

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **April 16, 2015**
Time: **7:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes
5. Continued Public Hearings

**Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.**

***Case 793-S-14** Petitioner: **Lawrence Johnson and Fuad Handal**

- Request:
- 1) **Authorize a kennel as a Special Use on 1.8 acres located in the AG-1 Agriculture Zoning District.**
 - 2) **Authorize the following waivers to the standard conditions of the Kennel Special Use as per Section 6.1.3 of the Zoning Ordinance:**
 - a. **Any outdoor animal exercise and/or training area shall be 200 feet from any adjacent residential structure and/or use and shall have a noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use. Measurements shall be made from the lot line of an adjacent residential structure and/or use.**
 - b. **Maintain a side yard setback and a rear yard setback of 200 feet.**

Location: **A 1.8 acre tract in the Southeast Quarter of the Southeast Quarter of Section 5, Township 19N, Range 8E. in Champaign Township with an address of 1211 North Staley Road, Champaign.**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
APRIL 16, 2015**

6. New Public Hearings

Cases 799-AM-15, 800-S-15 and 801-V-15:

Petitioner: Joyce Hudson d.b.a. Hudson Farm Weddings and Events, LLC

Case 799-AM-15: 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 800-S-15 and subject to the requested variance in related case 801-V-15.

***Case 800-S-15:** **Part A.** 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 799-AM-15 and subject to the requested variance in related zoning case 801-V-15.

Part B. Authorize the following waiver to the standard conditions of the “Outdoor Commercial Recreational Enterprise” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

***Case 801-V-15:** A variance from Section 7.1.2.E.4.c.(1) of the Zoning Ordinance that requires onsite parking to allow off-premises parking on the shoulder of County Road 1800 East during special events held at the proposed Private Indoor Recreational Facility that is also the subject of related cases 799-AM-15 and 800-S-15.

Location: A 3.67 acre tract in Urbana Township in the Northeast Quarter of the Southeast Quarter of Section 25 of Township 19N, Range 9E of the Third Principal Meridian and commonly known as the farmstead located at 1341 CR 1800E, Urbana.

7. Staff Report

8. Other Business

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

10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

CASE NO. 799-AM-15, 800-S-15, 801-V-15

PRELIMINARY MEMORANDUM

APRIL 9, 2015

Champaign
County
Department of

PLANNING &
ZONING

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

Petitioner: Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC

Case 799-AM-15

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 800-S-15 and subject to the requested variance in related zoning Case 801-V-15.

Case 800-S-15

Request: Part A. 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 799-AM-15 and subject to the requested variance in related zoning case 801-V-15, on the subject property described below.

Part B. Authorize the following waiver to the standard conditions of the "Outdoor Commercial Recreational Enterprise" special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

Case 801-V-15

Request: A variance from Section 7.1.2.E.4.c.(1) of the Zoning Ordinance that requires onsite parking to allow off-premises parking on the shoulder of County Road 1800 East during special events held at the proposed Private Indoor Recreational Facility that is also the subject of related cases 799-AM-15 and 800-S-15.

Location: A tract in Urbana Township in the Northeast Quarter of the Southeast Quarter of Section 25 of Township 19N, Range 9 East of the Third Principal Meridian and commonly known as the farmstead located at 1341 CR 1800 E, Urbana.

Site Area: 3.67 acres

Time Schedule for Development: Already in limited use

Prepared by: Susan Chavarria
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioner Joyce Hudson established Hudson Farm Wedding and Events LLC in October 2013. The Zoning office was made aware of large events taking place at the subject property in July 2014. Staff requested more information from the Petitioner in November 2014 in order to determine necessary permits for the events center. Mrs. Hudson has provided all information requested in a timely manner.

Hudson Farm Wedding and Events requires a Zoning Map Amendment to change the zoning from AG-1 to AG-2 (Case 799-AM-15), a Special Use Permit for renovations and for separation distance from the nearest residential use (Case 800-S-15), and a Variance for roadside parking (Case 801-V-15).

The proposed event center is not a permitted use in the AG-1 Zoning District. Rezoning to AG-2 is necessary for the events center to be approved as a Special Use. However, the requested variance to allow off-site parking in the street right of way is at serious odds with both the Zoning Ordinance and the Land Resource Management Plan. See the Preliminary Assessment discussion below.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

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

EXTRATERRITORIAL JURISDICTION

The subject property is not located within one and one-half miles of a municipality with zoning.

PARKING CONCERNS AND REGULATIONS

Mrs. Hudson seeks to have all vehicles park along the west side of CR 1800 East instead of on the property during special events. She says that vehicles parked on the property will “severely diminish wedding photographs” and that there is not enough area on the property to create parking for guests’ vehicles without sacrificing agricultural land in production. She wants to keep the land as close to its agricultural nature as possible, and a parking area would detract from that. They anticipate doing 15 weddings in 2015 and an assortment of special events, with seating capacity up to 400 once improvements to the Farm Shed Hall and barn are complete.

Paragraph 7.4.1.C.3.b.i. of the *Zoning Ordinance* requires that places of public assembly including assembly halls, exhibition halls, convention halls, and other enclosed STRUCTURES shall provide 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.

There is a proposed capacity of 400 people in the Farm Shed Hall; by dividing 400 by 5 seats it equals 80 parking spaces, which is the greater number compared to 29 spaces, which is a result of dividing 5,805 square feet by 200 square feet.

The Petitioner has proposed 4 accessible parking spaces on the property. If the other 76 vehicles were to park along CR 1800 East adjacent to the property, it would require approximately 1,500 linear feet. The subject property has 400 feet of frontage on CR 1800 East. The Petitioner says that neighbors do not have issues with the roadside parking, and an inspection of the events facilities by the Champaign County Sheriff's Office resulted in a suggestion that they install signs on the road during events that warn motorists of roadside parking ahead.

PRELIMINARY ASSESSMENT: PROPOSED SITE PLAN DOES NOT MEET CRITERIA

Variance Criteria

Staff analysis of the variance as proposed resulted in a negative recommendation (draft finding) for all five variance criteria and the *Zoning Ordinance* prohibits approval of a variance if there is even one negative finding. The following is a summary of the preliminary analysis of the variance criteria:

- (a) Variance Criteria: 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.
- (b) Variance Criteria: That practical difficulties or hardships created by 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.

Regarding (a) and (b), the Petitioner stated in their application:

- **“The property is taken up by the structures that will be used for events and the petitioner seeks to preserve the agricultural lay of the land without the use of a parking lot.”** See item 7.A. in the Summary of Evidence.
- **“Not allowing shoulder parking will severely diminish wedding photographs and prevent the petitioner from maximum use of her land to accommodate guests.”** See item 8.A. in the Summary of Evidence.

Staff has suggested that there are sufficient on-site parking possibilities that would not require any off-premises parking along CR 1800 E. See items 7.B. and 8.B. in the Summary of Evidence.

- (c) Variance Criteria: That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.

The Petitioner stated in their application: “No. The conditions result from the petitioner’s desire to keep the land closely conformed with its agricultural nature.” See item 9.A. in the Summary of Evidence.

The Petitioner started renovations for the Events Center and hosting special events without contacting the Zoning Office; initial communication with the Zoning Office would have provided appropriate direction to the Petitioner prior to making those renovations. See item 9.B. in the Summary of Evidence.

- (d) Variance Criteria: That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*:

The requested variance of 4 accessible spaces on-site and 76 spaces off-site during events is a 92% variance. Lessening and avoiding congestion in the public streets is Purpose 2(c) of the Zoning Ordinance.

- (e) Variance Criteria: That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.

The Petitioner stated in their application:

- **The petitioner has purchased and will put up a “Cars Parked on Shoulder Ahead” sign and the road at issue is extremely lightly traveled.**
- **“The Champaign County Sheriff’s Office and the petitioner’s neighbors do not object to on-street parking.”**

Staff suggests that if all parking is proposed to be in the street right of way, it could interfere with the movement of large farm machinery and the hauling of grain as well as simply cause a safety problem due to obstruction of the roadway shoulder by parked vehicles and the use of the street pavement for pedestrians to walk to and from the vehicles, including after dark. See item 11 in the Summary of Evidence.

Special Use Criteria

Staff analysis of the Special Use as proposed resulted in a negative recommendation (draft finding) for three of the five Special Use criteria and the Zoning Ordinance prohibits approval of a Special Use if there is even one negative finding.

- (a) Special Use Criteria: That the Special Use is necessary for the public convenience at that location.
- (b) Special Use Criteria: 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:

The Petitioner stated in their application: “Farming and agriculture will continue on the land. The weddings and events will take place in the existing barn and shed, leaving the traditional agricultural nature of the land intact.” See item 8.A. in the Summary of Evidence.

Staff suggests that the proposed Special Use will be injurious in regards to effects on traffic as mentioned in the Variance section above. See item 8.C. in the Summary of Evidence.

- (c) Special Use Criteria: 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.

The Petitioner stated in their application: “Yes. The proposed use will not affect the agricultural activities on the land. The weddings and events held will be secondary to the primary farming business.” See item 9.A. in the Summary of Evidence.

Staff suggests that the proposed Special Use WILL interfere with agricultural operations because as proposed by the Petitioner, all parking except for the accessible parking spaces is proposed to be in the street right of way and even though the traffic generated by the proposed use will generally occur on weekends it could interfere with the movement of large farm machinery and the hauling of grain and create serious safety problems. See item 9.G. in the Summary of Evidence.

- (d) Special Use Criteria: That the Special Use is in harmony with the general purpose and intent of this ordinance.

Staff suggests that the proposed Special Use does not conform to Paragraph 2.0 (c) of the Zoning Ordinance, which seeks to lessen and avoid congestion in the public streets. See item 10.D. in the Summary of Evidence.

- (e) Special Use Criteria: That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

Map Amendment Criteria

Staff analysis of how the map amendment will conform to the Zoning Ordinance, Land Resource Management Plan, and the LaSalle and Sinclair factors indicates conformance with most policies and concerns with others. The proposed Special Use is not aligned with LRMP Policies 4.1.1, 4.1.6, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.3.2, 4.3.3, 4.3.4, and 4.3.5. Further, Paragraph 2.0 (c) of the Zoning 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.”** It is not clear from the site plan and evidence that the street is wide enough to accommodate on-street parking in addition to farm traffic.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning, Parking Example, Alternative Parking Layouts)
- B LRMP Land Use Goals, Objectives, and Policies
- C LRMP Appendix of Defined Terms

- D Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District
- E On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
- F Letter from Joyce Hudson dated December 10, 2014 with attachments:
 - Buildings descriptions
 - Aerial with buildings labels
 - Floor plan of Farm Shed Hall proposed improvements
- G Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
 - Sketch of plumbing plans
 - Soil evaluation (see Attachment E above)
 - Petition regarding parking along CR 1800 E for special events
- H Email from Agent Thomas Drysdale received March 18, 2015
- I Site Visit Photos
- J Summary of Evidence, Finding of Fact, and Final Determination for Case 799-AM-15
- K Summary of Evidence, Finding of Fact, and Final Determination for Case 800-S-15
- L Summary of Evidence, Finding of Fact, and Final Determination for Case 801-V-15

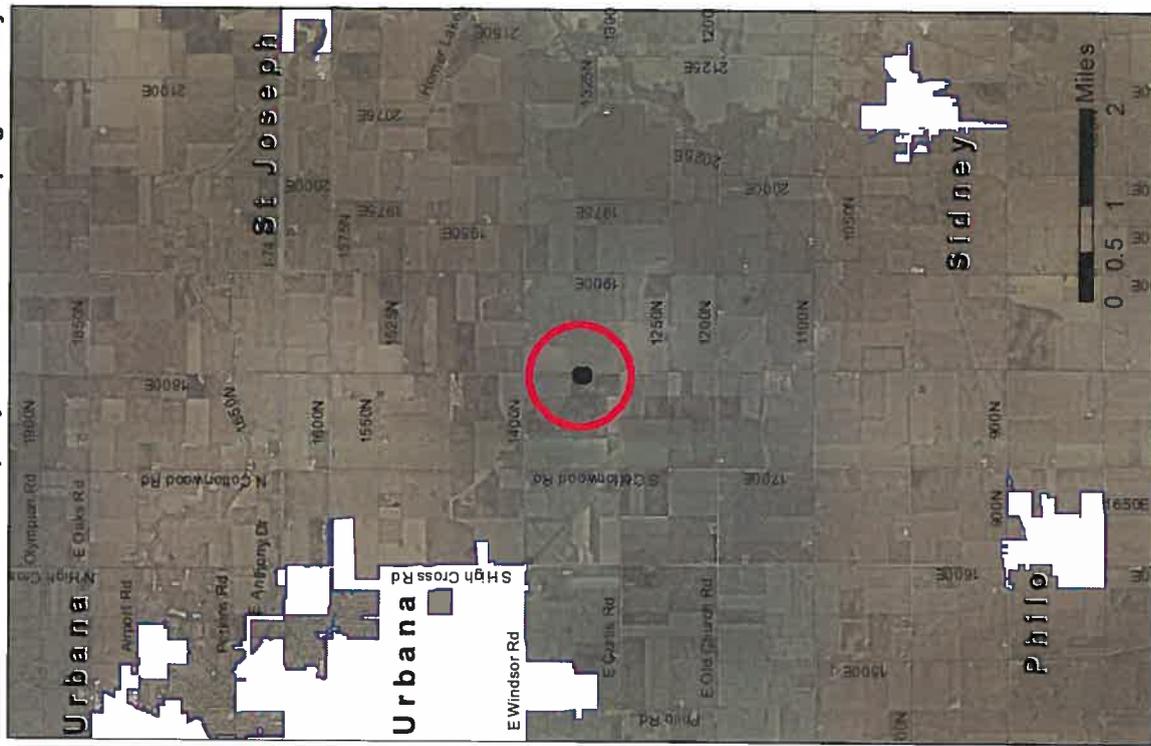
Location Map

Cases 799-AM-15, 800-S-15, and 801-V-15
April 16, 2015

Subject Property



Property location in Champaign County



Legend

 Subject Property

 Parcels



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Cases 799-AM-15, 800-S-15, and 801-V-15
April 16, 2015



Legend

-  Subject Property
-  Parcels

Champaign County
Department of
PLANNING &
ZONING



0 100 200 400 Feet

Zoning Map

Cases 799-AM-15, 800-S-15, and 801-V-15
April 16, 2015



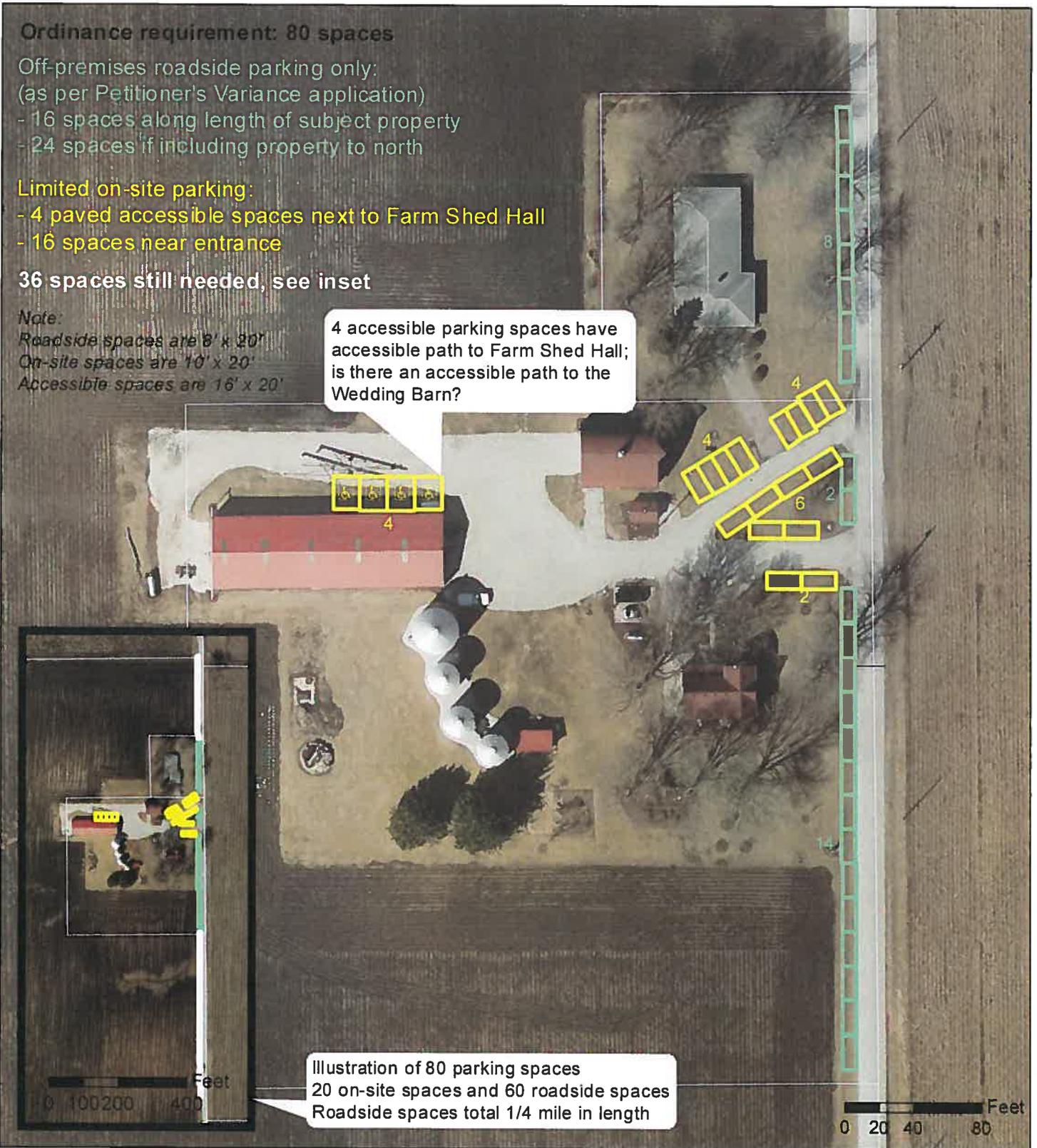
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- Subject Property
- Parcels



Parking Example

Cases 799-AM-15, 800-S-15, and 801-V-15
 April 16, 2015



Legend

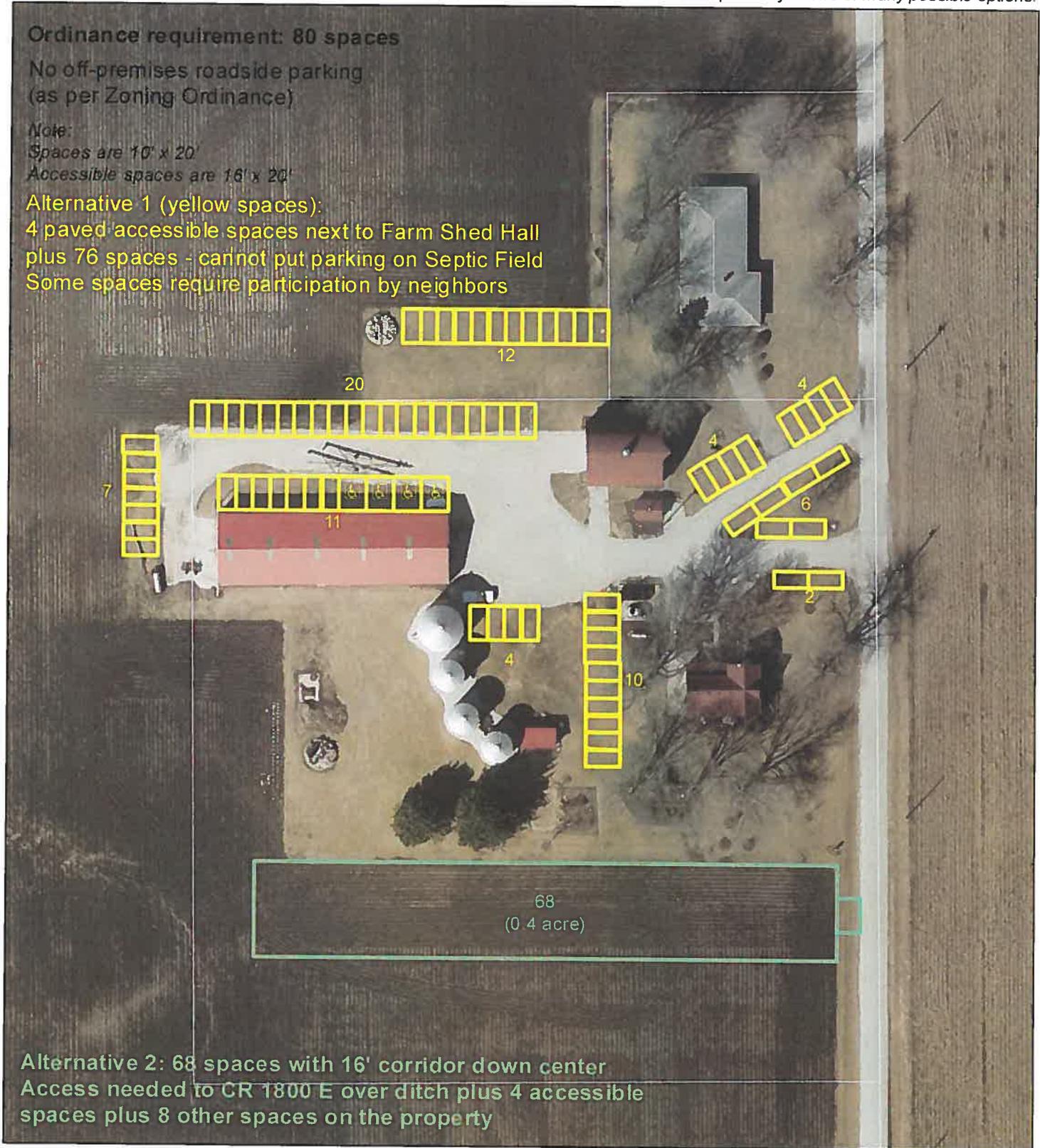
- Parcels
- On-site parking
- Roadside parking



Alternative Parking Layouts

Cases 799-AM-15, 800-S-15, and 801-V-15
 April 16, 2015

Note: These layouts are based on observable available space using 2014 aerial photographs. They have not been vetted by the Petitioner, engineers, or parking consultants, and provide just two of many possible options.



Legend

- Parcels
- Parking Spaces (alternative 1)
- Parking Spaces (alternative 2)





Goal 1 Planning and Public Involvement

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

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

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

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

**Policy 2.1.3**

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

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

Goal 3 Objectives**Objective 3.1 Business Climate**

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

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

Goal 4 Objectives**Objective 4.1 Agricultural Land Fragmentation and Conservation**

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

**Objective 4.3 Site Suitability for Discretionary Review Development**

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies**Objective 4.1 Agricultural Land Fragmentation and Conservation**

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a



reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
- 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

- a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
- c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

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

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

**Policy 4.3.5**

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to *rural* residential *discretionary* review developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.



Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

**Policy 5.1.5**

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2.2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and



- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.



Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

**Policy 8.2.1**

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.



Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

**Policy 8.6.5**

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.



Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

**Policy 9.2.1**

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

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

Goal 10 Objective**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

APPENDIX

DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- 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 affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

urban land

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

Generally, land use that is connected and served by a public sanitary sewer system.



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccsxcd.com

NATURAL RESOURCE REPORT

RECEIVED

MAR 09 2015

CHAMPAIGN CO. P & Z DEPARTMENT

Development Name: Hudson Farm Wedding and Events

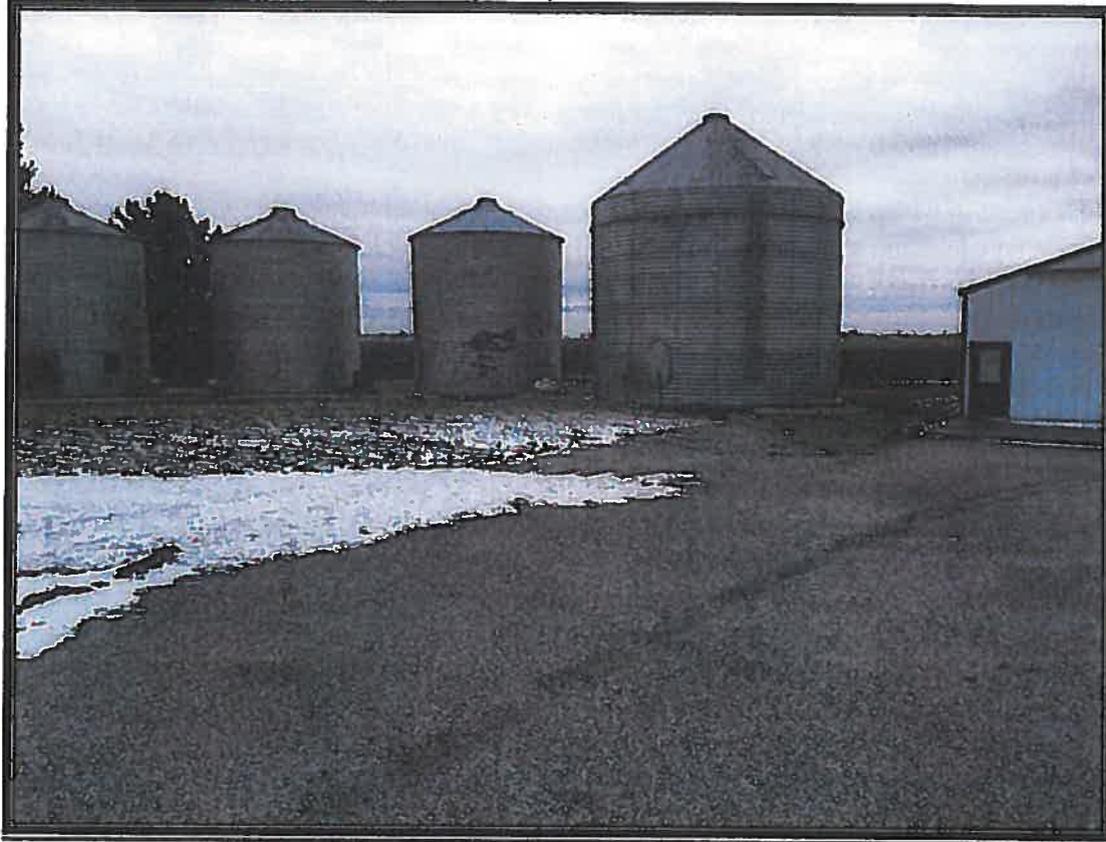
Date Reviewed: February 20th, 2015

Requested By: Thomas A. Drysdale

Address: 1101 Broadway Ave.
P.O. Box 889
Mattoon, IL 61938

Location of Property: part of the SE ¼ of sec. 25 in TWP. 19N., R.9E., of the 3rd. P.M.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on February 20th, 2015.



February 26, 2015



Champaign County

Soil and Water Conservation District
 2110 West Park Court Suite C Champaign, IL 61821
 (217) 352-3536 Extension 3 --- www.ccsxcd.com

SITE SPECIFIC CONCERNS

1. The area that is to be developed has 3 soil types (Catlin Silt Loam 171B, Drummer Silty Clay Loam 152A, Flanagan Silt Loam 154A) that are severe wetness to ponding on dwellings with or without a basement.

SOIL RESOURCE

a) Prime Farmland:

This tract is considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 96; see the attached worksheet for this calculation.

b) Soil Characteristics:

There is three (3) soil types on this site; see the attached soil map. The soil present has severe limitations for development in its natural, unimproved state. The possible limitations include severe to wetness in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Slope	Shallow			Roads	Septic Fields	Steel Corrosion	Concrete Corrosion
			Excavations	Basements	Excavations				
171B	Catlin Silt Loam	2-5%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	moderate	
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding	high	moderate	
154A	Flanagan Silty Clay Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	moderate	

c) Erosion:

This area will be susceptible to erosion both during and after construction. Extra care should be taken to protect the down slope on the back and sides of the property. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has slope which could allow erosion during construction and heavy rainfall events. The area has ground cover at the time of inspection, erosion control measures must be installed before construction starts.

d) Sedimentation:

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. This plan should also have information for the land owner to continue Sedimentation control after. Example: When will inlets for storm drains need to be cleaned out or how often? All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aicxcd.org/IUM/>



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WATER RESOURCE

a) Surface Drainage:

The site is the top of a hill, water now travels off the site in all directions. The site has a great deal of crop field between the site and any water source.

Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much of possible should be considered.

Rain Gardens could be incorporated into the development plan. They can be used to increase infiltration of runoff water for minimal cost. A rain garden can also be incorporated into roadway ditches to help control stormwater.

In this case I would recommend a green planting that could be used for early warning of any loss of product. A few feet of grass would be sufficient.

b) Subsurface Drainage:

It is likely that this site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order.

Severe ponding, along with wetness may be a limitation associated with the three soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.

c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

EPA Stormwater Pollution Prevention Plan Reference Tool:

EPA requires a plan to control stormwater pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP in order to obtain NPDES permit coverage for their stormwater discharges. The guide describes the SWPPP development process and provides helpful guidance and tips for developing and implementing an effective plan.

Two model plans, based on hypothetical sites, are now available as a supplement to the guide. The first example plan is for a medium-sized residential subdivision and the second is for a small commercial site. Both examples utilize the SWPPP template that is included in the guide. To view the guide, models and template, visit <http://www.epa.gov/npdes/swpppguide>.

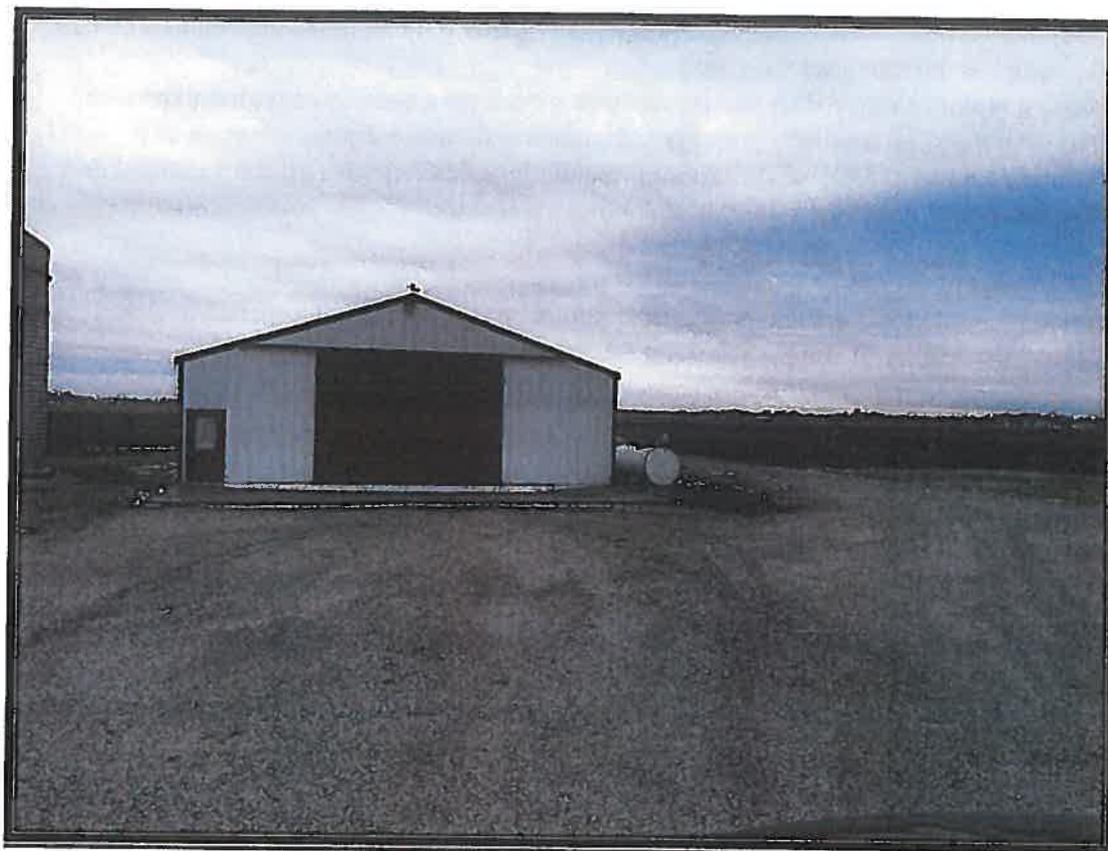


Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccswcd.com

d) Low impact development:

The EPA's new report, "Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices." Provides ideas to improve water quality through unique designs. The report contains 17 case studies from across North America that show using LID practices in construction projects can lower costs while improving environmental results. LID practices are innovative stormwater management practices used to manage urban stormwater runoff at its source. The goal of LID practices is to mimic the way water moves through an area before development occurs, which is achieved using design techniques that infiltrate, evapotranspiration and reuse runoff close to its source. Some common LID practices include rain gardens, grassed swales, cisterns, rain barrels, permeable pavements and green roofs. LID practices increasingly are used by communities across the country to help protect and restore water quality. For a copy of the report, go to www.epa.gov/owow/nps/lid/costs07.



February 26, 2015



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 --- www.ccswcd.com

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Cultural:

The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

b) Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act:

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land and Water Reserve.

Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered land and water Reserves in the vicinity of the project location.

c) Plant:

For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood. For areas to be restored to a more natural area several groups in the area may be able to help with seed.

If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by

Handwritten signature of Steve Stierwalt.

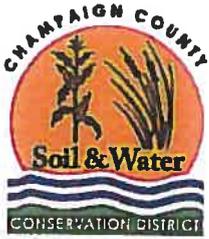
Steve Stierwalt
Board Chairman

Prepared by

Handwritten signature of Jonathon Manuel.

Jonathon Manuel
Resource Conservationist

February 26, 2015



Hudson Farm Wedding & Events

Date: 2/20/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

-  Hudson Farm Wedding & Events
-  Road





Hudson Farm Wedding & Events

Date: 2/20/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

-  Hudson Farm Wedding & Events
-  Road





Hudson Farm Wedding & Events

Date: 2/20/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

MUSYM

152A

154A

171B

Hudson Farm Wedding & Events



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
171B	Catlin	3	94	2.4	225.6
152A	Drummer	2	100	0.7	70.0
154A	Flanagan	1	100	0.7	70.0
					0.0
					0.0
					0.0
					0.0

acreage for calculation slightly larger than tract acreage due to rounding of soils program

Total LE Weighted Factor= 365.6

Acreage= 3.8

Land Evaluation Factor For Site= 96

Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey



Hudson Farm Wedding & Events

Date: 2/20/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

 Hudson Farm Wedding & Events





Hudson Farm Wedding & Events

Date: 2/20/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

- 3_T19N_R10E_SEC30
- 3_T19N_R09E_SEC25
- Hudson Farm Wedding & Events





Hudson Farm Wedding & Events

Date: 2/20/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

-  Hudson Farm Wedding & Events
-  Streams





Hudson Farm Wedding & Events

Date: 2/20/2015

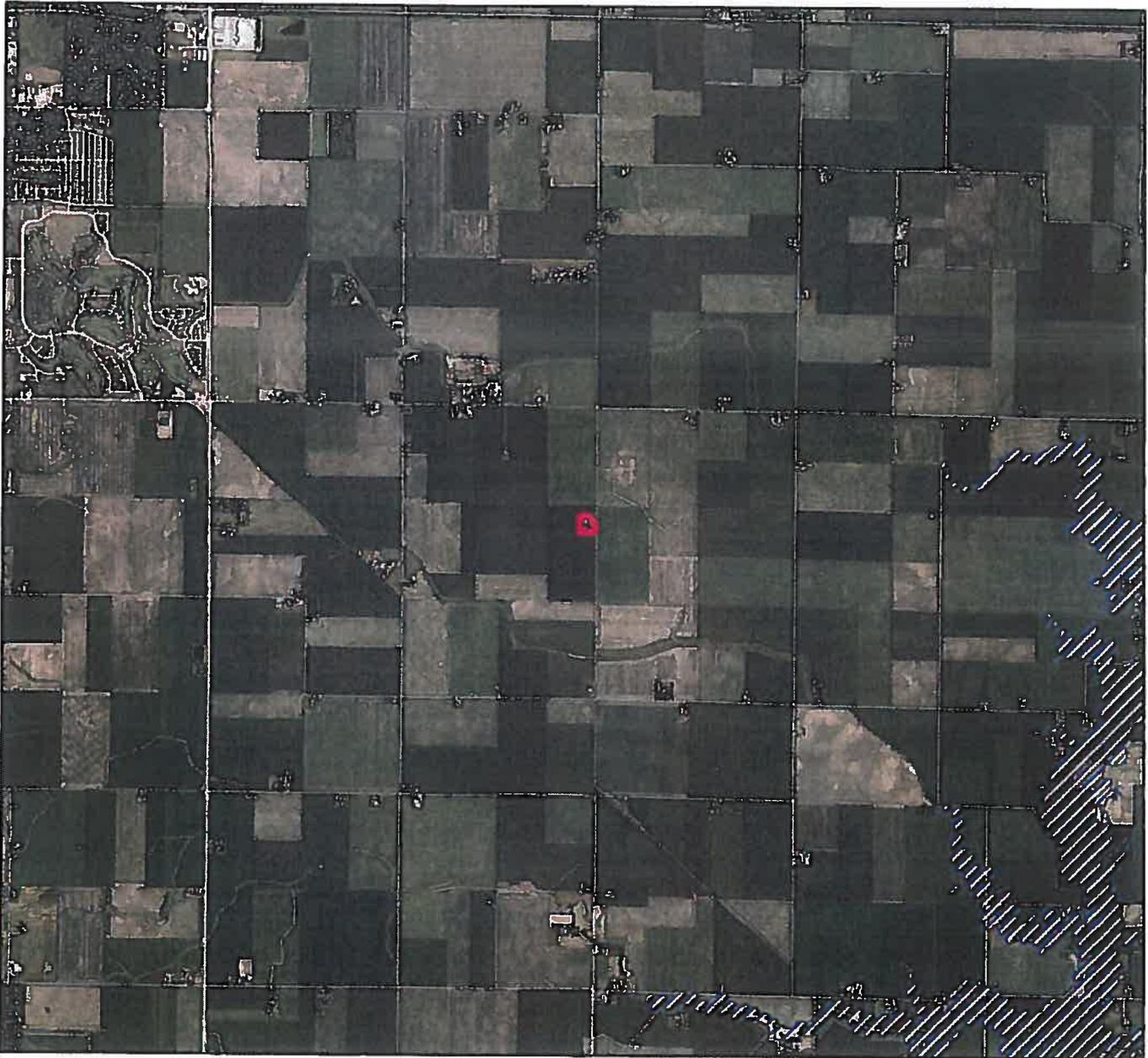
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2012 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

-  Hudson Farm Wedding & Events
-  fema_a_il019





Applicant: Champaign County SWCD
Contact: Jonathon Manuel
Address: 2110 West Park Court, Suite C
Champaign, IL 61821

IDNR Project Number: 1509713
Date: 02/26/2015

Project: Hudson Farm Wedding and Events
Address: 2110 West Park Court, Champaign

Description: New Conference Center

Natural Resource Review Results

This project was submitted for information only. It is not a consultation under Part 1075.

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Champaign

Township, Range, Section:

19N, 10E, 30

19N, 9E, 25



IL Department of Natural Resources

Contact

Impact Assessment Section

217-785-5500

Division of Ecosystems & Environment

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

IDNR Project Number: 1509713

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

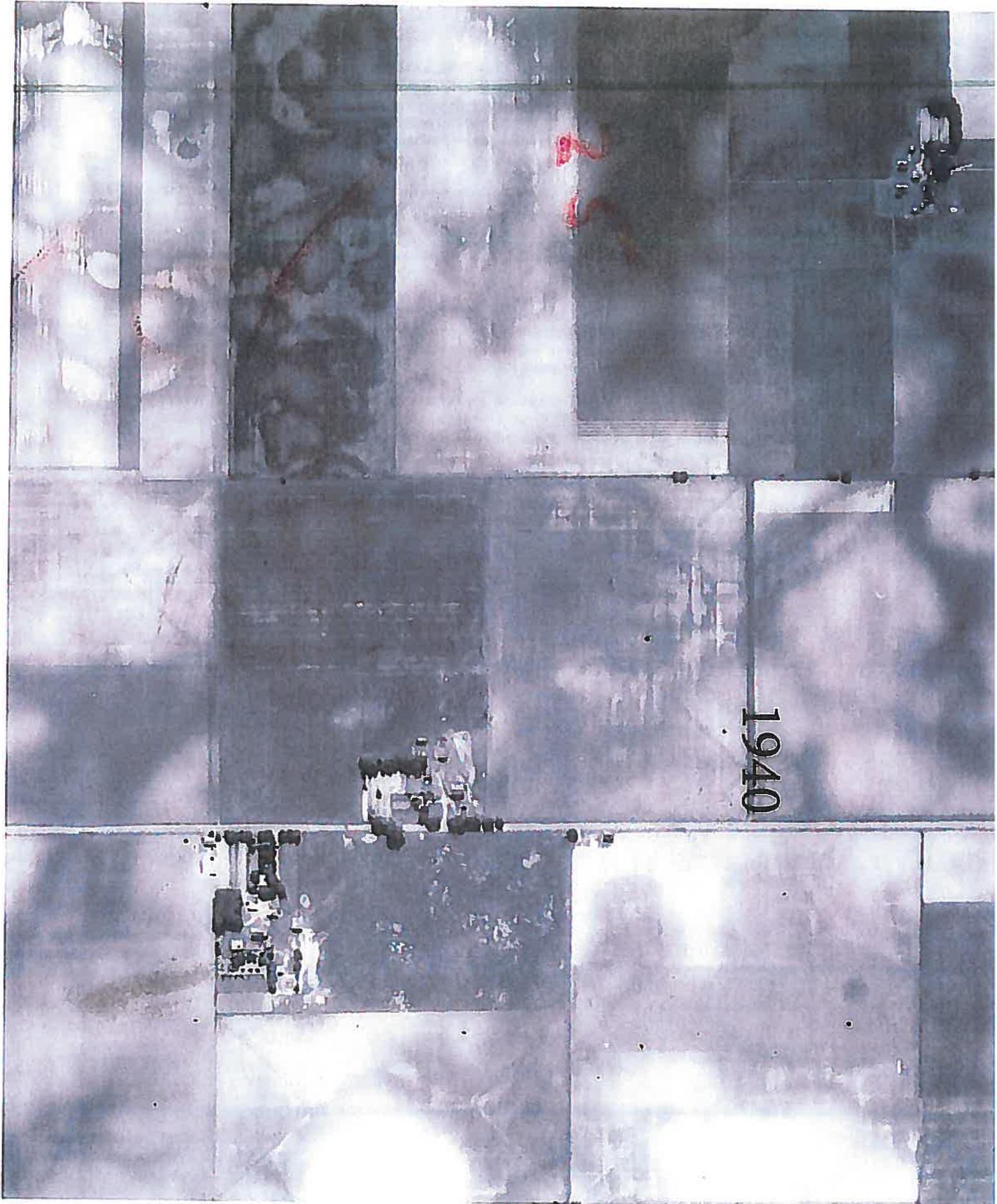
Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

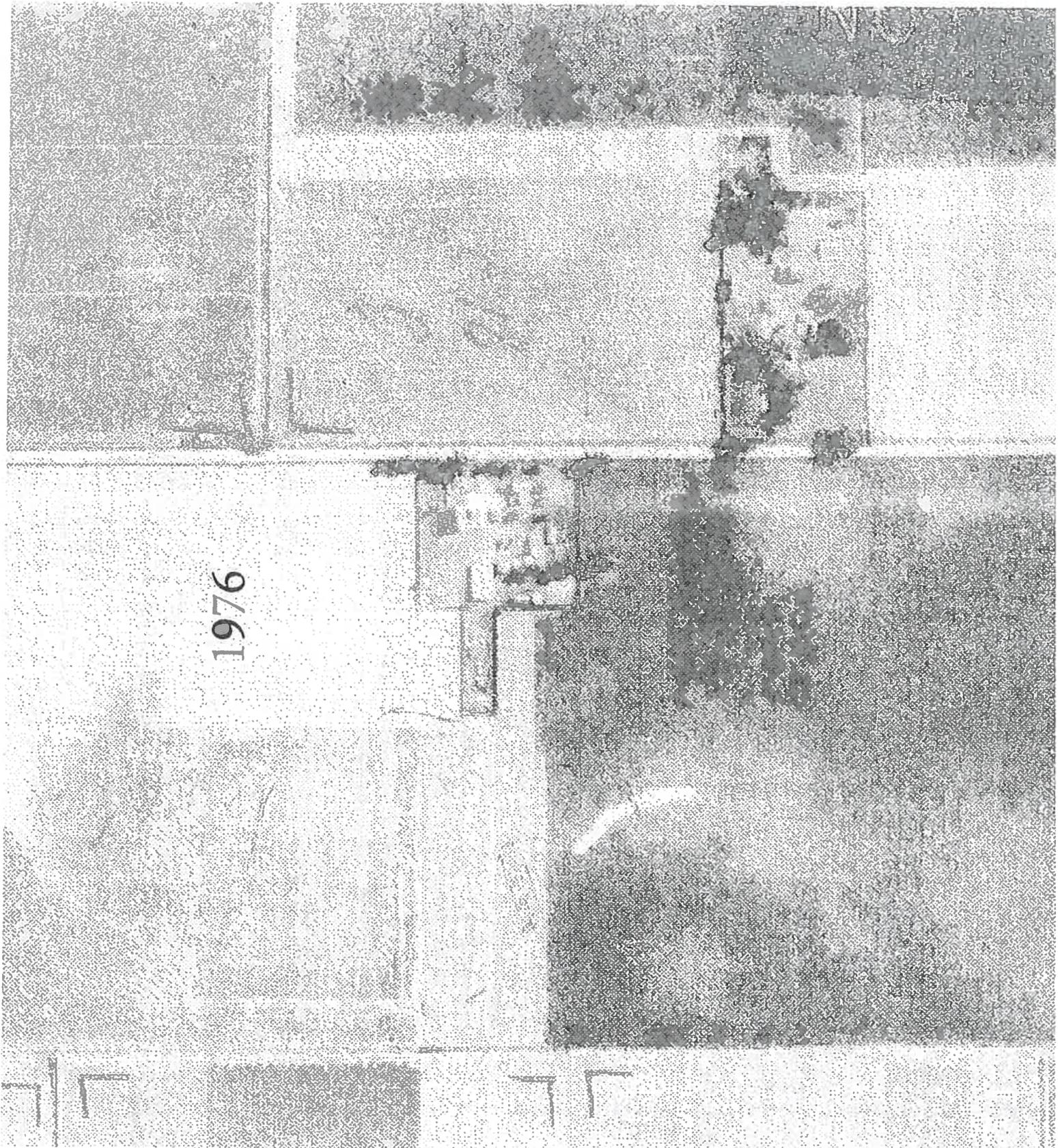
EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

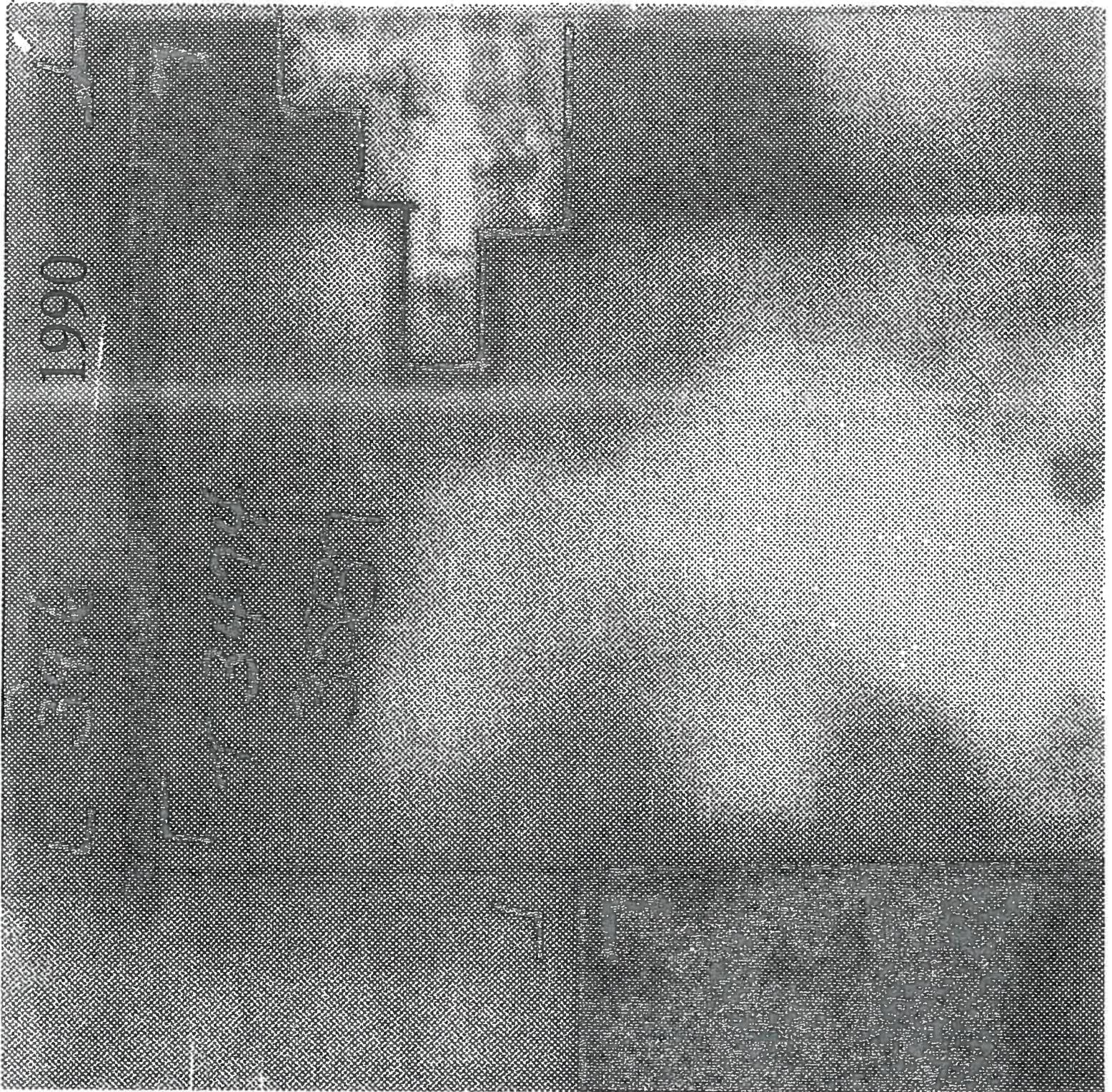


1940



1976







Hudson Farm Wedding & Events

Date: 2/20/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2004 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

 Hudson Farm Wedding & Events





Hudson Farm Wedding & Events

Date: 2/20/2015

Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2004 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

 Hudson Farm Wedding & Events





Hudson Farm Wedding & Events

Date: 2/20/2015

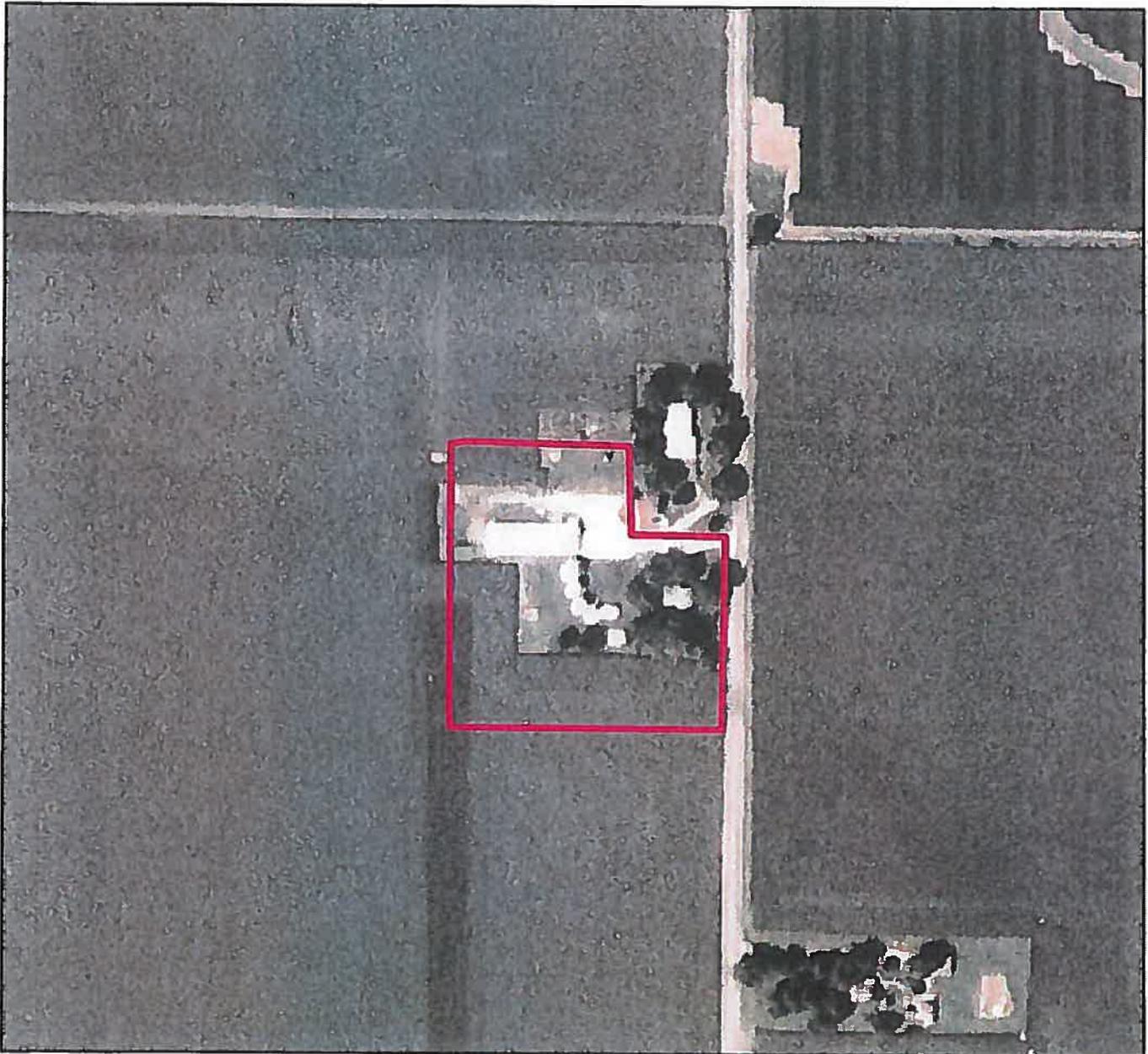
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2007 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

 Hudson Farm Wedding & Events





Hudson Farm Wedding & Events

Date: 2/20/2015

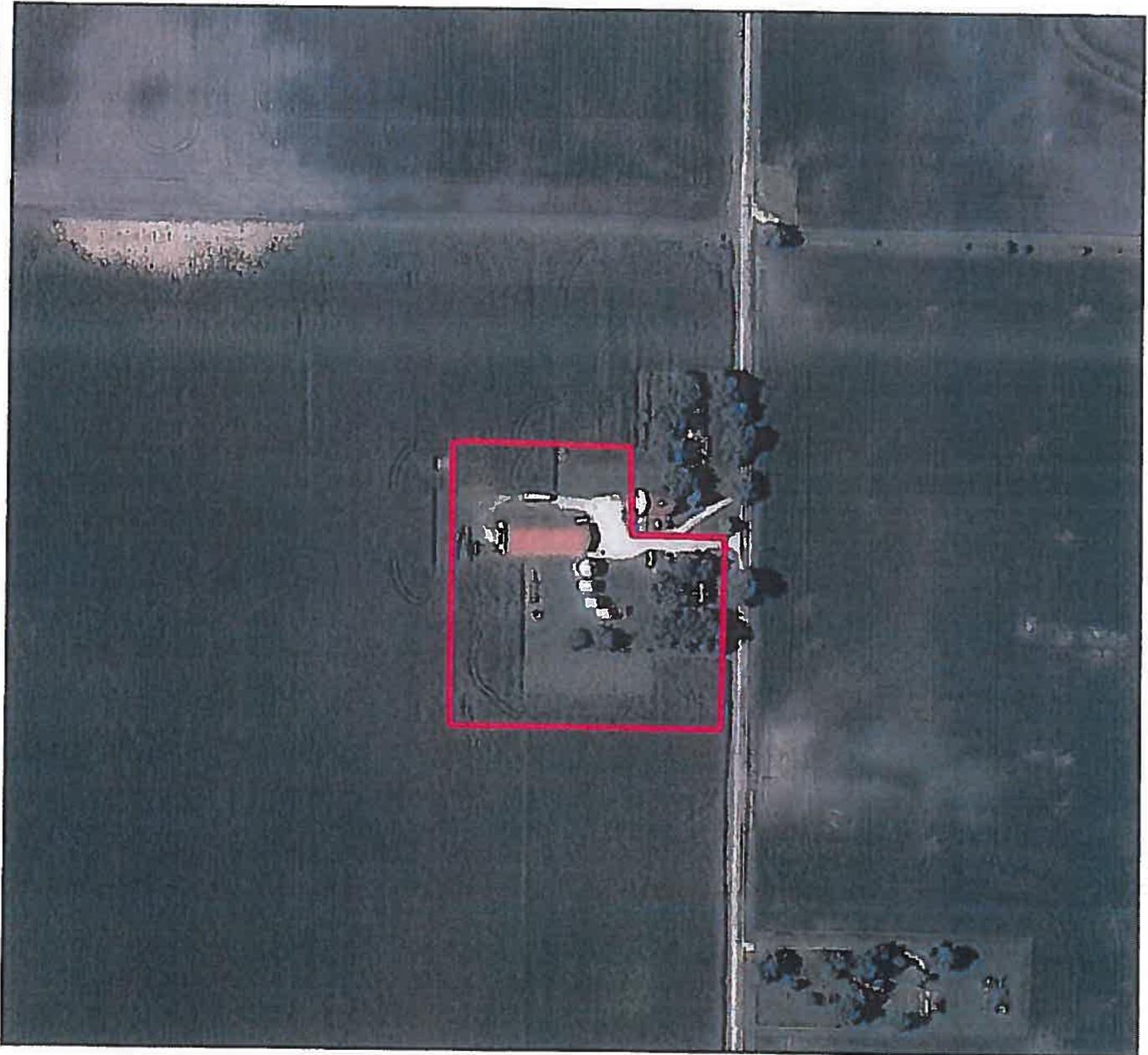
Field Office: CHAMPAIGN SERVICE CENTER

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

Assisted By: JONATHON MANUEL

2010 Ariel Photo

State and County: IL, CHAMPAIGN



Legend

 Hudson Farm Wedding & Events



ON-SITE SOIL EVALUATION for SEPTIC FILTER FIELD
SE-1536

To: Roth Drainage, #1 Hollowpoint Hill, Mansfield, Illinois 61854.

On September 23, 2014 an in-field soil evaluation was made on the property on 1800E, west side of the road, approx. ½ mile south of Windsor Road, Champaign, Illinois in Champaign County. This soil evaluation is done in accordance with and by the standards established in the PRIVATE SEWAGE DISPOSAL LICENSING ACT AND CODE of 2003 and continuing in subsequent revisions and updates. (Recently October, 2013) **NOTE:** This evaluation was based on site conditions on the above mentioned date. If soil or site conditions change, a new evaluation may be necessary. **NOTE:** *Soil Evaluation* test rarely fails a site by itself for *conventional systems*, unless very wet (gray matrix), very low permeability due to compaction, very dense glacial till, or composed entirely of fill material. State Septic Code allows for depth and size ranges to accommodate different soil conditions. **NOTE: From a professional perspective, this soil report belongs to the person paying for it.**

Three holes within the proposed seepage filter field were examined to a depth of 60 inches. Hole 1 is on the north side of the proposed field. Hole 3 is located on the south side of the field, with Hole 2 located between the others. Elevation difference between the holes is estimated to be one foot or so. The distance between each hole is at least 50 feet as specified in the State Code. All holes were described using accepted procedures and terminology as used in the United States Department of Agriculture Soil Survey Manual. The approximate field location of the holes has been sketched on the soil description sheets, although the **field map is not to scale**.

Hole Number 1 (North) had a **Limiting Layer** (as defined in 2013 STATE CODE) at a depth of about 49 inches. This limiting layer is a seasonal water table as indicated by prominent, continuous gray soil mottles. "Seasonal High Water Table" is a condition of saturation that exists in the soil *temporarily*, sometimes *only for a couple of weeks*, during the wettest time of the year. Often times this is in late fall or early spring. If a soil has a continuous gray color throughout (gray matrix) a longer time of saturation is assumed. *In its natural water state, no drain tile*, this soil would have a Low Probability of having the water table interfere with the operation of the septic filter field during seasonal wet times. The soil horizons to a depth of 49 inches have a Low Moderate permeability rate.

Hole Number 2 (Center) had a **Limiting Layer** at a depth of 49 inches, as indicated by prominent, continuous gray soil mottles (seasonal water table). *In its natural water state, no drain tile*, this soil would have a Low Probability of having the water table interfere with the septic filter field during seasonal wet times. The soil horizons to a depth of 49 inches have a Low Moderate permeability rate.

Hole Number 3 (South) had a **Limiting Layer** at a depth of 50 inches, as indicated by prominent, continuous gray soil mottles (seasonal water table). *In its natural water state, no drain tile*, this soil would have a Low

Probability of having the water table interfere with the septic filter field during seasonal wet times. The soil horizons to a depth of 50 inches have a Low Moderate permeability rate.

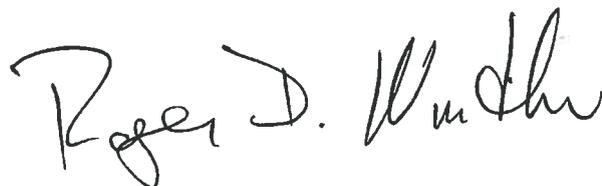
SITE CHARACTERISTICS. All three holes have layers in the lower part of the subsoil that have a Low Moderate permeability rate. These layers have a loading rate of 0.52 g/d/sq. ft. (385 sq. ft. / bedroom rate). All three soils *would have formed under* Moderately Well Drained soil conditions with a seasonal water table in the lower part of the subsoil. These seasonal water tables are *not very thick and don't persist for long periods* in the soil. *This site is surrounded by fields that have been tile drained. These tile drains, if in good condition, have lowered the seasonal water table two feet below the bottom of the anticipated leach field lines.* **In my professional opinion,** the natural drainage class of these soils and depth to gray colors indicates that any seasonal water table should be greater than two feet below the bottom of the anticipated depth of the septic leach field lines. Always a good idea to keep the leach field as shallow as State Code and conditions allow.

Example situation based on soil properties only: Restrictive soil layers are listed in 2013 State Code. Least permeable layer between the top of the septic distribution system to about two feet below the bottom of the trench (about 42" to 48"), defined in the 2013 State Code, has a loading rate of 0.52 g/d/sq. ft. Size of the actual leach field for a **conventional system** will depend on **usage rate applied by the local IDPH office,** depth and type of system installed. Gravel systems and *small* chamber systems will require more linear feet. *Large* (2 +feet) chambers with a 3:1, 4:1 or 5:1 (county specific) sq. ft. to linear foot ratio allow for total square footage required to be divided by a factor of 3, 4 or 5. **Example situation,** if 4 folks use this system at a rate of 30 gallons per day, then 120 gallons would be total daily usage rate. Using the most restrictive soil layer listed above, 120 gallons divided by 0.52, would equal 230 square feet of leach field required for a shallow system. Using a *large* chamber system (5:1), then about 45 to 50 linear feet, minimum, of line would be needed for a **conventional system.**

Included are copies of the detailed soil descriptions. Also included are the loading rates applicable for each soil layer. All loading rate charts can be viewed at the Laws and Rules Section of the Illinois Department of Public Health website. <http://www.idph.state.il.us/> If there are questions, I would be glad to discuss any of my findings and conclusions with you at the site.

Roger D. Windhorn, MS
62 Holiday Drive
Clinton, Illinois 61727
217-433-5293
43soiltech@gmail.com

ARCPACS - Certified Professional Soil Scientist #01228
ISCA - Certified Professional Soil Classifier #19



SOIL EVALUATION FIELD REPORT

5/14

In accordance with 77 Illinois Administrative Code, Chapter 1, Subchapter r, Section 905

Report prepared for:

Name: Roth Driveway Investigation No: SE-1536 Date: 9/23/14
 Address: #1 Hollowpoint Hill Property Owner: _____
 City: Mansfield State: IL Zip: 61854 County: Shampegin
 Site Location: 1800E - West side - 1/2 mile south of Windsor Road

>35%?

Soil Description / Interpretations Bore Hole 1

North

Layer Desig.	Depth (in)	Texture	Structure	C	Limiting Layer *	Sq Ft/ Bedroom	Loading G/D/Ft ²	Soil Group
A	0 12	Sil	Blocky-Platy-Massive			X	0.75	5D
A/E	12 20	Sil SiCL	Mod SubAng Blocky-Platy				0.75	5D 6D
B	20 28	SiCL	Mod SubAng Blocky				0.62	6D
B	28 37	SiCL	Mod Prismatic/Blocky				0.62	6D 6E 7D
B	37 49	SiCL SCL L CL	Weak Mod Prismatic				0.52	6C 6D 6E
2B	49 53	CL L SiCL SCL	Weak Mod Prismatic		X		0.69	6E 5B
2BC	53 60	CL L SiCL SiL	Weak Blocky/Massive			0.52	6E 6C	

*Limiting Layer (LL): Seasonal Water Gray Matrix Gray Mottles 4/1 4/2 5/1 5/2 Other _____ Depth: 49
 Parent Material: Loess 0 49 Sandy-Loamy-Outwash _____ Glacial Till 49 60 Other _____
 Physiography: Upland Terrace _____ Landscape Position Broad Flat Slope % 1% Shape Flat
 Estimated Drainage Class: Well Drained Moderately Well Drained Somewhat Poorly Drained Poorly Drained
 Compaction? () yes no Depth: _____
 Additional Remarks: _____

>35%?

Soil Description / Interpretations Bore Hole 2

Center

Layer Desig.	Depth (in)	Texture	Structure	C	Limiting Layer *	Sq Ft/ Bedroom	Loading G/D/Ft ²	Soil Group
A	0 11	Sil	Blocky-Platy-Massive			X	0.75	5D
A/E	11 19	Sil SiCL	Mod SubAng Blocky-Platy				0.62	5D 6D
B	19 27	SiCL	Mod SubAng Blocky				0.62	6D
B	27 35	SiCL	Mod Prismatic/Blocky				0.52	6D 6E 7D
B	35 49	SiCL SCL L CL	Weak Mod Prismatic				0.52	6C 6D 6E
2B	49 54	CL L SiCL SCL	Weak Mod Prismatic		X		0.69	6E 5B
2BC	54 60	CL L SiCL SiL	Weak Blocky/Massive			0.52	6E 6C	

*Limiting Layer (LL): Seasonal Water Gray Matrix Gray Mottles 4/1 4/2 5/1 5/2 Other _____ Depth: 49
 Parent Material: Loess 0 49 Sandy-Loamy-Outwash _____ Glacial till 49 60 Other _____
 Physiography: Upland Terrace _____ Landscape Position Broad Flat Slope % 1% Shape Flat
 Estimated Drainage Class: Well Drained Moderately Well Drained Somewhat Poorly Drained Poorly Drained
 Compaction? () yes no Depth: _____
 Additional Remarks: _____

SOIL EVALUATION FIELD REPORT

>35%?

Soil Description / Interpretations Bore Hole 3 Smith

Layer Desig.	Depth (in)	Texture	Structure	C	Limiting Layer *	Sq Ft/ Bedroom	Loading G/D/Ft ²	Soil Group
A	0 10	sil	Blocky-Platy-Massive			X	0.75	5D
A/B	10 18	sil SiCL	Mod SubAng Blocky-Platy				0.62	5D 6D
B	18 26	SiCL	Mod SubAng Blocky				0.62	6D
B	26 38	SiCL	Mod Prismatic /Blocky				0.52	6D 6E 7D
B	38 44	SiCL SCL CL	Weak Mod Prismatic				0.62	6E 6D 6E
2B	44 50	CL SiCL SCL	Weak Mod Prismatic				0.52	6E 5B
2BC	50 60	CL SiCL sil	Weak Blocky/Massive		X		0.52	6E 6E *

*Limiting Layer (LL): Seasonal Water; Gray Matrix; Gray Mottles, 4/1 4/2 5/1 (5/2) Other _____ Depth: 50

Parent Material: Loess 0 4/4 Sandy-Loamy-Outwash _____ Glacial till 4/4 50 Other _____

Physiography: Upland Terrace _____ Landscape Position Wood flat Slope % 1% Shape Flat

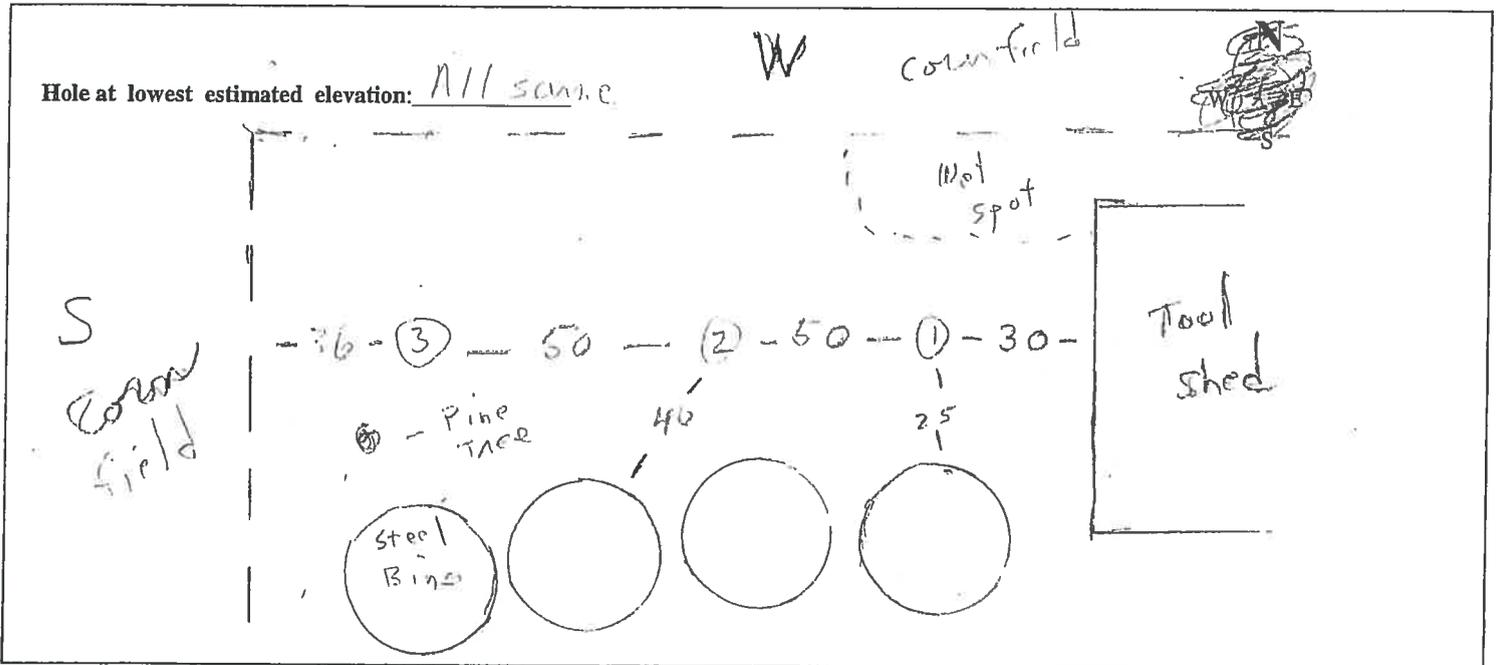
Estimated Drainage Class: Well Drained Moderately Well Drained Somewhat Poorly Drained Poorly Drained

Compaction? () yes no Depth: _____

Additional Remarks: _____

Site Map -- **NOT TO SCALE**

Well Location Identified > 75



Report prepared by: Roger Windhorn, MS CPSS - ARCPACS; CPSC - ISCA Soil Tech Phone: (217)433-5293

Signature: _____

Roger D. Windhorn

RECEIVED

DEC 12 2014

December 10, 2014

Susan Chavarria, Associate Planner
Champaign County Department of Planning and Zoning

CHAMPAIGN CO. P & Z DEPARTMENT

Re: Champaign County Zoning Ordinance: Regulations for Events facilities

Dear Susan:

Primarily, *Hudson Farm Wedding and Events* hosts weddings, usually on Saturdays; however, we did host a *C-U Theater Company "Murder Mystery"* on Halloween Night. We also have hosted a couple of mid-week "Ladies-Night-Out" events, but the attendance for each of those was under 30 people. Additionally, our barn was the venue for a couple of Fraternity barn dances, however, it's doubtful that we will host any in 2015 due to the fact that weddings are being booked a year in advance for the same dates as the Fraternity dances.

In 2015, we will host 15 weddings...most of them in May, June, September and October. Generally, they'll begin around 3:00 or 4:00 pm and finish at midnight. Our maximum number is 225. The liquor is supplied by Minneci's Catering in Champaign, however, clients are responsible for booking a food caterer of their choice.

We are a family-owned business with an all-family staff. As I recall, only once did we enlist the help of a couple of volunteers when a family member was not available. The Fire Protection District has not been called. A fire inspection was done by our insurance company, and their report, just recently received by mail, indicated that Exit signs should be posted by all doors. We requested, and received, an inspection by the Champaign County Sheriff's Office. They found no major problems, except to suggest that we post road signs during events stating, Cars Parked on Shoulder Ahead (these signs have been purchased). At the time of the inspection, the deputy was not aware of our need for additional permits, but advised that he would contact us if necessary. We received no further contact, so we assumed that all was in compliance.

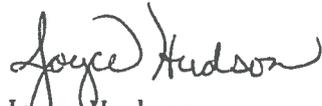
Changes to Barn: We want to keep the barn as true to its historical era as possible. The only change we have made to the barn is updating all the electrical to meet code.

Changes to Shed: Installation of a new concrete floor, updating all the electrical, a new sliding door, and we are consulting with plumbers regarding a septic system needed to install a few bathrooms. We are making it handicap-accessible with a ramp to the bathrooms. A concrete apron has been installed to provide an area for handicap-accessible vehicles to drop off guests.

At this time, there are no plans to heat or air-condition the buildings. Brides love the farm and treasure the accompanying atmosphere. We plan to host events only from April to November; however, since we wish to retain the historical farm environment, it is our feeling that most weddings will occur in May, June, September and October.

All vehicle parking is on the shoulder of the road, specifically, on the west side of the road only, which is our property. Brides request that no vehicles be parked on the farmstead property in order to prevent obstructions in their wedding photographs. We do have an area adjacent to the shed where handicap-accessible vehicles may be parked.

Please feel free to contact me if you require any additional information.



Joyce Hudson

Hudson Farm Wedding and Events, LLC.

Location of buildings to property lines: we own the farm ground surrounding the farmstead.

Barn – The wedding ceremony and then a dance if applicable. Open floor plan, one big room

42' 9" Long
36' 9" Wide

Farm Shed Hall – the wedding reception, Open floor plan, one big room, except for drawing of bathrooms to be installed in Spring of 2015. They will be put in the South west corner of Farm Shed Hall.

135' Long
42' Wide

We will have 3 asphalt Handicap accessible parking spaces in the Spring of 2015

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DEC 12 2014

CHAMPAIGN CO. P & Z DEPARTMENT

1 of 2 Attach. to Letter

2 of 2 attachments to letter
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DEC 12 2014

00 Rd 1800 N

PROPERTY DOCUMENT

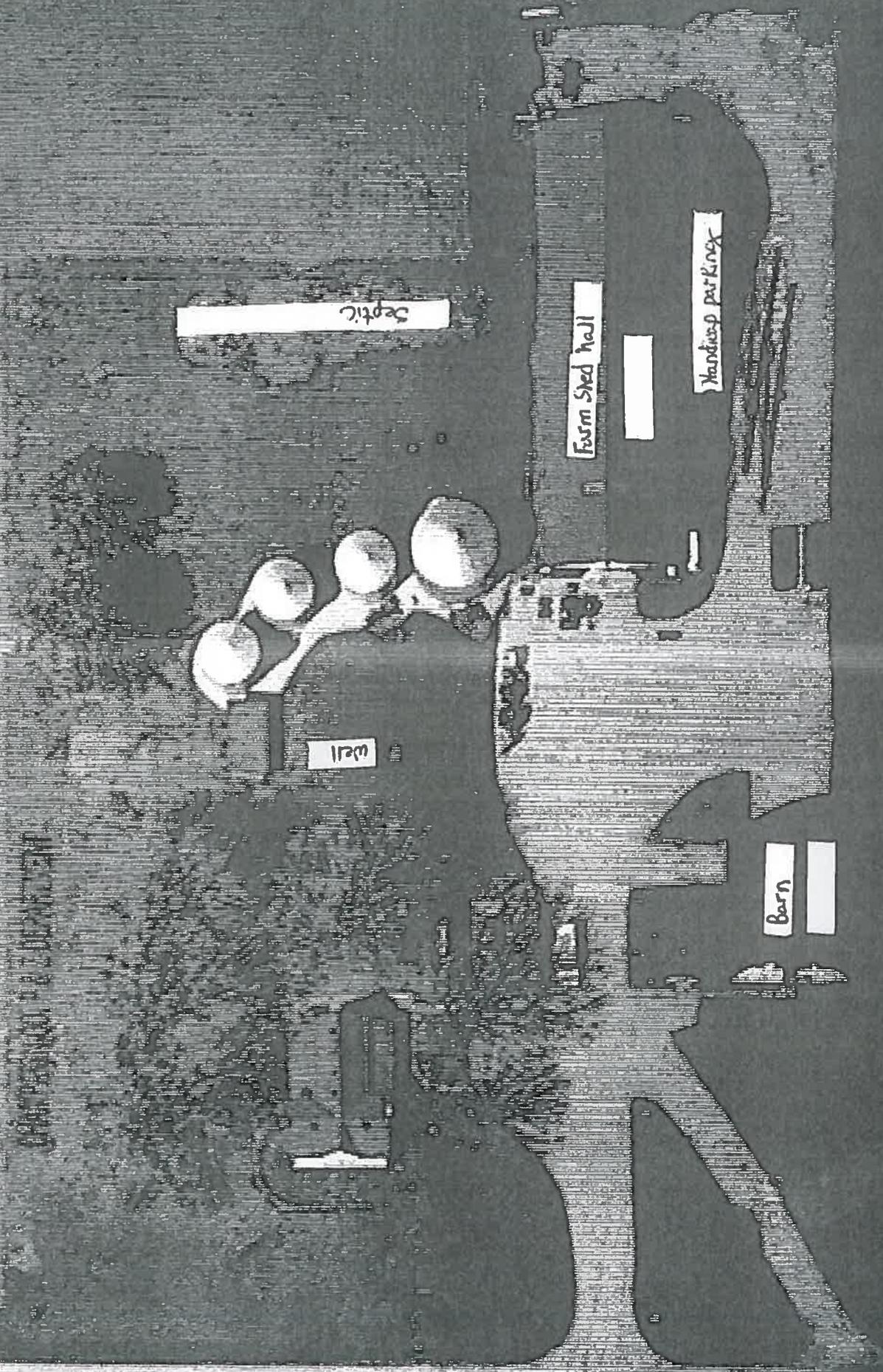
Septic

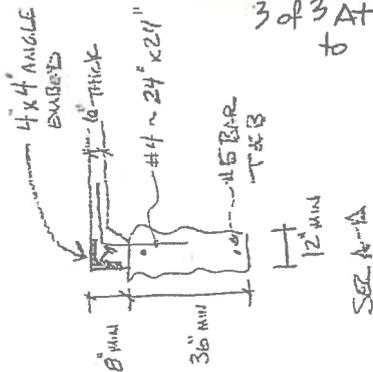
Well

Farm Shed hall

Handicap parking

Barn



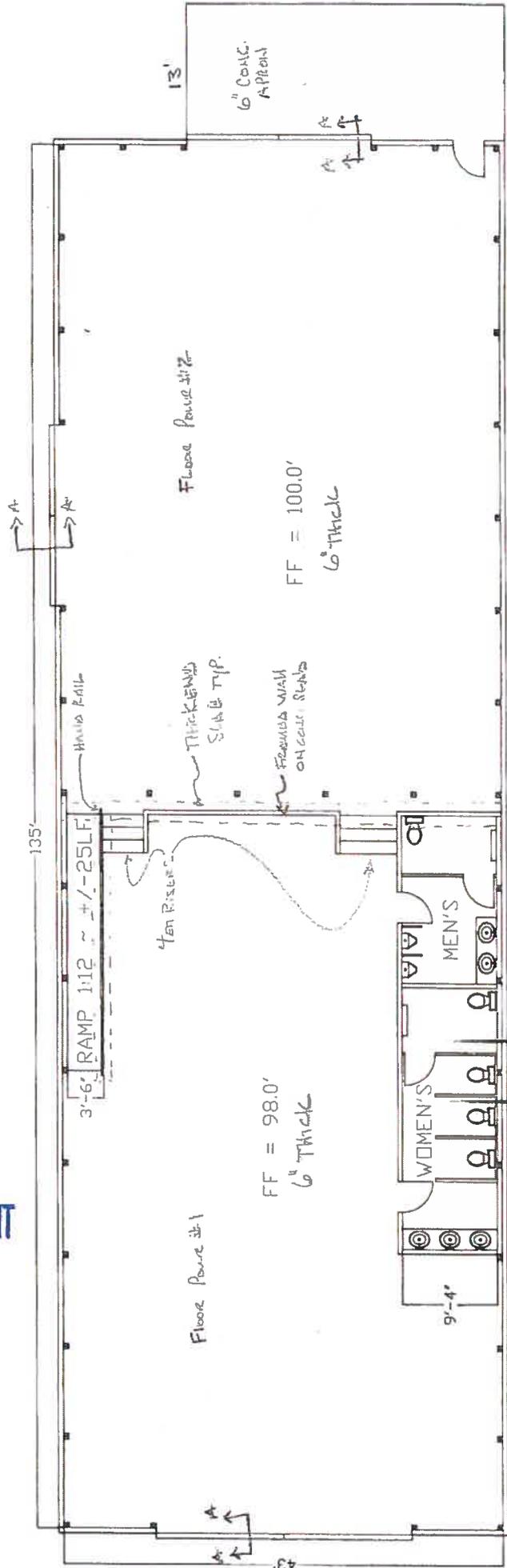
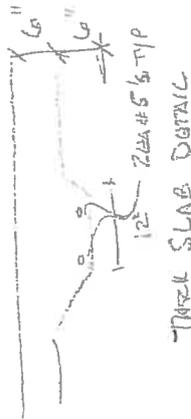
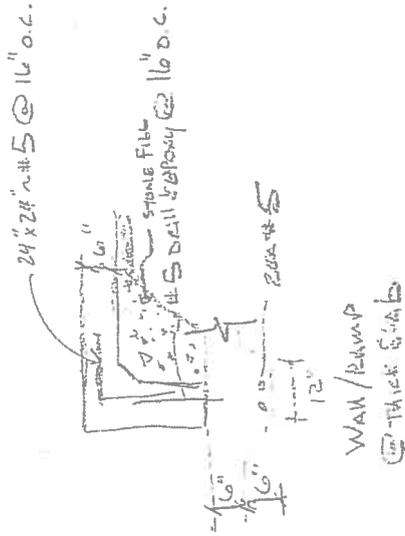


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DEC 12 2014

CHAMPAIGN CO. P & Z DEPARTMENT

3 of 3 Attachments
to Letter



FF = 98.0'
6\"/>

WOMEN'S
MEN'S

6\"/>

Susan Chavarria

From: Thomas A. Drysdale <thomas@MAILSERVER03.local>
Sent: Friday, March 06, 2015 9:43 AM
To: Susan Chavarria
Subject: Hudson Documents and Hearing Dates
Attachments: Hudson - Petition.pdf; Hudson - Restroom Plan.pdf; Hudson - Soil Septic Eval.pdf

Susan,

Attached are three documents that Joyce Hudson has provided me. The First is sketch of her plumbing plans for the main hall. Joyce has informed me that the sketch is a collaboration between her plumber and her concrete company. She consulted with Keith A. Lampert, a project manager for large jobs in the Chicago area, to make sure that every thing in regards to her restroom plans were up to code. This is Keith's final sketch.

The Second document is a soil evaluation that was done on the land during the planning process of the septic work. I realize this document was not requested, but both Joyce and I feel that we want to put forth the maximum amount of information to help lead to a favorable decision.

The third document is the requested petition of Joyce's neighbors. As you will see, the number of signatures on the petition far exceeds what was requested. Joyce does not have any neighbors in the radius that you originally requested, but she chose to go above and beyond what was required of her. This petition contains signatures from surrounding farmers as well as James Prather, the road commissioner for the Township. Joyce informed me that she is going to continue to gather signatures and anticipates having at least three times the amount of signatures that she currently has by the time she is finished. In short, Joyce wants to make it very clear to the board that the support for her business and applications from members of the community and from her general area is overwhelming.

Joyce is meeting with her electrician next week to consult with her about the lighting requirements that you requested. She will have the information ready to be presented by the end of the week.

Finally, I would like to make a plea to you on behalf of Joyce and see if there is any possible way that we can be placed back on the March 26th hearing date. Joyce was extremely upset when I informed her that the hearing date has been moved. Joyce and I both feel like we have made extraordinary efforts to comply with all requests and submit all pieces of information promptly and when requested, all in anticipation of a March hearing date. Moving the hearing date back to April is going to cause Joyce to continue to delay any construction projects that she has planned and in fact may cause her to cancel a wedding. The entire reason that we had started this process so soon was to ensure a minimal amount of business interruption for Joyce entering the wedding season. Due to our diligence and compliance with all requests and dates up to this point, I would respectfully request a reconsideration on the hearing date. Joyce and I are both ready for this hearing and will be more than prepared on the March 26th date should the change be granted. I thank you in advance for any consideration you are able to give to this matter and I look forward to hearing back from you.

Very Truly Yours,

Thomas A. Drysdale
Heller, Holmes & Associates, P.C.
1101 Broadway Avenue
P.O. Box 889
Mattoon, IL 61938
Ph: 217-235-2700
Fax: 217-235-0743

RECEIVED

MAR 06 2015

CHAMPAIGN CO. P & Z DEPARTMENT

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PETITION

We are the *Hudson Farm Wedding & Events LLC* and currently are seeking a zoning variance which would allow parking along the side of the road during weddings and events in order to preserve the property and the space. Therefore, we are respectfully requesting your approval to allow roadside parking.

If you support this zoning variance, please sign your name to this petition stating that you do not have an issue with roadside parking due to events at Hudson Farm. On average, we would anticipate no more than 100 cars to be parked only on the west side of the road, thus allowing adequate space for other vehicles or farm implements to pass through the area.

(Name, please print)	(Address)	(Signature)
STEVEN EASTBURN	1792 AERO PLACE URBANA IL	Steven Eastburn
Billy Tallman	1490 CR 1800E URBANA, IL	Billy Tallman
MARLENE HART	1482 CR 1800E URBANA, IL	Marlene Hart
TWILA C. FREEMAN	1467 CR 1800 E, URBANA, IL	Twila C. Freeman
RANDALL A. FREEMAN	1467 CR 1800 E URBANA IL	Randall A. Freeman
J. Steven Beckett	1794 Aero Place URBANA IL	J. Steven Beckett
Barbara Beckett	1794 Aero Pl. Urbana, IL	Barbara Beckett
Kathy McKenzie	1790 Aero Pl. Urbana, IL	Kathy McKenzie
Don McKenzie	1790 Aero Pl. Urbana, IL	Don McKenzie
Chris J. Conerty	1914 CR 1800E Urbana, IL	Chris J. Conerty

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MAR 06 2015

CHAMPAIGN CO. P & Z DEPARTMENT

PETITION

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(Name, please print)	(Address)	(Signature)
NATI NIV	1793 AERO PL	
Chris Langendorf	1789 Aero Pl.	Chris Langendorf
EO GULLIFORD	1789 AERO PL	EO Gulliford
Velma Olson	608 S. LINCOLN ^{Philo, IL}	Velma Olson
MERUYN OLSON	608 S. LINCOLN ^{Philo, IL}	Merwyn L. Olson
June Hudson	1343 C.R. 1800E, Urbana	June Hudson
Roy Douglas	4512 S. Philo Rd Urbana	Roy C. Douglas
Ricky Douglas	4512 S. Philo Rd Urbana	Robert S. Hoff
Mary Douglas	4612 S Philo Rd Urbana, IL	
Melinda Douglas	4612 S Philo Rd Urbana,	Melinda Douglas

RECEIVED

MAR 06 2015

CHAMPAIGN CO. P & Z DEPARTMENT

PETITION

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(Name, please print)	(Address)	(Signature)
James Prather	3604 E Windsor Rd	James Prather
Tomas Carmichael	1836 CR 1250 N	Tomas Carmichael
Jana Hughes	1061 CR 1800E	Jana Hughes
Amy Hyles	1061 CR 1800E	Amy Hyles
Judi O'Connor	1151 CR 1800E-U	Judi O'Connor
Carla Werts	1123 CR 1800E-U	CARLA WERTS

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 MAR 06 2015
 CHAMPAIGN CO. P & Z DEPARTMENT

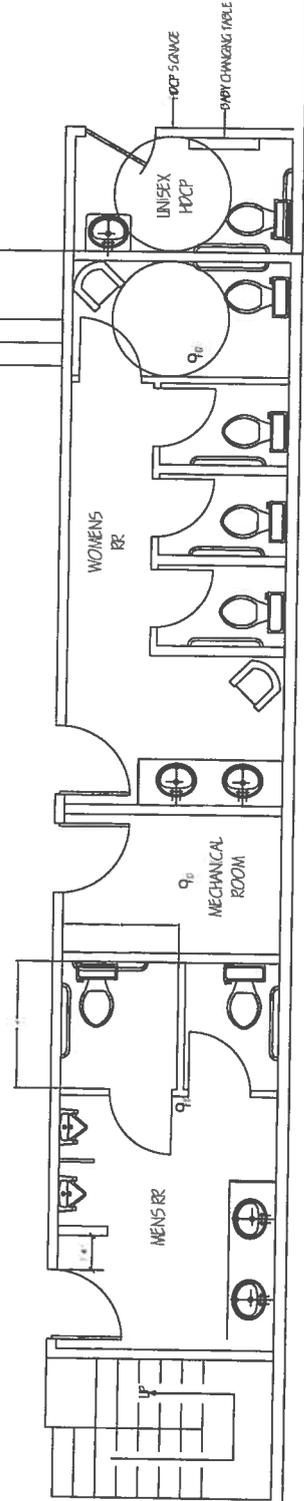
RECEIVED

MAR 06 2015

CHAMPAIGN CO. P & Z DEPARTMENT

GENERAL NOTES

HDCP SLOPE 1:12



NTS

Susan Chavarria

From: Thomas A. Drysdale <thomas@MAILSERVER03.local>
Sent: Wednesday, March 18, 2015 8:59 AM
To: Susan Chavarria
Subject: Hudson Farm Requests
Attachments: Hudson - Soil Septic Eval.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Chavarria,

1. I have reattached the soil study that was originally sent to you. Please let me know if the attachment does not work properly and I will mail the study to you. Also, I have received a copy of the natural resources report that we paid to have completed. I assume that you have also received a copy, but if you have not please let me know and I will provide it to you.

2. I am aware of the letter of December 14, 2014 and its contents. I am also aware of the contents of 410 ILCS 25. Please be advised that, per the itemized documents provided to you at the time the applications were submitted, that the improvements to the farm shed hall do not exceed \$50,000.00. The concrete was \$35,000.00 and the doors were reported to you at \$6,000.00 (although Ms. Hudson informs me that they only ended up costing around \$2,100.00). This is a total of \$41,000.00 and therefore under the \$50,000.00 specifically outlined by Illinois law. The \$5,000.00 expended to repair the roof is not part of this calculation because it does not have to be. Section 400.210 removes the roofing work from the definition of an alteration as roofing and routine maintenance work. The plumbing has yet to be completed and the project is unlikely to cost \$50,000.00.

Finally, and most importantly, the Statute referenced in the letter of December 14, 2014 applies specifically to "Public Facilities" According to the interpretation by the Illinois State Attorney General, the facility operated by Ms. Hudson does not meet the definition of a public facility. 1980 Op. Atty Gen. Ill. 89 construed the Illinois Environmental Barriers Act and stated that the standards adopted by the Capital Development Board apply only to public facilities. The definition of a public facility is one that is leased by the state, used primarily by the general public as a place of gathering (such as a stadium hotel or restaurant), or an office building or factory. The opinion goes on to state that while publicly owned facilities must comply with the Act, **privately owned facilities need only comply with the act at the construction stage**; not the remodeling stage, which is specifically distinguished in the opinion. In fact, the opinion states specifically that the application is not intended for private facilities. The Hudson facilities are not used primarily by the general public as a place of gathering. They are used primarily by private parties. Moreover, the improvements made to the facilities are remodels, if not less. Hudson Farms is a privately owned business. In short, the Attorney General is of the opinion that Hudson Farms would not be covered by the standards adopted by the Capital Development Board and as the December 14, 2014 letter points out, this Act is not subject to local interpretation.

Despite all of this, Ms. Hudson would like to do everything in her power to assure that this process goes smoothly, quickly, and ultimately favorably. Therefore, Ms. Hudson will be contacting an Illinois licensed architect to look over her plans regarding the plumbing regardless of the fact that the Attorney General has stated that she does not need to do so.

3. Information regarding the septic system will be provided. The plans to move forward with the septic system have been placed on hold. While we do understand and appreciate the fact that operations have not been ceased, the December 14, 2014 letter was rather clear that Ms. Hudson is undertaking a massive risk by proceeding with any new construction. Essentially now what you are doing is asking her to proceed with improvements and at the same time warning her that these improvements may ultimately prove to be fruitless if her applications are not approved. This is why Mike Flannagan has not been contacted. However, as stated, Ms. Hudson wishes to do everything in her power to ensure the process is completed successfully despite the risk. Thus, Ms. Hudson will be moving forward with getting the appropriate septic permits filed.

Please feel free to contact me with any further inquiries you may have.

Very Truly Yours,

RECEIVED

MAR 18 2015

CHAMPAIGN CO. P & Z DEPARTMENT

Thomas A. Drysdale
Heller, Holmes & Associates, P.C.
1101 Broadway Avenue
P.O. Box 889
Mattoon, IL 61938
Ph: 217-235-2700
Fax: 217-235-0743

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Circular 230 Disclosure: Any tax advice contained in this communication, including attachments, is not intended to be used, and may not be used, for the purpose of (1) avoiding tax-related penalties under the Internal Revenue Code or (2) promoting, marketing, or recommending to another party any tax related matters discussed herein.

799-AM-15/800-S-15/801-V-15 Hudson Farm Images



Left to Right: Storage bins, Farm Shed Hall, Barn (from CR1800E facing West)



Barn (from CR1800E facing West)

799-AM-15/800-S-15/801-V-15 Hudson Farm Images



Subject property from CR1800E facing northwest



799-AM-15/800-S-15/801-V-15 Hudson Farm Images



CR 1800 East from subject property facing south

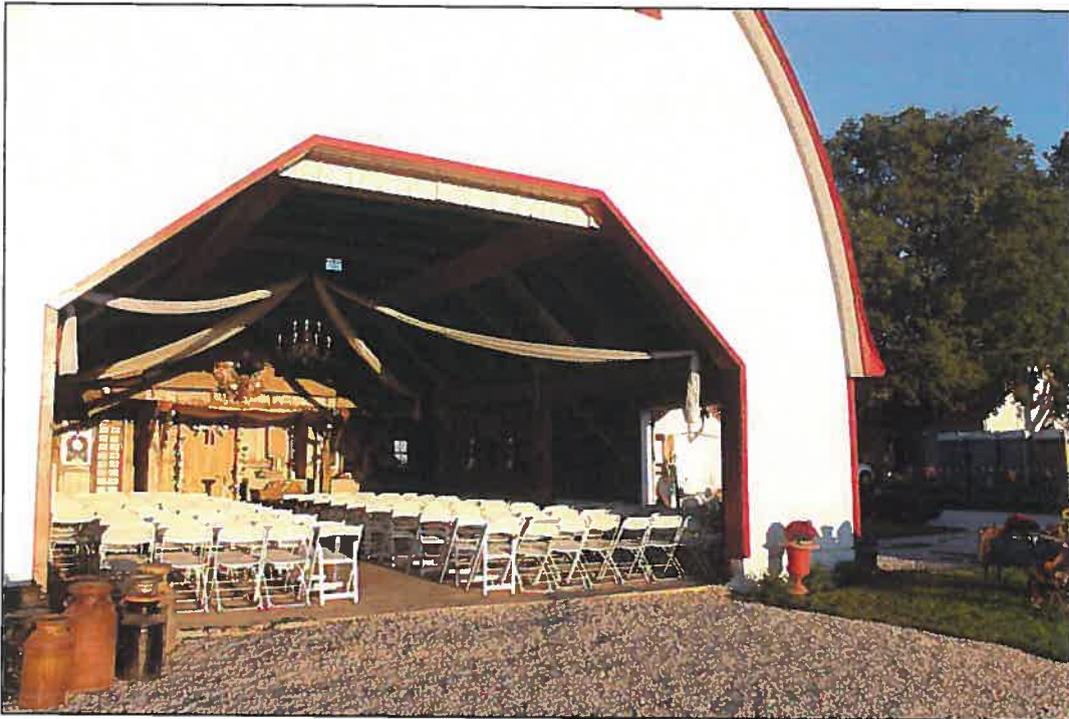


CR 1800 East from subject property facing north

799-AM-15/800-S-15/801-V-15 Hudson Farm Images



From Hudson Farm's Facebook page: Sign posted on wedding days



From Hudson Farm's Facebook page: Barn setting on an event day

799-AM-15/800-S-15/801-V-15 Hudson Farm Images



From Hudson Farm's Facebook page: Wedding Party photo showing rural theme and use of different parts of the property for photographs



From Hudson Farm's Facebook page: Use of varying parts of property for special events

DRAFT 04/09/15

799-AM-15

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

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

Date: ***{April 16, 2015}***

Petitioners: **Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC**

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 800-S-15 and subject to the requested variance in related Zoning Case 801-V-15.**

Table of Contents

Finding of Fact 2-26

Documents of Record..... 27-28

Case 799-AM-15 Summary Finding of Fact 29-32

Case 799-AM-15 Final Determination 33

Cases 799-AM-15

DRAFT 04/09/15

Page 2 of 33

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 16, 2015**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 800-S-15)

- *1. The Petitioner Joyce Hudson and husband Cecil Hudson own the subject property.
- *2. The subject property is a 3.67 acre tract of land in the Northeast Quarter of the Southwest Quarter of Section 25 of Urbana Township and commonly known as the farmstead located at 1341 CR 1800 East, Urbana, Illinois.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana but the City is located more than 1½ miles from the subject property.
 - *B. The subject property is located within Urbana Township, which does not have a Planning Commission.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“Present ordinance only allows farming. Change would allow farming along with agricultural themed weddings and events to take place by Special Use Permit.”**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: **“The primary Agricultural nature of the farm will remain completely intact and preserved, allowing the use to remain predominantly agricultural.”**

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *6. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The subject property is a 3.67 acre tract and is currently zoned AG-1 Agriculture.
 - * B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - *(1) Land on the north is in agriculture production with one single-family dwelling.
 - *(2) Land on the east, west, and south is in agricultural production.
- *7. Regarding the site plan and proposed operations of the subject property:

DRAFT 04/09/15

**Cases 799-AM-15
Page 3 of 33**

- *A. The site plan received December 12, 2014 consists of an aerial photograph with labeled buildings, and a separate floor plan for the “Farm Shed Hall”. The documents indicate the following existing and proposed improvements:
- * (1) Existing buildings shown on the aerial photograph include:
 - *a. A residence that was constructed prior to adoption of the Zoning Ordinance on October 10, 1973;
 - *b. A 43 feet by 37 feet barn to the north of the residence;
 - *c. A 43 feet by 135 feet “Farm Shed Hall” on the northwest corner of the property;
 - *d. A detached garage, no measurements provided, adjacent to the northwest corner of the residence;
 - *e. A small shed, no measurements provided, adjacent to four silos near the center of the property;
 - *f. A well to the west of the residence; and
 - *g. A septic field south of the Farm Shed Hall.
 - * (2) In a letter received December 12, 2014, the Petitioner provided more details about the proposed use and improvements:
 - *a. In the Farm Shed Hall, the petitioner proposes adding restrooms, an accessible ramp for the restrooms, and a concrete apron that is proposed to be an accessible vehicle drop-off.
 - * (3) In an email received March 6, 2015, the Petitioner’s agent, Thomas Drysdale, sent a sketch for the plumbing plans in the main hall. The plan includes:
 - *a. One men’s restroom with two stalls;
 - *b. One women’s restroom with four stalls;
 - *c. One unisex accessible restroom with one stall.
 - * (4) In an email received March 18, 2015, the Petitioner’s agent, Thomas Drysdale, stated “Information regarding the septic system will be provided. The plans to move forward with the septic system have been placed on hold.” Mr. Drysdale was advised by the Zoning Department on March 18, 2015, that “the new restrooms may require a larger septic system than what is currently available” and that they should contact the Champaign County Health Department to determine what improvements may need to be made.

* (5) No on-site parking is proposed other than for the required accessible parking spaces. A variance has been requested in related Case 801-V-15 to allow off-premises parking on the western shoulder of County Road 1800 East for all non-accessible parking instead of requiring on-site parking.

*B. There are no previous Zoning Use Permits on the subject property.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

*8. Regarding the existing and proposed zoning districts:

*A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:

* (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.

* (2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development.

B. Regarding the general locations of the existing and proposed zoning districts:

(1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.

(2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

(3) The subject property is 2 miles from the City of Urbana.

(4) The Zoning Map has always contained locations of the AG-2 District that are more than one and one-half miles from existing municipalities.

C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:

(1) There are 11 types of uses authorized by right in the AG-1 District and there are 13 types of uses authorized by right in the AG-2 District:

a. All 11 uses authorized by right in the AG-1 District are also authorized by right in the AG-2 District:

- (a) Single family dwelling;
- (b) Subdivisions totaling three lots or less;
- (c) Agriculture, including customary accessory uses;
- (d) Roadside stand operated by farm operator;
- (e) Minor rural specialty business;

DRAFT 04/09/15

**Cases 799-AM-15
Page 5 of 33**

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

DRAFT 04/09/15

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

DRAFT 04/09/15**Cases 799-AM-15
Page 7 of 33**

- (k) Truck terminal;
 - (l) Railroad yards and freight terminals;
 - (m) Airport;
 - (n) Heliport/helistops;
 - (o) Mortuary or funeral home;
 - (p) Roadside produce sales stand;
 - (q) Feed and grain (sales only);
 - (r) Artist studio;
 - (s) Residential recovery center;
 - (t) Antique sales and service;
 - (u) Amusement park;
 - (v) Resort or organized camp;
 - (w) Bait sales;
 - (x) Country club clubhouse;
 - (y) Lodge or private club;
 - (z) Outdoor commercial recreational enterprise (except amusement park);
 - (aa) Private indoor recreational development;
 - (bb) Public camp or picnic area;
 - (cc) Seasonal hunting or fishing lodge;
 - (dd) Stadium or coliseum;
 - (ee) Outdoor theatre;
 - (ff) Aviation sales, service or storage;
 - (gg) Self-storage warehouses, not providing heat/utilities to individual units;
 - (hh) Landscape waste processing facilities; and
 - (ii) Wood fabricating shop and related activities.
- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
- “It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
- B. The LRMP defines Goals, Objectives, and Policies as follows:
- (1) Goal: an ideal future condition to which the community aspires

Cases 799-AM-15
Page 8 of 33

DRAFT 04/09/15

- (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
- (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING RELEVANT LRMP GOALS & POLICIES

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

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

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

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

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

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

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

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

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

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

A. The three objectives are:

- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

DRAFT 04/09/15**Cases 799-AM-15
Page 9 of 33**

- (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
- (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

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

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

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment ***{WILL / WILL NOT} HELP ACHIEVE*** Goal 4 for the following reasons:

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

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

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed rezoning ***WILL HELP ACHIEVE*** Policy 4.1.1 because the subject property will not take any agricultural land out of production.

- (3) Policy 4.1.6 states: “**Provided that the use, design, site and location are consistent with County policies regarding:**
 - i. Suitability of the site for the proposed use;**
 - ii. Adequacy of infrastructure and public services for the proposed use;**
 - iii. Minimizing conflict with agriculture;**

DRAFT 04/09/15

- iv. **Minimizing the conversion of farmland; and**
 - v. **Minimizing the disturbance of natural areas; then**
- a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
 - b) **On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) **The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

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

- a. The soil on the subject property is best prime farmland and consists of Catlin silt loam, Drummer silty clay loam, and Flanagan silt loam, and would have an average LE of approximately 96.
- b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning *{WILL / WILL NOT}* **HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland.
- c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning *{WILL / WILL NOT}* **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning *{WILL / WILL NOT}* **HELP ACHIEVE** Policy 4.2.1, Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
- e. There are no relevant policies having to do with minimizing the conversion of farmland but the proposed development will take no best prime farmland land out of production.

DRAFT 04/09/15**Cases 799-AM-15
Page 11 of 33**

- f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.

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

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

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

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

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. The proposed development in related Cases 800-S-15 and 801-V-15 **DOES NOT** support agriculture.
- c. Regarding whether the proposed development in related Cases 800-S-15 and 801-V-15 **{IS / IS NOT}** a service better provided in a rural area:
- (a) The Petitioner has testified on the application in related Case 800-S-15 as follows:
- **“The property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.”**
 - **“Farming and agriculture will continue on the land. The weddings and events will take place in the existing barn and shed, leaving the traditional agricultural nature of the land intact.”**
- (b) As originally proposed by the Petitioner, all parking is proposed to be in the street right of way and so it is not clear that that this service is better provided in a rural area than in an urban area due to the higher speed that rural traffic generally travels as compared to urban traffic and the need to move large machinery and/ or haul grain on the rural roads.

DRAFT 04/09/15

- d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a) **is a type that does not negatively affect agricultural activities; or**
 - b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

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

- a. The proposed use of the subject property is ***NOT NEGATIVELY AFFECTED*** by agricultural activities because it will host agricultural themed weddings and events which rely on and benefit from the agricultural surroundings.
- b. Regarding whether the proposed development in related Cases 800-S-15 and 801-V-15 *{WILL /WILL NOT}* interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:
 - (a) The proposed events center is sited on land that is not in crop production.
 - (b) Agricultural drainage should not be affected.
 - (c) The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.
- c. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

DRAFT 04/09/15

**Cases 799-AM-15
Page 13 of 33**

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

The proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Policy 4.2.3 for the following reasons:

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

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

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

- a. The use on the subject property is intended to benefit from the adjacent agricultural activities and a buffer between the use and nearby agriculture is not warranted.

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

The proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Objective 4.3 because of the following:

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

The proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Policy 4.3.2 because the proposed site **{IS/ IS NOT} WELL SUITED OVERALL** for the development proposed in related Cases 800-S-15 and 801-V-15 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of Catlin silt loam, Drummer silty clay loam, and Flanagan silt loam, and has an average LE of approximately 96.
- b. As originally proposed by the Petitioner, all parking is proposed to be in the street right of way and so it is not clear that that this site is well-suited overall for the proposed land use. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal; however, because the

DRAFT 04/09/15

parking is proposed to be in the street right of way, the parking could interfere with the movement of large farm machinery and the hauling of grain and create safety problems especially after dark.

- c. The subject property is not served by sanitary sewer and changes need to be made to the existing septic system or a new septic system is needed and it is not yet clear if the necessary improvements can be made.
 - d. The proposed events center is sited on land that is not in crop production.
 - e. Agricultural drainage should not be affected.
 - f. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- (2) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**
The proposed rezoning *{WILL/ WILL NOT}* HELP ACHIEVE Policy 4.3.3 for the following reasons:
- a. The subject property is located approximately 7 miles from the Philo Fire Protection District Station. The District was notified of the case and no comments were received.
 - b. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- (3) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

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

- a. As originally proposed by the Petitioner in related Cases 800-S-15 and 801-V-15, all parking is proposed to be in the street right of way and so it is not clear that

DRAFT 04/09/15**Cases 799-AM-15
Page 15 of 33**

that the street is wide enough to accommodate on-street parking of this nature in addition to the farm traffic.

- b. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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

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

- a. The proposed use in related Cases 800-S-15 and 801-V-15 **DOES NOT** serve surrounding agricultural land uses or an important public need.
- b. Regarding whether the proposed development in related Cases 800-S-15 and 801-V-15 *{IS / IS NOT}* otherwise appropriate in a rural area:
- (a) The events center hosts agricultural themed weddings and events which rely on and benefit from the agricultural surroundings.
- (b) The proposed events center is sited on land that is not in crop production.
- (c) The Petitioner has testified on the application in related Case 800-S-15 as follows:
- **“The property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.”**
 - **“Farming and agriculture will continue on the land. The weddings and events will take place in the existing barn and shed, leaving the traditional agricultural nature of the land intact.”**
- (d) The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. However, as originally proposed by the Petitioner, all parking is proposed to be in the

DRAFT 04/09/15

street right of way and could interfere with the movement of large farm machinery and the hauling of grain.

- (e) The subject property is located about 2 miles southeast of the City of Urbana and is about 0.6 mile south of Windsor Road (CR1400N).
- c. Regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment *{CONFORMS / DOES NOT CONFORM}* to Goal 5 because of the following:

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

The proposed rezoning *{CONFORMS / DOES NOT CONFORM}* to Objective 5.1 because of the following:

- (1) Objective 5.1 includes nine subsidiary policies. Policies 5.1.2, 5.1.3, 5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 do not appear to be relevant to the proposed amendment.
- (2) Policy 5.1.1 states, **“The County will encourage new urban development to occur within the boundaries of incorporated municipalities.**

The proposed rezoning *{CONFORMS / DOES NOT CONFORM}* to Policy 5.1.1 because of the following:

- a. The subject property is not served by sanitary sewer.

DRAFT 04/09/15

**Cases 799-AM-15
Page 17 of 33**

- b. The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
- c. The AG-2 District contains many uses that can be considered urban development as defined by the LRMP such as a stadium or coliseum and any use which generates a substantial wastewater load but the proposed use is not urban development because the proposed use generates no process-related wastewater. But changes need to be made to the existing septic system or a new septic system is needed and it is not yet clear if the necessary improvements can be made.
- d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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

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

Goal 6 has 4 objectives and 7 policies. The proposed amendment *{WILL / WILL NOT} HELP ACHIEVE* Goal 6 for the following reasons:

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

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

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

The proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 6.1.2 for the following reasons:

- a. The subject property is not served by sanitary sewer and changes need to be made to the existing septic system or a new septic system is needed and it is not yet clear if the necessary improvements can be made.

DRAFT 04/09/15

- b. Any proposed Special Use Permit can be evaluated on a case by case for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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

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

Goal 7 has 2 objectives and 7 policies. The proposed amendment ***WILL HELP ACHIEVE*** Goal 7 for the following reasons:

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

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

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

The proposed rezoning {***WILL/ WILL NOT***} **CONFORM** to Policy 7.1.1 because:

- a. The proposed Event Center will accommodate up to 400 people and the Zoning Ordinance requires at least 80 parking spaces.
- b. The subject property fronts the west side of CR 1800 East. As reviewed in related Case 800-S-15 regarding the general traffic conditions on CR 1800 East at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (a) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. CR 1800 East had an ADT of 100 near the subject property. It should be noted that the ADT count was taken prior to Hudson Farm opening a special events center.
 - (b) The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are no paved shoulders on this part of CR 1800 East, but there is approximately 8 feet of relatively flat grassy area on either side of the road.

DRAFT 04/09/15

Cases 799-AM-15
Page 19 of 33

- (c) The pavement surface of CR 1800 E in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a maximum recommended traffic volume of no more than 250 ADT.
- (d) The subject property is located about 2 miles southeast of the City of Urbana and is about 0.6 mile south of Windsor Road (CR1400N) which is heavily traveled.

- c. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal however, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.
- d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

B. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6.

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

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

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

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

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

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

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

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

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

GENERALLY REGARDING THE LASALLE FACTORS

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

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

Table 1. Land Use and Zoning Summary

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

- B. ***LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:
- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - (2) This area is primarily an agricultural area and the subject property has been a farmstead for decades.
 - (3) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect. Regarding the effect on nearby properties:
 - a. The traffic generated by the proposed use in related Cases 800-S-15 and 801-V-15 will generally occur on weekends and the overall impact could be minimal. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.

DRAFT 04/09/15

**Cases 799-AM-15
Page 21 of 33**

- b. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.** Regarding this factor:
- (1) There has been no evidence submitted regarding property values.
 - (2) This area is primarily an agricultural area and the subject property has been a farmstead for decades.
 - (3) The Petitioner started renovations for the Events Center and hosting special events without contacting the Zoning Office; initial communication with the Zoning Office would have provided appropriate direction to the Petitioner prior to making those renovations.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural land uses and activities. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.
 - (2) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.** Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property is occupied and in agricultural use as zoned AG-1.

Cases 799-AM-15
Page 22 of 33

DRAFT 04/09/15

- (2) This area is primarily an agricultural area and the subject property has been a farmstead for decades.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) In the application for related Zoning Case #800-S-15, the Petitioner testified that “**the property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.**” and “**it should be noted that the Champaign County Visitor’s Center would like Hudson Farms to be a stop on their summer tour of large events. The Visitor’s Center would like to serve their dinner at Hudson Farms.**”
- (2) The ZBA has recommended that the proposed rezoning *{WILL / WILL NOT}* **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use *{IS / IS NOT}* a service better provided in a rural area.
- (3) In the review of Policy 4.3.5 the ZBA has recommended the following:
- a. The proposed use **DOES NOT** serve surrounding agricultural land uses or an important public need.
- b. The proposed development *{IS / IS NOT}* otherwise appropriate in a rural area.
- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- H. **Sinclair factor: The extent to which the use conforms to the municipality’s comprehensive planning.** The ZBA has recommended that the proposed rezoning *{WILL / WILL NOT}* **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- I. Overall, the proposed map amendment *{IS / IS NOT}* **CONSISTENT** with the LaSalle and Sinclair factors.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment *{WILL / WILL NOT}* **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

DRAFT 04/09/15

**Cases 799-AM-15
Page 23 of 33**

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

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

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

- (1) It is not clear whether or not the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) The proposed rezoning could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
 - a. An event center is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and an event center. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties there should be no significant effect on the value of nearby properties.
 - b. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.
- (3) In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
 - a. The subject property has been a farmstead for decades and if the rezoning is denied it can continue to be used as a farmstead or as simply a single family residence.

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

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

- (1) Probable traffic impacts are reviewed under Policy 7.1.1. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal.

DRAFT 04/09/15

However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.

- (2) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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

The proposed construction on the subject property will not trigger the need for stormwater management and there are no known drainage problems on the subject property.

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

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

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

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

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

- G. Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS,

DRAFT 04/09/15

**Cases 799-AM-15
Page 25 of 33**

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.

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

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

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

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

- (1) The proposed Special Use in related Case 800-S-15 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- (2) The ZBA has recommended that the proposed rezoning *{WILL / WILL NOT}* **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.

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

The subject property does not contain any natural features.

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

The proposed Special Use in related Case 800-S-15 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.

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

The proposed use will not take any land out of production.

- M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. Proposed Special Conditions of Approval:

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

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

DRAFT 04/09/15**Cases 799-AM-15
Page 27 of 33****DOCUMENTS OF RECORD**

1. Application for Map Amendment received February 13, 2015, with attachments:
 - A Warranty Deed
 - B Completed Improvements budget estimate
 - C Future Improvements budget estimate
 - D Aerial photograph of subject property received December 12, 2014
2. Application for Special Use Permit received February 13, 2015, with attachments:
 - A Warranty Deed
3. Application for Variance Permit received February 13, 2015, with attachments:
 - A Warranty Deed
 - B Tax Map of subject property and surrounding area
 - C Section of Urbana Quadrangle Map showing subject property and surrounding area
4. Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District
5. On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
6. Letter from Joyce Hudson dated December 10, 2014 with attachments:
 - A Buildings descriptions
 - B Aerial with buildings labels
 - C Floor plan of Farm Shed Hall proposed improvements
7. Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
 - A Sketch of plumbing plans
 - B Soil evaluation (digital file did not arrive completely, requested new copy)
 - C Petition regarding parking along CR 1800 E for special events
8. Email from Agent Thomas Drysdale received March 18, 2015
9. Preliminary Memorandum for Cases 799-AM-15, 800-S-15, and 801-V-15, with attachments:
 - A Case Maps (Location, Land Use, Zoning, Parking Example, Alternative Parking Layouts)
 - B LRMP Land Use Goals, Objectives, and Policies
 - C LRMP Appendix of Defined Terms
 - D Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District
 - E On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
 - F Letter from Joyce Hudson dated December 10, 2014 with attachments:
 - Buildings descriptions

Cases 799-AM-15
Page 28 of 33

DRAFT 04/09/15

- Aerial with buildings labels
- Floor plan of Farm Shed Hall proposed improvements
- G Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
 - Sketch of plumbing plans
 - Soil evaluation (digital file did not arrive completely, requested new copy)
 - Petition regarding parking along CR 1800 E for special events
- H Email from Agent Thomas Drysdale received March 18, 2015
- I Site Visit Photos
- J Summary of Evidence, Finding of Fact, and Final Determination for Case 799-AM-15
- K Summary of Evidence, Finding of Fact, and Final Determination for Case 800-S-15
- L Summary of Evidence, Finding of Fact, and Final Determination for Case 801-V-15

DRAFT 04/09/15**Cases 799-AM-15
Page 29 of 33****SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 16, 2015**, the Zoning Board of Appeals of Champaign County finds that:

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

DRAFT 04/09/15

- b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(3)).
 - c. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(2)).
 - d. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.B.(1)).
- (3) It **{WILL / WILL NOT} HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
- a. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.A.(3)).
 - b. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.A.(2)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 5:
- (1) The proposed amendment **{CONFORMS / DOES NOT CONFORM}** to Goal 5 because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
 - a. Policy 5.1.1 requiring that the County will encourage new urban development to occur within the boundaries of incorporated municipalities (see Item 14.A.(2)).
 - (2) Based on achievement of the above Objective and Policy, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 5 Urban Land Use.
- D. Regarding Goal 6:
- (1) The proposed amendment **{CONFORMS / DOES NOT CONFORM}** to Goal 6 because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
 - a. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger

DRAFT 04/09/15

**Cases 799-AM-15
Page 31 of 33**

public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 15.A.(2)).

- (2) Based on achievement of the above Objective and Policy, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 6 Public Health and Safety.

E. Regarding Goal 7:

- (1) The proposed amendment **{CONFORMS / DOES NOT CONFORM}** to Goal 7 because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
- a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation.

- (2) Based on achievement of the above Objective and Policy, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 7 Transportation.

F. The proposed amendment **WILL NOT IMPEDE** the following LRMP goal(s):

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 8 Natural Resources
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

G. Overall, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** the Land Resource Management Plan.

2. The proposed Zoning Ordinance map amendment **{IS/IS NOT}** consistent with the *LaSalle* and *Sinclair* factors because of the following:

A. This area is primarily an agricultural area and the subject property has been a farmstead for decades.

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

C. There has been no evidence submitted regarding property values. This area is primarily an agricultural area and the subject property has been a farmstead for decades.

D. The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural land uses and activities. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.

E. The subject property is occupied and in agricultural use as zoned AG-1.

DRAFT 04/09/15

- F. The ZBA has recommended that the proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Policy 4.2.1 regarding whether the proposed use *{IS / IS NOT}* a service better provided in a rural area.
- G. The ZBA has recommended that the proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* the Champaign County Land Resource Management Plan.
- 3. The proposed Zoning Ordinance map amendment *{WILL / WILL NOT} HELP ACHIEVE* the purpose of the Zoning Ordinance because:
 - A. Establishing the special use as originally proposed by the Petitioner, which requires rezoning to AG-2, will not lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).
 - B. Establishing the AG-2 District at this location will help classify, regulate, and restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i) see Item 21.G.).
 - C. Establishing the AG-2 District in this location *{WILL / WILL NOT}* help protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0 (n) Item 21.I).
 - D. Establishing the AG-2 District at this location will maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).
 - E. The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

DRAFT 04/09/15

**Cases 799-AM-15
Page 33 of 33**

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 799-AM-15** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

04/09/15 PRELIMINARY DRAFT

800-S-15

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

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

*Note: Staff analysis of the Special Use as proposed resulted in a negative recommendation (draft finding) for three of the five Special Use criteria and the Zoning Ordinance prohibits approval of a Special Use if there is even one negative finding.

Date: ***{April 16, 2015}***

Petitioners: Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC

Request: Authorize the following on land in the AG-2 Agriculture Zoning District:

Part A. 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 799-AM-15 and subject to the requested variance in related Zoning Case 801-V-15.

Part B. Authorize the following waiver to the standard conditions of the “Outdoor Commercial Recreational Enterprise” special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

Table of Contents

General Application Information 2 - 3
Specific Ordinance Requirements 3 - 8
Special Use Evidence 8 - 23
Documents of Record 24 - 25
Case 800-S-15 Finding of Fact.....26 - 30
Case 800-S-15 Final Determination31 - 33

Case 800-S-15
Page 2 of 33

04/09/15 PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 16, 2015**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 799-AM-15)

- *1. The Petitioner Joyce Hudson and husband Cecil Hudson own the subject property.
- *2. The subject property is a 3.67 acre tract of land in the Northeast Quarter of the Southwest Quarter of Section 25 of Urbana Township and commonly known as the farmstead located at 1341 CR 1800 East, Urbana, Illinois.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana but the City is located more than 1½ miles from the subject property.
 - *B. The subject property is located within Urbana Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The subject property is a 3.67 acre tract and is currently zoned AG-1 Agriculture but is proposed to be rezoned to AG-2 Agriculture in related Case 799-AM-15.
 - * 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 on the north is in agriculture production with one single-family dwelling.
 - * (2) Land on the east, west, 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 December 12, 2014 consists of an aerial photograph with labeled buildings, and a separate floor plan for the "Farm Shed Hall". The documents indicate the following existing and proposed improvements:
 - * (1) Existing buildings shown on the aerial photograph include:
 - *a. A residence that was constructed prior to adoption of the Zoning Ordinance on October 10, 1973;
 - *b. A 43 feet by 37 feet barn to the north of the residence;

04/09/15 PRELIMINARY DRAFT

**Case 800-S-15
Page 3 of 33**

- *c. A 43 feet by 135 feet “Farm Shed Hall” on the northwest corner of the property;
 - *d. A detached garage, no measurements provided, adjacent to the northwest corner of the residence;
 - *e. A small shed, no measurements provided, adjacent to four silos near the center of the property;
 - *f. A well to the west of the residence; and
 - *g. A septic field south of the Farm Shed Hall.
- * (2) In a letter received December 12, 2014, the Petitioner provided more details about the proposed use and improvements:
- *a. In the Farm Shed Hall, the petitioner proposes adding restrooms, an accessible ramp for the restrooms, and a concrete apron that is proposed to be an accessible vehicle drop-off.
- * (3) In an email received March 6, 2015, the Petitioner’s agent, Thomas Drysdale, sent a sketch for the plumbing plans in the main hall. The plan includes:
- *a. One men’s restroom with two stalls;
 - *b. One women’s restroom with four stalls;
 - *c. One unisex accessible restroom with one stall.
- * (4) In an email received March 8, 2015, the Petitioner’s agent, Thomas Drysdale, stated “Information regarding the septic system will be provided. The plans to move forward with the septic system have been placed on hold.” Mr. Drysdale was advised by the Zoning Department on March 18, 2015, that “the new restrooms may require a larger septic system than what is currently available” and that they should contact the Champaign Urbana Public Health Department to determine what improvements may need to be made.
- * (5) No on-site parking is proposed other than for the required accessible parking spaces. A variance has been requested in related Case 801-V-15 to allow off-premises parking on the western shoulder of County Road 1800 East for all non-accessible parking instead of requiring on-site parking.
- *B. There are no previous Zoning Use Permits on the subject property.

04/09/15 PRELIMINARY DRAFT**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a “Private Indoor Recreational Development” in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (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 conditions for Outdoor Commercial Recreational Enterprise:
 - a. A separation distance of 200 feet between any R DISTRICT or residential or INSTITUTIONAL USE.
- B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.

04/09/15 PRELIMINARY DRAFT**Case 800-S-15
Page 5 of 33**

- (3) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of 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) “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.
- (6) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (7) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.

04/09/15 PRELIMINARY DRAFT

- (8) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (9) "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.
- (10) "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.
- (11) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (12) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (13) "SIGN" is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (14) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (15) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (16) "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.
- (17) "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.

04/09/15 PRELIMINARY DRAFT**Case 800-S-15
Page 7 of 33**

- (18) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (19) “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.
- (20) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- C. Section 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.

04/09/15 PRELIMINARY DRAFT

- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- D. 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.
- E. 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.

04/09/15 PRELIMINARY DRAFTCase 800-S-15
Page 9 of 33**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 property provides a special and unique venue for members of the community to hold weddings and other events in a rural, preserved, traditional family-owned farm setting.”**

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

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“Farming and agriculture will continue on the land. The weddings and events will take place in the existing barn and shed, leaving the traditional agricultural nature of the land intact.”**
- B. Regarding surface drainage:
- (1) The Champaign County Soil and Water Conservation District Natural Resource Report received March 9, 2015 states “The site is the top of a hill, water now travels off the site in all directions. The site has a great deal of crop field between the site and any water source.”
- (2) The Report does not identify any concerns related to surface drainage for the proposed special use.
- C. As proposed, the Special Use ***WILL BE INJURIOUS*** in regards to the effects on traffic, as follows:
- (1) The subject property fronts the west side of CR 1800 East. Regarding the general traffic conditions on CR 1800 East at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property. CR 1800 East had an ADT of 100 near the subject property. It should be noted that the ADT count was taken prior to Hudson Farm opening a special events center.
- b. The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines

04/09/15 PRELIMINARY DRAFT

recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are no paved shoulders on this part of CR 1800 East, but there is approximately 8 feet of relatively flat grassy area on either side of the road.

- c. The pavement surface of CR 1800 E in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a maximum recommended traffic volume of no more than 250 ADT.
 - d. The subject property is located about 2 miles southeast of the City of Urbana and is about 0.6 mile south of Windsor Road (CR1400N).
- (2) The Township Highway Commissioner has been notified of this case and no comments have been received.
- (3) The Petitioner has indicated that all wedding guests are asked to park along the west side of CR 1800 East rather than on the property, which is the topic of related Case 801-V-15. Regarding the proposed variance:
- a. Wedding events are the primary type of event at this venue, and there are 15 scheduled for 2015 as of December 2014.
 - b. The petitioner estimates that the proposed Farm Shed Hall improvements will allow for 400 guests. Assuming the Zoning Ordinance minimum requirement of one parking space per 5 seats in the facility, there would need to be space for 80 vehicles along CR 1800 East.
 - c. Assuming 20 feet of space for each vehicle, a full capacity event could create a line of vehicles extending 1,600 feet or more along CR 1800 East.
 - d. The Petitioner has indicated that by recommendation of the Champaign County Sheriff's Office, signs have been purchased stating "Cars Parked on Shoulder Ahead" which they intend to post during events.
 - e. The Petitioner states that neighbors on CR 1800 East do not object to guests parking along the road and neighbors and supporters of Hudson Farm Wedding & Events LLC have signed a petition stating they do not take issue with event-related roadside parking.
 - f. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal. However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain as well as simply cause a safety problem due to obstruction of the

04/09/15 PRELIMINARY DRAFT

**Case 800-S-15
Page 11 of 33**

roadway shoulder by parked vehicles and the use of the street pavement for pedestrians to walk to and from the vehicles, including after dark.

- g. The proposed on-street parking is not consistent with several relevant policies in the Champaign County Land Resource Management Plan, as follows:
- (a) Regarding Policy 4.2.1, the proposed development **IS NOT** a service better provided in a rural area because the petitioner proposes to use on-street parking.
 - (b) Regarding Policy 4.2.2, the proposed development **WILL** interfere with agricultural activities or damage or negatively impact the operation of *rural* roads.
 - (c) Regarding Policy 4.3.2, the proposed site **IS NOT WELL SUITED OVERALL** for the development because the petitioner has proposed on-street parking.
 - (d) Regarding Policy 4.3.4 the proposed development **WILL NOT HELP ACHIEVE** Policy 4.3.4 because the street is not wide enough to accommodate on-street parking of this nature in addition to the farm traffic.
- (4) Based on the information above regarding the proposed on-street parking, the Special Use as proposed is designed, located, and operated so that it **WILL BE INJURIOUS** to the District.
- D. Regarding fire protection on the subject property, the subject property is located within the Philo Fire Protection District. The FPD Chief has been notified of this case and no comments have been received.
- E. No part of the subject property is located within a mapped floodplain.
- F. The subject property is considered BEST PRIME FARMLAND. The soil on the subject property consists of Catlin silt loam, Drummer silty clay loam, and Flanagan silt loam, and has an average LE of approximately 96.
- G. Regarding outdoor lighting on the subject property:
- (1) No outdoor lighting was indicated on the Site Plan received December 12, 2014; however, the petitioner provided a sketch of the outdoor lighting received March 30, 2015.

04/09/15 PRELIMINARY DRAFT

- (2) There is no indication on the site plan or the sketch received March 30, 2015 of whether the lights are full, partial, or no cutoff.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) The subject property is not served by sanitary sewer; it is possible that changes need to be made to the existing septic system or a new septic system is needed and it is not yet clear if the necessary improvements can be made.
 - (2) The Petitioner indicated in their letter dated December 10, 2014 that they are consulting with plumbers regarding the septic system needed to install a few bathrooms.
 - (3) Any new septic system or change to the existing septic system must be approved by the Champaign County Health Department. A special condition has been proposed to ensure compliance with this requirement but feasibility of any required septic system change should be established during the public hearing.
- I. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.

04/09/15 PRELIMINARY DRAFT

**Case 800-S-15
Page 13 of 33**

- 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:

Case 800-S-15
Page 14 of 33

04/09/15 PRELIMINARY DRAFT

- A. The Petitioner has testified on the application: **“Yes. The proposed use will not affect the agricultural activities on the land. The weddings and events held will be secondary to the primary farming business.”**
- 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 District and by right in the B-2, B-3, and B-4 Zoning District.
 - (2) An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts.
 - (3) Regarding the requirement that the proposed Special Use be separated by 200 feet from the nearest residential use:
 - a. The barn that was previously used for agriculture is now being used for special events. It has been on the property for many years, and conforms to Zoning Ordinance yard and setback requirements except when used as an events center.
 - b. The barn is approximately 50 feet from the neighboring residence to the north, which is the reason for requesting Part B of the Special Use.
 - (4) Regarding parking on the subject property for the proposed Event Center:
 - a. Paragraph 7.4.1.C.3.b.i. requires that places of public assembly including assembly halls, exhibition halls, convention halls, and other enclosed STRUCTURES shall provide 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.
 - b. Regarding the number of required onsite parking spaces:
 - (a) There is a proposed capacity of 400 people in the Farm Shed Hall; by dividing 400 by 5 seats it equals 80 parking spaces, which is the greater number compared to 29 spaces, which is a result of dividing 5,805 square feet by 200 square feet.
 - (b) It is not clear if the wedding barn could also be in use at the same time as the Farm Shed Hall in which case the required number of parking spaces could be greater than 400. Evidence regarding this possibility should be obtained in the public hearing.
 - c. The Petitioner seeks a Variance to provide only roadside (off-premises) parking in related Case 801-V-15. Note that if Case 801-V-15 is either

04/09/15 PRELIMINARY DRAFT

**Case 800-S-15
Page 15 of 33**

denied or withdrawn by the Petitioner, a new site plan with onsite parking will be required in order for this Special Use to be approved.

- C. Regarding compliance with the *Stormwater Management Policy*:
 - (1) The property is in compliance with the Stormwater Management Policy.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
 - (1) A Private Indoor Recreational Development may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
 - (2) An Outdoor Commercial Recreational Enterprise may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
 - (3) The proposed use will not hinder agricultural production and agricultural production will still occur onsite.
- G. Currently, the subject property is zoned AG-1 Agriculture and the Petitioner has requested to rezone the property to AG-2 Agriculture in related Case 799-AM-15. Regarding whether or not the proposed Special Use will preserve the essential Character of the surrounding AG-1 District:
 - (1) As reviewed in Case 799-AM-15, 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) Compatibility of the proposed Special Use and the proposed rezoning with surrounding agriculture is evaluated in related Case 799-AM-15 under review of Land Resource Management Plan Objective 4.2 regarding interference with agricultural operations. The proposed Special Use **WILL** interfere with agricultural operations because as proposed by the Petitioner, all parking except for the accessible parking spaces, is proposed to be in the street right of way and even though the traffic generated by the proposed use will generally occur on weekends it could interfere with the movement of large farm machinery and the hauling of grain and create serious safety problems.

04/09/15 PRELIMINARY DRAFT

- (3) The subject property is located on CR 1800 East. Land use and zoning in the immediate area of the subject property are as follows:
- *a. Land on the north, south, east, and west of the subject property is zoned AG-1 Agriculture and is in use as follows:
 - *(a) Land on the north is in agriculture production with one single-family dwelling.
 - *(b) Land on the east, west, 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

04/09/15 PRELIMINARY DRAFT

**Case 800-S-15
Page 17 of 33**

Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

- D. The proposed Special Use Permit ***IS NOT*** in harmony with the general purpose of the Zoning Ordinance, as follows:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

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

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

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

- a. It is not clear whether or not the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- b. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
 - (a) An event center is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and an event center. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties there should be no significant effect on the value of nearby properties.
 - (b) However, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain.
- c. In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:

04/09/15 PRELIMINARY DRAFT

- (a) The subject property has been a farmstead for decades and if the rezoning is denied it can continue to be used as a farmstead or as simply a single family residence.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use **WILL NOT** lessen and avoid congestion in the public streets, as follows:

- a. Probable traffic impacts are reviewed under item 8.C. The traffic generated by the proposed use will generally occur on weekends and the overall impact could be minimal however, as originally proposed by the Petitioner, all parking is proposed to be in the street right of way and could interfere with the movement of large farm machinery and the hauling of grain and create safety problems especially after dark.
- (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.

The proposed construction on the subject property will not trigger the need for stormwater management and there are no known drainage problems on the subject property.

- (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.

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

- 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. In regards to the concerns about proposed parking in the street right of way and the effects on traffic safety reviewed under item 8.C., the proposed Special Use **WILL NOT** promote the public safety, comfort, and general welfare.

04/09/15 PRELIMINARY DRAFT

**Case 800-S-15
Page 19 of 33**

- (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

04/09/15 PRELIMINARY DRAFT

productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed Special Use *WILL* subject the most productive agricultural lands to haphazard and unplanned intrusions of urban uses as follows:

- a. The proposed Special Use in related Case 800-S-15 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- b. The ZBA has recommended that the proposed rezoning *{WILL / WILL NOT} HELP ACHIEVE* Goal 4 Agriculture of the Champaign County Land Resource Management Plan but the Special Use Permit as proposed *WILL NOT HELP ACHIEVE* Goal 4 Agriculture.

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

The subject property does not contain any natural features.

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

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

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

The proposed Special Use will not take any land out of 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 efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

04/09/15 PRELIMINARY DRAFT

Case 800-S-15
Page 21 of 33

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: N/A
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS

12. Regarding the necessary waivers of standard conditions:
 - A. Waive the standard condition of Section 6.1.3 of the *Zoning Ordinance*: that requires a separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:
 - (1) The nearest residential structure is owned by the Petitioner's mother-in-law, who is aware of the proposed special use and has no objections to the special events center or its proximity.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
 - A. **The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:**
 - (1) **The Petitioner shall apply for a Health Department Permit for the required septic system changes within two weeks of receiving a final determination by the County Board in related Case 799-AM-15; and**
 - (2) **The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 799-AM-15; and**
 - (3) **A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 799-AM-15; and**
 - (4) **Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.**

04/09/15 PRELIMINARY DRAFT

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

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

- B. The following condition will ensure that the septic system is built as approved by the Champaign County Health Department as a requirement for a Zoning Use Permit:**
- (1) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property.**
 - (2) The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Change of Use Permit.**
 - (3) The Change of Use Permit Application for the construction and establishment of the proposed SPECIAL USE shall include the following:**
 - a. A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
 - b. The site plan for the Change of Use Permit Application shall indicate 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.**
 - (4) 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 issuance of a Zoning Compliance Certificate for the proposed SPECIAL USE.**

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

Any changes to the septic system are in compliance with the Champaign County Health Department.

- C. The Zoning Administrator shall not authorize a Change of Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special conditions stated above are required to ensure the following:

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- D. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial**

04/09/15 PRELIMINARY DRAFT

**Case 800-S-15
Page 23 of 33**

Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

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

- E. 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.

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

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

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

DOCUMENTS OF RECORD

1. Application for Special Use Permit received February 13, 2015, with attachments:
 - A Warranty Deed
2. Application for Map Amendment received February 13, 2015, with attachments:
 - A Warranty Deed
 - B Completed Improvements budget estimate
 - C Future Improvements budget estimate
 - D Aerial photograph of subject property received December 12, 2014
3. Application for Variance Permit received February 13, 2015, with attachments:
 - A Warranty Deed
 - B Tax Map of subject property and surrounding area
 - C Section of Urbana Quadrangle Map showing subject property and surrounding area
4. Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District
5. On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
6. Letter from Joyce Hudson dated December 10, 2014, received December 12, 2014 with attachments:
 - A Buildings descriptions
 - B Aerial with buildings labels
 - C Floor plan of Farm Shed Hall proposed improvements
7. Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
 - A Sketch of plumbing plans
 - B Soil evaluation (digital file did not arrive completely, requested new copy)
 - C Petition regarding parking along CR 1800 E for special events
8. Email from Agent Thomas Drysdale received March 18, 2015
9. Preliminary Memorandum for Cases 799-AM-15, 800-S-15, and 801-V-15, with attachments:
 - A Case Maps (Location, Land Use, Zoning, Parking Example, Alternative Parking Layouts)
 - B LRMP Land Use Goals, Objectives, and Policies
 - C LRMP Appendix of Defined Terms
 - D Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District
 - E On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015

04/09/15 PRELIMINARY DRAFT

**Case 800-S-15
Page 25 of 33**

- F Letter from Joyce Hudson dated December 10, 2014 with attachments:
 - Buildings descriptions
 - Aerial with buildings labels
 - Floor plan of Farm Shed Hall proposed improvements
- G Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
 - Sketch of plumbing plans
 - Soil evaluation (digital file did not arrive completely, requested new copy)
 - Petition regarding parking along CR 1800 E for special events
- H Email from Agent Thomas Drysdale received March 18, 2015
- I Site Visit Photos
- J Summary of Evidence, Finding of Fact, and Final Determination for Case 799-AM-15
- K Summary of Evidence, Finding of Fact, and Final Determination for Case 800-S-15
- L Summary of Evidence, Finding of Fact, and Final Determination for Case 801-V-15

Case 800-S-15
Page 26 of 33

04/09/15 PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 800-S-15 held on April 16, 2015, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: _____

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because*}*: _____
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*: _____
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because*}*: _____
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because*}*: _____
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because*}*: _____
 - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because*}*: _____

 - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because*}*: _____
 - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*: _____

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

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

04/09/15 PRELIMINARY DRAFT

Case 800-S-15
Page 27 of 33

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.

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

- 4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.

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

- 6. ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***
 - A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance: that requires a **separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:**
 - (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 _____

Case 800-S-15
Page 28 of 33

04/09/15 PRELIMINARY DRAFT

- (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. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:*

- A. The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:**
 - (1) The Petitioner shall apply for a Health Department Permit for the required septic system changes within two weeks of receiving a final determination by the County Board in related Case 799-AM-15; and**
 - (2) The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 799-AM-15; and**
 - (3) A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 799-AM-15; and**
 - (4) Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.**

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

04/09/15 PRELIMINARY DRAFT

**Case 800-S-15
Page 29 of 33**

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

- B. The following condition will ensure that the septic system is built as was approved by the Champaign County Health Department are a requirement for a Zoning Use Permit:**
- (1) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property.**
 - (2) The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Change of Use Permit.**
 - (3) The Change of Use Permit Application for the construction and establishment of the proposed SPECIAL USE shall include the following:**
 - (a) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
 - (b) The site plan for the Change of Use Permit Application shall indicate 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.**
 - (4) 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 issuance of a Zoning Compliance Certificate for the proposed SPECIAL USE.**

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

Any changes to the septic system are in compliance with the Champaign County Health Department.

- C. The Zoning Administrator shall not authorize a Change of Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special conditions stated above are required to ensure the following:

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

Case 800-S-15
Page 30 of 33

04/09/15 PRELIMINARY DRAFT

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

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

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

- E. 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 on-going compliance with all applicable County requirements.

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

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

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

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

04/09/15 PRELIMINARY DRAFT

Case 800-S-15
Page 31 of 33**FINAL DETERMINATION**

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

The Special Use requested in Case 800-S-15 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant Joyce Hudson d.b.a. Hudson Farm Wedding and Events LLC, to authorize the following as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 799-AM-15 :

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

SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:

- A. **Waiver of the standard condition in Section 6.1.3 that requires a separation distance of 50 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:**

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:**
- (1) **The Petitioner shall apply for a Health Department Permit for the required septic system changes within two weeks of receiving a final determination by the County Board in related Case 799-AM-15; and**
 - (2) **The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 799-AM-15; and**
 - (3) **A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 799-AM-15; and**
 - (4) **Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.**

Case 800-S-15
Page 32 of 33

04/09/15 PRELIMINARY DRAFT

- B. The following condition will ensure that the septic system is built as was approved by the Champaign County Health Department are a requirement for a Zoning Use Permit:**
- (1) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property.**
 - (2) The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Change of Use Permit.**
 - (3) The Change of Use Permit Application for the construction and establishment of the proposed SPECIAL USE shall include the following:**
 - a. A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
 - b. The site plan for the Change of Use Permit Application shall indicate 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.**
 - (4) 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 issuance of a Zoning Compliance Certificate for the proposed SPECIAL USE.**
- C. The Zoning Administrator shall not authorize a Change of Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- D. 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.**
- E. 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.**
- F. No parking shall occur in the public street right of way.**

04/09/15 PRELIMINARY DRAFT

**Case 800-S-15
Page 33 of 33**

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

PRELIMINARY DRAFT

801-V-15

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

**of
Champaign County Zoning Board of Appeals**

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

*Note: Staff analysis of the variance as proposed resulted in a negative recommendation (draft finding) for all five variance criteria and the Zoning Ordinance prohibits approval of a variance if there is even one negative finding.

Date: ***{April 16, 2015}***

Petitioners: **Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC**

Request: Authorize the following in the AG-2 Agriculture Zoning District:

A variance from Section 7.1.2.E.4.c.(1) of the Zoning Ordinance that requires onsite parking to allow off-premises parking on the shoulder of County Road 1800 East during events held at the Special Use proposed in related case 800-S-15.

Table of Contents

General Application Information 2 - 3

Requested Variance 3

Specific Ordinance Requirements 3 - 5

Variance Evidence 6 - 9

Documents of Record 10 - 11

Case 801-V-15 Findings of Fact..... 12

Case 801-V-15 Final Determination..... 13

Case 801-V-15
Page 2 of 13

04/09/15 PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 16, 2015**, the Zoning Board of Appeals of Champaign County finds that:

(Note: asterisk indicates items of evidence that are identical to evidence in Case 800-S-15)

- *1. The Petitioner Joyce Hudson and husband Cecil Hudson own the subject property.
- *2. The subject property is a 3.67 acre tract of land in the Northeast Quarter of the Southwest Quarter of Section 25 of Urbana Township and commonly known as the farmstead located at 1341 CR 1800 East, Urbana, Illinois.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana but the City is located more than 1½ miles from the subject property.
 - *B. The subject property is located within Urbana Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The subject property is a 3.67 acre tract and is currently zoned AG-1 Agriculture but is proposed to be rezoned to AG-2 Agriculture in related Case 799-AM-15.
 - * 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 on the north is in agriculture production with one single-family dwelling.
 - * (2) Land on the east, west, and south is in agricultural production.

GENERALLY REGARDING THE PROPOSED SITE PLAN

- 5. Regarding the site plan of the subject site:
 - A. The subject property is approximately 160,000 square feet (400' × 400') in total.
 - *B. The site plan received December 12, 2014 consists of an aerial photograph with labeled buildings, and a separate floor plan for the "Farm Shed Hall". The documents indicate the following existing and proposed improvements:
 - * (1) Existing buildings shown on the aerial photograph include:
 - *a. A residence that was constructed prior to adoption of the Zoning Ordinance on October 10, 1973;

04/09/15 PRELIMINARY DRAFT**Case 801-V-15
Page 3 of 13**

- *b. A 43 feet by 37 feet barn to the north of the residence;
 - *c. A 43 feet by 135 feet “Farm Shed Hall” on the northwest corner of the property;
 - *d. A detached garage, no measurements provided, adjacent to the northwest corner of the residence;
 - *e. A small shed, no measurements provided, adjacent to four silos near the center of the property;
 - *f. A well to the west of the residence; and
 - *g. A septic field south of the Farm Shed Hall.
- * (2) In a letter received December 12, 2014, the Petitioner provided more details about the proposed use and improvements:
- *a. In the Farm Shed Hall, the petitioner proposes adding restrooms, an accessible ramp for the restrooms, and a concrete apron that is proposed to be an accessible vehicle drop-off.
- * (3) In an email received March 6, 2015, the Petitioner’s agent, Thomas Drysdale, sent a sketch for the plumbing plans in the main hall. The plan includes:
- *a. One men’s restroom with two stalls;
 - *b. One women’s restroom with four stalls;
 - *c. One unisex accessible restroom with one stall.
- * (4) In an email received March 8, 2015, the Petitioner’s agent, Thomas Drysdale, stated “Information regarding the septic system will be provided. The plans to move forward with the septic system have been placed on hold.” Mr. Drysdale was advised by the Zoning Department on March 18, 2015, that “the new restrooms may require a larger septic system than what is currently available” and that they should contact the Champaign Urbana Public Health Department to determine what improvements may need to be made.
- * (5) No on-site parking is proposed other than for the required accessible parking spaces.
- C. The required variance is to allow off-premises parking on the shoulder of County Road 1800 East for all non-accessible parking instead of requiring on-site parking.

04/09/15 PRELIMINARY DRAFT**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
- (1) "AREA, BUILDING" is the total area taken on a horizontal plane at the largest floor level of the MAIN or PRINCIPAL BUILDING and all ACCESSORY BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent CANOPIES and planters.
 - (2) "AREA, LOT" is the total area within the LOT LINES.
 - (3) "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.
 - (4) "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.
 - (5) "LOT LINES" are the lines bounding a LOT.
 - (6) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
 - (7) "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.
 - (8) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.

04/09/15 PRELIMINARY DRAFT**Case 801-V-15
Page 5 of 13**

- (9) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- (10) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (11) “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. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:

- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) 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.
 - (b) That practical difficulties or hardships created by 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.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.

04/09/15 PRELIMINARY DRAFT

- C. Regarding parking on the subject property for the proposed Event Center:
- (1) Paragraph 7.4.1.C.3.b.i. requires that places of public assembly including assembly halls, exhibition halls, convention halls, and other enclosed STRUCTURES shall provide 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) Regarding the number of required onsite parking spaces:
 - a. There is a proposed capacity of 400 people in the Farm Shed Hall; by dividing 400 by 5 seats it equals 80 parking spaces, which is the greater number compared to 29 spaces, which is a result of dividing 5,805 square feet by 200 square feet.
 - b. It is not clear if the wedding barn could also be in use at the same time as the Farm Shed Hall in which case the required number of parking spaces could be greater than 400. Evidence regarding this possibility should be obtained in the public hearing.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. 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. The Petitioner has testified on the application, **“The property is taken up by the structures that will be used for events and the petitioner seeks to preserve the agricultural lay of the land without the use of a parking lot.”**
 - B. **Special Conditions DO NOT EXIST** to justify the requested variance. As illustrated in a staff prepared illustration titled Alternative Parking Layouts, the subject property has plenty of land area in which to accommodate the onsite parking requirement. The possible Alternative Parking Layouts can be summarized as follows:
 - (1) The subject property already has a large area of gravel driveway that could be used as a significant part of an on-site parking area to accommodate most of the required parking spaces.
 - (2) Small areas of land not in agricultural production also border the subject property north and west of the proposed Farm Shed Hall and these areas total less 10,000 square feet in area but these areas connect to the existing gravel drive and if these small areas could be made available for parking the total number of off-street parking spaces could exceed 80.
 - (3) Alternatively, at the south end of the subject property is about an acre of agricultural production land and only one-half acre of this land would be required to accommodate 68 parking spaces.

04/09/15 PRELIMINARY DRAFT

Case 801-V-15
Page 7 of 13

- C. Regarding the proposed Variance:
- (1) There is a grass ditch approximately 8 feet wide on the west side of CR 1800 E that is level enough for roadside parking.
 - (2) Neighbors and supporters of Hudson Farm Wedding & Events LLC have signed a petition stating they do not take issue with event-related roadside parking.

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

8. 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. The Petitioner has testified on the application, **“Not allowing shoulder parking will severely diminish wedding photographs and prevent the petitioner from maximum use of her land to accommodate guests.”**
 - B. **Practical difficulties or hardships related to carrying out the strict letter of the regulations that would prevent reasonable and otherwise permitted use of the land DO NOT EXIST.** As reviewed under Item 7 above there is more than enough area on the subject property to accommodate the required on-site parking.

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

9. 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. The Petitioner has testified on the application, **“No. The conditions result from the petitioner’s desire to keep the land closely conformed with its agricultural nature.”**
 - B. The **practical difficulties or hardships DO RESULT** from actions of the Petitioner, as follows:
 - (1) The Petitioner started renovations for the Events Center and hosting special events without contacting the Zoning Office; initial communication with the Zoning Office would have provided appropriate direction to the Petitioner prior to making those renovations.
 - (2) Upon first learning that the Petitioner intended to request a variance to allow on-street parking the Zoning Administrator advised the Petitioner against such a request in a letter dated 12/12/14.
 - (3) The Petitioner has maintained a necessity for the variance from the onsite parking requirement even though there is more than enough area on the subject property to accommodate the required on-site parking.

Case 801-V-15
Page 8 of 13

04/09/15 PRELIMINARY DRAFT

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

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“The variance will allow the petitioner to provide agricultural themed weddings and events without destroying or otherwise harming the agricultural nature of the land which is its primary zoned purpose.”**
 - B. The requested variance to authorize 76 off-premises parking spaces in lieu of the minimum required 80 onsite parking spaces is a 95% variance.
 - C. The variance ***IS NOT*** in harmony with the general purpose and intent of the Ordinance because lessening and avoiding congestion in the public streets is Purpose 2(c) of the Zoning Ordinance and the requested variance to allow 76 off-premises parking spaces in the right of way of CR1800E would actually increase the congestion in the public street.
 - D. The requested variance is not prohibited by the *Zoning Ordinance*.

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“The petitioner has purchased and will put up a “Cars Parked on Shoulder Ahead” sign and the road at issue is extremely lightly traveled.”**
 - B. The Township Road Commissioner has received notice of this variance and no comments have been received.
 - C. The Fire Protection District has been notified of this variance and no comments have been received.
 - D. The nearest building on neighboring property is approximately 50 feet from the shared property line.
 - E. Neighbors and supporters of Hudson Farm Wedding & Events LLC have signed a petition stating they do not take issue with event-related roadside parking.
 - F. Granting the variance ***WILL BE INJURIOUS*** to the neighborhood and detrimental to public safety and welfare as follows:

04/09/15 PRELIMINARY DRAFT

**Case 801-V-15
Page 9 of 13**

- (1) Off-premises parking in the street right of way will interfere with the movement of large farm machinery and the hauling of grain on the public street.
- (2) Off-premises parking in the street right of way will cause the following safety problems:
 - a. Obstruction of the roadway shoulder by parked vehicles will leave inadequate room for traffic to maneuver.
 - b. Vehicle maneuvering by those leaving the facility will likely create traffic visibility problems especially after dark.
 - c. Unless the Petitioner proposes to not host events during rainy periods, parking on the grass shoulder of the street could well result in vehicles becoming stuck in rain soaked ground and extrication of stuck vehicles would cause additional traffic problems on CR1800E.
 - c. Use of the street pavement by pedestrians to walk to and from their vehicles will likely result in pedestrian-vehicle conflicts especially after dark.
 - d. To the extent that any on-street parking would occur near the driveway entrance to the subject property, the on-street parking would obstruct the view of vehicles that may be leaving the subject property.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding any other circumstances which justify the Variance:
 - A. The Petitioner has testified on the application: **“The Champaign County Sheriff’s Office and the petitioner’s neighbors do not object to on-street parking.”**
 - B. The above statement may overstate the actual intent of the comments from the Sheriff’s Office.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding special conditions of approval, staff knows of no special conditions that could mitigate the negative effects of authorizing the proposed Special Use to regularly park 76 vehicles in the right of way of CR1800E.

Case 801-V-15
Page 10 of 13

04/09/15 PRELIMINARY DRAFT

DOCUMENTS OF RECORD

1. Application for Variance Permit received February 13, 2015, with attachments:
 - A Warranty Deed
 - B Tax Map of subject property and surrounding area
 - C Section of Urbana Quadrangle Map showing subject property and surrounding area
2. Application for Map Amendment received February 13, 2015, with attachments:
 - A Warranty Deed
 - B Completed Improvements budget estimate
 - C Future Improvements budget estimate
 - D Aerial photograph of subject property received December 12, 2014
3. Application for Special Use Permit received February 13, 2015, with attachments:
 - A Warranty Deed
4. Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District
5. On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
6. Letter from Joyce Hudson dated December 10, 2014 with attachments:
 - A Buildings descriptions
 - B Aerial with buildings labels
 - C Floor plan of Farm Shed Hall proposed improvements
7. Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
 - A Sketch of plumbing plans
 - B Soil evaluation (digital file did not arrive completely, requested new copy)
 - C Petition regarding parking along CR 1800 E for special events
8. Email from Agent Thomas Drysdale received March 18, 2015
9. Preliminary Memorandum for Cases 799-AM-15, 800-S-15, and 801-V-15, with attachments:
 - A Case Maps (Location, Land Use, Zoning, Parking Example, Alternative Parking Layouts)
 - B LRMP Land Use Goals, Objectives, and Policies
 - C LRMP Appendix of Defined Terms
 - D Natural Resources Report received March 9, 2015 from Champaign County Soil and Water Conservation District
 - E On-Site Evaluation for Septic Filter Field by Roger D. Windhorn, Certified Professional Soil Scientist and Soil Classifier, received April 6, 2015
 - F Letter from Joyce Hudson dated December 10, 2014 with attachments:
 - Buildings descriptions

04/09/15 PRELIMINARY DRAFT

**Case 801-V-15
Page 11 of 13**

- Aerial with buildings labels
- Floor plan of Farm Shed Hall proposed improvements
- G Email from Agent Thomas Drysdale received March 6, 2015 with attachments:
 - Sketch of plumbing plans
 - Soil evaluation (digital file did not arrive completely, requested new copy)
 - Petition regarding parking along CR 1800 E for special events
- H Email from Agent Thomas Drysdale received March 18, 2015
- I Site Visit Photos
- J Summary of Evidence, Finding of Fact, and Final Determination for Case 799-AM-15
- K Summary of Evidence, Finding of Fact, and Final Determination for Case 800-S-15
- L Summary of Evidence, Finding of Fact, and Final Determination for Case 801-V-15

Case 801-V-15
Page 12 of 13

04/09/15 PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **801-V-15** held on **April 16, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. 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: _____

2. 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: _____

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: _____

4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

6. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because: _____

7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**

04/09/15 PRELIMINARY DRAFT

**Case 801-V-15
Page 13 of 13**

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **801-V-15** is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Joyce Hudson d.b.a. Hudson Farm Wedding & Events LLC** to authorize the following in the AG-2 Agriculture Zoning District:

A variance to require only 4 onsite parking spaces and also allow 76 off-premises parking spaces on the shoulder of CR1800E in lieu of the 80 onsite parking spaces required by Section 7.1.2.E.4.c.(1) of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

**CASE NO. 793-S-14
SUPPLEMENTAL MEMORANDUM #2**

April 16, 2015

Petitioner: **Lawrence Johnson and Fuad Handal**

Request:

- 1) **Authorize a kennel as a Special Use on 1.8 acres located in the AG-1 Agriculture Zoning District.**
- 2) **Authorize the following waivers to the standard conditions of the Kennel special use as per Section 6.1.3 of the Zoning Ordinance:**
 - a. **A separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet; and**
 - b. **No noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use; and**
 - c. **A side yard setback of 85 feet in lieu of the required 200 feet.**

Location: **A 1.8 acre tract in the Southeast Quarter of the Southeast Quarter of Section 5 T. 19 N. R. 8 E. in Champaign Township with an address of 1211 N Staley Road, Champaign.**

Site Area: **1.8 acres (80,772 square feet)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

STATUS

During the February 12, 2015 ZBA meeting (minutes are attached), the Board requested additional documentation regarding the site plan, facility, and Mr. Johnson's experience as a dog trainer and kennel operator:

1. **A more detailed site plan** of the full property showing:
 - the location of the property's septic system components
 - any handicap accessibility features (ramps, hard surface parking, signs, etc.)
 - location and specifications of outdoor lighting fixtures
2. **A more detailed floor plan** including all floors of the house:
 - room measurements
 - measurements of the kennels/crates and their location in the house
 - location of client entrances and door width measurements
 - any handicap accessibility features

3. **Specifications and maintenance records for the septic system:**
 - size of septic tank and its approximate location on the property
 - condition of the septic system and whether it should be emptied
 - whether there is a trash tank installed and its condition

4. **Miscellaneous documentation:**
 - License to run a kennel/dog training facility
 - USDA inspection report
 - Dog training certification
 - Insurance documentation for the property/kennel
 - Client testimonials, especially if they are neighbors
 - Any other documents

On March 18, 2015, Mr. Johnson delivered three documents from the “Miscellaneous Documentation” list to the Zoning Office:

- Illinois Department of Agriculture “Inspection of Animal Welfare Licensees”;
- Illinois Department of Agriculture Kennel Operator’s License; and
- A Professional Certification from the National K-9 School for Dog Trainers.

On April 7, 2015, Mr. Johnson delivered several more documents:

- A floor plan of the house including the first floor kennel area, second floor residence, and basement; it is not to scale, but measurements are provided.
- An aerial photo of the property with exterior building measurements;
- A paid invoice dated August 6, 2012 from an unknown septic company showing that the tank was cleaned, 500 gallons of waste disposed, and the approximate location of the tank (referenced in Item 8.H. of the 4/9/15 draft Summary of Evidence)
- A testimonial from a kennel client, Teresa Cowser, 1701 Mullikin Drive, Champaign (referenced in Item 17.G. of the 4/9/15 draft Summary of Evidence).

RECOMMENDATION FOR A NOISE/VISUAL BARRIER

The Zoning Administrator recommends a Special Condition that the Petitioner install a noise and visual barrier on the east side of the property based on concerns from the public and the requested waiver for a separation distance of 95 feet between any outdoor animal exercise/ training area and any adjacent residential structure and/or use in lieu of the required 200 feet. The activity area currently has a six feet tall chain link fence. The Special Condition could be worded in the following manner:

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the Petitioner has installed either slats into the existing six feet tall chain link fence surrounding the exercise area or a six feet tall wood fence along the eastern side of the existing six feet tall chain link fence surrounding the exercise area.**

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

That the Special Use conforms to the Zoning Ordinance requirement 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.

ACCESSIBILITY REQUIREMENTS

No evidence has been provided that accessibility has been addressed for the proposed use. The Zoning Administrator recommends adding a Special Condition that the Petitioner complies with all applicable state accessibility requirements. This change would revise paragraph 9.G. of the Summary of Evidence in the following manner:

Change “The proposed Special Use is exempt from the Illinois Accessibility Code because no additional improvements will be made” to “Regarding accessibility, it is not clear if the proposed use is subject to the Illinois Accessibility Code because no improvements are being made to the property to support the proposed use. A Special Condition has been added to ensure compliance with state accessibility regulations.”

The proposed Special Condition can be worded in the following manner:

- D. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the Petitioner has ensured compliance with the Illinois Accessibility Code.**

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

That all state accessibility requirements have been met.

ATTACHMENTS

- A Illinois Department of Agriculture “Inspection of Animal Welfare Licensees” dated 11/22/2013
- B Illinois Department of Agriculture Kennel Operator’s License, expires annually on June 30
- C Professional Certification from the National K-9 School for Dog Trainers dated 12/15/2000
- D Floor Plan received April 7, 2015
- E Aerial photo with exterior measurements received April 7, 2015
- F Paid invoice dated 08/06/12 for septic system cleaning
- G Testimony from kennel client Teresa Cowser received April 7, 2015
- H Approved Minutes from the February 12, 2015 ZBA Hearing
- I Revised Draft Summary of Evidence dated April 9, 2015

ILLINOIS DEPARTMENT OF AGRICULTURE
Bureau of Animal Welfare

Case 793-S-14, ZBA 04/16/15, Attachment A Page 1 of 1

INSPECTION OF ANIMAL WELFARE LICENSEES

Name & Address of facility:

Name: DOG HOUSE ON THE PRAIRIE

Address: 1211 N STALEY RD

City: CHAMPAIGN Zip Code: 61822

Phone No.: 766-3331 Area Code: 217

Owner: LAWRENCE L JOHNSON

- 1. Initial Routine Special
- 2. Date of Inspection 11-22-13
- 3. County Champaign License No. INITIAL
- 4. Code: #1 PO #2 CO #3 DD #4 KO Posted? NEW
#5 AC #6 AS #7 GS #8 FH
- 5. Person Interviewed LAWRENCE (Reggie) Position OWNER
- 6. Business Hours: By appt / 10-7 AM

- 7. BUILDINGS & PREMISES: Acceptable Unacceptable
 - a. Appearance: Acceptable Unacceptable
 - b. Floor: Acceptable Unacceptable
 - c. Ventilation: Acceptable Unacceptable
 - d. Temperature: Satisfactory Unsatisfactory

8. State reason for any unacceptable or unsatisfactory in Items 7 or 9.
N/A

- 9. SANITATION: Acceptable Unacceptable
 - a. Dog Cages: Acceptable Unacceptable
 - b. Dog Runs: Acceptable Unacceptable
 - c. Cat Cages: Acceptable Unacceptable
 - d. Bird Cages: N/A Acceptable Unacceptable
 - e. Other Cages: Acceptable Unacceptable

- f. Floors & Walls in Animal Area are:
 - Good Fair Unacceptable
 - Odorless Odorous
 - Disinfectant used? Blanch
 - Drainage: Sewer Septic Filter
 - Waste Disposal TRASH

- 10. ANIMALS: Number of Dogs 1 Puppies Cats Birds Fish Other
 - a. Appearance: Good Fair Unacceptable Comment
 - b. Health: Good Fair Unacceptable Comment
 - c. Care: Water Feed Comment
 - d. Isolation Room Yes No Comment

RECORDS:

- 11. Satisfactory? Yes PS-5 Form Used? No Other Other records
- 12. Source of Dogs: BOARD
- 13. Terms of Guarantee: N/A
- 14. Veterinarian's Name & Address: Brown & Small Animal Care, LLC
- 15. How often animals seen by Veterinarian: As needed
- 16. Medication prior to sale: R. DA, LPPV, o Bordetella
- 17. Improvements Required: None

RECEIVED

MAR 18 2015

CHAMPAIGN CO. P & Z DEPARTMENT

18. REMARKS: * OK to license *

Signature of Person Interviewed

Inspector's Signature

Note: Obtain business card or sales slip and attach to back of report.

STATE OF ILLINOIS
DEPARTMENT OF AGRICULTURE
Bureau of Animal Health and Welfare

License No.
14523

Expiration Date
6/30/2015

DOG HOUSE ON THE PRAIRIE
LAWRENCE REGINALD JOHNSON
1211 N. STALEY ROAD
CHAMPAIGN, IL 61822

Licensed as a(n) **KENNEL OPERATOR**

The licensee named above has met the requirements for compliance and licensure under the Illinois Animal Welfare Act which includes regulations and provides penalties for violations thereof. This license expires annually on June 30.



RECEIVED

MAR 18 2015

CHAMPAIGN CO. P & Z DEPARTMENT

Mark F. Ernst

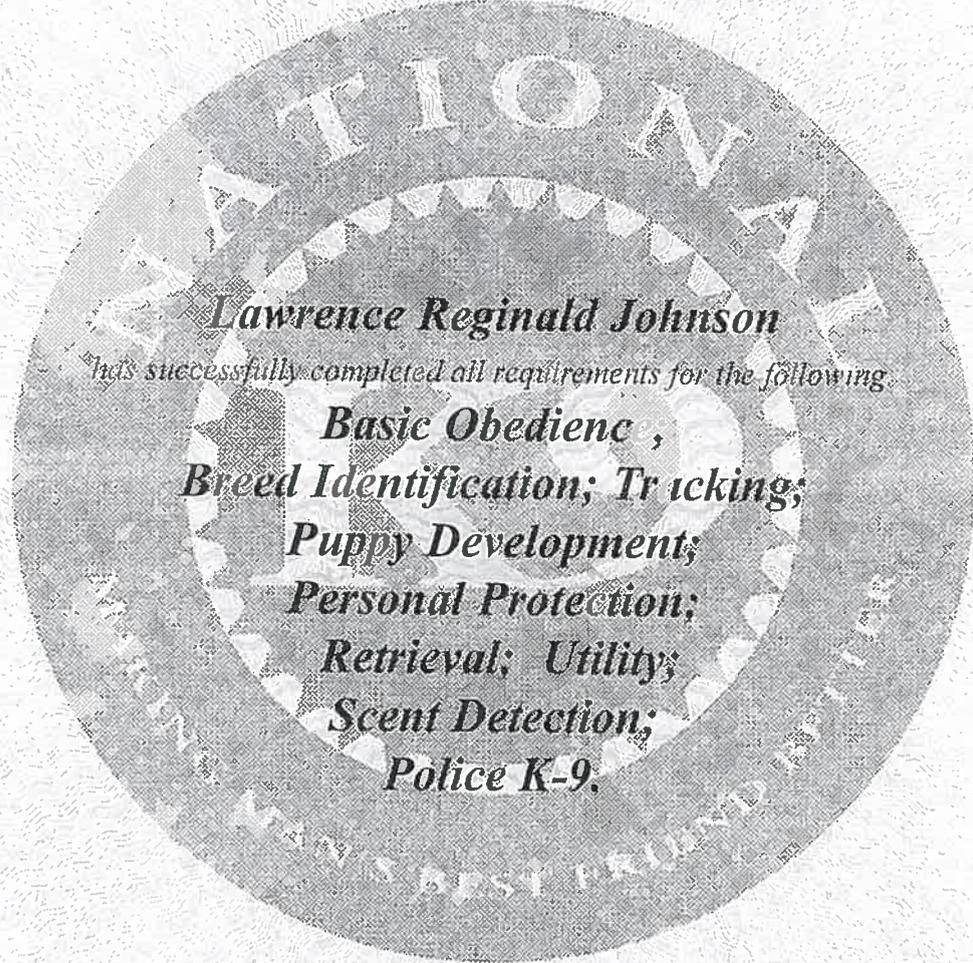
State Veterinarian

RECEIVED

CHAMPAGNE COUNTY DEPARTMENT

LITHO IN U.S.A.

PROFESSIONAL CERTIFICATION



Lawrence Reginald Johnson

has successfully completed all requirements for the following:

- Basic Obedience,***
- Breed Identification; Tricking;***
- Puppy Development;***
- Personal Protection;***
- Retrieval; Utility;***
- Scent Detection;***
- Police K-9.***

National K-9 School For Dog Trainers
National K-9, Inc.; Columbus, Ohio U.S.A.

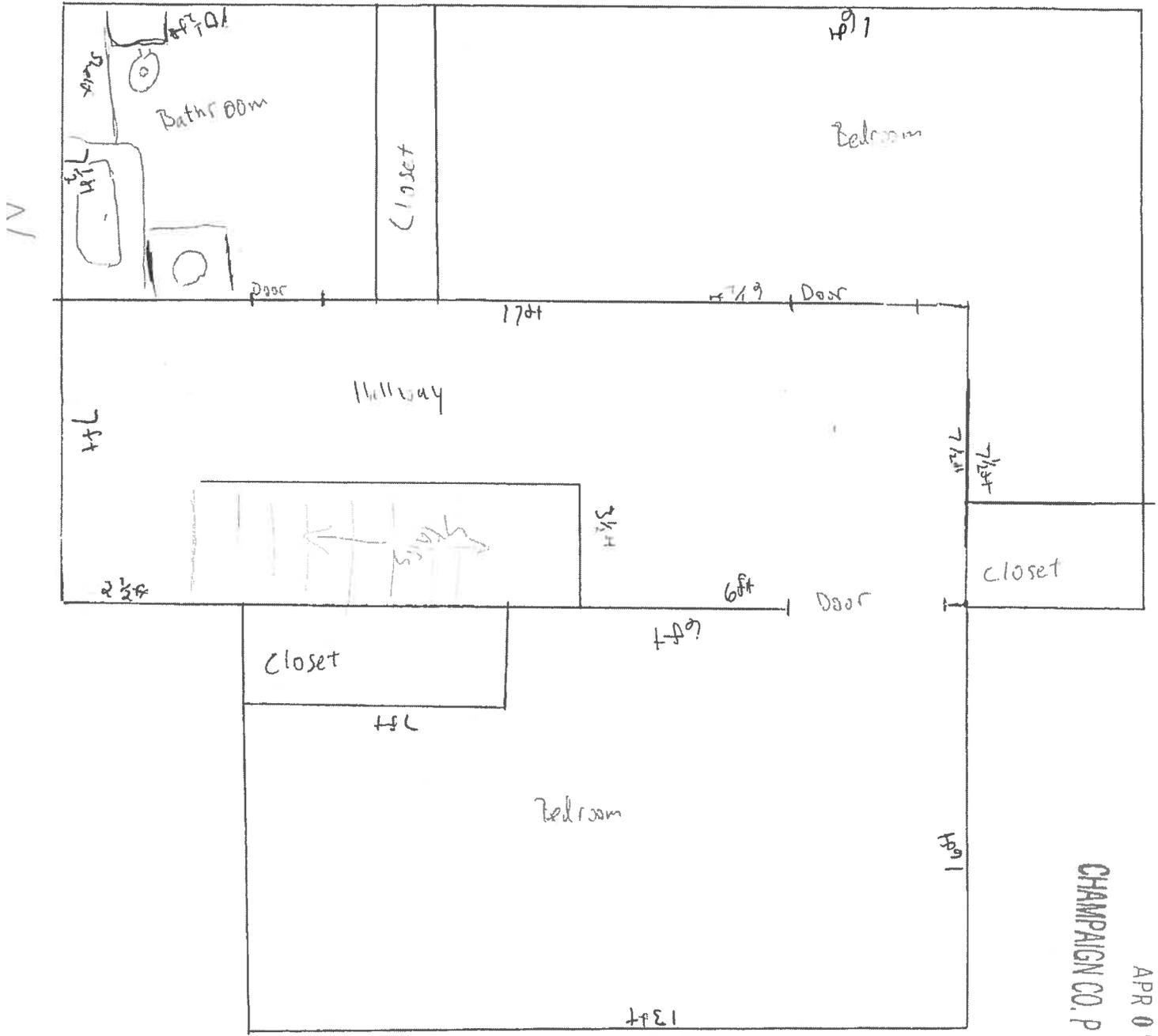
Graduation Date: December 15, 2000
Certificate Registration Number: 1220015

Scott D. Miller
Authorized Signature



© 2005-4821

E



Level 2

Not to scale

S

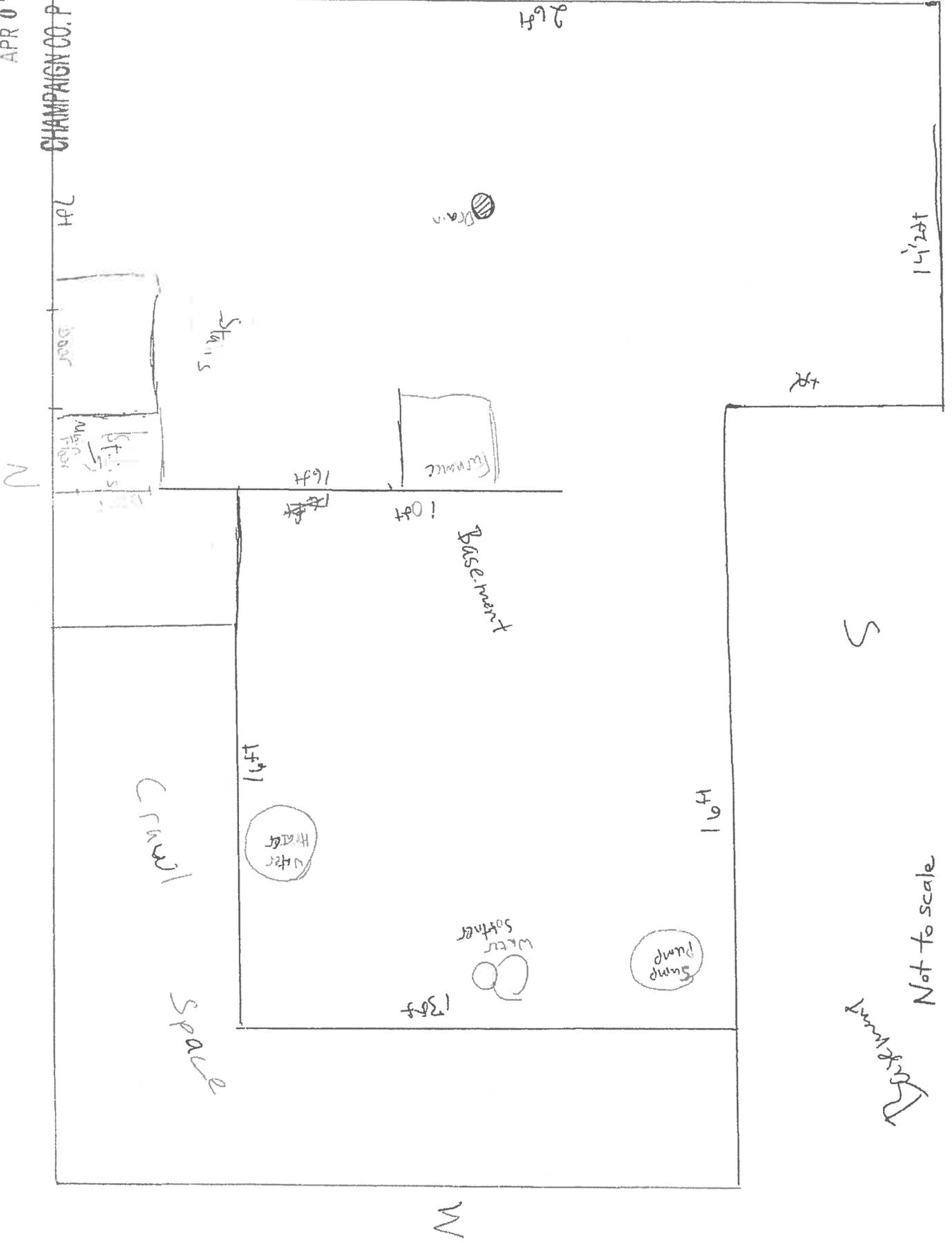
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APR 07 2015

CHAMPAIGN CO. P & Z DEPARTMENT

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CHAMPAIGN CO. P & Z DEPARTMENT



Not to scale

RECEIVED

APR 07 2015

CHAMPAIGN CO. P & Z DEPARTMENT

Invoice

DATE	INVOICE #
8/6/2012	33252

PAID
08/07/2012

BILL TO
FUAD J. HANDAL 1807 RIDGE PARK RD. URBANA, IL 61802-7065

JOB SITE
1211 N. STALEY CHAMPAIGN

PO NUMBER	TERMS	TECHNICIAN	DATE OF SERVICE	TANK SIZE	DEPTH	HOSE
1524	Due on receipt	JRK	8/6/2012	500	SURFACE	40' 4"

QUANTITY	CODE	DESCRIPTION	PRICE EACH	AMOUNT
1	SEPCLEAND	SEPTIC TANK CLEANED	95.00	95.00
1	DISPOSAL	WASTE DISPOSAL - GALLONS PUMPED - 500	75.00	75.00
1	FUELCHARGE	FUEL SURCHARGE	10.00	10.00
		HEAVY GREASE AND DEBRIS.		
		TANK LOCATION = 6' OUT FROM NORTHSIDE OF DRIVEWAY.		
		PAID IN FULL WITH CHECK #1524		
		RICH Sales Tax	0.00%	0.00

Thank you for your business.	Total	\$180.00
-------------------------------------	--------------	-----------------

I am so happy to have found Dog House on the Prairie. Reggie Johnson takes great care of my dog Buddy when my family travels. He has been so accommodating for our family. It has been very easy to work out drop off and pick up with our busy schedule, the close location to our neighborhood is great. Buddy has stayed with Reggie at least a dozen times in the last 16 months. With our travel sports schedule Reggie lets us drop off on the way out of town and pick up on the way back in, that way I can leave Buddy the shortest time possible. Reggie is very knowledgeable and skilled in caring for and training dogs. He also has a clean comfortable place for my dog. Buddy is always happy and wagging his tail when I drop him off. We are lucky to have a place to board Buddy that we feel comfortable with and the location is a huge bonus.



Teresa Cowser
1701 Mullikin Dr.
Champaign IL 61822

RECEIVED

APR 07 2015

CHAMPAIGN CO. P & Z DEPARTMENT

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1 the only thing that is different is that instead of the building being Bright Ideas, which was originally a retail
 2 store, the building has been broken up into four different businesses. He said that instead of one business it
 3 became LEX, Bright Ideas and Frazier Properties and now it is one business owned by Mr. Frazier and four
 4 individual businesses. He said that the mini-warehouses have always been there and nothing has changed.

5
 6 Mr. Thorsland stated that the site plan needs to include each individual business and the second level of the
 7 building and its use.

8
 9 Mr. Frazier stated that there has always been a second level on the middle mini-warehouse building.

10
 11 Mr. Thorsland stated again that the new professionally designed plan needs to include everything about each
 12 building and indicate the uses in those buildings and on the property. He said that if Mr. Frazier has any
 13 questions regarding any of the required information for the next meeting he should contact staff. He asked
 14 Mr. Frazier if he would be available on May 14, 2015.

15
 16 Mr. Frazier stated that he would be available on May 14, 2015.

17
 18 Mr. Thorsland entertained a motion to continue Case 792-V-14 to the May 14, 2015, public hearing.

19
 20 **Mr. Passalacqua moved, seconded by Mr. Randol to continue Case 792-V-14 to the May 14, 2015,**
 21 **public hearing. The motion carried by voice vote.**

22
 23 Mr. Thorsland stated that the Board will take a ten minute recess at this time.

24
 25 **The Board recessed at 8:20 p.m.**

26 **The Board resumed at 8:30 p.m.**

27
 28 **Case 793-S-14 Petitioner: Lawrence Johnson and Fuad Handal Request: 1) Authorize a kennel as a**
 29 **Special Use on 1.8 acres located in the AG-1, Agriculture Zoning District; and 2) Authorize the**
 30 **following waivers to the standard conditions of the Kennel Special Use as per Section 6.1.3 of the**
 31 **Zoning Ordinance: a. Any outdoor animal exercise and/or training area shall be 200 feet from any**
 32 **adjacent residential structure and/or use and shall have a noise buffer of evergreen shrubs or trees a**
 33 **minimum of four feet in height installed separating the exercise and/or training area from any**
 34 **adjacent residential structure and/or use. Measurements shall be made from the lot line of an**
 35 **adjacent residential structure and/or use; and b. Maintain a side yard setback and a rear yard setback**
 36 **of 200 feet. Location: A 1.8 acre tract in the Southeast Quarter of the Southeast Quarter of Section 5,**
 37 **Township 19N, Range 8E. in Champaign Township with an address of 1211 North Staley Road,**
 38 **Champaign.**

39
 40 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
 41 the witness register for that public hearing. He reminded the audience that when they sign the witness

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
2 time.

3
4 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
5 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
6 of hands for those who would like to cross examine and each person will be called upon. He requested that
7 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
8 those who desire to cross examine are not required to sign the witness register but are requested to clearly
9 state their name before asking any questions. He noted that no new testimony is to be given during the cross
10 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
11 from cross examination.

12
13 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

14
15 Mr. Lawrence Johnson, who resides at 1211 North Staley Road, Champaign, stated that he desires to operate
16 an in-home kennel for the neighborhood and the surrounding areas. He said that the kennel would be good
17 for the community.

18
19 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated February 12, 2015, for
20 the Board's review. He said that the memorandum summarizes Ms. Chavarria's contacts with the
21 Champaign-Urbana Public Health Department regarding their recommendations to protect the septic system
22 on the property. He said that several comments have been received from the Homeowner's Association
23 across the street. He said that a letter dated February 6, 2015, from Jeff Marino, Senior Planner for the City
24 of Champaign, indicates the City of Champaign's staff position regarding the kennel. Mr. Marino indicated
25 that it is staff's position that approval of the requested Special Use Permit is not appropriate. Mr. Hall stated
26 that the City of Champaign's position is based on what they expect surrounding land use to be if the subject
27 property is ever annexed in to the City of Champaign, but it is not clear if that it will happen anytime soon.
28 He said that there is a subdivision directly across the street from the subject property and the play kennel that
29 is directly west of the house complies for the separation distance from the nearest residential structure but it
30 is still less than 200 feet from the residential property lines across the street. He said that the small play area
31 is completely screened by the house and clearly it is a different situation than the larger area where the fence
32 was installed for the outdoor play area which is much closer to the residences and the residential property
33 lines. He said that a separate handout was distributed to the Board for review. He said that the separate
34 handout includes emails from residents of the West Ridge Subdivision.

35
36 Mr. Thorsland asked the Board if there were any questions for Mr. Johnson.

37
38 Mr. Passalacqua asked Mr. Johnson if the kennel is currently in operation.

39
40 Mr. Johnson stated yes. He said that he trains dogs at the subject property and kenneled a few dogs during
41 the holidays.

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

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2 Mr. Thorsland asked Mr. Johnson if he contacted staff regarding any required permits or guidance.

3

4 Mr. Johnson stated no.

5

6 Mr. Thorsland stated that the Board will request a better site plan indicating the location of the septic system
7 and information regarding when the septic system was checked. He said that the Board received a few
8 pictures regarding the placement of the kennel operation inside the house. He said that a floor plan of the
9 house indicating the living space and the kennel operation would be appropriate for the Board's review. He
10 asked Mr. Johnson if there are any additional employees for the kennel.

11

12 Mr. Johnson stated that currently he is the only employee for the kennel.

13

14 Mr. Thorsland asked Mr. Johnson if there will be additional employees in the future.

15

16 Mr. Johnson stated that if he receives enough business then he may consider an additional employee but
17 currently it is just him operating the kennel.

18

19 Mr. Thorsland informed Mr. Johnson that during the Special Use Permit review the Board recommends that
20 the petitioner not only indicate the current plans but also to include any future plans for the proposed use so
21 that the petitioner does not have to come back before the Board to request permission later. He informed
22 Mr. Johnson that if he desires to construct a sign, an additional exercise area, etc., then that information
23 needs to be disclosed during this hearing so that the Board can include it in their recommendation. Mr.
24 Thorsland stated that he does not expect the Board to finalize this case tonight therefore he would like hear
25 public testimony and provide Mr. Johnson with as much information as possible so that Mr. Johnson can get
26 back before the Board as soon as possible.

27

28 Mr. Thorsland asked the Board if there were any questions for Mr. Johnson.

29

30 Ms. Lee asked Mr. Thorsland if there was only one additional handout tonight.

31

32 Mr. Thorsland stated yes.

33

34 Mr. Passalacqua asked Mr. Johnson if he is a veterinarian or does he have any credentials or certificates.

35

36 Mr. Johnson stated that he is a certified dog trainer.

37

38 Mr. Thorsland asked Mr. Johnson if the any of the neighbors or the West Ridge Homeowner's Association
39 have contacted him regarding the kennel or their concerns.

40

41 Mr. Johnson stated that no one has contacted him about the kennel and he actually kenneled some of the

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1 neighbor's pets.
2
3 Mr. Thorsland informed Mr. Johnson that it would be beneficial if he could contact some of those clients and
4 have them either come to the meeting in support of his request or they could send staff an email regarding
5 their support or concerns regarding the kennel.
6
7 Mr. Randol asked Mr. Johnson if he resided at the subject property.
8
9 Mr. Johnson stated yes.
10
11 Mr. Randol asked Mr. Johnson if someone is always on site with the animals.
12
13 Mr. Johnson stated that his operation is not like a regular kennel where the dogs are left alone because he
14 lives on the property. He said that he is with the dogs all of the time and his own dogs reside at the property
15 as well.
16
17 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Johnson and there was no one.
18
19 Mr. Thorsland called Jeff Turner to testify.
20
21 Mr. Jeff Turner, who resides at 4102 Rayburn Court, Champaign, stated that his property backs up to
22 Boulder Ridge Drive which is one of the two entrances to the West Ridge/Boulder Ridge development. He
23 said that his property is located on the north side of the development. Mr. Turner stated that there is already
24 a dog kennel operation in the area that is located approximately 2,000 feet north of Boulder Ridge Drive on
25 Staley Road and during nice weather when he is outside working in his yard he can hear the dogs at the
26 kennel property. He said that the operation to the north is ten times farther from the subdivision than the
27 proposed kennel operation so he opposes the new kennel.
28
29 Mr. Thorsland asked Mr. Turner if he has heard any of the dogs from the kennel which is across the road
30 from the subdivision.
31
32 Mr. Turner stated that he has not been working in the yard since October but if he had heard any dogs he
33 would have probably attributed the noise to the existing kennel further north on Staley Road. He said that
34 with the houses configured as they are in the subdivision, sounds can bounce around therefore it is hard to
35 tell where noise is coming from. He may have heard Mr. Johnson's dogs and not known the source.
36
37 Mr. Thorsland asked the Board if there were any questions for Mr. Turner.
38
39 Mr. Randol asked Mr. Turner if he knows the number of dogs at the kennel to the north.
40
41 Mr. Turner stated no, but he would guess five or six or even more.

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

- 1
2 Mr. Randol asked Mr. Turner if he knows what type of business the kennel to the north is operating.
3
4 Mr. Turner stated that the only thing that he knows about the operation is that it houses dogs.
5
6 Mr. Passalacqua stated that he understood that the kennel to the north is a research facility and the dogs are
7 residents of the operation and it is only partially utilized.
8
9 Mr. Hall stated that the operation to the north is a nonconforming facility and during the early years with
10 zoning the County was in court over the use. He said that the facility has every right to be there and he has
11 no idea how large it is but it is a nonconforming facility and it can operate there as long as it remains in
12 operation.
13
14 Mr. Passalacqua asked Mr. Hall if the facility is an agricultural use.
15
16 Mr. Hall stated no, dogs are not considered agriculture.
17
18 Mr. Passalacqua stated that the facility is not a kennel but is a feed research facility.
19
20 Mr. Hall stated that it is still not considered an agricultural use.
21
22 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Turner.
23
24 Mr. William Goldshlag, who resides at 1329 West Ridge Lane, Champaign, asked Mr. Turner if he heard the
25 barking of dogs in the summer and fall when it was warm outside.
26
27 Mr. Turner stated yes. He said that he would hear the dogs anytime from April until October.
28
29 Mr. Goldshlag asked Mr. Turner if the barking from the northern facility is more pronounced in the summer
30 months than in the winter months.
31
32 Mr. Turner stated that he could indicate such but he is not outside very much during the winter other than to
33 run from the front door to the mailbox and back to the front door.
34
35 Mr. Goldshlag stated that he is trying to suggest that the amount of barking that would have come from the
36 new facility would be lower due to the cold weather.
37
38 Mr. Thorsland stated that Mr. Turner testified that he could not specifically define where any of the barking
39 was coming from when he would hear it but assumed it was from the kennel to the north.
40
41 Mr. Goldshlag stated that he was just trying to say that winter months with the cold weather outside would

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1 be a factor for the barking to be much less.

2
3 Mr. Thorsland stated that most people would assume that fact.

4
5 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Turner and there was no one.

6
7 Mr. Thorsland called Laura Schwenker to testify.

8
9 Ms. Laura Schwenker, who resides at 1308 Farley Lane, Champaign, stated that she did send an email that
10 was included in the Board packet. She said that she can address the dog facility that is located on North
11 Staley to some degree and even though she is not positive what it is she would guess that there are 10 to 15
12 of the same type of dogs there and it is her assumption that it is a breeding facility. She said that when she
13 drives past the facility in the morning the dogs are located in their multiple runs and they are barking loudly
14 at each other and traffic. She said that during the summer months when her windows are open she hears the
15 dogs barking from that facility, or at least she assumes they are from that facility, but she does not know for
16 sure. She said that she can only imagine that during the summer months with a dog kennel being across the
17 road from the West Ridge Subdivision that the dog noise would be louder. She said that she would assume
18 that traffic going past the kennel would excite some of the dogs and they would begin barking. She said that
19 some dogs, maybe not all, are more prone to excitement by pedestrians, bikers, children, etc. She said that
20 there is a walking path along Staley Road that is great for exercise and biking and that traffic could excite the
21 dogs. She said that trees could be a noise and visual barrier so that the dogs do not get excited when
22 pedestrians and bikers are going past the kennel property.

23
24 Mr. Thorsland stated that a lot of Ms. Schwenker's concerns were mentioned in her email to staff. He asked
25 Ms. Schwenker if there was any additional testimony that she would like to present.

26
27 Ms. Schwenker stated no.

28
29 Mr. Thorsland stated that the memorandum indicated that three years ago the Average Daily Trips on Staley
30 Road was over 6,000 vehicles per day and not all of the vehicles are small vehicles. He asked Ms.
31 Schwenker if she heard Mr. Johnson indicate that his personal dogs are at the facility currently.

32
33 Ms. Schwenker stated that she did hear Mr. Johnson testify that his personal dogs are at the facility currently.

34
35 Mr. Thorsland asked Ms. Schwenker if she has heard anything from Mr. Johnson's property.

36
37 Ms. Schwenker stated no.

38
39 Mr. Thorsland asked Ms. Schwenker if all of the noise that she has heard is coming from the facility located
40 to the north of the subdivision.

41

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

- 1 Ms. Schwenker stated yes.
2
- 3 Mr. Thorsland asked Mr. Randol if has any information regarding the facility to the north.
4
- 5 Mr. Randol stated that the facility on North Staley Road is a feed research operation.
6
- 7 Mr. Thorsland stated that the facility to the north is a nonconforming operation and can stay there until it
8 ceases to exist. Mr. Thorsland stated that some people will tend to ask why Mr. Johnson's facility is
9 necessary when there is already a facility on North Staley Road but such a statement is not true because the
10 facility to the north is not the type of facility where people can take their dogs to kennel them.
11
- 12 Mr. Randol stated that it was his intention to indicate that the facility to the north and Mr. Johnson's facility
13 are two different types of operations and are not related in any way.
14
- 15 Mr. Passalacqua stated that just because there are dogs at both locations the two uses cannot be compared at
16 all. He said that the facility to the north has been in existence for 20 or 30 years and if the people in the
17 neighborhood can hear the dogs then he feels sorry for them but the facility was there prior to the
18 subdivision. He said that he has not heard about any complaints being filed regarding the facility to the
19 north. He said that he does not like it when people come before the Board after the fact because Mr. Johnson
20 should have contacted the County regarding any required permitting.
21
- 22 Ms. Schwenker stated that she does not object to the kennel across the street or the boarding or dog training
23 of the dogs at the facility but she does object to no noise abatement measures being required for the facility.
24
- 25 Mr. Thorsland stated that the Board will take her objections in to consideration and will determine the need
26 for the noise abatement.
27
- 28 Mr. Hall stated that currently there is no time limit imposed regarding the amount of time that the dogs could
29 be supervised outside. He asked Ms. Schwenker to indicate the amount of time that she would find
30 acceptable for the dogs to be supervised outside.
31
- 32 Ms. Schwenker stated that it would be depend on the amount of dogs. She asked if Mr. Hall is talking about
33 the supervision of one dog or fifty dogs.
34
- 35 Mr. Hall stated that the number of dogs would be a critical factor.
36
- 37 Ms. Schwenker stated that she cannot answer Mr. Hall's question until she knows the number of dogs that
38 Mr. Johnson intends to board.
39
- 40 Mr. Hall stated that at this time we know that the number is 15 dogs but we need to know if that includes all
41 of the dogs on the property at one time, both the client's dogs and Mr. Johnson's dogs. He said that if there

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1 were dogs in two different areas it is given that the dogs in the separate areas will bark at each other
2 therefore there is a lot of detail involved in this case.
3

4 Ms. Schwenker stated that she is a dog and animal lover and dogs need to be outside to exercise much like
5 children - the more fresh air the better - but are we discussing one dog outside or twenty dogs outside for five
6 hours. She said that twenty dogs outside at one time without any noise abatement is not acceptable. She
7 said that it is her understanding that the petitioners do not desire any type of noise abatement and that is the
8 portion of the request that she is objecting to.
9

10 Mr. Thorsland asked Ms. Schwenker if dogs are allowed within the subdivision.
11

12 Ms. Schwenker stated yes.
13

14 Mr. Thorsland asked Ms. Schwenker if the dogs bark within the subdivision.
15

16 Ms. Schwenker stated yes and she does not object to it.
17

18 Mr. Thorsland stated that he understands because it is the nature of a dog to bark.
19

20 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Schwenker and there were none.
21

22 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Schwenker and there was no one.
23

24 Mr. Thorsland called William Goldshlag to testify.
25

26 Mr. William Goldshlag, who resides at 1329 West Ridge Court, Champaign, stated that his home is very
27 close to the proposed kennel and just around the corner. He said that his primary concern is with the noise
28 and the request to not erecting noise barriers for the kennel. He said that the subdivision is at the very edge
29 of Champaign therefore the winds that come from the fields are much stronger than the winds that people in
30 town receive and those winds carry a lot of noise. He said that the kennel to the north of the subdivision
31 illustrates how far the winds carry the noise. Mr. Goldshlag stated that he is familiar with the kennel to the
32 north because he jogs past it and when he passes the dogs become agitated. He said that if one dog sees him
33 and begins barking the other dogs bark as well. He said that there is a pedestrian path across from the
34 proposed kennel and he expects the same thing to occur when someone passes it. He expects more foot
35 traffic on the pedestrian path across from the proposed kennel because it is not only used by joggers but also
36 by families with small children in carriages. He said that there is a newly constructed playground to the
37 north of the subdivision and the walk path is the only way to access the playground from the adjacent
38 Sawgrass Subdivision. He said that he has a direct visual from his home and he sees people walking with
39 their children taking them to the playground and back and he expects that the dogs will spot the pedestrians
40 and begin barking.
41

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1 Mr. Goldshlag stated that the nature of the kennel business would be to bring strange dogs into the same
2 facility therefore getting the animals more excited with pedestrians, cars, etc. therefore producing more noise
3 in general. He said that there are a lot of dogs in his subdivision and probably more than half of the
4 homeowners have dogs and those dogs do bark sometimes and no one complains. He said that placing
5 fifteen dogs which have been taken away from their owners and putting them in a small fenced area when
6 they are scared will entice them to bark at pedestrians and traffic therefore increasing the noise issue. He
7 said that the subject property is located on agricultural land but the subdivisions across the road are densely
8 populated with families. He said that when the Board considers if the subject property is appropriate for the
9 requested business the Board must realize that even though it is occupied for agriculture it is still located 100
10 feet from a densely populated neighborhood.

11
12 Mr. Thorsland asked Mr. Goldshlag if it would alleviate some of his concerns if some sort of very defined
13 times were applied to the business regarding when the dogs could be outside.

14
15 Mr. Goldshlag asked who would enforce those times.

16
17 Mr. Thorsland stated that the Board defines the rules when the dogs can be outside and if complaints are
18 received the Department of Planning and Zoning will contact the petitioner and if the issue continues the
19 Special Use Permit will be taken away.

20
21 Mr. Goldshlag stated that frankly he does not want this to become a case like Mr. Frazier's in which the
22 petitioner does something and a lot of people must suffer and the Board is attempting to mitigate the
23 problems. He said that currently the business just started operation and it has been very cold outside
24 therefore not many dogs have been at the kennel. He said that people have not had the chance to experience
25 the business at full capacity. He said that he does not want the Board to require particular times because he
26 does not believe that they are very enforceable and it would just become a big nuisance.

27
28 Mr. Thorsland asked Mr. Goldshlag if the required barriers that are for a typical kennel are more what he
29 would be happy with.

30
31 Mr. Goldshlag stated that he would be happy if the kennel was moved towards the back of the property as far
32 away from the road as possible and if the visual and noise barriers were required. He said that this property
33 used to be a farmstead and there are warehouses in the back of the property and it is his understanding that
34 one of the buildings is to be demolished. He said that he is not sure if Mr. Johnson will be utilizing the other
35 building but with due diligence Mr. Johnson should be able to construct a kennel where the dogs will not be
36 agitated by the traffic on the road, both pedestrian and vehicular.

37
38 Mr. Hall asked Mr. Goldshlag if he would still be concerned about the noise if the dogs were only housed in
39 the house.

40
41 Mr. Goldshlag stated that he tried to examine some of the evidence presented in the package. He said that

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1 the layout of the house is very inaccurate because the dimensions do not add up and is grossly inaccurate.
2 He said that it is his opinion that the house is very small to house 15 dogs plus someone living there plus a
3 space to groom and take care of the dogs; he does not believe that it is large enough to house 15 animals
4 most of the day. He said that he is afraid that the operation will inevitably spill into the outside kennels
5 because there will not be adequate space for the dogs inside.
6

7 Mr. Thorsland stated that the Board has requested that a better site plan be submitted.
8

9 Mr. Hall asked Mr. Goldshlag if he has viewed the photographs that are included in the Supplemental
10 Memorandum dated February 12, 2015.
11

12 Mr. Goldshlag stated that he has not reviewed the Supplemental Memorandum dated February 12, 2015.
13

14 Mr. Thorsland stated that he will make sure that Mr. Goldshlag has an opportunity to review the
15 memorandum.
16

17 Mr. Goldshlag stated that the reason why he is concerned about the noise is because he had a chance to
18 review some of the responses by the petitioner on the variance application regarding how he would mitigate
19 the noise. He said that when the petitioner was asked whether or not the Special Use will be injurious to the
20 District in which it shall be located, or otherwise detrimental to the public welfare, the petitioner indicated
21 that the property is zoned AG-1, therefore it could be used as a farm, or to keep other livestock. Dogs are
22 cleaner than livestock that are kept in barns or pastures like cows and pigs that create smells that go beyond
23 the perimeter of the property. Mr. Goldshlag stated that he does not believe that Mr. Johnson or Mr. Handal
24 would sincerely do their best effort to protect the neighbors from noise and he also believes that the noise
25 would affect both the neighborhood's comfort and property values of the adjacent houses.
26

27 Mr. Thorsland stated that the subject property is not farmed but it was not long ago that where the
28 subdivision is located was farmland and the subject property sat very far away from Champaign. He noted
29 that since the property is zoned AG-1 it is very possible that the subdivision could have a very different type
30 of operation adjacent next to it. He said that as an owner of a farm that has housed pigs in the past it is his
31 opinion that dogs would be better than pigs. He said that he does not believe that the petitioner was trying to
32 be facetious in his answers but was pointing out that the subject property is located near a very densely
33 populated subdivision but the AG-1 zoning begins across the road and agricultural land could be used for
34 many different uses by right. He noted that there is a *Right to Farm* in the County and the State of Illinois
35 therefore the petitioner could have 200 cattle or pigs on the subject property and neither one of those uses
36 would require review by this Board.
37

38 Mr. Goldshlag stated that we are not hearing a petitioner for a swine farm.
39

40 Mr. Thorsland stated that Mr. Goldshlag is correct and he should be very happy about that point. He said
41 that the Board is going to work with the noise barrier and it appears that the waiver of the barrier is the most

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1 concern and the distance of the exercise/training area from any adjacent residential structure. He asked the
2 audience to keep in mind that the members of the Board do hail from the unincorporated areas of Champaign
3 County and not one of the members are unfamiliar how the wind blows from the rural area. He said that the
4 adjacent subdivision is on the edge of the unincorporated area and the subject property is in the
5 unincorporated area and unfortunately the barrier is very small between the two.

6
7 Ms. Lee asked Mr. Goldshlag to clarify which facility he was discussing when he spoke about the dogs
8 barking at him when he jogs.

9
10 Mr. Goldshlag stated that he was discussing the research facility.

11
12 Ms. Lee asked Mr. Goldshlag if the dogs bark at him from this facility when he jogs past it.

13
14 Mr. Goldshlag stated that it is winter time and the kennel is not in full operation yet and only a couple of
15 dogs are present outside but during the summer months he expects more dogs to be outside. He said that he
16 does not want the petitioner to go through more expense and have the operation go any further and then the
17 complaints start. He said that the reason why the County has zoning rules is to foresee situations before they
18 occur. He said that he has not been disturbed to the point where he will file a complaint with the Board yet
19 and he does not want to get to the point either. He requested that the Board also looks into whether the
20 square footage of the house is appropriate for housing this many dogs.

21
22 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Goldshlag and there
23 were none.

24
25 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Goldshlag and there was no one.

26
27 Mr. Thorsland called Mr. Fuad Handal to testify.

28
29 Mr. Thorsland stated that Mr. Handal has left the meeting.

30
31 Mr. Thorsland called Mr. Johnson to the witness microphone.

32
33 Mr. Lawrence Reginald Johnson, stated that he generally goes by the name "Reggie" when addressed. He
34 said that he sees people walking and jogging every day on the walk path in the subdivision and there are
35 dogs that live in the subdivision which are near the walk path and they bark at everyone who passes by. He
36 said he has lived at the subject property for over one year and he has his personal dogs and other peoples'
37 dogs and he has not witnessed any of the dogs on his property bark at anyone. He said that he always
38 supervises his dogs and the dogs are not left outside for hours at a time unsupervised. He said that the dogs
39 do go out to exercise but he is with them the entire time.

40
41 Mr. Johnson stated that the facility that is north of the subject property and the subdivision has

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1 approximately 50 dogs. He said that he does not want 50 dogs at his facility and he does not intend to ever
2 have that many dogs at his facility.

3
4 Ms. Lee asked Mr. Johnson how many dogs he personally owns that are at the facility currently.

5
6 Mr. Johnson stated that he personally owns six dogs and they are all male.

7
8 Mr. Thorsland asked Mr. Johnson if the 15 dogs that he indicated would be housed at the property includes
9 his six personal dogs.

10
11 Mr. Johnson stated yes.

12
13 Mr. Thorsland asked Mr. Johnson if he would agree to a condition on the permit indicating that no more than
14 15 dogs, including Mr. Johnson's personal dogs, could be at the facility at any one time.

15
16 Mr. Johnson stated yes.

17
18 Mr. Thorsland asked Mr. Johnson if he would agree to a condition that the front exercise area could only be
19 used for no more than 15 dogs under the supervision of Mr. Johnson or a worker.

20
21 Mr. Johnson stated yes. He said that he does not trust people's dogs because they may unlock the gate or
22 climb over the fence therefore it is his experience that they have to be supervised at all times. He noted that
23 he did receive his license from the State of Illinois. He said that the State inspectors came to the property
24 and performed an inspection and issued his license.

25
26 Mr. Thorsland stated that the Board would like to have a copy of the license issued by the State of Illinois
27 and any other certifications that Mr. Johnson may have. He said that the Board would like to have a
28 complete floor plan of the house indicating the use of each location in the house. He said that the barrier is a
29 concern, so the petitioners may consider the slates that go into the chain link fence that create a visual
30 barrier. He said that there is a ditch by the subject property but there are some very narrow plantings that
31 could be installed. He asked Mr. Johnson if he would agree to install a sound or visual barrier on the front
32 side of the property if the Board required it as a condition.

33
34 Mr. Johnson stated yes. He said that he and Mr. Handal installed the fence and began the kennel operation
35 before they were aware that they were required to obtain a Special Use Permit from the County. He said that
36 once they found out that they needed a Special Use Permit they submitted the application immediately. He
37 said that they were under the impression that since they were in the country they didn't need anything other
38 than approval from the State of Illinois.

39
40 Mr. Thorsland stated that the situation is understandable and in all his years on the Board the most important
41 thing that County does not do and will probably never have a budget to do is communicate to the public what

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1 the Zoning Board of Appeals does and what the public needs to do to meet the County's requirements. He
2 said that the Board cannot imagine what everyone wants to do or what people think they get to do which is
3 why the Board exists. He said that the Board appreciates the fact that as soon as the petitioners knew what
4 they needed to do they applied for the Special Use Permit and paid the applicable fees.

5
6 Mr. Passalacqua asked if the location of the front fence is compliant.

7
8 Mr. Hall stated that he does not know what compliance Mr. Passalacqua is interested in.

9
10 Mr. Passalacqua stated that the fence appears to be too close to the road.

11
12 Mr. Hall stated that the fence can be at the property line.

13
14 Mr. Passalacqua stated that the location of the poles and the fence is permissible.

15
16 Mr. Hall stated yes.

17
18 Mr. Lee asked if permissible means the line of the road right-of-way.

19
20 Mr. Hall stated yes.

21
22 Mr. Thorsland noted that someone could put their fence right up to the sidewalk.

23
24 Mr. Thorsland stated that it appears that the petitioners are willing to work with the Board and staff to do
25 what they can do to obtain approval and to work with the neighbor's concerns. Mr. Thorsland stated that
26 currently the main concerns from the neighbors are visual and noise barriers. He said that it is the winter
27 months therefore everyone has their windows and doors closed so we anticipate everyone to have more
28 activity which includes Mr. Johnson's business. He said that the Board would like to get this case resolved
29 so that everyone is comfortable and before Mr. Johnson gets moving along any further. He said that the
30 Board cannot make Mr. Johnson do anything but can request that he does not take in more business than he
31 already has until the case is resolved.

32
33 Mr. Johnson stated that he understands the Board's request.

34
35 Mr. Thorsland requested a copy of any documentation regarding Mr. Johnson's certification as a state
36 certified trainer. He said that Mr. Johnson should call Ms. Chavarria regarding any information regarding the
37 septic system. He said that the Board is not requiring an architectural drawing but a better drawing of the
38 property and the interior of the house and its use would be appreciated. He said that the petitioners should
39 think about the future and include any visions that they may have.

40
41 Mr. Johnson stated that any visions or dreams that he has for the future could not occur on the subject

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1 property because it is too small.

2

3 Mr. Thorsland stated that the Board should know about any demolition of existing buildings and what would
4 be located in that vacant location.

5

6 Mr. Johnson stated that he does not own the property therefore he will need to contact Mr. Handal regarding
7 the septic system.

8

9 Mr. Thorsland stated that the Board needs to know the location of the septic system and when it was checked
10 and by whom.

11

12 Mr. Thorsland asked the audience if anyone else desired to sign the witness register to present testimony
13 regarding this case and there was no one.

14

15 Ms. Lee asked Mr. Johnson if he ever takes his own dogs along the sidewalk outside of the fenced area.

16

17 Mr. Johnson stated that he does not because he does not have insurance for that area. He said that he only
18 has insurance for the subject property therefore everything he does happens on the property.

19

20 Mr. Thorsland stated that the Board would love to see a copy of that insurance policy.

21

22 Mr. Johnson stated that he will submit it to staff.

23

24 Mr. Thorsland asked the petitioner if he would be available for a continuance date of April 16, 2015.

25

26 Mr. Johnson stated yes.

27

28 Mr. Thorsland entertained a motion to continue Case 793-S-14 to the April 16, 2015, meeting.

29

30 **Ms. Capel moved, seconded by Mr. Passalacqua to continue Case 793-S-14, to the April 16, 2015,**
31 **meeting.**

32

33 Mr. Goldshlag requested the opportunity to cross examine Mr. Johnson.

34

35 Mr. Thorsland called Mr. Goldshlag to the cross examination microphone.

36

37 Mr. William Goldshlag asked Mr. Johnson to indicate the indoor square footage which is available for the
38 kennel.

39

40 Mr. Johnson stated that he does not know the exact square footage of the area but he uses the first floor
41 which has one room which is approximately 16' x 20' and the other room is smaller.

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1

2 Mr. Thorsland stated that dimensions of the interior of the house are on the drawing that Mr. Johnson
3 submitted to staff.

4

5 Mr. Goldshlag stated that he realizes that the dimensions are on the drawing but the dimensions do not add
6 up which is why he is double checking the dimensions.

7

8 Mr. Johnson stated that the dogs are housed in crates and kennels in the house. He said that he lets the dogs
9 out to exercise every other hour so that they are not cooped up in the crates and kennels for several hours at a
10 time. He said that he is always outside with the dogs during their exercise time. He said that the dogs do
11 sleep in their crates and kennels at night and the dogs do sleep all night.

12

13 Mr. Thorsland asked Mr. Johnson if he releases all of the dogs outside at once or does he release them in
14 shifts for exercise time.

15

16 Mr. Johnson stated that he exercises the dogs in shifts. He said that the dogs that get along are allowed to go
17 out together under his supervision. He said that there may be a time when he only exercises one dog outside
18 and there may be other times when there are two or three dogs outside for exercise under his supervision.

19

20 Mr. Goldshlag asked Mr. Johnson how often he takes the dogs outside.

21

22 Mr. Johnson stated that he exercises the dogs every other hour during the day which, depending upon the
23 weather, would be between six and eight times per day.

24

25 Mr. Goldshlag asked Mr. Johnson if he would train dogs with behavioral issues and if so does he believe that
26 he has enough space for 15 dogs with behavioral issues.

27

28 Mr. Johnson stated that when he trains dogs with behavioral issues he will have the owner bring the dog to
29 him and he will work with the owner and the dog and then have the owner take the dog home. He said that
30 dogs with serious behavioral issues do not come to his facility because he does not take aggressive dogs.

31

32 Mr. Thorsland asked Mr. Johnson if he has a form that clients must complete when they bring their dogs to
33 the facility.

34

35 Mr. Johnson stated yes. He said that he keeps record of their shots.

36

37 Mr. Thorsland stated that he would appreciate a copy of the form submitted as evidence for Board review.
38 He said that if the kennel has guidelines or rules that are presented to the owners the Board would also
39 appreciate the ability to review that information as well.

40

41 Mr. Passalacqua asked Mr. Johnson if he has a flyer or website which describes his services.

ZBA

AS APPROVED MARCH 12, 2015

2/12/15

1

2 Mr. Johnson stated that he does have a flyer that he can submit. He said that normally people call him due to
3 word of mouth.

4

5 Mr. Passalacqua stated that anything that Mr. Johnson can add regarding his business and its services would
6 be helpful for the Board's review.

7

8 Mr. Thorsland stated that he assumes that the flyer indicates the hours of operation and when animals are
9 accepted. He said that he also assumes that clients do not drop off their dogs at 10:00 p.m.

10

11 Mr. Johnson stated that sometimes people will drop off their dogs during an emergency situation.

12

13 Mr. Thorsland asked Mr. Johnson to indicate his normal non-emergency hours.

14

15 Mr. Johnson stated that his regular hours of operation are 7:00 a.m. to 7:00 p.m.

16

17 Mr. Thorsland stated that as much information that Mr. Johnson can provide the Board the better. He
18 recommended that Mr. Johnson discuss any questions or concerns with Ms. Chavarria prior to the next
19 meeting for this case.

20

21 **The motion carried by voice vote.**

22

23 Mr. Thorsland entertained a motion to extend the meeting to 10:00 p.m.

24

25 **Ms. Capel moved, seconded by Ms. Lee to extend the meeting to 10:00 p.m. The motion carried by**
26 **voice vote.**

27

28

29 **Case 794-S-14 Petitioner: Premier Cooperative, Inc. with board members Greg Miller, William**
30 **Stierwalt, Kim Jolley, Kenneth Hieser, Stephen Hettinger, Pat Feeney, James Kleiss, Douglas**
31 **Hansens, John Murray, Dwight Huffstutler, Maury Busboom and corporate officers Roger Miller,**
32 **General Manager and James Deters, Chief Financial Officer. Request: 1) Authorize construction of**
33 **two 24,000 gallon bulk fuel storage tanks in the B-1, Rural Trade Center Zoning District; and 2)**
34 **Authorize the following waiver to the standard conditions of the "Gasoline and Volatile Oils Storage**
35 **in the B-1 and B-3 Districts" Special Use as per Section 6.1.3 of the Zoning Ordinance: Gasoline and**
36 **Volatile Oils Storage Facilities shall not be permitted closer than 500 feet from the R District or any**
37 **Residential, Institutional, or Public Assembly Use." Location: A 8.19 acre tract in the South Half of**
38 **the Southwest Quarter of Section 17, Township 20N, Range 9E, in Somer Township and commonly**
39 **known as Premier Cooperative at 1711 East Leverett Road, Champaign.**

40

04/09/15 REVISED DRAFT

793-S-14

**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: ***{April 16, 2015}***

Petitioners: Lawrence Johnson and Fuad Handal

- Request:
- 1) Authorize a kennel as a Special Use on 1.8 acres located in the AG-1 Agriculture Zoning District.
 - 2) Authorize the following waivers to the standard conditions of the Kennel special use as per Section 6.1.3 of the Zoning Ordinance:
 - a. A separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet; and
 - b.No noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use; and
 - c. A side yard setback of 85 feet in lieu of the required 200 feet.

Table of Contents

General Application Information 2 - 4
Specific Ordinance Requirements 4 - 9
Special Use Evidence10 - 23
Documents of Record 26
Case 793-S-14 Finding of Fact.....27 - 29
Case 793-S-14 Final Determination 30 - 31

Case 793-S-14
Page 2 of 31

04/09/15 REVISED DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 12, 2015 and April 16, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Fuad Handal owns the subject property and Lawrence Johnson resides on the property; the latter will manage the kennel.
2. The subject property is a 1.8 acre tract in the Southeast Quarter of the Southeast Quarter of Section 5 T. 19 N. R. 8 E. in Champaign Township with an address of 1211 N Staley Road, Champaign.
3. The subject property is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 1.8 acre tract zoned AG-1 Agriculture and is in use as a single family residence.
 - B. Land to the north, west, and south of the subject property is zoned AG-1 Agriculture and is in use as farmland.
 - C. Land to the east of the subject property is in the City of Champaign, is zoned SF-1 Single Family Residential and is in use as single family dwellings.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan of the subject site:
 - A. The Petitioner's Revised Site Plan, received January 21, 2015 indicates the following:
 - (1) Existing residence with footprint of approximately 29 feet by 49 feet;
 - (2) Existing detached garage, approximately 24 feet by 24 feet;
 - (3) Existing detached, covered "play kennel", approximately 20 feet by 20 feet;
 - (4) Existing large shed, approximately 60 by 80 feet;
 - (5) Existing smaller "old shed", to be demolished;
 - (6) Existing six feet tall chain link fenced activity area for dogs, 65 feet by 80 feet. The eastern side of the fence runs between power line poles along Staley Road; it is unclear if that part of the fence is within the road right-of-way.

04/09/15 REVISED DRAFT

**Case 793-S-14
Page 3 of 31**

- (7) No additional improvements are anticipated for the proposed Special Use.
- B. The petitioner applied for and received a license from the Illinois Department of Agriculture to run a dog kennel, which requires renewal by June 30th each year.
- (1) The license application specific to “buildings and premises” for kennels operator include review of the following:
- (a) Describe buildings and premises where applicant intends to conduct operation (dimensions, type of flooring, roofing, and size of different rooms;
 - (b) Number of cages, pens, and/or aquariums on the premises;
 - (c) Average number of dogs, cats, birds, fish, or reptiles on hand;
 - (d) Describe storage and disposal of waste materials and dead animals (schedule of pick-up service and by whom);
 - (e) What control measures are taken to prevent infestation of animals and premises with external parasites and vermin;
 - (f) What precautions are taken for the isolation of diseased animals to avoid exposure to healthy and salable animals;
 - (g) How often are cages, runs, and tanks cleaned and disinfected when in current use; and
 - (h) Describe heating and ventilation system in the kennel area.
- (2) The license application specific to “animals in transit” for kennels operator include review of the following:
- (a) Method of handling animals in transit in relation to feeding, watering, freedom of movement, type of conveyance, heat and ventilation, disinfecting, and sanitary measures.
- C. Petitioner Johnson indicated they can board up to 15 dogs in the house; the dogs will only be let outside for periodic necessary activity.
- D. The petitioner has requested the following waivers (variances) specific to the Kennel use:
- (1) A separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet;

04/09/15 REVISED DRAFT

- (2) No noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use;
- (3) A side yard setback of 85 feet in lieu of the required 200 feet.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding the proposed Special Use:

- A. Section 5.2 authorizes a “Kennel” as a Special Use only in the CR, AG-1, AG-2 and B-4 Zoning Districts, and by-right in the I-1 and I-2 Zoning Districts.
- 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 indicates the following standard conditions that apply specifically to Kennels:
 - (a) Enclosed KENNELS shall not permit animals to be kept either temporarily or permanently outside the KENNEL. One SINGLE FAMILY DWELLING may be permitted on the site provided it is for occupancy by the OWNER or employee of the KENNEL.
 - (b) KENNELS where animals are kept temporarily or permanently outside of the KENNEL shall adhere to the following requirements:

04/09/15 REVISED DRAFT

Case 793-S-14
Page 5 of 31

- (1) Provide a 6' wire mesh fence to encompass outdoor animal exercise and/or training area.
 - 2) Any outdoor animal exercise and/or training area shall be 200' from any adjacent residential STRUCTURE and/or USE and shall have a noise buffer of evergreen shrubs or trees a minimum of four feet in HEIGHT installed separating the exercise and/or training area from any adjacent residential STRUCTURE and/or USE. Measurements shall be made from LOT LINE of an adjacent residential STRUCTURE and/or USE.
 - 3) Maintain a SIDE YARD setback and a REAR YARD setback of 200 feet.
- C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (3) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (4) "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.
 - (5) "BUILDING, DETACHED" is a BUILDING having no walls in common with other BUILDINGS.
 - (6) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (7) "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 STUCTURE.
 - (8) "KENNEL" is a LOT or PREMISES on which six or more dogs or six or more cats (or any combination thereof) at least six months of age are kept, boarded, bred, or

04/09/15 REVISED DRAFT

retained for compensation; or a LOT or PREMISES on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation.

- (9) "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.
- (10) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (11) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (12) "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.
- (13) "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.
- (14) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (15) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (16) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (17) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (18) "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;

04/09/15 REVISED DRAFT

**Case 793-S-14
Page 7 of 31**

- 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.
- (19) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (20) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (21) “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.
- (22) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (23) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- 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;

04/09/15 REVISED DRAFT

- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.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.
- F. 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.

04/09/15 REVISED DRAFT

**Case 793-S-14
Page 9 of 31**

- (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.
- (4) Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- a. That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) 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.
 - (b) That practical difficulties or hardships created by 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.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - b. That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2. The requested variances are as follows:
 - (a) A separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet; and
 - (b) No noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use; and
 - (c) A side yard setback of 85 feet in lieu of the required 200 feet.

Case 793-S-14
Page 10 of 31

04/09/15 REVISED DRAFT

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 received April 30, 2014, **“I am an important service to the community. I provide a resource for people with pets who require a safe place for their pets to stay while they work, travel, are in school, and also offer emergency pet care for people that may end up in the hospital or another tragic event like a house fire. I aid and assist the average dog owner with proper care taking, which includes exercise and training, thus curbing behavioral issues, which often leads to the dog going to the pound or other over-crowded rescues.”**

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, **“Not more injurious or detrimental. As this property is zoned AG-1, it could be used as a farm, or to keep other livestock. Dogs are cleaner than livestock that are kept in barns or pastures like cows and pigs that create smells that go beyond the perimeter of the property. All dogs are boarded indoors. I care for household pets that are family companions. They are tended to regularly both day and night. The dogs are let out into play areas that are enclosed with human supervision. They are not allowed outside of these areas without being on a leash. All trash including feces are thrown away in the garbage and collected weekly by a professional trash collector.”**
- B. Regarding surface drainage:
- (1) The subject property is located in the Fountain Head drainage district.
 - (2) The site is located at the top of a hill; drainage appears to flow across the property primarily to the west but also to the north and south.
 - (3) The Champaign County Soil and Water Conservation District Natural Resource Report does not identify any concerns related to surface drainage for the proposed project.
- C. The subject property location is on Staley Road, approximately 325 feet north of Bradley Avenue. Regarding the general traffic conditions on Staley Road at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The Illinois Department of Transportation (IDOT) measures traffic on various roads throughout the County and determines the annual average 24-hour traffic

*04/09/15 REVISED DRAFT***Case 793-S-14
Page 11 of 31**

volume for those roads and reports it as Annual Average Daily Traffic (AADT). The AADT on Staley Road north of Bradley Avenue is 6,800 as of 2011, the most recent year counts were done.

- (2) Visits to the subject property might be several vehicles a day. No significant increase in traffic is anticipated.
 - (3) The Township Highway Commissioner and County Engineer have been notified of these cases and no comments have been received at this time.
- D. The subject property is located on best prime farmland. The subject property soil consists of Dana Silt Loam (56B2) and Wyonet Silt Loam (622C2). The site has a relative Land Evaluation (LE) value of 91. The following factors must be considered to ensure that the property is WELL SUITED OVERALL:
- 1) Will the site features or site location to operate as a Kennel detract from the proposed use?
 - 2) Will the site create a risk to health, safety or property of the occupants, the neighbors or the general public?
 - 3) Is the site clearly inadequate in one respect even if it is acceptable in other respects?
 - 4) Is the necessary infrastructure in place or provided by the proposed development?
 - 5) Are available public services adequate to support the proposed development effectively and safely?
- E. Regarding fire protection of the subject property, the subject property is within the protection area of the Scott Fire Protection District. The subject property is approximately 4.2 road miles from the fire station in Bondville. The Fire Protection District Chief has been notified of this request and no comments have been received.
- F. Regarding subsurface drainage:
- (1) The subject property is not located within a Special Flood Hazard Area.
 - (2) It is unknown if the subject property contains any agricultural field tile. Any tile that is discovered on the subject property will have to be protected as per the requirements of the Stormwater Management Policy.
 - (3) The Champaign County Soil and Water Conservation District Natural Resource Report for the proposed project received January 23, 2015 states: "It is likely that

04/09/15 REVISED DRAFT

this site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order. Severe ponding, along with wetness may be a limitation associated with the two soil types on the site. Installing a property designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.”

- G. Regarding outdoor lighting on the subject property:
- (1) The Revised Site Plan received January 21, 2015 indicates no outdoor lighting.
 - (2) Field inspection indicates that there is outdoor lighting from the second story of the house illuminating the detached garage/driveway area. It is not clear if the fixtures are full cut off.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) No information has been provided regarding the existing septic system. On April 7, 2015, Mr. Johnson delivered a paid invoice dated 08/06/12 for septic cleaning services for the subject property. The invoice indicates:
 - a. That the septic system was cleaned of 500 gallons of waste;
 - b. That the tank is located six feet out from the north side of the driveway;
- 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.

04/09/15 REVISED DRAFT

**Case 793-S-14
Page 13 of 31**

- 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.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- a. The 2006 or later editions of the following codes developed by the International Code Council:
 - i. International Building Code;
 - ii. International Existing Building Code; and

04/09/15 REVISED DRAFT

- iii. International Property Maintenance Code
- b. The 2008 of later edition of the National Electrical Code NFPA 70.
- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application: **“Yes, no further alteration will be made to the property.”**
 - B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided:
 - (1) Section 5.2 authorizes a “Kennel” as a Special Use only in the CR, AG-1, AG-2 and B-4 Zoning Districts, and by-right in the I-1 and I-2 Zoning Districts.
 - (2) Paragraph 6.1.2 A. establishes standard conditions for exterior lighting that apply to all Special Use Permits (see Item 6.B.1 above). The petitioner has not provided specifications on the exterior lighting installed on the north side of the house.
 - (3) Subsection 6.1.3 indicates standard conditions that apply specifically to kennels:
 - a. Enclosed KENNELS shall not permit animals to be kept either temporarily or permanently outside the KENNEL. One SINGLE FAMILY DWELLING may be permitted on the site provided it is for occupancy by the OWNER or employee of the KENNEL.
 - (a) The Petitioner has stated that the animals will be boarded inside the house, and that they will only be outside in the fenced activity area temporarily.
 - (b) The revised site plan received January 21, 2015, indicates a 20 feet by 20 feet “play kennel” with a 6 foot tall fence south of the garage and behind the residence. The Petitioner indicated that this area would be used as a temporary, covered activity area when weather conditions prevent use of the uncovered, fenced play area.

04/09/15 REVISED DRAFT

Case 793-S-14
Page 15 of 31

- b. KENNELS where animals are kept temporarily or permanently outside of the KENNEL shall adhere to the following requirements:
- (a) Provide a 6' wire mesh fence to encompass outdoor animal exercise and/or training area. The Petitioner installed a six foot wire mesh fence for both the activity area on the north side of the property and the covered play kennel area behind the house.
 - (b) Any outdoor animal exercise and/or training area shall be 200' from any adjacent residential STRUCTURE and/or USE and shall have a noise buffer of evergreen shrubs or trees a minimum of four feet in HEIGHT installed separating the exercise and/or training area from any adjacent residential STRUCTURE and/or USE. Measurements shall be made from LOT LINE of an adjacent residential STRUCTURE and/or USE. The activity area for the proposed Special Use is 95 feet away from the nearest lot line of an adjacent residential structure. There are no shrubs planted as a noise buffer.
 - (c) Maintain a SIDE YARD setback and a REAR YARD setback of 200 feet. The rear yard has a 300 foot setback. The north side yard has a 92 foot setback. The south side yard has an 85 foot setback.
- C. Regarding compliance with the *Stormwater Management Policy*, the Champaign County Stormwater Management Policy does not apply in this case because the Petitioner will not build any new structures or make further improvements.
- D. Regarding the Special Flood Hazard Areas Ordinance, the subject property is not located in the Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property conforms to the Champaign County Subdivision Regulations.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District, the proposed use is "Kennel". The property is in a rural setting on the fringe of the urban area, is already converted from farmland yet maintains a rural landscape, is surrounded by farmland on three sides, and will involve the care of animals.
- G. ~~The proposed Special Use is exempt from the Illinois Accessibility Code because no additional improvements will be made.~~ Regarding accessibility, it is not clear if the proposed use is subject to the Illinois Accessibility Code. A Special Condition has been added to ensure compliance with state accessibility regulations.

Case 793-S-14
Page 16 of 31

04/09/15 REVISED DRAFT

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 is in harmony with the general intent and purpose of the Ordinance:
 - A. KENNEL may be authorized by the ZBA in the AG-1 Agriculture Zoning District as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
 - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 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.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements. However, waivers are required if standard conditions are not met.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

In regards to the value of nearby properties, it is unclear what impact the proposed SUP will have on the value of nearby properties.

04/09/15 REVISED DRAFT

**Case 793-S-14
Page 17 of 31**

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

There are two access drives to the property. Traffic at the kennel is expected to be minimal.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

The requested Special Use Permit is exempt from the Champaign County Stormwater Management Policy; it is outside of the Special Flood Hazard Area, and there are no special drainage problems that appear to be created by the Special Use Permit.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and

04/09/15 REVISED DRAFT

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 nonconforming conditions. A Special Condition has been identified regarding exterior lighting.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing 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 not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and the proposed use will be entirely new.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The subject property is located in the AG-1 Agriculture District and the proposed use will maintain rural characteristics.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features and there are no natural features in the vicinity of the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The subject property is located in the AG-1 Agriculture District and will serve a nearby population and will not require any new public utilities or public infrastructure.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas,

04/09/15 REVISED DRAFT

**Case 793-S-14
Page 19 of 31**

to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The subject property is located in the AG-1 Agriculture District and serves the agricultural nature of the rural area by requiring no further development to the property's rural character.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the Ordinance is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed use in this case is not related to this purpose.

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 property is not a non-conforming use.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES FOR A WAIVER (VARIANCE)

- 12. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. Minimum setbacks from the centerline of a street, minimum front yards, minimum side yards, minimum rear yards, and maximum lot size in the AG-1 District are established in Section 5.3 and Subsection 4.3.2 of the *Zoning Ordinance* as follows:
 - (1) The minimum setback from a local street is listed in Section 5.3 and Subsection 4.3.2 as 55 feet.
 - (2) The minimum front yard in regards to a local (collector) street is listed in Footnote 3 of Section 5.3 and Subsection 4.3.2 as 30 feet.
 - (3) The minimum side yard is listed in Section 5.3 as 15 feet.
 - (4) The minimum rear yard is listed in Section 5.3 as 25 feet.

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

- 13. 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:

Case 793-S-14
Page 20 of 31

04/09/15 REVISED DRAFT

- A. Regarding Part (a) of the waiver (variance) that a separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet:
- (1) The nearest residential lot line is 95 feet away across Staley Road to the east. The residence, which faces away from the kennel, has a fenced back yard adjacent to Staley Road.
 - (2) The fenced animal exercise area abuts a large slope and ditch along Staley Road, which would make buffer plantings difficult to establish.
- B. Regarding Part (b) of the waiver (variance) for no noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height:
- (1) The animal exercise area abuts a large slope and ditch along Staley Road, which would make buffer plantings difficult to establish.
- C. Regarding Part (c) of the waiver (variance) for a side yard setback of 85 feet in lieu of the required 200 feet:
- (1) The nearest dwelling is approximately 3,500 feet from the side property line.
 - (2) The nearest dwelling is approximately 2,900 feet away from the rear property line.
 - (3) The land adjacent to the sides and rear property lines is agricultural in use.

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

14. 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. Regarding Part (a) of the waiver (variance) for a separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet:
- (1) The petitioner recently installed the fence around the outdoor activity area, not knowing that permission was needed from the Zoning Department to do so.
 - (2) Without the proposed variance the petitioner would have to remove and reinstall the fence.
- B. Regarding Part (b) of the waiver (variance) for no noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height:

04/09/15 REVISED DRAFT**Case 793-S-14
Page 21 of 31**

- (1) The animal exercise area abuts a large slope and ditch along Staley Road, which would make buffer plantings difficult to establish.
- C. Regarding Part (c) of the waiver (variance) for a side yard setback of 85 feet in lieu of the required 200 feet:
 - (1) The subject property is adjacent to agricultural land on its side and rear property lines. There are no residences within one-half mile on the sides and rear of the property.
 - (2) Without the proposed waiver, the petitioners would be unable to establish the proposed Special Use on this property.

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

- 15. 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 Part (a) of the waiver (variance) for a separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet:
 - (1) The petitioner recently installed the fence around the outdoor activity area, not knowing that permission was needed from the Zoning Department to do so.
 - B. Regarding Part (b) of the waiver (variance) for no noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height:
 - (1) The petitioner indicated he was not aware of the Zoning Ordinance requirements; he could have installed the fencing farther back from the difficult topography in order to accommodate the noise buffering shrubs.
 - C. Regarding Part (c) of the waiver (variance) for a side yard setback of 85 feet in lieu of the required 200 feet:
 - (1) The Petitioner owned the property prior to establishing the Kennel. He was unaware that there are Zoning Ordinance regulations specific to the Kennel use.

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

- 16. Regarding the *Zoning Ordinance* requirement that the waivers (variances) of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
 - A. Regarding Part (a) of the waiver (variance) for a separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet,
 - (1) The requested variance is 48% of the minimum required, for a variance of 52%.

04/09/15 REVISED DRAFT

- (2) The Zoning Ordinance does not clearly state the considerations that underlie the separation distance requirement. Presumably the requirement is intended to ensure that there is adequate separation from noise made by the animals in the activity area.
 - a. The Petitioner has indicated that they could board up to 15 animals at one time.
 - b. The nearest residence is across Staley Road, is fenced, and faces away from the proposed Kennel.
- B. Regarding Part (b) of the waiver (variance) for no noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height:
- (1) The requested variance is 0% of the minimum required, for a variance of 100%.
 - (2) The Zoning Ordinance does not clearly state the considerations that underlie the noise buffer requirement. Presumably the requirement is intended to ensure that noise made by the animals in the activity area will not disrupt nearby residents.
 - a. The Petitioner has indicated that they could board up to 15 animals at one time.
 - b. The nearest residence is across Staley Road, is fenced, and faces away from the proposed Kennel.
- C. Regarding Part (c) of the waiver (variance) for a side yard setback of 85 feet in lieu of the required 200 feet,
- (1) The requested variance is 43% of the minimum required, for a variance of 57%.
 - (2) The Zoning Ordinance does not clearly state the considerations that underlie the side yard setback. Presumably the requirement is intended to ensure the following:
 - a. Adequate light and air: The subject property is surrounded by agriculture use on three sides.
 - b. Separation of structures to prevent conflagration: The nearest structure on adjacent property to the proposed addition is approximately 95 feet.
 - c. Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

04/09/15 REVISED DRAFT

Case 793-S-14
Page 23 of 31**GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED WAIVER (VARIANCE) ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE**

17. 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 Township Road Commissioner has received notice of these waivers (variances) and no comments have been received.
 - B. The Fire Protection District has been notified of these waivers (variances) and no comments have been received.
 - C. Neighbors have indicated their concerns about potential noise that may result from up to 15 dogs being cared for at the proposed Kennel.
 - (1) In an email from Tim Donohue, President of the West Ridge Homeowners Association (HOA), received February 3, 2015, the Zoning Office was copied on an email sent to HOA members informing them of the proposed Kennel and encouraging them to submit their opinions and attend the ZBA meeting for this case. West Ridge Subdivision is east of Staley Road across from the proposed use.
 - (2) In an email from the West Ridge Homeowners Association received February 3, 2015, officers of the HOA wrote on behalf of their homeowners asking the ZBA to deny this petition for a Special Use permit because they are concerned about noise coming from the boarded animals.
 - (3) In an email from Ralph and Janet Miller of the West Ridge Subdivision received February 3, 2015, they oppose approval for a Special Use Permit for a Kennel on the subject property. They mention noise concerns and suggest that even a noise buffer of plantings will not reduce the noise of barking dogs.
 - D. Regarding concerns from the adjacent neighborhood, Mr. Johnson testified at the February 12, 2015 hearing that no one has contacted him with concerns about the kennel and that he actually kenneled some of the neighbors' pets.
 - E. At the February 12, 2015 public hearing, several neighbors testified regarding their concerns.
 - (1) Ms. Laura Schwenker of the West Ridge Subdivision stated she does not object to the kennel across the street or the boarding or dog training of the dogs at the facility but she does object to no noise abatement measures being required for the facility.
 - (2) Mr. William Goldshlag of the West Ridge Subdivision said that his primary concern is with the noise and the request to not erecting noise barriers for the kennel. He expects more foot traffic on the pedestrian path across from the proposed kennel because it is not only used by joggers but also by families with small children in

04/09/15 REVISED DRAFT

carriages. He said that there is a newly constructed playground to the north of the subdivision and the walk path is the only way to access the playground from the adjacent Sawgrass Subdivision. He said that he has a direct visual from his home and he sees people walking with their children taking them to the playground and back and he expects that the dogs will spot the pedestrians and begin barking. He stated that he would be happy if the kennel was moved towards the back of the property as far 31 away from the road as possible and if the visual and noise barriers were required

- F. At the February 12, 2015 public hearing, Petitioner Reggie Johnson testified that he sees people walking and jogging every day on the walk path in the subdivision and there are dogs that live in the subdivision which are near the walk path and they bark at everyone who passes by. He said he has lived at the subject property for over one year and he has his personal dogs and other peoples' dogs and he has not witnessed any of the dogs on his property bark at anyone. He said that he always supervises his dogs and the dogs are not left outside for hours at a time unsupervised. He said that the dogs do go out to exercise but he is with them the entire time.
- G. On April 7, 2015, Mr. Johnson delivered a written testimonial from kennel client Teresa Cowser, who provided entirely positive comments about the kennel and care her dog receives there.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

18. Regarding proposed special conditions of approval:

- A. **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 for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- B. **The number of animals to be boarded at one time will not exceed 15, including dogs that are the property of anyone residing on the property, which is the number the Petitioner indicated as the maximum that they would board. Further, no dogs will be housed outside.**

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

That noise from the proposed Special Use is minimally disruptive to the surrounding area.

04/09/15 REVISED DRAFT

*Case 793-S-14
Page 25 of 31*

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the Petitioner has installed either slats into the existing six feet tall chain link fence surrounding the exercise area, or a six feet tall wood fence along the eastern side of the existing six feet tall chain link fence surrounding the exercise area.**

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

That the Special Use conforms to the Zoning Ordinance requirement 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.

- D. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the Petitioner has ensured compliance with the Illinois Accessibility Code.**

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

That all state accessibility requirements have been met.

Case 793-S-14
Page 26 of 31

04/09/15 REVISED DRAFT

DOCUMENTS OF RECORD

1. Special Use Permit application received November 20, 2014, with attachments:
 - A Site Plan received December 5, 2014
2. Revised Site Plan received January 21, 2015
3. Natural Resources Report from Champaign County Soil and Water Conservation District received January 23, 2015
4. Preliminary Memorandum dated February 4, 2015, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received December 5, 2014
 - C Revised Site Plan received January 21, 2015
 - D Natural Resources Report from Champaign County Soil and Water Conservation District received January 23, 2015
 - E Site Visit Photos taken December 30, 2014
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination
 - G Public comments received as of February 5, 2015
5. Supplemental Memorandum #1 dated February 12, 2015, with attachments:
 - A Memorandum from City of Champaign received February 11, 2015
 - B Public comments received via email by February 11, 2015
 - Laura Schwenker, 1308 Farley Ln, Champaign
 - Jeff Turner, 4102 Rayburn Ct, Champaign
 - Jaime Reed, 1330 West Ridge Lane, Champaign
 - Maggie & Justin Miller, 4103 Pebblebrook Ln, Champaign
 - C Photos provided by Lawrence Johnson of interior of the kennel, received February 11, 2015
6. Supplemental Memorandum #2 dated April 16, 2015, with attachments:
 - A Illinois Department of Agriculture "Inspection of Animal Welfare Licensees" dated 11/22/2013
 - B Illinois Department of Agriculture Kennel Operator's License, expires annually on June 30
 - C Professional Certification from the National K-9 School for Dog Trainers dated 12/15/2000
 - D Approved Minutes from the February 12, 2015 ZBA Hearing

04/09/15 REVISED DRAFT

Case 793-S-14
Page 27 of 31**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **793-S-14** held on **February 12, 2015** and **April 16, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: _____

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility *{because*}*: _____
 - 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 BEST PRIME FARMLAND and the property with the proposed improvements *{IS/ IS NOT}* WELL SUITED OVERALL *{because*}*: _____
 - h. The existing public services *{ARE/ ARE NOT}* available to support the proposed special use effectively and safely without undue public expense *{because*}*: _____
 - i. The only existing public infrastructure together with proposed improvements *{ARE/ ARE NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*: _____

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

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.

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

4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use ***{IS/ IS NOT}*** authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
 - c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.

5. The requested Special Use ***{IS/ IS NOT}*** an existing nonconforming use and the requested Special Use Permit ***{WILL/ WILL NOT}*** make the existing use more compatible with its surroundings ***{because: *}*** _____

6. For the requested waivers, 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: *}*** _____

7. For the requested waivers, 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: *}*** _____

8. For the requested waivers, the special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant ***{because: *}***: _____

9. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW}***

04/09/15 REVISED DRAFT

Case 793-S-14
Page 29 of 31

- A. **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 for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

- B. **The number of animals to be boarded at one time will not exceed 15, including dogs that are the property of anyone residing on the property, which is the number the Petitioner indicated as the maximum that they would board. Further, no dogs will be housed outside.**

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

That noise from the proposed Special Use is minimally disruptive to the surrounding area.

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the Petitioner has installed either slats into the existing six feet tall chain link fence surrounding the exercise area, or a six feet tall wood fence along the eastern side of the existing six feet tall chain link fence surrounding the exercise area.**

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

That the Special Use conforms to the Zoning Ordinance requirement 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.

- D. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the Petitioner has ensured compliance with the Illinois Accessibility Code.**

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

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Case 793-S-14
Page 30 of 31

04/09/15 REVISED DRAFT

FINAL DETERMINATION

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

The Special Use requested in Case **793-S-14** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED }* to the applicants Fuad Handal and Lawrence Johnson, to :

- 1) Authorize a kennel as a Special Use on 1.8 acres located in the AG-1 Agriculture Zoning District.
- 2) Authorize the following waivers to the standard conditions of the Kennel special use as per Section 6.1.3 of the Zoning Ordinance:
 - a. A separation distance of 95 feet between any outdoor animal exercise/training area and any adjacent residential structure and/or use in lieu of the required 200 feet; and
 - b. No noise buffer of evergreen shrubs or trees in lieu of the required noise buffer of evergreen shrubs or trees a minimum of four feet in height installed separating the exercise and/or training area from any adjacent residential structure and/or use; and
 - c. A side yard setback of 85 feet in lieu of the required 200 feet.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

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

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- B. **The number of animals to be boarded at one time will not exceed 15, including dogs that are the property of anyone residing on the property, which is the number the Petitioner indicated as the maximum that they would board. Further, no dogs will be housed outside.**

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04/09/15 REVISED DRAFT

Case 793-S-14
Page 31 of 31

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

That all state accessibility requirements have been met.

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

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date