **not to exceed one calendar year** from the issuance of the Special Use Permit for the use of portable toilets to serve the onsite sanitary needs for the Miller Wedding Venue. This decision is based on the following requirements:

1. No onsite food preparation requiring an annual Permit to Operate a Food Establishment shall be approved without an appropriately sized and constructed and permitted onsite or municipal wastewater treatment system.
2. No installation of water-producing fixtures shall be installed without the construction of an appropriately sized and constructed and permitted onsite or municipal wastewater treatment system.
3. The use of portable sanitation for serving the sanitary needs of the venue **shall cease after one year**, after which an appropriately sized and constructed and permitted onsite or municipal wastewater treatment system shall be installed in accordance with the *Illinois Private Sewage Licensing Act and Code* and the *Health Ordinance of Champaign County* to serve the needs of the aforementioned venue.

The following Codes and Ordinances were used in determining the above requirements and restrictions.

The Health Ordinance of Champaign County

6.2.4 Limited Use Systems

Privies, chemical toilets, and recirculating toilets shall not provide the required means of sewage disposal for any premises except that they may be permitted for premises occupied on a temporary basis only under the following conditions:

- B. Premises used for **temporary** public gatherings or other events during the time that any local permit or license authorizing such event is in effect.

The Illinois Sewage Disposal Licensing Act and Code

Section 905.135 Portable Sanitation n) 3)

Number of portable toilets and portable potable hand washing units at a site

- A) An adequate number of portable toilets and portable hand washing units shall be provided to be used by the number of persons anticipated.
- B) The portable toilets and portable potable hand washing units shall be serviced at a frequency that maintains the units in a sanitary condition and free of odors.
- C) The employer, property owner or event coordinator shall acquire more units or adjust the service and maintenance frequently to ensure sanitary conditions.

- D) The property owner's failing to provide a sufficient number of portable toilets or portable potable hand washing units or a frequency of service and maintenance capable of ensuring a sanitary condition is a violation of the Act and this Part.

Section 905.140 Holding Tanks (Setting precedence for a one year timeline)

- a) General. Holding tanks are approved for private sewage disposal only under the following circumstances:
2) As a temporary measure while awaiting the availability of a municipal sewer extension. This temporary condition shall not exceed one year in length.

FDA Model Food Code (Adopted by the State of Illinois)

5-403.11 Approved Sewage Disposal System

Sewage shall be disposed through an approved facility that is:

- A) A public sewage treatment plant; or
B) An individual sewage disposal system that is sized, constructed, maintained, and operated according to law.

v/r

Michael Flanagan, LEHP
Environmental Program Coordinator

Champaign-Urbana Public Health District
201 W. Kenyon Road
Champaign, IL 61820

Office: (217) 531-2908
Fax: (217) 373-7905
24/7 Answering service: (217) 352-7961
KD9JMF

mflanagan@c-uphd.org
www.c-uphd.org



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Susan Burgstrom

From: Michael Flanagan <mflanagan@c-uphd.org>
Sent: Monday, March 11, 2019 9:53 AM
To: Arik Miller
Cc: Susan Burgstrom; Jim Roberts; Tammy Hamilton
Subject: RE: Event center

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MAR 11 2019

CHAMPAIGN COUNTY & Z DEPARTMENT

Good morning.

I am happy to have been some help with the progression of your future event center. In answer to the questions that you posed please see the following:

1. **Q:** Susan has informed me that the cut off for using portable toilets is a year and we are wondering from what date would that start?
A: The date for the year timeline would be the date that the Special Use Permit was issued by Planning and Zoning.
2. **Q:** Is there any chance of any kind of extension on that?
A: One year is the maximum amount of time that could given based on current County Ordinances and State Code. There are no other provisions that could be made to satisfy both the Public Health concerns and current laws. Please see below.

The Health Ordinance of Champaign County

6.2.4 Limited Use Systems

Privies, chemical toilets, and recirculating toilets shall not provide the required means of sewage disposal for any premises except that they may be permitted for premises occupied on a temporary basis only under the following conditions:

- B. Premises used for temporary public gatherings or other events during the time that any local permit or license authorizing such event is in effect.

The Illinois Sewage Disposal Licensing Act and Code

Section 905.135 Portable Sanitation n) 3)

Number of portable toilets and portable potable hand washing units at a site

- A) An adequate number of portable toilets and portable hand washing units shall be provided to be used by the number of persons anticipated.
- B) The portable toilets and portable potable hand washing units shall be serviced at a frequency that maintains the units in a sanitary condition and free of odors.
- C) The employer, property owner or event coordinator shall acquire more units or adjust the service and maintenance frequently to ensure sanitary conditions.
- D) The property owner's failing to provide a sufficient number of portable toilets or portable potable hand washing units or a frequency of service and maintenance capable of ensuring a sanitary condition is a violation of the Act and this Part.

Section 905.140 Holding Tanks (Setting precedence for a one year timeline)

- a) **General.** Holding tanks are approved for private sewage disposal only under the following circumstances:
 - 2) As a temporary measure while awaiting the availability of a municipal sewer extension. This temporary condition shall not exceed one year in length.

FDA Model Food Code (Adopted by the State of Illinois)

5-403.11 Approved Sewage Disposal System

Sewage shall be disposed through an approved facility that is:

- A) A public sewage treatment plant; or
- B) An individual sewage disposal system that is sized, constructed, maintained, and operated according to law.

3. Q: Can we get some kind of checklist of everything you would require to be involved with and requirements.

A: Please refer to the attached link for information that you will need in applying and receiving a permit to construct a new septic system.

<http://www.c-uphd.org/sewage-systems.html#permit>

4. Q: I know new septic but am unsure how much of the interior stuff you are involved with. Any codes that would apply to us would be greatly appreciated.

A: Public Health will be involved in the issuance and inspection of your onsite wastewater (septic) system, any new potable water supplies (wells) that may be installed, and any food related service that may be eventually located at your event center. If your water supply is provided by a public system, no further action would be required. If you have a current well located on your property that you intend to use, the Illinois Department of Public Health, (IDPH), may need to register it as a non-community water supply which would require yearly sampling through IDPH labs. Further determination on the water supply can be made at a later date. All interior work is regulated by the Illinois State Plumbing Code and I would refer you to IDPH which is the agency that regulates that code.

I hope these answers help you move forward with your business venture,

v/r

Michael Flanagan, LEHP
Environmental Program Coordinator

Champaign-Urbana Public Health District
201 W. Kenyon Road
Champaign, IL 61820

Office: (217) 531-2908
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24/7 Answering service: (217) 352-7961
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mflanagan@c-uphd.org
www.c-uphd.org

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-----Original Message-----

From: Arik Miller [<mailto:arikmiller2689@gmail.com>]

Sent: Friday, March 8, 2019 12:54 PM

To: Michael Flanagan <mflanagan@c-uphd.org>

Subject: Event center

Just want to take a moment and say thank you for all of the help along the way with the event center. Susan has informed me that the cut off for using portable toilets is a year and we are wondering from what date would that start and if there is any chance of any kind of extension on that. We had hoped for 2 years to give us enough time to build a reception hall but if not, we have some back up plans that would not be ideal but could be accomplished. We do have an existing ag shed that we could take part of to install the bathrooms and either somehow tie the new building to these bathrooms so we didn't have to have 2 full sets of restrooms.

Second question is can we get some kind of checklist of everything you would require to be involved with and requirements. I know new septic but am unsure how much of the interior stuff you are involved with. Any codes that would apply to us would be greatly appreciated. Thanks again.

Sent from my iPhone

Susan Burgstrom

From: Kyli Miller <kylimiller17@gmail.com>
Sent: Monday, March 11, 2019 10:12 PM
To: Susan Burgstrom
Subject: Re: ZBA meeting follow up

RECEIVED

MAR 12 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Susan,

Thank you for your patience, below I have answered the questions presented in your last email.

- If there is a chance that both the existing and proposed reception halls would be used as facilities for the event center, like a client could choose between which hall they want to use for their event

Only one building will be used for the reception hall, either the newly build structure or the renovated existing structure. So clients would be given the choice to use both the barn and the reception hall (whichever it may end up being). If there were ever two sheds on the property, one would remain used for only ag purposes and personal storage.

- Will the barn have heat and/or AC?

Heating and cooling is something we have discussed looking into and pricing, but that all is contingent on what the board deems necessary for the bathrooms, sheds, and other special conditions. It would also depend on the special condition regarding our ability to conduct during a limited time frame as originally proposed, we are hoping that with our improved planning and due diligence of speaking with our local farmer that this condition will be lifted as it significantly hinders our prime wedding season.

- What is the square footage (approximate) of the second story of the barn?

The approximate square footage of the upper level is 412sqft (30.5ft x 13.5ft).

- For the proposed reception hall, what areas would you have inside it (i.e. restrooms, reception area, food prep area for caterers, etc.)

In the proposed reception hall we would have spaces including restrooms, beverage bar, general reception area, possible storage space for tables/chairs, and possibly two dressing rooms.

As mentioned above, we have been trying our best to develop a better plan of action to address the board's concerns of hosting events during planting and harvest season. We have been in contact with several of our local farmers and are putting together a list of names, addresses and phone numbers to submit in a letter of intent to proactively address these concerns which we hope will eliminate the special condition of limitations on our ability to conduct business during certain times of the year. Prime wedding season is typically May thru October, so with having these strict limitation infringing on our business, this will tremendously impact our success. We also understand that these special conditions are not imposed among all of the other local event centers, with the exception of one, so we are hopeful that putting forth our best intentions and being proactive that we will not fall into the misfortune of these limitations. If there are any other recommendations you may have for this, we would appreciate any and all suggestions.

We had the Gifford Fire Chief out this past weekend to help determine which safety precautions we need to implement. Rich said he would be in contact with us and would be responding to some questions you had sent

via email. As soon as we hear back from him on what safety precautions we need to take, we will get the necessary installations and safety plans made.

My apologies for the delay, I have been a little under the weather, so I will get the revised site plan drawing to you by the end of the week.

On Mon, Mar 4, 2019 at 9:48 AM Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Hi Arik and Kyli,

Attached you'll find a revised site plan template. I have put it to scale on the larger picture of 1 inch equals 100 feet. When you print it out, please ensure that you are not reducing/increasing the print size, which would mess up that scale.

You'll see 100 parking spaces on the site plan; this is a general idea to show how much space would be needed to meet the parking requirement, which is very close to 1 acre. If this is not even close to what you have in mind, let me know what should change.

Please draw in the following items on the site plan, and either drop it off or mail it as soon as possible:

- Proposed reception hall, with dimensions, in as accurate a spot as possible
- Draw in proposed additions to your existing shed, and note it as proposed reception hall
- Existing well location (a circle with "well" next to it would be fine)
- Existing septic, with "septic" written inside an approximate rectangle of the area
- Proposed septic, with "proposed septic" written in or near the approximate rectangle of the area
- Add any other structures/amenities that you are planning for the business.

I will also need to know responses to the following via email:

- If there is a chance that both the existing and proposed reception halls would be used as facilities for the event center, like a client could choose between which hall they want to use for their event
- Will the barn have heat and/or AC?
- What is the square footage (approximate) of the second story of the barn?
- For the proposed reception hall, what areas would you have inside it (i.e. restrooms, reception area, food prep area for caterers, etc.)

Anything you can do to talk with your farming neighbors and farmers of the land around you would be great.

I am going to reply to your email regarding the fire department requirements separately. If you have any questions or need help with anything, just let me know.

I am also still waiting to hear from Michael Flanagan, and will get back with you on that when possible.

Thanks,
Susan

From: Kyli Miller <kylimiller17@gmail.com>
Sent: Friday, March 1, 2019 11:30 AM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Cc: arikmiller2689@gmail.com
Subject: Re: ZBA meeting follow up

Susan,

Susan Burgstrom

From: cam1073@aol.com
Sent: Tuesday, March 12, 2019 7:02 PM
To: Susan Burgstrom
Cc: bcrozier03@yahoo.com
Subject: Tour of the Miller event center
Attachments: A. Miller 3-19.docx

RECEIVED

MAR 13 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Susan;

Brodie Crozier, Adam Pannbacker and myself did a tour of the Arik and Kyli Miller Event Center, 2079 CR2600N on Saturday March 9, 2019. The following questions with answers were as follows;

- 1.) Square footage of the event center, main area 43' x 67', entrance area of 12' x 18', upper level area, not in use at this time, 14' x 43' all total of 3699 sq. ft.
- 2.) Number of egress doors=4 each
- 3.) Location of main electrical shutoff= on the west side of power pole by the house.
- 4.) Location of LP tank for the event center= no heat in the event center
- 5.) Exterior and roof= all metal
- 6.) Interior lighting= Party lights, perimeter LED porcelain fixtures, possible future chandeliers.
- 7.) Kitchen= No
- 8.) Restrooms= not at this time, within 1 year is the goal.
- 9.) Parking= they will rock east of the event center to the ditch which they said will accommodate 100 cars.
- 10.) How did the 250 guest occupancy calculation come about= Arik stated he used 15 sq. ft. I thought 22-36 sq. ft. might be used, but not sure.

I have attached our my recommendations and estimated response time are also in the attachment.

Thanks!

Rich McFadden, Fire Chief
Gifford Fire Protection District



To Arik and Kyli Miller; ref New Event Center:

March 9, 2019

Thank you for allowing us to tour your proposed remodeled Event Center on Saturday March 9, 2019. It is our opinion that this event center could be an asset to the area, and we wish you well with this endeavor. The Gifford Fire Protection District does not have a licensed code enforcement officer or a certified fire inspector on staff, therefore the following are recommendations that we are making, is an attempt to provide adequate Life Safety Code needs as a minimum and Safe Emergency Response for your Event Center.

The Illinois Office of the State Fire Marshal, OSFM, currently follows the National Fire Protection Association's Life Safety Code, 2000 edition. This Code provides the necessary documentation to protect both the public and the property owners.

The following recommendations are to be considered only as a minimum in scope;

- 1.) Provide illuminated Exit lighting at all points of egress as per NFPA 101- 7.10
- 2.) Provide the necessary emergency egress lighting as per NFPA 101- 7.9 You can incorporate emergency lighting with the Exit Lights which would satisfy this recommendation.
- 3.) Provide panic hardware on all exterior egress doors that will be used as an exit as per NFPA 101-12.2
- 4.) Provide the necessary fire extinguishers for your facility as recommended by your local supplier of fire extinguishers, such as Illini Fire Equipment or Getz Fire Equipment, supplier name samples only.
- 5.) Provide adequate parking on site so that in the event of an emergency, safe exiting from the facility is possible and that emergency first responders are not hampered by congestion upon arrival to the emergency on site. We also recommend a 40 foot minimum entrance to the parking lot off of 2600N.
- 6.) No pyrotechnics, fireworks, petroleum accelerants or any other type of combustible fluids be allowed within the Event Center.
- 7.) No parking be allowed on County Road 2600N as part of a scheduled event at the Event Center.

We also did calculations of our average response to the Event Center for the following; a medical emergency, 8 to 12 minutes. An emergency that would require larger fire apparatus, 9-13 minutes. Again, please note that these are average times only and many factors are involved with the Volunteer Fire service, such as times of day and weather conditions.

We again stress that the above 7 items are recommendations and we suggest that you follow the requirements of the OFSM, the County of Champaign and any requirements that your insurance company provides.

Rich McFadden, Fire Chief

Brodie Crozier, Assistant Fire Chief

Adam Pannbacker, Captain

GIFFORD FIRE PROTECTION DISTRICT

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MAR 13 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Susan Burgstrom

From: cam1073@aol.com
Sent: Wednesday, March 13, 2019 6:56 PM
To: Susan Burgstrom
Subject: Re: Tour of the Miller event center

We reviewed the proposed parking area and looks big enough. Arik wanted to install a 30' entrance, but we recommended a 40' so that larger fire apparatus would not have a problem. It was then agreed we would not require a fire lane, especially since there would be a circle driveway around the facility.

Rich

RECEIVED

MAR 14 2019

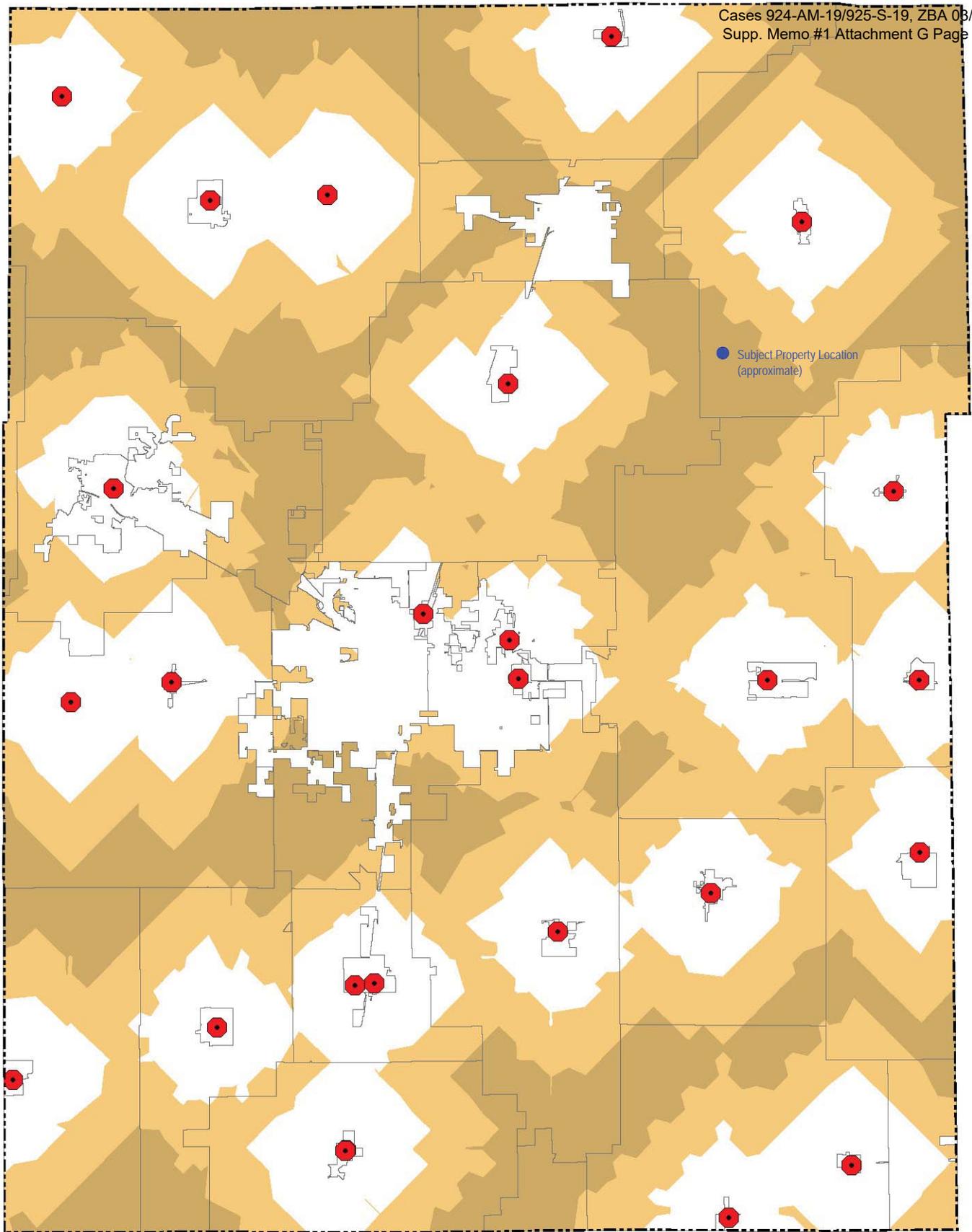
CHAMPAIGN CO. P & Z DEPARTMENT

-----Original Message-----

From: Susan Burgstrom <sburgstrom@co.champaign.il.us>
To: 'cam1073@aol.com' <cam1073@aol.com>
Cc: bcrozier03@yahoo.com <bcrozier03@yahoo.com>
Sent: Wed, Mar 13, 2019 11:45 am
Subject: RE: Tour of the Miller event center

Based on your comment in the letter about congested parking areas, are you recommending a fire lane? If so, do you see a logical place to recommend one?

Thanks,
Susan



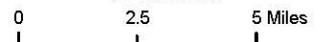
Fire Districts and Distance Traveled

Champaign County

Legend

- Outside 3 mile buffer
- Outside 5 mile buffer
- Municipal Boundary

- Fire District
- Rural Fire Stations
- Municipal Boundary



Date Map Prepared:
October, 2007

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925-S-19

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

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

Date: ***{March 28, 2019}***

Petitioners: **Arik and Kyli Miller, d.b.a. Miller Farms Barn LLC**

Request: **Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 924-AM-19 with the following waiver to the standard conditions for an Outdoor Commercial Recreational Enterprise:**

Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 28, 2019** and March 28, 2019, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 924-AM-19)

- *1. Petitioners Arik and Kyli Miller own the subject property. They are the sole owners and officers of Miller Farms Barn, LLC.
- *2. The subject property is a 10.3 acre tract in the East Half of the Northeast Quarter of Section 28 of Township 21N, Range 10 East of the Third Principal Meridian in Compromise Township and commonly known as the farmstead located at 2079 CR 2600N, Gifford.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is not within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - *B. The subject property is located within Compromise Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a Map Amendment. The Township has been notified of this case.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The subject property is 10.3 acres that is currently zoned AG-1 Agriculture.
 - *B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - * (1) Land to the north and west is in agricultural and residential use.
 - * (2) Land to the east and south is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- *5. Regarding the site plan and operations of the proposed Special Use:
 - *A. The Site Plan received January 2, 2019, indicates the following existing conditions and proposed improvements:
 - * (1) Existing buildings and structures include:
 - *a. A 2,094 square feet single-family residence;
 - *b. One 70 feet by 45 feet "Event Center Barn", to be converted into the proposed Events Center;
 - *c. One 16 feet by 16 feet milk house attached to the barn;
 - *d. One 48 feet by 72 feet detached "Ag Shed (Potential Reception Hall);

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- *e. One 36 feet by 27 feet “Ag Shop/Garage”;
 - *f. A gravel access drive extending from CR 2600N; and
 - *g. A septic system west of the residence.
- * (2) Proposed improvements include the following:
- *a. The existing 70 feet by 45 feet barn would be converted to an events center under proposed Special Use Permit 925-S-19;
 - *b. A new access driveway for the events center off CR 2600N;
 - *c. A paved accessible parking area east of the barn;
 - *d. A 200 feet by 150 feet (30,000 square feet) parking lot that could accommodate 100 spaces by minimum zoning requirements;
 - *e. A 45 feet by 45 feet replacement concrete pad south of the barn;
 - *f. A “Potential Reception Hall or Ag Shed” south of the barn and replacement concrete pad;
 - *g. Potential additions to the existing 48 feet by 72 feet “Ag Shed (Potential Reception Hall)”;
 - *h. A potential septic system south of the 48 feet by 72 feet Ag Shed; and
 - (1) The petitioners intend to start their business with portable restrooms, and invest in a septic system later.
 - *i. A potential dumpster pad west of the Ag Shop/Garage.
- * (3) The petitioners provided additional information on facilities and operations with the application received January 7, 2019:
- *a. The barn has 5 exit doors and 1 overhead door that will be used and labeled for emergency exits.
 - *b. They are in the process of replacing the concrete pads on the south and east sides of the proposed event center.
 - * (a) The east side concrete pad will be designated for 2 ADA compliant parking spaces.
 - *c. They plan to install ordinance compliant lighting in the proposed parking lot.
 - *d. If they add the “Potential Reception Hall or Ag Shed”, they will include restrooms and a beverage bar.
 - * (a) They will contact Public Health when they are ready to expand to discuss necessary precautions and requirements.

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- *e. If they decide to renovate the 48 feet by 72 feet Ag Shed into a Reception Hall, they propose adding square footage, and would put the restrooms and beverage bar in that building.
 - *f. The barn can accommodate 250 guests.
 - *(a) The petitioners increased the event center capacity to 300 guests in an updated Information Sheet received February 15, 2019.
 - *g. They plan to run their business using a temporary liquor license or utilize the caterer's liquor license.
 - *h. They will provide guests with at least two portable toilets, one of which will be ADA compliant, as well as hand washing stations. Guests will be given the option of renting a portable restroom trailer.
 - *i. They have plans to apply for permanent licenses once they build or repurpose a shed for a reception hall, which would include plumbed restrooms and a beverage bar.
- * (4) A revised Site Plan was received on February 13, 2019, provided the following new information:
- *a. The existing well is located near the northeast corner of the house;
 - *b. The proposed parking lot was resized to 200 feet by 110 feet (22,000 square feet) instead of 200 feet by 150 feet (30,000 square feet);
 - *c. The petitioners will have a strip of hay crop between the CR 2600N right-of-way and the proposed parking lot;
 - *d. They will add a concrete walkway between the concrete pad south of the event center barn and the milk house;
 - *e. They provided a corrected measurement of 97 feet between the street centerline of CR 2600N and the event center barn.
- * (5) Emails received from the petitioners on February 15, 2019, provided the following additional information:
- *a. They increased their maximum number of guests from 250 to 300.
 - *b. There is a small space upstairs that will currently not be used until a staircase and handrails are installed in the future. We hope to eventually use this space for things like a beverage bar, couples to take pictures, an alternative ceremony space for wedding party to stand, or to put a DJ to free up space on the lower level.
 - *c. We do not want to limit the Special Use Permit to any specific area; we paid the fee for the whole property to be used.
 - *d. We do not currently plan to operate multiple events in the same day.

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- *e. The updated detail sheet I emailed you today increased our max capacity to 300 guests just to be safe. We will maintain this max capacity regardless of the use of tents.
- *f. The parking lot will be 200 feet parallel to the road.
- *g. The 200 feet by 110 feet parking lot will initially be grass with the intention to put in gravel by the end of 2019.

(6) In an email received March 12, 2019, petitioner Kyli Miller answered questions posed by Susan Burgstrom:

- a. The Millers have not decided if they will renovate the existing shed (southwest of the event center barn) for a reception hall, or build a new building south of the event center barn for a reception hall. Mrs. Miller stated, "If there were ever two sheds on the property, one would remain used for only ag purposes and personal storage."
- b. The Millers have discussed heating and cooling the event center barn, but stated, "all is contingent on what the board deems necessary for the bathrooms, sheds, and other special conditions."
- c. The barn has a second level that is approximately 412 square feet that they might use for an alternative photo location, a bar, or other minimal use.
- d. The proposed reception hall would have restrooms, beverage bar, general reception area, possible storage space for tables/chairs, and possibly two dressing rooms.

(7) On March 15, 2019, Arik Miller submitted the following materials:

- a. Revised Site Plan "Option 1", which includes the following:
 - (a) Option 1 is what the petitioners believe will need to happen in order to install the required septic system and restrooms within one year of Special Use Permit approval.
 - (b) Based on comments received during the February 28, 2019 ZBA meeting, the petitioners have included 100 parking spaces in their revised Site Plan received March 15, 2019. This includes four accessible parking spaces. The new design will be just under one acre in area.
 - (c) Add restrooms to the existing barn south of the house and possibly make renovations for a Reception Hall;
 - (d) Add an accessible sidewalk between the event center barn and the Reception Hall;
 - (e) Add a gazebo south of the event center barn;
 - (f) Add a sign near new driveway;

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- (g) Add a new septic system.
- b. Revised Site Plan “Option 2”, which includes the following:

 - (a) Option 2 is what the petitioners would like to achieve with the property, but these changes would likely not be possible within the 1-year septic system required by Public Health.
 - (b) The same number of proposed parking spaces as Option 1;
 - (c) New 7,000 square feet reception hall with restrooms south of the event center barn;
 - (d) Two concrete pads on the north and east sides of the Reception Hall;
 - (e) Add a gazebo south of the event center barn;
 - (f) Add a sign near new driveway;
 - (g) Add a new septic system.
- c. Conceptual floor plan of future Reception Hall, including the following:

 - (a) Large open area;
 - (b) Bathrooms;
 - (c) Storage area;
 - (d) Bar; and
 - (e) Three person doors and two larger doors.
- d. Updated plan details, which includes the following:

 - (a) Regarding life safety, to be implemented per the recommendations of the Gifford Fire Department:

 - i. Installing a Farm Safety Tube for first responders;
 - ii. Evacuation plan maps to be located near fire extinguishers;
 - iii. Installing exit signs, emergency lighting, panic hardware on doors, and fire extinguishers;
 - iv. Driveway will have a 40 feet wide entrance to accommodate fire trucks;
 - (b) Regarding accessibility:

 - i. 4 accessible spaces and with an access aisle between each pair of accessible spaces;
 - ii. Bathrooms in Ag shed will have completely separate entrance from ag storage side;

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iii. Accessible sidewalks will connect bathrooms and event center barn;

(c) Regarding right to farm:

i. The petitioners contacted adjacent farmers regarding traffic during planting and harvest seasons, and created a contact list of those farmers that they submitted as a Document of Record.

ii. The petitioners state that none of the farmers expressed concerns and all are supportive of the event center.

iii. The petitioners have agreed to work with them to address any concerns the farmers may have during planting and harvesting seasons.

e. Service Quote from Illini Fire Equipment dated March 14, 2019:

(a) Illini Fire Equipment recommended three fire extinguishers based on the square footage and areas in the barn.

f. Contact information for neighboring farmers who were contacted since February 28, 2019 ZBA meeting.

(a) One of those listed was out of town during this time, but the petitioner plans to contact him upon return.

*B. There are no zoning permits for the subject property.

*C. There are no previous zoning cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

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

A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):

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

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for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

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

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- (11) “BY RIGHT” is a term to describe a USE permitted or allowed in the DISTRICT involved, without review by the BOARD or GOVERNING BODY, and complying with provisions of the Zoning Ordinance and with other applicable ordinances and regulations.
- (12) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
- (13) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (14) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (15) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (16) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (17) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (18) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (19) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (20) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
- (21) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (22) “SIGN” is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE

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or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

- (23) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (24) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (25) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (26) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (27) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (28) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
 - a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- (29) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained.

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The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.

- (30) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 establishes the following standard condition for an Outdoor Commercial Recreational Enterprise:
- a. A separation distance of 200 feet between any R DISTRICT or residential or INSTITUTIONAL USE.
- C. Section 7.4.1 refers to parking requirements for a facility such as the proposed Special Use:
- (1) For BUILDINGS and other enclosed STRUCTURES, one PARKING SPACE for each five seats provided for patrons use, or at least one PARKING SPACE for each 200 square feet of floor area, whichever requires the greater number of PARKING SPACES.
- (2) For outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.

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- (3) When a USE involves a combination of enclosed BUILDINGS or STRUCTURES and an outdoor area, the required PARKING SPACES shall be calculated separately per the above standards and then totaled to obtain the required PARKING SPACES for said USE.
 - (4) Section 7.4.1 C.4. states that required parking screens for commercial establishments shall be provided as follows:
 - a. Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - b. Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.

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- (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“The proposed Special Use provides a potential to generate income and bring thriving business to the local community. It will also serve the growing need for event centers in the area.”**

B. The petitioners began advertising the event center in late 2018, and in early March, Arik Miller told P&Z Staff that they have four events scheduled: one in June, one in August, and two in October.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:

A. The Petitioner has testified on the application, **“We will ensure that all guests are made aware of the County Ordinance prohibiting nuisance noise past 10pm and that the use of our facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line after 10pm. Also, no parking shall occur in the public right of way. We will ensure the proposed Special Use is not injurious to the neighborhood. The proposed parking area is in compliance with Section 7.4.1A of the Zoning Ordinance.”**

B. Regarding surface drainage:

* (1) In a letter received January 2, 2019, the Champaign County Soil and Water Conservation District stated that they “do not have any concerns with the change in the Arik Miller property currently. Should there be any proposed construction or installation of septic, our office should be contacted. The property has been reviewed and our records checked.”

* (2) A portion of the subject property is in the flood hazard area, per FEMA FIRM panels 17019C0225D and 17019C0350D.

* a. Currently, no buildings or structures are in the flood hazard area, but a portion of the proposed parking area would be.

b. The petitioners must apply for a Floodplain Development Permit for any construction within the flood hazard area. A special condition has been added to ensure compliance.

* (3) The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.

* (4) The Flatville Drainage Ditch is the east property line of the subject property. The Flatville Special Drainage District was notified of this case, and the following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:

* a. The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.

* b. Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the DD longer, to see if he has additional comments. No comments have been received as of March 20, 2019.

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C. Regarding the effects on traffic:

- * (1) The subject property fronts the south side of CR 2600N. As reviewed in related Case 924-AM-19 regarding the general traffic conditions on CR 2600N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - * a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 near the subject property. CR2600N west of CR 1900E had an ADT of 25. CR 2100E north of CR 2600N had an ADT of 300.
 - * b. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of less than 250 vehicle trips have a minimum pavement width of 18 feet and a shoulder width of two feet.
 - * (a) The pavement surface of CR 2600N near the subject property is oil and chip. The pavement width is about 12-15 feet.
 - * c. Traffic volumes are expected to increase, but no Traffic Impact Analysis has been done. A cursory analysis of traffic volumes indicates the following:
 - * (a) A typical residence averages 10 vehicle trips per day.
 - * (b) Should an event utilize the proposed ~~75-100~~ available parking spaces at the subject property, an additional ~~150-200~~ vehicle trips would be added to CR 2600N.
 - * (c) The events center will primarily hold events during evenings on weekends, which should not affect the typical peak travel hours associated with work commutes.
 - * d. ~~The petitioners contacted neighboring farmers and have agreed to work with them to address any concerns the farmers may have during planting and harvesting seasons. The petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.~~
 - * e. The petitioner stated in the application received January 8, 2019 that the Compromise Township Road Commissioner was contacted, and he had no current concerns other than not allowing on-street parking.
- * (2) The Compromise Township Highway Commissioner was notified of this case. In a phone call on February 13, 2019, Highway Commissioner Marvin Johnson provided the following information:
 - * a. Mr. Johnson has received calls from residents who are concerned that event center patrons would park along the road if there were adverse conditions that made parking on the property difficult, such as a muddy unpaved field.

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- *b. Compromise Township Board met in January, and they have no issues with the proposed event center as long as there is no parking in the road right-of-way.
- *c. The number of cars traveling to and from the event center is not a concern because they are generally smaller vehicles that the road can handle.
- *d. The township does not have money for road improvements or widening; if the Millers requested road improvements near the event center, they would be asked to help fund them.

- D. The subject property is located approximately 6.4 road miles from the Gifford Fire Protection District station. The “Fire Districts and Distances Traveled” map from the Land Resource Management Plan approved April 2010 reflects that the subject property is in an area that is fairly distant from a fire station. Notification of this case was sent to the FPD Chief, and ~~no comments were received.~~ the following information was received:
- (1) The petitioners asked Gifford Fire Protection District Chief Rich McFadden to tour the event center and provide recommendations toward improved life safety. In an email to Susan Burgstrom received March 13, 2019, Chief McFadden listed physical characteristics pertaining to life safety, and attached a letter listing his minimum recommendations for the event center. In the letter, Chief McFadden wrote, “The following recommendations are to be considered only as a minimum in scope:
- a. Provide illuminated Exit lighting at all points of egress as per NFPA 101-7.10.
 - b. Provide the necessary emergency egress lighting as per NFPA 101-7.9. You can incorporate emergency lighting with the Exit Lights, which would satisfy this recommendation.
 - c. Provide panic hardware on all exterior egress doors that will be used as an exit as per NFPA 101-12.2.
 - d. Provide the necessary fire extinguishers for your facility as recommended by your local supplier of fire extinguishers, such as Illini Fire Equipment or Getz Fire Equipment, supplier name samples only.
 - e. Provide adequate parking on site so that in the event of an emergency, safe exiting from the facility is possible and that emergency first responders are not hampered by congestion upon arrival to the emergency on site. We also recommend a 40-foot minimum entrance to the parking lot off of 2600N.
 - f. No pyrotechnics, fireworks, petroleum accelerants or any other type of combustible fluids be allowed within the Event Center.
 - g. No parking be allowed on County Road 2600N as part of a scheduled event at the Event Center.”
 - h. Chief McFadden also provided average response time calculations for the event center for the following, noting they are only estimates for a volunteer fire service:
 - (a) Medical emergency: 8 to 12 minutes
 - (b) Emergency requiring larger fire apparatus: 9 to 13 minutes

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- (2) In an email received March 14, 2019, Chief McFadden stated that they recommend a 40 feet wide entrance rather than a 30 feet wide entrance that Mr. Miller had planned. He also said that he and Mr. Miller agreed that a fire lane will not be necessary.
- (3) A special condition has been added to ensure that the petitioners implement Chief McFadden's recommendations.

*E. Regarding flood concerns:

- * (1) A portion of the subject property is in the flood hazard area, per FEMA FIRM panels 17019C0225D and 17019C0350D.
 - *a. Currently, no buildings or structures are in the flood hazard area, but a portion of the proposed parking area would be.
 - b. The petitioners must apply for a Floodplain Development Permit for any construction within the flood hazard area. A special condition has been added to ensure compliance.
- * (2) The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.

F. Regarding soils on the 10.3-acre subject property:

- * (1) The soil on the subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam and 663 Clare silt loam, and has an average Land Evaluation score of 98.
- * (2) The Site Assessment (SA) portion of the LESA analysis for the Special Use Permit subject property scored 160 out of 200 points.
- * (3) The total LESA Score of 258 for the map amendment subject property receives the highest protection rating in LESA, which is "very high rating for protection."
- * (4) The majority of the event center would be located on already disturbed land (farmstead) that has not been in agricultural production for many years. Based on the revised site plan received March 15, 2019, approximately one acre 22,000 square feet (0.51 acre) of land that is Best Prime Farmland would be converted into the proposed parking lot for the events center.

G. Regarding outdoor lighting on the subject property:

- * (1) The petitioners plan to install ordinance compliant lighting in the proposed parking lot. A special condition has been added to ensure compliance.

H. Regarding wastewater treatment and disposal on the subject property:

- * (1) The subject property residence has a septic system, and the petitioners plan to install a separate septic system that is approved by the Public Health Department with sufficient capacity for the events center. ~~should demand for the events center warrant the investment. A special condition has been added to ensure compliance.~~
 - a. P&Z Staff emailed Mike Flanagan with the Champaign-Urbana Public Health District on February 11, 2019, to ask what trigger/threshold there might be to determine when portable facilities would no longer be allowed.

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- b. In an email received March 6, 2019, Mr. Flanagan stated, “the Champaign County Public Health Department is willing to grant a period of time not to exceed one calendar year from the issuance of the Special Use Permit for the use of portable toilets to serve the onsite sanitary needs for the Miller Wedding Venue... The use of portable sanitation for serving the sanitary needs of the venue shall cease after one year, after which an appropriately sized and constructed and permitted onsite or municipal wastewater treatment system shall be installed in accordance with the Illinois Private Sewage Licensing Act and Code and the Health Ordinance of Champaign County to serve the needs of the aforementioned venue.”
 - c. In an email received by P&Z Staff on March 11, 2019, Mr. Miller asked for more information about septic system requirements from Mr. Flanagan. Mr. Miller explained to Mr. Flanagan that “We had hoped for 2 years to give us enough time to build a reception hall but if not, we have some back up plans that would not be ideal but could be accomplished. We do have an existing ag shed that we could take part of to install the bathrooms and either somehow tie the new building to these bathrooms so we didn't have to have 2 full sets of restrooms.”
 - d. Mr. Flanagan responded to the questions posed by Arik Miller. Mr. Flanagan provided Mr. Miller with the required-one year timeline for installing septic; the regulations for that decision; a link to the permit application for constructing a new septic system; and a list of State codes that are relevant to the event center.
 - e. A special condition has been added to ensure compliance with Champaign-Urbana Public Health District requirements.
- I. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.

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- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:

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- A. The Petitioner has testified on the application: **“No major changes have been made to affect the essential character. The proposed use will not hinder agricultural production and will still be able to occur on site.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning Districts and by right in the B-2, B-3, and B-4 Zoning Districts.
 - (2) An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts.
 - (3) The 10.3 acre lot is in compliance with the maximum lot area requirement for best prime farmland.
 - (4) Regarding the requirement for a separation distance of 200 feet between the Special Use and any R DISTRICT or residential or INSTITUTIONAL USE:
 - a. The street centerline of CR 2600N is the shared property line between the subject property and two residential lots on the north side of CR 2600N.
 - b. Janet Miller, 2086 CR 2600N, has written a letter of support for the proposed event center. The event center barn is approximately 220 feet from her residence.
 - c. Dale and Kathy Miller, 2078 CR 2600N, have written a letter of support for the proposed event center. The event center barn is approximately 240 feet from their residence.
 - d. The barn to be converted into the event center is approximately 100 feet from the street centerline. The proposed parking lot would be located at least 45 feet from the street centerline.
 - (5) Regarding parking on the subject property for the proposed Special Use:
 - *a. The revised Site Plan received March 15, 2019, indicates a 110 feet by 200 feet (22,000 square feet) shows a parking lot with that could accommodate 73 100 spaces (including 4 accessible spaces) by minimum zoning requirements; however, if the lot does not have marked spaces, its capacity will likely be less.
 - *b. The proposed Event Center will accommodate up to 300 people. The Zoning Ordinance requires the following:
 - (a) For buildings and other enclosed structures, at least 1 parking space per 5 guests, or 60 parking spaces.
 - (b) For outdoor areas, including non-permanent structures, one parking space per three patrons, or 100 parking spaces.

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(c) Patrons will be either indoors or outdoors for events, and will not exceed 300 in number, so the proposed event center will require 100 parking spaces.

- *c. A special condition has been proposed prohibiting parking on or adjacent to streets.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
 - * (1) The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.
- D. Regarding the Special Flood Hazard Areas Ordinance:
 - * (1) A portion of the subject property is in the flood hazard area, per FEMA FIRM panels 17019C0225D and 17019C0350D.
 - *a. Currently, no buildings or structures are in the flood hazard area, but a portion of the proposed parking area would be.
 - b. The petitioners must apply for a Floodplain Development Permit for any construction within the flood hazard area. A special condition has been added to ensure compliance.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
 - (1) A Private Indoor Recreational Development may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
 - (2) An Outdoor Commercial Recreational Enterprise may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
 - (3) The proposed use will not hinder agricultural production.
- G. Currently, the subject property is zoned AG-1 Agriculture and the Petitioner has requested to rezone the property to AG-2 Agriculture in related Case 924-AM-19. Regarding whether or not the proposed Special Use will preserve the essential character of the surrounding AG-1 District:
 - (1) As reviewed in Case 924-AM-19, the types of uses authorized by right in the AG-1 DISTRICT are the same as by-right uses in the AG-2 DISTRICT. However, a Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise is only authorized as a Special Use in the AG-2 District and not the AG-1 District. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent AG-1 uses.
 - * (2) The subject property is located on CR2600N. Land use and zoning in the immediate area of the subject property are as follows:

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- *a. Land on the north, south, east, and west of the subject property is zoned AG-1 Agriculture and is in use as follows:
 - *(a) Land to the north and west is in agricultural and residential use.
 - *(b) Land to the east and south is in agricultural production.

H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

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

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

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - D. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - *(1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

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

- * (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
 - * a. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
 - * (a) It is not clear whether or not the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - * (b) An event center is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and an event center. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.
 - * b. In regards to the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect.
 - * (a) If the petitioners are denied the map amendment and special use permit, the property can still be used as a residence and agricultural land.
- * (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
 - a. Probable traffic impacts are reviewed under Item 8.C. of this Summary of Evidence.
 - * (a) The traffic generated by the proposed use will primarily occur on weekends.
 - * (b) Should an event utilize the proposed ~~75-100~~ available parking spaces at the subject property, an additional ~~150-200~~ vehicle trips would be added to CR 2600N, which would result in a possible ~~sixfold~~ eightfold increase in daily traffic volumes on event days.
 - * b. ~~The petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.~~
- * (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

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- *a. A portion of the subject property is in the flood hazard area, per FEMA FIRM panels 17019C0225D and 17019C0350D.
 - *(a) Currently, no buildings or structures are in the flood hazard area, but a portion of the proposed parking area would be.
 - (b) The petitioners must apply for a Floodplain Development Permit for any construction within the flood hazard area. A special condition has been added to ensure compliance.
- *b. The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.
- *c. The Flatville Drainage Ditch is the east property line of the subject property. The Flatville Special Drainage District was notified of this case, and the following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:
 - *(a) The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.
 - *(b) Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the Drainage District longer, to see if he has additional comments. No comments have been received as of March 20, 2019.
- *(5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
 - *a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - *b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - *c. The petitioners collected several letters of support, which were received with their application on January 2, 2019:
 - *(a) Janet Miller, who resides just north of the subject property at 2086 CR 2600N, supports the project.
 - *(b) Dale and Kathy Miller, who reside just north of the subject property at 2078 CR 2600N, support the project.
 - *(c) Gary and Elaine Busboom, who reside at 2073 CR 2600N to the west of the subject property, support the project but ask for consideration of the following: any damage to neighboring property caused by people attending events at the business will be paid for by the Miller Farms Barn, LLC; and no parking will be allowed along township road 2600 North or on neighboring property.

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(d) The Gifford Fire Protection District has toured the event center barn and has reviewed the site plan. They have made recommendations regarding life safety, and a special condition has been added to ensure that the petitioners implement those recommendations.

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

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

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

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

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

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

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

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- *a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- *(10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.
- *a. On January 31, 2019, staff requested an EcoCAT assessment from the Illinois Department of Natural Resources regarding the proposed rezoning as it relates to Illinois Natural Area Inventory Sites and endangered species protection in the vicinity. There was no record of threatened or endangered species or sensitive environmental sites.
 - *b. The Flatville Drainage Ditch is the east property line of the subject property. The Flatville Special Drainage District was notified of this case, and the following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:
 - *a. The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.
 - *b. Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the Drainage District longer, to see if he has additional comments. No comments have been received as of March 20, 2019.
- *(11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
- *a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- *(12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
- *a. Per the revised Site Plan received March 15, 2019, approximately one acre 22,000 square feet (0.51 acre) of land that is Best Prime Farmland would be converted into the proposed parking lot for the events center.
 - *b. This is primarily an agricultural area; the 10.3-acre subject property has been a farmstead for decades, and will continue to have land in production. Land surrounding the parcel remains in agricultural production.
- *(13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and

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efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
 - A. The Petitioner has testified on the application: **“The existing use of the property does not fall under ‘non-conforming’ use. The existing barn and milk house will provide the space necessary for the proposed Special Use for the event center. The barn is currently compatible with its surroundings.”**
 - B. The existing use on the property is not a nonconforming use.

RELATED TO THE WAIVER, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

12. Generally regarding the *Zoning Ordinance* requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. Regarding the proposed waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the *Zoning Ordinance*:
 - (1) The proposed event center requires off-street parking, and the petitioners have planned for possible expansion of that event center that could demand ~~22,000 square feet~~ an acre of parking.
 - (2) The location of the parking lot is the location that would convert the least amount of land in production on the 10.3-acre site.
 - (3) The owners of the nearest residential use are aware of the proposed special use and have no objections to the special events center or its proximity.

RELATED TO THE WAIVER, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

13. Generally regarding the *Zoning Ordinance* requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. Without the proposed waiver, the applicant would be unable to use their existing barn for an events center, because it is less than 200 feet from the front property line.

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RELATED TO THE WAIVER, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. Regarding the proposed waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet:
 - (1) All existing buildings were on the subject property when the petitioners purchased the property in 2018.

GENERALLY PERTAINING TO WHETHER OR NOT THE WAIVER IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

15. Regarding the *Zoning Ordinance* requirement that the waiver of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
 - A. Regarding the proposed waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet, the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED WAIVER ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Compromise Township Highway Commissioner has been notified of this case, and no comments have been received.
 - B. The Gifford Fire Protection District has been notified of this case, and ~~no comments have been received~~ has expressed no concerns with proximity to the adjacent residential lot.
 - C. The Flatville Drainage Ditch is the east property line of the subject property. The Flatville Special Drainage District was notified of this case, and the following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:
 - (1) The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.
 - (2) Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the Drainage District longer, to see if he has additional comments. No comments have been received as of March 20, 2019.
 - D. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waiver.

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GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

17. Regarding proposed special conditions of approval:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 924-AM-19 by the County Board.**

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

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

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

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

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

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

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

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

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

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

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

- E. **The petitioner shall undertake construction of the proposed driveway as follows:**

- (1) **Prior to construction, the petitioner shall secure the approval of the location and design of the new driveway access from the Compromise Township Highway Commissioner.**
- (2) **After construction, the petitioner shall secure the written ~~acceptance~~ approval of the new driveway from the Compromise Township Highway Commissioner and a copy of that written ~~acceptance~~ approval shall be provided to the Zoning Administrator.**

The special condition stated above is to ensure the following:

That the street right of way functions according to its original design and traffic safety is prioritized.

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- F. **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.

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

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

That events held on the subject property adequately consider neighbors.

- H. **The petitioner shall not allow any parking for the event center in the public street right of way, and will ensure that all guests and service providers related to the events center area made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.**

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

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

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

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

To protect public health.

The petitioners request removal of condition J:

- 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 300 guests.**

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

a. **The guest attendance at each event shall be limited to no more than 300 guests; and**

b. **The total number of larger events shall be limited to no more than 20 events in any 365-day period; and**

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- 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.**

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

That traffic created by the event center is minimally disruptive to agricultural activities.

~~K. The Special Use Permit shall be void upon the receipt by the Zoning Administrator of written complaints about interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland frontage on CR2600N between CR 2000E and CR 2200E, or on CR 2100E between CR 2500N and CR 2700N, during any one planting season (April 15 through May 31) or during any one harvest season (September 15 through October 31).~~

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

~~To provide a means of enforcement and accountability if the proposed special use (particularly under different ownership) does not adequately respect the needs of nearby farmers.~~

L. **The Special Use is subject to the approval of Case 924-AM-19.**

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

That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.

M. **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.

N. **The revised Site Plan “Option ” received March 15, 2019, is the official site plan for approval in Case 925-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

The 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.

O. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioners have complied with the recommendations from the Gifford Fire Protection District, as outlined in a letter from Chief Rich McFadden dated March 9, 2019.

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

That the Special Use complies with life safety regulations.

P. Within one year of approval of Case 925-S-19, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall become void until the septic system has been installed and approved by the Health Department. A Zoning Compliance Certificate from the Event Center's Change of Use Permit will not be issued until the Zoning Administrator has received each of the following:

(1) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.

(2) A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.

(3) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.

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

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

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received January 2, 2019, with attachments:
 - A Proposed Site Plan
 - B Annotated aerial photo
 - C Legal description
 - D Photo of barn to be converted to event center
 - E Letter of support from Janet Miller dated December 16, 2018
 - F Letter of support from Dale and Kathy Miller dated December 16, 2018
 - G Letter from Hannah McDonald, Conservation Coordinator, Champaign County Soil and Water Conservation District dated December 27, 2018
2. Email from Michael Flanagan, C-U Public Health District, received December 7, 2018
3. Letter of support from Gary and Elaine Busboom dated January 2, 2019 and received January 7, 2019, with attachment:
 - A Information Sheet from petitioners
4. Application for Map Amendment received January 8, 2019
5. Preliminary EcoCAT consultation completed online January 31, 2019
6. Land Evaluation and Site Assessment Score Worksheet dated January 31, 2019
7. Revised Site Plan received February 13, 2019
8. Revised Information Sheet received February 15, 2019
9. Email from Kyli Miller received February 15, 2019
10. Preliminary Memorandum dated February 21, 2019, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Subject Property Aerial Photo created by P&Z Staff on February 20, 2019
 - C Proposed Site Plan received January 2, 2019
 - D Revised Site Plan received February 13, 2019
 - E LRMP Land Use Goals, Objectives, and Policies
 - F LRMP Appendix of Defined Terms
 - G Right to Farm Resolution 3425
 - H Letter regarding Natural Resource Report from the Champaign County Soil and Water Conservation District dated December 27, 2018 and received January 2, 2019
 - I Preliminary EcoCAT consultation completed online January 31, 2019
 - J Email from Michael Flanagan, C-U Public Health District, received December 7, 2018
 - K Land Evaluation and Site Assessment Score Worksheet dated January 31, 2019
 - L Letter of support from Janet Miller dated December 16, 2018
 - M Letter of support from Dale and Kathy Miller dated December 16, 2018
 - N Letter of support from Gary and Elaine Busboom dated January 2, 2019 and received January 7, 2019, with attachment: Info Sheet

- O Revised Info Sheet received February 15, 2019
- P Email from Kyli Miller received February 15, 2019
- Q Site Visit Photos taken February 14, 2019
- R Summary of Evidence, Finding of Fact, and Final Determination for Case 924-AM-19
- S Summary of Evidence, Finding of Fact, and Final Determination for Case 925-S-19

11. Supplemental Memorandum #1 dated March 21, 2019, with attachments:

- A Materials submitted by Arik Miller on March 15, 2019:
 - Revised Site Plan “Option 1”
 - Revised Site Plan “Option 2”
 - Conceptual floor plan of future Reception Hall
 - Updated plan details
 - Service Quote from Illini Fire Equipment dated March 14, 2019:
 - Contact information for neighboring farmers who were contacted since February 28, 2019 ZBA meeting
- B Email from Michael Flanagan, Champaign-Urbana Public Health District, received March 6, 2019
- C Email from Michael Flanagan, Champaign-Urbana Public Health District, received March 11, 2019
- D Email from Kyli Miller received March 12, 2019
- E Email from Gifford Fire Protection District received March 13, 2019, with attachment:
 - Letter to the Millers with minimum recommendations for life safety
- F Email from Gifford Fire Protection District received March 14, 2019
- G Fire Districts and Distances Traveled map from the Land Resource Management Plan dated April 2010
- H Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 925-S-19 dated March 28, 2019

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FINDINGS OF FACT FOR CASE 925-S-19

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **925-S-19** held on **February 28, 2019** and **March 28, 2019**, the Zoning Board of Appeals of Champaign County finds that:

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

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

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

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

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- b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS NOT* an existing nonconforming use.
6. Regarding the necessary waiver of standard conditions:
- A. Regarding the proposed waiver for the event center facilities being located less than 200 feet of a property with a dwelling:
 - (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***
- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 924-AM-19 by the County Board.**

The special condition stated above is required to ensure the following:
The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.
 - B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**

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

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

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

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

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

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

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

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

- E. **The petitioner shall undertake construction of the proposed driveway as follows:**
- (1) **Prior to construction, the petitioner shall secure the approval of the location and design of the new driveway access from the Compromise Township Highway Commissioner.**
 - (2) **After construction, the petitioner shall secure the written acceptance of the new driveway from the Compromise Township Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.**

The special condition stated above is to ensure the following:

That the street right of way functions according to its original design and traffic safety is prioritized.

- F. **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.

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

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

That events held on the subject property adequately consider neighbors.

- H. The petitioner shall not allow any parking for the event center in the public street right of way, and will ensure that all guests and service providers related to the events center area made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.

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

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

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

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

To protect public health.

The petitioners request removal of condition J:

- 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 300 guests.
- (2) "Larger" events with more than 20 guest vehicles at the subject property shall be limited as follows:
 - a. The guest attendance at each event shall be limited to no more than 300 guests; 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.

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

That traffic created by the event center is minimally disruptive to agricultural activities.

- ~~K. The Special Use Permit shall be void upon the receipt by the Zoning Administrator of written complaints about interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland frontage on CR2600N between CR 2000E and CR 2200E, or on CR 2100E between CR 2500N and CR 2700N, during any~~

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~~one planting season (April 15 through May 31) or during any one harvest season (September 15 through October 31).~~

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

~~To provide a means of enforcement and accountability if the proposed special use (particularly under different ownership) does not adequately respect the needs of nearby farmers.~~

- L. The Special Use is subject to the approval of Case 924-AM-19.

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

That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.

- M. 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.

- N. The revised Site Plan **“Option ” received March 15, 2019**, is the official site plan for approval in Case 925-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.

The 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.

- O. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioners have complied with the recommendations from the Gifford Fire Protection District, as outlined in a letter from Chief Rich McFadden dated March 9, 2019.**

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

That the Special Use complies with life safety regulations.

- P. Within one year of approval of Case 925-S-19, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall become void until the septic system has been installed and approved by the Health Department. A Zoning Compliance Certificate from the Event Center’s Change of Use Permit will not be issued until the Zoning Administrator has received each of the following:**

(1) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.

- (2) A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (3) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.**

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

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

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FINAL DETERMINATION FOR CASE 925-S-19

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

The Special Use requested in Case **925-S-19** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Arik and Kyli Miller**, to authorize the following as a Special Use:

Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 924-AM-19.

{SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:}

Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 924-AM-19 by the County Board.**
- B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**
- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- D. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- E. **The petitioner shall undertake construction of the proposed driveway as follows:**
 - (1) **Prior to construction, the petitioner shall secure the approval of the location and design of the new driveway access from the Compromise Township Highway Commissioner.**
 - (2) **After construction, the petitioner shall secure the written acceptance approval of the new driveway from the Compromise Township Highway Commissioner and a copy of that written acceptance approval shall be provided to the Zoning Administrator.**

- F. 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.
- G. 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.
- H. The petitioner shall not allow any parking for the event center in the public street right of way, and will ensure that all guests and service providers related to the events center area made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location..
- I. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.
- 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 300 guests.
 - (2) “Larger” events with more than 20 guest vehicles at the subject property shall be limited as follows:
 - a. The guest attendance at each event shall be limited to no more than 300 guests; 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 Special Use Permit shall be void upon the receipt by the Zoning Administrator of written complaints about interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland frontage on CR2600N between CR 2000E and CR 2200E, or on CR 2100E between CR 2500N and CR 2700N, during any one planting season (April 15 through May 31) or during any one harvest season (September 15 through October 31).~~
- L. The Special Use is subject to the approval of Case 924-AM-19.

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- M. **This Special Use Permit shall expire if no events are held during any consecutive 365-day period.**
- N. **The revised Site Plan “Option ” received March 15, 2019, is the official site plan for approval in Case 925-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**
- O. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioners have complied with the recommendations from the Gifford Fire Protection District, as outlined in a letter from Chief Rich McFadden dated March 9, 2019.**
- P. Within one year of approval of Case 925-S-19, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall become void until the septic system has been installed and approved by the Health Department. A Zoning Compliance Certificate from the Event Center’s Change of Use Permit will not be issued until the Zoning Administrator has received each of the following:**
- (1) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
- (2) A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (3) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date