

MINUTES OF REGULAR MEETING
CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
1776 E. Washington Street
Urbana, IL 61802

DATE: February 28, 2019 **PLACE:** Lyle Shields Meeting Room
1776 East Washington Street
TIME: 6:30 p.m. **Urbana, IL 61802**

MEMBERS PRESENT: Thomas Anderson, Frank DiNovo, Ryan Elwell, Marilyn Lee, Larry Wood

MEMBERS ABSENT: Jim Randol

STAFF PRESENT: Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT: Arik Miller, Kyli Miller, Earl Smith, Dale Miller, Kathy Miller, Gary Busboom

1. Call to Order

The meeting was called to order at 6:30 p.m.

2. Roll Call and Declaration of Quorum

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

Mr. Elwell 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: November 29, 2018 and January 31, 2019

Mr. Elwell entertained a motion to approve the November 29, 2018 and January 31, 2019, minutes.

Ms. Lee stated that the minutes for January 31st indicate that the Board voted on the November 1, 2018, November 15, 2018, and January 3, 2019 minutes for approval, although there were not four members present at the January 31st hearing who attended those meetings. She said that at the February 14, 2019, meeting, the Board deferred approval of the November 29, 2018, minutes because there were not four members present who attended that meeting; therefore, due to those rules, she does not believe that the minutes approved at the January 31st meeting should have been approved.

Mr. Elwell stated that at the February 14, 2019 meeting, the Board only approved the January 17th minutes, and deferred the November 29th minutes to a later date.

1 Mr. Wood agreed with Mr. Elwell.

2
3 Ms. Burgstrom attempted to clarify that at the January 31st meeting, the November 1, 2018, November 15,
4 2018, and January 3, 2019 minutes were approved, although if the Board is going to apply the same rules
5 regarding the number of members who actually attended those meetings, then both sets of the November
6 minutes should not have been approved because there were only three members present at the January 31st
7 meeting who attended the November meetings.

8
9 Mr. Elwell stated that it was his impression that only the January 3rd minutes were approved at the January
10 31st meeting.

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12 Mr. Wood agreed with Mr. Elwell.

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14 Ms. Lee stated that the January 31st minutes indicate that both sets of the November minutes were approved.

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16 Ms. Burgstrom stated that staff would review the audio tape again to confirm whether all three sets of
17 minutes were approved as indicated.

18
19 **Ms. Lee moved, seconded by Mr. Wood, to approve the January 31, 2019, minutes as submitted. The**
20 **motion carried by voice vote.**

21
22 Ms. Lee stated that actually, the Board has the same issue with the January 31st minutes because Mr. Randol
23 is not present tonight.

24
25 Mr. Hall stated that staff would review *Robert's Rules of Order*, regarding approval of minutes, because he
26 would not want the Board to establish a rule that makes it impossible to approve minutes.

27
28 Mr. DiNovo stated that the minimal vote of four to approve applies to things that the Board is required to
29 rule under the terms of the Ordinance, and unless there is specific provision in the By-laws or *Robert's Rules*
30 *of Order*, then a majority vote of a quorum is all that is needed to approve minutes.

31
32 Mr. Hall asked the Board if they were willing to allow the approval of the January 31st minutes stand.

33
34 Ms. Lee stated that her point is that the Board should be consistent regarding approval of minutes; therefore,
35 she would appreciate staff reviewing *Robert's Rules of Order*, and take it from there.

36
37 Mr. Hall asked if the approval of the January 31st minutes would stand.

38
39 **Mr. DiNovo moved, seconded by Mr. Wood, that the approval of the January 31, 2019, minutes**
40 **stands, unless it is determined that the vote was improper pursuant to the By-Law's and *Robert's***
41 ***Rules of Order*. The motion carried by voice vote.**

42
43 Mr. Hall stated that since the Board did not approve the November 29, 2018, minutes, those minutes will be
44 placed on a later agenda.

45
46 **5. Continued Public Hearing**

47

1 None

2

3 **6. New Public Hearings**

4

5 **Case 924-AM-19** Petitioner: **Arik and Kyli Miller, d.b.a. Miller Farms Barn, LLC** Request: **Amend**
6 **the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District**
7 **to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related**
8 **Zoning Case 925-S-19.** Location: **A 10.3 acre tract in the East Half of the Northeast Quarter of**
9 **Section 28 of Township 21N, Range 10E, of the Third Principal Meridian in Compromise Township**
10 **and commonly known as the farmstead located at 2079 CR 2600N, Gifford.**

11

12 **Case 925-S-19** Petitioner: **Arik and Kyli Miller, d.b.a. Miller Farms Barn, LLC** Request: **Authorize**
13 **the remodeling of existing farm buildings and/or the construction of new buildings for the**
14 **establishment and use of an Event Center as a combination “Private Indoor Recreational**
15 **Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is**
16 **proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture**
17 **Zoning District in related Case 924-AM-19, with the following waiver: Authorize a waiver for an**
18 **Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the**
19 **minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.** Location: **A 10.3 acre tract in**
20 **the East Half of the Northeast Quarter of Section 28 of Township 21N, Range 10E of the Third**
21 **Principal Meridian in Compromise Township and commonly known as the farmstead located at 2079**
22 **CR 2600N, Gifford.**

23

24 Mr. Elwell informed the audience that Case 925-S-19 is an Administrative Case and as such, the County
25 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
26 for a show of hands for those who would like to cross-examine, and each person will be called upon. He
27 requested that anyone called to cross-examine go to the cross-examination microphone to ask any
28 questions. He said that those who desire to cross-examine are not required to sign the witness register
29 but are requested to clearly state their name before asking any questions. He noted that no new
30 testimony is to be given during the cross-examination. He said that attorneys who have complied with
31 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

32

33 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
34 the witness register for that public hearing. He reminded the audience that when they sign the witness
35 register they are signing an oath. He asked the audience if anyone desired to sign the witness register and
36 there was no one.

37

38 Mr. Elwell asked the petitioners if they desired to make a statement regarding their request.

39

40 Ms. Kyli Miller, who resides at 2079 CR 2600N, Gifford, stated that she and her husband are requesting
41 a special use for an event center. She said that they have a dairy barn on their property that has been
42 sitting vacant and they would like to repurpose the dairy barn as an event center to hold weddings and
43 events.

44

45 Mr. Elwell asked the Board if there were any questions for the petitioners.

46

47 Ms. Lee stated that originally the petitioners had 30,000 square feet for their parking area, which would

1 have been adequate for 100 vehicles. She said that currently the petitioners have 22,000 square feet
2 proposed and with a maximum attendance of 300, there would need to be four people per vehicle. She
3 said that if the petitioners lower the maximum attendance to 250, there would still need to be three or
4 more people per vehicle. She said that personally, she believes that the petitioners require more square
5 footage for parking, because the Board approved the special use permit for Hudson Farms, and the
6 owners started their operation prior to receiving approval of their special use permit. She congratulated
7 the petitioners for starting the special use permit process prior to beginning operations. She said that
8 Hudson Farms parked vehicles on both sides of the road during their events, and she personally drove
9 through the row of cars and found it very difficult to safely maneuver, and at one point, one of the
10 attendees of the event that night required her to pull over so that they could travel down the road. She
11 said that she is concerned about the parking issues, and it appears that some of the other officials are
12 concerned as well, and it is her opinion that the petitioners need more area for parking rather than less
13 area.

14
15 Mr. DiNovo asked the petitioners to indicate how the ten acre parcel was created. He said that it appears
16 that the parcel was part of a larger farm and the homestead may have been separated as part of an estate.
17

18 Mr. Arik Miller stated that he and his wife purchased the property, 10.3 acres, in July of 2018. He said
19 that he grew up across the road on his family's property, and it was important to him to get back to the
20 area.

21
22 Mr. DiNovo asked Mr. Miller if he knew when the existing barn was constructed.
23

24 Mr. Miller stated that the barn was built during the 1950s.
25

26 Mr. DiNovo asked Mr. Miller if the first story was masonry and then timber above and was the original
27 wiring still in the barn or had it been changed.
28

29 Mr. Miller stated that the original electrical wiring has been removed and new electrical wiring has been
30 installed.
31

32 Mr. DiNovo asked Mr. Miller if the electrical wiring is new, as in, since July 2018.
33

34 Mr. Miller stated yes.
35

36 Mr. DiNovo asked if the timber is exposed.
37

38 Mr. Miller stated yes.
39

40 Ms. Miller stated that, in regard to Ms. Lee's concern regarding the parking area, they did originally
41 propose 30,000 square feet for parking, but upon the recommendation by Ms. Burgstrom, they lowered
42 the square footage to 22,000 because their occupancy number did not require 30,000 square feet. She
43 said that they started out larger believing that they needed more space but decreased it after staff clarified
44 the amount of area required.
45

46 Mr. Miller stated that the Zoning Ordinance states one parking space per every five guests, but he did not
47 agree and decided to make the area larger. He said that they increased their occupancy to make

1 everything even in terms of occupancy, parking lot space and the amount of required handicap accessible
2 parking spaces. He said that they do have room to expand the parking lot because they own the entire
3 10.3 acres, and surrounding the parking lot will be a hayfield, so his goal is to keep all parking off the
4 road and move vehicles into the hayfield for overflow.
5

6 Mr. Elwell asked Mr. Miller to indicate the size of the parking lot. He said that on one document dated
7 January 2, 2019, the parking area dimensions are 150' x 200', but the documents dated February 13,
8 2019, indicate 110' x 100'.
9

10 Mr. Miller stated that the documents indicating a 110' x 200' parking area are correct.
11

12 Mr. DiNovo asked if there was anything on the earlier site plan that the Board needed to review, because
13 he did not understand why the Board received both plans.
14

15 Ms. Burgstrom stated that staff includes original preliminary site plans and revised site plans so that the
16 Board can see the progress that is being made.
17

18 Mr. DiNovo stated that including all of those plans may not be worth the trouble, because it makes it
19 more confusing for the Board than helpful.
20

21 Ms. Burgstrom noted Mr. DiNovo's comment.
22

23 Ms. Lee asked Ms. Burgstrom why she recommended a 22,000 square foot parking area in lieu of a
24 30,000 square foot parking area.
25

26 Ms. Burgstrom stated that she didn't necessarily recommend 22,000 square feet but did recommend that
27 the petitioners look at impervious area and how it would affect their need for having a storm water
28 drainage plan and required review. She said that if the petitioners chose to go with a lesser amount of
29 square footage for the parking area, they might be able to reduce expenses at this time, but if they get
30 into expansion then they could incur those expenses later. She said that the petitioners have ample room
31 to add more parking, and it is up to the Board as to whether more parking is required. She noted that the
32 petitioners do own the entire 10.3 acres and overflow parking could occur in that area. She said that if
33 the petitioners have a one acre increase in impervious area for the event center, then a storm water
34 drainage plan would be required.
35

36 Mr. DiNovo asked staff if they calculated the impervious area percentage, because his calculation does
37 not indicate that the petitioners were that close.
38

39 Ms. Burgstrom stated that she calculated the impervious area, although she does not have those
40 calculations with her tonight.
41

42 Mr. DiNovo stated that he calculated 9.7%.
43

44 Ms. Burgstrom agreed that the petitioners do have some wiggle room regarding the impervious area.
45

46 Mr. DiNovo stated yes, 50%.
47

- 1 Mr. Hall stated that Ms. Burgstrom was looking at the part of the storm water requirement that indicates
2 that if you have one acre within 90,000 square feet, then you are supposed to provide detention, but they
3 are not proposing a new acre.
4
- 5 Ms. Burgstrom noted that the petitioners are proposing a new building that could be as large as the barn
6 that they will be using now, but staff does not have plans indicating the size of the building. She said that
7 the new building could be enough to trigger that requirement.
8
- 9 Mr. Anderson asked Mr. Miller to indicate they type of flooring in the barn.
10
- 11 Mr. Miller stated that the floor in the barn is currently concrete.
12
- 13 Mr. Anderson stated that he was recently at a wedding reception in Indiana, and half of the floor was
14 concrete, and the other half was dirt, and when people danced a fog was created.
15
- 16 Mr. DiNovo asked Mr. Miller if any signage was proposed.
17
- 18 Mr. Miller stated that eventually they would like to have a sign near the driveway entrance.
19
- 20 Mr. DiNovo noted that the location of the sign should be indicated on the site plan and included on the
21 permit.
22
- 23 Mr. Elwell asked Mr. Miller to indicate where they would expand.
24
- 25 Mr. Miller stated that they would expand north of the barn and west of the entrance to the drive.
26
- 27 Mr. Elwell asked if the parking area would be shared by the barn event center and the new building or
28 would the parking area be expanded as well.
29
- 30 Mr. Miller stated that he did not understand Mr. Elwell's question.
31
- 32 Mr. Elwell asked if Mr. Miller if there would be one event or multiple events held at the property.
33
- 34 Ms. Miller stated that they plan to only hold one event per weekend. She said that they have not planned
35 for an additional parking lot, but it depends on the success and how far they need to take the expansion.
36
- 37 Mr. Wood stated that Mr. Miller indicated that the expansion would occur to the north, but the plan
38 indicates that it would really be to the south of the barn.
39
- 40 Mr. Miller apologized for the confusion, because he was talking about the sign, not the expansion. He
41 said that any new building would be south of the barn.
42
- 43 Mr. Elwell asked the Board if there were additional questions for the petitioners, and there were none.
44
- 45 Ms. Burgstrom stated that Attachment P. includes an email from Ms. Miller, and the email answers
46 many questions that have been posed by the Board tonight. She asked the Board to review the email to
47 see if Ms. Miller's email answers any additional concerns that the Board may have.

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Mr. Elwell asked the audience if anyone desired to cross-examine the petitioners, and there was no one.

Mr. Elwell asked the audience if anyone desired to sign the witness register and present testimony regarding these cases, and there was no one.

Mr. Elwell closed the witness register.

Mr. Elwell requested Board discussion.

Ms. Lee stated that she prefers a larger parking area versus the proposed 22,000 square feet.

Mr. DiNovo stated that he agreed with Ms. Lee. He said that Section 7.4.1.C.3 b. ii. Of the Zoning Ordinance reads as follows: “For outdoor areas, including non-permanent structures, used for exhibit, educational entertainment, recreational, or other purpose involving assemblage of patrons, one parking space per three patrons based on the estimated number of patrons during peak attendance on a given day during said use is in operation.” He said that the proper way to read this section is to base it on the nature of the use, and per testimony from the petitioner indicating a maximum occupancy of 300, he does not see any other way to require no less than 100 parking spaces. He asked if there is no requirement in the Ordinance requiring that the parking lot must be paved.

Mr. Hall stated that there is no requirement but depending on the circumstances the Board has required a minimum amount of some paving surface to absolutely ensure all-weather use. He said that the Board has only done this once, but it is up to the Board to decide if that requirement is necessary for this proposed use. He agreed with Mr. DiNovo regarding the amount of required parking spaces, and if the rest of the Board agrees, they may want to see a revised site plan before taking final action.

Mr. DiNovo stated that he has a major issue with the way that the petition has been presented, because he can't see himself voting to authorize some future building. He said that a special use permit requesting authorization to use the existing building isn't especially problematic at all, but to authorize some future building is too vague, and is way outside of the boundaries for a special use permit. He said that the size, location, and design of the future building is unknown and to include it with this special use permit authorization is not possible, and he cannot see himself approving it.

Ms. Lee stated that the site plan dated January 2, 2019, indicates the potential reception hall/ag shed with dimensions.

Mr. DiNovo stated that the site plan indicates no information regarding the future building.

Ms. Burgstrom stated that there are no dimensions for the future building, but it has been the staff's regular protocol to ask the petitioners to look five to ten years in advance for any potential future expansions so that they do not have to come back before the Board and go through this process again.

Mr. DiNovo stated that protocol is fine if the petitioners are reasonably specific.

Ms. Burgstrom stated that the plan is for a reception hall.

1 Mr. DiNovo stated that a reception hall is fine, but the petitioners need to be reasonably specific on their
2 site plan.

3
4 Mr. Hall asked Mr. DiNovo if he wants to see a conceptional floor plan so that the Board knows what
5 the petitioners are proposing.

6
7 Mr. DiNovo stated yes, with dimensions. He said that the Board needs to know how big the proposed
8 building is going to be so that the Board knows what they are authorizing, and without that information
9 this is not a proper special use permit.

10
11 Mr. Hall stated that the only proviso to that is that the petitioners have made it very clear that the
12 maximum attendance would be 300 people.

13
14 Ms. Lee stated that the February 2, 2019 site plan indicates dimensions of the barn and approximate
15 dimensions and location of the future reception hall.

16
17 Mr. DiNovo stated that it would be different if the site plan was drawn to scale, but it is not. He asked if
18 when the future building is constructed, will the barn be demolished because it is a replacement for the
19 barn, or is it in addition to the barn. He said that none of the required information bars the special use
20 permit, but the Board needs to know what they are approving, and currently he is not sure, and he does
21 not know on what basis the Zoning Administrator would be able to inform the petitioners that they could
22 not do something. He said that for everyone's benefit the application and site plan need to be clearer.
23 He said that it would be helpful, and he would suggest, that the petitioner provide more thought
24 regarding how the internal circulation would be organized if there was a new building, because they may
25 not want to locate the parking in its current location or they may want to break it up into two locations.
26 He said that he would be happy to move forward with the special use permit without the inclusion of a
27 future building. Mr. DiNovo said that he had another concern regarding Policy 6.2.1 of the Land
28 Resource Management Plan (LRMP), because it is not discussed in the Finding of Fact and it is very
29 important. He said that Policy 6.2.1 states the following: The County will require public assembly,
30 dependent population, and multifamily premises built, significantly renovated, or established after 2010
31 to comply with the Office of State Fire Marshal life safety regulations or equivalent, and Policies 6.2.2
32 and 6.2.3 indicate, or equivalent by 2015. He said that it would seem, if he is reading the Policies
33 correctly, that the reference to the State Fire Marshal is in accordance with Title 41 *Illinois*
34 *Administrative Code* Section 100.7, which is the incorporation of the National Fire Protection
35 Association (NFPA 101) 2000 edition, Life Safety Code. He said that it is clearly the policy of the
36 County in the LRMP but is not specifically a requirement indicated in the Zoning Ordinance, stating that
37 a public facility such as this must comply with NFPA 101, and he feels that the Board needs to ensure it.
38 He said that with this particular location, compliance is a major issue because the closest fire protection
39 district is more than six miles away and the closest ambulance service is further. He said that he would
40 like to know what level of emergency medical service Gifford provides and who provides ambulance
41 service in this area, do they contract with Rantoul or somewhere else.

42
43 Ms. Lee stated that the Board could ask the petitioner who provides emergency services to their property.

44
45 Mr. Miller stated that their property is located within the Gifford Fire Protection District for emergency
46 services.

47

1 Mr. DiNovo stated that the subject property is closer to Thomasboro but is within the Gifford Fire
2 Protection District.

3
4 Mr. Elwell stated that the Advanced Life Support (ALS) truck in Rantoul, which is 8 to 10 miles from
5 the subject property, would provide 911 service to this area.

6
7 Mr. DiNovo stated that the life safety issue is particularly important, and he understands that there are
8 marked exits but is there panic hardware installed. He said that there is a lot to NFPA 101 and even
9 though he hasn't reviewed it in years, he is sure that it hasn't gotten any shorter. He said that the only
10 practical way to ensure that the petitioners are complying with NFPA 101 is to have an Illinois licensed
11 architect prepare a remodeling plan certifying compliance.

12
13 Mr. Hall stated that regarding the remodeling of the barn, he would suggest that it would be sufficient to
14 receive something in writing from the relevant fire protection district, which is the local representative
15 for the State Fire Marshal. He said that in regard to any new standalone building, it must comply with
16 Public Act 96-704 that requires compliance with the International Building Code, which is different than
17 NFPA 101.

18
19 Mr. DiNovo asked staff how they would ensure compliance with the Illinois Accessibility Code.

20
21 Mr. Hall stated that the external compliance is confirmed by staff, but that is a good question for the
22 interior compliance.

23
24 Ms. Burgstrom stated that Illinois Accessibility Code (IAC) does have limitations regarding applicability
25 for structures that are not being renovated beyond a certain point, and for the existing structure the
26 petitioners did not do much renovation regarding the interior. She said that the future building/reception
27 hall would hit the \$50,000 mark, which would require a signed and sealed set of plans indicating
28 compliance with the Illinois Accessibility Code. She said that currently, the petitioners have not reached
29 the trigger for IAC compliance.

30
31 Mr. Hall stated that even if they did, the photographs that he has seen of the interior indicate it is one
32 space, so once they have proven that there is one accessible parking space and the route for the parking
33 to an accessible door with accessible hardware, then they have met the IAC requirements. He said that a
34 Special Condition C. covers IAC compliance. He said that any new building constructed in compliance
35 with Public Act 96-704 is going to have an architect's statement. He has always wondered about the way
36 the future reception hall has been shown on the site plan, and frankly, he believes that it would be better
37 for the petitioners to come back for a new special use permit for the new building. He said that if time
38 proves that the business is successful, and the new building is required, then a new special use permit
39 should not be too difficult unless neighbors have voiced new concerns.

40
41 Mr. DiNovo stated that he would like to step away from the special use permit and discuss Case 924-
42 AM-19. He said that as he reviewed the LRMP and the petition, he tried to determine what is really at
43 issue, because it is important that the Board does not lose sight of the fact that the rezoning is
44 independent and separate from the special use permit, and the rezoning needs to be evaluated in its own
45 right. He said that the Board needs to separate the special use permit proposal and evaluate the
46 difference between the current and proposed zoning districts. He said that in many ways the difference
47 between AG-1 and AG-2 hardly matters, and the fact that the County has these two agricultural districts

1 is sort of an historical accident, because they were originally intended to be quite different from each
2 other, but subsequently that difference disappeared. He said that AG-1 requires a minimum lot size of
3 one acre versus 20,000 square feet in AG-2, but 30,000 square feet if no public water or sewer is
4 available; 200 feet width in AG-1 versus 100 feet, 150 feet for lots if no public water or sewer is
5 available in AG-2; a 15 feet side yard and 25 feet rear yard in AG-1 versus a 10 feet side yard and 20 feet
6 rear yard in AG-2 for principal buildings; 20% lot coverage in AG-1 versus 25% lot coverage in AG-2;
7 which are all small potatoes. He said that, personally, he would like to see the AG-2 District go away
8 and reconcile the allowed uses and requirements into one agricultural district because it would make
9 more sense, and the County could stop approving spot zonings. He said that there is probably not a
10 problem with special uses being authorized in AG-1, but the big point to be made in the proposed
11 rezoning is that it is pointless, except in one way. He said that there is a map in the LRMP showing
12 distances from fire stations, and the subject property happens to be in one of the dark areas where there
13 is very limited emergency services protection. He said that it occurred to him that the key difference that
14 the Board should be looking at is the range of public assembly uses that are allowed in the two zoning
15 districts and the range of uses that have particular hazards, chemicals, fuels, etc. He said that it appears
16 that AG-2 allows a wider range of public assembly type uses than AG-1, and similarly a wider array of
17 uses that have particular hazards. He said that if the case is continued, the Finding of Fact should be
18 tuned up to reflect both of these points, which may be relevant in this particular case. He said that it is
19 hard to wrap around what's at stake with the proposed rezoning and it is easy to focus on the particular
20 proposal and lose sight of the larger question.

21
22 Mr. Elwell asked the Board how they would like to proceed.

23
24 Mr. Hall asked Mr. DiNovo why he did not list in his concerns that the Zoning Ordinance indicates
25 where zoning districts should be located, such as AG-2 is located within one and one-half mile of
26 existing communities, is that not a concern.

27
28 Ms. Lee asked Mr. Hall to indicate how far the subject property is from Flatville.

29
30 Mr. Hall stated that Flatville is not an incorporated municipality, but it is an existing community, and the
31 subject property is within one mile of Flatville.

32
33 Mr. DiNovo stated that Champaign County has a long and infamous history of spot zoning, and he is not
34 sure that he could all of sudden support caring about spot zoning since the Board has recommended it in
35 the past. He said that if we go back to the history of the Champaign County Zoning Ordinance, in 1972
36 the County prepared its original version of the Zoning Ordinance, and in that version, there were two
37 agricultural districts: AG-2, which had a one acre minimum lot size and was restricted around urbanized
38 areas of the County and was intended to be the rural estate zoning district, and the AG-1 zoning district
39 did not allow residential use at all and was strictly and exclusively an agricultural district. He said that by
40 the time the County Board got around to reconsidering the AG-1 zoning district, the notion of a strict
41 agricultural district would have prevented farmers from carving off lots for their children, or selling off
42 any land, so the County Board applied the minimum one acre lot size to AG-1 and a 20,000 square feet
43 minimum lot size for AG-2, and completely gutted the logic of the two zoning districts. He said that
44 there is a long standing history of confusion about what is really intended, but the permitted uses and
45 standards are not that different, and he does not understand why there are still two different districts. He
46 said that one of the reasons why there are still two districts is because getting rid of a zoning district is
47 extremely, excruciatingly difficult, and the State's Attorney's Office would take the same stand as they

1 did the last time the County tried to get rid of a zoning district, and that is that every landowner within
2 250 feet of the district should be notified. He said that he could not imagine the amount of staff time and
3 money that it would take to identify all of the affected parcels and obtain all of the addresses of the
4 property owners. He said that understandably the process should be a lot easier with the use of the
5 Geographical Information System (GIS), but it is still a big job in sending out notices and publishing the
6 legal description. He said that he has taken the long road around to indicate that he understands what the
7 ordinance states, but it does not concern him because the distinction of districts lost its underlying logic
8 a long time ago, and there is a long history with the County regarding spot zoning.

9
10 Mr. Hall stated that he agrees that the County has a long history of spot zoning, but he does not recall a
11 similar case like this where the subject property is remote and not fronting a state public highway, and
12 the petitioners are requesting a rezoning from AG-1 to AG-2. He said that the closest thing is reuse of
13 seed research buildings where there is urban type development in the rural area, but once the seed
14 company no longer requires that location, the building needs to somehow be reused.

15
16 Mr. DiNovo stated that recently, the Board did this for a trucking company that was north of Pesotum.

17
18 Mr. Hall stated that property was not as far from a municipality as the subject property. He said that the
19 trucking company property was within one and one-half miles of Tolono.

20
21 Ms. Lee noted that Flatville is not a municipality but is a community, as stated in the Ordinance.

22
23 Mr. Hall stated that might be good evidence to add to the Finding of Fact if that is how the Board is
24 interpreting the Ordinance in this instance, because the Zoning Ordinance does not refer to incorporated
25 municipalities but communities, and the subject property is within one and one-half miles of Flatville, a
26 community.

27
28 Mr. DiNovo agreed.

29
30 Mr. Elwell asked the Board how they would like to proceed.

31
32 Mr. DiNovo stated that he could not vote on the petition in the form that it is in, and the Board does not
33 have a site plan indicating all of the require parking spaces. He said that the case should be continued
34 until the petition can be revised and/or the submission be tuned up. He said that if the Board could
35 obtain a schematic of the new building indicating interior detail and dimensions, then he could see the
36 new building being included in the special use permit.

37
38 Ms. Burgstrom stated that with the rezoning being independent of the special use, the Board could go
39 through the Findings and the decision points. She asked if the Board would like to proceed with the map
40 amendment or continue both cases to a later date.

41
42 Mr. DiNovo stated that in addition to LRMP Policy 6.2.1, he had a question regarding 5.3 regarding
43 Urban Land Uses.

44
45 Ms. Lee asked Mr. DiNovo if he is looking for the LRMP Sheet which is Attachment E.

46
47 Ms. Burgstrom stated that the definition of Urban Land Use is included in Attachment F. and is as

1 follows: “Generally, land use that is connected and served by a public sanitary sewer system.”

2
3 Ms. Lee stated that LRMP Policy 5.3 reads as follows: “Champaign County will oppose proposed new
4 urban development unless adequate utilities, infrastructure, and public services are provided.”

5
6 Mr. DiNovo stated that he thought that the definition of urban development was a development that
7 either required or is more appropriate to be served by a sanitary sewer system.

8
9 Mr. Hall stated that Attachment F. includes the definition of urban development as follows: “The
10 construction, extension or establishment of a land use that requires or is best served by a connection to a
11 public sanitary sewer system.” He said that provided that the petitioner could receive all of the necessary
12 approvals for waste water treatment handling and disposal, that is the final word on what is best served
13 by a public sanitary sewer system.

14
15 Mr. DiNovo stated that the Board could take a narrow approach and indicate that if it is something that is
16 being considered in the AG-1 or AG-2 zoning district, then it is not urban. He said that if a use that
17 would be best served by a public sanitary sewer system, which is any major sanitary sewer generator,
18 would be better connected to the sanitary sewer rather than a septic system. He said that if you took that
19 more expansive definition, then it would seem that this policy would need to be addressed and the Board
20 would need to indicate why it does not apply, and the answer would be that the nature of the use requires
21 a rural location where sanitary sewer is not available for connection. He said that you cannot have a rural
22 event center in town, because the entire lure of the business is its location, the barn, and the entire
23 setting, which is not available in town.

24
25 Ms. Lee stated that this Board approved Hudson Farms and that property was more than one and one-
26 half miles from Urbana’s corporate limits, and they were not connected to a public sewer system.

27
28 Mr. DiNovo stated that he does not have a problem with that, but the Board is being selective about what
29 they are discussing in the Findings of Fact. He said that if it is the Board’s intention that the use is
30 permitted in the agricultural district, then it is not urban, and Policy 5.3.1 does not apply. He asked the
31 Board if they agreed. He said that he does not know if this is an issue that the Board has to settle
32 tonight, but it is the question that has been raised. He asked when Policy 5.3.1 comes into play, and
33 when does it not.

34
35 Mr. Hall recommended that if the petitioner cannot demonstrate that they can obtain approval for an on-
36 site sanitary system, then the proposed use becomes an urban use. He said that the Board has seen half a
37 dozen event centers that have had no problem getting septic systems approved, installed, and authorized
38 for use for up to 300 people, but none of those involved food preparation on the site, which is why they
39 were able to get a septic system approved because they are not putting the load from a restaurant on the
40 septic system.

41
42 Ms. Lee asked if Pear Tree Estates prepares food on site.

43
44 Mr. Hall stated no.

45
46 Mr. DiNovo stated that there is a provision in either the Illinois Department of Public Health, or in the
47 Champaign County Public Health Ordinance, that states if a property is within a certain distance from

1 sanitary sewer and it is feasible for connection, the property owner must connect, and a private sanitary
2 sewer system would not be approved.

3
4 Mr. Hall stated that the provision is in the Champaign County Health Ordinance.

5
6 Mr. Wood asked if the Board is approving a potential septic system on the subject property.

7
8 Mr. Hall stated that this Board would never approve a septic system, because such approvals are up to
9 the Champaign County Health Department. He said that staff has not had enough time to discuss this
10 use with the Mike Flanagan, Environmental Program Coordinator with the Health Department, because
11 he has been on vacation, but the email from Mr. Flanagan that was included in the mailing packet
12 indicated that he had no large concerns, but to be honest, staff does have more questions for Mr.
13 Flanagan.

14
15 Mr. Wood stated that it is his understanding that the petitioner is not planning to install a septic system
16 unless they construct the future building.

17
18 Mr. Hall stated that is part of the discussion that staff would like to have with Mr. Flanagan, but the
19 Health Department may take the attitude that the petitioner must construct permanent restrooms as part
20 of the building. He said that based on what staff has seen with other event centers, that is completely
21 feasible and is just a matter of doing the soil investigations and submitting them, and getting the proper
22 design approved.

23
24 Mr. DiNovo stated that the last point that he would like to raise is in regard to Policy 8.4, Surface Water
25 Protection. He said that on principal, this needs to be addressed in the findings any time the Board is
26 discussing a parcel that abuts a waterway. He said that it is important to address the plan elements even
27 if you end up determining that there isn't a problem, but he is uncomfortable that something could be
28 built on a ditch bank or adjacent to a stream or river, and the Board does not check the box for surface
29 water protection.

30
31 Mr. Hall asked if maintaining the existing 80 foot filter strip does not provide enough protection.

32
33 Mr. DiNovo stated that is probably adequate, but it needs to be touched on in the findings. He said that
34 what bothered him is that Policy 8.4 was not part of the relevant decision points, but anytime we are
35 talking about a site on a ditch bank, it should be checked off as a relevant question.

36
37 Mr. Hall stated that page 23 of the Finding of Fact discusses the presence of the filter strip. He asked
38 Mr. DiNovo to indicate what else is necessary.

39
40 Mr. DiNovo asked where the criteria is located for the decision points.

41
42 Mr. Hall stated that decision points are those polices for which staff was uncomfortable in making a
43 recommendation, for example, regarding Policy 8.4, the petitioners are keeping the existing filter strip,
44 there is parking lot that is not proposed to be paved, although that may prove to be problematic
45 depending on how the petitioners plan to handle all weather events. He said that staff agrees that Policy
46 8.4 should be addressed, but there were no questions there and staff did not include Policy 8.4 as a
47 decision point and the Board can change it.

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Mr. DiNovo stated that he is comfortable with what is indicated.

Mr. Hall stated that items that are not decision points are things where staff felt comfortable making a recommendation, but the Board still needs to review all of those to make sure that the Board is comfortable, so he is glad that Mr. DiNovo is doing that.

Ms. Burgstrom requested a five minute recess.

Ms. Lee moved, seconded by Mr. Wood, to grant a five minute recess. The motion carried by voice vote.

The Board recessed at 7:40 p.m.

The Board resumed at 7:46 p.m.

Mr. Elwell asked the Board how they would like to proceed.

Ms. Lee stated that her personal opinion is that the cases be continued to a later date so that the petitioners could revise the site plan indicating the originally proposed 30,000 square foot parking lot, and the required details regarding the future building, should they choose to expand. She said that everyone on the Board may agree with her suggestion, but her philosophy is that, if you can do it all at once, it is better than doing it twice.

Mr. DiNovo stated that the new building plan can be schematic and represent the outside envelope of what might get built, but what is essential is, does the special use permit give clear enough direction to the Zoning Administrator so that he knows whether or not he is entitled to say no. He said that if the plan indicates a 60' x 90' building, and they apply to build a 60' x 70' building, then that is not a problem, but if the application indicates an 80' x 130' building, then the Zoning Administrator could deny it. He said that the approval has to be clear enough so that the Zoning Administrator has a clear reason why he is turning down a permit application. He said that if there is only a blank box on the approved site plan indicating the building, then on what basis would the Zoning Administrator have to deny the permit application.

Mr. Elwell asked the Board if it is their intent to have the petitioner come back before the Board with a revised site plan indicating a 30,000 square foot parking lot, and a schematic of what the future building will look like, and where it will be located.

Ms. Lee agreed, but she does not know what other Board members think.

Mr. Elwell stated that he was just trying to boil down Ms. Lee's opinion.

Ms. Miller asked if they could amend the site plan tonight by removing the future building and indicate a 30,000 square foot parking lot.

Ms. Lee moved, seconded by Mr. Wood, to allow the petitioners to amend the submitted site plan tonight by removing the future building, and adding a 30,000 square foot parking area.

1 Mr. DiNovo stated that a motion is not required to allow the petitioner to amend their site plan or
2 petition; in fact, the Board cannot make them amend it because it is solely in their hands and they are
3 entitled to an approval or denial, depending on what they decide to move forward with.

4 Ms. Lee asked if the Board could move forward with Case 924-AM-19 tonight.
5

6 Mr. DiNovo stated that he would like to be clear as to how the Board will deal with the septic system.
7 He said that there is a condition which indicates that all activities are to be in compliance with the
8 Champaign County Public Health Ordinance. He asked if the CCPHD issues permits for portable
9 toilets.
10

11 Mr. Hall stated that Mike Flanagan, Environmental Program Coordinator with the Public Health
12 Department, has signed off on the use portable toilets for the time being.
13

14 Mr. DiNovo asked if the implication of this condition is that at some point a septic system would be
15 required, because providing a septic system means providing bathrooms, including an accessible
16 bathroom, etc. He asked where the bathrooms would be located.
17

18 Mr. Hall stated again, that staff needs more discussion with Mike Flanagan, but staff has not had that
19 opportunity. He said that as the case is before the Board currently, that would be left up to the Health
20 Ordinance, and if the CCPHD decides that they are no longer going to allow portable toilets, then that
21 would have to be changed. He said that it is not clear if staff will receive better direction from the
22 CCPHD, but it is something that they wanted to discuss with Mr. Flanagan.
23

24 Mr. DiNovo stated that more information is required about if a septic system and bathrooms are
25 required, where would they be located - in the existing barn, a future building, or a free-standing
26 building.
27

28 Ms. Burgstrom asked the petitioners if they do not renovate an existing building or construct a new
29 building for the reception hall, where would bathrooms be located, if they are allowed to proceed.
30

31 Mr. Miller stated that the intent is to have restrooms in the future, as stated in the emails with Mr.
32 Flanagan. He said that Mr. Flanagan stated in his email that the use of portable toilets was allowed until
33 they constructed a new structure, and at that point they are to contact Mr. Flanagan regarding the
34 required design and permits, and Ms. Burgstrom for ADA.
35

36 Mr. DiNovo asked if there is an indefinite time period for the portable toilets.
37

38 Ms. Burgstrom stated that the question that she posed in her email to Mr. Flanagan was if there was a
39 trigger point for going from portable to permanent restroom facilities.
40

41 Mr. Miller stated that when he spoke with Mr. Flanagan on the phone, he indicated that as long as they
42 were working with a temporary liquor license, they were not involved with anything regarding the
43 bathrooms. He said that once the facility required a one year liquor license, the CCPHD would visit the
44 property to conduct inspections and bathrooms would be required at that time.
45

46 Mr. DiNovo asked if this information is reflected in a special condition.
47

1 Mr. Hall stated that technically it already is reflected in a special condition, but if more detail is required,
2 then the Board could add it.

3
4 Mr. DiNovo stated that ELUC is also a check point for the approval of the liquor license.

5
6 Mr. Hall stated that ELUC does not issue the liquor license, the County Executive has that authority. He
7 said that the Department of Planning and Zoning does review the application. He said that he assumes
8 that the petitioner has considered the cost of obtaining temporary liquor licenses.

9
10 Mr. Miller stated that they do realize the cost of obtaining temporary liquor licenses.

11
12 Mr. Hall stated that in his opinion, this is covered by compliance with the Health Ordinance, but staff
13 could insert a phrase indicating the requirement for permanent indoor restrooms.

14
15 Mr. DiNovo stated that it might be sufficient to state that all onsite special use facilities and activities
16 shall be in compliance with the Health Ordinance.

17
18 Mr. Elwell asked the Board how they would like to proceed.

19
20 **Mr. Wood moved, seconded by Ms. Lee, to move to the Findings of Fact for Case 924-AM-19. The**
21 **motion carried by voice vote.**

22
23 Ms. Lee asked if item 7.4.(4) b. on page 4 of the Finding of Fact should be revised to indicate that the
24 proposed parking lot was resized to 200 feet by 150 feet (30,000 square feet), which accommodates 100
25 vehicles.

26
27 Mr. Hall stated that is the problem with providing a detailed Summary of Evidence, because every time
28 something changes, the Finding of Fact has to be revised.

29
30 Ms. Lee asked if it would be better to do it during one meeting instead of tonight so that all of the
31 required changes could be made.

32
33 Mr. Hall stated that he would recommend that Special Condition N. in the Special Use Permit be revised
34 to reflect the changes made tonight, a 30,000 square foot parking area to accommodate 100 vehicles, and
35 removal of the proposed future building. He said that since it is part of a special condition, when
36 someone wants to argue that the Summary of Evidence only indicates 22,000 square feet, the special
37 condition indicates 30,000 square feet of parking for 100 vehicles.

38
39 Mr. Elwell asked the Board if they only wanted him to read staff's recommendations indicated in bold
40 italics.

41
42 Mr. DiNovo stated that the Board should go through the entire list of decision points in the findings and
43 make necessary changes where required. He said that he is concerned about going to a 30,000 square
44 foot parking lot without knowing its footprint, because the Board does not want it to encroach on the
45 filter strip. He said that due to the absence of a complete site plan, the Board would need to add a
46 condition to the findings that the development of the site must be set back so that it does not encroach
47 into the ditch.

1
2 Mr. Hall stated that this could be another change to Special Condition N., to specifically mention the
3 complete filter strip to make it as clear as possible that the Board wants the complete filter strip to
4 remain intact.

5
6 Ms. Burgstrom stated that the original site plan indicated a 30,000 square foot parking lot, and by using
7 the GIS 2017 aerial photography and measuring tools, she measured that the filter strip was a full 40 feet
8 away from the parking area.

9
10 Mr. DiNovo proposed a change to item (d) on page 11 of the Finding of Fact for Case 924-AM-19 to
11 indicate the following: "Agricultural drainage is unlikely to be affected." He said that item d. (2) should
12 be revised to indicate 30,000 square feet and add item d. (3) to indicate the following: "no part of the site
13 development will encroach on the existing 50 feet wide filter strip.

14
15 Ms. Lee stated that there are references to the size of the parking lot being 22,000 square feet throughout
16 the finding.

17
18 Ms. Burgstrom stated that staff would revise the square footage of the parking lot where appropriate in
19 all documentation.

20
21 Mr. Elwell stated that the Board would now review the decision points for Case 924-AM-19.

22
23 Mr. Elwell stated Goal 4 has 9 objectives and 22 policies, and Objectives 4.4, 4.5, 4.6, 4.8 and 4.9 and
24 their policies do not appear to be relevant to the proposed rezoning. The proposed amendment
25 WILL/WILL NOT HELP ACHIEVE Goal 4. Mr. Elwell read Objective 4.7, Right to Farm Resolution,
26 and staff recommended in the Draft Finding of Fact that the proposed rezoning will HELP ACHIEVE
27 Objective 4.7, and the Board agreed. Mr. Elwell stated that Objective 4.3, Site Suitability for
28 Discretionary Review Development, includes five subsidiary policies and Policy 4.3.1 is not relevant to
29 the proposed rezoning. Mr. Elwell read Policy 4.3.2.

30
31 Ms. Burgstrom asked if during previous map amendment cases, did the Chair read every Policy and
32 Objective, or did the Chair only read the decision points.

33
34 Mr. DiNovo stated that the Chair does not need to read all of the Policies or Objectives unless it is a
35 decision point, or if the Board proposes a change or addition, and the Board could consider it. He
36 proposed an item H. under Policy 4.3.2. as follows: The site contains less than 10 acres of cropland and
37 it is irregularly shaped.

38
39 Mr. DiNovo stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.2 because the
40 proposed site IS WELL SUITED OVERALL for the development proposed in Case 925-S-19, and the
41 Board agreed.

42
43 Mr. Elwell read Policy 4.3.5.

44
45 Mr. Wood stated that the Board did not decide on Goal 4.

46
47 Mr. Hall noted that the Board cannot decide on Goal 4 overall, until the Board reviews the decision

1 points for the policies and objectives under Goal 4.

2
3 Mr. DiNovo stated that before the Board moves to Policy 4.3.5, he would like to go back to Policy 4.3.3.
4 He said that the proposed rezoning does not HELP ACHIEVE Policy 4.3.3, because the property being
5 6.4 miles from the nearest fire protection district does not achieve the goal of safety without undue
6 public expense.

7
8 Ms. Burgstrom stated that staff has received evidence from the Gifford Fire Protection District indicating
9 that they had no objections or concerns, so there is evidence on both sides of that.

10
11 Mr. DiNovo stated that this is his judgement and the Gifford Fire Protection District is not a member of
12 the Zoning Board of Appeals and he does not believe that the Board can determine that the proposed
13 rezoning HELPS ACHIEVE this policy, and the Board understands that it almost eight miles to the
14 nearest ambulance service. He said that it is his opinion that the proposed rezoning will NOT HELP
15 ACHIEVE Policy 4.3.3.

16
17 Ms. Lee stated that the proposal is for an event center in a rural area. She said that their home is three
18 miles from Homer, but that doesn't mean that someone else would want their home to be farther from a
19 fire protection district, and not being close to those services is a choice and is part of living in the
20 country.

21
22 Mr. DiNovo stated that the whole point of zoning is to decide where things should and should not be,
23 and the Board could make a reasonable judgement that rural event centers should be reasonably close to
24 fire protection districts. He said that there is no overriding necessity to place an event center six and
25 one-half miles from the nearest fire protection district. He said that the proposal does not have to score
26 points on every criteria, but it is more important that the Board be honest that not everything is hunky-
27 dory, and there are pros and cons, and this is a con, and it will NOT HELP ACHIEVE.

28
29 Ms. Lee stated that if the Board considers the fact that the distance from Gifford to Flatville is traveled
30 by a very good road, not a gravel or dirt road, and the fire protection district would be able to travel
31 faster on that road than other typical rural roads.

32
33 **Mr. DiNovo moved that the proposed rezoning will NOT HELP ACHIEVE Policy 4.3.3.**

34
35 Mr. Hall stated that the decision is whether or not there is undue public expense.

36
37 Mr. DiNovo stated that Policy 4.3.3 also indicates, "Support the proposed development effectively and
38 safely."

39
40 Mr. Hall stated yes, but it also includes "without undue public expense," and unless the Board can point
41 to some service provider and indicate that they are going to cause them great expense it is difficult to
42 justify "WILL NOT."

43
44 Mr. DiNovo stated that in order to serve this use properly, there would have to be a fire protection
45 district in Flatville, which is an undue public expense. He said that the only way to provide adequate
46 public safety is to require some public entities to spend a lot of money.

47

1 Ms. Lee stated that the difference in distances is not a major factor in serving the use safely at this
2 location, even though it is in excess of six miles.

3
4 Mr. DiNovo stated that this was an issue in the LRMP, and if the Board is indicating that a use is good in
5 one area which is further away from emergency services and is just as good in another which is closer to
6 emergency services, then the entire exercise in the LRMP was pointless. He asked why the County,
7 during its creation of the LRMP, bother to concern itself about the response time and distance from
8 emergency services. He said that just because the Board may be in favor of a certain proposal does not
9 mean that the Board has to indicate that it is good on every point, because no proposal is good on every
10 point.

11
12 Ms. Lee stated that the text indicates adequate, not perfect, to support the proposed development
13 effectively and safely without undue public expense. She said that Mr. DiNovo is striving for perfection.

14
15 Mr. DiNovo stated that everything that is brown on the map included in the LRMP has adequate fire
16 protection response time, and there is no reason why the County should accommodate a public assembly
17 use in the darker areas, and it does not make any sense.

18
19 Ms. Lee asked Mr. DiNovo if he is saying that every special use permit for a rural event center that the
20 Board has reviewed should not have been approved.

21
22 Mr. DiNovo stated that this is only one criterion that is in the LRMP, and he is sorry that the proposal
23 doesn't match that criterion. He said that the Board cannot say that it is providing adequate safety for a
24 public assembly use when the closest fire protection district station is over six miles away.

25
26 Mr. Elwell asked if there was a second to Mr. DiNovo's motion.

27
28 Mr. Anderson stated that at 60 miles per hour, a fire truck could arrive at the subject property in six
29 minutes, and at 30 miles per hour it would take twelve minutes to arrive there, which seems to be a
30 reasonable time.

31
32 Mr. DiNovo stated that his home is located two miles from the Village of St. Joseph, and when there
33 was a small fire in their home, by the time the fire truck arrived, he had the fire distinguished and had
34 started to clean up the mess. He said that minutes count, especially in regard to an accident or heart
35 attack, and the Board is talking about what the standards are for the response times. He said that the
36 standards for Champaign and Urbana are that a response should be received within ten to twelve minutes
37 after a call is made.

38
39 Mr. Elwell asked if he is talking about a full-time service or a volunteer service.

40
41 Mr. DiNovo stated that he is talking about areas inside of Champaign and Urbana.

42
43 Mr. Elwell stated that would be a full-time service.

44
45 Mr. DiNovo stated that he does not know the difference between an Alpha-Bravo response and a
46 Charlie-Echo response.

47

1 Mr. Elwell stated that the difference is how fast they go to respond. He said that an Alpha-Bravo
2 response would include a fast, immediate response with lights and sirens, but a Charlie-Echo response
3 would be much like responding to a nursing home for a transfer.
4

5 Mr. DiNovo stated that driving time itself is not sufficient, but we are talking about caller dispatch,
6 contact to the ambulance service, marshaling the drivers for the ambulance which would more than
7 likely be located in an urban area, negotiating traffic, etc., and it could be five minutes before they get to
8 the edge of town, and then arrive at the fire station to dispatch to the emergency location. He said that
9 he does not know what EMS Gifford provides, but we are probably talking ten miles for the ambulance
10 and a fifteen minute response time.
11

12 Mr. Elwell stated that a fifteen minute EMS response from Rantoul to the proposed event center location
13 is probably not an exaggeration.
14

15 Mr. DiNovo stated that it matters, and there is no reason that the Board has to pretend that every aspect
16 of the proposed use is positive, but it doesn't mean that the Board is going to deny it. He said that if the
17 Board takes the position that the rezoning HELPS ACHIEVE Policy 4.3.3, then the Board should just
18 tear the page out of the LRMP, and the entire county should be treated the same.
19

20 **Mr. Wood seconded the motion. The motion carried by voice vote, with two opposing votes.**
21

22 Mr. Elwell read Policy 4.3.5.
23

24 Mr. DiNovo proposed a minor change to 13.B.(5)b.(a) as follows: The event center trades on a rural
25 location and will host events that highlight the agricultural surroundings. He proposed the following
26 responses to the decisions points related to Policy 4.3.5: (5)(a): the proposed rezoning DOES NOT
27 serve surrounding agricultural land uses or an important public need; (5)(c): the proposed rezoning
28 WILL HELP ACHIEVE Policy 4.3.2 regarding whether the site with proposed improvements is well-
29 suited overall for the proposed land use; and the proposed rezoning WILL HELP ACHIEVE Policy 4.3.5
30 overall.
31

32 Mr. DiNovo asked why the decision points are in reverse order because he finds it very confusing.
33

34 Mr. Hall stated that in the past the Board found this process helpful.
35

36 Mr. DiNovo disagreed.
37

38 Mr. Wood stated that the proposed rezoning WILL HELP ACHIEVE Objective 4.3 overall.
39

40 Mr. Elwell read Objective 4.2. He said that staff recommended the following: (1) b. that the proposed
41 development in related Case 925-S-19 DOES NOT support agriculture; (1) c. the proposed development
42 in related Case 925-S-19 IS a service better provided in a rural area; and overall the proposed rezoning
43 will HELP ACHIEVE Policy 4.2.1, and the Board agreed.
44

45 Mr. Elwell read Policy 4.2.2.
46

47 Ms. Lee asked if the Board should insert that the petitioners plan to work with the area farmers during

1 planting and harvest seasons.

2
3 Mr. Hall stated that Ms. Lee's concern may be relevant, but the Board has not reviewed the special
4 conditions for the special use permit.

5
6 Ms. Burgstrom stated that the map amendment does include a special condition regarding the Right to
7 Farm Resolution 3425. She said that the resolution does cover a lot of Ms. Lee's concern, even though it
8 does not specifically talk about the planting and harvesting seasons that the special use permit has as a
9 special condition for the Board's consideration.

10
11 Mr. DiNovo stated that when the Board discusses traffic in the context of the rezoning, the Board needs
12 to be cognizant of the fact that the proposed use is located in the AG-1 zoning district, and any permits
13 for public assembly uses, churches, schools, minor rural specialty businesses, would present similar
14 traffic issues. He said that during a rezoning, AG-1 to AG-2, it is not like the Board is creating a
15 potential traffic problem, because the traffic already exists. He said that the difference is that there is a
16 wider array of these types of uses in AG-2 and there is more likelihood that something would develop.

17
18 Mr. Hall stated that the point is that changing the zoning does not actually cause any increase in traffic,
19 but what would cause an increase in traffic is a special use permit that would not be adequately
20 reviewed. He asked Mr. DiNovo if that was what he was trying to indicate.

21
22 Mr. DiNovo stated that the zoning classifications are different, forgetting that there is a proposal out
23 there for a specific use, just straight up rezoning, because there is a wider array of uses that are
24 permitted in AG-2, it is more likely that someone would want to use a property for one of those uses. He
25 said that Mr. Hall's point is probably more useful.

26
27 Mr. Hall stated that there is no difference in uses that are allowed by-right, and the only differences are
28 the uses that are allowed by a special use permit.

29
30 Mr. DiNovo stated that there are public assembly uses in AG-1 that are authorized by special use permit.

31
32 Mr. Elwell read Policy 4.2.2. He read decision point (2) b. as follows: "The proposed development in
33 related Case 925-S-19 WILL/WILL NOT interfere with agricultural activities or damage or negatively
34 affect the operation of agricultural drainage systems, rural roads, or other agriculture related
35 infrastructure."

36
37 Ms. Lee suggested that decision point item (2)b.(a) be revised as follows: "The proposed event center
38 would be located on land that is not in significant crop production." Ms. Lee stated that to say that none
39 of the land is in crop production is not completely correct, because hay is crop production even though it
40 only entails one acre.

41
42 Mr. DiNovo stated that item (2)b.(b) should also be revised to indicate that "Agricultural drainage is
43 unlikely to be affected by the land disturbance"; and a new item (2)b.(b)iii. should read as follows: "The
44 proposed development will not encroach on the 50-foot wide filter strip." He recommended a new item
45 (2)b.(d)vii. as follows: "The AG-2 Zoning District does permit by right uses that would generate more
46 traffic than the AG-1 Zoning District."

1 Mr. Elwell asked the Board if there were additional additions or revisions.

2
3 Mr. DiNovo proposed that for Policy 4.2.2.a. the proposed use of the subject property is NOT
4 NEGATIVELY AFFECTED by agricultural activities because it will host events that highlight the rural
5 landscape; and for b. the proposed development in related Case 925-S-19 WILL NOT interfere with
6 agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural
7 roads, or other agriculture related infrastructure; and overall the proposed rezoning WILL HELP
8 ACHIEVE Policy 4.2.2. and Objective 4.2.

9
10 Mr. Elwell read Objective 4.1 and Policy 4.1.1.

11
12 Ms. Lee asked if D.(2)b. indicates that .51 acre of farmland would be taken out of production in order to
13 construct the parking lot for the event center. She asked if the .51 indicates the 22,000 or 30,000 square
14 feet parking lot.

15
16 Ms. Burgstrom stated that currently the item refers to the 22,000 square feet parking lot, although she
17 would correct the appropriate areas in the finding to indicate the 30,000 square feet parking area.

18
19 Mr. DiNovo asked if the Board could indicate WILL NOT IMPEDE ACHIEVEMENT.

20
21 Mr. Hall stated yes.

22
23 Ms. Lee stated that the petitioners are using some of the structures that were once used for agricultural
24 activity as part of their event center.

25
26 **Mr. DiNovo moved, seconded by Ms. Lee, that “WILL NOT IMPEDE ACHIEVEMENT” is more**
27 **logically correct for all decision points under Policy 4.1.6. The motion carried by voice vote.**

28
29 Mr. DiNovo proposed that the proposed rezoning WILL HELP ACHIEVE Policy 4.1.1, because these
30 are restrictive conditions, and the Board agreed.

31
32 Ms. Lee proposed that the proposed rezoning WILL HELP ACHIEVE Objective 4.1, and the Board
33 agreed.

34
35 Mr. DiNovo stated that the proposed amendment WILL HELP ACHIEVE Goal 4, and the Board agreed.

36
37 Mr. Elwell read Goal 7, entitled “Transportation.” He stated that Objective 7.1 states, “Champaign
38 County will consider traffic impact in all land use decisions and coordinate efforts with other agencies
39 when warranted.” He said that Policy 7.1.1 states, “The County will include traffic impact analyses in
40 discretionary review development proposals with significant traffic generation.” He said that the
41 decision point is if the proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 7.1.1.

42
43 Mr. Hall stated that it should be understood that subparagraph b. would be updated to indicate that the
44 parking lot area would be revised to indicate 30,000 square feet and 100 spaces.

45
46 Ms. Lee stated that Ms. Burgstrom stated that she would revise the entire document accordingly.

47

1 Mr. DiNovo stated that a new item G. should be added to indicate the following: “The AG-2 Zoning
2 District does not permit as of right uses that generate more traffic than uses in the AG-1 Zoning
3 District.”

4
5 Ms. Lee proposed that the rezoning WILL HELP ACHIEVE Policy 7.1.1.

6
7 Mr. Wood stated that the proposed rezoning WILL HELP ACHIEVE Objective 7.1, and the proposed
8 amendment WILL HELP ACHIEVE Goal 7.

9
10 Mr. DiNovo stated that neither the Goal nor Objectives speak to whether there is adequate capacity for
11 the existing and proposed traffic it is all procedure. He said that if the LRMP is rewritten, it needs to say
12 that there are no traffic issues in the County.

13
14 Mr. Elwell read Objective 8.2. He said that Policy 8.2.1 states, “The County will strive to minimize the
15 destruction of its soil resources by non-agricultural development and will give special consideration to
16 the protection of best prime farmland. Best Prime farmland is that comprised of soils that have a
17 Relative Value of at least 91 and includes land parcels with mixed soils that have a Land Evaluation
18 score of 91 or greater as defined in the LESA.”

19
20 Mr. DiNovo stated that a new item e. should be added as follows: The entire parking area will not
21 necessarily be paved.

22
23 Mr. Elwell stated that Objective 8.1 states, “Champaign County will strive to ensure adequate and safe
24 supplies of groundwater at reasonable cost for both human and ecological purposes.”

25
26 Mr. DiNovo proposed that the proposed rezoning WILL HELP ACHIEVE Objective 8.1, and the Board
27 agreed.

28
29 Ms. Lee stated that the proposed rezoning WILL HELP ACHIEVE Objective 8.2.

30
31 Mr. Elwell read item 20.E., *LaSalle Factor* as follows: The suitability of the subject property for the
32 zoned purposes, (1) Regarding whether the site is well suited to the proposed land use, the ZBA has
33 recommended that the proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.3.2 regarding
34 whether the site with proposed improvements is well-suited overall for the proposed land use.

35
36 Mr. Wood stated that the site is well suited to the proposed land use, the ZBA has recommended that the
37 proposed rezoning WILL HELP ACHIEVE Policy 4.3.2 regarding whether the site with proposed
38 improvements is well-suited overall for the proposed land use, and the Board agreed.

39
40 Mr. Elwell read item H. *Sinclair Factor*: The extent to which the use conforms to the municipality’s
41 comprehensive planning. (1) The ZBA has recommended that the proposed rezoning WILL/WILL NOT
42 HELP ACHIEVE the Champaign County Land Resource Management Plan.

43
44 Mr. DiNovo stated that the extent to which the use conforms to the municipality’s comprehensive
45 planning. (1) The ZBA has recommended that the proposed rezoning WILL HELP ACHIEVE the
46 Champaign County Land Resource Management Plan, and the Board agreed.

47

1 Mr. Wood stated that overall, the proposed map amendment IS CONSISTENT with the *LaSalle and*
2 *Sinclair Factors*, and the Board agreed.

3
4 Mr. Elwell read item 21.C.

5
6 Mr. DiNovo stated that the proposed rezoning WILL NOT worsen congestion in the public streets.

7
8 Mr. Elwell read item 21.I.

9
10 Mr. DiNovo proposed the following for 21.I (2): The ZBA has recommended that the proposed rezoning
11 WILL HELP ACHIEVE Goal 4 Agriculture of the Champaign County Land Resource Management
12 Plan, although the proposed Special Use is not urban in use. He said that the proposed rezoning WILL
13 protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

14
15 Mr. Elwell read item 21 as follows: The proposed amendment WILL/WILL NOT HELP ACHIEVE the
16 purpose of the Zoning Ordinance as established in Section 2 of the Ordinance.

17
18 Mr. Wood stated that the proposed amendment WILL HELP ACHIEVE the purpose of the Zoning
19 Ordinance as established in Section 2 of the Ordinance.

20
21 Mr. Elwell stated that the Board would now review the special condition of approval with the petitioner.
22 He read Special Condition A. as follows:

- 23
- 24 **A. The owners of the subject property hereby recognize and provide for the right of**
- 25 **agricultural activities to continue on adjacent land consistent with the Right to**
- 26 **Farm Resolution 3425.**
- 27

28 The above special condition is necessary to ensure the following:
29 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

30
31 Mr. Elwell asked the petitioners if they agreed with Special Condition A.

32
33 Mr. and Ms. Miller agreed with Special Condition A.

34
35 Mr. Elwell entertained a motion to approve the special condition.

36
37 **Mr. Wood moved, seconded by Mr. DiNovo, to approve the special condition. The motion carried**
38 **by voice vote.**

39
40 Mr. Elwell asked staff if there were any new Documents of Record.

41
42 Mr. Hall stated no.

43
44 Mr. DiNovo stated that there are adjustments that must be made to the Summary Finding of Fact.

45
46 Mr. Hall asked Mr. DiNovo if there were additional adjustments that were not included in the process
47 that the Board just completed.

1
2 Mr. DiNovo stated that Policy 6.2.1 should be added to the Summary of Evidence.
3
4 Mr. Hall asked if Policy 6.2.1 should be added to the Findings of Fact.
5
6 Ms. Burgstrom stated that Policy 4.1.6 was indicated as WILL NOT IMPEDE achievement of, and
7 overall the same language was indicated and would be reflected in the revised Summary Finding of Fact.
8
9 Mr. Hall stated that there was a question regarding 6.2.1, but staff did not include that as needing a
10 determination.
11
12 Mr. DiNovo stated that he was concerned about the DO NOT ACHIEVE determination regarding
13 emergency services.
14
15 Mr. Hall stated that Policy 4.3.3 includes Mr. DiNovo's concern regarding emergency services.
16
17 Mr. Wood asked Mr. DiNovo if he is indicating that Policy 4.3.3 should indicate will NOT BE
18 ADEQUATE.
19
20 Mr. DiNovo stated that Policy 4.3.3 should indicate will NOT HELP ACHIEVE.
21
22 Mr. Wood stated that Policy 4.3.3 was in regard to emergency services.
23
24 Mr. Hall stated that Mr. DiNovo was correct.
25
26 Mr. Elwell entertained a motion to approve the Finding of Fact, as amended.
27
28 **Mr. Wood moved, seconded by Ms. Lee, to approve the Finding of Fact, as amended. The motion**
29 **carried by voice vote.**
30
31 Mr. Elwell entertained a motion to move to the Final Determination.
32
33 **Mr. DiNovo moved, seconded by Mr. Wood, to move to the Final Determination for Case 924-AM-**
34 **19. The motion carried by voice vote.**
35
36 Ms. Burgstrom asked if the Board was going to approve the Summary Finding of Fact.
37
38 Mr. Hall asked if staff could reflect the changes in the Finding of Fact to the Summary Finding of Fact.
39
40 Ms. Burgstrom stated yes.
41
42 Mr. Elwell informed the petitioners currently the Board has one member absent; therefore, it is at their
43 discretion to either continue Case 924-AM-19 until a full Board is present or request that the present
44 Board move to the Final Determination. He informed the petitioner that four affirmative votes are
45 require for approval, and all findings must be in the affirmative.
46
47 Mr. Hall noted that for a map amendment not all findings are required to be in the affirmative, just

1 overall, which is different from a special use permit or variance.

2

3 Ms. Burgstrom stated that in this case, overall, the findings were favorable.

4

5 Mr. DiNovo stated that the ZBA is only making a recommendation regarding the rezoning, and the
6 County Board could either accept the recommendation or reject it.

7

8 Mr. and Ms. Miller requested that the current Board move to the Final Determination.

9

10 Mr. Elwell entertained a motion to extend the meeting to 9:45 p.m.

11

12 **Ms. Lee moved, seconded by Mr. DiNovo, to extend the meeting to 9:45 p.m. The motion carried**
13 **by voice vote.**

14

15 **Final Determination for Case 924-AM-19:**

16

17 **Ms. Lee moved, seconded by Mr. Wood, that pursuant to the authority granted by Section 9.2 of**
18 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
19 **recommends that:**

20

21 **The Zoning Map Amendment requested in Case 924-AM-19 should BE ENACTED by the**
22 **County Board in the form attached hereto.**

23

24 **SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

25

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

29

30 Mr. Elwell requested a roll call vote.

31

32 The roll call vote was as follows:

33

Anderson – yes	DiNovo yes	Lee – yes
Randol – absent	Wood – yes	Elwell – yes

36

37 Mr. Hall informed the petitioners that they have received a recommendation for approval for Case 924-
38 AM-19, and the case will be sent to the Environment and Land Use Committee for its April 4th meeting.

39

40 Ms. Lee asked if a motion is required to continue Case 925-S-19 to a later meeting date.

41

42 Mr. Hall stated yes, unless the Board is inclined to work on it tonight, which he would doubt.

43

44 Ms. Lee stated that the Board requires a new site plan indicating that the parking lot would be 30,000
45 square feet.

46

47 Mr. Hall agreed.

1
2 Mr. DiNovo stated that the Ordinance indicates 300 square feet per parking space, but that does not
3 always suffice to provide the number of required parking spaces. He would prefer that the Board
4 discusses 100 parking spaces and that the overall geometry provides enough area for 100 parking spaces
5 and access ways. He said that there will be multiple ranks for parking and the required 300 square feet
6 per parking space includes the connections between aisles. He said that there needs to be 100 parking
7 spaces and staff needs to verify that the overall dimensions would allow for that.
8
9 Mr. Hall stated that it sounds like the case indeed needs to be continued.
10
11 Mr. DiNovo stated no, he is happy to specify that if the area indicated accommodates 100 parking spaces
12 in a reasonable way, and staff verifies it, then he is comfortable. He said that the parking area must be
13 located in such a way so that it doesn't encroach on the filter strip.
14
15 Mr. Wood stated that 300 square feet is 10' x 30' which would provide adequate space for the vehicle
16 and room behind it to move into the pathway that vehicles travel through.
17
18 Mr. DiNovo stated that it would take something over 30,000 square feet to accommodate 100 parking
19 spaces and aisles.
20
21 Ms. Burgstrom stated that she is not an engineer, but she would be willing to show the Board an
22 annotated aerial fitting it to the best of her ability, but it would be written on the aerial that it is an
23 estimate and is not to be considered as the petitioner's final site plan for parking, because she is not
24 qualified to do that and it is more of a permit thing anyway.
25
26 Mr. Hall stated that Mr. DiNovo is only referring to the language for the note that revises the site plan.
27
28 Mr. DiNovo stated that he is thinking of blocks that are multiples of, for example, 9' x 20', so that staff
29 knows how many spaces fit into that block and that there is a minimal aisle between the blocks and that
30 there is a way to connect the blocks. He said that staff does not have to design individual blocks with
31 parking spaces but work with blocks that include "X" number of parking spaces.
32
33 Ms. Burgstrom stated that she understands, and she has done this before, but she would like everyone to
34 understand that it cannot be construed to be the petitioner's final site plan based on how she puts some
35 blocks together on a page.
36
37 Mr. DiNovo stated that everyone understands, but a condition specifying what the final site plan is to
38 look like and how it gets drawn, is up to the petitioners.
39
40 Mr. Elwell entertained a motion to extend the meeting for fifteen minutes.
41
42 **Ms. Lee moved, seconded by Mr. DiNovo, to extend the meeting to 9:45 p.m. The motion carried**
43 **by voice vote.**
44
45 Mr. Elwell asked how the Board would like to proceed.
46
47 Ms. Lee suggested that the Board could go through the special conditions first, and then proceed from

1 there.

2
3 Mr. DiNovo asked if the Board desired to review the special conditions, because he would like to be
4 clear regarding Special Condition E.(2). for Case 925-S-19 as follows: “After construction, the
5 petitioner shall secure the written acceptance of the new driveway from the Compromise Township
6 Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning
7 Administrator.” He said that acceptance is a term generally used when the township accepts
8 maintenance responsibility of the driveway; therefore, is this special condition is intended to refer to the
9 driveway access point and the culvert, if so, then the special condition should indicate the driveway
10 access.

11
12 Ms. Lee asked if rather than indicating “acceptance”, could the Board indicate “written approval.”

13
14 Mr. Hall stated that approval is a better word.

15
16 Mr. DiNovo agreed, although the township would have to be happy with the installation of the culvert,
17 material, etc. He said that he is uncomfortable with Special Condition H. stating that the petitioner will
18 not allow parking in the public street right of way. He said that the petitioners could clearly indicate in
19 their promotional literature that parking in the public street right of way is prohibited.

20
21 Ms. Lee stated that indicating such in promotional literature is not adequate. She said that the petitioners
22 could be proactive, but when people do park in the road right of way the petitioners would have to
23 inform that it is prohibited and that they must move their vehicle. She said that the petitioners could
24 have someone monitor the parking and inform people quickly that they can not park along the road.

25
26 Mr. DiNovo stated that his point is, that the Board must have clear cut things that are either done or not
27 done when determining a violation. He said that in theory, there could be a party at the home across the
28 road and someone could be parking in the street, which would appear to make the petitioners responsible
29 for that, although that is not the intent. He asked how the Board would know whether or not the
30 petitioners have done what they are required to do for not allowing parking along the street. He said that
31 there are specific actions that must be taken and advertising the fact and having systems notifying guests
32 that it is not allowed is one thing, but another would be, if the township highway commissioner has the
33 authority, to post “No Parking” signs.

34
35 Mr. Hall stated that he believes that the township highway commissioner does have that authority, but
36 the township highway commissioner wants this petitioner to guarantee that no one parks in the street,
37 and it is the only thing that the township has requested.

38
39 Ms. Lee stated that the Board needs to have this language in the approval, because this is the most
40 important item in the entire case, that guests are prohibited to park in the road right of way.

41
42 Mr. DiNovo stated that he is not arguing with that, but what he is saying is that the Board is better
43 protected if it is something that can be enforced. He asked what will happen if someone parks on the
44 roadway and the petitioners are serious about taking care of it, they approach the person and tell them to
45 leave and the person refuses, or the petitioners could not figure out who owns the vehicle.

46
47 Mr. Hall stated that the petitioners should call for a tow truck to remove the vehicle.

1
2 Mr. Elwell asked if this is similar to a previous case when Ms. Lee was concerned about trespassing onto
3 adjacent properties. He said that the Board decided that there should be language in the contracts
4 indicating that trespassing on adjacent land is prohibited. He asked Mr. DiNovo if he would like
5 language in the venue contracts indicating that parking is prohibited in the road right of way.
6

7 Ms. Lee stated that this is something completely different, because these are invited guests to an event
8 who are not involved in any contract with the petitioners, and it is the people who are entering into the
9 contract who are in agreement with the petitioners.
10

11 Mr. DiNovo stated that it is dubious to assume that one private citizen could tell another private citizen
12 to remove their vehicle from a public right-of way. He said that he does not believe that someone could
13 just call a tow company to have someone's car towed away because it is parked in the road right of way
14 near your property.
15

16 Ms. Lee asked what the Board is supposed to do when the township highway commissioner has
17 indicated that they do not want any vehicles associated with the event center to be parked in the road
18 right of way.
19

20 Mr. DiNovo proposed specific things that the petitioners could do, such as insert language in their
21 promotional literature, contracts, etc., making it clear that parking on the road is prohibited, and they
22 could post signs on their property indicating that parking on the road is prohibited, and if anyone
23 disobeys, the County Sheriff's office would be contacted. He said that the petitioners should work with
24 the Township Highway Commissioner and pay for the installation of "No Parking" signs along the
25 frontage of their property. He said that that the suggestions are concrete things that the petitioner could
26 do, but what are they supposed to do if someone parks in the road.
27

28 Mr. Wood stated that the petitioners could not be held liable for someone parking in the road.
29

30 Ms. Burgstrom proposed revised special condition H. for the Board's review as follows:
31

32 **H. The petitioner shall not allow any parking for the event center in the public street**
33 **right of way and will ensure that all guests and service providers related to the event**
34 **center area are made aware of this prohibition in their promotional materials,**
35 **contracts, maps, and in the event center parking areas.**
36

37 Mr. Wood agreed with the proposed revision to special condition H. He said that the Board cannot
38 require the petitioners to micromanage everyone else from parking along the road for whatever reason.
39

40 Mr. DiNovo stated that there really isn't much that the petitioner can do if someone associated with the
41 event parks in the road right of way, other than ask them to move their vehicle or leave or call the
42 Sheriff's office. He said that an addition to the revised special condition would be that the petitioners
43 need to post signs on their property in appropriate locations indicating that parking in the road right of
44 way is prohibited, and preferably these would be the official "No Parking" signs that were installed in
45 conjunction with the township.
46

47 Mr. Hall stated that the frontage for this property is very narrow. He said that "No Parking" signs would

1 work for the frontage of the subject property, but there isn't a lot of frontage.

2
3 Mr. DiNovo stated that it would be 600 feet of frontage, and at some point, if the Board is going to
4 approve the special use permit, the petitioners can only do what they can do, and the Board should not
5 expect them to do more than they can.

6
7 Ms. Lee stated that the petitioners could call the Sheriff's office.

8
9 Mr. DiNovo stated that generally, there are only two deputies that patrol the county at any one time, and
10 it could be a while before either one of them gets to the subject property to cite someone for parking in
11 the road right of way.

12
13 Mr. Elwell asked the petitioners for input regarding how they would control parking in the road right of
14 way.

15
16 Mr. Miller agreed with the Board's concern, and they are not trying to allow anyone to park on the road
17 at all. He said that with the wide equipment that farmers have, it would not be beneficial to have the
18 signs along the edge of the road, but he could install temporary signs along the road if necessary
19 indicating that parking in the road is prohibited. He asked the Board to not forget that they have over 10
20 acres that could be used for parking, and any vehicles that park in the street would have adequate room
21 to relocate onto the property. He said that he has spoken with the Township Highway Commissioner
22 many times and he is trying to do everything possible to make this use work.

23
24 Ms. Burgstrom stated that the Board has received testimony in the past indicating that farmers do not
25 like signs along a township road, therefore the petitioners would need to find a logical location for the
26 signs so that they do interfere with agricultural traffic.

27
28 Mr. Hall asked Mr. DiNovo if he is proposing that the petitioner provides temporary signs indicating the
29 prohibition of parking in the road right of way to be placed along the frontage of the property, but
30 outside of the road right of way.

31
32 Mr. DiNovo stated yes, or at the entrance where people can see them. He asked if it is illegal to park
33 along the rural roads, because if it isn't, there is no need to call the Sheriff's office.

34
35 Ms. Burgstrom stated that parking in the road right of way would be a safety hazard and the Sheriff
36 could be called for such a concern.

37
38 Mr. DiNovo stated that he is concerned about the enforceability and how to determine if people have
39 done what is required of them. He said that he does not like open ended special conditions that do not
40 specify what is enough.

41
42 Ms. Lee stated that during events at the University of Illinois, there are parking attendants directing
43 people to appropriate parking areas, and something like that could be done at this venue to ensure that no
44 parking occurs in the road right of way.

45
46 Mr. Elwell noted that there are five minutes left for the meeting, unless the Board extends the meeting.

47

1 Mr. DiNovo stated that the Board could request that the petitioner take all reasonable steps to ensure that
2 no parking in the road right of way occurs.

3
4 Ms. Lee stated that the special condition could indicate the following: “the petitioners shall not allow
5 any parking for the event center to occur in the road right of way, to the extent possible on their part.”
6

7 Mr. Hall stated that, as the current Zoning Administrator, he would be opposed to that added language
8 because it leaves the petitioners an out.

9
10 Ms. Lee withdrew her suggestion.

11
12 Mr. Elwell stated that it appears that permanent signs are out, but could temporary signs be posted
13 indicating the prohibition of parking in the road right of way.

14
15 Mr. Hall stated that temporary signs are fine with him, and the petitioner must do whatever is necessary,
16 and that is understood.

17
18 Ms. Lee asked the Board if they agreed with the revised special condition, as indicated on the overhead
19 screen.

20
21 Mr. Elwell entertained a motion to extend the meeting to 9:50 p.m.

22
23 **Mr. DiNovo moved, seconded by Ms. Lee to extend the meeting to 9:50 p.m. The motion carried**
24 **by voice vote.**

25
26 Ms. Lee stated that special condition H. indicates that the signs must be posted in the event center
27 parking area, but a modification is required.

28
29 Mr. DiNovo stated that the special condition should indicate that the signs are to be posted in a
30 prominent location. He said that he has concerns regarding Special Condition K. He said that he
31 understands the intent, but the automatic operation of the condition really disturbs him, because what it
32 says is that on the basis of complaints, the special use permit is automatically rescinded. He said that
33 this special condition appears to be a violation of due process, and at an absolute bare minimum, the
34 special condition should be revised to indicate substantiated complaints. He said that the special
35 condition leaves it up to the area farmers and landowners to decide what constitutes interruption and
36 what level of interruption is reasonable and actionable, and this leaves the delegation up to private
37 citizens. He asked that, at a bare minimum, staff would have to substantiate the legitimacy of the
38 complaint, and how would staff do that if the events are held on a weekend.

39
40 Ms. Lee noted that farmers work seven days per week during planting and harvest seasons.

41
42 Mr. Hall stated that he also has concerns with Special Condition K, but he understands why it is
43 proposed. He said that staff is having trouble currently enforcing a special condition similar to Special
44 Condition J. on an existing event center and are finding that for some reason, the neighbors report one
45 volume of traffic and the petitioner reports a different volume of traffic, and who is right.

46
47 Ms. Burgstrom stated that Special Condition K. is a special condition that was only used for one of the

1 five approved event centers and was not something that staff ensured would happen. She said that
2 Special Condition J. is something that the petitioners would like to discuss in depth with the Board
3 because they do not want to be restricted like on previous case was because their situation is very
4 different. She said that now may be the point where the Board could consider continuing Case 925-S-19
5 to a later date.
6

7 Mr. DiNovo agreed. He said that Special Condition K. is not lawful and is unconstitutional. He said
8 that the Board is not just talking about parking on the road, but traffic conflicts.
9

10 Ms. Lee asked staff to indicate what happened during the previous case, if anything.
11

12 Mr. Hall stated that for the previous case, the special condition was only for one mile of road and there
13 were only a few landowners involved.
14

15 Mr. DiNovo stated that the problem that he has with it is that it is automatic operation, and if this were
16 revised so that, in the face of complaints, this body could conduct a hearing to see if the complaints were
17 valid. He said that he does not have a problem with the intent of the special condition, but the
18 mechanism must provide the petitioners due process.
19

20 Ms. Lee asked Mr. Hall if he had complaints for other cases like this, in a farming area.
21

22 Mr. Hall stated that staff is dealing with one now, and frankly he does not know if the Board can limit
23 traffic for something like this.
24

25 Mr. DiNovo stated that elaborate conditions are not enforceable on the weekends, because there is an
26 evidentiary problem.
27

28 Ms. Lee stated that, with her husband being a farmer, she understands the concern, because people who
29 come from an urban area do not understand how slow a combine may go in comparison to a normal
30 vehicle, and they try to pass even though the operator has their turn signal on. She said that there are
31 serious issues when you combine a rural area with people who come from urban areas, and that is the
32 intent of this special condition.
33

34 Mr. Elwell entertained a motion to extend the meeting to 9:55 p.m.
35

36 **Ms. Lee moved, seconded by Mr. Wood, to extend the meeting to 9:55 p.m. The motion carried by**
37 **voice vote.**
38

39 Mr. Elwell entertained a motion to continue Case 925-S-19.
40

41 Mr. Hall stated that the Board knows better than him as to how long the discussion for Case 925-S-19
42 might take. He suggested that the Board continue the case to the March 28, 2019, meeting.
43

44 Ms. Burgstrom agreed.
45

46 **Ms. Lee moved, seconded by Mr. Wood, to continue Case 925-S-19 to the March 28, 2019,**
47 **meeting.**

1
2 Mr. Elwell asked the petitioners if they were available and agreed to a continuance of Case 925-S-19 to
3 the March 28, 2019, meeting.

4
5 Ms. Miller stated yes.
6

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

8
9 **7. Staff Report**

10
11 Mr. Hall welcomed new ZBA Board member Tom Anderson.
12

13 Mr. DiNovo asked if ELUC recommended Case 924-S-19 in March, would the County Board defer
14 their review and approval/denial until the ZBA acts on the Special Use Permit.
15

16 Mr. Hall stated that he had the same concern, and he is never comfortable in sending a map amendment to
17 ELUC until he knows what will happen with the Special Use Permit, but the Board has made it very clear
18 that the two are separate cases. He said that when Case 924-S-19 goes before ELUC, staff would inform
19 them that the petitioners have not received their Special Use approval yet from the ZBA.
20

21 Mr. DiNovo stated that it is fine with him, given his attitude about the rural zoning districts.
22

23 **8. Other Business**

24 **A. Review of Docket**

25 **B. Meeting Time during Daylight Savings Time (Meetings March 14th through October 31st)**
26

27 Mr. Hall stated that the current By-Laws indicate that during Daylight Savings Time, March 14th through
28 October 31st, the Board would meet at 7:00 p.m., but there are certain staff members who believe that 6:30
29 p.m. is a better start time in lieu of 7:00 p.m., and it is entirely up to the Board. He asked if the Board wants
30 to keep the tradition of going to a later start time during Daylight Savings Time and begin the meetings at
31 7:00 p.m., or keep it at 6:30 p.m.
32

33 Mr. Elwell entertained a motion that during Daylight Savings Time, March 14th through October 31st, the
34 ZBA meetings will begin at 6:30 p.m.
35

36 **Ms. Lee moved, seconded by Mr. Wood, that during Daylight Savings Time, March 14th through**
37 **October 31st, the ZBA meetings will begin at 6:30 p.m. The motion carried by voice vote.**
38

39 Mr. Hall stated that in the Board will need to amend the By-Laws to reflect that change.
40

41 Ms. Lee noted that Mr. Wood researched *Robert's Rules of Order* and found that minutes can be approved
42 by the present Board, even if some of the members have no knowledge of the meeting.
43

44 Mr. DiNovo stated that if the Board amends the By-Laws regarding the start time of the meetings then,
45 perhaps something could be included for Board discussion regarding approval of minutes. He said that he
46 believes that it is a good policy for Board members not be allowed to vote on minutes for a meeting that the
47 did not attend.

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Mr. Wood stated that he would not be attending the March 14th meeting.

Mr. DiNovo stated that it is possible that he would not be attending the May 16th meeting.

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

None

10. Adjournment

Mr. Elwell entertained a motion to adjourn the meeting.

Ms. Lee moved, seconded by Mr. DiNovo, to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 9:54 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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