

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

*SUPPLEMENTAL MEMORANDUM #1*

*August 4, 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

---

## **STATUS**

This case was continued from the May 12, 2016, ZBA public hearing. Draft minutes from the last hearing are included separately from this memorandum. Staff wrote a follow up letter dated May 13, 2016, to petitioners to provide a list of items requested by ZBA members and staff during the May 12<sup>th</sup> hearing (Attachment A to this memo).

The following new documents have been received from the petitioners:

- Revised Site Plan Sheet S-1 received July 28, 2016 (Attachment B)
- Revised Floor Plan Sheet A-1 received July 28, 2016 (Attachment C)
- Illinois Department of Health well water test, received July 19, 2016 (Attachment D)
- Open House Invitation to Neighbors received July 25, 2016 (Attachment E)
- Letter of Support from Don Moyer Boys & Girls Club received July 28, 2016 (Attachment F)
- Letter from Carroll Fire Protection District received July 28, 2016 (Attachment G)

- Photo of Health Permit from Champaign County Public Health Department received July 21, 2016 (Attachment H)

Staff received a Written Protest Petition Opposing Case 830-AM-16 and Case 831-S-16, and associated letters from neighbors on July 19 and 20, 2016 (Attachment I). Staff wrote a follow up letter to petitioners after our receipt of written protest dated July 25, 2016, to make the petitioners aware of the more restrictive voting requirements triggered by a written protest.

Staff noted that the unauthorized parking lot on the south end of the subject property is only 65 feet from the nearest residential use; the minimum required distance between an “Outdoor Commercial Recreational Enterprise” and the nearest residential use is 200 feet.

Staff compared how much best prime farmland would be taken out of production if the full number of by-right lots were created on the original 40 acre parcel versus how much best prime farmland the petitioners have removed from production.

---

## **REVISED SITE PLAN AND FLOOR PLAN**

Additional information about the Revised Site Plan Sheet S-1 and Revised Floor Plan Sheet A-1 received on July 28, 2016, can be found in Sections 7.G. and 7.H. of the Revised Finding of Fact dated August 4, 2016 for Case 830-AM-16 and Sections 5.G. and 5.H. of the Revised Summary of Evidence dated August 4, 2016 for Case 831-S-16.

The Floor Plan indicates that restrooms, parking, and interior/exterior event spaces meet Illinois Accessibility Code requirements.

## **PERMIT RECEIVED AND LOCAL AGENCIES ANALYSIS OF WILLOW CREEK FARM**

Staff received a copy of the Health Permit issued by Champaign County Public Health Department on July 21, 2016. Staff also received a copy of the water well test completed by the Illinois Department of Public Health on July 19, 2016. On July 28, 2016, staff received a letter from Carroll Fire Protection District indicating that, to their knowledge, the property is in compliance.

## **PETITIONERS INVITE NEIGHBORS TO OPEN HOUSE**

On July 13, 2016, Mr. Fuentes sent an invitation to adjacent neighbors to an Open House to be held on July 27, 2016, from 5 to 7 p.m. Staff received a copy of the invitation on July 25, 2016. No one came to the open house.

## **LETTER OF SUPPORT**

In a letter received July 28, 2016 from Samuel Banks, Executive Director of the Don Moyer Boys and Girls Club, Mr. Banks states that he supports Traci Lipps and Willow Creek Farm because youth from the Club have a rare opportunity to learn about farm life and educational experiences. Staff received a copy of the letter on July 25, 2016.

## **NEIGHBORHOOD CONCERNS**

Additional information about neighborhood concerns received on July 19 and 20, 2016, can be found in the attachments to this memo, in Section 21.E. of the Revised Finding of Fact dated August 4, 2016 for Case 830-AM-16 and Section 8.J.(3) of the Revised Summary of Evidence dated August 4, 2016 for Case 831-S-16. A summary of the concerns are as follows (reflecting Finding of Fact and Summary of Evidence dated August 4, 2016):

- a. Gwennatra Jackson, 1870 S. Forty Drive, Urbana, expressed concern about loud noise late at night.
- b. DeWayne and Shaennon Clark, 1866 S Forty Drive, Urbana, have concerns about more traffic, noise at night and unwanted activity, including noise and activity after 10 p.m. They stated “This is a quiet area and this will cause more noise and people in the area we don’t know.”
- c. Bobbie Jo Johnson, 1755 CR1850N, Urbana, stated that the parking lot constructed next to CR1850N is a nuisance to neighbors. She noted high speed traffic, including a shuttle leaving the subject property from a recent wedding. She stated that the golf carts used during the recent wedding event added extra noise. She has concerns that more of the property will be used for events than just the immediate area of the events center. She stated that the lights lining the driveway are a distraction and impact the quiet and solitude of “being and living in the country”. She requested that the lighting only be used during events, and that no additional lights be installed around or near the parking lot. She expressed that having the event center at that location will change the way neighbors live and what they will have to endure.
- d. Mark and Colleen Ruebke, 1865 S. Forty Drive, Urbana, state that they are opposed to the rezoning because it goes against several purposes of the Champaign County Zoning Ordinance and Champaign County Nuisance Ordinance. They mention concerns with increased noise from people and vehicles; increased traffic on a very narrow country road; increased chance of a pedestrian accident; decreased privacy; increased lights outdoors, which is a nuisance for neighbors who want to be away from “city” lights; and potential for increased crime. They stated that they “moved out to the country for peace and quiet and privacy”.
- e. Kenneth Johnson, 1751 CR1850N, Urbana, has concerns about noise, traffic, and trash. He states that the parking lot is a nuisance with cars’ headlights and the golf carts traveling back and forth to the event center. He requested that the lights along the driveway only be used for events, and turned off at 10 pm. He complained about a variant of noise and past noise violations. He suggested that security at the events should be a consideration. He is concerned about drainage and water issues that may increase due to the proposed use. He expressed concern about traffic and people traveling who might not be aware of county roads and how they can be more dangerous to travel, and also for the wear and tear on the road that the Township cannot afford to maintain.
- f. Richard and Teresa Gabel, 1862 S. Forty Drive, Urbana, are concerned about drainage and the impact of the new septic on the field tile that is already stressed in the subdivision.

They also stated concerns for traffic; potential alcohol consumption by event guests who possibly drive after; whether the events will end late at night; how the township will be able to afford the wear and tear on the road, and a variety of noises occurring after 10 p.m. from the subject property.

- g. Douglas Hanshaw, 1773 CR1850N, Urbana, expressed concerns about the number of people attending events and disruptions from events that may go late into the night. He is also concerned about so many people then going back to the parking lot that is across the street from his house late at night and being disruptive.
- h. Ron and Kay Weidner, 1776 CR1850N, Urbana, are opposed to the petition and concerned with the business next door, the traffic it creates, and related wear and tear on the roads. They are concerned about late night events with people drinking and possibly driving. They also mention noise from the events and protecting their privacy (they have had people come to their home looking for the Lipps property). They state that “if a person wants a night club, there are plenty of locations already zoned for that in town. Keep these businesses in town, or an area already zoned appropriately.”

### **FRONTAGE PROTEST RECEIVED FROM OWNERS OF MORE THAN 20% OF BORDERING FRONTAGE**

The written protest received on July 19, 2016, triggers a three-fourths majority vote of all County Board members, or 17 of 22 votes, in order to approve the Map Amendment (Case 830-AM-16). The protest also includes Special Use Permit Case 831-S-16.

The following land owners participated in the written protest (see Attachment J map):

1. Kenneth Lee Johnson, 1751 CR1850N
2. Bobbie Jo Johnson, 1755 CR1850N
3. James A Talley, Jr., 1748 CR1850N
4. J. Ronald Weidner, 1776 CR1850N
5. Teresa M Gabel, 1862 South Forty
6. Shaennon Clark, 1866 South Forty
7. Doug Hanshaw, 1773 CR1850N

### **PROXIMITY OF SPECIAL USE AREA TO ADJACENT RESIDENTIAL USES**

In order for the proposed Special Use to be in compliance with the Zoning Ordinance, all parts of the Outdoor Commercial Recreational Enterprise must be at least 200 feet from the nearest residential use. The unauthorized parking lot adjacent to CR1850N is only 65 feet from a residential property to the south.

The Petitioners have three options: they can reduce the size of the parking lot so it is at least 200 feet from the nearest residence; move the parking lot to a different area on the property, or they can request a waiver to a standard condition to keep the parking lot where it is. Requesting a waiver will require a new legal advertisement for the case and additional fees. Staff has recommended a new special condition to the Special Use Permit to require removal of the unauthorized gravel parking area.

Staff created a map (Attachment L) to help frame discussion regarding the boundary of the proposed Special Use area.

**COMPARING THE PROPOSED SUP TO THE ALTERNATIVE BY-RIGHT DEVELOPMENT**

The subject property could be divided off into a total of 4 residential lots (including the 3 acre lot already divided from the original parent tract). The maximum lot size for lots on Best Prime Farmland is 3 acres, so there would be a maximum 12 acres of farmland converted under by-right conditions. Staff has estimated that approximately 13.37 acres have been converted from farmland in order to construct the house, grass lawn, pond, driveway, unauthorized gravel parking area, and the proposed events indoor-outdoor area (see Attachment K). It could be argued that the closer the proposed Special Use is to the alternative by-right development, the less of a change there is that is being requested, which is relevant to consideration of LRMP Policy 4.1.6.

Further, the average number of vehicle trips for two additional residential lots is 10 trips per day each on average. If the proposed Special Use is to be comparable to by-right development, then a typical event would have no more than 20 vehicles. This would be relevant to consideration of LRMP Policies 4.2.1 and 7.1.1. Staff has proposed two new special conditions which can be found below.

**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.**

In light of the by-right comparison above, staff recommends adding special conditions L, M and N for the Special Use Permit. The following revisions to the 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.**

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

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

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

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

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

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

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

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

The special condition above is required to ensure the following:

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

L. The maximum number of vehicles permitted at a typical event is 20 vehicles, which may include shuttles and buses.

The above special condition is necessary to ensure the following:

That traffic for the events center is similar to what traffic would be generated under by-right conditions.

M. The number of larger events, quantified as having more than 20 vehicles present, will be limited to a frequency that is the same as that of a Temporary Use (i.e. no more than five days within any 90 day period), and will not be permitted during planting season (mid-April to end of May) and harvest season (mid-September to end of October).

The above special condition is necessary to ensure the following:

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

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

The above special condition is necessary to ensure the following:

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

## ATTACHMENTS

- A Letter from staff to petitioners following May 12, 2016 ZBA public hearing, dated May 13, 2016
- B Revised Site Plan Sheet S-1 received July 28, 2016
- C Revised Floor Plan Sheet A-1 received July 28, 2016
- D Illinois Department of Health well water test, received July 19, 2016
- E Open House Invitation to Neighbors received July 25, 2016
- F Letter of Support from Don Moyer Boys & Girls Club received July 28, 2016
- G Letter from Carroll Fire Protection District received July 28, 2016
- H Photo of Health Permit from Champaign County Public Health Department received July 21, 2016
- I Written Protest to Cases 830-AM-16 and 831-S-16 received July 19, 2016 and related letters of opposition received July 19-21, 2016
- J Map of land owners participating in the written protest dated August 4, 2016
- K Map of estimated Best Prime Farmland conversion dated August 4, 2016
- L Map of possible Special Use Area created by staff, dated August 4, 2016
- M Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16 dated August 4, 2016
- N Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16 dated August 4, 2016

July 25, 2016

Champaign  
County  
Department of



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

(217) 384-3708

Traci Lipps  
Owner, Willow Creek Farm  
1766 CR 1850 North  
Urbana, IL 61802

Dear Traci:

On July 19, 2016, a Written Protest was received regarding Zoning Map Amendment Case 830-AM-16 and related Special Use Permit Case 831-S-16. The protest was filed with the Champaign County Clerk and copies were provided to all required parties, which fulfills the requirements for a valid protest. The protest signifies that final approval of your Map Amendment case by the County Board must receive at least 75% votes in favor of the rezoning, or 17 of the 22 votes. The Zoning Department wants you to be aware that receiving 17 County Board votes in favor of the rezoning will probably not be possible in light of the formal protest. If you have not already, you may want to consider meeting with the landowners who signed the protest outside of the public hearing to try to identify changes to your proposal that would make your revised proposal acceptable. The Open House you have scheduled for July 27<sup>th</sup> is a good start in that direction. It would also not be unreasonable to request a continuance past August 11, 2016, to provide additional time for trying to find a compromise.

Additionally, I wanted to let you know that there are two principal concerns the Zoning Department has regarding the proposed Map Amendment and Special Use Permit. Staff will be recommending negative findings on both cases related to traffic and the Land Evaluation and Site Assessment (LESA) score, which is "very high" for leaving this property in agriculture. The ZBA will take staff recommendations into account when deciding on any case.

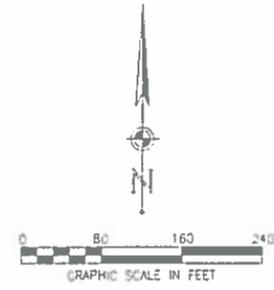
The third matter is that there is a 200 foot separation distance required between any "outdoor commercial recreational enterprise" and adjacent residential use. With the addition of the unauthorized gravel parking lot, the proposed events center use is within 200 feet of two residences. Since the original legal advertisement for your case did not include a variance for this issue because staff did not know there was a parking lot, there are two options you can take: the site plan either needs revised to remove the parking area from within 200 feet of the nearest residential lot(s), or you will need to pay for a re-advertisement to include a waiver of that 200 feet separation.

If you have any questions or concerns, please contact our office.

Sincerely,

Susan Chavarria  
Senior Planner  
schavarr@co.champaign.il.us

Cc: Victor Fuentes, co-petitioner



**SHEET LEGEND**

---	SECTION LINE
---	PROPERTY LINE
-x-x-x-x-x-	EXISTING FENCE LINE
(○)	EXISTING TREE

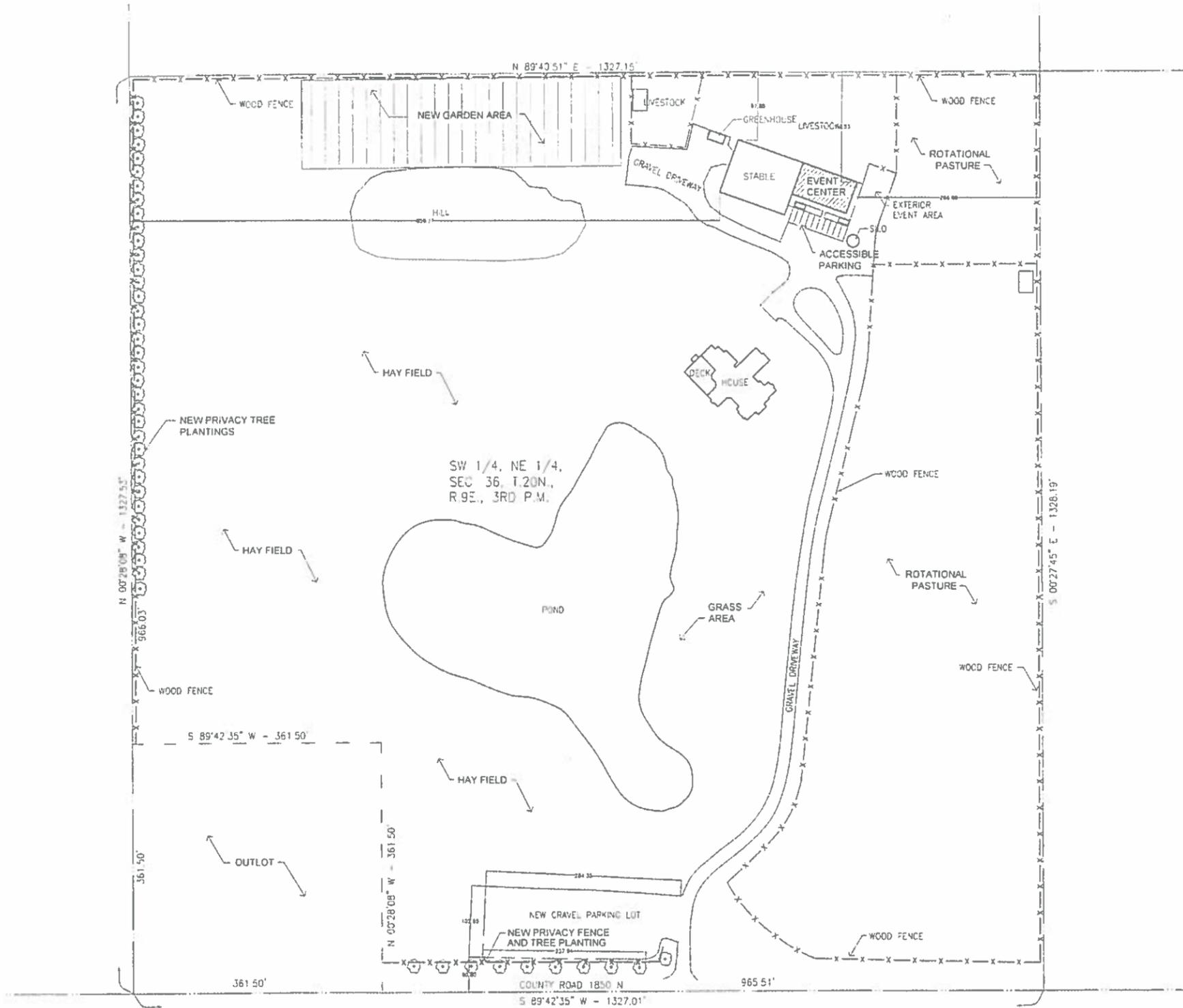
**NOTES.**

- LEGAL DESCRIPTION: THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 20 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, EXCEPT THE FOLLOWING DESCRIBED TRACT:  
 BEGINNING AT THE SOUTHWEST CORNER OF 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, THENCE EAST A DISTANCE OF 361.5 FEET ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, THENCE NORTH 361.5 FEET PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, THENCE WEST 361.5 FEET PARALLEL WITH SAID SOUTH LINE, AND THENCE SOUTH 361.5 FEET ON SAID WEST LINE TO THE POINT OF BEGINNING, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.
- THE PROPERTY LINE BEARINGS AND DISTANCES ARE BASED ON FOUND MONUMENTATION AND PLAT OF SURVEY PREPARED BY ROBERT MOORE, PLS. DATED DECEMBER 14, 2004. THIS PLAT DOES NOT CONSTITUTE A BOUNDARY SURVEY.
- THE FIELD WORK FOR THIS SURVEY WAS COMPLETED ON JUNE 14, 2016.

**RECEIVED**

JUL 28 2016

**CHAMPAIGN CO. P & Z DEPARTMENT**



revised on

date 6/6/16  
drawing number

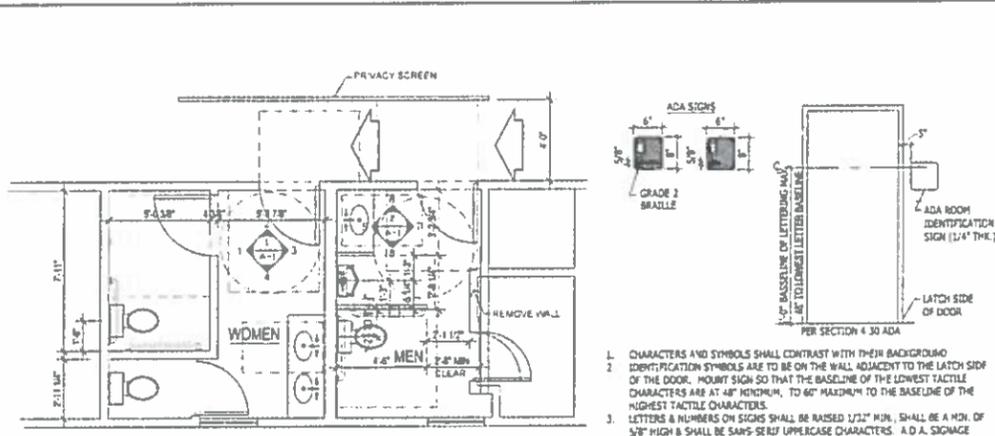
title  
**GAYLORD H. SWISHER, ARCHITECT**  
 900 Pleasant Lake  
 Savoy, IL 61874



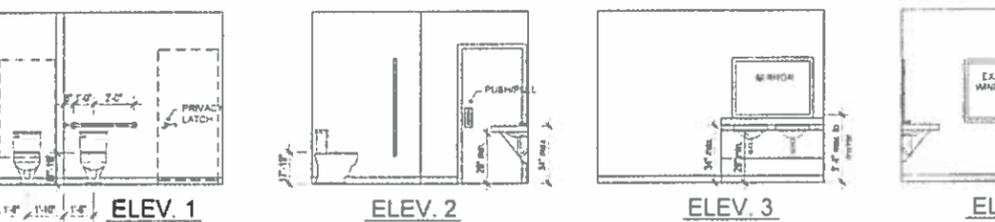
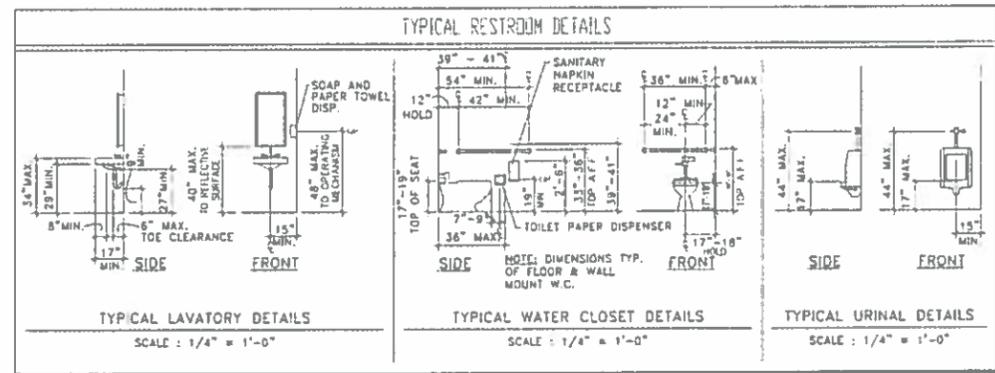
**WILLOW CREEK FARM**  
 1766 N. 1850 COUNTY ROAD  
 URBANA, ILLINOIS

sheet number

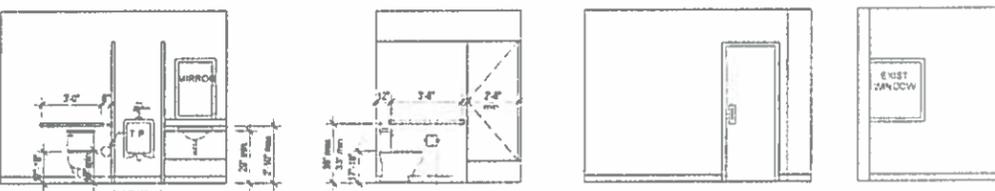
**S-1**



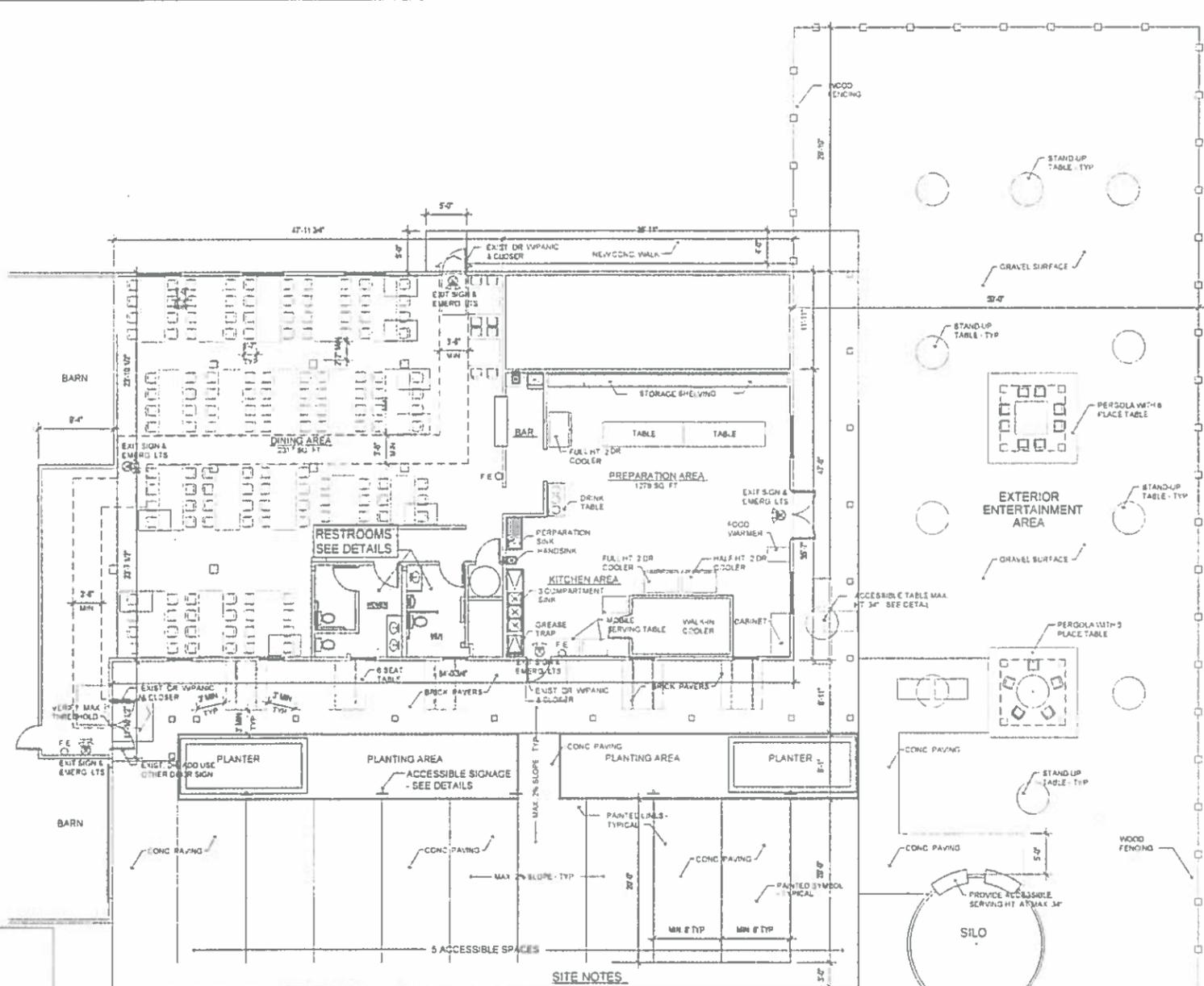
- RESTROOM SIGN PLACEMENT**
- CHARACTERS AND SYMBOLS SHALL CONTRAST WITH THEIR BACKGROUND
  - IDENTIFICATION SYMBOLS ARE TO BE ON THE WALL ADJACENT TO THE LATCH SIDE OF THE DOOR. MOUNT SIGN SO THAT THE BASELINE OF THE LOWEST TACTILE CHARACTER IS AT 48" MINIMUM, TO 60" MAXIMUM TO THE BASELINE OF THE HIGHEST TACTILE CHARACTER.
  - LETTERS & NUMBERS ON SIGNS SHALL BE RAISED 1/32" MIN., SHALL BE A MIN. OF 5/8" HIGH & SHALL BE SANS-SERIF UPPERCASE CHARACTERS. A.D.A. SIGNAGE ACCOMPANIED BY GRADE 2 BRAILLE.
  - REGULATORY SIGNS TO BE TYPICALLY ADA COMPLIANT TACTILE 3-D PLAQUES PER CODE REQUIREMENTS.
  - SIGNS TO BE A TYPICAL ONE PIECE INJECTION MOLDED FABRICATION WITH RAISED SECOND SURFACE GRAPHICS.
  - SIGN TO BE A CUSTOM COLOR TO MATCH PMS 282C WITH WHITE GRAPHICS.
  - BRAILLE SHOWN IS FOR PLACEMENT ONLY. USE CORRECT BRAILLE FOR SIGN PRODUCTION.



**WOMEN'S RESTROOM**  
1/4" = 1'-0"



**MEN'S RESTROOM**  
1/4" = 1'-0"



**OCCUPANCY PLAN**  
4896 SQ. FT. 1/8" = 1'-0"

FEATURE	MALE	FEMALE
WATER CLOSET	1 (100)	2 (200)
LAVATORY	2 (200)	2 (200)
URINALS	1 (100)	
WOP BENCH	1	
2 CLOSET BENCH		

ALL OCCUPANCY BY FEATURE COUNT 200 PERSONS 100 MALES AND 100 FEMALES

**BUILDING INFORMATION**

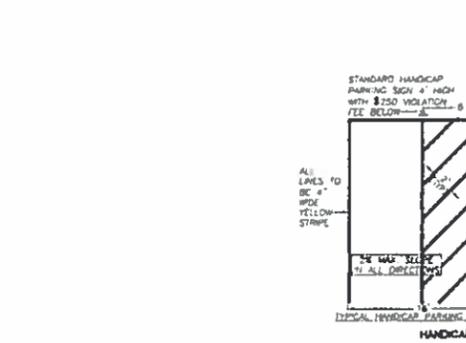
VOLUME: 1100 CU YD (27,000 CU FT)  
 ALL EXTERIOR FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH MFC 16  
 TYPE EXTERIOR FINISHES SHALL BE MAINTAINED WITHIN 5% MAX OF COEFFICIENT OF EXPANSION USING COMPATIBLE MEDIA  
 SLOPES REQUIRED TYPE 3A EXTERIOR FINISHES THAT EXCEED MAX 3.00 SQ FT AND A MAX OF 75' TRAVEL TO EXTERIOR FINISH

**TOTAL INTERIOR OCCUPANCY ALLOWED:**

SPRINKLED AREA (SEATING)	48 (48 x 10' x 10' x 10')	11 (11 x 10' x 10')
NON-SEATING	14 (14 x 10' x 10')	2 (2 x 10' x 10')
<b>TOTAL EMPLOYEES</b>	<b>62 PERSONS</b>	<b>13 PERSONS</b>
<b>TOTAL OCCUPANCY</b>	<b>124 PERSONS</b>	<b>15 PERSONS</b>

**TOTAL INTERIOR PLUS EXTERIOR OCCUPANCY = 139 PERSONS**

**MAX INTERIOR PLUS EXTERIOR OCCUPANCY IS 200 AS DETERMINED BY THE RESTROOMS.**



**RECEIVED**  
JUL 28 2016  
CHAMPAIGN CO. P & Z DEPARTMENT

**ARCHITECT'S NOTES**

THESE DRAWINGS ARE IN RESPONSE TO THE CHAMPAIGN COUNTY REQUIREMENTS AS ENACTED BY A LETTER DATED MAY 13, 2015 BY SENIOR PLANNER BILLY CHAMBERLAIN CONCERNING THE ANALYSIS OF THE ACCESSIBILITY AND OCCUPANCY REQUIREMENTS. THE RESTROOM PLAN FOR CONSTRUCTION AND SEATING LAYOUTS ARE IN ACCORDANCE WITH THE ILLINOIS ACCESSIBILITY CODE.

THE EXISTING ACCESSIBLE PARKING SPACES ARE APPROVED WITH THE ADDITION OF THE PROPER FINE SIGNS ADDED TO THE POLES WITH THE ACCESSIBLE SPACE SIGNAGE AT EACH SPACE.

Sheet 6/5/16  
drawing number

**GAYLORD H. SWISHER, ARCHITECT**  
900 Pleasant Lane  
Sycamore, IL 61874

STATE OF ILLINOIS  
JUL 28 2016

**WILLOW CREEK FARM**  
1766 N. 1850 COUNTY ROAD  
URBANA, ILLINOIS

sheet number  
**A-1**

IL DEPT OF PUBLIC HEALTH  
825 NORTH RUTLEDGE  
SPRINGFIELD, ILLINOIS 62794  
CLIA No. 1400647002  
IHPA NELAP Certified No. 100196  
IDPH NO. 17001

Submitter copy to:

Date: 7/11/2016  
• Page 1 of 1 •

CHAMPAIGN CO HLTH DEPT  
201 W KENTON RD  
ENVIRONMENTAL SECTION  
CHAMPAIGN, IL 61820

Spec #: S16NM004321  
Sub#:   
Lab: IDPH SPRINGFIELD  
Tel #: (217) 782-6562

Source Name: WILLOW CREEK FARM  
Source Address: 1766 CR 1850 N  
URBANA, IL 61802  
(217) 840-1986

Date Recd: 7/7/2016  
Time Recd: 1102  
Time Coll: 1445  
FIPS: IL019  
Collected by: TRACI LIPPS  
Sampling Point: At tap

Chlorinated: No  
Dechlor bottle: No  
Miscellaneous: Fee  
Source: Well/drilled  
Remarks: 7130

Specimen Numbers:  
Date Collected:

S16NM004321  
7/6/2016

PRIVATE WATER  
SUPPLY REPORT

Total Coliform <1.0 / 100 mL  
E. coli <1.0 / 100 mL

Specimen Comments:

Interpretation of Results:

Total Coliform  Satisfactory  Unsatisfactory  
Fecal/E. coli  Satisfactory  Unsatisfactory

Remarks:

Signature: Michael Shroy

Date: 7/14/16

RECEIVED

JUL 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED - E.H.

JUL 14 2016

Champaign-Urbana  
Public Health District



### Champaign County Public Health Department EXPLANATION OF WATER ANALYSIS

This sample has been analyzed for pollutional bacteria called "coliform" which are normally present in the intestinal tracts of humans, birds and mammals. They are always found in sewage, and are generally present in surface water and shallow ground water. Coliform in a water sample usually indicate that pollution is entering the water supply and that organisms which cause intestinal diseases may be present or may gain entrance to the supply. Proper location, construction and maintenance of a supply will prevent pollution from entering, thus assuring bacteriologically safe water.

**OPINIONS** checked below indicate the bacteriological quality of the water for drinking at time of sampling:

- 1.  **Safe for drinking.** but the continued safety depends upon the water supply being properly located, constructed and maintained. **DO NOT** rely on a "safe" analysis if there is any sanitary defect in location or construction of the water supply.
- 2.  **Coliform bacteria present in sample.** The water is **UNSAFE** to drink. Pollutional organisms are destroyed by bringing the water to a rolling boil for five minutes. We recommend disinfection of the supply prior to re-sampling. For instructions about disinfecting your well, please refer to the website fact sheets listed at the bottom of this page.
- 3.  **Results inconclusive.** A level of bacteria other than coliform was found. A good quality drinking water should have little or no bacteria present. We recommend disinfection of the supply prior to re-sampling. For instructions about disinfecting your well, please refer to the website fact sheets listed at the bottom of this page.
- 4.  **Sample invalid.** Bacteria other than coliform found that may have interfered with coliform analysis. A replacement bottle has been sent by the laboratory and must be collected within 24 hours of notification.

**CAUTION.....**If the analysis showed bacterial contamination, the water must be considered **UNSAFE** regardless of the amount. This office recommends disinfection of the supply to destroy undesirable bacterial contaminants prior to re-sampling. See the fact sheets below for instructions. Prompt steps should be taken to eliminate possible sources of contamination. Any necessary construction changes should be carried out to exclude the entrance of contamination.

Bored wells fact sheet: <http://www.idph.state.il.us/envhealth/factsheets/boredwlsFS.htm>

Drilled wells fact sheet: <https://www.idph.state.il.us/envhealth/factsheets/drilledwlsFS.htm>

If you have any questions concerning this report, please contact Michael Flanagan at (217) 363-3269.

RECEIVED

JUL 19 2016

CHAMPAIGN CO P & Z DEPARTMENT

Champaign County Public Health Department  
201 W. Kenyon Road, Champaign, IL 61820 ♦ (217) 363-3269 ♦ [www.c-uphd.org](http://www.c-uphd.org)



Willow Creek Farm  
1766 CR 1850 N  
Urbana, IL 61802

July 13, 2016

Dear Gwennatra D. Jackson,

My name is Victor Fuentes. I am the owner/operator of El Toro Mexican Restaurants, Wedge and V. Picasso in Champaign/Urbana. I have been living in Champaign County since 1998 and I am grateful and thankful for living in such a beautiful county. I have partnered up with Traci Lipps, owner of Willow Creek Farm. For the last year, she has been providing V. Picasso with beef, lamb, goat, chicken, eggs and vegetables. Willow Creek Farm is licensed with the Champaign County Health Department, as well as Illinois Department of Agriculture with a meat broker license and an egg license. Over the past year, we have converted part of the existing barn into an event center where we can hold meetings, retreats and receptions/weddings. We added a handicapped parking area next to the barn in addition to a parking gravel surface for overflow parking, to insure that there is never any vehicles visiting the farm parked on the county road or outside of the property. We also have installed a septic system that has been inspected and approved by the Champaign County Health Department.

The purpose of this letter is to inform you of our intentions with the future of Willow Creek Farm. It is our goal to educate and provide Champaign County residents an opportunity to experience a farm setting where kids and adults alike can escape the hustle of the city. We have partnered up with several different schools for field trips and with the Boys and Girls Club. The kids come to the farm to interact with the animals and can see our pastures and garden. We also are working on a partnership with the University of Illinois School of Veterinary Medicine.

We are hoping that we can count on your support to amend the Zoning Map to change the zoning district designation from AG-1 to AG-2. We would like to invite you to an Open House on Wednesday, July 27 from 5:00 to 7:00 p.m. so that we can share our facility with you and answer any questions that you may have. Please RSVP to [fuentes.victor11@gmail.com](mailto:fuentes.victor11@gmail.com).

Thank you in advance for your consideration and support. We look forward to seeing you on July 27.

Sincerely,

Victor Fuentes

cc: Susan Chavarria

RECEIVED

JUL 25 2016

CHAMPAIGN CO. P & Z DEPARTMENT



**DON MOYER  
BOYS & GIRLS CLUB**

**Officers**

Todd Petersen  
*President*

Michael Comet  
*Vice-President*

Dennis Hesch  
*Treasurer*

Sharva Hampton-Campbell  
*Secretary*

*Immediate Past President*  
Mark Ritz

**Board of Directors**

- Patrick Connolly
- Alejandra Coronel
- Mark Czys
- Anne Dill
- Chris Hamelberg
- Patrick Harrington
- Gary Hinton
- Gary Kling
- Marvin Lacy
- David Parkhill
- Mark Ritz\*
- Jaime Roundtree
- Cindy Somers
- Hope Wheeler
- Kristin Williamson

\*Past Presidents

**Lifetime Honorary**

**Board of Directors**

- J.C. Caroline
- Harold Dawson +
- Carl Greenstein, M.D.+
- Mark Holm
- Donald E. Moyer, Jr.
- Donald E. Moyer, Sr.+
- Penn Nelson
- Bill Proudfit
- Joseph Smith
- Kenneth Stratton+
- Clarence Thompson+

+Deceased

**Executive Director**

Samuel P. Banks

July 26, 2016

RE: Willow Creek Farm

To Whom It May Concern:

I am pleased to provide this letter of support for Traci Lipps and her farm.... Willow Creek Farm.

Over the past year Don Moyer Boys & Girls Club has benefitted greatly by Ms. Lipps providing a setting for youth from the Club to learn about caring for animals, farming and fishing. It is rare for most of our youth, to be in a setting where they can see firsthand all that someone like Ms. Lipps does on her farm. The Boys & Girls Club has welcomed the opportunity for our youth to receive an education on everything from the care of the animals, to the preparation for the various activities that take place on her property.

Her willingness to open her farm to our youth demonstrates her interest in not only using her property for various farming and business related activities but to provide underserved youth with unique and educational experiences as well. Her outreach to youth from the Boys & Girls Club certainly demonstrates her concern for making a positive impact on youth in the community and we look forward to continuing our relationship with Ms. Lipps in the future.

The Don Moyer Boys & Girls Club Board and staff wholeheartedly supports Ms. Lipps request for a special use permit. Thank you for your attention and regard.

Sincerely,

Samuel P. Banks  
Executive Director

**RECEIVED**

JUL 28 2016

**CHAMPAIGN CO. P & Z DEPARTMENT**



# Carroll Fire Protection District

*"Volunteering To Save Lives"*

7/25/2016

Willow Creek Farm

1766 CR 1850 N

Urbana, IL 61802

To whom it may concern,

The Carroll Fire Department has inspected the property known as "Willow Creek Farm," and found the facility to be in compliance as far as we know. Things that were specifically looked at were:

- Panic Door Equipment
- Exit lights
- Extinguishers
- Handicap Ramp, and needs (rails, doors, etc.).

The property meets all current ADA (American Disability Act) rules.

Respectfully,

James Green, Chief

Carroll Fire Protection District

**RECEIVED**

JUL 28 2016

**CHAMPAIGN CO. P & Z DEPARTMENT**

# CHAMPAIGN COUNTY PUBLIC HEALTH DEPARTMENT

1705 CLARK STREET • PEORIA, ILLINOIS 61603 • CHAMPAIGN.IL.GOV

## Health Permit

### Willow Creek Farm

1766 CR 1850N

Address

Urbana, IL

City, State

C-2484

Permit Number

Champaign County  
201 W. Evesyem  
(317) 363-3269  
[www.c-county.org](http://www.c-county.org)



Champaign County Health Department  
Urbana, IL 61800

*Justin H. ...*  
Justin H. ...

IF YOU HAVE ANY QUESTIONS OR NEED ASSISTANCE, PLEASE CONTACT THE CHAMPAIGN COUNTY HEALTH DEPARTMENT AT 317-363-3269. WE ARE HERE TO HELP YOU WITH ANY HEALTH PERMIT APPLICATIONS. PLEASE VISIT [www.c-county.org](http://www.c-county.org) FOR MORE INFORMATION.

CHAMPAIGN COUNTY HEALTH DEPARTMENT  
Urbana, IL 61800  
317-363-3269  
www.c-county.org

**WRITTEN PROTEST  
CASE 830-AM-16**

The undersigned, owners of land immediately touching or immediately across a street or public right-of-way from, at least 20 feet of the perimeter of the land sought to be rezoned herein, hereby protest against the proposed map amendment this 15 day of July, 2016.

This written protest shall be filed in the office of the Champaign County Clerk, and a copy shall be served by certified mail upon the applicants at the addresses shown in the application for the proposed amendment:

Traci Lipps, 1766 County Road 1850 N, Urbana, IL 61802

Victor Fuentes, 1766 County Road 1850 N, Urbana, IL 61802

A copy shall also be served by certified mail upon the attorney believed to be representing the applicants:

Ms. Jenny H. Park  
Attorney at Law  
306 W. Church Street  
Champaign, IL 61820

**FILED**

JUL 19 2016

*Henry Miller*  
CHAMPAIGN COUNTY CLERK

  
Kenneth Lee Johnson,  
Trustee of the Kenneth Lee Johnson Trust

Owner of property located at: 1751 County Road 1850 N, Urbana, IL 61802  
PIN: 25-15-36-400-008

  
Bobbie Jo Johnson

Owner of property located at: 1755 County Road 1850 N, Urbana, IL 61802  
PIN: 25-15-36-400-007

**RECEIVED**

JUL 19 2016

**CHAMPAIGN CO. P & Z DEPARTMENT**

**WRITTEN PROTEST  
CASE 830-AM-16  
(Continued)**

James A. Talley Jr.

Owner of property located at:

PIN: 25 15 36 101 001

Ronald Weidner

Owner of property located at:

PIN: 25 15 36 260 005

Joe M. Gebel

Owner of property located at:

PIN: 25-15-36-101-003

Maureen Clark

Owner of property located at:

PIN: 25-15-36-101-004

\* Joseph M. Muehlebach 25-15-36-101-007

Owner of property located at: ON SOUTH FORTY DRIVE BUT NOT TOUCHING PROPERTY OF PETITIONER  
PIN:

Doug Harshaw 25 15 36 400 002

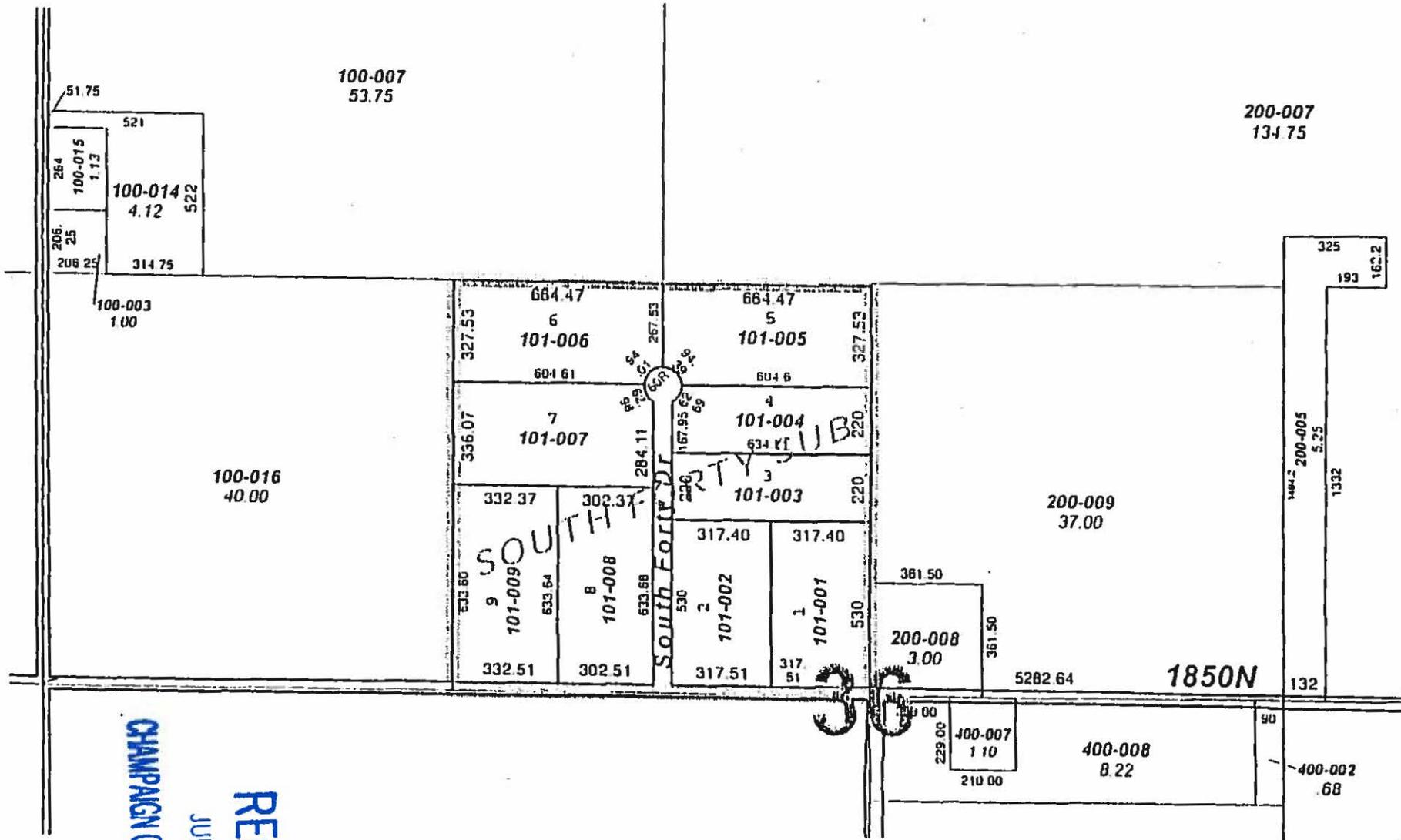
Owner of property located at:

PIN:

**RECEIVED**

JUL 19 2016

**CHAMPAIGN CO. P & Z DEPARTMENT**



**RECEIVED**  
 JUL 19 2016  
 CHAMPAIGN CO. P & Z DEPARTMENT

**PETITION OPPOSING  
CASE 830-AM-16  
and  
CASE 831-S-16**

The undersigned owners and occupants of adjacent or nearby property are opposed to the proposed zoning map amendment and special use permit requests made by the owner of "Willow Creek Farm" herein.

We are familiar with the representations made in the respective Petition For Zoning Map Amendment and Application For Special Use Permit. We are also familiar with the property in question, the character of the immediate neighborhood, and the needs of the farm community dependent upon the adjacent road.

It is the opinion of each of the undersigned landowners in the affected area, that the proposed map amendment is unwarranted and substantially contrary to the character of the area.

It is also the opinion of each of the undersigned that granting of the special use permit, even with strict and carefully designed conditions, would lead to immediate and constant burdens and hardships to be suffered by the undersigned and countless others who we feel are entitled to continued peaceful and unobstructed use of our property and roads. Relying on enforcement of conditions and limitations on intrusive activity is unrealistic no matter how well-intentioned the Petitioner's promises and representations may be.

We earnestly request that the zoning map amendment be denied, as being without any sound basis in law and common sense. We also strenuously object to the proposed uses that are the subject of the special use permit, regardless of whatever conditions might be imposed in an effort to reduce the burdens and hardships imposed by the proposed activity.

NAME:

ADDRESS:

Glynis Barker	Glynis Barker	1824 CR 1750 E Urbana
* Gwendolyn Jackson	Gwendolyn Jackson	1870 South Forty Dr. Urbana
<del>Christoph Johnson</del>	Christopher Johnson	1755 CR 1850 N. Urbana
Bobbie Johnson	Bobbie Johnson	1755 CR 1850 N. Urbana
Leon Thomas	Leon Thomas	1755 CR 1850 North Urbana

**RECEIVED**

JUL 19 2016

**PETITION OPPOSING  
CASE 830-AM-16  
and  
CASE 831-S-16**

The undersigned owners and occupants of adjacent or nearby property are opposed to the proposed zoning map amendment and special use permit requests made by the owner of "Willow Creek Farm" herein.

We are familiar with the representations made in the respective Petition For Zoning Map Amendment and Application For Special Use Permit. We are also familiar with the property in question, the character of the immediate neighborhood, and the needs of the farm community dependent upon the adjacent road.

It is the opinion of each of the undersigned landowners in the affected area, that the proposed map amendment is unwarranted and substantially contrary to the character of the area.

It is also the opinion of each of the undersigned that granting of the special use permit, even with strict and carefully designed conditions, would lead to immediate and constant burdens and hardships to be suffered by the undersigned and countless others who we feel are entitled to continued peaceful and unobstructed use of our property and roads. Relying on enforcement of conditions and limitations on intrusive activity is unrealistic no matter how well-intentioned the Petitioner's promises and representations may be.

We earnestly request that the zoning map amendment be denied, as being without any sound basis in law and common sense. We also strenuously object to the proposed uses that are the subject of the special use permit, regardless of whatever conditions might be imposed in an effort to reduce the burdens and hardships imposed by the proposed activity.

NAME:	ADDRESS:
<i>Philip A. Phillips</i>	<i>3113 Newtonwood</i> <sup>Urbana, IL</sup>
<i>Jan Jurgens</i>	<i>3213 N. Cottonwoods Rd Urbana IL 61802</i>
<i>Richard A. Bensch</i>	<i>1726 County Road <sup>1850N</sup> Urbana, IL. 61802</i>
<i>Vivian C. Bensch</i>	<i>1726 County Road 1850N Urbana, IL 61802</i>
<i>Jim C. Rucke</i>	<i>1865 SOUTH FORTY DR URBANA IL 61802</i>
<i>Colleen A. Rucke</i>	<i>1865 SOUTH FORTY DR URBANA IL 61802</i>

**RECEIVED**  
JUL 19 2016

RECEIVED

PETITION OPPOSING  
CASE 830-AM-16  
and  
CASE 831-S-16

JUL 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

The undersigned owners and occupants of adjacent or nearby property are opposed to the proposed zoning map amendment and special use permit requests made by the owner of "Willow Creek Farm" herein.

We are familiar with the representations made in the respective Petition For Zoning Map Amendment and Application For Special Use Permit. We are also familiar with the property in question, the character of the immediate neighborhood, and the needs of the farm community dependent upon the adjacent road.

It is the opinion of each of the undersigned landowners in the affected area, that the proposed map amendment is unwarranted and substantially contrary to the character of the area.

It is also the opinion of each of the undersigned that granting of the special use permit, even with strict and carefully designed conditions, would lead to immediate and constant burdens and hardships to be suffered by the undersigned and countless others who we feel are entitled to continued peaceful and unobstructed use of our property and roads. Relying on enforcement of conditions and limitations on intrusive activity is unrealistic no matter how well-intentioned the Petitioner's promises and representations may be.

We earnestly request that the zoning map amendment be denied, as being without any sound basis in law and common sense. We also strenuously object to the proposed uses that are the subject of the special use permit, regardless of whatever conditions might be imposed in an effort to reduce the burdens and hardships imposed by the proposed activity.

NAME: SIGNATURE, ADDRESS:

NAME:	SIGNATURE	ADDRESS:
JAMES A. TALLEY <small>PRINT</small>	<i>James A. Talley</i>	1749 CR 1850N U.S.
Ron Wedner	<i>Ron Wedner</i>	1776 CR 1850N U.S.
Teresa Gabel	<i>Teresa Gabel</i>	1862 South Forty Urbana
Shaannon Clark	<i>Shaannon Clark</i>	1866 S. Forty Dr Urbana
JOSEPH M. MAROCCHIO	<i>Joseph Marocchio</i>	1863 South Forty Drive Urbana
DOUG HANSHAW	<i>Doug Hanshaw</i>	1773 CR 1850N URBANA
Barry Stanford	<i>Barry Stanford</i>	3612 W COTTENWOOD URBANA

**PETITION OPPOSING  
CASE 830-AM-16  
and  
CASE 831-S-16**

The undersigned owners and occupants of adjacent or nearby property are opposed to the proposed zoning map amendment and special use permit requests made by the owner of "Willow Creek Farm" herein.

We are familiar with the representations made in the respective Petition For Zoning Map Amendment and Application For Special Use Permit. We are also familiar with the property in question, the character of the immediate neighborhood, and the needs of the farm community dependent upon the adjacent road.

It is the opinion of each of the undersigned landowners in the affected area, that the proposed map amendment is unwarranted and substantially contrary to the character of the area.

It is also the opinion of each of the undersigned that granting of the special use permit, even with strict and carefully designed conditions, would lead to immediate and constant burdens and hardships to be suffered by the undersigned and countless others who we feel are entitled to continued peaceful and unobstructed use of our property and roads. Relying on enforcement of conditions and limitations on intrusive activity is unrealistic no matter how well-intentioned the Petitioner's promises and representations may be.

We earnestly request that the zoning map amendment be denied, as being without any sound basis in law and common sense. We also strenuously object to the proposed uses that are the subject of the special use permit, regardless of whatever conditions might be imposed in an effort to reduce the burdens and hardships imposed by the proposed activity.

NAME:

ADDRESS:

Rand Phillips Rand Phls 1749 C.R. 1825 N Urbana IL 61802

William H. Shumate 1824 CR 1950 N. 61802

Kathryn Shumate 1824 CR 1950 N 61802

Kenneth L. Johnson KENNETH L. JOHNSON 1751 C.R. 1825 N. URBANA

**RECEIVED**

JUL 19 2016

**PETITION OPPOSING  
CASE 830-AM-16  
and  
CASE 831-S-16**

The undersigned owners and occupants of adjacent or nearby property are opposed to the proposed zoning map amendment and special use permit requests made by the owner of "Willow Creek Farm" herein.

We are familiar with the representations made in the respective Petition For Zoning Map Amendment and Application For Special Use Permit. We are also familiar with the property in question, the character of the immediate neighborhood, and the needs of the farm community dependent upon the adjacent road.

It is the opinion of each of the undersigned landowners in the affected area, that the proposed map amendment is unwarranted and substantially contrary to the character of the area.

It is also the opinion of each of the undersigned that granting of the special use permit, even with strict and carefully designed conditions, would lead to immediate and constant burdens and hardships to be suffered by the undersigned and countless others who we feel are entitled to continued peaceful and unobstructed use of our property and roads. Relying on enforcement of conditions and limitations on intrusive activity is unrealistic no matter how well-intentioned the Petitioner's promises and representations may be.

We earnestly request that the zoning map amendment be denied, as being without any sound basis in law and common sense. We also strenuously object to the proposed uses that are the subject of the special use permit, regardless of whatever conditions might be imposed in an effort to reduce the burdens and hardships imposed by the proposed activity.

NAME:

ADDRESS:

<u>Levys Rose</u>	<u>3211 N. Cottonwood Rd U. 61802</u>
<u>Jori Martin</u>	<u>3207 N. Cottonwood Rd. U. 61802</u>
<u>Daniel Martin</u>	<u>3207 N. Cottonwood Rd U. 61802</u>
<u>Jacob Martin</u>	<u>3207 N. Cottonwood Rd U. 61802</u>

**RECEIVED**

JUL 19 2016

NAME: Gwennatra D. Jackson

ADDRESS: 1870 S. Forty Drive  
Urbana IL 61802

PROPERTY LOCATION: 1870 S. Forty Drive

PIN: 25-15-36-101-005

Loud noise late at night  
shooting guns and explosive

RECEIVED

JUL 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

NAME: DeWayne & Shaennon Clark

ADDRESS: 1866 S. Forty Drive  
Urbana IL 61802

PROPERTY LOCATION: 1866 S. Forty Drive

PIN: 25-15-36-101-004

RECEIVED

JUL 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Concerns we have regarding the event center include:

- 1) more traffic & blind spots caused by high COEN especially on the corner of OAKS & Cottonwood.
- 2) we are hoping the shooting will cease. The shooting does not seem controlled. It appears that it is in the direction of houses including our house. Also the weapons used are very loud and cause noise that shakes our house at times. This has subsided since the notice went out about the event center.
- 3) Noise at night and unwanted activity. This is a quiet area and this will cause more noise and people in the area we don't know.

3) cont.

There have already been late nights where there was activity past 10pm. One was 6/25/16

Also for the 4<sup>th</sup> <sup>of July</sup> they shot fireworks late ~~on~~ on 6/30 & 7/4/16. We had to go to work in the morning both nights.

RECEIVED

JUL 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

D. Van Oka  
Danner Oka

7/9/16

NAME: Bobbie Jo Johnson  
ADDRESS: 1755 County Road 1850 N  
Urbana IL 61802  
PROPERTY LOCATION: 1755 County Road 1850 N  
PIN: 25-15-36-400-007

RECEIVED

JUL 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Very upsetting and in business like to say on record (at the last meeting) that the parking lot that was put in, was put far enough away from the "event center" because it was a nuisance to them! well how about the nuisance the your neighbors?

The amount of traffic that I see on a daily basis and the speeds are some what ridiculous, when the wedding event took place in June (the end of June) and yes some people were shuttled, the shuttle driver alone seemed to be doing from 0-50 from Lipps drive to mine which is approx. 250 ft. ~~Approx. 250 ft.~~

The golf carts that also raced up and down the drive added extra noise (which were used to transport persons from parking lot to event center).

Speaking of "event center" if all events are or will be held in the event center, why were persons allowed to ride horses around the grounds? a hayrack ride? and music til ~~the~~ late?

The lights in the drive way, are a distraction, it bothers

S: RMI JOHNSON, KENNETH MISCELLANEOUS REAL ESTATE NAME & ADDRESS 400-007 DOCX

a persons right vision, Quiet & Solitude of the purpose  
"being & living in the Country"

with regards to the lights Couldn't they only be on when  
and only when there are events? Since that's why  
they were put in, for safe travels from "event parking lot  
to event center"? and "no" extra lights be placed  
around or near for parking lot.

This event center is in the middle of an A6 zoned  
district and ~~area~~ has neighbors all around it.  
~~Therefore~~ I am not in favor of this at all, and am  
hoping the members of any and all boards that  
read this understand what the neighbors would  
have to endure, and change the way they live. It is  
very upsetting again. That no attempts again have  
been made to contact anyone surrounding the center  
and yet this business is still continuing to go full steam  
ahead. I've not seen or heard of any event centers in the  
middle of residences, like what they are asking for.

I hope you all ~~think~~ <sup>take</sup> this very seriously and imagine if  
you were in our shoes that you for you too.

RECEIVED

JUL 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

*Betsy Alder*

NAME: Mark C. & Colleen A. Ruebke  
 ADDRESS: 1865 S. Forty Drive  
 Urbana IL 61802  
 PROPERTY LOCATION: 1865 S. Forty Drive  
 PIN: 25-15-36-101-008

RECEIVED

JUL 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

The legal description of our property is Lot 8 in South Forty Subdivision. We are located three houses west of the property at 1766 CR 1850N. Eight other houses are in this subdivision. In addition, two houses are located directly across from the property, many houses are located west ~~of~~ along Oaks Road, and a number of houses are located east along Oaks Road.

We understand that the owner of 1766 CR 1850N wants to rezone it so that she can operate an events center. We are opposed to the rezoning. Rezoning this property would go against several of the purposes of the Champaign County Ordinances which are Section 2.e: "promoting the public health, safety, comfort, morals, and general welfare" and Section 2.l: "prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICTS." Also, it would go against several of the purposes of the Champaign County Public Nuisance Ordinance which include Section 1.N: "preventing the occurrence of vehicular accidents on public and private roads" and Section 1.O: "preventing the destruction or diminution of the peace and repose of residential neighborhoods."

Specifically, we see the following negative results of an events center located on Oaks Road (1850N), next to the South Forty Subdivision and across the road from several houses: increased noise from people and vehicles; increased traffic making driving on a very narrow country road more hazardous, increasing the chance of an accident at an already dangerous intersection (Oaks Road and Cottonwood Road), and increasing the chance of a pedestrian accident (with children playing along Oaks Road or adults crossing the road to get their mail); decreased privacy as the increased traffic means more people are driving past our property; increased lights outdoors for the building and parking lot which is a nuisance for those of us living next door who want to get away from the "city" lights; and potential for increased crime as more people discover the houses in this area.

S:\RMJ\JOHNSON, KENNETH\MISCELLANEOUS REAL ESTATE\NAME & ADDRESS 101-008.DOCX

We moved out to the country for peace and quiet and privacy. As several of Champaign County ordinances have these same goals for their residents, we ask that you would please keep this area residential and deny the rezoning of 1766 CR 1850N. Thank you for allowing us to express our views.

Mark C. Ruebke

Colleen A. Ruebke

NAME: Kenneth Lee Johnson  
ADDRESS: 1751 County Road 1850 N  
Urbana IL 61802  
PROPERTY LOCATION: 1751 County Road 1850 N  
PIN: 25-15-36-400-008

RECEIVED

JUL 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

- 1) noise
- 2) trash
- 3) traffic
- 4) parking lot is ~~an~~ a nuisance to me being 250 ft. from my back door, the head light Shinning into my house from the cars/trucks and the "Utility Carts" driving back and forth from the "Event center" - the Carts are/(will be) escorting persons to and from this vehicles, from parking lot to event center.
- 5) already had "Carts" (4 wheel ect) using public road way). If not following the rules before I.E. now, what makes anyone think, rules will be followed later?!
- 6) \* drive way lights, at first it was mentind that (or so heard) that the drive way light S were put in for the "event center", now it is said, that it has to do with Mrs. Lipp's "Dun" property. being too dark to see to get home at night. ~~over the edge~~ these lights lead to the parking lot that does affect the "event center" they should be turned off at 10:00 pm. like the noise curfew. is to be in place. (enforced!)

- 7- noise, music, fireworks, past noise violations, gun fire and explosions. just if not second 10:00 PM. Generation farmers know gun fire etc. are not good for livestock
- 8 no security in the events that have already taken place. which should be ~~consideration~~ consideration.

Mostly feeling little regard for neighbors, doing what ever they may please. and continue to do so. it is very upsetting.

- with all the work that has been done what about the tile, drains, water issues, in the ditches, farmland? How can this be watched down the road  
 This would be in the middle of an Agriculture and residential district, there is no need in having this  
 I am very against having this.

Concern of the traffic, persons not aware of "Country" roads they are not, lined, concrete, etc... and people whom are not used to the driving, do not know how to pull over enough for a passing car i.e. making the other car go into the ditch. On the day of the wedding event, it was very hot, alot of traffic, the tar on the road was unbelievable, and with funds in our township very so low. we never get more rock so we've had to deal with that. on top of more pot holes. etc... General safety concerns as well.

**RECEIVED**

JUL 19 2016

**CHAMPAIGN CO. P & Z DEPARTMENT**

July 20th

NAME: Richard & Teresa Gabel

ADDRESS: 1862 S. Forty Drive  
Urbana IL 61802

PROPERTY LOCATION: 1862 S. Forty Drive

PIN: 25-15-36-101-003

RECEIVED

JUL 19 2016

CHAMPAIGN CO. P & Z DEPARTMENT

See attached also

- sewer/drainage - we were told that they had to put in extra sewers for the number of people at the party, but all the sewers drain into the same field tile. ~~our~~ Our subdivision, and our yard, already has drainage issues. Are they going to be required to upgrade the tile to handle the extra water?

- manure - as a commercial property, will they still be able to spread manure on the farm ground or easement? either way, is there a restriction on how close they can spread manure to the property line? It is not pleasant to have an east wind after they have spread.

Joseph Gabel  
P & Z

**Concerns over Willow Creek Farm Event Center:**

In general, we have concerns about our quality of life with a commercial property adjacent to our residential property. We moved to a rural area for the peace and quiet and ability to enjoy quiet evenings outdoors which I don't expect to continue. When we purchased our property 13 years ago, the land behind us was agricultural which means tractors 2 – 3 times a year but no additional equipment or traffic on the adjacent property. Now we have fields that are being mowed on a regular basis and trees planted on the property line that will grow into the power lines and a fence on the property line (i.e. no easement at all) to prevent access by anyone, including the utility companies should an issue arise.

Some other specific areas of concern that we have are as follows:

**Traffic:**

- People who do not live in rural areas do not understand the danger of driving on rural roads so I anticipate more accidents or more danger to those that do live in the area (not just adjacent to the property). We have a lot of deer in the area and blind corners when the crops are up. Not to mention that many people think they can drive at any speed because there are no posted signs. When the roads are freshly rocked, they also become more dangerous for anyone used to driving only on city streets.
- I'm assuming that most of the evening events will involve alcohol which increases the chances of having drunk drivers on unfamiliar roads. Our subdivision has an almost blind entrance so I am concerned that impaired drivers won't be prepared for cars entering and leaving our subdivision which could result in more accidents.
- Will there be any restrictions on the timeline for events? Will they have to shut down by 1 am or 3 am similar to bars in town or is there no limit so the drivers can be on the road at any time?
- With the increased traffic and potential for impaired drivers, will we see an increased presence of law enforcement? Currently, we see very few patrol cars on our roads but more may be needed to address the hazards noted previously.
- The township is already struggling financially, or at least that is their reason for the large potholes on our road that go unfixed, and now we are going to be adding a lot more traffic on an already busy road. Since the business is causing the additional traffic, will they be responsible for additional fees or taxes that will help maintain the roads?

**Noise:**

- I am already tired of being awakened at 11 pm by fireworks or kept awake because they are firing them off for an hour or more. Since fireworks are illegal in IL anyway, I think a commercial business should be prohibited from allowing parties (personal or paying) to use fireworks on the property. And law enforcement should respond appropriately when complaints are filed against a location.
- While the target practice on the gun range has settled down, I don't like the idea of the repeated gunfire when I'm trying to enjoy the quiet of the outdoors. The fact that multiple neighbors have had damage from stray bullets, it makes me concerned for my personal safety. It is just another example of how the owners have no respect for their neighbors and care only about what they want to do.
- Although there are noise ordinances in effect, I am not sure how to make complaints and have no confidence that anything will be done about it. I think all homes in the neighborhood should be provided with more information on the ordinance itself and how to make a complaint and what to expect once the complaint is made. I don't imagine that a simple phone call is going to be sufficient to force a group of parties to immediately quiet down and go home.

**RECEIVED**

JUL 19 2016

**CHAMPAIGN CO. P & Z DEPARTMENT**



JUL 7 20  
AUG 11

NAME: W. Douglas C. Hanshaw  
ADDRESS: 1773 County Road 1850 N  
Urbana IL 61802  
PROPERTY LOCATION: 1773 County Road 1850 N  
PIN: 25-15-36-400-002

RECEIVED

JUL 20 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Let me Get this STRAIGHT.  
YOUR ASKING me IF I WANT A  
BUSINESS Right ACROSS the STREET  
from my house THAT CAN  
ACCOMMODATE 100 people OR more

THAT will Be DRINKING ALCOHOL Late  
into the night with BANDS and fireworks  
And whatever the party WANTS.

Then HAVE All these people 100 or more  
coming BACK to these CARS that ARE  
parked ACROSS from my house RAISING hell  
And going Past my house Late AT night.

HELL NO  
Doy Hanshaw

July 20

RECEIVED

JUL 21 2016

NAME: J. Ronald Weidner  
 ADDRESS: 1776 County Road 1850 N  
 Urbana IL 61802  
 PROPERTY LOCATION: 1776 County Road 1850 N  
 PIN: 25-15-36-200-005

CHAMPAIGN CO. P &amp; Z DEPARTMENT

Do you know why people move to the country? It's not to live close to a business where there is always construction, noise, dust, cars coming and going, a lit driveway  $\frac{1}{3}$  mile long that boasts of enough light to light up a landing strip. Makes it seem like daylight.

We move to the country to enjoy the peaceful, quiet sunsets and sunrises, the opportunity for space, chance to hear the birds sing, see the rainbows, and watch the crops grow. Just enjoy Mother Nature in peace and quiet.

BUT, besides all that, we are very concerned with a business right ~~at~~ <sup>in</sup> door. That means many more cars and traffic of all kinds, i.e. delivery vehicles, worker's vehicles, constant construction ~~and~~ <sup>and</sup> repairs. Our county roads will be torn up much sooner than otherwise. County budgets are tight enough without added repair expenses.

Even though they have put in a small parking lot, some guests will end up parking along the road. These roads are narrow enough without having to dodge people, drinks and drunk cars.

Late night events with people drinking leads to a lot of risk leads to a risk of drunken people driving or walking

S:\RM\FJOHNSON, KENNETH\MISCELLANEOUS REAL ESTATE NAME &amp; ADDRESS 200-005.DOCX

along the narrow country roads. That is too dangerous for persons unfamiliar with the area, let alone, the persons living here. Sound is a big issue. The events could produce noise that continues late at nite. Bands, DJ's, people celebrating

Noise continued: Noise really carries in the country. We are all concerned about the added noise.

We like to leave our windows open when weather permits. Therefore, the possibility of the added music, bands, DJ's and revelers, the boisterous guests is a major concern.

I am concerned about my own privacy.

We have had persons come to our home looking for the Lipp's property. We politely give them directions to next door. I am worried that the

Lipp's events might have guests coming up our lane (possibly when we are not here) thinking this is another way to get up to their house.

Especially if the Lipp's parking lot is full, we might find unknown persons parking @ our house.

Plus, one never knows when someone is just "drooping out the area." Privacy is what we are concerned about and what we want. We might have to put up a gate at the end of our lane. That is very expensive for us.

We are opposed to the proposed change to the current zoning. Too bad Mrs. Lipp has put in a lot of expense for this business. The zoning change requested should have been done first. Just because all of her changes have been done does not entitle her or anyone to automatically get the zoning changed in her favor.

If a person wants a nite club, there are plenty of locations already zoned for that in town. Keep these business in town, or an area already zoned appropriately.

We are opposed to the zoning change for the Lipp's property. That also leads the way for others to try to bring more business to the country.

Please vote 'NO' to the zoning request.

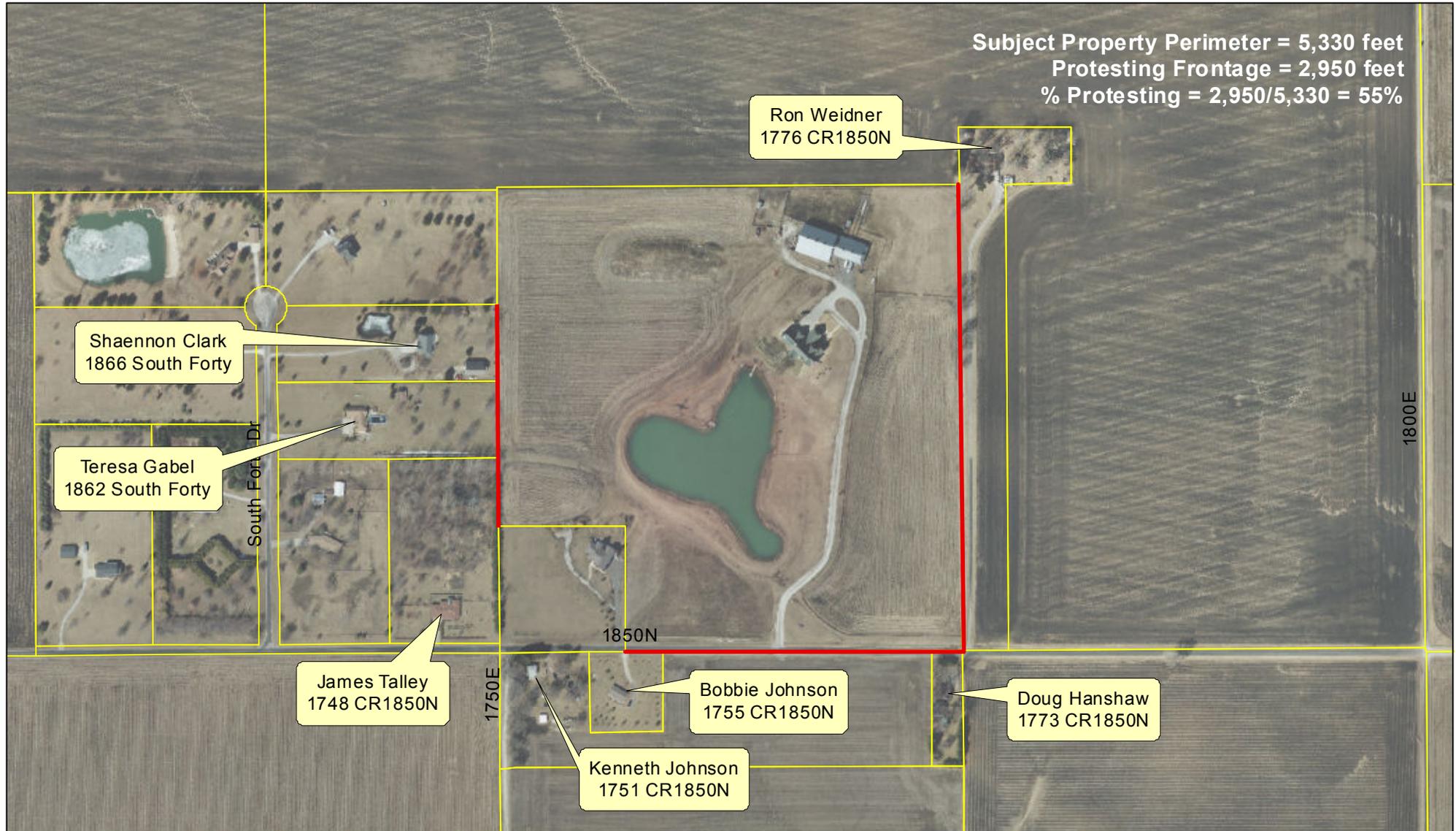
Ron + Kay  
Weidner

### Outline

- Why we live in the country
- noise pollution
- added traffic
- safety
- privacy
- follow zoning laws
- risk of more business moving to rural areas

# Frontage Protests and Neighbor Opposition

Cases 830-AM-16 and 831-S-16  
August 11, 2016



## Legend

 Parcels

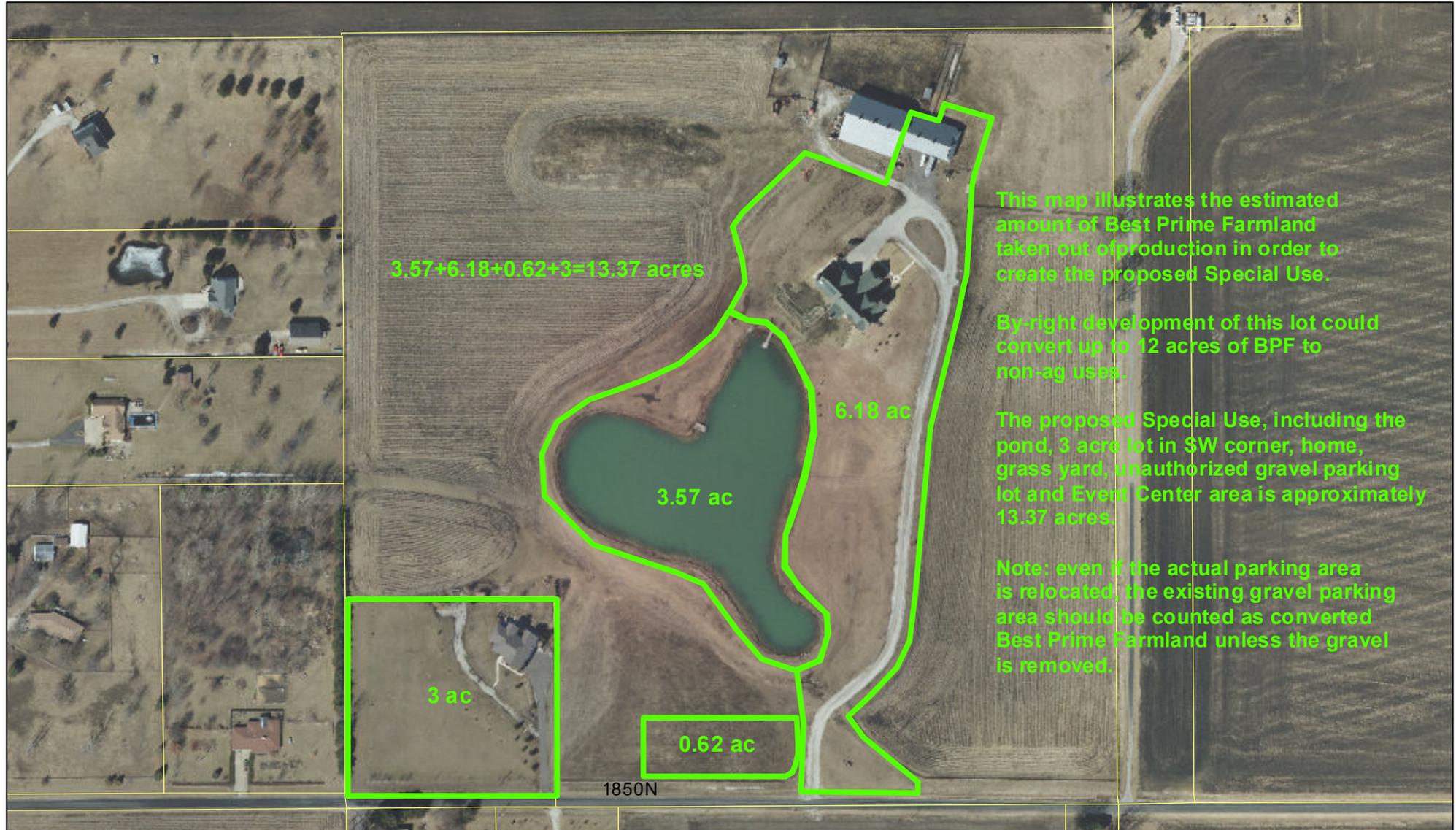
0 100 200 400 Feet



Champaign County  
Department of  
PLANNING &  
ZONING

# Estimate of Best Prime Farmland Conversion

Cases 830-AM-16 and 831-S-16  
August 11, 2016



## Legend

 Parcels

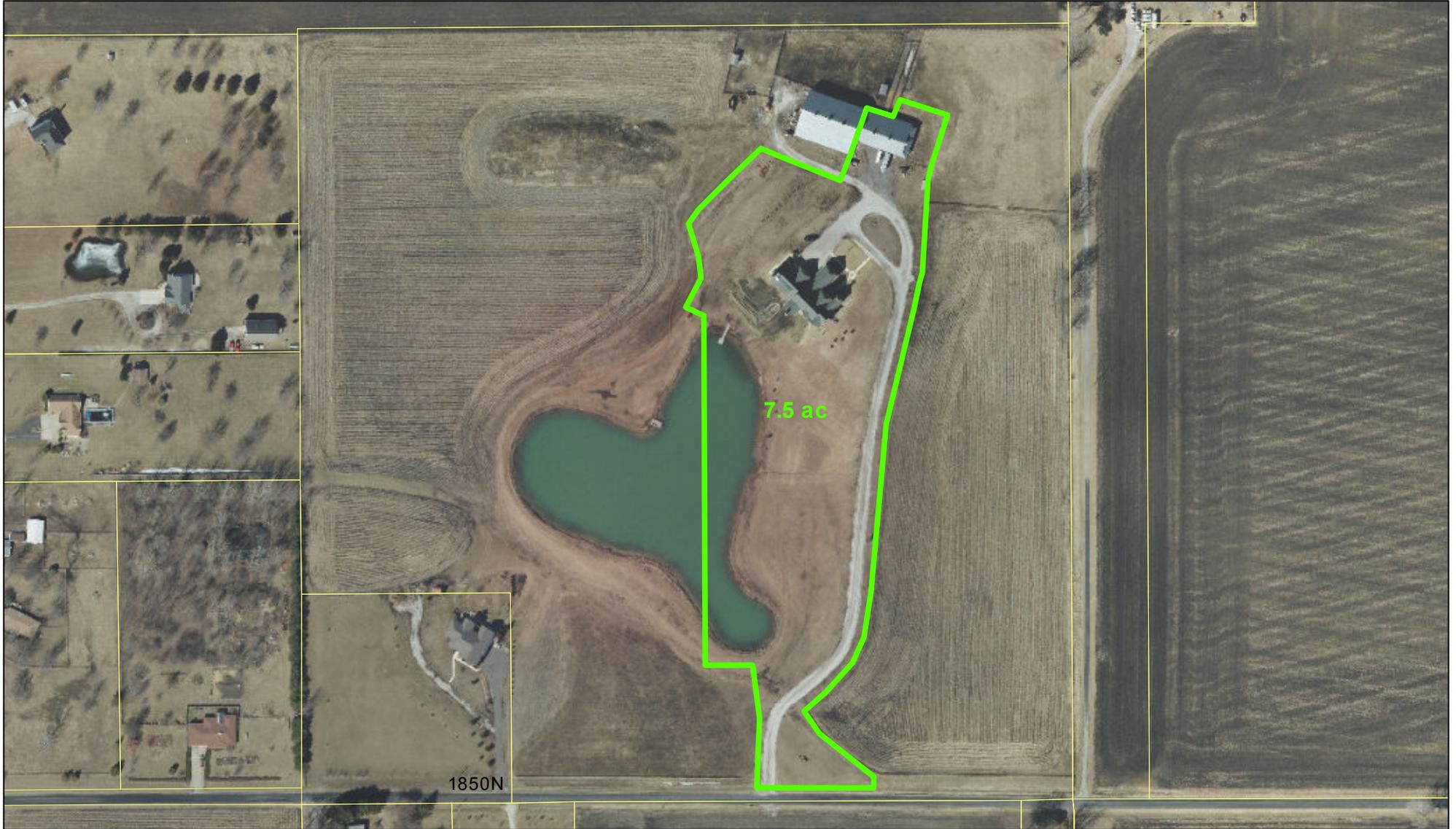
 Feet  
0 60 120 240



Champaign County  
Department of  
PLANNING &  
ZONING

# Possible Special Use Area Boundary (created by staff)

Cases 830-AM-16 and 831-S-16  
August 11, 2016



## Legend

 Parcels

 Feet  
0 60 120 240



Champaign County  
Department of  
PLANNING &  
ZONING

**REVISED DRAFT 08/04/16**

**830-AM-16**

**FINDING OF FACT  
AND FINAL DETERMINATION**

**of  
Champaign County Zoning Board of Appeals**

---

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

Date:                         ***{August 11, 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.**

---

**Table of Contents**

**Finding of Fact .....1 - 36**

**Documents of Record.....37 - 39**

**Case 830-AM-16 Summary Finding of Fact.....40 - 43**

**Case 830-AM-16 Final Determination ..... 44**

Case 830-AM-16

REVISED DRAFT 08/04/16

Page 2 of 44

## FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 12, 2016, and August 11, 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 CR1850N, Urbana.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana, which is approximately 2.2 miles from the subject property as the crow flies and 2.65 miles by road.
  - \*B. The subject property is located within Somer Township, which does not have a Planning Commission.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“Would like property to remain agriculture. Need Special Use Permit for 2,500 square feet in existing barn to accommodate events.”**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner 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:

**REVISED DRAFT 08/04/16**

**Case 830-AM-16**  
**Page 3 of 44**

- \* (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;

***REVISED DRAFT 08/04/16***

- \*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.

**REVISED DRAFT 08/04/16**

**Case 830-AM-16**  
**Page 5 of 44**

- \* (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.

**REVISED DRAFT 08/04/16**

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

**REVISED DRAFT 08/04/16**

- \* (1) A 2,317 square foot dining area;
  - \* (2) A 1,278 square feet preparation area;
  - \* (3) Two handicap accessible restrooms;
  - \* (4) Five handicap accessible parking spaces;
  - \* (5) A fenced exterior entertainment area with the following features:
    - \* a. One pergola with one 8-place table;
    - \* b. One pergola with one 5-place table;
    - \* c. 11 stand-up type tables (1 accessible);
    - \* d. A silo converted to a bar with an accessible service height; and
    - \* e. Concrete paving connecting the entryway to the events center, 5-place pergola, silo bar, and accessible parking in front of the event center.
  - \* (6) A note that maximum interior occupancy is 160 persons, maximum interior plus exterior occupancy is 200 as determined by the restrooms.
  - \* (7) Accessibility compliance statement by Illinois Licensed Architect Gaylord H. Swisher.
- \*I.** The 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.
- \*J.** There was one previous zoning case for the subject property:
- \* (1) Case 535-S-06 was approved September 28, 2006 for construction of the 5 acre pond.

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

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

***REVISED DRAFT 08/04/16***

- \* (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.

**REVISED DRAFT 08/04/16****Case 830-AM-16**

Page 9 of 44

- (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);

***REVISED DRAFT 08/04/16***

- (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;

**REVISED DRAFT 08/04/16****Case 830-AM-16  
Page 11 of 44**

- (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.**

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:

**REVISED DRAFT 08/04/16****Case 830-AM-16  
Page 13 of 44**

- 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 want to~~ establishing a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use, which requires use of Best Prime Farmland for parking areas.

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

**REVISED DRAFT 08/04/16**

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 171B Catlin silt loam, and has an average LE of 95.
- b. The Site Assessment (SA) portion of the LESA analysis scored 169 out of 200 points.
- c. The total LESA Score of 264 receives the highest protection rating in LESA which is “very high rating for protection.” The petitioners propose to maintain agricultural operations on the property and supplant those with educational and entertainment opportunities related to farm-to-table operations. No land will be taken out of production, although approximately 0.5 acres of land was converted to a gravel parking lot to accommodate events center guests without prior authorization from the Zoning Department.
- d. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland.
- e. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- f. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.2.1, Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
- g. There are no relevant policies having to do with minimizing the conversion of farmland but the proposed development will take no land out of production.
- h. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.
- i. A special condition has been added for the proposed Special Use in related Case 831-S-16 to require a Temporary Use Permit for those events anticipating greater than 20 vehicles such that the proposed events center generates a similar amount of traffic to what would be created under by-right development conditions on best prime farmland.

**REVISED DRAFT 08/04/16****Case 830-AM-16**  
**Page 15 of 44**

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

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

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

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

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

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

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

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

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

**REVISED DRAFT 08/04/16**

**farm to Central Illinois through both educational opportunities and farm sourced meals and events.”**

- (b) The proposed Special Use Permit will host agricultural themed weddings and events which rely on and benefit from agricultural surroundings.
- (c) The proposed Special Use Permit repurposes an existing barn and does not include any new buildings.
- (d) The subject property is 2.2 miles as the crow flies from the City of Urbana and 2.65 miles by road.

(e) A special condition for the proposed Special Use Permit in related Case 831-S-16 has been proposed to limit the number of vehicles permitted at a typical event to 20 or fewer.

- 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

**REVISED DRAFT 08/04/16**

**Case 830-AM-16**  
**Page 17 of 44**

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 but was placed on best prime farmland without authorization from the Zoning Department.
  - (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 CR1850N approximately 1 mile east of the subject property had an ADT of 400. CR1850N approximately 2 miles west of the subject property had an ADT of 500.
  - (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 CR1850N.
  - (e) The pavement surface of CR1850N in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a design volume of no more than 250 ADT. Traffic volumes on the adjacent roadway already exceed the design capacity, and a use such as an events center will contribute to increased use of the road and related deterioration.
  - (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.

**REVISED DRAFT 08/04/16**

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

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

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

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

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

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

**c. In a prepared statement read at the May 12, 2016 ZBA public hearing, Mr. Fuentes stated “there are proper, if not generous, setbacks throughout the farm creating additional distance buffers for noise and sound including the following: a distance of over 300 feet from nearest non-family neighbors from the meeting facility; and a distance of over 300 feet from the parking area from the nearest non-family neighbors”.**

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

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

- (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.”**

**REVISED DRAFT 08/04/16**

**Case 830-AM-16**  
**Page 19 of 44**

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.
- 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.

**REVISED DRAFT 08/04/16**

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

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

- a. The subject property is located approximately 3.6 miles from the Carroll Fire Protection District station. Notification of this case was sent to the FPD Chief on April 27, 2016 and no comments were received. The petitioners requested a review of the subject property by Carroll Fire Protection District. In a letter dated July 25, 2016 and received July 28, 2016, FPD Chief James Green stated that the facility appears to be in compliance in terms of panic door equipment, exit lights, extinguishers, handicap ramp and needs, and the property meets all current ADA rules.
- b. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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

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

- a. 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:**

**REVISED DRAFT 08/04/16**

**Case 830-AM-16**  
**Page 21 of 44**

- 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 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 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

**REVISED DRAFT 08/04/16****Case 830-AM-16  
Page 23 of 44**

sized for 150 meals and 1800 gallons of water usage per day. It has full restaurant with bar capabilities for septic use.

- e. Neighbors' concerns are discussed in Item 21. E. and include complaints about increased lighting, noise, and traffic.
- f. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

15. LRMP Goal 6 is entitled "Public Health and Safety" and states as follows:  
**Champaign County will ensure protection of the public health and public safety in land resource management decisions.**

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

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

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

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

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

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

**REVISED DRAFT 08/04/16**

- 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/WILL NOT} HELP ACHIEVE Policy 6.1.3 for the following reasons:

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

b. Neighbors’ concerns about excessive lighting are discussed in Item 21.E.

- (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.”

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.

**REVISED DRAFT 08/04/16****Case 830-AM-16  
Page 25 of 44**

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 CR1850N approximately 3 miles straight east of US 45. As reviewed in related Case 831-S-16 regarding the general traffic conditions on CR1850N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (a) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property: CR1850N approximately 1 mile east of the subject property had an ADT of 400. CR1850N approximately 2 miles west of the subject property had an ADT of 500.
  - (b) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are two feet of gravel shoulder on each side of CR1850N.
  - (c) The pavement surface of CR1850N in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a design volume of no more than 250 ADT. Traffic volumes on the adjacent roadway already exceed the design capacity, and a use such as an events center will contribute to increased use of the road and related deterioration.
  - (d) The events center will primarily hold events during evenings on weekends, which should not impact the typical peak travel hours associated with work commutes.
- c. There is 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. A special condition has been added for the proposed Special Use in related Case 831-S-16 to require a Temporary Use Permit for those events

**REVISED DRAFT 08/04/16**

anticipating greater than 20 vehicles such that the proposed events center generates a similar amount of traffic to what would be created under by-right development conditions on best prime farmland.

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

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

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

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

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

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

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

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

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

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

**GENERALLY REGARDING THE LASALLE FACTORS**

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

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

**REVISED DRAFT 08/04/16****Case 830-AM-16**  
Page 27 of 44**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.**

- (1) There has been no evidence submitted regarding property values.
- (2) This area is primarily an agricultural area; the subject property is on best prime farmland and was in agricultural production as late as 2005 per aerial photography; and it has been a farmstead with continuing agricultural production since 2008.
- (3) If the petitioner is denied the map amendment and special use permit, the property can still be used as a residence and farm.

**REVISED DRAFT 08/04/16**

- 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.**
- (1) Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning {WILL/WILL NOT} HELP ACHIEVE Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
  - (2) The subject property is adjacent to a rural road that was designed for 250 vehicles per day; the proposed special use would increase traffic and create additional wear and tear on the road.
  - (3) A special condition for the proposed Special Use Permit in related Case 831-S-16 has been proposed to limit the number of vehicles permitted at a typical event to 20 or fewer.
  - (4) A special condition has been added for the proposed Special Use in related Case 831-S-16 to require a Temporary Use Permit for those events anticipating greater than 20 vehicles such that the proposed events center generates a similar amount of traffic to what would be created under by-right development conditions on best prime farmland.
  - (5) The subject property was 37 acres of best prime farmland in agricultural production prior to it being developed as a single family residence with a large pond, fewer acres in agricultural production, and livestock management areas.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property is occupied and in agricultural use as zoned AG-1.
  - (2) This area is primarily an agricultural area; the subject property was in agricultural production as late as 2005 per aerial photography and has been a farmstead with continuing agricultural production since 2008.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:

**REVISED DRAFT 08/04/16**

**Case 830-AM-16**  
**Page 29 of 44**

- (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 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.

**REVISED DRAFT 08/04/16**

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

- (1) It is not clear whether or not the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) The proposed rezoning could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
  - a. An event center is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and an event center. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties there should be no significant effect on the value of nearby properties.
- (3) In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:
  - a. The subject property has been a farmstead since 2008 and if the rezoning is denied it can continue to be used as a farmstead or as simply a single family residence.

- 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.

*REVISED DRAFT 08/04/16*

**Case 830-AM-16**  
**Page 31 of 44**

- (4) Neighbors' concerns about traffic, wear and tear on the road, and public expense for maintaining a road with heavier traffic due to the events center are discussed in Item 21. E.
- (5) A special condition for the proposed Special Use Permit in related Case 831-S-16 has been proposed to limit the number of vehicles permitted at a typical event to 20 or fewer.
- (6) A special condition has been added for the proposed Special Use in related Case 831-S-16 to require a Temporary Use Permit for those events anticipating greater than 20 vehicles such that the proposed events center generates a similar amount of traffic to what would be created under by-right development conditions on best prime farmland.

- 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.

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

- (1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- (2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- \*(3) At the May 12, 2016 ZBA public hearing, the following people testified regarding the proposed Special Use:
  - \*a. Ms. Bobbie Johnson, 1755 CR 1850N, Urbana, stated that she lives across from the parking lot. She said that the location of the parking lot does not make sense because there will be noise and trash created. She said that when the parties are over, guests will be shuttled down to the parking lot for access to their vehicles and she is concerned whether the guests will leave

**REVISED DRAFT 08/04/16**

or sit and chat for a long period of time. She said that she does not understand why the parking lot is not near the main road rather than close to the event center. She said that the parking lot and the edge of her yard almost meet therefore she has a lot of concerns. She said that since the parking lot is located near a main road she does not know how the petitioners will maintain the activity that could possibly occur in the parking lot. She said that guests will be taken to the parking lot and dropped off therefore she believes that there will be a security risk.

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

\*c. Mr. Kenneth Johnson, 1751 CR1850N, Urbana, expressed concern about potential drainage issues, increased runoff from increased impervious area, and pressure on existing field tiles.

\*(4) Several neighbors submitted letters against the proposed rezoning and special use permit, received July 19 and July 20, 2016:

\*a. Gwennatra Jackson, 1870 S. Forty Drive, Urbana, expressed concern about loud noise late at night.

\*b. DeWayne and Shaennon Clark, 1866 S Forty Drive, Urbana, have concerns about more traffic, noise at night and unwanted activity, including noise and activity after 10 p.m. They stated "This is a quiet area and this will cause more noise and people in the area we don't know."

\*c. Bobbie Jo Johnson, 1755 CR1850N, Urbana, stated that the parking lot constructed next to CR1850N is a nuisance to neighbors. She noted high speed traffic, including a shuttle leaving the subject property from a recent wedding. She stated that the golf carts used during the recent wedding event added extra noise. She has concerns that more of the property will be used for events than just the immediate area of the events center. She stated that the lights lining the driveway are a distraction and impact the quiet and solitude of "being and living in the country". She requested that the lighting only be used during events, and that no additional lights be installed around or near the parking lot. She expressed that having the event center at that location will change the way neighbors live and what they will have to endure.

**REVISED DRAFT 08/04/16****Case 830-AM-16  
Page 33 of 44**

- \*d. Mark and Colleen Ruebke, 1865 S. Forty Drive, Urbana, state that they are opposed to the rezoning because it goes against several purposes of the Champaign County Zoning Ordinance and Champaign County Nuisance Ordinance. They mention concerns with increased noise from people and vehicles; increased traffic on a very narrow country road; increased chance of a pedestrian accident; decreased privacy; increased lights outdoors, which is a nuisance for neighbors who want to be away from “city” lights; and potential for increased crime. They stated that they “moved out to the country for peace and quiet and privacy”.
- \*e. Kenneth Johnson, 1751 CR1850N, Urbana, has concerns about noise, traffic, and trash. He states that the parking lot is a nuisance with cars’ headlights and the golf carts traveling back and forth to the event center. He requested that the lights along the driveway only be used for events, and turned off at 10 pm. He complained about a variant of noise and past noise violations. He suggested that security at the events should be a consideration. He is concerned about drainage and water issues that may increase due to the proposed use. He expressed concern about traffic and people traveling who might not be aware of county roads and how they can be more dangerous to travel, and also for the wear and tear on the road that the Township cannot afford to maintain.
- \*f. Richard and Teresa Gabel, 1862 S. Forty Drive, Urbana, are concerned about drainage and the impact of the new septic on the field tile that is already stressed in the subdivision. They also stated concerns for traffic; potential alcohol consumption by event guests who possibly drive after; whether the events will end late at night; how the township will be able to afford the wear and tear on the road, and a variety of noises occurring after 10 p.m. from the subject property.
- \*g. Douglas Hanshaw, 1773 CR1850N, Urbana, expressed concerns about the number of people attending events and disruptions from events that may go late into the night. He is also concerned about so many people then going back to the parking lot that is across the street from his house late at night and being disruptive.
- \*h. Ron and Kay Weidner, 1776 CR1850N, Urbana, are opposed to the petition and concerned with the business next door, the traffic it creates, and related wear and tear on the roads. They are concerned about late night events with people drinking and possibly driving. They also mention noise from the events and protecting their privacy (they have had people come to their home looking for the Lipps property). They state that “if a person wants a night club, there are plenty of locations already zoned for that in town. Keep these businesses in town, or an area already zoned appropriately.”

\*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

**REVISED DRAFT 08/04/16**

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.

- 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.

**REVISED DRAFT 08/04/16**

**Case 830-AM-16**  
**Page 35 of 44**

- (2) The ZBA has recommended that the proposed rezoning {**WILL/WILL NOT**} **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit is not urban in use.
  - (3) The subject property was 37 acres of best prime farmland in agricultural production prior to it being developed as a single family residence with a large pond, fewer acres in agricultural production, and livestock management areas.
  - (4) Neighbors' concerns are discussed in Item 21. E. and include complaints about increased lighting, noise, and traffic.
  - (5) A special condition has been added for the proposed Special Use in related Case 831-S-16 to require removal of the unauthorized gravel parking lot.
- J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.
- The subject property does not contain any natural features.
- K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
- (1) The proposed Special Use in related Case 831-S-16 does not meet the definition of either "urban development" or "urban land use" as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
  - (2) Neighbors' concerns are discussed in Item 21. E. and several question how additional wear and tear on an already busy rural road will be able to be maintained by the Township, which does not have much funding.
- L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
- (1) The Petitioners told staff at the April 27, 2016 site visit that no agricultural land will be removed from production.
  - (2) The subject property was 37 acres of best prime farmland in agricultural production prior to it being developed as a single family residence with a large pond, fewer acres in agricultural production, and livestock management areas.
- M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient

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

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

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

22. The following land owners signed the written protest received July 19, 2016:

- Kenneth Lee Johnson, 1751 CR1850N
- Bobbie Jo Johnson, 1755 CR1850N
- James A Talley, Jr., 1748 CR1850N
- J. Ronald Weidner, 1776 CR1850N
- Teresa M Gabel, 1862 South Forty
- Shaennon Clark, 1866 South Forty
- Doug Hanshaw, 1773 CR1850N

**REGARDING SPECIAL CONDITIONS OF APPROVAL**

23. Proposed Special Conditions of Approval:

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

The above special condition is necessary to ensure the following:

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

**REVISED DRAFT 08/04/16**

**Case 830-AM-16**  
**Page 37 of 44**

**DOCUMENTS OF RECORD**

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

**REVISED DRAFT 08/04/16**

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

- 10. Prepared statement by Victor Fuentes, received at May 12, 2016, public hearing
- 11. Video and aerial tour of Willow Creek Farm, received and viewed at May 12, 2016 public hearing
- 12. Handout from petitioners received during May 12, 2016, public hearing: Revised Floor Plan
- 13. Handout from petitioners received during May 12, 2016, public hearing: signs and traffic safety solutions
- 14. Handout from petitioners received during May 12, 2016, public hearing: James plumbing invoice
- 15. Handout from petitioners received during May 12, 2016, public hearing: Nuptiae Letter of Support
- 16. Handout from petitioners received during May 12, 2016, public hearing: Visit Champaign (Convention & Visitors Bureau) Letter of Support
- 17. Illinois Department of Health well water test, received July 19, 2016
- 18. Written Protest to Cases 830-AM-16 and 831-S-16 received July 19, 2016 and related letters of opposition received July 19-21, 2016
- 19. Map of land owners participating in the written protest:
  - 1. Kenneth Lee Johnson, 1751 CR1850N
  - 2. Bobbie Jo Johnson, 1755 CR1850N
  - 3. James A Talley, Jr., 1748 CR1850N
  - 4. J. Ronald Weidner, 1776 CR1850N
  - 5. Teresa M Gabel, 1862 South Forty
  - 6. Shaennon Clark, 1866 South Forty
  - 7. Doug Hanshaw, 1773 CR1850N
- 20. Revised Site Plan Sheet S-1 received July 28, 2016
- 21. Revised Floor Plan Sheet A-1 received July 28, 2016

**REVISED DRAFT 08/04/16**

**Case 830-AM-16**  
**Page 39 of 44**

- 22. Open House Invitation to Neighbors received July 25, 2016
- 23. Letter of Support from Don Moyer Boys & Girls Club received July 28, 2016
- 24. Letter from Carroll Fire Protection District received July 28, 2016
- 25. Photo of Health Permit from Champaign County Public Health Department received July 21, 2016
- 26. Supplemental Memorandum #1 dated August 4, 2016, with attachments:
  - A Letter from staff to petitioners following May 12, 2016 ZBA public hearing, dated May 13, 2016 hearing
  - B Revised Site Plan Sheet S-1 received July 28, 2016
  - C Revised Floor Plan Sheet A-1 received July 28, 2016
  - D Illinois Department of Health well water test, received July 19, 2016
  - E Open House Invitation to Neighbors received July 25, 2016
  - F Letter of Support from Don Moyer Boys & Girls Club received July 28, 2016
  - G Letter from Carroll Fire Protection District received July 28, 2016
  - H Photo of Health Permit from Champaign County Public Health Department received July 21, 2016
  - I Written Protest to Cases 830-AM-16 and 831-S-16 received July 19, 2016 and related letters of opposition received July 19-21, 2016
  - J Map of land owners participating in the written protest dated August 4, 2016
  - K Map of estimated Best Prime Farmland conversion dated August 4, 2016
  - L Map of possible Special Use Area created by staff, dated August 4, 2016
  - M Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16 dated August 4, 2016
  - N Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16 dated August 4, 2016

**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)).

**REVISED DRAFT 08/04/16****Case 830-AM-16**  
**Page 41 of 44**

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

**REVISED DRAFT 08/04/16**

- 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/WILL NOT} 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 is on best prime farmland and was in agricultural production as late as 2005 per aerial photography; it has been a farmstead with continuing agricultural production since 2008.

**REVISED DRAFT 08/04/16**

**Case 830-AM-16**  
**Page 43 of 44**

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

**Case 830-AM-16**

**REVISED DRAFT 08/04/16**

Page 44 of 44

**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

**REVISED DRAFT 08/04/16**

**831-S-16**

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

**of  
Champaign County Zoning Board of Appeals**

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

Date: *{August 11, 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.

**Table of Contents**

**General Application Information.....2 - 7**

**Specific Ordinance Requirements.....7 - 13**

**Special Use Evidence .....13 - 30**

**Documents of Record..... 31 - 33**

**Case 831-S-16 Finding of Fact .....34 - 37**

**Case 831-S-16 Final Determination.....38 - 40**

## **SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 12, 2016** and August 11, 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 CR1850N, Urbana.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality. The nearest municipality is the City of Urbana, which is approximately 2.2 miles from the subject property as the crow flies and 2.65 miles by road.
  - \*B. The subject property is located within Somer Township, which does not have a Planning Commission.

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

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

### **GENERALLY REGARDING THE PROPOSED SPECIAL USE**

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

**REVISED DRAFT 08/04/16**

**Case 831-S-16**  
**Page 3 of 40**

- \* (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:

**REVISED DRAFT 08/04/16**

- \*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:

**REVISED DRAFT 08/04/16**

**Case 831-S-16**  
**Page 5 of 40**

- \* (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;

**REVISED DRAFT 08/04/16**

- \* (2) The barn and connected Events Center north of the house;
  - a. The petitioners measured 147 feet between the north side of the Events Center and the north property line, and 253 feet between the east side of the Events Center and the east property line.
- \* (3) Handicap parking in front of the Events Center;
- \* (4) A 100 feet by 250 feet gravel parking area near the entrance to the property;
- \* (5) A pond; and
- \* (6) Land in agricultural production: pasture, rotational pastures, alfalfa, beef master grass mixture, a garden and adjacent hill.
- \* (7) This revised site plan did not include the Greenhouse west of the barn or the corn crib that will be turned into a bar that is east of the events center.
- \* (8) Staff requested via email and by phone on May 3, 2016 that the petitioners have a professionally drawn site plan and floor plan that would provide necessary details for the Board to consider; Mr. Fuentes indicated by phone on May 3, 2016 that he would contact an architect.

\*G. Revised Site Plan Sheet S-1 was received from the petitioners on July 28, 2016, which illustrates the following:

- \* (1) The proposed event center with handicap accessible parking;
- \* (2) Exterior event area with existing fence;
- \* (3) Stable attached to the event center;
- \* (4) Gravel driveway west of the stable;
- \* (5) New gravel parking lot on the south end of the property, 103 feet by 284 feet;
- \* (6) All field crops and uses; and
- \* (7) New privacy fence and tree plantings.

\*H. Revised Floor Plan Sheet A-1 of the proposed event center was received from the petitioners on July 28, 2016, which illustrates the following:

- \* (1) A 2,317 square feet dining area;
- \* (2) A 1,278 square feet preparation area;
- \* (3) Two handicap accessible restrooms;
- \* (4) Five handicap accessible parking spaces;

**REVISED DRAFT 08/04/16**

- \* (5) A fenced exterior entertainment area with the following features:
  - \*a. One pergola with one 8-place table;
  - \*b. One pergola with one 5-place table;
  - \*c. 11 stand-up type tables (1 accessible);
  - \*d. A silo converted to a bar with an accessible service height; and
  - \*e. Concrete paving connecting the entryway to the events center, 5-place pergola, silo bar, and accessible parking in front of the event center.
- \* (6) A note that maximum interior occupancy is 160 persons, maximum interior plus exterior occupancy is 200 as determined by the restrooms.
- \* (7) Accessibility compliance statement by Illinois Licensed Architect Gaylord H. Swisher.

- \* I. The 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.
- \* J. 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 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.

**REVISED DRAFT 08/04/16**

- c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 establishes the following standard condition for an Outdoor Commercial Recreational Enterprise:
- a. A separation distance of 200 feet between any R DISTRICT or residential or INSTITUTIONAL USE.
- B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
  - (2) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
  - (3) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
  - (4) "ALTERATION" is any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending

**REVISED DRAFT 08/04/16****Case 831-S-16**  
**Page 9 of 40**

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.
- (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.

**REVISED DRAFT 08/04/16**

- (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;
  - 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.

**REVISED DRAFT 08/04/16****Case 831-S-16**  
**Page 11 of 40**

- (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.
- 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;

**REVISED DRAFT 08/04/16**

- (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:
    - 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.

**REVISED DRAFT 08/04/16****Case 831-S-16  
Page 13 of 40**

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

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

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

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

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“One of the improvements we would like to develop is a gravel parking area so that no vehicles are parked on the County Road.”**
  - B. Regarding surface drainage:
    - (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

**REVISED DRAFT 08/04/16**

water draining toward it, including from the adjacent subdivision. This is acceptable since the project consists of only a pond.”

- (2) A stormwater drainage plan completed for the 5 acre pond that was the subject of Zoning Case 535-S-06 and ZUPA #345-06-01 was submitted for review and approved by consulting engineers for the Zoning Department on May 18, 2007.
- (3) The Petitioners installed the a 25,000 square feet off street gravel parking area on the south end of the property after the stormwater drainage plan review was approved; staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance.
- (4) No additional construction is planned for the proposed Special Use.

C. Regarding the effects on traffic:

- (1) The subject property fronts the north side of CR1850N approximately 3 miles straight east of US 45. Regarding the general traffic conditions on CR1850N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
  - a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2011 in the vicinity of the subject property CR1850N approximately 1 mile east of the subject property had an ADT of 400. CR1850N approximately 2 miles west of the subject property had an ADT of 500.
  - b. The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. There are two feet of gravel shoulder on each side of CR1850N.
  - c. The pavement surface of CR1850N in the vicinity of the subject property is oil and chip. The pavement width is about 17 feet, which would equate to a design volume of no more than 250 ADT.
  - d. The events center will primarily hold events during evenings on weekends, which should not impact the typical peak travel hours associated with work commutes.
  - e. There is no proposed limit on the number of events, and the petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.
- (2) The Township Highway Commissioner has been notified of this case and no comments have been received.

**REVISED DRAFT 08/04/16****Case 831-S-16**  
**Page 15 of 40**

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

**REVISED DRAFT 08/04/16**

- F. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam, 154A Flanagan silt loam, and 171B Catlin silt loam, and has an average LE of 95.
- G. Regarding outdoor lighting on the subject property:
- (1) Standard residential lampposts are installed approximately every 50 feet along the driveway between the gravel parking lot and the events center. They would only be turned on via generator during events.
  - (2) No new lighting is proposed for the events center.
  - (3) Neighbors' concerns regarding lighting are discussed in Item 8.J.(3).
- 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.

**REVISED DRAFT 08/04/16**

**Case 831-S-16**  
**Page 17 of 40**

- 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 expressed concerns prior to the May 12, 2016, public hearing:
- (1) All three were concerned about gunfire noise coming from the subject property.
    - a. When staff asked Mr. Fuentes by phone on May 3, 2016 about the gunfire, he stated that they do target shooting at the mound on the northwest corner of the property, and that it had been 3 to 4 months since they had last done that. He stated that someone had called the Sheriff, who came out when they were out shooting, and that the Sheriff observed what they were doing and said that they were not doing anything wrong.
  - (2) One of the three neighbors is concerned about potential traffic and noise related to the proposed Special Use.

**REVISED DRAFT 08/04/16**

- \*K. At the May 12, 2016 ZBA public hearing, the following people testified regarding the proposed Special Use:
- \* (1) Ms. Bobbie Johnson, 1755 CR 1850N, Urbana, stated that she lives across from the parking lot. She said that the location of the parking lot does not make sense because there will be noise and trash created. She said that when the parties are over, guests will be shuttled down to the parking lot for access to their vehicles and she is concerned whether the guests will leave or sit and chat for a long period of time. She said that she does not understand why the parking lot is not near the main road rather than close to the event center. She said that the parking lot and the edge of her yard almost meet therefore she has a lot of concerns. She said that since the parking lot is located near a main road she does not know how the petitioners will maintain the activity that could possibly occur in the parking lot. She said that guests will be taken to the parking lot and dropped off therefore she believes that there will be a security risk.
- \* (2) Mr. James Talley, 1748 CR1850N, Urbana, testified that he has many of the same concerns as Ms. Johnson. Mr. Talley stated that he is concerned about additional noise that will be created by the proposed use. He said that there is no way that there will not be additional noise created. He said that the neighborhood consists of approximately one dozen houses and they will all be impacted by the additional noise. He said that the area is located on a high water table; therefore any additional treatment that goes into this water table could have a lasting effect on potability because every residence is connected to private wells.
- \* (3) Mr. Kenneth Johnson, 1751 CR1850N, Urbana, expressed concern about potential drainage issues, increased runoff from increased impervious area, and pressure on existing field tiles.
- \*L. Several neighbors submitted letters against the proposed rezoning and special use permit, received July 19 and July 20, 2016:
- \* (1) Gwennatra Jackson, 1870 S. Forty Drive, Urbana, expressed concern about loud noise late at night.
- \* (2) DeWayne and Shaennon Clark, 1866 S Forty Drive, Urbana, have concerns about more traffic, noise at night and unwanted activity, including noise and activity after 10 p.m. They stated "This is a quiet area and this will cause more noise and people in the area we don't know."
- \* (3) Bobbie Jo Johnson, 1755 CR1850N, Urbana, stated that the parking lot constructed next to CR1850N is a nuisance to neighbors. She noted high speed traffic, including a shuttle leaving the subject property from a recent wedding. She stated that the golf carts used during the recent wedding event added extra noise. She has concerns that more of the property will be used for events than just the immediate area of the events center. She stated that the lights lining the driveway are a distraction and impact the quiet and solitude of "being and living in the country". She requested that the lighting only be used during events, and that no additional lights be installed around or near the parking lot. She expressed that having the

**REVISED DRAFT 08/04/16****Case 831-S-16**  
**Page 19 of 40**

event center at that location will change the way neighbors live and what they will have to endure.

- \* (4) Mark and Colleen Ruebke, 1865 S. Forty Drive, Urbana, state that they are opposed to the rezoning because it goes against several purposes of the Champaign County Zoning Ordinance and Champaign County Nuisance Ordinance. They mention concerns with increased noise from people and vehicles; increased traffic on a very narrow country road; increased chance of a pedestrian accident; decreased privacy; increased lights outdoors, which is a nuisance for neighbors who want to be away from “city” lights; and potential for increased crime. They stated that they “moved out to the country for peace and quiet and privacy”.
- \* (5) Kenneth Johnson, 1751 CR1850N, Urbana, has concerns about noise, traffic, and trash. He states that the parking lot is a nuisance with cars’ headlights and the golf carts traveling back and forth to the event center. He requested that the lights along the driveway only be used for events, and turned off at 10 pm. He complained about a variety of noise and past noise violations. He suggested that security at the events should be a consideration. He is concerned about drainage and water issues that may increase due to the proposed use. He expressed concern about traffic and people traveling who might not be aware of county roads and how they can be more dangerous to travel, and also for the wear and tear on the road that the Township cannot afford to maintain.
- \* (6) Richard and Teresa Gabel, 1862 S. Forty Drive, Urbana, are concerned about drainage and the impact of the new septic on the field tile that is already stressed in the subdivision. They also stated concerns for traffic; potential alcohol consumption by event guests who possibly drive after; whether the events will end late at night; how the township will be able to afford maintaining additional wear and tear on the road, and a variety of noises occurring after 10 p.m. from the subject property.
- \* (7) Douglas Hanshaw, 1773 CR1850N, Urbana, expressed concerns about the number of people attending events and disruptions from events that may go late into the night. He is also concerned about so many people then going back to the parking lot that is across the street from his house late at night and being disruptive.
- \* (8) Ron and Kay Weidner, 1776 CR1850N, Urbana, are opposed to the petition and concerned with the business next door, the traffic it creates, and related wear and tear on the roads. They are concerned about late night events with people drinking and possibly driving. They also mention noise from the events and protecting their privacy (they have had people come to their home looking for the Lipps property). They state that “if a person wants a night club, there are plenty of locations already zoned for that in town. Keep these businesses in town, or an area already zoned appropriately.”

\*M. A Written Protest Petition opposing cases 830-AM-16 and 831-S-16 was received on July 19, 2016. Staff wrote a follow up letter to petitioners after receipt of written protest, dated

July 25, 2016, to make the petitioners aware of the more restrictive voting requirements triggered by a written protest.

- N. 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, which includes the parking lot on the south end of the subject property, is ~~greater than 200~~ only 65 feet from the nearest residential use. The Petitioner has been advised by staff that they can reduce the size of the parking lot so it is at least 200 feet from the nearest residence; move the parking lot to a different area on the property, or they can request a waiver to a standard condition to keep the parking lot where it is.
    - b. A special condition has been added to require removal of the unauthorized gravel parking lot.
  - (4) Regarding parking on the subject property for the proposed Special Use:
    - 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

**REVISED DRAFT 08/04/16**

**Case 831-S-16**  
**Page 21 of 40**

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.
- d. At the May 12, 2016 public hearing, Mr. Fuentes states “the patron parking is located so far away so that the patrons maintain their feeling of being on the farm. He said that they did not want the parking to invade the farm atmosphere and they did not want vehicles to be traveling where small children may be located. He said that they will have the farm workers transport the patrons to and from their vehicles”.
- e. A special condition has been added to require removal of the unauthorized gravel parking lot.

- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
  - (1) A stormwater drainage plan completed for the 5 acre pond that was the subject of Zoning Case 535-S-06 and ZUPA #345-06-01 was submitted for review and approved by consulting engineers for the Zoning Department on May 18, 2007.
  - (2) The Petitioners installed the a 25,000 square feet off street gravel parking area on the south end of the property after the stormwater drainage plan review was approved; staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance.
  - (3) No additional construction is planned for the proposed Special Use.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- 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.

**REVISED DRAFT 08/04/16**

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

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

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

**REVISED DRAFT 08/04/16****Case 831-S-16  
Page 23 of 40**

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

- (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

D. The proposed Special Use Permit **{IS/IS NOT}** in harmony with the general purpose of the Zoning Ordinance, as follows:

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

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

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

a. It is not clear whether or not the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

b. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:

- (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

**REVISED DRAFT 08/04/16**

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.
  
  - \*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.
  
  - \*e. Neighbors' concerns about traffic, wear and tear on the road, and public expense for maintaining a road with heavier traffic due to the events center are discussed in Item 8.J.(3).
  
  - \*f. A special condition for the proposed Special Use Permit has been proposed to limit the number of vehicles permitted at a typical event to 20 or fewer.
  
  - \*g. A special condition has been added for the proposed Special Use to require a Temporary Use Permit for those events anticipating greater than 20 vehicles such that the proposed events center generates a similar amount of traffic to what would be created under by-right development conditions on best prime farmland.

**REVISED DRAFT 08/04/16**

- \* (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
  - \*a. A stormwater drainage plan completed for the 5 acre pond that was the subject of Zoning Case 535-S-06 and ZUPA #345-06-01 was submitted for review and approved by consulting engineers for the Zoning Department on May 18, 2007.
  - \*b. The Petitioners installed a 25,000 square feet off street gravel parking area on the south end of the property after the stormwater drainage plan review was approved; staff is not aware of any drainage issues the parking lot has created, and the property still meets the impervious area requirements of the Storm Water Management and Erosion Control Ordinance.
  
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
  - \*a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - \*b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  - c. **Neighbors' concerns are discussed in Item 8.J.(3).**
  
- \* (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

- \* (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the

**REVISED DRAFT 08/04/16**

ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

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

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

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

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

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

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

- \*c. Neighbors’ concerns are discussed in Item 8.J.(3) and include complaints about increased lighting, noise, and traffic.

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

- \*(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.

**REVISED DRAFT 08/04/16**

**Case 831-S-16**  
**Page 27 of 40**

- \* (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.
- a. The proposed Special Use in related Case 831-S-16 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
  - b. Neighbors’ concerns are discussed in Item 8.J.(3) and several question how additional wear and tear on an already busy rural road will be able to be maintained by the Township, which does not have much funding.
- \* (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
- \*a. The Petitioners told staff at the April 27, 2016 site visit that no agricultural land will be removed from production.
  - \*b. The subject property was 37 acres of best prime farmland in agricultural production prior to it being developed as a single family residence with a large pond, fewer acres in agricultural production, and livestock management areas.
- \* (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

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

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

12. Regarding proposed special conditions of approval:

**REVISED DRAFT 08/04/16**

- 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.**

**REVISED DRAFT 08/04/16**

**Case 831-S-16  
Page 29 of 40**

- 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.**

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

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

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

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

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

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

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

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

The special condition above is required to ensure the following:

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

**REVISED DRAFT 08/04/16**

**L. The maximum number of vehicles permitted at a typical event is 20 vehicles, which may include shuttles and buses.**

The above special condition is necessary to ensure the following:

**That traffic for the events center is similar to what traffic would be generated under by-right conditions.**

**M. The number of larger events, quantified as having more than 20 vehicles present, will be limited to a frequency that is the same as that of a Temporary Use (i.e. no more than five days within any 90 day period), and will not be permitted during planting season (mid-April to end of May) and harvest season (mid-September to end of October).**

The above special condition is necessary to ensure the following:

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

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

The above special condition is necessary to ensure the following:

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

**REVISED DRAFT 08/04/16****Case 831-S-16  
Page 31 of 40****DOCUMENTS OF RECORD**

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

**REVISED DRAFT 08/04/16**

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

- 10. Prepared statement by Victor Fuentes, received at May 12, 2016, public hearing
- 11. Video and aerial tour of Willow Creek Farm, received and viewed at May 12, 2016 public hearing
- 12. Handout from petitioners received during May 12, 2016, public hearing: Revised Floor Plan
- 13. Handout from petitioners received during May 12, 2016, public hearing: signs and traffic safety solutions
- 14. Handout from petitioners received during May 12, 2016, public hearing: James plumbing invoice
- 15. Handout from petitioners received during May 12, 2016, public hearing: Nuptiae Letter of Support
- 16. Handout from petitioners received during May 12, 2016, public hearing: Visit Champaign (Convention & Visitors Bureau) Letter of Support
- 17. Illinois Department of Health well water test, received July 19, 2016
- 18. Written Protest to Cases 830-AM-16 and 831-S-16 received July 19, 2016 and related letters of opposition received July 19-21, 2016
- 19. Map of land owners participating in the written protest:
  - 1. Kenneth Lee Johnson, 1751 CR1850N
  - 2. Bobbie Jo Johnson, 1755 CR1850N
  - 3. James A Talley, Jr., 1748 CR1850N
  - 4. J. Ronald Weidner, 1776 CR1850N
  - 5. Teresa M Gabel, 1862 South Forty
  - 6. Shaennon Clark, 1866 South Forty
  - 7. Doug Hanshaw, 1773 CR1850N
- 20. Revised Site Plan Sheet S-1 received July 28, 2016
- 21. Revised Floor Plan Sheet A-1 received July 28, 2016

**REVISED DRAFT 08/04/16**

**Case 831-S-16**  
**Page 33 of 40**

- 22. Open House Invitation to Neighbors received July 25, 2016
- 23. Letter of Support from Don Moyer Boys & Girls Club received July 28, 2016
- 24. Letter from Carroll Fire Protection District received July 28, 2016
- 25. Photo of Health Permit from Champaign County Public Health Department received July 21, 2016
- 26. Supplemental Memorandum #1 dated August 4, 2016, with attachments:
  - A Letter from staff to petitioners following May 12, 2016 ZBA public hearing, dated May 13, 2016 hearing
  - B Revised Site Plan Sheet S-1 received July 28, 2016
  - C Revised Floor Plan Sheet A-1 received July 28, 2016
  - D Illinois Department of Health well water test, received July 19, 2016
  - E Open House Invitation to Neighbors received July 25, 2016
  - F Letter of Support from Don Moyer Boys & Girls Club received July 28, 2016
  - G Letter from Carroll Fire Protection District received July 28, 2016
  - H Photo of Health Permit from Champaign County Public Health Department received July 21, 2016
  - I Written Protest to Cases 830-AM-16 and 831-S-16 received July 19, 2016 and related letters of opposition received July 19-21, 2016
  - J Map of land owners participating in the written protest dated August 4, 2016
  - K Map of estimated Best Prime Farmland conversion dated August 4, 2016
  - L Map of possible Special Use Area created by staff, dated August 4, 2016
  - M Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 830-AM-16 dated August 4, 2016
  - N Revised Summary of Evidence, Finding of Fact, and Final Determination for Case 831-S-16 dated August 4, 2016

**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** and **August 11, 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:
  - a. The Special Use is authorized in the District.

**REVISED DRAFT 08/04/16**

**Case 831-S-16**

**Page 35 of 40**

- 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.**

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

**REVISED DRAFT 08/04/16**

**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.**

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

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

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

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

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

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

**REVISED DRAFT 08/04/16**

**Case 831-S-16  
Page 37 of 40**

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

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

The special condition above is required to ensure the following:

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

**L. The maximum number of vehicles permitted at a typical event is 20 vehicles, which may include shuttles and buses.**

The above special condition is necessary to ensure the following:

**That traffic for the events center is similar to what traffic would be generated under by-right conditions.**

**M. The number of larger events, quantified as having more than 20 vehicles present, will be limited to a frequency that is the same as that of a Temporary Use (i.e. no more than five days within any 90 day period), and will not be permitted during planting season (mid-April to end of May) and harvest season (mid-September to end of October).**

The above special condition is necessary to ensure the following:

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

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

The above special condition is necessary to ensure the following:

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

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

**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:

**REVISED DRAFT 08/04/16**

**Case 831-S-16  
Page 39 of 40**

**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.**

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

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

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

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

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

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

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

**REVISED DRAFT 08/04/16**

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

The special condition above is required to ensure the following:  
**A permanent record of attendance that can at all times substantiate the operation as an event center and not simply a restaurant.**

- L. The maximum number of vehicles permitted at a typical event is 20 vehicles, which may include shuttles and buses.**

The above special condition is necessary to ensure the following:  
**That traffic for the events center is similar to what traffic would be generated under by-right conditions.**

- M. The number of larger events, quantified as having more than 20 vehicles present, will be limited to a frequency that is the same as that of a Temporary Use (i.e. no more than five days within any 90 day period), and will not be permitted during planting season (mid-April to end of May) and harvest season (mid-September to end of October).**

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

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

The above special condition is necessary to ensure the following:  
**That the Special Use is compliant with the separation distance requirement that is a standard condition of the Zoning Ordinance, and to minimize conversion of best prime farmland.**

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