

AS APPROVED APRIL 27, 2017

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61802

DATE: March 2, 2017

PLACE: Lyle Shields Meeting Room
1776 East Washington Street

TIME: 6:30 p.m.

Urbana, IL 61802

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

MEMBERS ABSENT : Marilyn Lee

STAFF PRESENT : Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT : James Talley, Morris Wingler, Dave Jackson, Bobbie Johnson, Victor Fuentes, Douglas Hanshaw, Kenneth Johnson

1. Call to Order

The meeting was called to order at 6:35 p.m.

2. Roll Call and Declaration of Quorum

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

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

3. Correspondence

None

4. Approval of Minutes (August 25, 2016)

1 Mr. Thorsland entertained a motion to approve the August 25, 2016, minutes, as amended.

2

3 Mr. Thorsland stated that the minutes were revised to indicate minor edits submitted by Ms. Lee.

4

5 **Mr. Randol moved, seconded by Ms. Capel, to approve the August 25, 2016, minutes, as amended.**

6 **The motion carried by voice vote.**

7

8 **5. Continued Public Hearing**

9

10 **Case 830-AM-16 Petitioner: Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc., d.b.a. Willow**
11 **Creek Farm Request to amend the Zoning Map to change the zoning district designation from the**
12 **AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the**
13 **proposed Special Use in related Zoning Case 831-S-16. Location: A 37-acre tract in Somer Township**
14 **in the Southwest Quarter of the Northeast Quarter of Section 36 of Township 20 North, Range 9 East**
15 **of the Third Principal Meridian and commonly known as the farmstead located at 1766 CR 1850N,**
16 **Urbana.**

17

18 **Case 831-S-16 Petitioner: Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc., d.b.a. Willow**
19 **Creek Farm. Request to authorize the remodeling of existing farm buildings for the establishment**
20 **and use of an Event Center as a combination “Private Indoor Recreational Development” and**
21 **“Outdoor Commercial Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-**
22 **2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning**
23 **case 830-AM-16. Location: A 37-acre tract in Somer Township in the Southwest Quarter of the**
24 **Northeast Quarter of Section 36 of Township 20 North, Range 9 East of the Third Principal Meridian**
25 **and commonly known as the farmstead located at 1766 CR 1850N, Urbana.**

26

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

30 Mr. Thorsland informed the audience that Case 831-S-16 is an Administrative Case and as such, the County

1 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for
2 a show of hands for those who would like to cross-examine and each person will be called upon. He
3 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.
4 He said that those who desire to cross-examine are not required to sign the witness register but are requested
5 to clearly state their name before asking any questions. He noted that no new testimony is to be given during
6 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
7 exempt from cross-examination.

8
9 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

10
11 Mr. Victor Fuentes, who resides at 2305 Firethorn Circle, Champaign, stated that since the last meeting he
12 has complied with all of the requests included in an email from Ms. Burgstrom. He said that he has
13 submitted new information and he has made concessions on things that they were willing to change for the
14 project so that the case could continue to move forward.

15
16 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum #5, dated March 2, 2017, for
17 the Board's review. He said that the new memorandum includes a revised site plan, received on March 2,
18 2017, and is based on the February 6, 2017 site plan, except it includes an area outlined in red indicating the
19 Special Use Permit area on the subject property. He said that the subject property is 37 acres and the area of
20 the Special Use Permit has not been calculated, but it appears to be less than 10 acres. He said that the
21 Special Use Permit area depicted on the revised site plan establishes the boundaries where the outdoor
22 activities may occur for the guests. He said that all of the farmland is exempt from the Special Use Permit
23 and he is inclined to indicate that any farm tours are also exempt, because anyone who owns farmland can
24 provide tours of their farmland. He said that if the farm tour is a paid event that provides music and a meal,
25 then that event is limited to the area indicated in the red outline on the revised site plan. He said that the
26 Board was provided an 11" x 17" site plan, dated February 6, 2017, that the revised 8-1/2" x 11" site plan,
27 dated March 2, 2017, was based upon. He said that the February 6, 2017, site plan clearly indicates the notes
28 on the left side of the page of the March 2, 2017, site plan that are illegible. He said that the site plan, as
29 such, is not really being revised other than, there is now a red outlined area indicating the proposed Special
30 Use Permit area. He said that before the Board takes final action on this case, a special condition should be

1 added specifying what the approved site plan really is, because the petitioner has done a good job in
2 providing updates throughout the course of the public hearing; therefore, it is very important to make clear
3 what the approved site plan really was.

4
5 Mr. Hall stated that attached to Supplemental Memorandum #5 is a photograph of the driveway lighting. He
6 said that so far during the public hearings the ZBA seems to have been inclined to accept that the driveway
7 lighting was installed for residential use; therefore, under that respect the driveway lighting is
8 nonconforming. He said that with respect to the Special Use Permit, the nonconforming driveway lighting
9 would not have to be replaced, although staff has not received a final determination from the ZBA regarding
10 the lighting, but this is staff's understanding to date. He said that there have been a lot of comments from
11 the neighbors regarding the driveway lighting, and he cannot stress enough that if 20% of the land
12 surrounding the subject property has a protest when the map amendment goes to the County Board, it would
13 be very unlikely for the petitioners to receive approval. He said that he is not providing this information to
14 bias the ZBA, because they are already aware of this information, but he is saying it to encourage the
15 petitioners to listen to the concerns of the neighbors and perhaps they will want to go over and beyond what
16 the ZBA requires. He informed the petitioners that as a way to increase their chances at the County Board,
17 he encouraged the petitioners do everything possible in addressing the concerns of the neighbors.

18
19 Mr. Hall stated that he spent time on the internet today attempting to find the cheapest full cut-off lighting
20 that could be used for a driveway lighting situation like this, and he found plenty of examples that cost less
21 than \$100. He said that the petitioners have 14 existing lampposts along the driveway and even though staff
22 is awaiting a final decision from the ZBA, the neighbors have made their concerns very clear. He informed
23 the petitioners that he would be happy to share the driveway lighting information with them after the
24 meeting, although the available information is not required and is only intended to be helpful. He said that
25 the last page of Supplemental Memorandum #5 includes a photograph of one of the existing driveway
26 lampposts and obviously, the lamp fixture is not cheap. He said that the lamp fixture uses an LED bulb,
27 which is state of the art, but it is nowhere near full cut-off. He said that if the lamp fixture was being
28 proposed as part of the Special Use it would not be acceptable, but it is fair to say that staff is waiting for the
29 ZBA's final determination regarding the driveway lighting. He said that the bulb being used in the lamp
30 fixture is a 9-watt LED bulb that is roughly equivalent to a 60-watt incandescent bulb. He said that he would

1 not have imagined that 14 lampposts with 60-watt bulbs, spread out over one-quarter of a mile in length,
2 would appear as bright as they appear in the photograph, but that is the thing about an LED bulb as they are
3 made to put out a lot of light. He said that staff attempted to find a conversion table to equate the 9-watt
4 LED bulb with 800 lumens of brightness and it appears that a 60-watt incandescent bulb is the comparison.

5
6 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

7
8 Mr. Thorsland stated that staff's information regarding the driveway lighting should be taken into
9 consideration. He said that the driveway lights were installed for the existing residential use, but they are
10 indicated within the perimeter of the Special Use Permit area. He said that any Special Use Permit requires
11 that any lighting shall be full cut-off and the Board has received testimony from the neighbors regarding their
12 concerns with the driveway lighting. He said that the Board has reviewed other event centers, and concerns
13 regarding lighting are frequently discussed during the public hearing process. He said that people who reside
14 in a rural setting expect a dark visual sky and a peaceful atmosphere, which is why there have been so many
15 concerns voiced for this case. He said that the Board will always recommend that the petitioners attempt to
16 be good neighbors and resolve concerns voiced by the neighbors, outside of this meeting room, because if a
17 20% protest is submitted from the surrounding landowners to the County Board it will be very difficult to
18 obtain an approval. He said that the County Board has more members and there are more dynamics involved
19 versus the ZBA's straightforward requirements.

20
21 Mr. Thorsland stated that the memorandums included a lot of information and Mr. Fuentes did a good job
22 answering the questions. He asked the Board if there were any questions for Mr. Fuentes. He asked Mr.
23 Fuentes if he had any additional information to add.

24
25 Mr. Fuentes stated that he has changed the light bulbs in the light fixtures and they do appear to be bright,
26 but if you walk the perimeter, they are not as bright as they seem. He said the driveway could be seen due to
27 the lights, which are set at 50 on the diagonal, and zig zagged along the driveway to provide a warm glow,
28 but if the lights continue to be an issue, he will agree to change the light fixtures so that the light shines
29 down and not around the entire fixture.

30

1 Mr. Thorsland stated that he does not know if the Board will require the petitioners to change the light
2 fixtures, because they were installed prior to the request for the Special Use Permit. He said that retro-fitting
3 the light fixtures, if possible, might be something that would make the neighbors happy. He said that he
4 understands the petitioner's desire to illuminate the driveway with the lights, but the photograph indicates a
5 sphere rather than a light shining down. He said that the petitioners could probably accomplish what they
6 and the neighbors desire by perhaps retro-fitting the current light fixture or replacing it all together.

7

8 Mr. DiNovo stated that, if his land planning skills are still functioning, the special use permit area is
9 approximately 8.3 acres.

10

11 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Fuentes and there
12 were none.

13

14 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Fuentes and there was no one.

15

16 Mr. Thorsland called James Talley to testify.

17

18 Mr. James Talley, who resides at 1748 CR 1850N, Urbana, stated that he wanted to re-express his concerns.
19 He said that he has no ill feelings regarding the enterprise, but he does want to make sure that all of the
20 concerns are being noted when things happen. He said that the reason why he wanted to re-express his
21 concerns at this time is due to an incident that occurred when his daughter visited him last week. He said
22 that when he and his daughter pulled out of his property that is located next to the subject property, the rise
23 to the east of his driveway on CR 1850N impedes vision for one-half mile, a car pulled out of the subject
24 property and came very close to Mr. Talley's vehicle. He said that while he and his daughter were driving
25 down the road his daughter indicated that the other car was traveling very close to them. He said that he and
26 his daughter turned on Cottonwood Road, but were passed by the other car and during that passing the driver
27 provided the middle finger wave. Mr. Talley stated that he is sure that there is no law regarding this gesture
28 by the driver, but it is an example of the concerns that he indicated at a previous hearing. He said that he
29 does understand that the petitioners cannot control what people do when leaving their property.

30

1 Mr. Thorsland asked Mr. Talley if an event was or had been taking place on the subject property.

2

3 Mr. Talley stated that he did not know.

4

5 Mr. Thorsland asked Mr. Talley to indicate the time of day that this occurred.

6

7 Mr. Talley stated that it was on a Saturday during the afternoon.

8

9 Mr. Thorsland stated that the ZBA cannot enforce someone's behavior once they are no longer on the subject
10 property. He said that Mr. Talley's concern regarding traffic is important and it is not uncommon for
11 someone from an urbanized area to not be familiar with rural roads and the speed limit. He said that the
12 traffic that these types of uses generate in the rural area is always a concern for the ZBA, but the Board has a
13 tough time dealing with the people who are behind the wheel while leaving the subject property. He asked
14 Mr. Talley to indicate the location of his home and driveway.

15

16 Mr. Talley stated that his home and driveway is located on CR 1850N.

17

18 Mr. Thorsland stated that he is concerned about the traffic occurrence that happened to Mr. Talley and his
19 daughter during their travel on 1850N and Cottonwood Road, but he would like to focus on what occurs on
20 the subject property and how it effects Mr. Talley and his neighbors. He said that the Board will attempt to
21 find out if this occurred during or after an event on the subject property.

22

23 Mr. Talley stated that this occurrence surprised him; therefore, he wanted the Board to know that it did
24 happen. He said that perhaps the Board or the petitioners could take some action to make sure that this type
25 of thing does not get out of hand.

26

27 Mr. Thorsland stated the Board does have the Champaign County Nuisance Ordinance to utilize for noise
28 and there are special conditions of approval that will indicate where people can and cannot park on the
29 subject property. He said that the Board might have some suggestions for the petitioners as to transportation
30 alternatives for guests arriving and exiting the subject property.

1

2 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Talley and there were none.

3

4 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Talley and there was no one.

5

6 Mr. Thorsland called Morris Wingler to testify.

7

8 Mr. Morris Wingler, who resides at 4205 E. Oaks Rd, Urbana, stated that his property is approximately
9 three-quarters of a mile to the west from the subject property. He said that he too is concerned with any
10 additional traffic that will travel CR 1850N, due to the event center. He said that CR 1850N is not an
11 acceptable road for the anticipated traffic for the event center, because the road is not very wide and it has no
12 shoulder. He said that he is concerned with traffic passing each other on CR 1850N due to the fact that there
13 is no lighting in this area. He said that it would not be a pleasant atmosphere for the neighbors if a guest
14 from the event center leaves the property after becoming inebriated. He said that he is very concerned about
15 the flooding of the ditches along CR 1850N and Cottonwood Road that has increased over the past few
16 months. He said that since the pond on the subject property was constructed, the fields and the ditches along
17 CR 1850N and Cottonwood Road do not dry up.

18

19 Mr. Thorsland stated that it is hard to tell if the petitioner's pond is the cause of the increased flooding of the
20 ditches along CR 1850N and Cottonwood Road. He said that there was concern included in some of the
21 correspondence that the newly installed septic system on the subject property could have caused the
22 additional flooding of these ditches, but the new wastewater system was inspected and it is probably
23 oversized for the proposed use. He said that he does not know how long the pond has existed on the subject
24 property; however, that information may be included in earlier case notes. He said that this case does not
25 deal a lot with the pond other than the safety aspects of it in relation to the Special Use Permit. He said that
26 construction of the pond has already occurred, but if it was a new pond or building under construction for a
27 Special Use Permit, the petitioners would need to assure the Board that they will preserve and repair any
28 farm or drainage tile that is discovered during construction. He said that no one really knows where farm
29 tiles are located until one is discovered during construction, and if it is damaged it must be repaired. He said
30 that as part of being good neighbors they could investigate any area on their property or an adjacent property

1 that appears to be wetter than it used to be and attempt to determine its cause. He said that the Board does
2 not have the resources to determine why the ditches are staying wet, but the concerned neighbors could
3 discuss this issue with the property owner to see if there is anything that could be causing the flooding.

4
5 Mr. Thorsland stated that the traffic concerns are appreciated and the Average Daily Traffic count has been
6 provided by staff. He said that the Board does not allow parking along any rural road. He said that rural
7 roads are different than streets in the urban area, because they are narrow roads with a crown and no
8 shoulders. He said that the rural areas become very dark when there is no moon and people do not always
9 slow down when they do not know where they are going. He said that perhaps the petitioners could explain
10 the rural roads to their guests via the internet on their website or any information that they distribute to their
11 clients. He said that the information should indicate that the clients and their guests should respect the
12 adjacent neighbors while traveling to and from the subject property for an event. He asked Mr. Wingler if he
13 had any additional questions.

14
15 Mr. Wingler stated that he is concerned about the waste water system on the subject property and the
16 neighbor's wells.

17
18 Mr. Thorsland stated that the wastewater systems and the well on the subject property have been permitted
19 and inspected by the Champaign County Public Health District (CCPHD). He said that he is very confident
20 that the wastewater system on the subject property has nothing to do with the flooding of the ditches or
21 anywhere else. He said that this is a relatively new system and CCPHD does not provide this Board with any
22 flexibility in regards to their requirements and the CCPHD will make the petitioners comply. He said that if
23 Mr. Wingler truly believes that the flooding is caused by the new wastewater system, he could request the
24 report from the CCPHD and request that they re-inspect it, but it is ultimately up to the petitioner.

25
26 Mr. Wingler stated that the aquifer for the area is not that far down and he is not sure how deep their septic
27 system is located. He said that if the system is deeper than 20 feet they could be close to the aquifer.

28
29 Mr. Thorsland stated that the CCPHD could confirm the depth. He said that he is sure that the CCPHD is
30 aware of the surrounding conditions and if they were concerned about anything they would not have issued

1 the permits.

2

3 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Wingler and there was no one.

4

5 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Wingler.

6

7 Mr. Hall stated that the pond was designed and certified to be built according to the Champaign County
8 Stormwater Policy. He said that it was simply designed as a pond and there was going to be less water
9 runoff leaving the pond than there was before it was built. He said that the new gravel parking area that will
10 be added will create more impervious area. He said that the pond was designed to only act as a pond,
11 although it does act as a detention facility, but only for the pond area. He said that the pond was not
12 designed to act as a detention facility for impervious area, although it still will. He said that there is not
13 enough impervious area being added to trigger a redesign of the pond to be a greater detention area, although
14 the Board could require it if there were sufficient evidence of a drainage problem. He said that, in general,
15 he has heard a lot of concerns regarding drainage, but he has not heard any specific concern. He said that he
16 is aware of the fact that some neighbors in the area have been concerned about the pond from day one and he
17 has tried to assist them with their concerns. He said that the pond meets the County's standards and he
18 would be very surprised to find out that an increase in runoff is simply due to the pond, because that should
19 not be happening. He said that there have been some wet years recently and there will be more runoff during
20 a wet year than during a regular year.

21

22 Mr. Wingler stated that when the pond was constructed there was a retaining wall toward the structures on
23 the property, but the retaining wall has since collapsed. He said that he does not know if the collapse of the
24 retaining wall would make any difference, but the dirt has to go somewhere.

25

26 Mr. Hall stated that a major tile was re-routed during the construction of the pond and the drawings for that
27 re-routing are on file in the Department of Planning and Zoning office. He said that the pond was inspected
28 and everything was completed per the Champaign County Stormwater Management Policy at the time, it is
29 an Ordinance now. He said that in regards to the septic system, he could confidently indicate that it does not
30 pose any threat to any well within the area and Mr. Wingler is welcome to call the CCPHD to answer any

1 questions.

2

3 Mr. Hall stated that in regards to concerns related to traffic, the Champaign County Zoning Ordinance allows
4 two additional small lots created out of the 37 acres. He said that a new rural home would create at least 10
5 vehicle trips per day, so that by-right development could generate 20 vehicle trips per day for those two new
6 rural lots. He said that one of the proposed special conditions indicates that the owner has to agree not to
7 create any additional lots from the 37 acres. He said that there will be an increase in traffic, but staff has
8 proposed a special condition that the smaller events that occur on the property at any time do not include
9 more than 20 cars.

10

11 Mr. Wingler noted that the special condition indicates vehicles not cars.

12

13 Mr. Hall stated that Mr. Wingler was correct.

14

15 Mr. Wingler stated that as a point of interest, 20 school buses could carry 1,000 people.

16

17 Mr. Hall stated that 1,000 people on the subject property would be an issue if port-a-potties were not added
18 to assist with the septic demand. He said that 20 vehicles on the property would create 40 trips on the rural
19 road, 20 to enter and 20 to exit. He said that staff has not done a perfect job of proposing to limit future
20 development so that the business trips are comparable, but that is what is recommended at this point. He said
21 that the Board has to work through all the special conditions. He said that the other way that the neighbors
22 will see increased traffic is during the major events when there are more than 20 vehicles, but staff is
23 proposing a cap of 20 major events per year. He said that the petitioners would like to have 26 major events,
24 but the Board will have to work through staff's recommendation and the petitioner's request. He said that
25 the reason why staff recommended 20 events is in fact, the amount of events that the petitioners could do
26 without obtaining any zoning approvals at all. He said that any number of events held without a Special Use
27 Permit would count against that Temporary Use Permit. He said that staff is trying to balance out the
28 residential development that the petitioners will be giving up in exchange for a Special Use Permit and
29 balance what the petitioners could do with a Temporary Use Permit with no zoning approvals and what the
30 Special Use Permit allows. He said that if the County Board denies the rezoning, which means that the

1 Special Use Permit would not be valid, the petitioners could begin obtaining Temporary Use Permits the
2 next day and hold 20 events in a year and develop two small lots with two new homes with all of the traffic
3 that those two lots would create. He said that the Champaign County Zoning Ordinance is considered to be
4 very restrictive, but the petitioners could still create these two new lots, add additional traffic, and hold 20
5 events per year with a Temporary Use Permit with no limits. He said that perhaps the Champaign County
6 Zoning Ordinance is not as restrictive as once believed. He said that he does not know if the limits proposed
7 in the Special Use Permit will take care of the neighbor's concerns, but the more that the neighbors can
8 convey to the ZBA whether those limits are adequate or not is the whole purpose of the public hearing. He
9 said that the neighbors have done an excellent job in conveying their concerns so far.

10
11 Mr. Wingler stated that his main concern with the road is that, in some areas a shoulder exists and in other
12 areas it does not. He said that in regards to the road, it is either road or ditch and cars will be pulled out of
13 the ditch consistently, not to mention joggers, bicyclists, walkers, etc. He said that he and his wife walk in
14 the evenings and they do not want to worry about dodging vehicles on the road.

15
16 Mr. Hall stated that the petitioner has addressed concerns like this and has submitted documentation, which
17 tries to deal with these issues. He said that staff would be happy to provide copies of the petitioner's
18 documentation to the neighbor's for review.

19
20 Mr. Wingler stated that he has replaced his mailbox 12 times due to regular traffic.

21
22 Ms. Griest stated that Mr. Wingler mentioned ponding. She asked Mr. Wingler if he is discussing the pond
23 on the subject property or the ponding that occurs on the corner of CR 1850N and Cottonwood Road.

24
25 Mr. Wingler stated that he is concerned that the pond that exists on the subject property is causing the
26 flooding at the corner of CR 1850N and Cottonwood Road.

27
28 Ms. Griest stated that living in the area and having looked at the ponding specifically, she does not believe
29 that the pond on subject property is causing the flooding at the corner of CR 1850N and Cottonwood Road.
30 She informed Mr. Wingler that she would be happy to discuss the flooding with Mr. Wingler under a

1 different manner that is unrelated to this specific case and she will be happy to discuss what has been
2 observed.

3

4 Mr. Wingler agreed.

5

6 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Wingler and there
7 were none.

8

9 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Wingler.

10

11 Mr. Kenneth Johnson requested the opportunity to cross-examine Mr. Wingler.

12

13 Mr. Thorsland informed Mr. Johnson that he could only ask Mr. Wingler a question regarding his testimony
14 only and nothing else.

15

16 Mr. Johnson asked Mr. Wingler if the ponding would be resolved if the petitioner installed a solid tile.

17

18 Mr. Thorsland informed Mr. Johnson that he could only ask Mr. Wingler a question regarding his testimony
19 and not request Mr. Wingler's speculation on something that he said. Mr. Thorsland informed Mr. Johnson
20 that he could sign the witness register and present testimony regarding the ponding and possible new tiles
21 and the Board will attempt to gain the requested information.

22

23 Mr. Thorsland asked Mr. Wingler if he had any additional testimony to present to the Board.

24

25 Mr. Wingler stated that he did not have any additional testimony to present to the Board.

26

27 Mr. Thorsland called Dave Jackson to testify.

28

29 Mr. Dave Jackson, who resides at 4209 East Oaks Road, Urbana, distributed a copy of his concerns and
30 comments related to the proposed map amendment and special use permit. He asked the Board to indicate

1 the responsible party for the event center. He stated that the petition names Traci Lipps and Victor Fuentes,
2 d.b.a. Lipps Family Inc., d.b.a. Willow Creek Farm.

3
4 Mr. Thorsland stated that the ZBA is not responsible for knowing how the petitioners insure themselves. He
5 said that, later during this meeting, he would pose the question to Mr. Fuentes. He asked Mr. Jackson to
6 explain how the petitioners are insured affects him as a neighbor.

7
8 Mr. Jackson stated that a couple of years ago he had a car driven by an uninsured driver in the front yard of
9 his property. He said that he is concerned about the fact that CR 1850N is a narrow road and events will be
10 held on the subject property at night with alcohol being served. He said that the speed limit on CR 1850N is
11 posted as 45 MPH, but a reasonable guess is that the actual average travel speed exceeds that at a minimum
12 of 20 MPH over the posted limit, and from a casual observation will approach if not exceed twice the posted
13 limit. He said that he is anticipating that something is going to happen on CR 1850N due to the event center;
14 therefore, who is responsible, the two petitioners individually, a corporate set up, etc. He said that he
15 assumes that Mr. Fuentes has businesses in Champaign and/or Urbana, so who are the responsible parties.
16 He said that this appears to be a commercial enterprise.

17
18 Mr. Thorsland stated that this is a commercial enterprise and they have a liquor license; therefore, they have
19 to meet whatever threshold there is for that liquor license.

20
21 Mr. DiNovo requested an update regarding the liquor license, because it was his understanding that the
22 caterer had the liquor license.

23
24 Mr. Thorsland stated that it appears that he is incorrect in stating that the petitioners have a liquor license.

25
26 Mr. Jackson stated that the petitioners are applying for a commercial kitchen.

27
28 Mr. Hall stated that the petitioners are not requesting a commercial kitchen.

29
30 Mr. Jackson stated that the memorandum indicates that the petitioners are requesting a prep kitchen now and

1 install a commercial kitchen in the future so that, in the future, they can do everything on site.

2

3 Mr. DiNovo stated that the question regarding the liquor license should be resolved before discussing a
4 commercial kitchen.

5

6 Mr. Hall stated that the liquor license is a function of who provides the liquor. He said that if the caterer is
7 providing the liquor for the event, then they must hold a valid liquor license, but if the event is a “Bring
8 Your Own Beer” event then the facility must obtain an approved liquor license. He said that this is a point
9 of contention, but it is the current determination by the State’s Attorney office.

10

11 Mr. DiNovo stated that this gets to the question regarding liability, especially if an incident occurs that is
12 alcohol related. He said that whoever holds the liquor license will presumably have Dram Shop Insurance
13 and will have the liability for how they exercise their right to the license. He said that presumably there is
14 underlying ownership of the land and there is the ownership of the business, so it may not be a simple matter
15 in saying in every case that it is this or that person. He said that there might not be one simple answer for this
16 type of a question.

17

18 Mr. Thorsland stated that he only wants to concentrate on matters that relate to the ZBA. He noted to the
19 audience that the ZBA weighs traffic concerns heavily and it is always a difficulty regardless whether the use
20 is a commercial enterprise, new development, or any other enterprise allowed in the AG-2 District. He said
21 that any type of new use in the rural area will generate additional traffic on roads that were not meant to have
22 this much traffic. He said that even one new house would generate at least 10 trips per day and that does not
23 include a home with teenagers. He said that the purpose of rural roads are really to divide fields between
24 owners and to get the tractor down; the original intent was “that’s Fred’s over there and that’s Bobbie Jo’s
25 over there.” He said that all the rural townships have the same struggle when uses like this are proposed. He
26 said that the Board has received comment from the Road Commissioner that he has no comment or quarrel
27 with this particular proposed use. He said it is the Road Commissioner’s job to comment if he has a serious
28 concern about what he would like to see improved, sometimes at a cost to the petitioner. He said that the
29 Board has had cases where that has happened and the use had nothing to do with serving food to people from
30 somewhere else, and they were ag-related businesses. He said the Board has also had cases where the

1 petitioners are required to make their guests very aware of where they are and what it is like where they are,
2 to exercise caution. He said that the Board has had petitioners install signs so their guests are not staring at
3 their phone while they are driving down the road trying to find the entrance because there is no sign.

4
5 Mr. Hall stated that he looked back at the floor plan received July 28th and it does call out a kitchen area. He
6 said that testimony was received indicating that the petitioners did want to put in a hood, and the email from
7 the health department staff states that “the system at the Lipps property was sized for 150 meals, 1,800
8 gallons of water usage per day, full restaurant with bar capabilities for septic use.” Mr. Hall stated that
9 apparently the septic system is up to it and it is what the floor plan indicates, so he misspoke and Mr.
10 Jackson was correct.

11
12 Mr. Thorsland stated that they had indicated from the beginning that they wanted a commercial hood.

13
14 Mr. Jackson stated that one of the questions he had was, as an example, there were 150 people from 20
15 vehicles coming in on Friday or Saturday, is it capable of handling it on Sunday. He said that they are saying
16 150 meals a day and 1,800 gallons is what the tank holds; will that septic system be able to handle that kind
17 of percolation and drainage back out again the next day. He referred to Mr. Thorsland’s comment about
18 other businesses being agricultural businesses, and stated that those businesses are located in AG-1. He said
19 that this is a commercial-recreational enterprise, something completely different, in which, he assumes, its
20 hours will be conducted after 6 p.m. He said it is not like a farm business, such as, Birkey’s or Shaff
21 Implement; that is not what we are talking about here. He said that we are talking about a late night
22 enterprise that is set up to be a full-time restaurant and bar on what is right now a residential-agricultural
23 property. He referred to the *LaSalle* factor from the packet regarding land use; he said the table is very clear
24 that everything surrounding that property is either agricultural or residential, and this use would be sticking
25 out like a sore thumb compared to everything else that’s out there. He said, not being an attorney, he would
26 be willing to guess that after this enterprise went up, and there was an enterprising attorney out there, this
27 would fail the *LaSalle* factor. He stated that it is incompatible with everything else that surrounds it.

28
29 Mr. Jackson stated that it is suggested that events get compressed into a 9 month period and that supposedly
30 there is ground set-aside for planting in the spring and harvest in the fall. He said the petitioners are planning

1 on having 20 large events in a 9 month period, which raises that to roughly 8 per month with 150 people or
2 more. He said that the use will really accelerate the amount of traffic and the amount of time or chances that
3 there are that something bad is going to happen. He said that based on the numbers given, the property is
4 approximately 3.6 miles from the Carroll Fire Protection District, which is staffed by volunteers. He said that
5 what he does not see in the provided information is, if something bad happens, what is the response time of
6 either the police, fire department, or an ambulatory service to get out there, even if it is not on that property
7 or anything on the roadways around us. He said that he is not too happy that this is going on out there or
8 even planned for. He said that if the petitioners wanted to put up extra houses up there, he cannot argue that,
9 but it seems to him that he does not see any clear need to rezone this premises for what they want to do, and
10 that it couldn't be done elsewhere, closer to town, up on US 45, or whatever. He said that the whole premise
11 that the petitioners have is that the experience of farm to table is needed, well, they could go to Big Grove
12 Tavern. He said there are better facilities in town and they could conduct their business there.

13
14 Mr. Hall asked Mr. Jackson if he could put his initials or sign the handout, because he submitted a very nice,
15 prepared handout but there is no name on it. He said that Mr. Jackson's handout is titled Case 831-S-16
16 Outdoor Commercial Recreational Enterprise. He said, regarding Mr. Jackson's concern about daily use, that
17 all of the parameters in the Private Sewage Disposal Code are based on daily use. He stated that one problem
18 with having a big septic system that is not used daily, is that when it does get a load, it actually does have a
19 problem of handling it if it doesn't get it on a regular basis. He said to that extent, limiting use during
20 harvesting and planting isn't the best thing for the septic system, although they could still do the small events
21 during that time.

22
23 Mr. Hall stated that, regarding the *LaSalle* factors, we hear this concern all the time. He said that he
24 believes the only way someone could successfully attack this is to prove that it is so far away from the
25 urbanized area that AG-2 zoning is not a reasonable expectation. He said that he believes there is plenty
26 of evidence that would argue against that kind of assertion, but of course that is why you want a good
27 attorney, because they will always argue pretty much whatever they want to argue, and argue it
28 aggressively, see what happens. He said that insofar as whether or not this is consistent with the
29 Champaign County Land Resource Management Plan (CCLRMP), that is what the Finding of Fact is for.
30 He said that staff has gone through every policy that is relevant and staff did not make a lot of

1 recommendations, because we feel there is a lot of discretion in deciding this case, and it is the Zoning
2 Board's task to make those decisions. He said that staff knows that if the County Board disagrees with
3 those, the recommendation is not just to override the Zoning Board, but to send it back to the Zoning
4 Board and let them take another shot. He said that one thing he can guarantee is that by the end of this
5 process, whenever that is, the Zoning Board and the County Board will be in agreement that either this
6 does comply with the Land Resource Management Plan or it doesn't. Once they are both in agreement
7 about that, he believes that settles any questions about the *LaSalle* factors. He said again, that could be
8 argued by an attorney also, but that's just how we see it at a staff level and that is the advice we give the
9 Zoning Board and the County Board.

10
11 Mr. Thorsland asked if there were any additional questions from the Board for Mr. Jackson, and there
12 were none.

13
14 Mr. Thorsland asked if anyone wanted to cross-examine Mr. Jackson, and there was no one.

15
16 Mr. Thorsland asked Mr. Jackson if he had any additional information for the Board.

17
18 Mr. Jackson stated that it is not a good idea.

19
20 Mr. Thorsland stated that he understands Mr. Jackson's concern. He said that as the Board reviews the
21 conditions, we will talk a lot about traffic and what is and is not allowed. He said this is not the first
22 event center that the Board has reviewed, and it probably won't be the last. He thanked Mr. Jackson for
23 attending the meeting and indicating his concerns.

24
25 Mr. Thorsland called Bobbie Johnson to testify.

26
27 Ms. Bobbie Johnson, who resides at 1755 CR 1850N, Urbana, stated that it has been awhile since the
28 last meeting, so she may repeat some information.

29
30 Mr. Thorsland stated that Ms. Johnson's previous testimony is on the record in the minutes.

1

2 Ms. Johnson stated that the packet messes her up; it kind of goes back and forth.

3

4 Mr. Thorsland suggested that Ms. Johnson starts with some of the new things, because it has been a long
5 time, and he is sure a lot of things have happened.

6

7 Ms. Johnson referred to the map shown on the screen (the Site Plan received March 2, 2017). She stated
8 that regarding the driveway post lights, there were two more driveway lights that were added right at the
9 end of the parking lot that is right up against the road 1850N. She said that one of the Board members
10 said that the parking lot should never have been put in had it been pre-approved. She said there were two
11 more driveway post lights put in since the last hearing, and that made her curious as to why those got put
12 in; she assumes it was to draw more attention to that parking lot area. She said that there was a sign to
13 the west for the business placed on the west side of the parking lot. She noted that she is confused about
14 the spotlights mentioned in the packet.

15

16 Mr. Thorsland stated that he was confused too, and assumed that the spotlight concerns would be cleared
17 up during testimony.

18

19 Ms. Johnson stated that the sign spotlights, just started getting shut off about a week ago. She stated that
20 maybe a week or week and a half ago, within that parking lot area that is up along 1850N, there is now a
21 cable put there, but it is not marked off like how it is shown in the Site Plan.

22

23 Mr. Thorsland asked if the cable is dividing the parking lot area.

24

25 Ms. Johnson responded that it is not dividing it.

26

27 Mr. Thorsland asked if the cable runs down the middle of the lot, parallel to the road, or is it something
28 to let the cars know where to park.

29

30 Ms. Johnson stated that when you pull into the driveway, as soon as you look left, it cuts off the

1 driveway so you cannot pull into the parking lot. She said that it is her understanding, if you are going to
2 divide off a section of the parking lot in order to give people as much room as they are supposed to have
3 to park, that is where the cable should have been placed. She said that is not what they did; they cut off
4 the whole parking lot.

5
6 Mr. Thorsland stated that nothing would please the Board more than to know that the entire parking lot
7 is cut off.

8
9 Ms. Johnson stated that she wants the whole parking lot gone. She said that one or a couple of the Board
10 members suggested that the whole parking lot needs to be gone too.

11
12 Mr. Thorsland stated that he might have indicated that.

13
14 Ms. Griest stated that she indicated it as well.

15
16 Ms. Johnson stated that having the parking lot gone is her suggestion, because she doesn't really trust
17 that the horses are going to be trained there or whatever suggestion it was; something else is going to be
18 used or done with it. She said that when the petitioners first drew up plans for the events center, they
19 indicated that they were going to keep events up in the barn area. She said events should be kept up there
20 and not extended all over the property, such as down to the pond, down the driveway. She said that they
21 need to keep it where they said, and she is sorry that the petitioners changed their minds now, but she
22 doesn't want to hear it down by her property, nor do the other neighbors. She said that the Board has
23 already discussed how the noise is going to echo across the pond, and neighbors don't want to hear it;
24 nobody wants it. She suggested keeping the event center up north where they originally asked for it.

25
26 Mr. Thorsland stated that he intends to ask Mr. Fuentes why they want to incorporate all of that area. He
27 said that he has other questions for Mr. Fuentes about the use of the property.

28
29 Ms. Johnson stated that the barrier, with trees and shrubs, on at least 3 sides of the property is a little
30 better. She said that there was something in the packet about the petitioners contacting an arborist.

1

2 Mr. Thorsland stated that the packet includes information regarding screening requirements and specific
3 recommendations for what to use. He said that the petitioners indicated that the screening would not only
4 be a benefit for protecting Ms. Johnson, but they were very enthusiastic about the wildlife it would bring
5 in. He said that all of this information was very well documented in the handout. He said there is a
6 special condition that the Board has not gone reviewed regarding the screening.

7

8 Ms. Johnson suggested that the petitioners should have licensed security at the events, not just the
9 sheriff's office getting the message. She said it has been noted that someone has ADT and a safe room,
10 and other ample security or something like that. She stated that she has her gun in her house and she
11 does not want to pull it on somebody because they are rowdy neighbors or stuff like that.

12

13 Mr. Thorsland reminded Ms. Johnson that she is on the record and that her testimony will be included in
14 the minutes.

15

16 Ms. Johnson stated that she is just saying she is getting a little bit tired, like Mr. Talley, about the people
17 pulling out of that property. She said that she is also getting a little bit tired of the racist comments
18 coming from the people who are leaving that property, her 11 year old child getting flipped off as she
19 rides her bike down the road, and of Ms. Lipps' dogs on Ms. Johnson's property chasing her children
20 down. She said she is just getting tired of it all, and yes, this is on record.

21

22 Mr. Thorsland stated that the Board can't zone the dogs, but there is a leash law out in the county.

23

24 Ms. Johnson stated that she knows there is a leash law.

25

26 Mr. Thorsland stated that as far as behavior of people that are there on the subject property, the Board
27 can't zone their behavior beyond what the Board does with the Special Use Permit. He said it is
28 interesting to hear Ms. Johnson's input and he appreciates her attendance tonight.

29

30 Ms. Johnson stated that it is really ridiculous when the petitioners are trying to have a business like this,

1 yet this is how they treat their neighbors as well.

2

3 Mr. Thorsland stated that Ms. Johnson is telling the Board something that she has witnessed and the
4 Board cannot verify it. He said that the Board can take this information as part of her testimony, but they
5 cannot take it as evidence. He said the Board does not know who the people mentioned is Ms. Johnson's
6 are and whether they are employees or guests.

7

8 Ms. Johnson stated that it was Ms. Lipps herself.

9

10 Mr. Thorsland stated that he did not see it, the Board did not see it, so they have to take Ms. Johnson's
11 word for it at this point; they call it hearsay. He said that the Board certainly understands Ms. Johnson's
12 concern, and while it does not relate directly to zoning, this is part of this whole process of being good
13 neighbors.

14

15 Ms. Johnson stated that she hopes the Board understands that it has affected the neighbors' sense of
16 security as well.

17

18 Mr. Thorsland stated that the Board is here to take care, as best we can, whether it is approved or not
19 approved, the parameters of the map amendment and the Special Use Permit. He said that there are other
20 avenues to take when there are behavioral issues or if there is conflict beyond the Zoning Board. He said
21 that Ms. Johnson is on record saying that she has a comprehensive list of concerns, and her testimony is
22 in the record. He asked Ms. Johnson if she had any additional testimony to add related to the zoning
23 cases.

24

25 Ms. Johnson asked if it is on record that there is not going to be a full-service restaurant with a kitchen.

26

27 Mr. Thorsland said that it is on record.

28

29 Ms. Johnson asked if it is correct that there will not be a range hood involved.

30

1 Mr. Thorsland stated that the hood is different.

2

3 Ms. Johnson asked why would a full-service range hood needs to be installed.

4

5 Mr. Thorsland stated that it is the petitioners' request and whether the Board approves it or not is a
6 different thing. He said that there is a proposed special condition indicating that at no point can the event
7 center be a walk-up restaurant; it can only be a special events center. He said that there was some
8 conflict in the beginning about whether or not this was going to be a full commercial kitchen. He said
9 that if he remembers correctly, the petitioners said it may look like that, but that is not the reason why
10 they want it, to run a restaurant. He said that currently that area is indicated as a prep kitchen, but with a
11 big hood, if they get the hood. He said that he does not know if the hood is there or not, but he is going
12 to ask Mr. Fuentes that as well.

13

14 Ms. Johnson repeated her question about the need for the range hood.

15

16 Mr. Thorsland stated that he has seen private homes with what is effectively a commercial kitchen,
17 because people like to cook and the Zoning Board had nothing to say about that. He said that he does not
18 know what exactly the petitioners' intent is, but the Board has made clear that they will permit what the
19 petitioners can do, and that is not to run a restaurant. He said that if they want to have a very nice
20 kitchen to prep meals for their catered events then that is up to the petitioners and how much they want
21 to spend for a prep kitchen. He said the Board is not going to let the petitioners have a restaurant, it's not
22 going to happen.

23

24 Ms. Johnson asked that if for any reason this business is dissolved by one or both persons, will this
25 automatically go back to AG-1.

26

27 Mr. Thorsland stated that the map amendment does not change, but the Special Use Permit can dissolve.
28 He said it would not be allowed to have a special events center if the Board decides to time it out and is
29 only granted to these particular people. He said that for the map amendment, all the things that come
30 with the property stay with the property, unless they want an amendment.

1

2 Mr. Hall stated that no special condition has been proposed that would end the Special Use Permit under
3 different ownership. He said that staff would have to request an opinion from the State's Attorney
4 regarding such a special condition.

5

6 Mr. Thorsland agreed. He said that the Board has done this in other cases.

7

8 Mr. Hall stated that the Board has, but subsequently a Board member that was not involved in those
9 cases said that they were opposed to it and wanted to have a determination from the State's Attorney
10 before they are party to anything like that. He said that staff has not had a chance to do that, so if the
11 Board wants to have such a special condition in this case, staff will have to run it by the State's Attorney.

12

13 Mr. Thorsland agreed.

14

15 Ms. Johnson asked Mr. Thorsland to repeat what he said.

16

17 Mr. Thorsland said that if the Board puts a time limit on a Special Use Permit that is linked to the
18 current operators, we have to make sure that legally we can do that in each case. He said that the State's
19 Attorney would have to review it, which means that the Board would not finish it tonight. He said that if
20 the Board decides they want to get into that, then the that question will have to be answered.

21

22 Ms. Johnson asked what he meant by time limit.

23

24 Mr. Thorsland said that it means if Mr. Fuentes or Ms. Lipps no longer operates the events center, then
25 the Special Use Permit goes away, but not the map amendment.

26

27 Ms. Johnson indicated she understood.

28

29 Mr. Thorsland stated that if the map amendment passes, all the things allowed in AG-2 would be
30 allowed on this piece of property, unless for some reason it is taken back to AG-1. He said that there is

1 always a lot of focus on the special permit and the things people want to do, the traffic, liquor and all
2 that other stuff. He said that one of the other things that sometimes gets forgotten is, in order to do those
3 things, the map amendment has to be approved. He said that the map amendment is more permanent
4 than whether they are going to have a bar in the old grain bin or something. He said the map amendment
5 carries with the land despite ownership, and this is usually why the Board has a lot of questions about the
6 map amendment. Mr. Thorsland asked if Ms. Johnson had any additional testimony to share with the
7 Board.

8

9 Ms. Johnson said that she is not sure.

10

11 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Johnson and there were
12 none.

13

14 Ms. Griest recommended that Ms. Johnson review the approved minutes from January 12th and read
15 pages 12 and 13, which discusses the commercial kitchen. She said that the minutes indicate that there
16 will be no range and no range hood. She said that this review by Ms. Johnson could put those minutes in
17 context and see what testimony there was from the petitioner. Ms. Griest referred specifically to lines 30
18 and 31, where it says “not a full commercial kitchen with a range and a hood” and that the appliances
19 that they would have would be commercial grade, but not a full commercial kitchen.

20

21 Ms. Johnson thanked Ms. Griest and stated that she has nothing more to add at this time.

22

23 Mr. Thorsland asked the audience if anyone desired to cross-examine Ms. Johnson.

24

25 Mr. Morris Wingler asked Ms. Johnson if she has a FOID card.

26

27 Ms. Johnson said yes.

28

29 Mr. Passalaqua told Mr. Wingler that he is glad he brought that up. He said that he is also a shooter, and
30 in the State of Illinois, but if somebody gives you the finger or drives in your yard, that is not a good

1 time to shoot them. He said that he promises that anyone who does that will be the loser if that is the
2 attitude one has. He said that in the State of Illinois, as in most states, *unless* your life is threatened, you
3 really shouldn't even go get the gun, and that is just advice.

4

5 Ms. Johnson said that she never said that.

6

7 Mr. Thorsland said that he does not want to get into 2nd Amendment stuff at the Zoning Board.

8

9 Ms. Johnson stated that if the Board had dealt with the neighbors that she has to deal with, then they
10 would change their mind too.

11

12 Mr. Thorsland reminded everyone that all of this is on record.

13

14 Ms. Johnson stated that she would like to put on record that she has talked to Mr. Fuentes about this a
15 couple of times, and he has been very nice about it, and she has tried to explain this to him a couple of
16 times, and she believes that he has addressed it. She said that since then, Mr. Fuentes has not been
17 around when this type of stuff has happened; he is not there all the time. She said this has been
18 progressing and it is getting out of control, and she is not the only one the Board has heard testimony
19 from about this tonight.

20

21 Mr. Thorsland stated that Ms. Johnson was correct.

22

23 Ms. Griest asked if this is occurring as a result of an event that was occurring onsite, or is this happening
24 outside of the events that are being proposed.

25

26 Ms. Johnson said that it is happening independent of the events.

27

28 Ms. Griest thanked Ms. Johnson for her testimony.

29

30 Mr. Thorsland stated that the Board is in a position where they cannot do a lot about peoples' behavior,

1 especially once they exit the driveway. He said that is a matter for the sheriff.

2

3 Mr. Hall reminded the Board that we have evidence that states Mr. Fuentes wants to have a commercial
4 hood installed in the kitchen. He said he that the Board needs to have clarification from Mr. Fuentes
5 about exactly what is proposed, so that everyone can be clear with what is being proposed, because at
6 this time he is confused.

7

8 Ms. Griest asked Mr. Hall if that was in the August 11th minutes.

9

10 Mr. Hall clarified that it was not in the August 11th minutes; rather, it was attached to the new memo that
11 went out in the mailing. He said that Mr. Fuentes submitted a 2 page statement in response to questions
12 by neighbors.

13

14 Ms. Griest asked which attachment he was referring to.

15

16 Mr. Hall stated that it is Attachment C to Supplemental Memo #4. He said that the relevant information
17 is on the back of page 2 of 3 in that attachment.

18

19 Ms. Griest stated that she read that they wanted a hood installed, but that she did not take that to mean
20 commercial grade. She agreed that the Board needs to sort that out. She said that the term “hood” does
21 not tell her if they want an exhaust hood for general ventilation, or something for cooking. She says she
22 can presume they want it for cooking, but it does not exactly say that.

23

24 Mr. Randol stated that any time down the road that they want to come back and request approval for a
25 full kitchen for their own use, it's far more costly to put in that type of hood today than it is 2 or 3 years
26 down the road. He said that is a possibility that just because they want a range hood today doesn't mean
27 it is going to be used for that purpose today.

28

29 Mr. Hall stated that the proposed floor plan includes both a prep area and a kitchen area, and to him that
30 says it is a full kitchen. He said that as far as he knows it could be there right now, but it is clearly part of

1 the site plan that would be approved unless the Board has it changed. He said we know the septic system
2 is designed to handle a full kitchen, so he does not really see what the problem would be. He just wants
3 to make sure the Board understands absolutely what is proposed.

4

5 Mr. Thorsland asked Ms. Johnson if she had anything else to add.

6

7 Ms. Johnson stated that she heard Mr. Fuentes say that he has made a lot of concessions, and asked Mr.
8 Thorsland to indicate those concessions.

9

10 Mr. Thorsland stated that the petitioners did ask for things such as a commercial hood and there was talk
11 of horses and some other things. He said that if Ms. Johnson would read what they have agreed not to
12 do, in particular the restaurant, horseback riding, there are a lot of things. He said that the Board is still
13 discussing things like the light fixtures, but there is the cable across the parking lot that keeps people
14 from using the parking lot near the road.

15

16 Mr. Thorsland stated that if there are no other witnesses, he will call Mr. Fuentes after a short break to
17 address questions regarding several different aspects mentioned tonight.

18

19 Mr. Thorsland asked Ms. Johnson if there was anything else she wanted to add.

20

21 Ms. Johnson said no.

22

23 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Johnson and there were
24 none.

25

26 He asked Mr. Wingler if he had any more cross-examination.

27

28 Mr. Wingler stated that the only thing he wanted to clarify was Ms. Johnson saying she had her gun in
29 her home and that Ms. Johnson's testimony was going to be on the record. He requested that the record
30 to also indicate that Ms. Johnson has a FOID card and the right to own a gun.

1

2 Mr. Thorsland stated that is on the record, because Mr. Wingler said it. Mr. Thorsland said that all he did
3 was advise her that she had said, on the record, that there was an action that she was willing to do, and as
4 Mr. Hall said, a good lawyer could argue that from either side. He said he hates giving lawyers business.

5

6 Mr. Jackson requested the opportunity to present additional testimony.

7

8 Mr. Thorsland agreed to allow Mr. Jackson the opportunity to present additional testimony.

9

10 Mr. Dave Jackson stated he had a few other points to add to testimony. He said he had been told that
11 there is a certain portion of the subject property that has been used for target practice, and damage has
12 occurred to buildings or houses off property there. He asked if the event center was planning on having
13 any kind of firearm activities, and if so, what safety measures would they put up for such an event.

14

15 Mr. Thorsland stated that there was a discussion regarding this topic at the last meeting, and that would
16 be a discussion again tonight. He said that certainly they could have a dinner for people who are
17 enthusiasts, whether they have activity associated with that or not. He said that as a person who both has
18 guns and has property that has been damaged by other peoples' guns, he is sensitive to both sides of that
19 issue and he thinks that a lot of Board members are too; they are a Board made up of rural people. He
20 said that he is always surprised by people who are not used to being in the country being surprised by
21 hearing gunfire at odd times, and he is also surprised when he finds himself not listening to it. He said
22 that the Board knows both sides of that, and we'll see what we can find out. He said that maybe it is part
23 of the parameters of the Special Use Permit to kind of put a limit on things like that.

24

25 Mr. Jackson said, referring to those limits, that he is a little unclear, because one of the proposals was to
26 take events inside at 10 pm.

27

28 Mr. Thorsland stated that the Nuisance Ordinance does not allow noise past 10 pm, but he doesn't think
29 the Nuisance Ordinance says that you can't be inside the building having a party past 10 pm as long as
30 there isn't noise.

1

2 Mr. Jackson stated that he was okay with that. He said that he was interested in an ending time and
3 asked how late the petitioners could actually continue operating. He asked if the ending time is 1 a.m., 2
4 a.m., or what.

5

6 Mr. Thorsland stated that he did not believe that they had put specificity on beginning and end times on
7 outside activities. He said there was some suggestion to stop liquor at 8 p.m., but that was not from the
8 petitioner, it was from one of the neighbors. He said there was some discussion about the lights and
9 noise, but that is a County Zoning Ordinance concern. He said that one of the other event centers had
10 buildings that were not actually buildings, they were shelters, so the Board had them stop events by 10
11 p.m. He said the petitioners for that event center could not take it inside because there was no inside. He
12 said that this case has a complete, constructed building at this point.

13

14 Mr. Jackson stated that Mr. Fuentes testified they would try to comply with the noise ordinance, and he
15 is not sure what noise ordinance he was referring to. He said he hates to admit this, but he has been in
16 enough bars in his life and at enough events where if you crank up the music, you are going to get the
17 walls shaking, and he knows that the noise really carries out there.

18

19 Mr. Thorsland stated that at that point Mr. Jackson could call the sheriff and indicate that the petitioners
20 are violating the Nuisance Ordinance.

21

22 Mr. DiNovo stated that the Nuisance Ordinance clearly states that the cutoff is 10 p.m.

23

24 Mr. Jackson said that the petitioners testified that they would take it inside and continue, so that is how
25 he took it.

26

27 Mr. Thorsland said that we'll see how the Board goes with that discussion related to noise. He said that
28 he does not want to tear apart someone's testimony without giving that person a chance to clarify what
29 they meant.

30

1 Mr. Jackson asked if the petitioners had made a request for booking rooms for guests on the property.

2

3 Mr. Thorsland said that it is not, as of now, any part of this Special Use Permit.

4

5 Mr. Jackson stated that he was trying to think ahead where there might be a bed and breakfast on the
6 horizon.

7

8 Mr. Thorsland stated that as far as he can recall, there is no mention of using the house in the Special
9 Use, though he sees in the new proposed Special Use Permit Area that the house has been included. He
10 said that he has some questions about that as well, because we get into a whole different thing with that,
11 like accessibility, whether it is part of the use or not, and liability.

12

13 Mr. Jackson thanked the Board for allowing him to speak again.

14

15 Mr. Thorsland asked the audience if anyone desired to cross-examine Mr. Jackson and there was no one.

16

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

19

20 Mr. Thorsland requested a short recess.

21

22 **The Board recessed at 8:05 p.m.**

23 **The Board resumed at 8:13 p.m.**

24

25 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
26 testimony regarding Cases 830-AM-16 and 831-S-16, and there was no one.

27

28 Mr. Thorsland called Mr. Fuentes to the witness microphone.

29

30 Victor Fuentes, who resides at 2305 Firethorn Lane, Champaign, returned to the witness microphone.

1

2 Mr. Thorsland stated that he has visited the website for the event center and during that visit he saw pictures
3 of kids on horses, although testimony has been received from Mr. Fuentes indicating that the riding of horses
4 is not part of the event center's venue.

5

6 Mr. Fuentes stated that the riding of horses is not part of the event center's venue.

7

8 Mr. Thorsland stated that another picture on the website indicated a wedding setting near the pond. He said
9 that he understands that the pond would be a beautiful location for a wedding, but there is an indicated
10 border for the special use permit. He asked Mr. Fuentes if the intent is to have wedding ceremonies near the
11 pond.

12

13 Mr. Fuentes stated that only the wedding ceremony occurs near the pond and no celebration. He said that
14 they have only had two weddings, with a time duration of 30 – 45 minutes, at this location. He said that the
15 celebration/reception is held at the event center facility.

16

17 Mr. Thorsland asked Mr. Fuentes if a portion of the pond should be included in the special use permit area.

18

19 Mr. Fuentes stated yes.

20

21 Mr. Thorsland stated that the driveway is located within the special use area on the plan; therefore, the Board
22 could push harder for the driveway lighting issue in not being full cut-off. He asked Mr. Fuentes if the hood
23 would be a commercial type hood.

24

25 Mr. Fuentes stated that the hood would be a commercial type hood. He said that during a previous public
26 hearing he was informed that he should indicate any future plans for the event center so that they are
27 included in the special use permit approval. He said that the area is currently a preparation kitchen.

28

29 Mr. Thorsland stated that the Board will always recommend to the petitioner that any future plans should be
30 included on the site plan for a special use. He said that inclusion of those future plans eliminates the need

1 for the petitioner to come back before the Board when those future plans are implemented into the use. He
2 said that the mailing indicates confirmation that at no time will the event center become a walk-in restaurant.

3
4 Mr. Fuentes stated that the event center will not become a walk-in restaurant.

5
6 Mr. Thorsland asked Mr. Fuentes to confirm that he does not reside on the subject property.

7
8 Mr. Fuentes stated that he does not reside on the subject property.

9
10 Mr. Thorsland stated that Mr. Fuentes is not always present on the subject property. He said that the Board
11 has received testimony that there are people, whether they be the residents, UPS delivery, United Postal
12 Service delivery, friends of the residents, guests for an event, etc., coming out of the property who are not
13 using good behavior in regards to the adjacent neighbors. Mr. Thorsland stated that it is important for
14 everyone to get along, and Mr. Fuentes is only one of the petitioners present tonight, but the Board would
15 encourage Mr. Fuentes to discuss these instances with the previously mentioned people and insist that they
16 always use their best behavior in regards to the adjacent neighbors. He said that there has been some
17 discussion and a handout submitted indicating the petitioners' desire to inform their guests about rural roads.
18 He said that the petitioners can provide as much information as possible to their guests, but someone, related
19 to the event center or not, could undoubtedly end up in one of the neighbor's lawns. He said that the
20 petitioner's control of the traffic generated by guests to the event center diminishes rapidly with the distance
21 of the driveway. He asked Mr. Fuentes if he had information regarding the insurance coverage for the event
22 center.

23
24 Mr. Fuentes stated that Willow Creek Farms, Inc. has a liability policy in the amount of \$3 million dollars.
25 He said that the home on the subject property has its own liability policy and is separate from the insurance
26 policy for the business. He said that Ms. Lipps' children and their personal guests can swim in the pond, but
27 guests of the event center swimming in the pond is prohibited. He said that Willow Creek Farms, Inc. does
28 not hold a liquor license, because the caterer hired for the events has one. He said that if Willow Creek
29 Farms, Inc. gets to the point where they require a liquor license, they are required to purchase the minimum
30 amount of dram shop insurance that is required, which is a \$1 million dollar policy. He said that a liquor

1 license and the dram shop insurance are renewed every year.

2

3 Mr. Thorsland asked Mr. Fuentes if the house is ever used during events.

4

5 Mr. Fuentes stated that the house is not used during events, but if someone required use of the bathroom in
6 the house it could be available. He said that the available bathroom in the house is not accessible, but it was
7 recommended that the house should be included if a bathroom is going to be available for use by a guest.

8

9 Ms. Burgstrom stated that when Mr. Fuentes submitted the revised site plan, they had a discussion as to
10 whether the house should be included in the special use area. She said that she informed Mr. Fuentes that
11 the house should be included if there is ever a situation when an event would necessitate the use of the
12 house. She said that Mr. Fuentes was originally inclined to not include the house, but after their discussion
13 he decided to include the house in the special use permit area.

14

15 Mr. Passalacqua stated that the Board had a previous special use permit, which utilized the residence for the
16 wedding party to prepare for the wedding. He said that if the house is included as part of the special use
17 permit, it would make sense to require full cut-off lighting for the driveway.

18

19 Mr. Thorsland agreed with Mr. Passalacqua. He said that earlier during this public hearing, Mr. Fuentes
20 testified that if being a good neighbor requires changing the driveway lights to full cut-off lighting, then Mr.
21 Fuentes would agree to doing so. Mr. Thorsland stated that since the house and a portion of the pond are
22 included in the special use permit area, the Board should either highly encourage the petitioners to revamp
23 the driveway lighting to be full cut-off or propose a special condition which requires the driveway lighting to
24 be full cut-off. He said that during a previous special use case, the lighting was specified for the driveway
25 and the petitioners were aware that during a certain phase of their special use the proposed lighting had to be
26 full cut-off lighting, because their driveway was being used as part of the special use permit. He said that
27 there is no argument, as far as he can tell, that the driveway lights were there before the house was
28 constructed, but the Board is now changing the definition of what all of these parts are, so the Board may
29 want to recommend that the driveway light fixtures be modified so that they are full cut-off. He said that the
30 Board received testimony tonight regarding a gate or cable across the entrance of the auxiliary parking lot.

1 He asked Mr. Fuentes if the gate is to keep people from using the auxiliary parking lot.

2

3 Mr. Fuentes stated yes. He said that he has not done anything else with the parking lot, because the Board
4 advised him not plan or do anything else yet. He said that no new lights have been added to the driveway
5 and only two broken light posts have been replaced.

6

7 Mr. Thorsland asked Mr. Fuentes to provide an explanation of the illuminated sign.

8

9 Mr. Fuentes stated that a light illuminates the sign and the tractor that is located on the east side of the
10 driveway near the road. He said that the sign indicates Willow Creek Farms and a spotlight is located low on
11 the ground to illuminate the sign.

12

13 Mr. Thorsland stated that perhaps Mr. Fuentes could adjust the light so that it does not illuminate anything
14 other than the sign itself. He said that as one Board member, he would be very happy if the cable blocking
15 public use of the parking lot becomes a permanent fixture so that no one can enter the lot for anything other
16 than extraordinary circumstances. He said that he would like to see the lot used only for horseback riding or
17 storing agricultural equipment. He said that he understands that the location of the parking lot was so that
18 people could come onto the property and view the pond and the rest of the property as they traveled up the
19 lane, but as a good neighbor it is not a good location. He said the parking lot's location automatically
20 generated discussion, and if the petitioners had contacted staff prior to construction of the parking lot, staff
21 would have recommended an alternative location. He said that the Board received testimony regarding guns.
22 He said that personal use of guns on private property is not part of the Special Use Permit. Mr. Thorsland
23 asked Mr. Fuentes if there was any chance that a group could rent the event center with the idea that they
24 could shoot guns as part of an event.

25

26 Mr. Fuentes stated no. He said that there have been guns fired on the subject property, but it was by Ms.
27 Lipps' son and one of his friends and Mr. Fuentes and it has only occurred once since the zoning hearing
28 process has begun. He said that they shot into a hill that is located on the property and behind the hill is an
29 open field. He said that the County Sheriff came to the property when they were shooting their guns and
30 determined that they were not doing anything wrong. Mr. Fuentes stated that the firing of guns would only

1 be for personal use and not as part of any event. Mr. Fuentes stated that he would agree to a Special
2 Condition prohibiting the firing of guns during any event.

3
4 Mr. Thorsland stated that perhaps a sunset clause should be implemented indicating that if Ms. Lipps no
5 longer owns Willow Creek Farms, the Special Use Permit is void. He said that Mr. Fuentes may not care if
6 there is a sunset clause implemented, but Ms. Lipps may not agree to such a condition. He said that since
7 Ms. Lipps is not present the Board cannot pose the question, but he would like to know the Board's opinion
8 of such a condition.

9
10 Mr. DiNovo stated that the actual petitioner for the Special Use Permit is Lipps Family Incorporated. He
11 asked Mr. Fuentes if the corporation is an S corporation and if so, is he part of it.

12
13 Mr. Fuentes stated yes, the corporation is an S corporation and he is part of it.

14
15 Mr. DiNovo asked the Board if an S corporation is immortal.

16
17 Mr. Passalacqua stated that the S corporation dies when the shareholders die.

18
19 Mr. Thorsland asked if the S corporation could be transferred.

20
21 Mr. Passalacqua stated that the shares could be sold.

22
23 Mr. DiNovo stated that the question is not who owns the business, but who operates it.

24
25 Mr. Passalacqua stated that Ms. Lipps owns the property and farms the property, but if it were not for Mr.
26 Fuentes, Ms. Lipps would not operate an event center on the property.

27
28 Mr. Fuentes stated that Mr. Passalacqua was correct.

29
30 Mr. Passalacqua stated that Mr. Fuentes is the ringmaster for the event center and Ms. Lipps is the property

1 owner/farmer. He said that Mr. Fuentes and Ms. Lipps needs each other's assets to run the business.

2

3 Mr. Thorsland asked the Board how they feel about approving the map amendment and the special use
4 permit knowing that the partnership could cease at some point.

5

6 Mr. Passalacqua asked what the Board did in regards to Hudson Farms and Pear Tree Estates.

7

8 Mr. Hall stated that the wedding barn/event center at the Hudson Farm had a sunset clause as a special
9 condition.

10

11 Mr. Passalacqua asked Mr. Hall if the special use permit expires once the current owner decides to not
12 pursue that use.

13

14 Mr. Hall stated that is what the special condition indicates.

15

16 Mr. Passalacqua stated that the special condition has not been legally tested yet.

17

18 Mr. Hall stated that Mr. Passalacqua was correct.

19

20 Mr. Thorsland stated that perhaps the Board does not want to tread that water again until an answer is
21 received.

22

23 Mr. Hall stated that in the Hudson Farm case, the traffic impacts were minimized due to the petitioner
24 coordinating with the nearby farmers. He said that the petitioners were farmers themselves; therefore, they
25 understood the importance of that coordination. He said that the Hudson Farm originally intended to have
26 parking along the street, but the Board convinced them not to do that. He said that the more that the Board
27 held their discussions with the petitioners, they realized how important it was to coordinate their events with
28 their neighbors. He said that once the Hudson family no longer owns the subject property, the coordination
29 with the neighbors would probably not happen, which is why the Board imposed the special condition. He
30 said that in this instance staff is not proposing that the petitioners coordinate their events with area farmers

1 because there are too many farmers affected within the two and one-half miles to the City of Urbana. He
2 said that staff is proposing that large events shall not be held during planting and harvesting and a cap overall
3 on the number of large events. He said that there was no limit on the number of large events to be held at the
4 Hudson Farm and there has not been a limit of large events for any other event center, but staff believes it is
5 warranted for this case because this is the one that is most remote and it is located on township roads and not
6 on a County Highway. He said that the Board has never seen two event centers that are exactly alike,
7 because they are always different.

8
9 Mr. Thorsland stated that without a special use permit the petitioners could apply for a Temporary Use
10 Permit and hold five events during a 90-day period without restrictions. He said that the guidelines for the
11 event counts were based upon the amount of events that could be held under that Temporary Use Permit. He
12 said that the petitioners have requested the opportunity to hold 26 large events per year.

13
14 Mr. Fuentes stated that he has proposed 26 events per year which is six more than what he is allowed by-
15 right. He said that he does not have 26 events booked, but that number is what he believes would be a best
16 case scenario. He said that he could hold 20 large events without being required to have handicapped
17 parking or assigned parking and would only be required to respect the right-of-way and the Nuisance
18 Ordinance. He said that in regards to the Nuisance Ordinance, he informs his guests that the event must end
19 at 11:00 p.m.

20
21 Mr. Thorsland asked Mr. Fuentes if events would be move totally inside at 10:00 p.m. and would end at
22 11:00 p.m.

23
24 Mr. Fuentes stated that Mr. Thorsland was correct.

25
26 Mr. Thorsland asked Mr. Fuentes if someone called to book an event or checked the website, they would be
27 informed that any event must end at 11:00 p.m.

28
29 Mr. Fuentes stated yes.

30

1 Mr. Randol asked the Board how they will determine and define the harvest and planting season. He said
2 that someone could book a wedding in April of the next year and depending upon the weather there could be
3 farmers in the field planting their fields. He said that there could be a month of fluctuation either way
4 depending on the weather for that year. He said that he does not know how the Board could put a restriction
5 on the timing of events for a four-month period.

6
7 Mr. Hall stated that staff has proposed that planting season would occur in mid-April to the end of May and
8 it is fair to say, in general, that this is planting season, because mid-April is usually the last frost. He said
9 that this does not mean that a freak snow could not occur during April. He said that this is not meant to be
10 perfect, only something that works. He said that harvest would occur in mid-September to the end of
11 October. He said that this is not meant to be perfect, but something that works.

12
13 Mr. Randol asked that if someone wants to book a wedding in March of next year and it just so happens that
14 the weather is such that the farmers are planting their fields, will the Board tell the petitioners that they
15 cannot hold the event.

16
17 Mr. Hall stated no.

18
19 Mr. Thorsland stated that the Board knows that planting and harvest can occur during different times, but the
20 Board will provide parameters to the petitioners so that they can do advance bookings. He said that he
21 would not agree to six weeks from the start of planting or harvest, because there is no way anyone would
22 know when to schedule anything.

23
24 Mr. Randol stated that he does not want a neighbor calling staff indicating that an event is occurring in
25 March during planting season.

26
27 Mr. DiNovo stated that the Board should not use the word “mid”, but should indicate April 15th. He said
28 that the Board does not want to invite people to complain about the fact that an event is occurring on April
29 12th, which is not considered to be mid-April.

30

1 Mr. Randol stated that he could see that situation occurring.

2

3 Mr. Thorsland agreed, and this is why the review for event centers takes such a long time.

4

5 Mr. DiNovo stated that the Board should not create special conditions where the operators and the neighbors
6 could reach different conclusions and end up in an unhappy state.

7

8 Mr. Thorsland asked Mr. Fuentes if he has an alternative space for overflow parking.

9

10 Mr. Fuentes stated that the new site plan indicates where he had added more parking spaces and actually
11 created more than required. He said that his intention is to use the allowed 200 feet of the parking lot located
12 near the road, for overflow parking when necessary.

13

14 Mr. Thorsland stated that the capacity of the septic system is for 150 people. He asked Mr. Fuentes if 150
15 guests is the maximum allowed at any one event.

16

17 Mr. Fuentes stated yes.

18

19 Mr. Thorsland stated that there is potential for the use of the overflow parking lot during large events. He
20 asked Mr. Fuentes if there was an alternative space for the overflow parking lot that would make the
21 neighbors happier.

22

23 Mr. Fuentes stated that since they have applied for the special use permit, they have only used the parking lot
24 near the road twice. He said that they used to use golf carts to transport people to and from their vehicles,
25 but they do not use the golf carts any more. He said that currently during events he has someone directing
26 traffic to the parking lot at the end of the barn to the north.

27

28 Mr. Thorsland asked Mr. Fuentes if golf carts would be used during a time when the overflow parking lot
29 near the road was required, and if so, who would drive those golf carts.

30

1 Mr. Fuentes stated that only his employees would drive the golf carts. He said that it is his intention to plant
2 grasses and shrubs to cover the entire perimeter for screening.

3
4 Ms. Griest stated that the overflow parking creates more heartburn for her than anything else with this
5 project. She said that Attachment B, of the Supplemental Memorandum dated March 02, 2017, indicates a
6 200 feet radius from the adjacent residences that shows there are more spaces there than would be usable if
7 where the arc meets the overflow parking on the south edge. She said that if the arc were straight north the
8 petitioners would lose some parking spaces.

9
10 Mr. Hall stated that the drawing indicates 36 parking spaces, although the area could be more tightly packed
11 and more than 36 parking spaces could exist.

12
13 Ms. Griest stated that if the Board is indicating that the east 100 feet of the overflow parking lot is usable and
14 there is a straight line. She said that the condition was written with a fixed footage on the east end.

15
16 Mr. Hall stated that staff's recommendation is to have a demarcation of where there could be parking. He
17 said that the physical demarcation could be posts and cable, but it has to be there.

18
19 Mr. Thorsland stated that the petitioner could install a physical barricade and staff could confirm its
20 placement is compliant.

21
22 Ms. Griest asked that for compliance, enforcement and the neighbors, how would the Board state the
23 condition be stated so that it matches where the posts are located. She said that the longest line of parking
24 spaces adds eight more spaces, but the shortest line of parking spaces eliminates four parking spaces.

25
26 Mr. DiNovo asked if the maneuvering spaces is supposed to be outside of the arc, because it appears that
27 there is not enough maneuvering spaces to serve all of those parking spaces.

28
29 Ms. Burgstrom stated that 200 feet arc was prepared after a meeting between herself, Ms. Lipps and Mr.
30 Fuentes so that it was apparent where the 200 feet separation was located, more or less. She said that the

1 drawing was not supposed to be a demarcation of what would be more logically a straight line. She said that
2 based on the new revision, she drew a line from the approximate corner of Ms. Johnson's property, the
3 closest residential property to the subject property, to what would be 200 feet at the fence line, which is
4 south of the parking lot, eliminating the arc idea. She said that she wanted to be more specific as to where
5 the 200 feet falls at one side of the parking lot and extended north as a straight line.

6

7 Mr. Thorsland stated that from that point the line could go straight north with barricades.

8

9 Ms. Griest stated that it appears that staff has two different opinions.

10

11 Mr. Thorsland stated that his opinion is that the parking lot near the road becomes a horseback riding area
12 and never a parking lot.

13

14 Ms. Griest agreed with Mr. Thorsland, because it will eliminate a host of problems that the petitioner has
15 created for himself in the past.

16

17 Mr. Thorsland agreed.

18

19 Mr. Hall asked the Board if the gravel can stay where it is located, but could not be used as part of the
20 special use permit.

21

22 Mr. Thorsland stated that it was previously discussed that Ms. Lipps could use the gravel area to train her
23 horses.

24

25 Mr. Hall stated that the Board should make it very clear if they are prohibiting any parking at this location,
26 but allowing the gravel to remain.

27

28 Ms. Griest stated that she has not formed a solid opinion on that issue yet.

29

30 Mr. Thorsland stated that pages 2 and 3 of the February 23, 2017, Supplemental Memorandum states the

1 following: In a meeting with the petitioners on December 20, 2016, staff discussed only using the portion of
2 the south parking area for overflow parking that is at least 200 feet from the nearest residential lot. Ms.
3 Lipps indicated that the remaining part of the gravel area might be used for her kids' horse training. Staff
4 told Ms. Lipps that some sort of divider would need to be placed in the gravel area so that any overflow
5 parking users are aware that they can only park on the eastern portion of that gravel area. Mr. Thorsland
6 stated that he is not sure if he wants to make the petitioners relocate the graveled area, but if the Board had
7 been asked about the location of the parking lot the Board would not have allowed it to be located there in
8 the first place.

9
10 Ms. Burgstrom asked Mr. Fuentes if the parking lot that is being proposed by the barn requires more gravel
11 or concrete surfacing.

12
13 Mr. Fuentes stated yes. He said that more than likely the surface will be gravel and not concrete, but he
14 hasn't decided for sure yet.

15
16 Ms. Burgstrom asked Mr. Fuentes if he could use gravel from the south parking lot to surface the parking
17 area near the barn.

18
19 Mr. Fuentes stated that he could, but if the gravel area on the south is an issue he can just stop using
20 Roundup on it and allow grass to take it over. He said that it would be more inconvenient to move the gravel
21 and try to reuse it than letting nature take its course.

22
23 Mr. Thorsland asked Mr. Fuentes if he favors using a portion of the south parking lot.

24
25 Mr. Fuentes stated that for the most part he will try to not use the south parking lot, because the last thing
26 that he wants is having issues with his neighbors.

27
28 Mr. Thorsland asked Mr. Fuentes if he would consider making a spot further up the drive.

29
30 Mr. Fuentes stated that he originally agreed to make the north parking lot bigger, but he was told not to make

1 it that big. He said that he passed along the recommendations provided by Board and staff during the public
2 hearings to his architect for the new site plan. He said that currently the north parking lot is a graveled patch
3 that they use to park their tractors and trailers for the farm. He said that the gravel area that Ms. Lipps said
4 she could use for the kids' horse training could instead be used to park the tractors and trailers for the farm,
5 thus leaving room for the new parking lot for the event center.

6
7 Mr. Thorsland stated that Ms. Lipps could park her tractors and trailers anywhere on her property that she
8 desires, but relocating those items to the parking area along the road and allowing a parking area for the
9 event center near the barn would be more accommodating to the neighbors. He said that if any of the
10 parking area remains, the petitioners would need to comply with the screening requirements.

11
12 Mr. Fuentes stated that he and Ms. Lipps met with the Illinois Department of Natural Resources (IDNR) and
13 submitted IDNR's recommendations for screening to staff.

14
15 Mr. Thorsland asked Mr. Fuentes if he intends to meet the screening recommendations.

16
17 Mr. Fuentes stated yes.

18
19 Mr. DiNovo asked Mr. Fuentes if he would extend the screening back to define where the arc falls
20 designating the separation of the parking area and the private use area.

21
22 Mr. Thorsland stated that doing so would take away the functionality of the private use. He said why not
23 screen the entire area rather than having the screening stop in the middle. He said that in the country people
24 park their trailers wherever they desire. He said that they could install a barricade to prevent people from
25 parking anywhere other than the designated area. He said that if the entire area is screened there would be no
26 reason for someone to complain about them parking their horse trailer in that area.

27
28 Mr. DiNovo stated that it would take a lot of screening.

29
30 Mr. Thorsland stated that the petitioners are aware of how much screening that would be. He said that Board

1 has not pinned down what they want to do with the south parking area.

2

3 Mr. Fuentes stated that even if he decides to not use the south graveled area as a parking lot for the event
4 center, he could still use it for his implements and could park it on the graveled area. He said that he
5 understands what the Board is stating and he is trying to expand the north parking lot as much as possible,
6 but he would like to stay away from the two and one-half acre garden. He said that according to the
7 conversations during the meetings agriculture is to be preserved.

8

9 Mr. Thorsland stated that the Board will work with the petitioners, but he will not agree with Mr. DiNovo in
10 requiring screening down the middle of the graveled area near the road. He said that if the petitioners
11 desired they could construct an agricultural post building, meeting the required setbacks, to store their farm
12 implements and no screening would be required.

13

14 Mr. Randol stated that the Board should address the parking issue tonight so that it does not continue on to a
15 fourth meeting. He said that if the petitioner is expanding the parking area near the barn to accommodate the
16 event center's guests, then the petitioner could park his agricultural equipment at the parking area near the
17 road. He said that no screening is required for the agricultural use. He said that perhaps any buses could be
18 parked at the parking lot near the road.

19

20 Mr. Thorsland stated that Mr. Fuentes did not indicate that buses would be used.

21

22 Mr. Fuentes stated that if it will help move things along, he would only use the parking lot near the road for
23 private use and if no screening is required, he will expand the parking lot near the barn for the event center's
24 guests. He said that they have contracted with a shuttle company and when a client books an event the
25 shuttle service is recommended for transport to and from the event center. He said that they do not operate
26 the shuttle service.

27

28 Mr. Thorsland stated that the shuttle information is good information.

29

30 Mr. Fuentes stated that based on recommendations during the past public hearings they decided to contract

1 with the shuttle service. He said that the shuttle service vehicle does not remain on the property, as they
2 drop off and pick up guests when called for service. He said that he submitted the shuttle service
3 information to staff.

4
5 Mr. Passalacqua asked that since the house is included in the special use area, how many parking spots are
6 located at the driveway in front of the house.

7
8 Mr. Fuentes stated that 12 vehicles can be parked on the concrete driveway, but the six car garage is only
9 used by the Lipps family.

10
11 Mr. Passalacqua asked Mr. Fuentes if the 12 parking spaces could accommodate the overflow parking.

12
13 Mr. Thorsland stated that the 12 spaces are only one-third of the overflow parking area.

14
15 Mr. Passalacqua stated that he is attempting to find an area to accommodate the overflow parking in lieu of
16 using the parking lot being near the road.

17
18 Mr. Thorsland stated that perhaps the Lipps family would park their vehicles in the parking lot near the road
19 during events so that guests could use the parking area near the house.

20
21 Mr. Fuentes stated that if it helps move this process along he would make sure that the parking lot near the
22 road is used for private use only. He said that he could use the private parking lot for staff as well.

23
24 Mr. Thorsland asked staff if the 45 parking spots near the event center would accommodate 150 guests.

25
26 Ms. Griest stated that Mr. Fuentes indicated that he could have the employees park in the private parking lot
27 near the road, which drags the private parking lot back into the special use permit.

28
29 Ms. Burgstrom stated that there is a very long driveway on the subject property; therefore, the employees
30 could possibly park along the one-quarter of a mile drive.

1

2 Mr. Thorsland stated that Mr. Fuentes stated on record that the parking lot near the road would be used for
3 private use only.

4

5 Ms. Griest stated that if that is the case, then the boundary line for the special use permit should be relocated
6 to the west edge of the driveway on the site plan so that it is clear that the private parking lot is not included
7 in the special use permit area.

8

9 Mr. Thorsland stated that Mr. Fuentes has testified that making the parking lot near the road a private
10 parking area for the Lipps family is acceptable. He said that making the parking near the road a private
11 parking area would help alleviate the neighbor's concerns.

12

13 Mr. Fuentes stated that he is sure that Ms. Lipps would be fine with converting the parking area near the road
14 into a private parking area. He asked if it would still be allowable for him to park the agricultural equipment
15 and vehicles on the private parking area.

16

17 Mr. Thorsland stated yes.

18

19 Mr. DiNovo stated that no one is going to park further away from their ultimate destination than they have
20 to.

21

22 Mr. Thorsland agreed.

23

24 Mr. Fuentes stated that he will replace all of the driveway lights with full cut-off fixtures.

25

26 Mr. Hall asked Mr. Fuentes if he would agree to a special condition requiring full cut-off lighting.

27

28 Mr. Fuentes stated yes. He said that the current light fixtures are totally glass and the concern is to have the
29 light direction down with a solid cover on the top. He said he will willing to have the same amount of lights,
30 but replacing the fixtures and he will have the new lights pre-approved by staff before installing them.

1

2 Mr. Thorsland stated that Mr. Fuentes has indicated that, even though there will be no commercial kitchen,
3 Mr. Fuentes has decided to install a commercial hood so that it is a good quality hood. Mr. Thorsland stated
4 that Mr. Fuentes has indicated that an area near the pond would be used for wedding ceremonies only and the
5 reception would take place at the event center.

6

7 Mr. Fuentes stated that Mr. Thorsland was correct.

8

9 Mr. Thorsland stated that Mr. Fuentes has indicated that events would move indoors at 10:00 p.m. and
10 would end at 11:00 p.m. He asked the Board if a special condition is necessary regarding such.

11

12 Mr. Passalacqua stated that a special condition is necessary.

13

14 Mr. Fuentes stated that the liquor license allows events until 2:00 a.m., but he will not violate the Nuisance
15 Ordinance. He said that the indoor event will only go past the Nuisance Ordinance requirement by one hour
16 and all events will end at 11:00 p.m., and guests will need to vacate the property.

17

18 Mr. Thorsland asked Mr. Fuentes if he would agree to a special condition stating this information.

19

20 Mr. Fuentes stated that he would agree to such a special condition.

21

22 Mr. Hall asked Mr. Fuentes if there is a need to have the driveway lights on after 10:00 p.m. He said that he
23 understands that the lights will provide better navigation of the driveway for the guests, but the vehicles will
24 have their headlights on. He asked if the driveway lights are necessary after 10:00 p.m.

25

26 Mr. Thorsland stated that the Board has allowed other uses to have their lights on 24-hours per day. He said
27 Mr. Fuentes has agreed to replace the current driveway lights with full cut-off fixtures; therefore, they should
28 not be an issue.

29

30 Ms. Griest agreed with Mr. Thorsland, because Mr. Fuentes has indicated that the replacement lights will be

1 full cut-off and there should be no stray light intruding onto the neighbor's property.

2

3 Mr. Thorsland asked Mr. Fuentes if the light for the sign and tractor at the end of the lane could be less
4 intrusive.

5

6 Ms. Griest asked if the light for the sign and the tractor is part of the farm operation or the business
7 operation. She said that she has no problem with the light illuminating the sign if it is part of the farm
8 operation, because a farm sign is by-right and there are a lot of farms that have signs. She said that she has
9 no problem in regulating the sign light, because Mr. Fuentes has indicated his cooperation with all other
10 lighting issues and that he would ensure that the sign light does not stray onto neighboring properties. She
11 said that there are security lights in the rural area that are far more intrusive.

12

13 Mr. Randol stated that Mr. Fuentes indicated that the sign is for the farm and not the business. He said that
14 the Board recently approved an event center, which indicated that they would have signs along the road and
15 the Board did not regulate those signs.

16

17 Mr. Thorsland noted that the signs for the other event center were wayfinding signs and no lights were
18 involved. He asked the Board if there were any other concerns related to the special use that have not been
19 discussed tonight.

20

21 Ms. Griest stated that she would like to have a special condition regarding the discharging of firearms on the
22 subject property during events, not personal use.

23

24 Mr. Thorsland asked if such a special condition would limit the property owners from discharging firearms
25 during personal use within the special use permit area.

26

27 Ms. Griest stated no, because the property owners have the right to discharge their firearms on their property,
28 but if they hold an event, the discharge of firearms is prohibited as part of the special use. She said that she
29 indicates discharge in her statement, because she does not want the National Rifle Association (NRA) or
30 another entity to book an event that may have guns on site for ownership transfer.

1
2 Mr. Thorsland asked Mr. Fuentes if he would agree to a special condition regarding the prohibition of
3 discharging firearms as part of the special use permit.

4
5 Mr. Fuentes stated that he would agree to such a special condition.

6
7 Ms. Griest stated that there was discussion regarding indicating that the event center would never become a
8 restaurant, but no special condition is proposed prohibiting a restaurant. She said that Special Condition I.
9 indicates no “walk-in” guests.

10
11 Mr. Thorsland read Special Condition I. as follows:

- 12
- 13 I. This Special Use Permit authorizes an “event center” and not a restaurant and
14 shall operate within the following requirements:
 - 15 1. All guests shall be invited and “walk-in” guests shall not be allowed.
 - 16 2. A list of invitees shall be prepared for each event and both the invited
17 guest list and a guest sign-in shall be maintained as an official business record.
 - 18 3. Both the invited guest list and the guest sign-in list for each event shall be
19 maintained onsite for a least 5 years and shall be made available to the Champaign
20 County Zoning Administrator when requested.

21
22 Mr. DiNovo asked staff to explain the purpose of the guest list.

23
24 Ms. Griest stated that the guest list is to indicate the invited guests, as the event center is not open to the
25 public.

26
27 Mr. Hall stated that the Board could determine that the guest list is not necessary.

28
29 Mr. DiNovo stated that it appears to be overkill.

30

1 Mr. Hall stated that if the Board finds that the guest list is overkill the guest list could be stricken.

2

3 Mr. DiNovo asked staff if a guest list has been required for any other event center.

4

5 Mr. Hall stated no, but that does not mean that it should not have been a requirement. He noted that Mr.
6 DiNovo has been a Zoning Administrator and, at that time, he received calls from concerned neighbors.

7

8 Mr. DiNovo stated that it is always a question of balancing the ordinance.

9

10 Ms. Burgstrom asked Mr. Fuentes if it is standard procedure for an event coordinator to maintain a file for
11 the guest list for every event.

12

13 Mr. Fuentes stated no. He said that he does not receive a guest list for a wedding ceremony and reception.
14 He said that the person who books the event only provides the number of guests for the event, which is up to
15 150. He said that the person who is coordinating the wedding would have the name of the guests so that they
16 can place placards at the assigned seating tables, but they do not provide names and addresses of those guests
17 to Mr. Fuentes or Ms. Lipps.

18

19 Mr. Thorsland stated that Mr. Fuentes will have a list indicating the number of people served at each event;
20 therefore, the Board could request the number of people served at an event on a certain date.

21

22 Mr. DiNovo asked the Board if they want Mr. Fuentes to request a list from the NRA indicating the names
23 and addresses for their members that attended their dinner at the event center so that it could be provided to
24 the zoning office.

25

26 Mr. Thorsland stated that he would propose under Special Condition I. that this is an event center with
27 invited guests and it is not a restaurant excepting "walk-in" guests. He said that the event center is limited to
28 no more than 150 people at any event, large or small, and the limit is based on the capacity of the approved
29 wastewater system and the number of required parking spaces. He said that the exact wording does not have
30 to be included, but he would like some sort of text indicating that there is a cap of 150 invited guests per

1 event.

2

3 Ms. Griest stated that she is not interested in requiring a guest list and she does not expect staff to monitor or
4 maintain a guest list.

5

6 Mr. Thorsland stated that Mr. Fuentes would have a record of the number of people served at the event
7 center, because he will need the record for his billing process.

8

9 Mr. Fuentes stated that there is a flat fee for the use of the event center and then a fee for each plate served
10 up to 150 people. He said that he agrees with the condition that the event center can never become a daily
11 restaurant.

12

13 Mr. Hall stated that the Board could strike subparagraphs 2 and 3 under Special Condition I. and revise
14 subparagraph 1 to establish that the limit on capacity is 150 guests.

15

16 Mr. Thorsland agreed. He said that progress has been made tonight, but a good relationship with the
17 neighbors is important and always recommended. He said that the screening for the front parking lot will not
18 be required since the front parking lot will be a private parking lot for the property owner.

19

20 Mr. Fuentes stated that trees to the west side have already been planted.

21

22 Mr. Hall stated that if the Board agrees that the landscaping that has been added to the west side is necessary,
23 then a special condition is required for maintenance of that screening. He said that if the Board does not
24 want to require maintenance of the trees on the west side, then no special condition is necessary.

25

26 Ms. Capel stated that those trees are not part of the special use area.

27

28 Mr. Hall stated that it is still screening.

29

30 Mr. DiNovo stated that he does not believe that the screening is needed, because the special use area is 800

1 feet from the nearest property line.

2

3 Mr. Randol agreed with Mr. DiNovo.

4

5 Mr. Thorsland stated that the petitioners planted the trees because they wanted to and maintenance of those
6 trees should not be a special condition.

7

8 Ms. Griest stated that the nearest adjacent resident is closer than 800 feet. She asked Mr. Hall if screening is
9 going to be required there, what about the people who are across the road as they are at an equal distance.
10 She said that she is not in favor of requiring the screening.

11

12 Mr. Thorsland stated that the consensus of the Board is that there are no screening requirements, because the
13 special use area is more than 1,000 feet away from the nearest residence.

14

15 Mr. Hall stated that the neighbors have always been affirmative that they would like to have screening
16 required on all four sides. He said that the Board has been very clear that they do not see a reason to require
17 any screening; therefore, there will be no special condition requiring it.

18

19 Mr. DiNovo stated that he is not aware of any screening requirements.

20

21 Mr. Hall stated that there is no screening requirement other than what the Board wants to establish for the
22 special use.

23

24 Mr. DiNovo asked Mr. Hall if there were other special use permits which required screening due to a similar
25 distance.

26

27 Mr. Randol stated that in order for the screening to be effective and serve its purpose for over 900 feet away
28 it would have to be 30 feet tall so that neighbors could not see over it.

29

30 Mr. Thorsland stated that the Board has agreed that no screening requirements are necessary. He said that if

1 the Board if comfortable with having no screening requirements, the Board should move forward to make
2 sure that they have covered everything else and have it documented for staff.

3

4 Ms. Griest stated that the Board should discuss the number of allowed events per year.

5

6 Mr. Randol asked Mr. Hall if it is necessary for the petitioners to call the office every time they want to hold
7 a large event.

8

9 Mr. Hall stated that it is necessary, if the events are going to be monitored. He said that if the Board is
10 going to establish a special condition and not worry about enforcement, then that is fine. He said that he
11 does not recommend that approach, but it makes his life easier.

12

13 Mr. Thorsland stated that the petitioner has requested 26 large events and the small events have been
14 defined. He said that the large events have been limited to the number of events that could be held by-right,
15 but the petitioner has requested for six more than that. He said that the petitioner has agreed to the bracket
16 around planting and harvest time, therefore limiting the time when events could be held. He asked the Board
17 if they agreed with staff's recommendation of 20 large events or the petitioner's request of 26 events.

18

19 Ms. Griest stated that she agrees with a limit of 20 large events. She said that the petitioner requested 26
20 large events, which is basically 1 large event every two weeks. She said that three months are taken out for
21 planting and harvest season which would eliminate six events. She said that having a large event every two
22 weeks, except during planting and harvest season, seems reasonable and would amount to 20 large events
23 per year.

24

25 Mr. Fuentes asked that with all due respect, why is he here. He said that if 20 large events is the approved
26 amount that could be held, then he would comply. He said that he is only asking for six more events than
27 what he is allowed to do without any of these requirements. He said that with a Temporary Use Permit he
28 could hold five events during each 90-day period.

29

30 Mr. Hall stated that with a special use permit the petitioner could hold an unlimited number of small events

1 plus 20 large events. He said that the petitioner is here to gain approval for an unlimited number of small
2 events plus 20 large events, as opposed to, 20 events total, which is a big difference.

3
4 Mr. Fuentes stated that he understood what Mr. Hall was indicating and he will take it into consideration.
5 He said that he is only trying to make this work and not place any more stress on the neighbors. He said that
6 he has tried to have conversations with the neighbors and he apologized to Ms. Johnson for the unfortunate
7 situation that occurred. He said that he spoke to Ms. Lipps about the occurrence, but he was not there when
8 it occurred so he doesn't know exactly what happened. He apologized for any racial remarks that occurred,
9 because such actions hit close to home for him and he does not tolerate such behavior. He said that he does
10 not tolerate this behavior from his employees and he would be happy to provide his telephone number so that
11 the neighbors can call him with any concerns. He said that he has made concessions, but it appears that the
12 more he is willing to give in, the tighter the collar becomes.

13
14 Mr. Thorsland entertained a motion for a fifteen minute continuance of the meeting.

15
16 **Ms. Griest moved, seconded by Mr. Randol to extend the meeting for fifteen minutes. The motion**
17 **carried by voice vote.**

18
19 Mr. DiNovo stated that a home occupation allows up to 12 patrons at sales parties, open houses or similar
20 events not more than once in any 30 day period. He said that 20 events could be held with a Temporary Use
21 Permit, but 12 very small events could be conducted under a home occupation.

22
23 Mr. Thorsland stated 32 events, 20 large and 12 very small, could be held under this scenario.

24
25 Mr. Hall stated that whether or not this could be a home occupation is a gray area, because not all of the prep
26 is occurring on the subject property. He asked Mr. DiNovo if he is suggesting that a small restaurant could
27 be conducted under a home occupation.

28
29 Mr. DiNovo stated that many sales parties in homes serve food not prepared on site.

30

1 Mr. Thorsland stated that at the very base, someone in a rural setting could hold a small event every 30 days
2 with no more than 12 patrons.

3
4 Mr. DiNovo stated that he is talking about a Neighborhood Home Occupation which could occur anywhere.

5
6 Mr. Thorsland stated that a special use permit would allow 20 large events with an unlimited amount of
7 small events. He said that the difference between 20 and 26 large events with an unlimited amount of small
8 events is not that big of change. He asked the Board if they want to follow the LRMP guidelines regarding
9 the allowance of a commercial enterprise in the AG-2 district and cap the number events so that the
10 enterprise fails. He said that he does not know if failure of the enterprise would be the difference between 20
11 and 26 events and he does not know if the six additional events would occur every year. He said that
12 perhaps the Board could compromise and allow 24 events.

13
14 Mr. Hall recommended that the package would be easier to explain to the County Board if they can look at
15 the Ordinance and see the basis of the limit of 20 events.

16
17 Mr. Thorsland stated that a County Board member could argue why the petitioner doesn't just apply for a
18 Temporary Use Permit for the 20 events, thus putting a big cap on the amount of work that the petitioners
19 have tried to do.

20
21 Ms. Capel stated that there is a certain amount of negotiation occurring. She said that the Board has its
22 position based on our basis and it is just a matter of what is reasonable.

23
24 Mr. Thorsland stated that if the difference between the 20 and 26 events was the only thing that the Board
25 was considering then it would be a difference. He said that because we have the additional factor of the
26 small events that can occur at regular intervals, the impact over a course of one year is more minimal than if
27 we were only talking about big events and adding 30% to it.

28
29 Mr. Randol stated that there is no more guarantee that 20 small events would be held than there is that 26
30 large events will be held. He said that he does not have a problem with allowing 26 events.

1

2 Mr. DiNovo stated that he is inclined to believe that large events would be less likely to occur during the
3 winter months. He asked the Board if they cared whether all of the large events occurred every week during
4 the summer months. He asked if the Board should make sure that the large events are spread out throughout
5 the year.

6

7 Mr. Thorsland asked at what point does the ZBA go from permitting the use with special conditions and
8 running the business for them. He said that attached to the map amendment is the special condition
9 regarding the *Right to Farm Act*. He said that the petitioners should have the opportunity to run their
10 business, but does the Board want to tell them which days of the week they can do that.

11

12 Mr. DiNovo stated that holding large events in the summer would have a larger impact on the neighbors,
13 because the neighbors will be outdoors and will be more susceptible to noise generated at the event center.

14

15 Mr. Passalacqua stated that the petitioner is present; therefore, the Board could ask Mr. Fuentes to indicate if
16 he has 26 events booked for the year.

17

18 Mr. Fuentes stated that currently he has 11 large events booked, but he wanted to be ambitious and realistic.
19 He said that he has 10 small dinners on the farm booked for the entire year and two of those events are in
20 November and December during the holiday season, and generally held on the fourth Thursday or Friday of
21 the month.

22

23 Mr. Thorsland stated that steadily the Board could expect 10 small events, the dinners, over the course of the
24 whole year.

25

26 Mr. Fuentes stated that the 10 small events are the only ones that he has booked for the entire year and that is
27 because he has control over those events.

28

29 Mr. Thorsland stated that the larger events, graduations and weddings, would occur during the warmer
30 seasons of the year. He said that he has no problem approving 26 events over 20 events.

1

2 Ms. Griest stated that Ms. Burgstrom previously stated that the parking was based upon one spot for five
3 guests. She said that 20 vehicles with five guests each equals 100 guests, which is not a small event.

4

5 Mr. Thorsland stated that the cap is 150 guests.

6

7 Ms. Griest stated that it is possible that there could be 150 guests arriving on a bus and have fewer than 20
8 vehicles. She said that her level of discomfort is having a large event every weekend or two or three small
9 events every weekend occurring on Friday, Saturday and Sunday. She said that it is too onerous on a rural
10 venue, if they are doing it nine months out of the year. She said that it becomes too intrusive and while
11 reviewing the *LaSalle Factors*, the question will arise as to whether this use is better suited somewhere else,
12 and she would have to say yes. She said that she understands the profit motivation of any entrepreneur
13 because they want to make money and the business has to be profitable, but the Board may be fussing over
14 something that really may not be that big of a deal.

15

16 Mr. Randol stated that he has no problem with 26 events.

17

18 Ms. Griest stated that she is not comfortable in agreeing with 26 events, because she can defend to the
19 County Board why the ZBA limited the number of events to 20, which is what the petitioner could have by-
20 right and an unlimited number of small events. She said that this is a better sale to the County Board.

21

22 Mr. Thorsland noted to the audience that there will be a continuance of this case and the audience will have
23 the opportunity to voice their concerns at that time. He said that the Board needs to define homework for the
24 petitioner and staff prior to the next meeting; therefore, he will not open up witness testimony at this time.
25 He said that the audience members should contact staff tomorrow morning by telephone, personal visit, or
26 email, regarding their concerns and staff will include those conversations in the next mailing packet for the
27 Board's review. He apologized to the audience, but the Board has a time limit that they must adhere to for
28 this case and other business not related to this case in five minutes. He said that he does not intend on
29 continuing this meeting past 10:00 p.m.

30

1 Mr. DiNovo stated that, there are two issues that the Board is dealing with and one is the frequency of events
2 that will likely cause some level of disturbance, and the second issue is traffic, because the reason why the
3 Board is limiting the number of guests is due to traffic. He said that he is comfortable with allowing staff to
4 rethink this issue and providing a recommendation.

5
6 Mr. Thorsland stated that staff has provided a recommendation of 20 events, which is the amount of events
7 that the petitioner could have under a Temporary Use Permit, five events per quarter. He said that 26 events
8 was the request by the petitioner and it is in the best interest of the Board, staff and the petitioner to pin
9 down the number of large events allowed.

10
11 Mr. DiNovo stated that pinning down the number may not be possible without a vote and that vote should
12 not occur until the findings are completed.

13
14 Mr. Thorsland stated that it would be nice to have that number decided so that the special condition could be
15 modified and included in the next mailing.

16
17 Ms. Griest stated that perhaps staff could come back with two special conditions and the Board could choose
18 between the two. She said that one special condition could indicate 26 large events and the other could
19 indicate 20 large events or whatever compromise in between occurs after discussion with the petitioner on
20 that subject that would work out. She said that the staff could provide a choice rather than a
21 recommendation.

22
23 Mr. Thorsland stated that there has been discussion regarding the unlimited number of small events proposed
24 and whether the Board is agreeable to 20 large events or the 26 large events that the petitioner has requested.
25 He said that the Board has discussed how 10 shuttle buses that hold 20 people would put the number of
26 guests over the limit of 150 guests. He said that the petitioner indicated that the billing has two parts; they
27 pay to rent the facility and then pay per plate served.

28
29 Mr. Fuentes stated that Mr. Thorsland is correct in regards to the billing process.

30

1 Mr. Thorsland asked if the Board thinks about the small and large events, which could still consist of 150
2 people who arrive by buses, so if the Board is concerned about the number of large events would it be
3 unreasonable to put some sort of number on the small events. He asked Mr. Fuentes if he anticipated having
4 a small event every day.

5
6 Mr. Fuentes stated no.

7
8 Mr. Thorsland stated that it would be helpful if Mr. Fuentes could provide a total number of events expected
9 for the year so that the neighbors would be aware of what to expect. He said that this discussion needs to
10 include Ms. Lipps so that the numbers could be presented at the next public hearing.

11
12 Mr. Fuentes stated that he would like to have a decision on the allowed number of events sooner than later.
13 He said that if 20 large events is the number that the Board feels comfortable then that is what is going to
14 happen and we can move forward and pray for the best. He said that he is willing to compromise.

15
16 Mr. Thorsland stated that he would like to see two special conditions regarding the number of allowed events
17 included in the next mailing for the Board's review.

18
19 Mr. Thorsland entertained a motion for a fifteen-minute extension of the meeting.

20
21 **Ms. Capel moved, seconded by Ms. Griest to grant a fifteen-minute extension of the meeting. The**
22 **motion carried by voice vote.**

23
24 Ms. Griest stated that her compromise for the allowance of 26 large events per year is as follows: no more
25 than three large events in any given calendar month with a maximum of 26 large events in a calendar year.

26
27 Mr. DiNovo stated that a bed and breakfast is permitted as a home occupation and is allowed by-right with
28 up to eight guests. He asked the Board if they care if there is a bed and breakfast operation on site. He said
29 that it would make sense to have a bed and breakfast on site to coordinate with the event center.

30

1 Mr. Fuentes stated that a bed and breakfast is not something that they have thought about, but the house is
2 Ms. Lipps' and not his.

3
4 Mr. DiNovo stated that a bed and breakfast is only allowed as a home occupation; therefore, Ms. Lipps is the
5 person who would have to apply.

6
7 Ms. Griest stated that since the house would have to be part of the special use.

8
9 Mr. DiNovo stated that the house is within the boundaries of the special use area. He asked Mr. Hall if the
10 house being included in the special use permit would prohibit Ms. Lipps from obtaining a Zoning Use Permit
11 for an addition to the home.

12
13 Mr. Hall stated that not as long as he is the Zoning Administrator, but he will not be here forever. He said
14 that perhaps a special condition could indicate that no limitation applies to additions to the house for
15 personal use, but definitely not for replacement. He said that such a special condition would protect the
16 petitioner in the future.

17
18 Ms. Capel asked if the Board settled the sunset clause discussion.

19
20 Mr. Thorsland stated no.

21
22 Ms. Capel asked if it is the Board's intent that if sunset clause is legal then a special condition will be
23 imposed.

24
25 Mr. Thorsland stated that the Board would have to go by the fact that maybe no one else would have the
26 enthusiasm to work that hard; therefore, it would go away by itself.

27
28 Mr. DiNovo stated that he is concerned about Special Condition H. He said that he does not believe that the
29 intent was to indicate that someone could never divide more lots from the subject property.

30

1 Mr. Hall stated that was the intent.

2

3 DiNovo stated that he does not believe that it is proper special condition to foreclose on the rights of the
4 property owner. He said that Special Condition H. could state the following: The Special Use Permit shall
5 be void upon the creation of any additional residential lots from the subject property. He said that if the
6 special use goes away then additional residential lots could be created, but as long as the special use is valid,
7 no additional residential lots can be created.

8

9 Mr. Thorsland stated that Ms. Lipps, the property owner, is not present tonight; therefore, the special
10 condition can be discussed and included in the next mailing packet for Ms. Lipps' review and consideration.

11

12 Mr. DiNovo stated that the limitation is only relevant as an offset to the traffic generated by the special use
13 permit, but if there is no special use on the subject property, there is no justification for that limitation. He
14 said that the limitation needs to be tied to the special use permit.

15

16 Mr. Hall stated that what will come back to the Board is something that will incorporate both of those,
17 because he wants to make it clear that there are not supposed to be any land divisions while the special use is
18 in operation.

19

20 Mr. DiNovo reminded the Board that division of any abutting property within 200 feet of the special use
21 permit for a new residential use would require a special use permit. He said that if a residential use proposed
22 to be located within the 200 feet separation distance, a special use is required, per Section 4.3.8 of the
23 Zoning Ordinance.

24

25 Mr. Thorsland stated that he is confident that staff would prepare a special condition for the Board and the
26 petitioner's review.

27

28 Mr. Thorsland encouraged the audience to call staff with any questions and concerns and he encouraged
29 them to attend the next public hearing regarding these cases. He said that Mr. Hall has suggested a
30 continuance date of March 16th, but the Board does not appear to agree with that date.

1

2 Mr. Hall stated that staff has proposed a continuance of these cases to the March 16th meeting, because staff
3 believes that this case could be continued to March 16th, because the case that is scheduled for that meeting
4 could be very short. He said that as an alternative continuance date for Cases 830-AM-16 and 831-S-16, the
5 Board could continue these cases to the March 30th meeting and the other cases will be rescheduled.

6

7 Mr. Thorsland stated that he would prefer continuing Cases 830-AM-16 and 831-S-16 to the March 30th
8 meeting. He said that Mr. Fuentes has been very cooperative and he deserves to have his cases heard as soon
9 as possible, but there is a scheduled case on March 16th that has the potential of being extremely complicated
10 and it would not be fair to continue Cases 830-AM-16 and 831-S-16 to that meeting.

11

12 Mr. Thorsland entertained a motion to continue Cases 830-AM-16 and 831-S-16 to the March 30th meeting.

13

14 **Ms. Capel moved, seconded by Mr. Randol to continue Cases 830-AM-16 and 831-S-16 to the March**
15 **30th meeting. The motion carried by voice vote.**

16

17 Mr. DiNovo stated that he may be absent from the March 30th meeting.

18

19 Mr. Hall asked the Board if they would like Cases 830-AM-16 and 831-S-16 to be the only cases heard at the
20 March 30th meeting.

21

22 The Board stated yes.

23

24 Mr. Thorsland encouraged the audience to call or email staff with any input, concerns or questions.

25

26 Mr. DiNovo asked Mr. Hall if the cases that are indicated on the docket for the March 30th meeting will be
27 scheduled for a later meeting.

28

29 Mr. Hall stated yes.

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1 Mr. Fuentes asked the Board if it would be okay for him to investigate a type of full cut-off driveway lights
2 that he will purchase to replace the current lights, or should he wait until he receives final approval. He said
3 that he does not want to get in trouble for replacing the lights, but he will submit the manufacturer's
4 information to staff for review.

5
6 Mr. Thorsland stated that if Mr. Fuentes desires to the change the lights, because they would be better for the
7 neighborhood, there should not be a problem and the Board will not make him change them back if the
8 special use permit is not granted.

9
10 Mr. Fuentes asked the Board if it would be okay for him to start on the gravel pad near the barn as well.

11
12 Mr. Passalacqua stated that the Board never recommends that people should start spending their own time
13 and money until they receive an approval, unless they are doing it at their own will. He said that if Mr.
14 Fuentes replaces the driveway lights and begins construction on the gravel pad near the barn, he is doing so
15 at his own risk knowing that he may or may not receive approval of his requests. He said that the Board is
16 not instructing Mr. Fuentes to do it and it will not improve his chances of receiving an approval, but if he is
17 doing these things in good faith then that is at his own will. He noted that the Board is not telling Mr.
18 Fuentes to spend his own money to do things.

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20 **6. New Public Hearings**

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22 None

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25 **7. Staff Report**

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27 None

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29 **8. Other Business**

30 A. Review of Docket

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Mr. DiNovo stated that it is possible that he will not be in attendance for the March 30th meeting.

Mr. Thorsland requested a full Board for the March 16th meeting. He said that staff has recommended that the July 27th meeting be cancelled due to staff vacations, and requested that a special meeting be scheduled for August 3rd.

Ms. Griest moved, seconded by Mr. Passalacqua to cancel the July 27th meeting and schedule a special meeting for August 3rd. The motion carried by voice vote.

Ms. Griest asked if rather than moving petitioners back on the docket, should another special meeting be approved.

Mr. Hall stated that the petitioners for the cases that have been moved from the March 30th meeting are not aware of the fact that they were moved up on the docket. He said that the case scheduled for the March 16th meeting will require a full meeting.

Mr. Passalacqua asked Mr. Hall if any new information could be discussed regarding the March 16th meeting.

Mr. Hall stated that staff is anticipating a short meeting. He said that staff would not anticipate a short meeting if the case received a denial or an approval.

B. Meeting Room Availability

Mr. Thorsland noted that beginning March 16th the ZBA meetings will once again be held in the John Dimit Room.

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

1 None

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3 **10. Adjournment**

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5 Mr. Thorsland entertained a motion to adjourn the meeting.

6

7 **Ms. Griest moved, seconded by Mr. Passalacqua, to adjourn the meeting. The motion carried by voice**
8 **vote.**

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10 The meeting adjourned at 9:59 p.m.

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12 Respectfully submitted

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17 Secretary of Zoning Board of Appeals

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