

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: May 12, 2016
Time: **7:00 P.M.**
Place: **John Dimit 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 (February 25, 2016)
5. Continued Public Hearings
6. New Public Hearings

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

- *Case 829-V-16 Petitioner: **Diana Bubenik, d.b.a. Prairie Signs Inc.**
Request: **Authorize a variance from Section 7.3.6 of the Zoning Ordinance on a
property in the B-4 General Business Zoning District:**

**Part A: 5 wall mounted signs that occupy 2% of the wall surface on one
frontage (North) in lieu of the maximum allowed 3 wall mounted
signs that occupy no more than 15% of the wall surface.**

**Part B: 1 wall mounted sign that occupies 2% of the wall surface and not on
a frontage (East) in lieu of the maximum allowed 3 wall mounted
signs that occupy no more than 15% of the wall surface per
frontage.**

**Part C: 2 private traffic direction signs that are each 38 square feet in area
in lieu of the maximum allowed 5 square feet per sign.**

Location: **A 6 acre tract in part of the Northeast Quarter of the Northwest Quarter of
Section 24, Township 20N, Range 8E in Hensley Township and commonly
known as the Rush Truck Center, 309 East Hensley Road, Champaign.**

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
MAY 12, 2016
PAGE 2

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

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

Case 830-AM-16: Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related Zoning Case 831-S-16 on the subject property described below.

***Case 831-S-16: Request: Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning case 830-AM-16 on the subject property described below:**

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

7. Staff Report
8. Other Business
 - A. Review of Docket
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

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

CASE NO. 829-V-16

PRELIMINARY MEMORANDUM

MAY 5, 2016

Petitioners: **Diana Bubenik, d.b.a. Prairie Signs Inc.**

Request: **Authorize a variance from Section 7.3.6 of the Zoning Ordinance on a property in the B-4 General Business Zoning District:**

Part A: 5 wall mounted signs that occupy 2% of the wall surface on one frontage (North) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface.

Part B: 1 wall mounted sign that occupies 2% of the wall surface and not on a frontage (East) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface per frontage.

Part C: 2 private traffic direction signs that are each 38 square feet in area in lieu of the maximum allowed 5 square feet per sign.

Subject Property: **A tract of land located in part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 20N Range 8E in Hensley Township and commonly known as the Rush Truck Center, 309 West Hensley Road, Champaign.**

Site Area: **6 acres**

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

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioner Prairie Signs, via agent Diana Bubenik, is the contractor for installing signs on the new Rush Truck Center. Rush Trucks would like to install 8 signs on its building to help direct customers to and within the property and to advertise 3 logos that are required under a licensing agreement.

Rush Truck Center is visible to customers from its north frontage on Hensley Road (CH 20), Market Street (CH 21) to the east, and I-57 to the southeast. The property does not have frontage on Market Street (CH 21) or I-57. The Zoning Ordinance only allows up to 3 signs per frontage; in other words, Rush Trucks is limited to 3 signs without a variance.

The Zoning Ordinance also limits maximum area of the signs to not exceed 15% of the frontage wall square footage. With the requested variance, all 8 signs total 259.11 square feet, or about 16% of the maximum allowable sign area.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.

The subject property is located within Hensley Township, which has a Plan Commission. Township Plan Commissions have protest rights on a variance and are notified of such cases.

No comments have been received from the Hensley Township Plan Commission to date.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	diesel truck maintenance facility with truck sales	B-4 General Business
North	Agriculture	AG-1 Agriculture
East	Undeveloped	I-1 Light Industry
West	RV Campground	AG-2 Agriculture
South	RV Campground	AG-2 Agriculture

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Sign elevations received February 4, 2016
- C Email from DaNae Spangler received May 3, 2016
- D Images of Subject Property taken March 18, 2016
- E Draft Summary of Evidence, Finding of Fact, and Final Determination

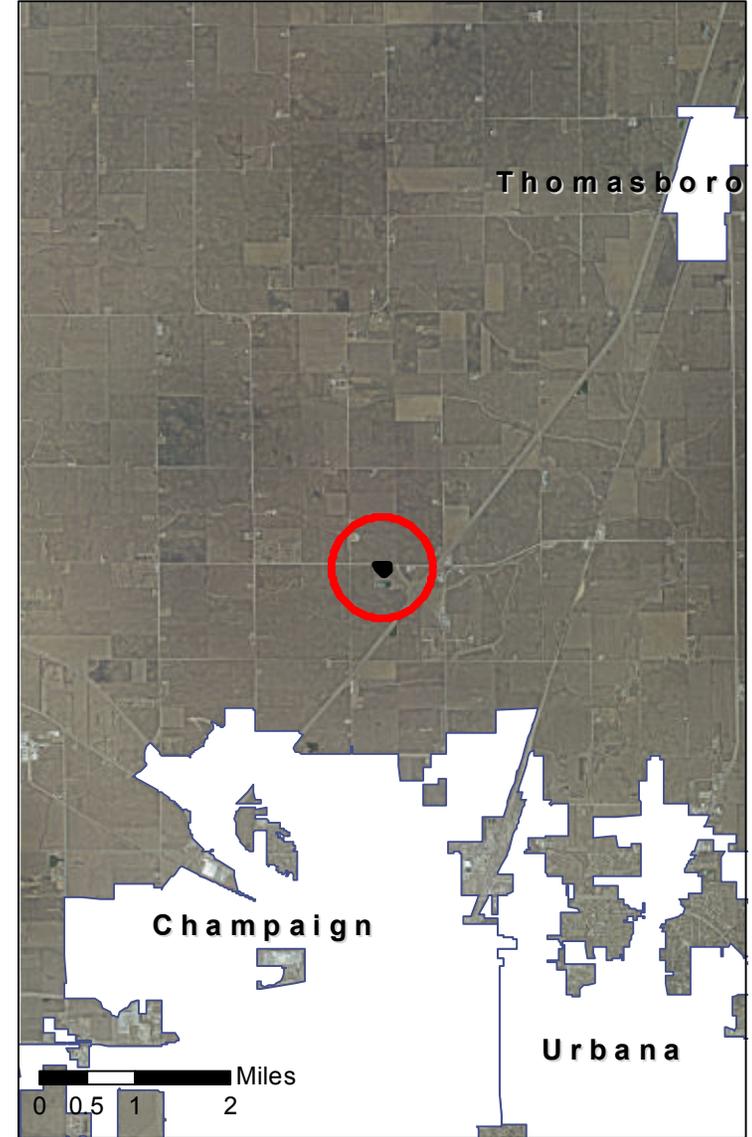
Location Map

Case 829-V-16
May 12, 2016

Subject Property



Property location in Champaign County



Legend

 Subject Property



Champaign County
Department of
PLANNING &
ZONING

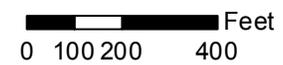
Land Use Map

Case 829-V-16
May 12, 2016



Legend

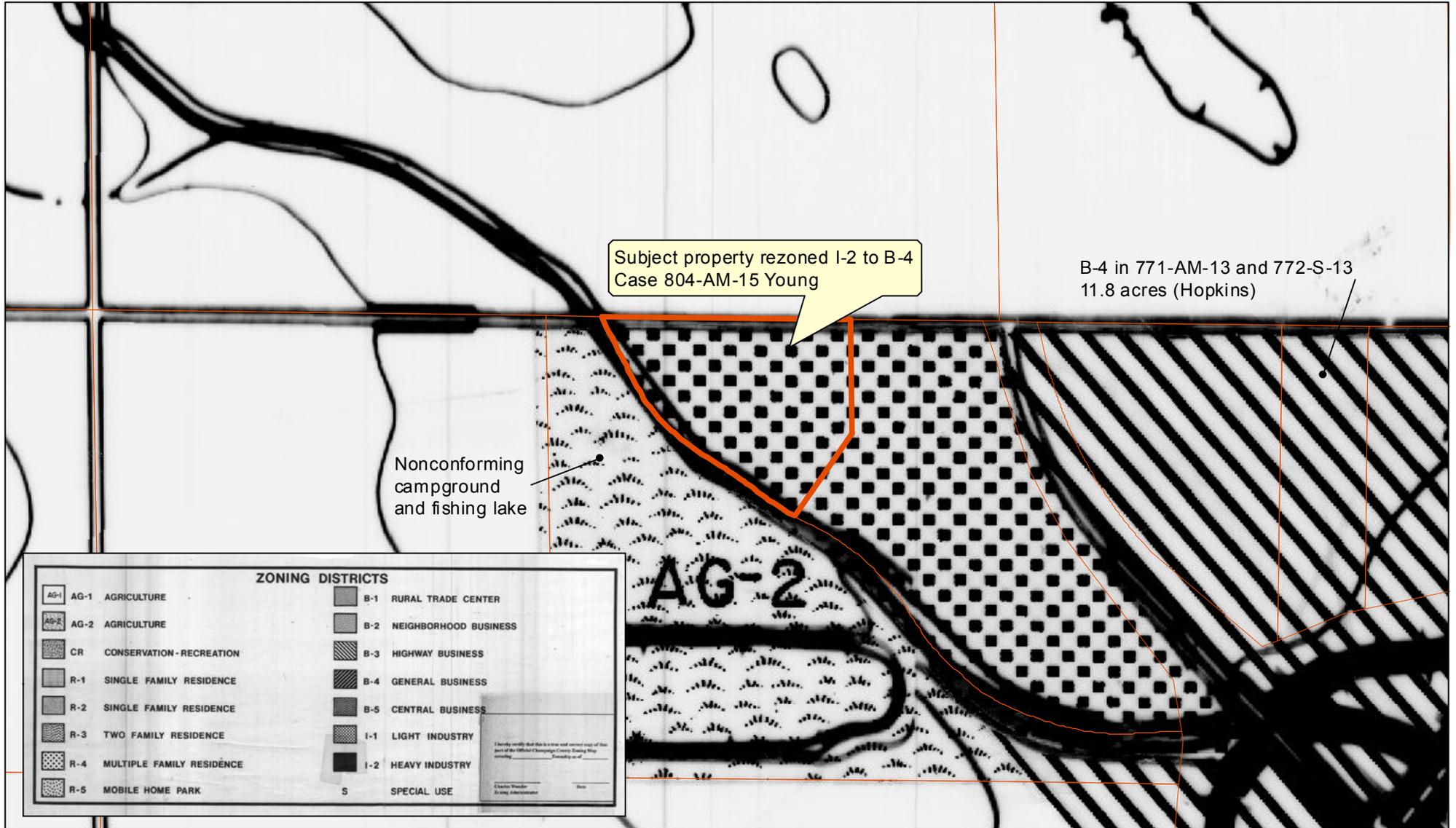
-  Subject Property
-  Commercial
-  Agriculture



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 829-V-16
May 12, 2016



Subject property rezoned I-2 to B-4
Case 804-AM-15 Young

B-4 in 771-AM-13 and 772-S-13
11.8 acres (Hopkins)

Nonconforming
campground
and fishing lake

AG-2

ZONING DISTRICTS				
AG-1	AG-1	AGRICULTURE	B-1	RURAL TRADE CENTER
AG-2	AG-2	AGRICULTURE	B-2	NEIGHBORHOOD BUSINESS
CR	CR	CONSERVATION - RECREATION	B-3	HIGHWAY BUSINESS
R-1	R-1	SINGLE FAMILY RESIDENCE	B-4	GENERAL BUSINESS
R-2	R-2	SINGLE FAMILY RESIDENCE	B-5	CENTRAL BUSINESS
R-3	R-3	TWO FAMILY RESIDENCE	I-1	LIGHT INDUSTRY
R-4	R-4	MULTIPLE FAMILY RESIDENCE	I-2	HEAVY INDUSTRY
R-5	R-5	MOBILE HOME PARK	S	SPECIAL USE

Legend

 Subject Property

0 100 200 400 Feet



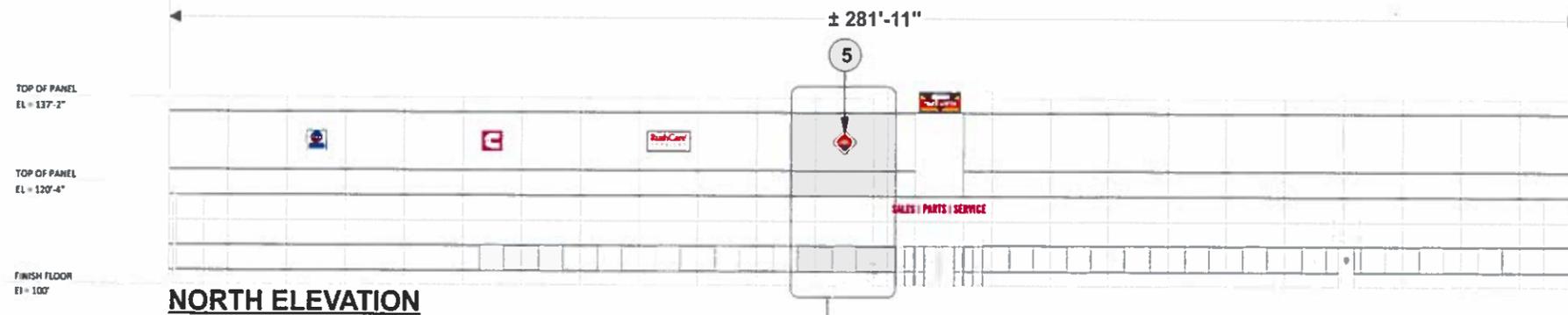
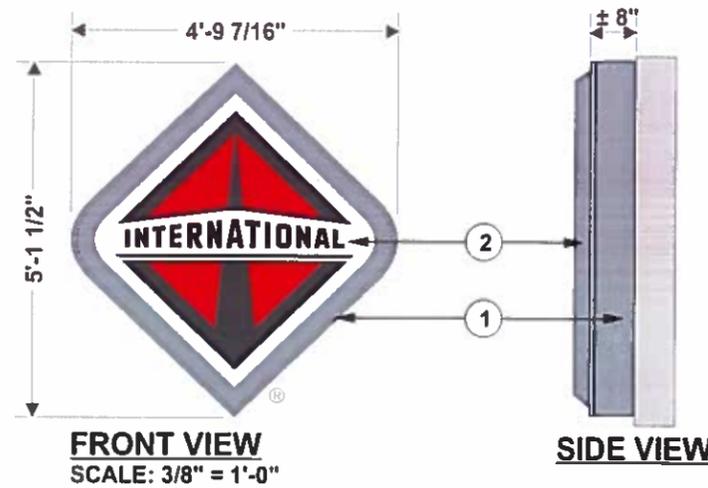
Champaign County
Department of
PLANNING &
ZONING

RG3-3241B

S/F ILLUMINATED
SIGN BOX

Installation: Interior: Exterior:

#	Descriptions:
1	FABRICATED ALUMINUM RETAINER AND CABINET
2	MOLDED ACRYLIC FACE WITH VINYL APPLIED ON FIRST SURFACE
*	ILLUMINATED WITH LED'S



#	Revision(s)	By:	Date:
1	CHANGED SIGN LOCATION	CC	11.23.2015



Tel (506) 735-5506 Fax (877) 737-1734 Toll Free 1-800-561-9798

Client:	RUSH ENTERPRISES		
Site:	309 WEST HENSLEY ROAD, CHAMPAIGN, IL		
Consultant:	R. GHANTOUS		
Draftsman:	CHRISTINE COUTURIER	Date:	10.15.2015
Page:	2/9	Scale:	1/32" = 1'-0"

Date: ____/____/____
Customer Approval:

This sign is intended to be installed in accordance with the requirements set forth in the International Building Code and Section 107 of the Canadian Fire Code, and other applicable local codes. This includes proper grounding and bonding of the sign.

Pattison Sign Group illuminated signs contain fluorescent, neon and/or LED lamps. These lamps contain Mercury (Hg). Dispose of these lamps according to Local, Provincial, State, or Federal Laws.

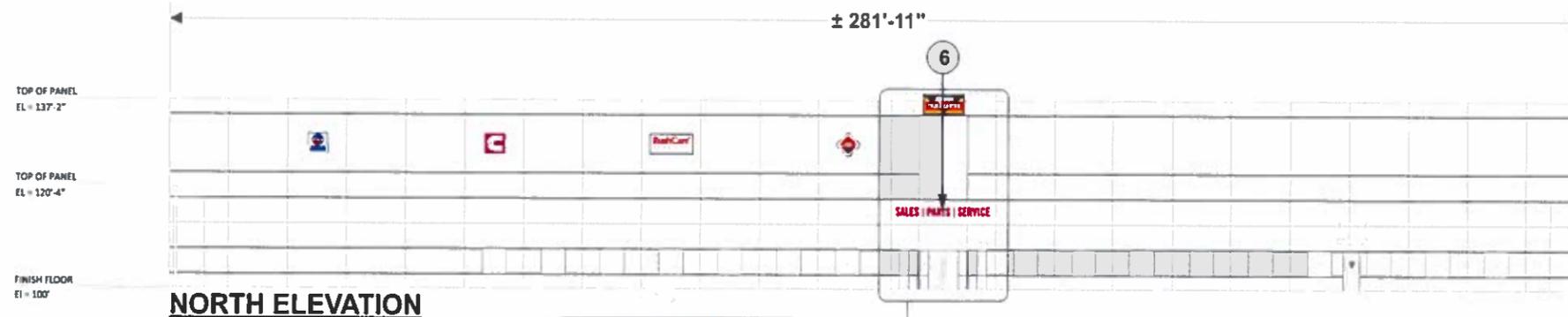
IF THIS AGREEMENT INCLUDES THE MANUFACTURE AND INSTALLATION OF A SIGN BY PATTISON SIGN GROUP FOR THE SIGN ORDERING PARTY, PATTISON SIGN GROUP SHALL BE BUILT AND INSTALLED IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS IF A SIGNAGE TO BE BUILT OR PROVIDED BY THE CUSTOMER FOR HIS AGENT, AND NOT BY PATTISON SIGN GROUP. THE CUSTOMER SHALL ENSURE THAT THE SIGNAGE IS BUILT AND INSTALLED IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS AND SHALL HOLD PATTISON SIGN GROUP HARMLESS AND WAIVE ANY AND ALL CLAIMS, DAMAGES, ACTIONS, PENALTIES, FEES, AND COSTS INCURRED BY PATTISON SIGN GROUP ARISING FROM THE FAILURE OF THE CUSTOMER (AND/OR ITS AGENT) TO DO SO.

RG3-3241B

S/F ILLUMINATED CHANNEL LETTERS

Installation: Interior: Exterior:

#	Descriptions:
1	ALUMINUM SIDES AND BACK
2	RED ACRYLIC FACES
3	TRIM
*	ILLUMINATED WITH LED'S



#	Revision(s)	By:	Date:
1	REVISED TEXT & SIZE	CC	11.23.2015



•Tel (506) 735-5506 •Fax (877) 737-1734 •Toll Free 1-800-561-9798

Client:	RUSH ENTERPRISES
Site:	309 WEST HENSLEY ROAD, CHAMPAIGN, IL
Consultant:	R. GHANTOUS
Draftsman:	CHRISTINE COUTURIER
Date:	10.15.2015
Page:	3/9
Scale:	1/32" = 1'-0"

Date: ____/____/____
Customer Approval:

This sign is intended to be installed in accordance with the requirements of Article 22.01 of the Ontario Fire Code and Section 24 of the Canadian Fire Code and other applicable local codes. This includes proper grounding and bonding of the sign.

Pattison Sign Group illuminated signs contain fluorescent, neon and/or LED lamps. These lamps contain Mercury (Hg). Dispose of these lamps according to Local, Provincial, State, or Federal Laws.

IF THIS AGREEMENT INCLUDES THE MANUFACTURE AND INSTALLATION OF A SIGN BY PATTISON SIGN GROUP FOR THE SIGN GROUP, THE SIGN GROUP SHALL BE BUILT AND INSTALLED IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS. IF A SIGN IS TO BE BUILT OR PROVIDED BY THE CUSTOMER FOR HIS ACCOUNT, AND NOT BY PATTISON SIGN GROUP, THE CUSTOMER SHALL ENSURE THAT THE SIGN IS BUILT AND INSTALLED IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS AND SHALL HOLD PATTISON SIGN GROUP HARMLESS AND EXEMPT IT AGAINST ANY AND ALL CLAIMS, LITIGATION, ACTIONS, PENALTIES, FINES, AND ANY LEGAL FEES INCURRED BY PATTISON SIGN GROUP ARISING FROM THE FAILURE OF THE CUSTOMER (WHETHER IT'S AGENT) IN DOING SO.

ISO 9001:2008 Certified Enterprise

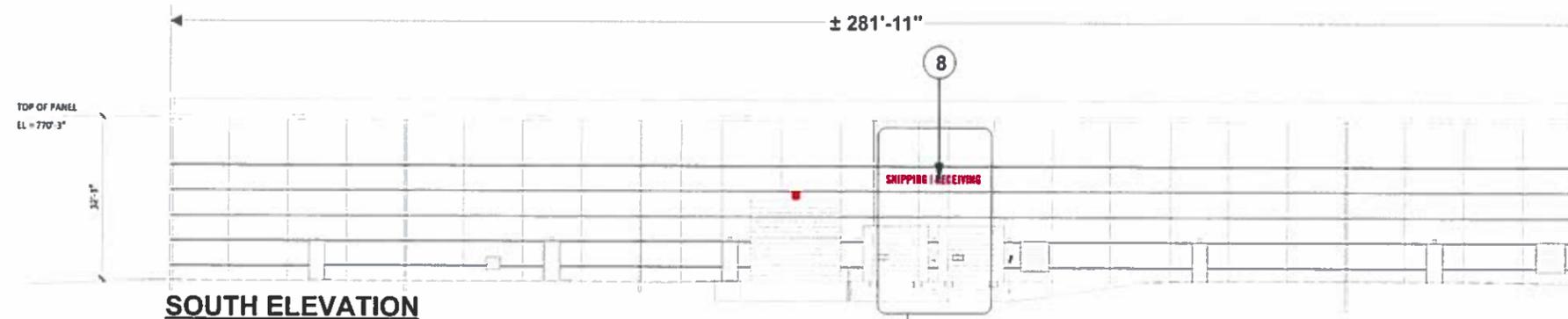
www.pattison.com

RG3-3241B

NON-ILLUMINATED
CUT OUT LETTERS

Installation: Interior: Exterior:

#	Descriptions:
1	1/2" RED ACRYLIC LETTERS PIN MOUNTED TO EXISTING WALL



#	Revision(s)	By:	Date:
1	CHANGED TO NON-ILL.	CC	11.23.2015

Date: ___/___/___
Customer Approval:

This sign is intended to be installed in accordance with the requirements of Article 505 of the National Electrical Code and Article 504 of the Canadian Electrical Code and other applicable local codes. This includes proper grounding and bonding of the sign.

Pattison Sign Group illuminated signs contain Fluorescent, Neon and/or LED Lamps. These lamps contain Mercury (Hg). Dispose of these lamps according to Local, Provincial, State, or Federal Laws.

THIS AGREEMENT INCLUDES THE MANUFACTURING AND INSTALLATION OF A SIGN BY PATTISON SIGN GROUP FOR THE SIGN ORDERED HEREIN. THIS SIGN SHALL BE BUILT AND INSTALLED IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS. IF A CHANGE IS TO BE MADE OR PROVIDED BY THE CUSTOMER FOR HIS AGENT, AND NOT BY PATTISON SIGN GROUP, THE CUSTOMER SHALL INSURE THAT THE SIGN IS BUILT AND INSTALLED IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS AND SHALL HOLD PATTISON SIGN GROUP HARMLESS AND RESPONSIBLE TO AGENT AND ALL CLAIMS, DAMAGES, ACTIONS, PENALTIES, FEES, AND ANY LEGAL FEES INCURRED BY PATTISON SIGN GROUP ARISING FROM THE FAILURE OF THE CUSTOMER (AND/OR ITS AGENT) TO DOING SO.



Tel (506) 735-5506 Fax (877) 737-1734 Toll Free 1-800-561-9798

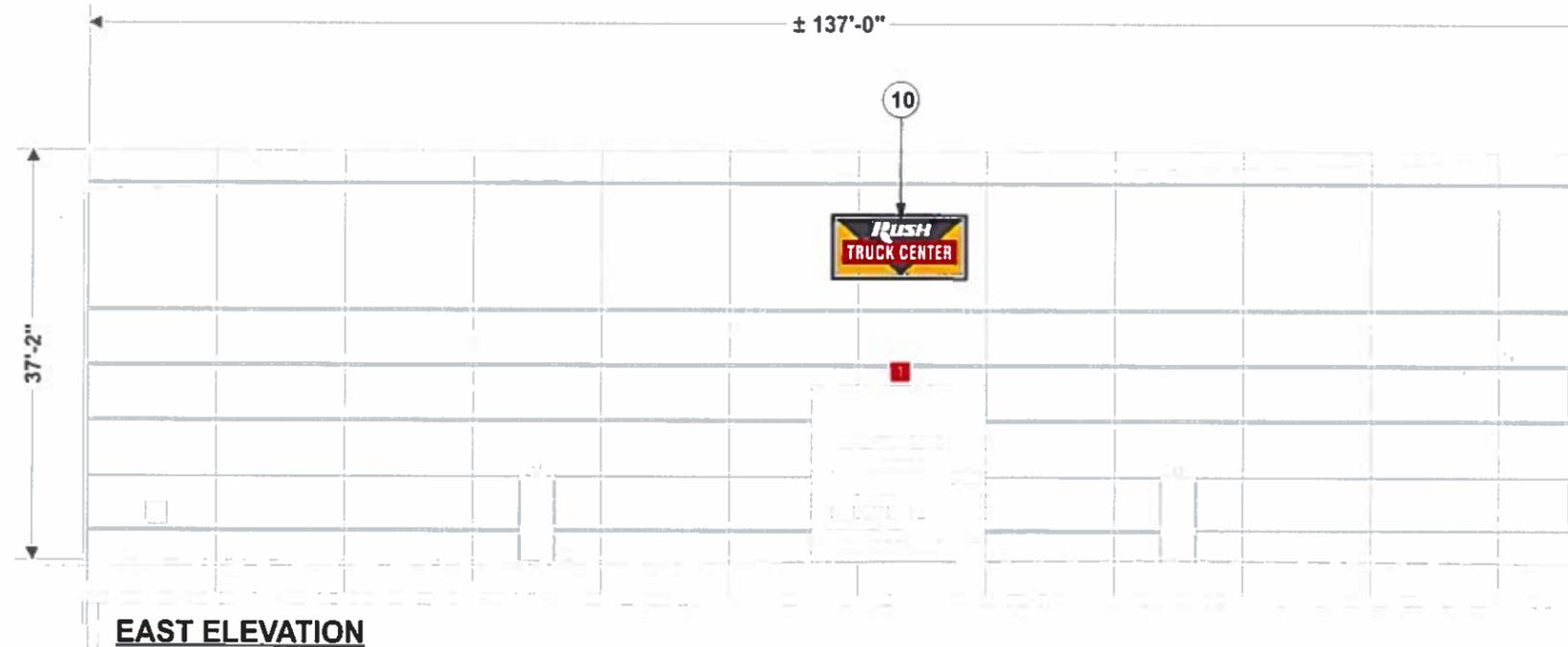
Client:	RUSH ENTERPRISES
Site:	309 WEST HENSLEY ROAD, CHAMPAIGN, IL
Consultant:	R. GHANTOUS
Draftsman:	CHRISTINE COUTURIER
Page:	5/9
Date:	10.15.2015
Scale:	1/32" = 1'-0"

RG3-3241B

S/F ILLUMINATED
SIGN BOX

Installation: Interior: Exterior:

#	Descriptions:
1	EXTRUDED ALUMINUM RETAINER AND CABINET
2	WHITE FLEX FACE WITH VINYL APPLIED ON FIRST SURFACE
*	ILLUMINATED WITH LED'S



#	Revision(s)	By:	Date:
1	ADDED PAGE	CC	10.30.2015

Date: _____
Customer Approval: _____

<p> This sign is intended to be installed in accordance with the requirements of Section 605 of the National Electrical Code and Section 24 of the Canadian Electrical Code unless otherwise specified. The installer must ensure proper grounding and bonding of the sign.</p>	<p> Pattison Sign Group illuminated signs contain Fluorescent, Neon and/or HID Lamps. These lamps contain Mercury (Hg). Dispose of these lamps according to Local, Provincial, State, or Federal Laws.</p>
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IF THIS AGREEMENT INCLUDES THE MANUFACTURE AND INSTALLATION OF A SIGN BY PATTISON SIGN GROUP FOR THE HOME OWNER, PATTISON SIGN GROUP SHALL BE BUILT AND INSTALLED IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS. IF A SIGN IS TO BE BUILT OR INSTALLED BY THE CUSTOMER FOR THE HOME OWNER AND NOT BY PATTISON SIGN GROUP, THE CUSTOMER SHALL ENSURE THAT THE SIGN IS BUILT AND INSTALLED IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS AND SHALL HOLD PATTISON SIGN GROUP HARMLESS AND INDEMNIFY IT AGAINST ANY AND ALL CLAIMS, DAMAGES, ACTIONS, PENALTIES, FINES, AND ANY LEGAL FEES INCURRED BY PATTISON SIGN GROUP ARISING FROM THE FAILURE OF THE CUSTOMER (OR HIS AGENT) TO DO SO.

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ENSEIGNES PATTISON SIGN GROUP

Tel (506) 735-5506 Fax (877) 737-1734 Toll Free 1-800-561-9798

Client:	RUSH ENTERPRISES
Site:	309 WEST HENSLEY ROAD, CHAMPAIGN, IL
Consultant:	R. GHANTOUS
Draftsman:	CHRISTINE COUTURIER
Date:	10.15.2015
Page:	7/9
Scale:	1/16" = 1'-0"

www.pattisonsign.com

RG3-3241B

SITE PLAN

Installation: Interior: Exterior:

#	Descriptions:
1	S/F ILLUMINATED SIGN BOX (RTC) SEE DRAWING ON PAGE 1
2	S/F ILLUMINATED SIGN BOX (CUMMINS) SEE DRAWING ON PAGE 1
3	S/F ILLUMINATED SIGN BOX (ALLISON) SEE DRAWING ON PAGE 1
4	S/F ILLUMINATED SIGN BOX (RUSH CARE) SEE DRAWING ON PAGE 1
5	S/F ILLUMINATED SIGN BOX (INTERNATIONAL) SEE DRAWING ON PAGE 2
6	S/F ILLUMINATED CHANNEL LETTERS (SALES PARTS SERVICE) SEE DRAWING ON PAGE 3
7	NON-ILLUMINATED VINYL DECAL SEE DRAWING ON PAGE 4
8	S/F NON-ILLUMINATED CUT OUT (SHIPPING RECEIVING) SEE DRAWING ON PAGE 5
9	NON-ILLUMINATED BAY DOORS PANEL SEE DRAWING ON PAGE 6
10	S/F ILLUMINATED SIGN BOX (RTC) SEE DRAWING ON PAGE 7
11	NON-ILLUMINATED BAY DOORS PANEL SEE DRAWING ON PAGE 8



Date: _____
Customer Approval: _____

<p>This sign is intended to be installed in accordance with the requirements of Article 228 of the National Electrical Code and Section 34 of the Canadian Electrical Code, unless otherwise specified on the sign. This includes proper grounding and bonding of the sign.</p>	<p>Pattison Sign Group illuminated signs contain Fluorescent, Neon and/or HID Lamps. These lamps contain Mercury (Hg). Dispose of these lamps according to Local, Provincial, State, or Federal Laws.</p>
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IF THIS AGREEMENT INCLUDES THE MANUFACTURING AND INSTALLATION OF A SIGN BY PATTISON SIGN GROUP FOR THE SIGN ORDERED HEREON, PATTISON SIGN GROUP SHALL BE BUILT AND INSTALLED IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS. IF A SIGN IS TO BE BUILT OR PROVIDED BY THE CUSTOMER (OR HIS AGENT), AND NOT BY PATTISON SIGN GROUP, THE CUSTOMER SHALL ENSURE THAT THE SIGNING AND INSTALLATION IS IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS AND SHALL HOLD PATTISON SIGN GROUP HARMLESS AND INDISPENSIBLY AT ALL TIMES, INCLUDING ACTIONS, PENALTIES, FEES, AND ANY LEGAL FEES INCURRED BY PATTISON SIGN GROUP ARISING FROM THE FAILURE OF THE CUSTOMER (OR HIS AGENT) TO COMPLY.

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Tel (506) 735-5506 Fax (877) 737-1734 Toll Free 1-800-561-9798

Client:	RUSH ENTERPRISES
Site:	309 WEST HENSLEY ROAD, CHAMPAIGN, IL
Consultant:	R. GHANTOUS
Draftsman:	CHRISTINE COUTURIER
Date:	10.15.2015
Page:	9/9
Scale:	N.T.S.

www.pattisonsign.com

Susan Chavarria

From: SpanglerD@RushEnterprises.com
Sent: Tuesday, May 03, 2016 9:00 AM
To: Susan Chavarria
Cc: HowardS@RushEnterprises.com
Subject: RE: Rush Trucks 309 Hensley Road

Good Morning Susan,

Thank you for verifying with us. Yes, I confirmed that Rush Trucks has granted permission for Prairie Signs/Diana Bubenik to pursue the zoning variance case for the 309 Hensley Road, Champaign property.

Thank you,

DaNae Spangler

Rush Truck Centers – Indianapolis
1325 W. Thompson Road
Indianapolis, IN 46217
O: 317.677.9208
F: 317.787.7315
C: 317.339.4303
spanglerd@rushenterprises.com

RECEIVED

MAY 03 2016

CHAMPAIGN CO. P & Z DEPARTMENT

From: Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]
Sent: Tuesday, May 03, 2016 9:10 AM
To: Howard, Shelby [RTCIND-Administration-Int'l] <HowardS@RushEnterprises.com>; Spangler, DaNae [RTCIND-Administration Region-Int] <SpanglerD@RushEnterprises.com>
Subject: Rush Trucks 309 Hensley Road

Hi Shelby and DaNae,

Could you please verify for me that Rush Trucks granted permission for Prairie Signs/Diana Bubenik to pursue the zoning variance case for the 309 Hensley Road, Champaign property? The variance case is to install 8 signs instead of the maximum permitted 3 signs.

Thanks,
Susan

Susan Chavarria, AICP, PCED
Senior Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

829-V-16 Bubenik d.b.a. Prairie Signs



From Hensley Road, facing south (from Case 804-AM-15)

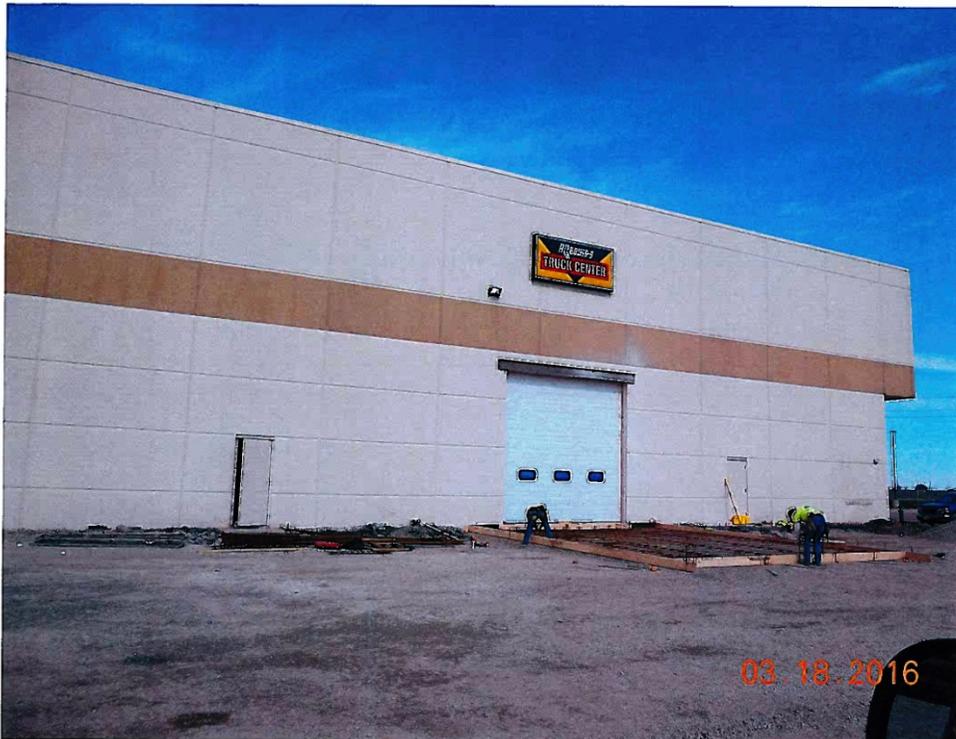


Northwest frontage

829-V-16 Bubenik d.b.a. Prairie Signs



East side



East side

PRELIMINARY DRAFT

829-V-16

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

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

Date: ***{May 12, 2016}***

Petitioners: **Diana Bubenik, d.b.a. Prairie Signs Inc.**

Request: Authorize a variance from Section 7.3.6 of the Zoning Ordinance on a property in the B-4 General Business Zoning District:

Part A: 5 wall mounted signs that occupy 2% of the wall surface on one frontage (North) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface.

Part B: 1 wall mounted sign that occupies 2% of the wall surface and not on a frontage (East) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface per frontage.

Part C: 2 private traffic direction signs that are each 38 square feet in area in lieu of the maximum allowed 5 square feet per sign.

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

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

1. Rush Truck Center owns the subject property. Rush Trucks contracted the Petitioner to design and install the requested signs on the subject property building, as verified by an email from DaNae Spangler of Rush Trucks received May 3, 2016.
2. The subject property is a 6 acre tract in part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 20N Range 8E in Hensley Township and commonly known as the Rush Truck Center, 309 West Hensley Road, Champaign.
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 (ETJ) of a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.
 - B. The subject property is located within Hensley Township, which has a Plan Commission. Township Plan Commissions have protest rights on a variance and are notified of such cases.

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 6 acre lot and is currently zoned B-4 General Business. Land use is a diesel truck maintenance facility with truck sales.
 - B. Land to the north is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the west and south is zoned AG-2 Agriculture and is in use as a RV campground.
 - D. Land to the east is zoned I-1 Light Industry and is undeveloped.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan consisting of 6 sign elevations sheets, received February 4, 2016, indicates the following:
 - (1) Page 1 of 9 shows the north elevation detailing 4 of the 8 proposed signs. The north elevation is the only building frontage which has a street frontage (Hensley Road/CH 20).
 - (2) Page 2 of 9 shows the north elevation detailing the 5th of 8 proposed signs.
 - (3) Page 3 of 9 shows the north elevation detailing the 6th of 8 proposed signs.

PRELIMINARY DRAFT

- (4) Page 5 of 9 (the petitioners did not submit page 4 of 9) shows the south elevation detailing the 7th of 8 signs.
 - (5) Page 7 of 9 (the petitioners did not submit page 6 of 9) shows the east elevation detailing the 8th of 8 signs.
 - (6) Page 9 of 9 (the petitioners did not submit page 8 of 9) shows the aerial view of the site and the corresponding sign locations.
- B. Previous Zoning Use Permits for the subject property include:
- (1) ZUP #57-16-02 was approved on March 22, 2016 to construct 3 of the 8 wall signs, with a special condition that additional wall signs have to be approved under a variance. This ZUP allowed construction of the following:
 - a. Rush Truck Center – 34 square feet on the northeast wall (Sign 1 on Sign Elevations Sheet 1 of 9);
 - b. Prairie International – 24.125 square feet on the northeast wall (Sign 5 on Sign Elevations Sheet 2 of 9); and
 - c. Rush Truck Center – 53.25 square feet on the southeast wall (Sign 10 on Sign Elevations Sheet 7 of 9).
 - (2) ZUPA #282-15-01 was approved on November 6, 2015 for a parking lot expansion.
 - (3) ZUPA #233-15-01 was approved on October 1, 2015 for a change of use from a Contractor's Facility (formerly Gire Roofing) to an Automobile (Diesel Truck) Repair Facility with Truck Sales.
 - (4) ZUPA #141-14-01 was approved on June 6, 2014 for a change of use to establish a Contractor's Facility (Gire Roofing).
 - (5) ZUPA #301-02-01 was approved on December 2, 2002 for constructing a manufacturing plant (LPJ Research).
- C. Prior Zoning Cases for the subject property include:
- (1) Case 804-AM-15, approved by the County Board on July 23, 2015, changed the zoning of the subject property from I-1 Light Industry to B-4 General Business Zoning in order to operate a diesel truck maintenance facility with truck sales.
- D. The required variance is as follows:
- (1) Part A: 5 wall mounted signs that occupy 2% of the wall surface on one frontage (North) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface.
 - (2) Part B: 1 wall mounted sign that occupies 2% of the wall surface and not on a frontage (East) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface per frontage.

PRELIMINARY DRAFT

- (3) Part C: 2 private traffic direction signs that are each 38 square feet in area in lieu of the maximum allowed 5 square feet per sign.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for the proposed variance:

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

- (1) "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, animals, and chattels
- (2) "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.
- (3) "FRONTAGE" is that portion of a LOT abutting a STREET or ALLEY.
- (4) "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.
- (5) "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.
- (6) "SIGN, ON-PREMISES" is SIGN which relates solely to a USE, business or profession conducted upon, or to a principal commodity, service, or entertainment sold, provided, or offered upon the PREMISES where the sign is located or on a LOT adjacent to the PREMISES advertised. Such SIGNS shall be ACCESSORY USES of a PROPERTY
- (7) "SIGN, WALL OR WALL MOUNTED" is a SIGN displayed on or visible through a wall of a BUILDING or STRUCTURE so as to be seen primarily from the direction facing that wall of the BUILDING or STRUCTURE. A wall SIGN attached to the exterior wall of a BUILDING or STRUCTURE does not project more than 20 inches therefrom.
- (8) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (9) "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.

PRELIMINARY DRAFT

- (10) “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.
- B. The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
- C. 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 9.1.9 D.2.
- D. Section 7.3.1 of the *Zoning Ordinance* states that the area of a Sign shall be computed as follows:
- (1) Flat Sign: the area of the smallest geometric figure (circle, ellipse, triangle, square, rectangle, or other quadrilateral); or
 - (2) Volumetric Sign: The area of the smallest geometric figure encompassing the maximum projected area of the volume on a flat plane which completely encloses the extreme limits of the SIGN including any frame, structural trim or other material forming an integral part of the display as used to differentiate such sign from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the SIGN is placed unless the supports or uprights constitute part of the display.

PRELIMINARY DRAFT

- E. Section 7.3.3 F. of the Zoning Ordinance limits the area per wall-mounted private traffic direction sign or related sign to five square feet.
- F. Section 7.3.6 of the Zoning Ordinance limits wall-mounted on-premises advertising signs in the business and industrial districts as follows:
 - (1) Three wall-mounted on-premises signs are allowed per frontage provided as follows:
 - a. Maximum area permitted per sign is 15% of the area of wall surface per frontage; and
 - b. No sign may project above the wall upon which the sign is mounted; and
 - c. No sign may project beyond the edges of the wall upon which it is mounted.

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 proposed signs (International, Cummins, and Allison) on the north elevation are part of a brand requirement in the license agreement between Rush Truck Center and International. Denial of variance will cause Rush Truck Center to be in breach of this license agreement.”**
 - B. Rush Truck Center has one frontage on Hensley Road (CH 20), but also has customers coming from I-57 and Market Street (CH 21).

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, **“Ordinance only allows for 3 signs. Requesting variance be granted to allow a total of 8 signs on 3 separate elevations. The proposed sign (Rush Truck Center) for the East Elevation will direct customers to the business from Routes 57 & 21. The proposed sign (Shipping/Receiving) for the South Elevation will direct delivery drivers to the rear of the facility, keeping them from entering the main parking area.”**
 - B. Regarding the proposed Variance: without the proposed variance, the Petitioner would only be able to provide 3 signs. Given that 3 of the signs are under license agreement, this would not allow the facility to have directional signs to different areas of the property or identification signs.

PRELIMINARY DRAFT**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, **“The proposed signs (International, Cummins, and Allison) on the north elevation are part of a brand requirement in the license agreement between Rush Truck Center and International. Denial of variance will cause Rush Truck Center to be in breach of this license agreement.”**
 - B. Rush Truck Center has one frontage on Hensley Road (CH 20), but also has customers coming from I-57 and Market Street (CH 21).

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 total square footage of all the signs falls within the total square footage allowed on wall area. The proposed signs will not adversely affect the environment, congest traffic, or pose hazards to persons or property. They will not be detrimental to public health, safety or welfare.”**
 - B. Regarding Part A of the proposed Variance, for 5 wall mounted signs that occupy 2% of the wall surface on one frontage (North) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface is a 67% variance for the number of signs.
 - C. Regarding Part B of the proposed Variance, for 1 wall mounted sign that occupies 2% of the wall surface and not on a frontage (East) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface per frontage is a 100% variance for the number of signs.
 - D. Regarding Part C of the proposed Variance, for 2 private traffic direction signs that are each 38 square feet in area in lieu of the maximum allowed 5 square feet per sign is a 660% variance for the size of each sign.
 - E. Regarding Parts A, B and C of the proposed Variance, the Zoning Ordinance does not clearly state the considerations that underlie limits on sign area. In Zoning Case 752-AT-91 regarding sign regulations (withdrawn), the only public purpose that was suggested for sign regulations was to minimize the detrimental aesthetics of overly large signs particularly in areas expected to have a high density of signs while recognizing that sign size is related to the business need to attract customers that are driving by and the general relationship that the higher the speed limit the larger the sign area must be to be readable to passing customers.
 - F. The requested variance with 8 signs compares to the maximum wall sign area authorized by the Ordinance as follows:

PRELIMINARY DRAFT

- (1) The subject property has one frontage and the north side of the building faces that frontage. The north wall is 10,478 square feet. 15% of that wall area calculates to 1,572 square feet.
- (2) With the requested variance, all 8 signs total 259.11 square feet, or about 16% of the maximum allowable sign area.

G. The proposed variance meets all other requirements of 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 proposed signs will not adversely affect the environment, congest traffic, or pose hazards to persons or property. They will not be detrimental to public health, safety or welfare.”**
 - B. The Township Road Commissioner has been notified of this variance but no comments have been received.
 - C. The Thomasboro Fire Protection District has been notified of this variance but no comments have been received.
 - D. No comments have been received to date regarding the proposed variance.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner has testified on the application: **“Though a freestanding sign is also allowed, the entire sign package for this site is limited to wall signs. We ask that you consider the additional signs in lieu of a freestanding sign.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

No special conditions are proposed at this time.

PRELIMINARY DRAFT

DOCUMENTS OF RECORD

1. Variance Application received on February 4, 2016, with attachment:
 - A Sign elevations received on February 4, 2016

2. Email from DaNae Spangler received May 3, 2016

2. Preliminary Memorandum dated May 5, 2016 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Sign elevations received February 4, 2016
 - C Email from DaNae Spangler received May 3, 2016
 - D Images of Subject Property taken March 18, 2016
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **829-V-16** held on **May 12, 2016**, 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:}**

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 Variances requested in Case **829-V-16** are hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner **Diana Bubenik, d.b.a. Prairie Signs Inc.**, to authorize the following variance in the B-4 General Business Zoning District:

Part A: 5 wall mounted signs that occupy 2% of the wall surface on one frontage (North) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface.

Part B: 1 wall mounted sign that occupies 2% of the wall surface and not on a frontage (East) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface per frontage.

Part C: 2 private traffic direction signs that are each 38 square feet in area in lieu of the maximum allowed 5 square feet per sign.

{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

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

PRELIMINARY MEMORANDUM

May 5, 2016

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

Case 830-AM-16

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

Case 831-S-16

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

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

Site Area: 37 acres

Time Schedule for Development: As soon as possible

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioner Traci Lipps, d.b.a. Lipps Family, Inc., owns the subject property and has built a sustainable farm and residence over the last 8 years. The 37 acre property was previously in agricultural production. Victor Fuentes, owner of V. Picasso Restaurant, has been purchasing produce and meats from Mrs. Lipps to serve at his restaurant. Over the last year or so, they held a few farm-to-table events at the Lipps residence, and decided to partner in the proposed events center that is the subject of Case 831-S-16. They are renovating the former stable area that is part of the existing barn into a 150 person capacity meeting space. Using Mrs. Lipps’ locally grown foods, V. Picasso will prepare the food at the restaurant to serve at the proposed facility. They would like to operate throughout the year, with mostly weekend events. Their first event is scheduled for June 2016.

Current zoning does not allow Private Indoor Recreational Developments or Outdoor Commercial Recreation Enterprises without a Special Use Permit. The Petitioners seek to rezone to AG-2 to allow this type of establishment.

The Petitioners submitted a Boundary and Topographic Survey and a framing diagram for the Events Center as their Site Plan with the applications. They were asked to submit a more detailed Site Plan and a Floor Plan for the Events Center. The Petitioners submitted a Revised Site Plan on May 3, 2016, but it still lacks some of the necessary information. Staff spoke with Petitioner Victor Fuentes by phone on May 3, 2016 about what information is needed. Mr. Fuentes stated that he would talk with an architect to see if he could draw up a professional Site Plan and Floor Plan. Even if better Site and Floor plans are received, staff is not convinced that the proposed special conditions are adequate for approval, but are recommended to be a part of any approval.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

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

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana, which is approximately 2.2 miles from the subject property as the crow flies and 2.65 miles by road.

The subject property is located within Somer Township, which does not have a Planning Commission.

NEW SEPTIC SYSTEM AND PARKING AREAS

The Petitioners installed a new septic system for the events center on the north side of the barn in addition to the septic system for the residence. Michael Flanagan at Champaign Urbana Public Health Department stated in an email received May 3, 2016 that the system has a capacity for 150 meals/1800 gallons of water per day. The system was approved by CUPHD on April 1, 2016.

The Petitioners recently installed a 100 feet by 250 feet gravel parking area on the south end of the property for use by event center guests. Given its square footage, it should be able to fit up to 83 cars. This parking lot was placed after a Stormwater Plan review was completed by the Zoning Department's consulting engineer in 2009. Staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance. The parking area does not have screening as required by the Zoning Ordinance. The Petitioners intend to use golf carts to shuttle guests between the lot and the events center, with the exception of those guests who use the 5 newly paved accessible spaces next to the events center.

DECISION POINTS

Staff has concerns about traffic impacts on agriculture; the use of best prime farmland; adequacy of the existing streets; and the overall suitability of the site for the proposed use. In the Case 830-AM-16 Finding of Fact, most LRMP Items, LaSalle and Sinclair Factors, and how the proposed amendment complies with the Purpose of the Zoning Ordinance have been left as decision points for the Board.

NEIGHBORHOOD CONCERNS

Since notice was sent out for this case's public hearing, three neighbors have contacted the Zoning Department. All three were concerned about gunfire noise coming from the subject property. When staff asked Mr. Fuentes by phone on May 3, 2016 about the gunfire, he stated that they do target shooting at the mound on the northwest corner of the property, and that it had been 3 to 4 months since they had last done that. He stated that someone had called the Sheriff, who came out when they were out shooting, and that the Sheriff observed what they were doing and said that they were not doing anything wrong.

One of the three neighbors is also concerned about potential traffic and noise related to the proposed Special Use.

PROPOSED SPECIAL CONDITIONS

The following special condition is proposed for Case 830-AM-16:

- 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.

The following special conditions are proposed for Case 831-S-16:

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

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

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

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

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

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

- C. **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.

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

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

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

- E. **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.

- F. **Within 6 months of approval of Special Use Permit 831-S-16, the 25,000 square feet gravel parking area must be screened with a Type D Screen.**

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

That the parking area is in compliance with Section 7.4.1 C.4. of the Zoning Ordinance.

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

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

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

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

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

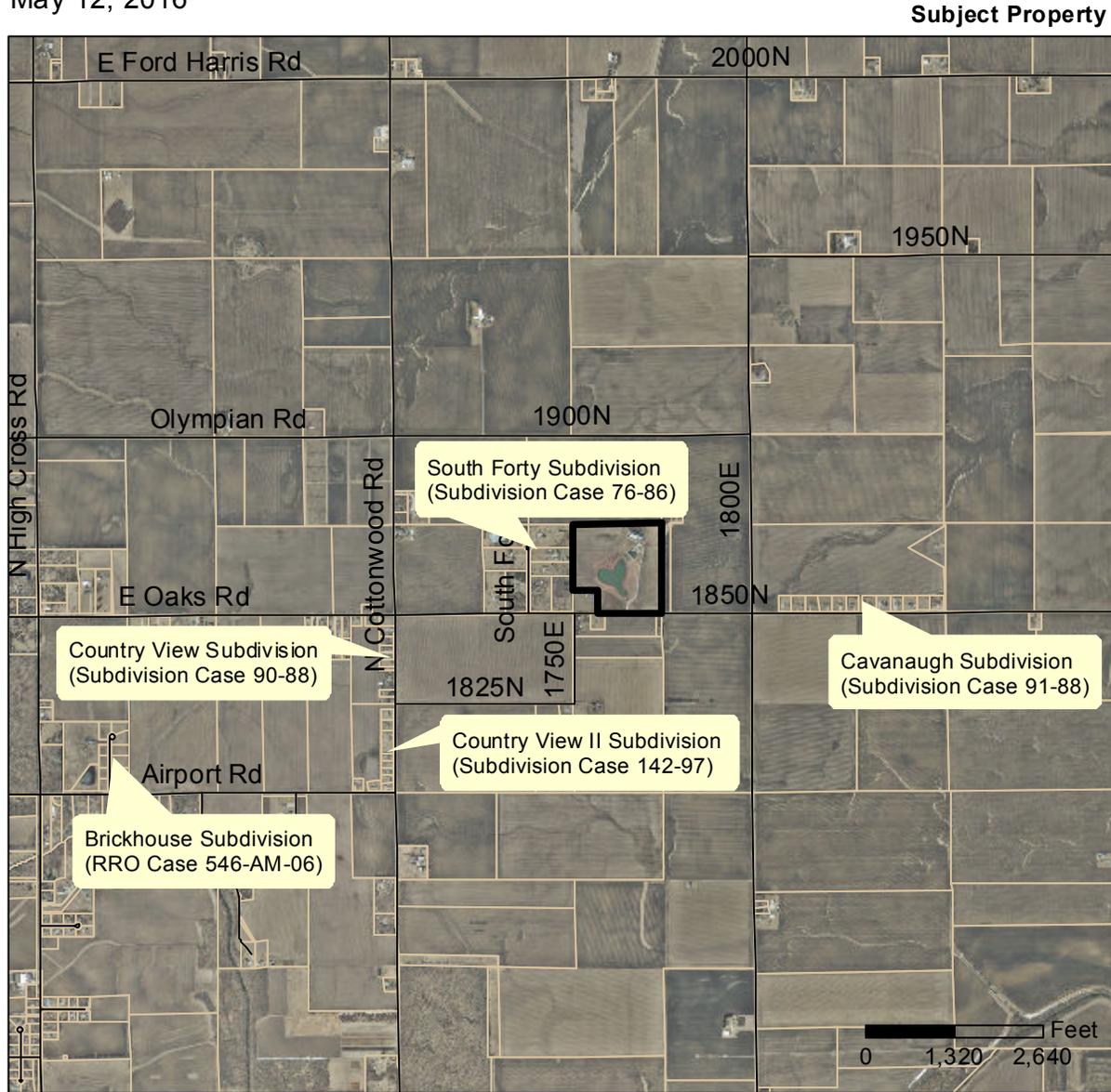
That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Floor plan received February 19, 2016
- C Boundary and Topographic Survey stamped "As Built" dated July 7, 2008 and received February 19, 2016
- D Approved Site Plan from ZUPA #257-07-01 dated September 21, 2007
- E Revised Site Plan received May 3, 2016
- F LRMP Land Use Goals, Objectives, and Policies
- G LRMP Appendix of Defined Terms
- H Willow Creek Farm description
- I Illinois Business Authorization Certificate of Registration for Willow Creek Farm, issued August 1, 2015 and expires August 1, 2020
- J Illinois Department of Agriculture Meat & Poultry Broker License, issued August 12, 2015 and expires June 30, 2016
- K Illinois Department of Agriculture Division of Food Safety and Animal Protection, expires June 30, 2016
- L Natural Resource Report from the Champaign County Soil and Water Conservation District received June 27, 2006 as part of Special Use Case 535-S-06
- M Preliminary EcoCAT consultation completed online April 21, 2016
- N Email from Victor Fuentes received February 5, 2016
- O Letter from Champaign County Public Health Department for approval of new septic system dated April 1, 2016 and received April 27, 2016
- P Site Visit Photos taken April 27, 2016
- Q Invoice from Illinois Fire Equipment, received May 3, 2016
- R Email from Michael Flanagan received May 4, 2016
- S Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16
- T Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16

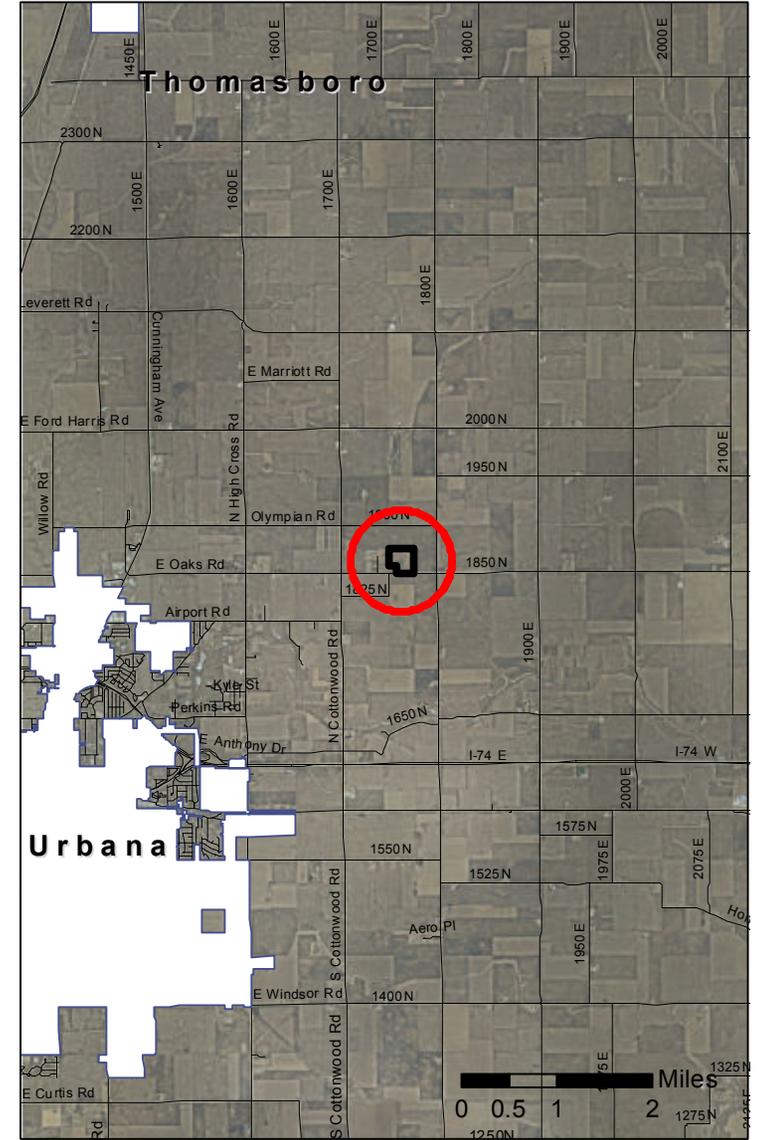
Location Map

Cases 830-AM-16 and 831-S-16
 May 12, 2016



- Legend**
-  Subject Property
 -  Parcels

Property location in Champaign County



Land Use Map

Cases 830-AM-16 and 831-S-16
May 12, 2016



- Legend**
-  Subject Property
 -  Parcels

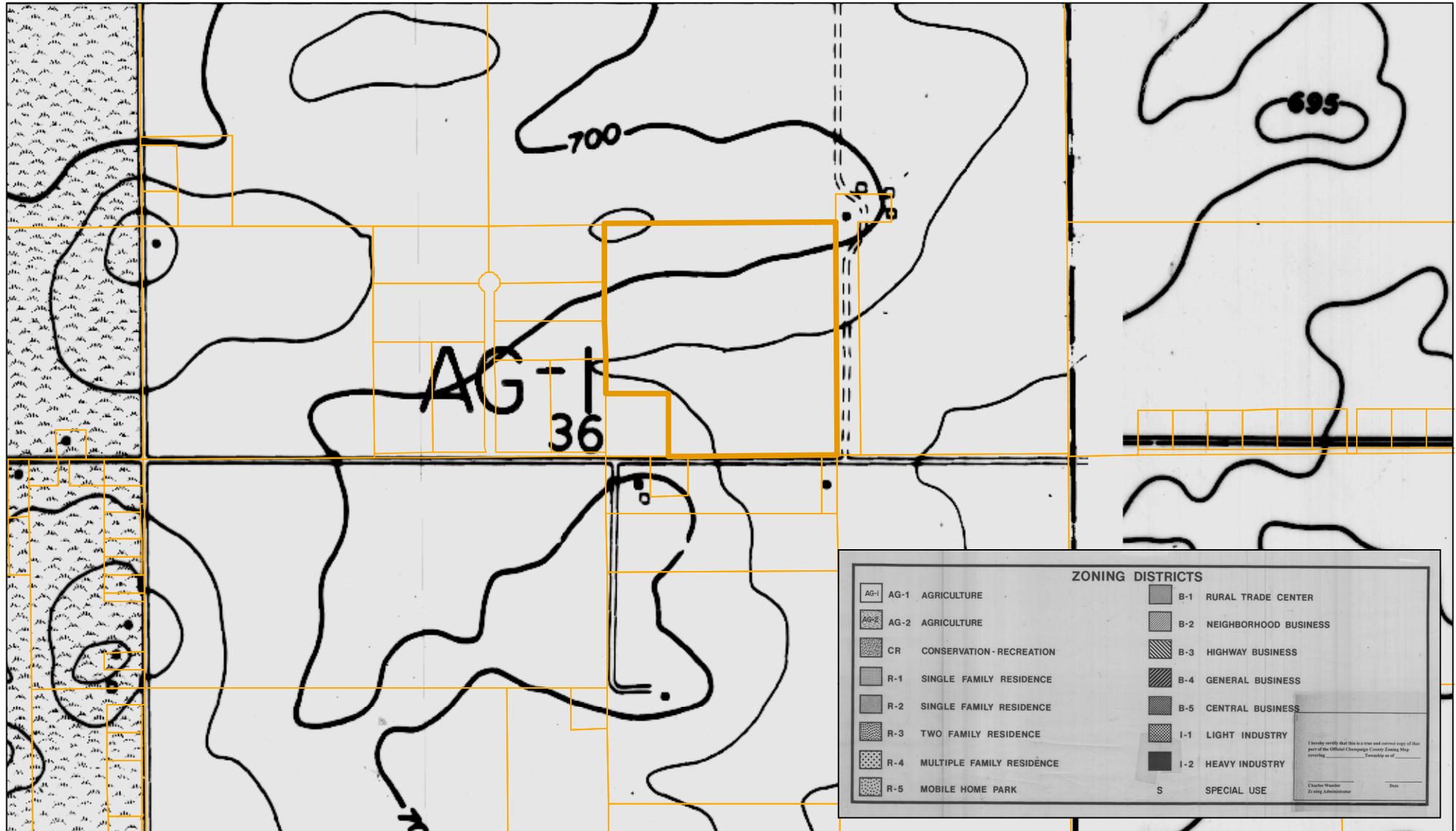
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Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Cases 830-AM-16 and 831-S-16
 May 12, 2016



Legend

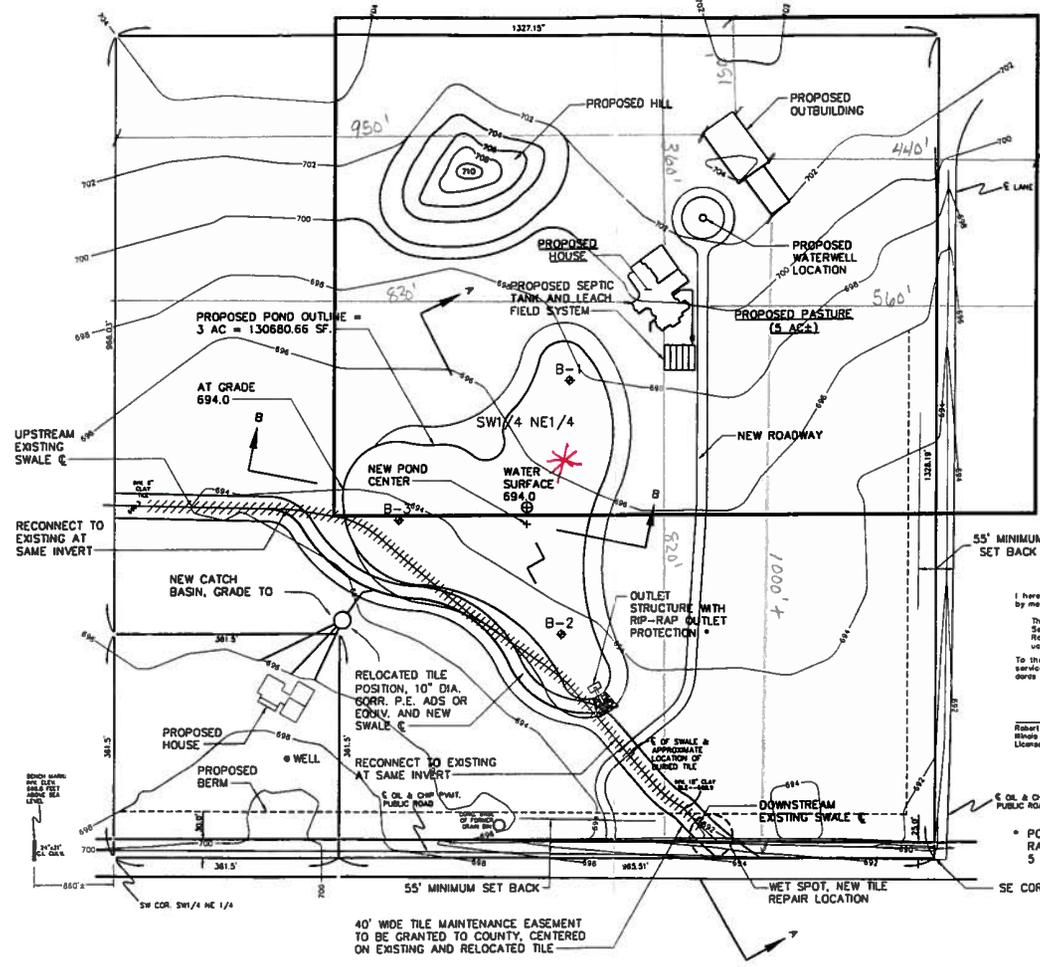
-  Subject Property
-  Parcels

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Champaign County
 Department of
**PLANNING &
 ZONING**

BOUNDARY AND TOPOGRAPHIC SURVEY
 SW 1/4 NE 1/4 SEC. 36 T20N R9E 3RD P.M.
 CHAMPAIGN COUNTY, ILLINOIS



○ 1/2" IRON ROD W/ ORANGE PLASTIC CAP STAMPED "LS 2818"
 ● 1/2" IRON ROD W/ ALUMINUM CAP STAMPED "LS LAND SURVEYOR 2818"
 --- 888 --- CONTOUR LINE IN FEET
 --- --- CENTERLINE OF DITCH

**POND APPROVED AS Z.U.P.A. 345-06-01 PURSUANT TO CASE 535-S-00*

I hereby certify that this plat represents a survey made by me of a tract of land described as:
 The Southwest Quarter of the Northeast Quarter of Section 36, Township 20 North of the Base Line, Range 9 East of the Third Principal Meridian, situate in Champaign County, Illinois.
 To the best of my knowledge and belief this professional service conforms to the current Illinois minimum standards for topographic surveys.

Robert A. Moore
 Illinois Land Surveyor No. 2618
 License expires 11/30/2008

• POND DISCHARGE MAXIMUM RELEASE RATES SHALL MEET THE 1 YR., 2 YR. 5 YR. AND 50 YR. EVENTS

Champaign County Planning & Zoning Department
Approved Site Plan
Permit # 257-07-01
Date: 9/21/07
SEE FLOOR PLANS FOR RECEIVED
SEP 10 2007



Foth & Van Dyke
 1810 Broadmoor Drive
 Champaign, Illinois 61821
 ph: (217) 352-4188
 fx: (217) 352-0980
 Design Firm #: 154002283

MOORE BOUNDARY SURVEY MAP PLAN

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS REVIEW HEARING SUBMITTAL SPECIAL USE PERMIT

REVISIONS		
NO.	BY	DATE

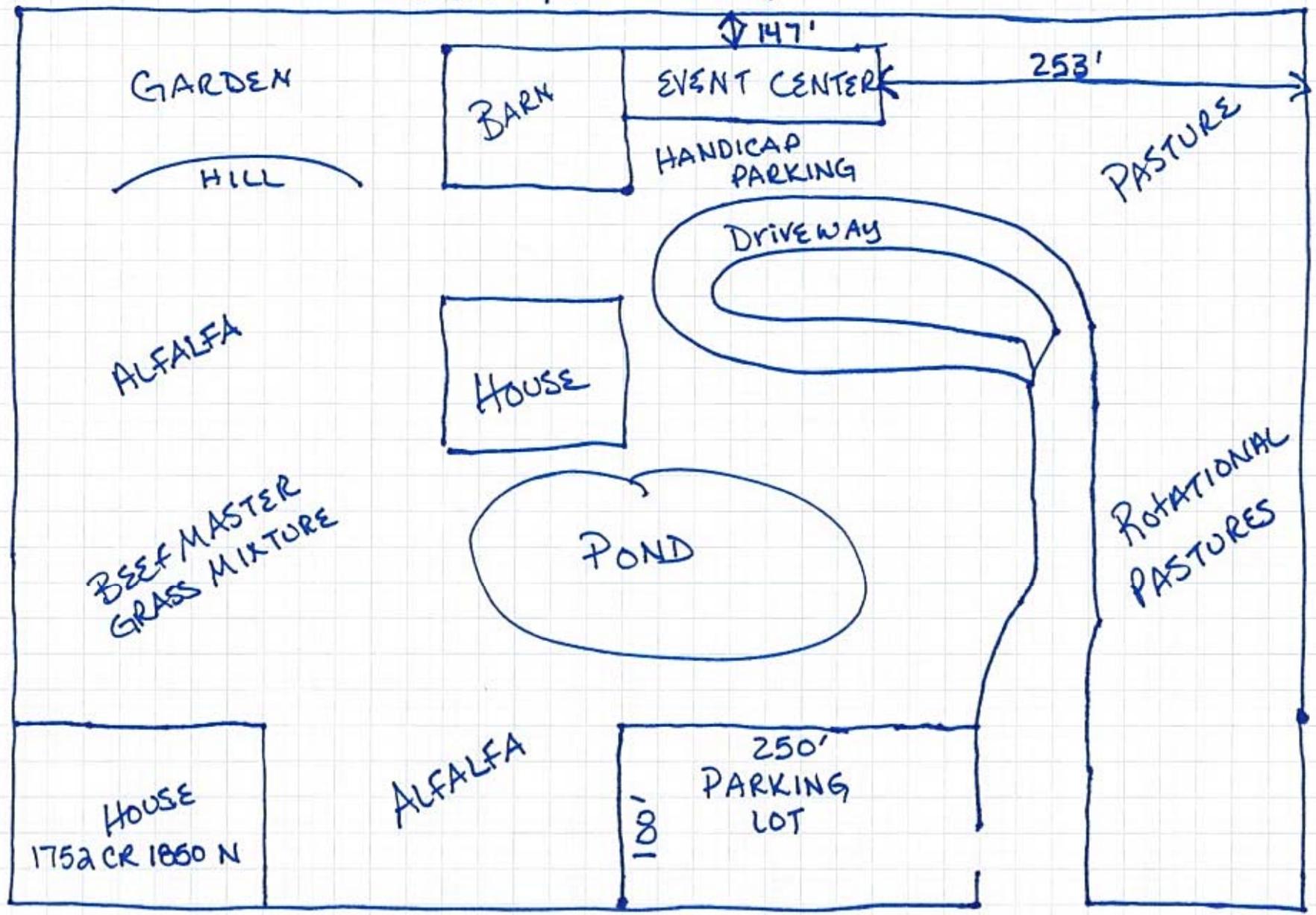
Date of Preparation: _____
 Designed By: _____
 Drawn By: _____
 Reviewed By: _____
 Approved By: _____
 Survey Date: _____
 Project No. \$PROJIDS _____
 Sheet Title _____

SITE PLAN LIPPS PROPERTY POND CONSTRUCTION

Sheet No. **1**
 Sheet 1 of 2

N ↑

WILLOW CREEK FARM
1766 CR 1850 N
URBANA, IL 61802



OAKS ROAD



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.



Our family farm is passionate about growing food and raising animals exclusively for V.Picasso Wine Bar and Restaurant. In season, Willow Creek Farm's 37 acres of cultivated gardens supply fresh herbs, honey, vegetables, meat and eggs used by Chef Shallenberger and his staff at V.Picasso. Our unique collaboration and close proximity to V.Picasso (only 7.5 miles away) allows them to source the highest quality ingredients of not only the season, but of that day, creating a distinctive dining experience!

Willow Creek Farm is still growing with new additions each year. We have a breeding stock of cattle, goats and sheep. All of our animals are grass-fed, raised right here on our pasture, and are antibiotic and hormone free. We raise 100 non-GMO, organic fed broiler chickens each month in addition to the 50 hens that lay eggs.

We currently have three honey bee hives on our farm. We use 100% natural beekeeping methods with no chemicals. An additional fifteen hives will be placed among the three acre garden to pollinate the vegetables. The remaining acres will be used for hay and rotational pastures for the cattle, sheep and goats. The Soil and Conservation District work closely with us to effectively use the land within our property.

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FEB 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

In addition to local schools, we are also partnering up with The Boys and Girls Club to provide educational opportunities and field trips. Furthermore, the University of Illinois Veterinary School Productive Medicine Club has contacted us to be an educational site for their students.

Illinois Business Authorization

LIPPS FAMILY INC

DBA: WILLOW CREEK FARM

1766 COUNTY ROAD 1850 N
URBANA IL 61802-9605

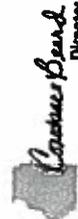
Loc. Code: 010-0001-2-001
Urbana
Champaign County

Certificate of Registration

Expiration Date:
8/1/2020

Sales and use taxes and fees

(4184-2596)



DIRECTOR OF REVENUE
Issued Date: 08/01/2015

RECEIVED

FEB 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

STATE OF ILLINOIS



RECEIVED

FEB 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

DEPARTMENT OF AGRICULTURE

Bureau of Meat and Poultry Inspection
NON TRANSFERRABLE

Expiration Date
06/30/2016

Date of Issue:
08/12/2015

License No:
Control No:

5630
5241

Licensed as a Meat & Poultry Broker

WILLOW CREEK FARM
176F COUNTRY RD 1850 N.
URBANA, IL 61801

The party herein named having applied for a license pursuant to the Meat and Poultry Inspection Act, (225 ILCS 650/3) is hereby licensed by the Illinois Department of Agriculture. This license shall remain in full force and effect until it shall expire, be surrendered by licensee, or be suspended, revoked or otherwise terminated by the Illinois Department of Agriculture, as provided by the laws of the State of Illinois. Any change made in the name, address, phone number or ownership of the business must be reported to the Springfield office in writing within 15 days of the change.

Wayne K. Kimmel D.V.M.

Bureau Chief
Bureau of Meat and Poultry Inspection

State of Illinois

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FEB 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT



Department of Agriculture

Fee: \$15.00

License Number: 19804

Expires: 6/30/2016

Division of Food Safety and Animal Protection LIMITED LICENSE

The party herein named is a person or firm who buys, sells, trades, or traffics in eggs in this state.
This party has paid a fee in the amount of fifteen dollars as required by law for the right to handle eggs.

Illinois Egg Handler's Licenses are authorized by Public Act No. 79-678 entitled,
'The Egg and Egg Products Act', approved September 3, 1975.

This license is not transferable and is subject to revocation under the provisions of the aforementioned act.

Division Manager,
Food Safety & Animal Protection

Willow Creek Farm
1766 CR 1850 N.
Urbana, IL 61802

Champaign County Soil and Water Conservation District
2110 W. Park Court, Suite C
Champaign, IL. 61821
(217) 352-3536, Ext. 3

NATURAL RESOURCE REPORT

Development Name: None given

Date Reviewed: June 23, 2006

Requested By: Jenny Park, Meyer Capel

Address: Traci Lipps
2306 Mullikin Drive
Champaign, IL 61821

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JUN 27 2006

CHAMPAIGN CO. P & Z DEPARTMENT

Location of Property: The Southwest quarter of the Northwest Quarter of Section 36, T20N, R9E, Somer Township, Champaign County, IL.

The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract June 23, 2006. No preliminary plat was provided, so only an approximate location of the pond is shown on the attached documentation. As long as the pond is in the Drummer area of the field this report will be accurate. The project consists of digging a 5 acre pond.

SITE SPECIFIC CONCERNS

- 1. The area consists of Drummer (152A) soil types that is best prime farmland for Champaign County.**

SOIL RESOURCE

a) Prime Farmland:

This tract is considered best prime farmland for Champaign County.

This tract has an L.E. Factor of 98. The entire site is Drummer (152A), so no calculation sheet is necessary.

b) Erosion:

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area is covered with soybeans, which will minimize any erosion until construction begins.

c) Sedimentation:

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. All sediment-laden runoff should be routed through sediment basins before discharge. No straw bales or silt fences should be used in concentrated flow areas, with drainage areas exceeding 0.5 acres. A perimeter berm could be installed around the entire site to totally control all runoff from the site. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control.

d) Soil Characteristics:

Drummer (152A) soil type covers this site. See the attached soil map. This soil has severe limitations for development in its' natural, unimproved state. The possible limitations include severe ponding.

A development plan will have to take these soil characteristics into consideration; specific problem areas are addressed below.

Map Symbol	Name	Slope	Shallow Excavations
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding

a) Surface Drainage:

The site has a significant amount of water draining toward it, including from the adjacent subdivision. This is acceptable since the project consists of only a pond.

b) Subsurface Drainage:

This site may contain agricultural tile, if any tile found care should be taken to maintain it in working order. Due to the location of the project on the landscape it is likely agricultural tile is present.

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.

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Plant:

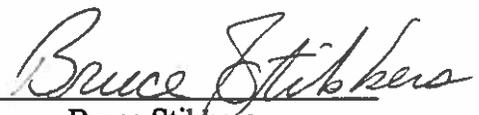
For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood.

b) Cultural:

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

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

Signed by 
Steve Stierwalt
Board Chairman

Prepared by 
Bruce Stickers
Resource Conservationist

Traci Lipps



Oaks Road (1800 N)

Approximat pond location

new home under constr.



Traci Lipps

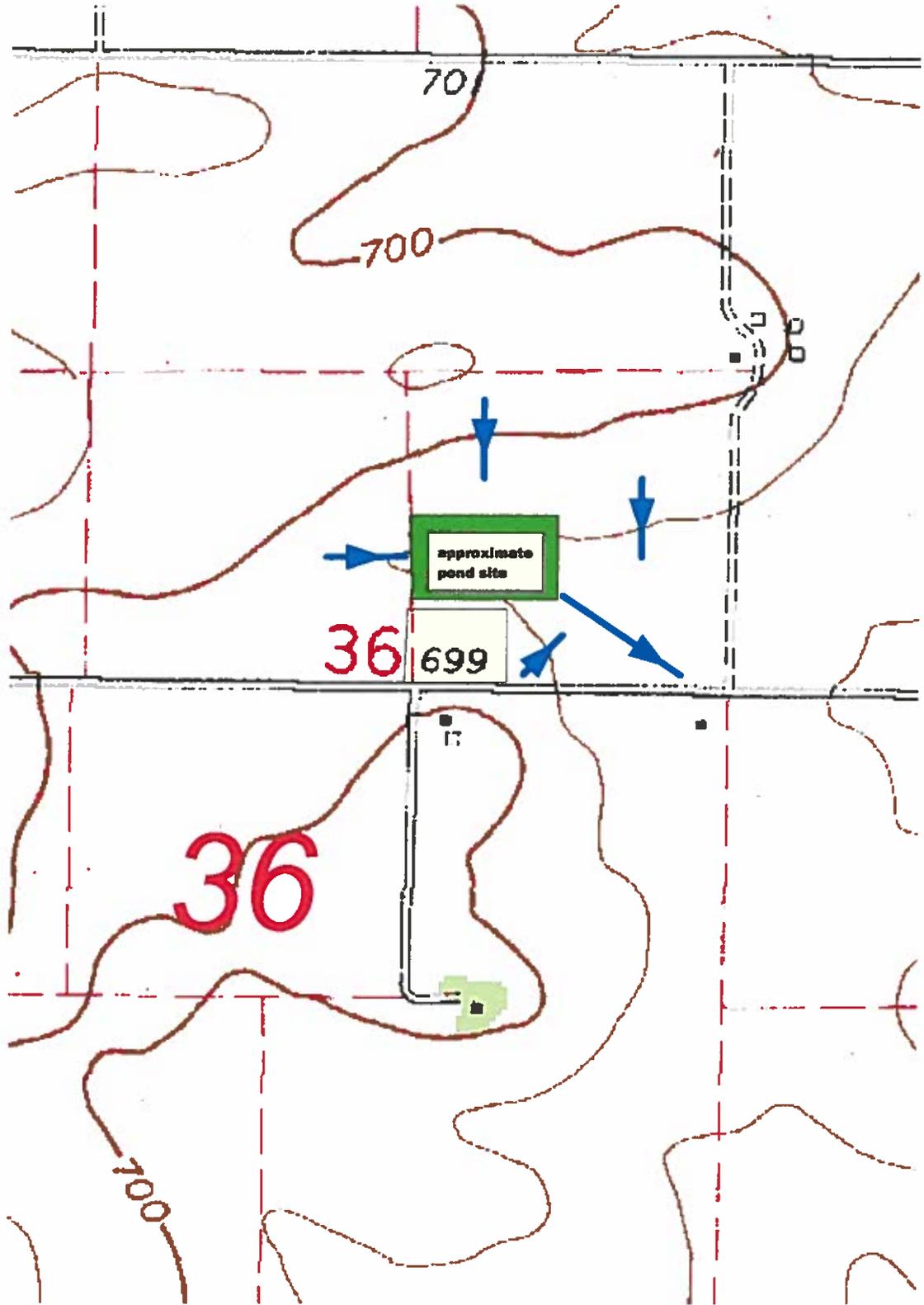


Soils

T20N
R9E
Sec 36



Traci Lipps



**Surface
Water
Flow**





Applicant: Susan Chavarria
Contact: Susan Chavarria
Address: 1776 E Washington St
 Urbana, IL 61802

IDNR Project Number: 1609805
Date: 04/21/2016
Alternate Number: 830-AM-16

Project: Willow Creek Farm
Address: 1766 CR 1850 N, Urbana

Description: farm to table venue

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:
 20N, 9E, 36



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: 1609805

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.

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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.

Susan Chavarria

From: victor FUENTES <torero2302@sbcglobal.net>
Sent: Friday, February 05, 2016 3:30 PM
To: Susan Chavarria
Cc: tracilipps@yahoo.com
Subject: Re: Willow Creek Farm, 1766 CR 1850 North

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FEB 05 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Hello Susan,

Here are the answers to your questions:

1. The only two people who do work at the farm itself are Traci and myself-no employees.
2. At this moment, we are only holding dinners once a month. The goal is to have events once the facility is better prepared for it.
3. We only put up a banner the night of the event, which is removed the following morning. We would like to put up a more permanent sign just with the name of Willow Creek Farm on the sign.
4. We do not have any
5. Guests park on a gravel packed area on the farm itself. We intend as we grow to maybe designate another area similarly set up with gravel.
6. 150 is the capacity, but right now we have only had 25-35 people there for dinners at the farm. There is one bathroom there right now and are in communication with the health department regarding a bigger septic tank so we can start constructing a second bathroom.
7. We use a caterer-V. Picasso restaurant which I actually own. We are certified by the health department.
8. The only thing we are currently planning is the bathroom mentioned above, which is in an existing building.

Our goal with this is to have a self-sustained farm that offers fresh meats and produce to the greater Champaign-Urbana area. We do not intend to take any of our existing land out of farm production. We just want to allow visitors and potential event-goers to truly enjoy the Champaign-Urbana Midwest lifestyle.

Traci and I would be more than happy to schedule a time to show you the space as it is now whenever it would be convenient for you or any of your coworkers. As we stand right now, we have some livestock and chickens. We have a broker's license and an egg license through the Illinois Dept of Agriculture. The health department is aware of what we are doing and we are in communication with them. They know that we provide meats, chicken, vegetables, and eggs exclusively to V Picasso. We have licenses for everything that I can provide you upon request. Our goal with the farm is to do events for up to 150 guests and eventually, down the road, have a full service kitchen there where we can provide true farm-to-fork experiences. Please let me know if you have any questions.

Thank you,
Victor

Sent from my iPhone

> On Feb 5, 2016, at 1:50 PM, Susan Chavarria <schavarr@co.champaign.il.us> wrote:

>

> Victor and Tracy,

>

> Thanks for your prompt response. I'll need to know a bit more about the facility to be able to guide you to the right applications. I'll try to make the process as easy as possible for you, and these questions will give me the preliminary guidance I need to make that possible:

- > 1. How many employees does your facility have and how many of those employees live at the property?
- > 2. How often do you hold events (i.e. approximately how many events per week, month, year)
- > 3. Do you have any signs or anything that shows you are using the property for other than a residence/farmstead?
- > 4. If you have any sign(s) related to the events center, how many do you have and what size are they?
- > 5. Where do guests park when they attend events?

- > 6. What is the life safety capacity of your facility (max number of guests)?
- > 7. Do you serve food that is made on the premises, or use a caterer?
- > 8. If you have made improvements to the property as part of the events center, what has been done, and what is the approximate cost of construction?

>

> I look forward to hearing from you, and thanks for your time.

>

> Susan

>

> Susan Chavarria, AICP, PCED

> Senior Planner

> Champaign County Planning and Zoning

> 1776 East Washington Street

> Urbana, IL 61802

> 217-384-3708

>

> -----Original Message-----

> From: victor FUENTES [<mailto:torero2302@sbcglobal.net>]

> Sent: Thursday, February 04, 2016 11:37 PM

> To: Susan Chavarria

> Cc: tracilipps@yahoo.com

> Subject: Willow Creek Farm, 1766 CR 1850 North

>

> Hello Susan,

> My name is Victor Fuentes and I work in partnership with Traci Lipps, owner of the property mentioned above. Can you please guide us to the applications we need to fill out for the county, either to pick up or have emailed to us? We would like to fill them out and have back to you right away.

> Thank you,

> Victor

>

>

Champaign County
Public Health Department

April 1, 2016

Permit #16-009-19

Traci Lipps
1266E 1850N
Urbana, IL 61802

Dear Traci Lipps:

A final inspection of the private sewage system serving your property located at 1266E 1850N, Urbana, was conducted on March 25, 2016 by the Champaign County Public Health Department. This department routinely inspects the work of licensed private sewage contractors to ensure construction is in accordance with the *Private Sewage Disposal Licensing Act and Code*.

Based on our report, no deficiencies in either location or construction were noted.

If you have any questions regarding this inspection, please contact Michael Flanagan at (217) 531-2908.

Sincerely,



Jim Roberts, MS, LEHP
Director of Environmental Health

Enclosure

830-AM-16 and 831-S-16 Images



From CR 1850 N facing N



From CR 1850 N facing E

830-AM-16 and 831-S-16 Images



Barn/Events Center and concrete parking area



Events Center front patio and corn crib (to be renovated into a bar area)

830-AM-16 and 831-S-16 Images

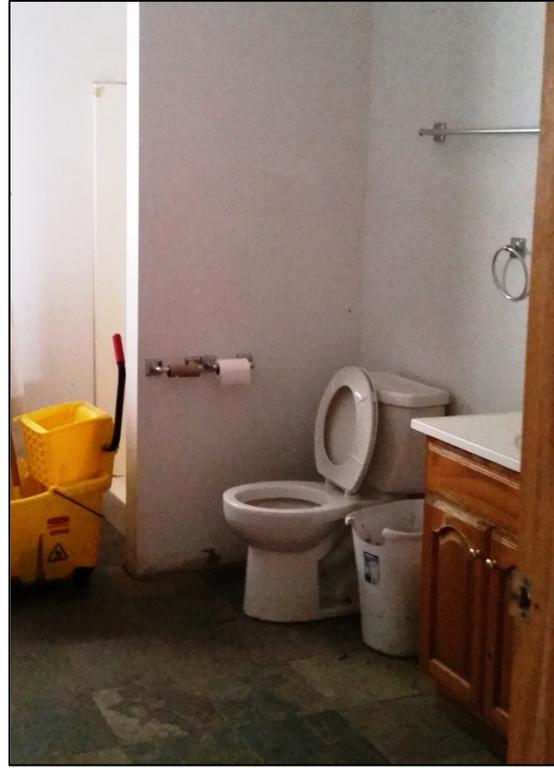


Events Center from main entrance – upstairs storage will not be open to public



Events Center facing restrooms

830-AM-16 and 831-S-16 Images



Restrooms under renovation



Prep kitchen (food prepared off-site is set up for serving here)

830-AM-16 and 831-S-16 Images



Fenced outdoor area (outside north door), to be finished in grass



Fenced outdoor area from north end of area facing south

830-AM-16 and 831-S-16 Images



Driveway between entrance and events center, facing entrance (south)



At driveway (exiting) facing west – 100' x 250' gravel parking area on right

URBANA
(217) 367-9521

BLOOMINGTON
(309) 829-3301

ROBINSON
(618) 544-8203



No. 97738

DATE 5/2/16

ANNUAL NEW WALK IN

CALL IN DELIVERY

CUSTOMER Willow Creek Farm
ADDRESS 1766 CR 1850 N
CITY Urbana STATE _____ ZIP 61802

CUSTOMER P.O. _____

SALESMAN JAN D

OUR ORDER NO. _____

QTY.	INVENTORY NO.	DESCRIPTION	PRICE	AMOUNT
6	240516	New 5lb ABC Extinguisher	73 ²⁵	439 ⁵⁰
<p>Paid Check #1170</p> <p>DELIVERY RECEIPT</p> <p>ONLY</p> <p>DO NOT PAY</p> <p>INVOICE TO FOLLOW</p>				
			<p>RECEIVED</p> <p>MAY 03 2016</p> <p>CHAMPAIGN CO. P & Z DEPARTMENT</p>	

RECEIVED BY: X

DELIVERY RECEIPT ONLY • DO NOT PAY • INVOICE TO FOLLOW.
TITLE TO MERCHANDISE REMAINS WITH THE SELLER UNTIL PAID IN FULL.

RECOMMENDATIONS: Traci Lipps @ yahoo.com

SUBTOTAL	439 ⁵⁰
SALES TAX	32 ⁵⁰
SERVICE CHARGE	20 ⁰⁰
TOTAL DUE	498 ⁰⁰

CUSTOMER IS RESPONSIBLE FOR ALL COST AND ATTORNEY'S FEES INCURRED BY THE COLLECTION OF THIS INVOICE.

Susan Chavarria

From: Michael Flanagan <mflanagan@c-uphd.org>
Sent: Wednesday, May 04, 2016 8:08 AM
To: Susan Chavarria
Subject: RE: Lipps property septic system

Susan,

The system at the Lipps property was sized for 150 meals/ 1800 gallons of water usage per day. Full restaurant with bar capabilities for septic use.

Thanks,

Michael Flanagan, LEHP
Environmental Health Specialist II
Champaign-Urbana Public Health District
201 W. Kenyon Rd.
Champaign, IL 61820
Phone: 217-531-2908 Secure Fax: 217-373-7905
mflanagan@c-uphd.org

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MAY 04 2016
CHAMPAIGN CO. P & Z DEPARTMENT



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From: Susan Chavarria [<mailto:schavarr@co.champaign.il.us>]
Sent: Tuesday, May 03, 2016 3:44 PM
To: Michael Flanagan
Subject: Lipps property septic system

Hi Mike,

I have a letter signed by Jim Roberts that states an inspection was done on the Lipps property at 1766 CR 1850 N, Urbana on March 25, 2016 and that the system was approved. Would you be able to send me more details of the septic system (i.e. capacity, use) via email so I can have that as part of the evidence packet?

Thanks,
Susan

Susan Chavarria, AICP, PCED

PRELIMINARY DRAFT

830-AM-16

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ***{May 12, 2016}***

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

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

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FINDING OF FACT

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

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

- *1. Petitioner Traci Lipps owns the subject property and is the sole owner and officer of Lipps Farm, Inc. Petitioners Traci Lipps and Victor Fuentes are partners in the proposed Special Use that is the subject of Case 831-S-16.
- *2. The subject property is a 37 acre tract in Somer Township in the Southwest Quarter of the Northeast Quarter of Section 36 of Township 20 North, Range 9 East of the Third Principal Meridian and commonly known as the farmstead located at 1766 CR 1850 North, Urbana.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana, which is approximately 2.2 miles from the subject property as the crow flies and 2.65 miles by road.
 - *B. The subject property is located within Somer Township, which does not have a Planning Commission.
- 4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“Would like property to remain agriculture. Need Special Use Permit for 2,500 square feet in existing barn to accommodate events.”**
- 5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: the petitioner did not provide comments.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *6. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The subject property is a 37 acre tract and is currently zoned AG-1 Agriculture.
 - * B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - *(1) Land to the north is in agriculture production.
 - *(2) Land to the east and west is in use as single family residential.
 - *(3) Land to the south is in use as single family residences and agricultural production.
- *7. Regarding the site plan and proposed operations of the subject property:
 - *A. The Petitioners submitted a Boundary and Topographic Survey, an aerial photo of the property, and a framing plan for the proposed Events Center, received February 19, 2016. The documents indicate the following existing conditions and in-progress improvements:

PRELIMINARY DRAFT**Case 830-AM-16**
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- * (1) Existing buildings and structures include:
- * a. An 11,984 square feet residence that was constructed in 2008.
 - * b. An 8,700 square feet barn to the north of the residence, of which:
 - * (a) The proposed Events Center is approximately 2,700 square feet, not including a 930 square feet open, covered porch around the south and east sides;
 - * (b) 6,000 square feet is for personal/agricultural use;
 - * (c) There is a storage area above the main event room that will be closed during events.
 - * (d) The events center has 3 man doors and 2 additional overhead doors can serve as emergency egress in the barn.
 - * c. A greenhouse, no measurements provided, adjacent to the northwest corner of the barn;
 - * d. A corn crib, no measurements provided, adjacent to the east side of the proposed Events Center;
 - * e. A concrete parking area that will be marked for 5 accessible spaces;
 - * f. A 100 feet by 250 feet gravel parking area near the entrance to the property;
 - (a) The parking lot is approximately 40 feet from the front property line.
 - (b) The Petitioners estimate that the parking lot can hold 100 cars. The petitioners plan to use golf carts to shuttle people between the events center and the parking lot, with exception of those using the accessible spaces adjacent to the events center.
 - * g. A 5-acre pond (not associated with the proposed Special Use);
 - * h. A well to the north of the residence; and
 - * i. A septic tank and leach field with capacity for 150 guests north of the proposed events center.
 - (a) As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received May 4, 2016, the septic system was sized for 150 meals and 1800 gallons of water usage per day. It has full restaurant with bar capabilities for septic use.
- * (2) The petitioners are in the process of renovating the following:
- * a. One two-stall accessible women's restroom inside the proposed events center;

PRELIMINARY DRAFT

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

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

PRELIMINARY DRAFT

- * (8) The petitioners intend to shuttle guests between the gravel parking area and the proposed events center using golf carts.

- *F. The Petitioners submitted a revised site plan, received May 3, 2016, which illustrates the following:
 - * (1) The residence;

 - * (2) The barn and connected Events Center north of the house;
 - a. The petitioners measured 147 feet between the north side of the Events Center and the north property line, and 253 feet between the east side of the Events Center and the east property line.

 - * (3) Handicap parking in front of the Events Center;

 - * (4) A 100 feet by 250 feet gravel parking area near the entrance to the property;

 - * (5) A pond; and

 - * (6) Land in agricultural production: pasture, rotational pastures, alfalfa, beef master grass mixture, a garden and adjacent hill.

 - * (7) This revised site plan did not include the Greenhouse west of the barn or the corn crib that will be turned into a bar that is east of the events center.

 - * (8) Staff requested via email and by phone on May 3, 2016 that the petitioners have a professionally drawn site plan and floor plan that would provide necessary details for the Board to consider; Mr. Fuentes indicated by phone on May 3, 2016 that he would contact an architect.

- *G. The following are previous Zoning Use Permits for the subject property:
 - * (1) ZUPA #257-07-01 was approved September 21, 2007 for construction of a single family home with attached garage and detached garage/storage shed.

 - * (2) ZUPA #345-06-01 was approved May 18, 2007 for construction of a 5 acre pond.

- *H. There was one previous zoning case for the subject property:
 - * (1) Case 535-S-06 was approved September 28, 2006 for construction of the 5 acre pond.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

- *8. Regarding the existing and proposed zoning districts:
 - *A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - * (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES

PRELIMINARY DRAFT**Case 830-AM-16****Page 7 of 38**

which would contribute to the premature termination of AGRICULTURAL pursuits.

- * (2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
 - (2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (3) The subject property is 2.2 miles as the crow flies from the City of Urbana and 2.65 miles by road.
 - (4) The Zoning Map has always contained locations of the AG-2 District that are more than one and one-half miles from existing municipalities.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 11 types of uses authorized by right in the AG-1 District and there are 13 types of uses authorized by right in the AG-2 District:
 - a. All 11 uses authorized by right in the AG-1 District are also authorized by right in the AG-2 District:
 - (a) Single family dwelling;
 - (b) Subdivisions totaling three lots or less;
 - (c) Agriculture, including customary accessory uses;
 - (d) Roadside stand operated by farm operator;
 - (e) Minor rural specialty business;
 - (f) Plant nursery;
 - (g) Township Highway maintenance garage;
 - (h) Christmas tree sales lot;
 - (i) Off-premises sign within 660 feet of the edge of the right-of-way of an interstate highway;
 - (j) Off-premises sign along federal highways except interstate highways; and
 - (k) Temporary uses.
 - b. The following two uses are authorized by right in the AG-2 District and not at all in the AG-1 District:
 - (a) Country club or golf course, and
 - (b) Commercial breeding facility.
 - c. There are no uses that are authorized by right in the AG-2 District but require a Special Use Permit in the AG-1 District.

PRELIMINARY DRAFT

- (2) There are 53 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 11 uses authorized by right in the AG-2 District, see above) and 35 types of uses authorized by SUP in the AG-2 District:
- a. The following 42 uses may be authorized by SUP in the both the AG-1 District and AG-2 District:
- (a) Hotel – no more than 15 lodging units;
 - (b) Residential Planned Unit Development;
 - (c) Subdivisions totaling more than three lots or with new streets or private accessways (SUP requires approval by County Board);
 - (d) Major rural specialty business;
 - (e) Artificial lake of 1 or more acres;
 - (f) Mineral extraction, quarrying, topsoil removal and allied activities;
 - (g) Elementary school, Jr. High school, or High school;
 - (h) Church, temple, or church related temporary uses on church property;
 - (i) Municipal or government building;
 - (j) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
 - (k) Penal or correctional institution;
 - (l) Police station or fire station;
 - (m) Library, museum or gallery;
 - (n) Public park or recreational facility;
 - (o) Sewage disposal plant or lagoon;
 - (p) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
 - (q) Radio or television station;
 - (r) Electrical substation;
 - (s) Telephone exchange;
 - (t) Residential airports;
 - (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);

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- (ii) Contractors facilities with outdoor storage and/or outdoor operations;
 - (jj) Agricultural drainage contractor facility with no outdoor storage and/or outdoor operations;
 - (kk) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations;
 - (ll) Small scale metal fabricating shop;
 - (mm) Gas turbine peaker;
 - (nn) Big wind turbine tower (1-3 big wind turbine towers);
 - (oo) Sawmills and planing mills, and related activities; and
 - (pp) Pre-existing industrial uses (existing prior to October 10, 1973).
- b. The following use may be authorized by Special Use Permit in the AG-1 District and not at all in the AG-2 District:
- (1) Wind Farm (requires SUP approval by County Board).
- c. The following 35 uses may be authorized by SUP in the AG-2 District and not at all in the AG-1 District:
- (a) Two family dwelling;
 - (b) Home for the aged;
 - (c) Nursing home;
 - (d) Travel trailer camp;
 - (e) Commercial greenhouse;
 - (f) Greenhouse (not exceeding 1,000 square feet);
 - (g) Garden shop;
 - (h) Water treatment plant;
 - (i) Public fairgrounds;
 - (j) Motor bus station;
 - (k) Truck terminal;
 - (l) Railroad yards and freight terminals;
 - (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;

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- (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
 - (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.

PRELIMINARY DRAFT**Case 830-AM-16**
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Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but the proposed rezoning will **NOT IMPEDE** the achievement of Goal 1.

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

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

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

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

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

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

- A. The three objectives are:

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

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

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

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

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

PRELIMINARY DRAFT

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

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

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

The proposed rezoning { **WILL/WILL NOT** } **HELP ACHIEVE** Policy 4.1.1 because the petitioners will maintain agricultural production on the property while establishing a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use.

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

PRELIMINARY DRAFT**Case 830-AM-16**
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- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 171B Catlin silt loam, and has an average LE of 95.
 - b. The Site Assessment (SA) portion of the LESA analysis scored 169 out of 200 points.
 - c. The total LESA Score of 264 receives the highest protection rating in LESA which is “very high rating for protection.” The petitioners propose to maintain agricultural operations on the property and supplant those with educational and entertainment opportunities related to farm-to-table operations. No land will be taken out of production.
 - d. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland.
 - e. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
 - f. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.2.1, Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
 - g. There are no relevant policies having to do with minimizing the conversion of farmland but the proposed development will take no land out of production.
 - h. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.
- (4) Policy 4.1.8 states, “**The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.**”

The proposed rezoning **WILL HELP ACHIEVE** Policy 4.1.8 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 171B Catlin silt loam, and has an average LE of 95.

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- b. The Site Assessment (SA) portion of the LESA analysis scored 169 out of 200 points.
- c. The total LESA Score of 264 receives the highest protection rating in LESA which is “very high rating for protection.” The petitioners propose to maintain agricultural operations on the property and supplant those with educational and entertainment opportunities related to farm-to-table operations.

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

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

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

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

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. The proposed development in related Case 831-S-16 **DOES NOT** support agriculture.
- c. Regarding whether the proposed development in related Case 831-S-16 { **IS/IS NOT** } a service better provided in a rural area:
 - (a) The Petitioner has testified on the application in related Case 831-S-15: **“To bring the benefits and the experience of a sustainable farm to Central Illinois through both educational opportunities and farm sourced meals and events.”**
 - (b) The proposed Special Use Permit will host agricultural themed weddings and events which rely on and benefit from agricultural surroundings.
 - (c) The proposed Special Use Permit repurposes an existing barn and does not include any new buildings.
 - (d) The subject property is 2.2 miles as the crow flies from the City of Urbana and 2.65 miles by road.

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

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

- a. The proposed use of the subject property is ***NOT NEGATIVELY AFFECTED*** by agricultural activities because it will host agricultural themed events which rely on and benefit from the agricultural surroundings.
- b. The subject property is 37.5 acres, which provides a natural buffer from adjacent farmland.
- c. The proposed development in related Case 831-S-16 {**WILL/WILL NOT**} interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:
 - (a) The proposed events center is sited on land that is not in crop production; creation of the 25,000 square feet parking area did not take any land out of crop production.
 - (b) Agricultural drainage should not be affected.
 - (c) 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 1850 North approximately 1 mile east of the subject property had an ADT of 400. CR 1850 North approximately 2 miles west of the subject property had an ADT of 500.

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- (d) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are two feet of gravel shoulder on each side of CR 1850 North.
 - (e) The pavement surface of CR 1850 North in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a design volume of no more than 250 ADT.
 - (f) The events center will primarily hold events during evenings on weekends, which should not impact the typical peak travel hours associated with work commutes.
 - (g) There is no proposed limit on the number of events, and the petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.
- d. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- e. No complaints or concerns have been received regarding impacts to agriculture to date.
- (3) **Policy 4.2.3 states, "The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land."**
- The proposed rezoning will **HELP ACHIEVE** Policy 4.2.3 for the following reasons:
- a. The Petitioners understand that this is a rural area where agricultural activities take place and desire the agricultural setting for their business.
 - b. A special condition has been proposed to ensure that any subsequent owner recognizes the rights of agricultural activities.
- (4) **Policy 4.2.4 states, "To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary."**

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

- a. The subject property is 37.5 acres, which provides a natural buffer from adjacent farmland.
- b. The use on the subject property is intended to benefit from the adjacent agricultural activities so a buffer between the use and nearby agriculture is not warranted.

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

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

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

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

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 171B Catlin silt loam, and has an average LE of 95.
- b. The Site Assessment (SA) portion of the LESA analysis scored 169 out of 200 points.
- c. The total LESA Score of 264 receives the highest protection rating in LESA which is “very high rating for protection.” The petitioners propose to maintain agricultural operations on the property and supplant those with educational and entertainment opportunities related to farm-to-table operations.
- d. The Revised Site Plan received May 3, 2016 indicates a 25,000 square feet gravel parking area on the south end of the property. The parking removed no land from agricultural production.
- e. The petitioners have installed a septic system with a capacity for 150 guests approved by the Champaign County Health Department.
 - (a) As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received May 4, 2016, the septic system was sized for 150 meals and 1800 gallons of water usage per day. It has full restaurant with bar capabilities for septic use.

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- f. The proposed events center, associated parking, and outdoor event area are all sited on land that is not in crop production. The entire subject property was in agricultural production as late as 2005 per aerial photography.
- g. Agricultural drainage should not be affected.
- h. The proposed Special Use Permit repurposes an existing barn and does not include any new buildings. The entire subject property was in agricultural production as late as 2005 per aerial photography.
- i. The subject property is 2.2 miles as the crow flies from the City of Urbana and 2.65 miles by road.
- j. 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 3.6 miles from the Carroll Fire Protection District station. Notification of this case was sent to the FPD Chief on April 27, 2016 and no comments were received.
- 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:

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- a. The Site Plan received May 3, 2016 indicates a 25,000 square feet off street gravel parking area on the south end of the property. The off-street parking will not impact the adjacent roadway infrastructure and roadside grass ditch.
 - b. Item 13.B.(2) regarding Policy 4.2.2. provides information on traffic impacts that is relevant to Policy 4.3.4.
 - 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.
- (4) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a) **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b) **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

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

- a. The proposed use in related Case 831-S-16 **DOES NOT** serve surrounding agricultural land uses or an important public need.
- b. Regarding whether the proposed development in related Case 831-S-16 {**IS/IS NOT**} otherwise appropriate in a rural area:
 - (a) The events center hosts agricultural themed events which rely on and benefit from the agricultural surroundings.
 - (b) The proposed events center is sited on land that is not in crop production.
 - (c) The subject property is 37.5 acres, which provides a natural buffer from adjacent farmland.
 - (d) The Petitioner has testified on the application in related Case 831-S-16: **“To bring the benefits and the experience of a sustainable farm to Central Illinois through both educational opportunities and farm sourced meals and events.”**
 - (e) The traffic generated by the proposed use will primarily occur on weekends. The Site Plan received May 3, 2016 indicates a 25,000

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square feet off-street gravel parking area on the south end of the property.

(f) The subject property is 2.2 miles as the crow flies from the City of Urbana and 2.65 miles by road.

- c. Regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning { **WILL/WILL NOT** } **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- 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. Objectives 5.2, 5.3, and their subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment { **WILL/WILL NOT** } **HELP ACHIEVE** Goal 5 because of the following:

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

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

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

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

- a. The subject property is not served by sanitary sewer.
- b. The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is

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best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.

- c. The AG-2 District contains many uses that can be considered urban development as defined by the LRMP such as a stadium or coliseum and any use which generates a substantial wastewater load but the proposed use is not urban development because it is too far away from a public sanitary sewer system to connect. The subject property residence has a septic system, and the Petitioners have installed a septic system with a capacity for 150 guests approved by the Champaign County Health Department.
- d. Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined that Willow Creek Farm needed to have a septic system installed that will serve 150 people.
 - (a) As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received May 4, 2016, the septic system was sized for 150 meals and 1800 gallons of water usage per day. It has full restaurant with bar capabilities for septic use.
- e. 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. Objectives 6.2, 6.3, 6.4 and their subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **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 **HELP ACHIEVE** Objective 6.1 because of the following:

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

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

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

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

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.3 for the following reasons:

- a. No additional lighting is planned for the events center.

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

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

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

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

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

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

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

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

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

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

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

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

- b. The subject property fronts the north side of CR 1850 North approximately 3 miles straight east of US 45. As reviewed in related Case 831-S-16 regarding the general traffic conditions on CR 1850 North 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 1850 North approximately 1 mile east of the subject property had an ADT of 400. CR 1850 North approximately 2 miles west of the subject property had an ADT of 500.
- (b) The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are two feet of gravel shoulder on each side of CR 1850 North.
- (c) The pavement surface of CR 1850 North in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a design volume of no more than 250 ADT.
- (d) The events center will primarily hold events during evenings on weekends, which should not impact the typical peak travel hours associated with work commutes.

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- c. There is no proposed limit on the number of events, and the petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.
- d. The traffic generated by the proposed use will primarily occur on weekends. The Revised Site Plan received May 3, 2016 indicates a 25,000 square feet off-street parking area on the south end of the property.
- e. 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.

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:

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

Table 1. Land Use and Zoning Summary

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

- B. **LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:
- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - (2) This area is primarily an agricultural area; the subject property was in agricultural production as late as 2005 per aerial photography and has been a farmstead with continuing agricultural production since 2008.
 - (3) In regards to the value of nearby residential properties, the requested map amendment should not have any effect. Regarding the effect on nearby properties:
 - a. The traffic generated by the proposed use will primarily occur on weekends. The Revised Site Plan received May 3, 2016 indicates a 25,000 square feet off-street parking area on the south end of the property.
 - 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; the subject property was in agricultural production as late as 2005 per aerial photography and has been a farmstead with continuing agricultural production since 2008.

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- 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.
 - (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.
 - (2) This area is primarily an agricultural area; the subject property was in agricultural production as late as 2005 per aerial photography and has been a farmstead with continuing agricultural production since 2008.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) In the application for related Zoning Case 831-S-16, the Petitioner testified: **“To bring the benefits and the experience of a sustainable farm to Central Illinois through both educational opportunities and farm sourced meals and events.”**
 - (2) The ZBA has recommended that the proposed rezoning {WILL/WILL NOT} **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use {IS/IS NOT} a service better provided in a rural area.
 - (3) In the review of Policy 4.3.5 the ZBA has recommended the following:
 - a. The proposed use **DOES NOT** serve surrounding agricultural land uses or an important public need.
 - b. The proposed development {IS/IS NOT} otherwise appropriate in a rural area.
 - (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

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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.

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.

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- (3) In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
- a. The subject property has been a farmstead since 2008 and if the rezoning is denied it can continue to be used as a farmstead or as simply a single family residence.
- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
- The proposed rezoning **{WILL/WILL NOT}** lessen and avoid congestion in the public streets as follows:
- (1) Probable traffic impacts are reviewed under Policy 7.1.1. The traffic generated by the proposed use will primarily occur on weekends. The Revised Site Plan received May 3, 2016 indicates a 25,000 square feet off-street parking area on the south end of the property.
 - (2) There is no proposed limit on the number of events, and the petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.
 - (3) 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.
- (1) A stormwater drainage plan completed for the 5 acre pond that was the subject of Zoning Case 535-S-06 and ZUPA #345-06-01 was submitted for review and approved by consulting engineers for the Zoning Department on May 18, 2007.
 - (2) The Petitioners installed a 25,000 square feet gravel parking lot on the south end of the property after the stormwater drainage plan review was approved; staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance.
- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

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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, 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.

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

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

- (1) The proposed Special Use in related Case 831-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- (2) The ZBA has recommended that the proposed rezoning **{WILL/WILL NOT}** **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.

- 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 831-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- 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 Petitioners told staff at the April 27, 2016 site visit that no agricultural land will be removed from 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.

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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.

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DOCUMENTS OF RECORD

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

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- H Willow Creek Farm description
- I Illinois Business Authorization Certificate of Registration for Willow Creek Farm, issued August 1, 2015 and expires August 1, 2020
- J Illinois Department of Agriculture Meat & Poultry Broker License, issued August 12, 2015 and expires June 30, 2016
- K Illinois Department of Agriculture Division of Food Safety and Animal Protection, expires June 30, 2016
- L Natural Resource Report from the Champaign County Soil and Water Conservation District received June 27, 2006 as part of Special Use Case 535-S-06
- M Preliminary EcoCAT consultation completed online April 21, 2016
- N Email from Victor Fuentes received February 5, 2016
- O Letter from Champaign County Public Health Department for approval of new septic system dated April 1, 2016 and received April 27, 2016
- P Site Visit Photos taken April 27, 2016
- Q Invoice from Illinois Fire Equipment, received May 3, 2016
- R Email from Michael Flanagan received May 4, 2016
- S Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16
- T Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16

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SUMMARY FINDING OF FACT

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

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

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

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- b. Policy 6.1.3 requiring that the County seek to prevent nuisances created by light and glare and endeavor to limit excessive night lighting (see Item 15.A.(3)).
 - c. Policy 6.1.2 requiring that 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 (see Item 15.A.(2)).
- (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 6 Public Health and Safety.
- E. Regarding Goal 7:
- (1) The proposed amendment { **WILL/WILL NOT** } **HELP ACHIEVE** 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 (see Item 16.A.(1)).
 - (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; the subject property was in agricultural production as late as 2005 per aerial photography and has been a farmstead with continuing agricultural production since 2008.
 - 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; the subject property was in agricultural production as late as 2005 per aerial photography and has been a farmstead with continuing agricultural production since 2008.

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- D. The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural land uses and activities.
 - E. The subject property is occupied and in agricultural use as zoned AG-1.
 - F. The ZBA has recommended that the proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **{IS/IS NOT}** a service better provided in a rural area.
 - G. The 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/WILL NOT}** lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).
 - B. The proposed rezoning **{WILL/WILL NOT}** lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0 (d) see Item 21.D.).
 - C. Establishing the AG-2 District 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.).
 - D. 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).
 - E. Establishing the AG-2 District at this location will maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).
 - F. The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

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FINAL DETERMINATION

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

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

SUBJECT TO THE FOLLOWING SPECIAL CONDITION:

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

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

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

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

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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**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: *{May 12, 2016}*

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

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

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

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

- *1. Petitioner Traci Lipps owns the subject property and is the sole owner and officer of Lipps Farm, Inc. Petitioners Traci Lipps and Victor Fuentes are partners in the proposed Special Use that is the subject of Case 831-S-16.
- *2. The subject property is a 37 acre tract in Somer Township in the Southwest Quarter of the Northeast Quarter of Section 36 of Township 20 North, Range 9 East of the Third Principal Meridian and commonly known as the farmstead located at 1766 CR 1850 North, Urbana.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana, which is approximately 2.2 miles from the subject property as the crow flies and 2.65 miles by road.
 - *B. The subject property is located within Somer Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

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

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- *5. Regarding the site plan and operations of the proposed Special Use:
 - *A. The site plan received February 19, 2016 consists of a Boundary and Topographic Survey, an aerial photo of the property, and a floor plan for the proposed Events Center. The documents indicate the following existing conditions and in-progress improvements:
 - * (1) Existing buildings and structures include:
 - *a. An 11,984 square feet residence that was constructed in 2008.
 - *b. An 8,700 square feet barn to the north of the residence, of which:
 - * (a) The proposed Events Center is approximately 2,700 square feet, not including a 930 square feet open, covered porch around the south and east sides;

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

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

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

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- * (2) The barn and connected Events Center north of the house;
 - a. The petitioners measured 147 feet between the north side of the Events Center and the north property line, and 253 feet between the east side of the Events Center and the east property line.
 - * (3) Handicap parking in front of the Events Center;
 - * (4) A 100 feet by 250 feet gravel parking area near the entrance to the property;
 - * (5) A pond; and
 - * (6) Land in agricultural production: pasture, rotational pastures, alfalfa, beef master grass mixture, a garden and adjacent hill.
 - * (7) This revised site plan did not include the Greenhouse west of the barn or the corn crib that will be turned into a bar that is east of the events center.
 - * (8) Staff requested via email and by phone on May 3, 2016 that the petitioners have a professionally drawn site plan and floor plan that would provide necessary details for the Board to consider; Mr. Fuentes indicated by phone on May 3, 2016 that he would contact an architect.
- *G. The following are previous Zoning Use Permits for the subject property:
- * (1) ZUPA #257-07-01 was approved September 21, 2007 for construction of a single family home with attached garage and detached garage/storage shed.
 - * (2) ZUPA #345-06-01 was approved May 18, 2007 for construction of a 5 acre pond.
- *H. There was one previous zoning case for the subject property:
- * (1) Case 535-S-06 was approved September 28, 2006 for construction of the 5 acre pond.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a combined “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
- A. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (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

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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.
 - (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,

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processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

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

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

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- d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (23) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- C. Section 7.4.1 refers to parking requirements for a facility such as the proposed Special Use:
- (1) For BUILDINGS and other enclosed STRUCTURES, one PARKING SPACE for each five seats provided for patrons use, or at least one PARKING SPACE for each 200 square feet of floor area, whichever requires the greater number of PARKING SPACES.
 - (2) For outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.
 - (3) When a USE involves a combination of enclosed BUILDINGS or STRUCTURES and an outdoor area, the required PARKING SPACES shall be calculated separately per the above standards and then totaled to obtain the required PARKING SPACES for said USE.
 - (4) Section 7.4.1 C.4. states that required parking screens for commercial establishments shall be provided as follows:
 - a. Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - b. Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.

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- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:

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

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, ***“To bring the benefits and the experience of a sustainable farm to Central Illinois through both educational opportunities and farm sourced meals and events.”***

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

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, ***“One of the improvements we would like to develop is a gravel parking area so that no vehicles are parked on the County Road.”***
 - B. Regarding surface drainage:
 - (1) The Natural Resource Report from the Champaign County Soil and Water Conservation District dated June 23, 2006 and received June 27, 2006 as part of Special Use Case 535-S-06 stated: “The site has a significant amount of water draining toward it, including from the adjacent subdivision. This is acceptable since the project consists of only a pond.”
 - (2) A stormwater drainage plan completed for the 5 acre pond that was the subject of Zoning Case 535-S-06 and ZUPA #345-06-01 was submitted for review and approved by consulting engineers for the Zoning Department on May 18, 2007.

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- (3) The Petitioners installed the a 25,000 square feet off street gravel parking area on the south end of the property after the stormwater drainage plan review was approved; staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance.
 - (4) No additional construction is planned for the proposed Special Use.
- C. Regarding the effects on traffic:
- (1) The subject property fronts the north side of CR 1850 North approximately 3 miles straight east of US 45. Regarding the general traffic conditions on CR 1850 North 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 1850 North approximately 1 mile east of the subject property had an ADT of 400. CR 1850 North approximately 2 miles west of the subject property had an ADT of 500.
 - b. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are two feet of gravel shoulder on each side of CR 1850 North.
 - c. The pavement surface of CR 1850 North in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a design volume of no more than 250 ADT.
 - d. The events center will primarily hold events during evenings on weekends, which should not impact the typical peak travel hours associated with work commutes.
 - e. There is no proposed limit on the number of events, and the petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.
 - (2) The Township Highway Commissioner has been notified of this case and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located approximately 3.6 miles from the Carroll Fire Protection District station. The FPD Chief was notified of this case on April 27, 2016 and no comments were received.
- (1) The Petitioners submitted an invoice received May 3, 2016 for 6 fire extinguishers that were delivered on May 2, 2016 for the proposed Events Center.

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- E. No part of the subject property is located within a mapped floodplain.
- F. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 171B Catlin silt loam, and has an average LE of 95.
- G. Regarding outdoor lighting on the subject property:
 - (1) Standard residential lampposts are installed approximately every 50 feet along the driveway between the gravel parking lot and the events center. They would only be turned on via generator during events.
 - (2) No new lighting is proposed for the events center.
- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) The subject property residence has a septic system, and the petitioners have installed a septic system with a capacity for 150 guests approved by the Champaign County Health Department. Mike Flanagan of the Champaign County Health Department and Larry Luka, Plumbing Inspector for the State of Illinois Public Health Department, determined that Willow Creek Farm needs to have a septic system that will serve 150 people.
 - a. As per an email from Michael Flanagan with the Champaign Urbana Public Health District, received May 4, 2016, the septic system was sized for 150 meals and 1800 gallons of water usage per day. It has full restaurant with bar capabilities for septic use.
- I. Regarding life safety considerations related to the proposed Special Use:
 - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.

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- d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- J. Since notice was sent out for this case's public hearing, three neighbors have expressed concerns:
- (1) All three were concerned about gunfire noise coming from the subject property.
 - a. When staff asked Mr. Fuentes by phone on May 3, 2016 about the gunfire, he stated that they do target shooting at the mound on the northwest corner of the property, and that it had been 3 to 4 months since they had last done that. He stated that someone had called the Sheriff, who came out when they were out shooting, and that the Sheriff observed what they were doing and said that they were not doing anything wrong.
 - (2) One of the three neighbors is concerned about potential traffic and noise related to the proposed Special Use.

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

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: the petitioner did not provide a response.
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning Districts and by right in the B-2, B-3, and B-4 Zoning Districts.
 - (2) An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts.
 - (3) Regarding the requirement for a separation distance of 200 feet between the Special Use and any R DISTRICT or residential or INSTITUTIONAL USE:
 - a. The proposed Special Use is greater than 200 feet from the nearest residential use.
 - (4) Regarding parking on the subject property for the proposed Special Use:
 - a. Regarding the number of required onsite parking spaces: There is a proposed capacity of 150 people in the Events Center; dividing 150 by 5 seats equals 30 parking spaces, which is the greater number compared to 13 spaces, which is the result of dividing 2,500 square feet by 200 square feet.
 - b. The Petitioners installed a 25,000 square feet gravel parking area just inside the entrance to the subject property. The parking lot should be able to accommodate 83 spaces if calculated by square footage. However, if the lot does not have marked spaces, its capacity will likely be less.
 - c. The parking area does not have any screening, which is a requirement as per Section 7.4.1. A special condition is included regarding screening for the parking area.
- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
- (1) A stormwater drainage plan completed for the 5 acre pond that was the subject of Zoning Case 535-S-06 and ZUPA #345-06-01 was submitted for review and approved by consulting engineers for the Zoning Department on May 18, 2007.

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- (2) The Petitioners installed the a 25,000 square feet off street gravel parking area on the south end of the property after the stormwater drainage plan review was approved; staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance.
- (3) No additional construction is planned for the proposed Special Use.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
- (1) A Private Indoor Recreational Development may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
- (2) An Outdoor Commercial Recreational Enterprise may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
- (3) The proposed use will not hinder agricultural production and agricultural production will still occur onsite.
- G. Currently, the subject property is zoned AG-1 Agriculture and the Petitioner has requested to rezone the property to AG-2 Agriculture in related Case 830-AM-16. Regarding whether or not the proposed Special Use will preserve the essential Character of the surrounding AG-1 District:
- (1) As reviewed in Case 830-AM-16, the types of uses authorized by right in the AG-1 DISTRICT are the same as by-right uses in the AG-2 DISTRICT. However, a Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise is only authorized as a Special Use in the AG-2 District and not the AG-1 District. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent AG-1 uses.
- (2) The subject property is located on CR 1850 North. Land use and zoning in the immediate area of the subject property are as follows:
- *a. Land on the north, south, east, and west of the subject property is zoned AG-1 Agriculture and is in use as follows:
- *a) Land to the north is in agriculture production.
- *b) Land to the east and west is in use as single family residential.
- *c) Land to the south is in use as single family residences and agricultural production.

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

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

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
- A. A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning District and by right in the B-2, B-3, and B-4 Zoning District.
- B. An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts. Note that the Outdoor Commercial Recreational Enterprise and the Private Indoor Recreational Development are actually the same proposed use and not separate uses which would not be permissible on a lot in the AG-1 District.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):
- The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
- (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- D. The proposed Special Use Permit **{IS/IS NOT}** in harmony with the general purpose of the Zoning Ordinance, as follows:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
- This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.

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- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- a. It is not clear whether or not the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - b. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
 - (a) 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.
 - (b) 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:
 - i. 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.
 - (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:
 - i. The subject property has been a farmstead since 2008 and if the rezoning is denied it can continue to be used as a farmstead or as simply a single family residence.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.
- a. The traffic generated by the proposed use will primarily occur on weekends. The Revised Site Plan received May 3, 2016 indicates a 25,000 square feet off-street parking area on the south end of the property.
 - b. There is no proposed limit on the number of events, and the petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.

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- c. The Petitioners installed a 25,000 square feet gravel parking area just inside the entrance to the subject property. The parking lot should be able to accommodate 83 spaces if calculated by square footage. However, if the lot does not have marked spaces, its capacity will likely be less.
 - d. The parking area does not have any screening, which is a requirement as per Section 7.4.1. A special condition is included regarding screening for the parking area.
- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
- a. A stormwater drainage plan completed for the 5 acre pond that was the subject of Zoning Case 535-S-06 and ZUPA #345-06-01 was submitted for review and approved by consulting engineers for the Zoning Department on May 18, 2007.
 - b. The Petitioners installed a 25,000 square feet off street gravel parking area on the south end of the property after the stormwater drainage plan review was approved; staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (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.

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

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

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

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

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

a. The proposed Special Use in related Case 831-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (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.

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The proposed Special Use in related Case 831-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (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 Petitioners told staff at the April 27, 2016 site visit that no agricultural land will be removed from 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.

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **“This event venue will be within the existing barn which blends in with the surroundings.”**
 - B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

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

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

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

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

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

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

- C. 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.

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

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

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

- E. 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.

- F. Within 6 months of approval of Special Use Permit 831-S-16, the 25,000 square feet gravel parking area must be screened with a Type D Screen.**

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

That the parking area is in compliance with Section 7.4.1 C.4. of the Zoning Ordinance.

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

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

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

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

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

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

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

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- H Willow Creek Farm description
- I Illinois Business Authorization Certificate of Registration for Willow Creek Farm, issued August 1, 2015 and expires August 1, 2020
- J Illinois Department of Agriculture Meat & Poultry Broker License, issued August 12, 2015 and expires June 30, 2016
- K Illinois Department of Agriculture Division of Food Safety and Animal Protection, expires June 30, 2016
- L Natural Resource Report from the Champaign County Soil and Water Conservation District received June 27, 2006 as part of Special Use Case 535-S-06
- M Preliminary EcoCAT consultation completed online April 21, 2016
- N Email from Victor Fuentes received February 5, 2016
- O Letter from Champaign County Public Health Department for approval of new septic system dated April 1, 2016 and received April 27, 2016
- P Site Visit Photos taken April 27, 2016
- Q Invoice from Illinois Fire Equipment, received May 3, 2016
- R Email from Michael Flanagan received May 4, 2016
- S Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16
- T Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16

PRELIMINARY DRAFT**Case 831-S-16**
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 **831-S-16** held on **May 12, 2016** the Zoning Board of Appeals of Champaign County finds that:

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

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

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

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

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

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

4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:

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- 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. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***
- A. **The Petitioner may continue ongoing operations on the subject property provided the Petitioner complies with the following:**
 - (1) **The Petitioner shall apply to the Department of Planning and Zoning for a Change of Use Permit within four weeks of receiving a final determination by the County Board in related Case 830-AM-16; and**
 - (2) **A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of a final determination by the County Board in related Case 830-AM-16; and**
 - (3) **Failure to meet any of the above deadlines shall be a violation of the Zoning Ordinance and subject to normal enforcement procedures including appropriate legal action.**

The special condition stated above is required to ensure the following:
The ongoing operations may continue but will comply with all special conditions by a date certain.
 - B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

The special condition stated above is necessary to ensure the following:
That the proposed Special Use meets applicable state requirements for accessibility.
 - C. **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.**

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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.

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

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

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

- E. **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.

- F. **Within 6 months of approval of Special Use Permit 831-S-16, the 25,000 square feet gravel parking area must be screened with a Type D Screen.**

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

That the parking area is in compliance with Section 7.4.1 C.4. of the Zoning Ordinance.

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

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

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

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

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

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

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

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

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

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

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

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

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

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

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

- C. 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:

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

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

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

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

- E. **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.

- F. **Within 6 months of approval of Special Use Permit 831-S-16, the 25,000 square feet gravel parking area must be screened with a Type D Screen.**

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

That the parking area is in compliance with Section 7.4.1 C.4. of the Zoning Ordinance.

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

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

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

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

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

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

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