

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: August 15, 2019

PLACE: Lyle Shields Meeting Room  
1776 East Washington Street

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Tom Anderson, Frank DiNovo, Ryan Elwell, Marilyn Lee, Jim Randol, Larry Wood

MEMBERS ABSENT: None

STAFF PRESENT: Lori Busboom, Susan Burgstrom, John Hall

OTHERS PRESENT: William Cope, Gayle McKay

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.

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

None

5. Continued Public Hearing

Mr. Elwell called Cases 931-AM-19, 932-S-19, 934-AM-19, and 935-S-19, concurrently.

Case 931-AM-19 Petitioner: William Cope and Mary Kalantzis Request to amend the Zoning Map to allow for the development of 5 single family residential lots in the CR Conservation-Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with

1 related County Board Special Use Permit Case 932-S-19 that is also required for an RRO per Section  
2 5.4.3 of the Zoning Ordinance. Location: A 17.2 acre tract that is approximately in the East Half of  
3 the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of  
4 the Third Principal Meridian in Somer Township, and commonly known as the residence at 4018  
5 North Lincoln Avenue, Champaign.  
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7 Case 932-S-19 Petitioner: William Cope and Mary Kalantzis Request to authorize a Special Use  
8 Permit for a Rural Residential Overlay (RRO) Zoning District in conjunction with related map  
9 amendment Case 931-AM-19 that is also required for an RRO. Location: A 17.2 acre tract that is  
10 approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32,  
11 Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and  
12 commonly known as the residence at 4018 North Lincoln Avenue, Champaign.  
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14 Case 934-AM-19 Petitioner: William Cope and Mary Kalantzis Request to amend the Zoning Map to  
15 change the zoning district designation from the CR Conservation Recreation Zoning District to the  
16 AG-2 Agriculture Zoning District for proposed Outlot A and Lots 1, 2, 3, 4, and 5 in the Preliminary  
17 Plat created by Berns, Clancy and Associates dated and received July 31, 2019, in order to establish  
18 and operate the proposed Special Use in related Case 935-S-19. Location: A 17.2 acre tract that is  
19 approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32,  
20 Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and  
21 commonly known as the residence at 4018 North Lincoln Avenue, Champaign.  
22

23 Case 935-S-19 Petitioner: William Cope and Mary Kalantzis Part A: Authorize the establishment  
24 and use of an Event Center as a combination “Private Indoor Recreational Development” and  
25 “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be  
26 rezoned to the AG-1 Agriculture Zoning District from the current CR Conservation Recreation  
27 Zoning District in related Zoning Case 934-AM-19, with the following requested waiver: A Waiver  
28 for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the  
29 minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance; and Part B: Authorize the  
30 establishment and use of an “Outdoor Commercial Recreational Enterprise” as a Special Use with the  
31 following requested waiver: A waiver for an Outdoor Commercial Recreational Enterprise that is 30  
32 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning  
33 Ordinance. . Location: A 17.2 acre tract that is approximately in the East Half of the Northeast  
34 Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third  
35 Principal Meridian in Somer Township, and commonly known as the residence at 4018 North Lincoln  
36 Avenue, Champaign.  
37

38 Mr. Elwell informed the audience that Cases 932-S-19 and 935-S-19 are Administrative Cases and as  
39 such, the County allows anyone the opportunity to cross-examine any witness. He said that at the proper  
40 time, he will ask for a show of hands for those who would like to cross-examine, and each person will be  
41 called upon. He requested that anyone called to cross-examine go to the cross-examination microphone  
42 to ask any questions. He said that those who desire to cross-examine are not required to sign the witness

1 register but are requested to clearly state their name before asking any questions. He noted that no new  
2 testimony is to be given during the cross-examination. He said that attorneys who have complied with  
3 Article 7.6 of the ZBA By-Laws are exempt from cross-examination.  
4

5 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign  
6 the witness register for that public hearing. He reminded the audience that when they sign the witness  
7 register, they are signing an oath. He asked the audience if anyone desired to sign the witness register  
8 and there was no one.  
9

10 Mr. Elwell asked the petitioner if he would like to make a statement regarding his requests.  
11

12 Mr. William Cope, who resides at 4018 North Lincoln Avenue, Champaign, stated that per the information  
13 received from the Board and staff at the April 25, 2019, public hearing, the plans were redrawn by Berns,  
14 Clancy and Associates (BCA), and with the assistance of the Champaign County Health Department the  
15 septic arrangements have been determined. He said that he received information from Jesse Allen with  
16 Redbud Septic, Sewer and Excavating, and he distributed copies of the information to staff and the Board  
17 for review.  
18

19 Mr. Elwell asked the Board if there were any questions for Mr. Cope.  
20

21 Ms. Lee stated that item #22.C (4) on page 21 of 61 of Attachment C. Finding of Fact for Cases 931-AM-19  
22 and 932-S-19, states that there are no known underground drainage tiles on the property, and it is unlikely  
23 that any exist. She said that she looked at the tax bill for the parcel and charges are listed for drainage. She  
24 said that the property was previously utilized as farmland; therefore, the text “it is unlikely that any exist”  
25 should not be included.  
26

27 Mr. Elwell asked the Board and staff if there were any additional questions for Mr. Cope, and there were  
28 none.  
29

30 Ms. Burgstrom asked the Board if they had any opinion or comment regarding Ms. Lee’s request to remove  
31 the text in item #22.C(4).  
32

33 Mr. Randol stated that if the property was previously utilized as farmland there is a good chance that there is  
34 existing drainage tile on the property and any excavation that encounters drainage tiles should reroute or  
35 replace those tiles.  
36

37 Mr. Wood stated that no drainage tile was indicated dumping into the Saline Branch Drainage Ditch, and  
38 that would be the place for the drainage to go if there were any existing tiles.  
39

40 Ms. Lee stated that the listed drainage district is Beaver Lake Drainage District and she believes that this  
41 part of the Saline is under the Beaver Lake Drainage District’s jurisdiction.  
42

1 Mr. Hall asked Ms. Lee if her concern is about any drainage tiles or just drainage district tiles.  
2  
3 Ms. Lee stated that her concern is about any drainage tiles, period. She said that usually farmland is  
4 connected to the drainage ditch itself with outlets, but there are drainage tiles that are located on the  
5 property itself and the outlet would go right into the drainage district outlet.  
6  
7 Mr. Hall stated that the way that ordinance is written, any tile that is disturbed during excavation for a permit  
8 there are rules in place for rerouting. He said that if the Board agrees to remove the text in item C.(4), then  
9 it could be removed because it is not material to the finding and will not harm anything.  
10  
11 Ms. Lee stated that she would prefer that the text is removed.  
12  
13 Mr. Hall stated that the text can be removed if the Board agrees.  
14  
15 Mr. Randol stated that he does not have a problem with removing the text because it isn't going to make any  
16 difference one way or the other.  
17  
18 Ms. Lee stated that the first part of the sentence in C.(4) can stand and only the previously mentioned text is  
19 to be removed.  
20  
21 Mr. Elwell asked the Board if there was any required discussion regarding the special use permit  
22 requirements which begin on page 11 of 61 of the Summary of Evidence for Cases 931-AM-19 and 932-S-  
23 19.  
24  
25 Mr. DiNovo stated that item 9.B. on page 10 of 61 discusses the condition regarding cut-off light fixtures.  
26 He asked if each house that is constructed has to meet the requirement for full cut-off lighting fixtures.  
27  
28 Mr. Hall stated that the requirement for full cut-off lighting only applies to the special use. He said that he  
29 understands the confusion since a Rural Residential Overlay is only approved as a special use, and perhaps  
30 Mr. DiNovo brings up a good point and the requirement should apply.  
31  
32 Mr. DiNovo stated that he was only asking a question and was not making a rhetorical point.  
33  
34 Mr. Hall stated that to address Mr. DiNovo's rhetorical point, he believes that any residence pursuant to the  
35 special use permit would have to have full cut-off night lighting.  
36  
37 Mr. Elwell asked the Board if there was any discussion required regarding the RRO Factor or LRMP  
38 Goals, and there was none.  
39  
40 Mr. Elwell stated that the Board would now review the special conditions of approval for Cases 931-AM-19  
41 and 932-S-19.  
42

1 Mr. Elwell informed Mr. Cope that he would read the special conditions of approval and Mr. Cope must  
2 indicate if he agrees or disagrees with those conditions.

3  
4 Mr. Elwell read Special Condition A. for Case 931-AM-19 as follows:

- 5  
6 **A. The owners of the subject property hereby recognize and provide for the right of**  
7 **agricultural activities to continue on adjacent land consistent with the Right to Farm**  
8 **Resolution 3425.**

9  
10 The special condition stated above is required to ensure the following:

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

12  
13 Mr. Elwell asked Mr. Cope if he agreed with Special Condition A. for Case 931-AM-19.

14  
15 Mr. Cope stated that he agreed with Special Condition A. for Case 931-AM-19.

16  
17 Mr. Elwell read Special Condition A. for Case 932-S-19 as follows:

- 18  
19 **A. The Special Use is subject to the approval of Case 931-AM-19.**

20  
21 The special condition stated above is required to ensure the following:

22 **That the Special Use is consistent with the intent of the Zoning Ordinance and**  
23 **ZBA recommendations.**

24  
25 Mr. Elwell asked Mr. Cope if he agreed with Special Condition A. for Case 932-S-19.

26  
27 Mr. Cope stated that he agreed with Special Condition A. for Case 932-S-19.

28  
29 Mr. Elwell read Special Condition B. for Case 932-S-19 as follows:

- 30  
31 **B. A Floodplain Development Permit will be required for any construction proposed in the**  
32 **Special Flood Hazard Area.**

33  
34 The special condition stated above is required to ensure the following:

35 **That any construction complies with the Special Flood Hazard Areas Ordinance.**

36  
37 Mr. Elwell asked Mr. Cope if he agreed with Special Condition B. for Case 932-S-19.

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39 Mr. Cope stated that he agreed with Special Condition B. for Case 932-S-19.

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41 Mr. Elwell read Special Condition C. for Case 932-S-19 as follows:

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C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A of the Zoning Ordinance have been met.**

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

**The exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.**

Mr. Elwell asked Mr. Cope if he agreed with Special Condition C. for Case 932-S-19.

Mr. Cope stated that he agreed with Special Condition C. for Case 932-S-19.

Mr. Elwell read Special Condition D. for Case 932-S-19 as follows:

D. **As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:**

- (1) **A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.**
- (2) **A Site Plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.**
- (3) **A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.**

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

**Any new septic system is in compliance with the Champaign County Health Ordinance.**

Mr. Elwell asked Mr. Cope if he agreed with Special Condition D. for Case 932-S-19.

Mr. Cope stated that he agreed with Special Condition D. for Case 932-S-19.

Mr. Elwell read Special Condition E. for Case 932-S-19 as follows:

E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5 and Outlots 4A and 5A.**

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

**That future potential owners in the subdivision are aware of the event center use and the conditions under which it can operate.**

Mr. Elwell asked Mr. Cope if he agreed with Special Condition E. for Case 932-S-19.

Mr. Cope stated that he agreed with Special Condition E. for Case 932-S-19.

Mr. Elwell read Special Condition F. for Case 932-S-19 as follows:

**F. Proposed Lot 1 will require a variance for average lot width if case 934-AM-19 is not approved.**

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

**That Lot 1 will be compliant with the zoning ordinance as a by-right buildable lot even if the RRO is not approved.**

Mr. Elwell asked Mr. Cope if he agreed with Special Condition F. for Case 932-S-19.

Mr. Cope stated that he agreed with Special Condition F. for Case 932-S-19.

Mr. Elwell read Special Condition G. for Case 932-S-19 as follows:

**G. The revised Site Plan received July 31, 2019, is the official site plan for approval in Case 932-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

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

**That it is clear which version of the Site Plan submitted by the petitioners if the approved site plan.**

Mr. Elwell asked Mr. Cope if he agreed with Special Condition G. for Case 932-S-19.

Mr. Cope stated that he agreed with Special Condition G. for Case 932-S-19.

Mr. Elwell entertained a motion to approve the special conditions for Cases 931-AM-19 and 932-S-19.

**Ms. Lee moved, seconded by Mr. DiNovo, to approve the special conditions for Cases 931-AM-19 and 932-S-19. The motion carried by voice vote.**

Mr. Elwell asked staff if there were any new Documents of Record for Cases 931-AM-19, 932-S-19, 934-AM-19, and 935-S-19.

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Mr. Hall stated that a new item #13 should read as follows: Letter from Redbud Septic, Sewer and Excavating received 8/15/19.

Mr. Elwell asked the Board if there was any discussion or concerns regarding the Summary Finding of Fact for Case 931-AM-19.

Ms. Burgstrom stated that staff did not indicate any decision points for the Board and only made recommendations. She said that if there are any areas in the Summary Finding of Fact that the Board would like to discuss, then now is the time to do so.

No Board discussion occurred regarding the Summary Finding of Fact for Case 931-AM-19.

Mr. Elwell entertained a motion to move to the Findings of Fact for RRO Special Use Permit Case 932-S-19.

**Ms. Lee moved, seconded by Mr. Wood, to move to the Findings of Fact for RRO Special Use Permit Case 932-S-19. The motion carried by voice vote.**

**FINDINGS OF FACT FOR RRO SPECIAL USE PERMIT CASE 932-S-19:**

**From the documents of record and the testimony and exhibits received at the public hearing for zoning case 932-S-19 held on April 25, 2019 and August 15, 2019, the Zoning Board of Appeals of Champaign County finds that:**

**1. The requested Special Use Permit IS necessary for the public convenience at this location.**

Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this location.

**2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:**

**a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.**

Ms. Lee stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

**b. Emergency services availability is ADEQUATE.**

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Mr. Randol stated that emergency services availability is ADEQUATE.

**c. The Special Use WILL be compatible with adjacent uses.**

Mr. Anderson stated that the Special Use WILL be compatible with adjacent uses.

**d. Surface and subsurface drainage will be ADEQUATE.**

Mr. Randol stated that surface and subsurface drainage will be ADEQUATE.

**e. Public safety will be ADEQUATE.**

Mr. Randol stated that public safety will be ADEQUATE.

**f. The provisions for parking will be ADEQUATE.**

Mr. Randol stated that the provisions for parking will be ADEQUATE.

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

**3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.**

Ms. Lee stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

**3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located because:**

**a. The Special Use will be designed to CONFORM to all relevant County ordinances and codes.**

Ms. Lee stated that the Special Use will be designed to CONFORM to all relevant County ordinances and codes.

**b. The Special Use WILL be compatible with adjacent uses.**

1 Ms. Lee stated that the Special Use WILL be compatible with adjacent uses.

2

3 c. **Public safety will be ADEQUATE.**

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5 Ms. Lee stated that public safety will be ADEQUATE.

6

7 Ms. Lee stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
8 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

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10 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
11 **IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance**  
12 **because:**

13 a. **The Special Use is authorized in the District.**

14

15 b. **The requested Special Use Permit IS necessary for the public convenience at this**  
16 **location.**

17

18 Ms. Lee stated that the requested Special Use Permit IS necessary for the public convenience at this  
19 location.

20

21 c. **The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
22 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**  
23 **WILL NOT be injurious to the district in which it shall be located or otherwise**  
24 **detrimental to the public health, safety, and welfare.**

25

26 Ms. Lee stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
27 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be  
28 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,  
29 and welfare.

30

31 d. **The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
32 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in**  
33 **which it is located.**

34

35 Ms. Lee stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
36 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

37

38 Mr. Anderson stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL  
39 CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the  
40 Ordinance.

41

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

43

1 6. **THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**  
2 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**  
3 **PARTICULAR PURPOSES DESCRIBED BELOW:**

4  
5 **A. The Special Use is subject to the approval of Case 931-AM-19.**

6  
7 The special condition stated above is required to ensure the following:

8 **That the Special Use is consistent with the intent of the Zoning Ordinance**  
9 **and ZBA recommendations.**

10  
11 **B. A Floodplain Development Permit will be required for any construction proposed in**  
12 **the Special Flood Hazard Area.**

13  
14 The special condition stated above is required to ensure the following:

15 **That any construction complies with the Special Flood Hazard Areas**  
16 **Ordinance.**

17  
18 **C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or**  
19 **issue a Zoning Compliance Certificate on the subject property until the lighting**  
20 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

21  
22 The special condition stated above is required to ensure the following:

23 **That exterior lighting meets the requirements established for Special Uses in**  
24 **the Zoning Ordinance.**

25  
26 **D. As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5,**  
27 **the developer shall consult with the Champaign Urbana Public Health District**  
28 **(CUPHD) to determine septic system requirements and submit the following**  
29 **documentation to the Zoning Administrator:**

30 **(1) A true and correct copy of an approved CUPHD Permit for construction of**  
31 **each private sewage disposal system.**

32  
33 **(2) A Site Plan indicating the identical area for the private sewage disposal**  
34 **system as approved in the CUPHD Permit and only the private sewage**  
35 **disposal system approved by the Champaign-Urbana Public Health District**  
36 **Permit may occupy that portion of the LOT.**

37  
38 **(3) A true and correct copy of the CUPHD Certificate of Approval for each**  
39 **private sewage disposal system.**

40  
41 The special condition stated above is required to ensure the following:

ZBA

**AS APPROVED SEPTEMBER 12, 2019**

**8-15-19**

**Any new septic system is in compliance with the Champaign County Health Ordinance.**

E. **The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5 and Outlots 4A and 5A.**

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

**That future potential owners in the subdivision are aware of the event center use and the conditions under which it can operate.**

F. **Proposed Lot 1 will require a variance for average lot width if case 934-AM-19 is not approved.**

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

**That Lot 1 will be compliant with the zoning ordinance as a by-right buildable lot even if the RRO is not approved.**

G. **The revised Site Plan received July 31, 2019, is the official site plan for approval in Case 932-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

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

**That it is clear which version of the Site Plan submitted by the petitioners if the approved site plan.**

Mr. Elwell entertained a motion to adopt the Summary Finding of Fact and Documents of Record for Case 931-AM-19, as amended, and the Summary of Evidence, Documents of Record and Findings of Fact, as Amended, for Case 932-S-19.

**Mr. Randol moved, seconded by Mr. Wood, to adopt the Summary Finding of Fact and Documents of Record for Case 931-AM-19, as amended, and the Summary of Evidence, Documents of Record and Findings of Fact, as amended, for Case 932-S-19. The motion carried by voice vote.**

Mr. Elwell entertained a motion to move the Final Determination for Case 931-AM-19.

**Mr. Wood moved, seconded by Mr. Randol to move to the Final Determination for Case 931-AM-19. The motion carried by voice vote.**

**Final Determination for Case 931-AM-19:**

1 Ms. Lee moved, seconded by Mr. Wood that pursuant to the authority granted by Section 9.2 of the  
2 Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County  
3 recommends that:

4           **The Map Amendment for a Rural Residential Overlay (RRO) requested in Case 931-  
5 AM-19 should BE ENACTED by the County Board in the form attached hereto.**  
6

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

- 8  
9           **a.     The owners of the subject property hereby recognize and provide for the right  
10 of agricultural activities to continue on adjacent land consistent with the Right  
11 to Farm Resolution 3425.**  
12

13 Mr. Elwell requested a roll call vote.

14  
15 The roll was called as follows:

16  
17                   **Anderson – yes                   DiNovo – yes                   Lee – yes**  
18                   **Randol – yes                   Wood – yes                   Elwell – yes**  
19

20 Mr. Elwell entertained a motion to move to the Final Determination for Case 932-S-19.  
21

22 **Ms. Lee moved, seconded by Mr. Wood, to move to the Final Determination for Case 932-S-19. The**  
23 **motion carried by voice vote.**  
24

25 **Final Determination for Case 932-S-19:**  
26

27 **Mr. Wood moved, seconded by Ms. Lee, that the Champaign County Zoning Board of Appeals finds**  
28 **that, based upon the application, testimony, and other evidence received in this case, the requirements**  
29 **of Section 9.1.11B. for approval HAVE BEEN met, and pursuant to the authority granted by Section**  
30 **9.1.6 B. of the Champaign County Zoning Ordinance, recommends that:**  
31

32           **The Special Use requested in Case 932-S-19 be GRANTED WITH SPECIAL CONDITONS to**  
33 **the applicants, Bill Cope and Mary Kalantzis, to authorize the following as a Special Use**  
34 **Permit:**

35                   **Authorize a Rural Residential Overlay (RRO) Zoning District in conjunction with**  
36 **related map amendment Case 931-AM-19 that is also required for an RRO.**  
37

38           **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- 39  
40           **A.     The Special Use is subject to the approval of Case 931-AM-19.**  
41  
42           **B.     A Floodplain Development Permit will be required for any construction proposed in**

the Special Flood Hazard Area.

- C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.
- D. As part of the permitting process for any new dwelling unit in RRO Lots 1, 2, and 5, the developer shall consult with the Champaign Urbana Public Health District (CUPHD) to determine septic system requirements and submit the following documentation to the Zoning Administrator:
  - (1) A true and correct copy of an approved CUPHD Permit for construction of each private sewage disposal system.
  - (2) A Site Plan indicating the identical area for the private sewage disposal system as approved in the CUPHD Permit and only the private sewage disposal system approved by the Champaign-Urbana Public Health District Permit may occupy that portion of the LOT.
  - (3) A true and correct copy of the CUPHD Certificate of Approval for each private sewage disposal system.
- E. The subdivision covenants created for the proposed subdivision will provide for the event center use on Lots 3, 4, and 5 and Outlots 4A and 5A.
- F. Proposed Lot 1 will require a variance for average lot width if case 934-AM-19 is not approved.
- G. The revised Site Plan received July 31, 2019, is the official site plan for approval in Case 932-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.

Mr. Elwell requested a roll call vote.

The roll call voted was a follows:

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

35:35

1 Mr. Elwell stated that the Board would now review Case 934-AM-19.

2  
3 Mr. Elwell entertained a motion to open the witness register.

4  
5 **Mr. DiNovo moved, seconded by Ms. Lee to open the witness register. The motion carried by voice**  
6 **vote.**

7  
8 Mr. Elwell called Gayle McKay to testify.

9  
10 Ms. Burgstrom stated that the witness register was intended to also be opened for Cases 931-AM-19 and  
11 932-S-19 while those cases were being discussed and finalized. She said that the current cases that are still  
12 open are Cases 934-AM-19 and 935-S-19, which are about the event center itself. She said that if the  
13 audience has comments regarding Cases 931-AM-19 and 932-S-19 the Board could reopen the cases so that  
14 testimony could be heard.

15  
16 Mr. DiNovo stated that the By-laws indicate that once final action has been taken there is no way to rescind  
17 final action.

18  
19 Mr. Hall stated that there is no way to rescind final action, but it is not too late to obtain comments so that  
20 they can be entered into the final record, and those comments would be forwarded to the County Board.

21  
22 Ms. Burgstrom stated that the two cases that have been recommended for approval still have to be forwarded  
23 to the Environment and Land Use Committee and the full County Board; therefore, testimony would be  
24 taken into consideration prior to a final determination by the County Board.

25  
26 Mr. Hall noted that now would be the time to present comments related to the event center.

27  
28 Ms. Gayle McKay, who resides at 4102 N. Lincoln Avenue, Champaign, stated that her residence is north of  
29 the Cope property. She said that her original concern was related to the floodplain, because the information  
30 in the packet indicated that fill would be placed on the property. She said that she was concerned that the  
31 allowance of placing fill on the subject property could raise the floodplain on her property and she did not  
32 want situation to occur and she was glad to see discussion and conditions in the agreement. She said that  
33 she was also concerned about additional lighting for the subject property and event center, but it appears that  
34 the lighting has been addressed and agreed upon by the property owner and the Board. She said that she was  
35 concerned about noise and music during outdoor events and asked if there was a noise ordinance that would  
36 regulate noise during the evening hours and enforce a cutoff time.

37  
38 Mr. Hall stated that the Nuisance Ordinance has a current cutoff time of 10 P.M. for noise. He said that he  
39 plans to propose an amendment to the Nuisance Ordinance increasing the cutoff time to 11 P.M., because he  
40 does not believe that a 10 P.M. cutoff time is adequate for a county like Champaign County but neither  
41 would he suggest that the cutoff time to go past midnight.

42

1 Ms. McKay agreed with not allowing the time to go past 11 P.M. or midnight, especially if you are the one  
2 who lives next to the event.

3  
4 Mr. Hall stated that the cutoff time would be controlled by the Nuisance Ordinance.

5  
6 Ms. McKay stated that she was concerned about parking because, due to the floodplain, there is some  
7 flooding that occurs on the subject property and there is some parking that has to occur along the drive. She  
8 said that signage was a concern, but she has discussed her concerns with Mr. Cope and that situation has  
9 improved.

10  
11 Mr. Elwell asked the Board and staff if there were any questions for Ms. McKay.

12  
13 Mr. Hall asked Ms. McKay if she would recommend that the Board should consider keeping the cutoff for  
14 amplified noise at 10 P.M.

15  
16 Ms. McKay stated yes. She said that most of the neighbors in the vicinity of the subject property are elderly,  
17 and even though the party could continue to occur, the amplified music could be decreased or ceased  
18 at 10 P.M.

19  
20 Mr. Randol agreed with McKay. He said that the amplified music should end at 10 P.M. because this is a  
21 residential area.

22  
23 Mr. Hall stated that a special condition could be proposed regarding the cutoff time and the petitioner would  
24 need to agree to the special condition to ensure that the petitioner knows how to remain in compliance.

25  
26 Ms. Lee stated that she also agrees with a cutoff time of 10 P.M.

27  
28 Mr. Elwell asked the audience if anyone desired to cross-examine Ms. McKay, and there was no one.

29  
30 Mr. Elwell closed the witness register.

31  
32 Mr. Elwell asked the Board and staff if there were any questions for Case 934-AM-19, and there were none.

33  
34 Ms. Lee asked if Case 934-AM-19 would include the special condition regarding noise.

35  
36 Mr. Hall stated that the special condition related to noise will be included in Case 935-S-19.

37  
38 Mr. Elwell read Special Condition A. for Case 934-AM-19 as follows:

- 39  
40 **A. The owners of the subject property hereby recognize and provide for the right**  
41 **of agricultural activities to continue on adjacent land consistent with the Right to**  
42 **Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

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

Mr. Elwell asked Mr. Cope if he agreed with Special Condition A.

Mr. Cope stated that he agreed with Special Condition A.

Mr. Elwell entertained a motion to approve the special condition for Case 934-AM-19.

**Mr. DiNovo moved, seconded by Mr. Wood, to approve the special condition for Case 934-AM-19. The motion carried by voice vote.**

Ms. Burgstrom stated that a new item #17 should be added to the Documents of Record as follows: Letter from Redbud Septic, Sewer and Excavating received 8/15/19.

Mr. Elwell asked the Board if there was any required discussion regarding staff’s recommendations for the Summary Finding of Fact for Case 934-AM-19, included in Attachment D. dated August 15, 2019, and there were none.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact, as amended, for Case 934-AM-19.

**Mr. Wood moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of Record and Findings of Fact, as amended, for Case 934-AM-19. The motion carried by voice vote.**

Mr. Elwell entertained a motion to move to the final determination for Case 934-AM-19.

**Ms. Lee moved, seconded by Mr. Wood, to move to the final determination for Case 934-AM-19. The motion carried by voice vote.**

**FINAL DETERMINATION FOR CASE 934-AM-19:**

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

**The Zoning Ordinance Amendment requested in Case 934-AM-19 should BE ENACTED by the County Board in the form attached hereto.**

**SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

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

Mr. Ewell requested a roll call vote.

The roll call vote was as follows:

<b>Anderson – yes</b>	<b>DiNovo – yes</b>	<b>Lee – yes</b>
<b>Randol – yes</b>	<b>Wood – yes</b>	<b>Elwell – yes</b>

Mr. Elwell stated that the Board will now move to Case 935-S-19.

Mr. Elwell asked the Board if there were any questions or concerns related to Case 935-S-19.

Ms. Lee stated that the special condition regarding noise needs to be inserted into this case.

Mr. Elwell stated that Ms. Lee was correct.

Mr. Hall stated that when the Board reviews the special conditions, they should revise Special Condition G. He said that staff received the letter regarding the septic tonight and Special Condition G. should be modified to reflect the information included in the letter. He said that a new special condition N. should be crafted regarding outdoor amplified music.

Ms. Lee stated the special condition E. includes the requirement for audible noise.

Mr. Hall stated that special condition E. refers to the 10 P.M. noise cutoff and he does not anticipate that being in place for more than a few months.

Ms. Lee asked if proposed special condition N. could just replace existing special condition E.

Mr. Hall stated that the last sentence in special condition E. goes overboard, and he agreed with Ms. Lee’s proposal to replace the existing text in existing special condition E. He said that music does not have to be inaudible at the property line after 10 P.M., it just has to be at an acceptable level. He said that there is a big difference between inaudible and an acceptable level, and he is not willing to identify what is an acceptable level.

Mr. DiNovo stated that if the music is audible within a dwelling with the windows closed, then there is a violation of the Nuisance Ordinance.52:06 He said that if a deputy is called to the property regarding the complaint, it is the deputy who would be responding to the complaint. He said that the only thing that the deputy has to do is go inside the home, close the door behind them, and if the deputy can hear the amplified

1 noise then there is a violation, and it is a clear cut standard.

2  
3 Mr. Hall stated that the clear cut standard, in a few months, will not apply at 10 P.M. but will apply at 11  
4 P.M.

5  
6 Mr. DiNovo stated that if the standard is applied, any noise that is audible within the dwelling with windows  
7 and doors closed is a violation.

8  
9 Mr. Hall asked Mr. DiNovo if he had proposed text for the new special condition E.

10  
11 Mr. DiNovo stated the following: Conditions and other noise shall not be audible within the dwelling with  
12 windows and doors closed on a separate property after 10 P.M.

13  
14 Mr. Randol stated that a similar special condition was required for the event venue on North Cunningham  
15 due to the fact that there were nearby residences. He said that the music venues had to be taken inside the  
16 building on the subject property after 10 P.M.

17  
18 Mr. Wood stated that by taking the music venue inside does not make it comply with the Nuisance  
19 Ordinance requirement of 10 P.M. He said that the special condition that is being proposed ends the  
20 amplified music at 10 P.M. regardless whether it is inside or outside of the building.

21  
22 Mr. Hall read revised Special Condition E. as follows:

23  
24 **E. Music and other nuisance noise shall not be audible in adjacent dwellings past 10 P.M.**

25  
26 Ms. Burgstrom asked Mr. Hall if the first sentence in existing Special Condition E. would remain as written.

27  
28 Mr. Hall stated no.

29  
30 Mr. Elwell asked if “with windows and doors closed” should be included in the text for new Special  
31 Condition E.

32  
33 Mr. DiNovo stated that is too liberal of a standard because during the summer people should be able to have  
34 your windows and doors opened. He said that if the point is to protect people within their dwellings, then  
35 those objection points are going a bit far.

36  
37 Mr. Hall stated that if Special Condition E. states that music and other nuisance noise shall be audible in  
38 adjacent dwelling past 10 P.M. then that applies whether or not the neighbor’s windows are closed or  
39 opened. He said that if the Board wants to specify or loosen up the special condition then he would  
40 appreciate the Board’s input.

41  
42 Mr. DiNovo stated that the Board does not have the capacity to send someone out to the property for noise

1 measurement. He said that if the proposed special condition is too stringent, then he would  
 2 suggest adding, “with windows and doors closed.” He said by including the statement regarding windows  
 3 and doors closed it provides a precise test as to whether the noise can or cannot be heard inside of the  
 4 dwelling; otherwise a noise meter and trained operator would be required for every complaint filed, which is  
 5 not a practical way to enforce the Nuisance Ordinance.

6  
 7 Mr. Elwell stated that he would prefer that the text “with windows and doors shut” be included in Special  
 8 Condition E. He said that if there was a potential violation of the Nuisance Ordinance, it should be easy to  
 9 Replicate.

10  
 11 Mr. Hall stated that if the special condition states that no music and other nuisance noise shall not be audible  
 12 within the dwelling of any adjacent property past 10 P.M. leaves the possibility that if you hear any noise  
 13 with your windows opened means there is a violation which is a pretty tough standard.

14  
 15 Mr. DiNovo stated that if you can hear noise at the property line, then you can probably hear the noise in the  
 16 house.

17  
 18 Mr. Hall read new Special Condition E. as follows:

19  
 20 **E. Music and other nuisance noise shall not be audible in adjacent dwellings with doors**  
 21 **and windows closed past 10 pm.**

22  
 23 The special condition stated above is required to ensure the following:  
 24 **That events held on the subject property adequately consider neighbors.**

25  
 26 Mr. Elwell asked Mr. Cope if he agreed with revised Special Condition E.

27  
 28 Mr. Cope stated that he agreed with revised Special Condition E.

29  
 30 Mr. Anderson stated that he did not attend the previous hearing regarding Mr. Cope’s cases, and he would  
 31 like to have a discussion why staff recommended the changes to Lot 4. He said that he needed to be  
 32 convinced that increasing or decreasing Lot 4 solved any previous concerns.

33  
 34 Mr. Hall stated that previously Lot 4 was a single lot that stretched from the Saline to the lot line for Lot 3.  
 35 He said that in order for there to be an event center on Lot 4 it needed to be rezoned to the AG-2 Agriculture  
 36 Zoning District because indoor event centers are not allowed in the Conservation Recreation Zoning  
 37 District. He said that some portion of Lot 4 needed to be rezoned to AG-2 in order for there to be an event  
 38 center, and with that being said, we know that we have a straight line that is the approximate floodway for  
 39 the Saline Branch, and the Zoning Ordinance indicates that the CR Zoning District is in areas where there  
 40 are major streams, wooded and floodplain. He said that the way the Zoning Ordinance is written some part  
 41 of Lot 4 should be located in the CR District. He said that the Zoning Ordinance does not allow a lot to be  
 42 split zoned because it creates a lot of confusion, so the easy solution was to use the dashed line that runs

1 through Lots 5 and 4, which is approximately the floodway where the majority of the flood is carried, use  
2 that line to divide that part of Lot 4 that is suitable for the CR District and the part that is suitable for an  
3 event center in the AG-2 District. He said that in dividing Lot 4 it provides Mr. Cope a way to have his  
4 event center that is consistent with the Zoning Ordinance.  
5

6 Mr. Anderson asked if there were still some boundary issues.  
7

8 Mr. Hall stated that Lot 1 is too small to conform to the CR District standards, but does conform to the AG-  
9 2 standards, therefore it is good the way it is.  
10

11 Mr. Anderson stated that he was trying to work through all of the paperwork, but he believed that variances  
12 were being requested regarding the property lines.  
13

14 Mr. Hall stated that if the rezoning is not approved, the only variance that would be required is for Lot 1.  
15

16 Mr. Randol asked if the outlots could be sold off.  
17

18 Mr. Hall stated that the outlots could be sold off, but no permit could be issued for construction on those  
19 Lots and this were discussed by Mr. DiNovo at the first hearing, because he was concerned about the  
20 creation  
21 outlots. Mr. Hall said that the creation of outlots creates a lot that someone may purchase not realizing that  
22 they have no access to it and cannot obtain a building permit for construction on the lot either.  
23

24 Mr. Randol asked if there was a covenant, could they establish the lots 4A and 5A as a commons area, or  
25 would it have  
26 to rezoned.  
27

28 Mr. Hall stated that the outlots could be established as a commons area as part of the covenants. He said  
29 that covenants could also indicate that Lot 5A must be owned by Lot 5 and Lot 4A must be owned by Lot 4,  
30 but a covenant is a private matter that the County would not enforce. He said that there is flexibility with  
31 covenants, but unless there is a homeowner's association to enforce those covenants, they don't really mean  
32 anything.  
33

34 Mr. Elwell stated that the Board will now review the special conditions of approval.  
35

36 Mr. Elwell read Special Condition A. as follows:  
37

- 38 A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case**  
39 **934-AM-19 by the County Board.**  
40

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

42 **The establishment of the proposed use shall be properly documented as**

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Mr. Elwell asked Mr. Cope if he agreed with Special Condition A.

Mr. Cope stated that he agreed with Special Condition A.

Mr. Elwell read Special Condition B. as follows:

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

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

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

Mr. Elwell asked Mr. Cope if he agreed with Special Condition B.

Mr. Cope stated that he agreed with Special Condition B.

Mr. Elwell read Special Condition C.

**C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

**That exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.**

Mr. Elwell asked Mr. Cope if he agreed with Special Condition C.

Mr. Cope stated that he agreed with Special Condition C.

Mr. Elwell read Special Condition D.

**D. All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

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

**That the proposed Special Use is in ongoing compliance with all applicable**

County requirements.

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Mr. Elwell asked Mr. Cope if he agreed with Special Condition D.

Mr. Cope stated that he agreed with Special Condition D.

Mr. Elwell read Special Condition E.

**E. Music and other nuisance noise shall not be audible in adjacent dwellings with doors and windows closed past 10 pm.**

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

**That events held on the subject property adequately consider neighbors.**

Mr. Elwell stated that Mr. Cope had previously agreed with new Special Condition E.

Mr. Elwell read Special Condition F.

**F. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

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

**To protect public health.**

Mr. Elwell asked Mr. Cope if he agreed with Special Condition F.

Mr. Cope stated that he agreed with Special Condition F.

Mr. Elwell read Special Condition G.

**G. Within one year of approval of zoning cases 934-AM-19 and 935-S-19, the petitioners shall install a new septic system as approved by the Champaign County Health Department. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:**

**(1) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**

**(2) A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY**

Health Department may occupy that portion of the LOT.

- (3) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.

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

**Any new septic system is in compliance with the Champaign County Zoning Ordinance.**

Mr. Hall noted that the only new septic system that is actually required is on Lot 3. He recommended the following revision to Special Condition G.

- G. Within one year of approval of zoning cases 934-AM-19 and 935-S-19, the petitioners shall install a new septic system on lot 3 as approved by the Champaign County Health Department and thereafter shall comply with the recommendations of the Health Department regarding the septic system on Lot 4. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:

- (1) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.
- (2) A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.
- (3) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.

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

**Any new septic system is in compliance with the Champaign County Zoning Ordinance.**

Mr. Elwell asked Mr. Cope if he agreed with revised Special Condition G.

Mr. Cope stated that he agreed with revised Special Condition G.

Mr. Elwell read Special Condition H.

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H. **The Special Use is subject to the approval of Case 934-AM-19.**

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

**That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.**

Mr. Elwell asked Mr. Cope if he agreed with Special Condition H.

Mr. Cope stated that he agreed with Special Condition H.

Mr. Elwell read Special Condition I.

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

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

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

Mr. Elwell asked Mr. Cope if he agreed with Special Condition I.

Mr. Cope stated that he agreed with Special Condition I.

Mr. Elwell read Special Condition J.

J. **The revised Site Plan received July 31, 2019, is the official site plan for approval in Case 935-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

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

**That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.**

Mr. Hall stated that for a use like this, staff would recommend that additional dated sheets be added to the special condition as part of the site plan. He recommended the following revision to Special Condition J.:

J. **The revised Site Plan received July 31, 2019, the annotated aerial event center site plan (Attachment C to Preliminary Memorandum dated 4/25/19), and the floor plan of the Cope-Kalantzis residence (Attachment P to the Preliminary Memorandum), is the official site plan for approval in Case 935-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall**

not apply to the dwelling on the subject property.

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

**That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.**

Mr. Elwell asked Mr. Cope if he agreed with revised Special Condition J.

Mr. Cope stated that he agreed with revised Special Condition J.

Mr. Elwell read Special Condition K.

Mr. Randol asked Mr. Hall if, referring to Special Condition I., there is only one party or event during a given year, then the special use remains valid, but if no events occur within a 365-day period the property owners must return before this Board for a new special use.

Mr. Hall stated yes.

Mr. Randol stated that Special Condition I. is an encouragement for the property owners to maintain their business throughout the year.

Mr. Hall stated that Special Condition I. is an encouragement and that was an arbitrary number, although it should not be glossed over and not considered. He said that Mr. Cope has put a lot of time in for this process and he is going to have to spend money to install the septic system, but the 365-day limit is very clear.

Mr. Randol stated that he does not have a problem with the requirement but wanted to have verbal clarification during the hearing.

**K. Within six months of approval of Zoning Cases 934-AM-19 and 935-S-19, the petitioner shall install a Type A screen along the petitioner’s side of the shared property lines of the adjacent residence to the north with an address of 4102 N Lincoln Avenue, Champaign.**

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

**That the event center parking area complies with Section 7.4.1.C.4. of the Zoning Ordinance.**

Mr. Elwell asked Mr. Cope if he agreed with revised Special Condition K.

Mr. Cope stated that he agreed with revised Special Condition K.

1 Mr. Elwell read Special Condition L.

2  
3 L. **No new pavement shall be installed in Outlots 4A, 5A, and B except as necessary to**  
4 **repair the existing gravel paving.**

5  
6 The special condition stated above is required to ensure the following:  
7 **That there are no negative effects on the Saline Branch Drainage Ditch due**  
8 **to event center parking.**

9  
10 Mr. Elwell asked Mr. Cope if he agreed with revised Special Condition L.

11  
12 Mr. Cope stated that he agreed with revised Special Condition L.

13  
14 Mr. Elwell read Special Condition M.

15  
16 M. **The petitioners shall not allow any parking for the event center in the public street**  
17 **right of way and will ensure that all guests and service providers related to the**  
18 **events center are made aware of this prohibition in their promotional materials,**  
19 **contracts, maps, and signs posted in a prominent location.**

20  
21 The special condition stated above is required to ensure the following:  
22 **That the proposed Special Use is not injurious to travelers on North Lincoln**  
23 **Avenue.**

24  
25 Mr. Elwell asked Mr. Cope if he agreed with revised Special Condition M.

26  
27 Mr. Cope stated that he agreed with revised Special Condition M.

28  
29 Mr. Elwell entertained a motion to approve the special conditions, as amended.

30  
31 **Ms. Lee moved, seconded by Mr. DiNovo, to approve the special conditions, as amended. The**  
32 **motion carried by voice vote.**

33  
34 Mr. Elwell asked staff if there were any new Documents of Record.

35  
36 Mr. Hall stated that a new item #17 should read as follows: Letter from Redbud Septic, Sewer and  
37 Excavating received 8/15/19.

38  
39 Mr. Elwell stated that the Board will move the Findings of Fact for Case 935-S-19.

40  
41 **FINDINGS OF FACT FOR CASE 935-S-19 PARTS A and B:**

42

1 From the documents of record and the testimony and exhibits received at the public hearing for  
2 zoning case 935-S-19 held on April 25, 2019 and August 15, 2019, the Zoning Board of Appeals of  
3 Champaign County finds that:

4 1. The requested Special Use Permit IS necessary for the public convenience at this location.  
5

6 Mr. DiNovo stated that the requested Special Use Permit IS necessary for the public convenience at this  
7 location because it is nearby and convenient to potential clients and attendees.  
8

9 2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
10 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL  
11 NOT be injurious to the district in which it shall be located or otherwise detrimental to the  
12 public health, safety, and welfare because:

13 a. The street has ADEQUATE traffic capacity and the entrance location has  
14 ADEQUATE visibility.  
15

16 Mr. Randol stated that the street has ADEQUATE traffic capacity and the entrance location has  
17 ADEQUATE visibility.  
18

19 b. Emergency services availability is ADEQUATE.  
20

21 Mr. Randol stated that emergency services availability is ADEQUATE.  
22

23 c. The Special Use WILL be compatible with adjacent uses.  
24

25 Mr. Randol stated that the Special Use WILL be compatible with adjacent uses.  
26

27 d. Surface and subsurface drainage will be ADEQUATE.  
28

29 Mr. Randol stated that surface and subsurface drainage will be ADEQUATE.  
30

31 e. Public safety will be ADEQUATE.  
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33 Mr. Randol stated that public safety will be ADEQUATE.  
34

35 f. The provisions for parking will be ADEQUATE.  
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37 Mr. Randol stated that the provisions for parking will be ADEQUATE.  
38

39 Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL  
40 CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that  
41 it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to  
42 the public health, safety, and welfare.  
43

1 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
 2 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**  
 3 **DISTRICT in which it is located.**

4  
 5 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL  
 6 CONDITIONS IMPOSED HEREIN, DOES conform to the applicable regulations and standards  
 7 of the DISTRICT in which it is located.

8  
 9 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
 10 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it**  
 11 **is located because:**

12 **a. The Special Use will be designed to CONFORM to all relevant County ordinances**  
 13 **and codes.**

14  
 15 Mr. Wood stated that the Special Use will be designed to CONFORM to all relevant County ordinances  
 16 and codes.

17  
 18 **b. The Special Use WILL be compatible with adjacent uses.**

19  
 20 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses.

21  
 22 **c. Public safety will be ADEQUATE.**

23  
 24 Mr. Wood stated that public safety will be ADEQUATE.

25  
 26 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS  
 27 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

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 29 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
 30 **IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance**  
 31 **because:**

32 **a. The Special Use is authorized in the District.**

33  
 34 **b. The requested Special Use Permit IS necessary for the public convenience at this**  
 35 **location.**

36  
 37 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this  
 38 location.

39  
 40 **c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**  
 41 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**  
 42 **WILL NOT be injurious to the district in which it shall be located or otherwise**

detrimental to the public health, safety, and welfare.

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

**d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.**

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance

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

**6. Regarding the requested waiver of standard conditions:**

**A. Regarding the proposed waiver for the “Outdoor Commercial Recreational Enterprise” part of the event center being located less than 200 feet of a property with a dwelling:**

**(1) The waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare.**

Mr. DiNovo stated that the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare because the area falling within 200 feet is limited to parking and does not include outdoor activities otherwise.

**(2) Special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.**

Mr. DiNovo stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because a large part of the property is in the floodplain, limiting the potential locations for off street parking.

**(3) Practical difficulties or hardships created by carrying out the strict letter of**

the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.

Mr. DiNovo stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because this is a relatively large-scale, multi-faceted project, and this is a limited variance affecting one aspect of the project.

(4) The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because the specific conditions of the floodplain limit locations where parking can take place.

(5) The requested waiver, SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS the minimum variation that will make possible the reasonable use of the land/structure.

Mr. Wood stated that the requested waiver, SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS the minimum variation that will make possible the reasonable use of the land/structure.

7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:

A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 934-AM-19 by the County Board.

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

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

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

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

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

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C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

**That exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.**

D. **All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

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

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

E. **Music and other nuisance noise shall not be audible in adjacent dwellings with doors and windows closed past 10 pm.**

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

**That events held on the subject property adequately consider neighbors.**

F. **This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

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

**To protect public health.**

G. **Within one year of approval of zoning cases 934-AM-19 and 935-S-19, the petitioners shall install a new septic system on lot 3as approved by the Champaign County Health Department and thereafter shall comply with the recommendations of the Health Department regarding the septic system on Lot 4. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:**

- (1) **A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.**
- (2) **A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**

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**(3) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.**

The special condition stated above is required to ensure the following:  
**Any new septic system is in compliance with the Champaign County Zoning Ordinance.**

**H. The Special Use is subject to the approval of Case 934-AM-19.**

The special condition stated above is required to ensure the following:  
**That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.**

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

The special condition stated above is required to ensure the following:  
**To provide both a sense of continuity and a sense of closure to the neighbors.**

**J. The revised Site Plan received July 31, 2019, the annotated aerial event center site plan (Attachment C to Preliminary Memorandum dated 4/25/19), and the floor plan of the Cope-Kalantzis residence (Attachment P to the Preliminary Memorandum), is the official site plan for approval in Case 935-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

The special condition stated above is required to ensure the following:  
**That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.**

**K. Within six months of approval of Zoning Cases 934-AM-19 and 935-S-19, the petitioner shall install a Type A screen along the petitioner’s side of the shared property lines of the adjacent residence to the north with an address of 4102 N Lincoln Avenue, Champaign.**

The special condition stated above is required to ensure the following:  
**That the event center parking area complies with Section 7.4.1.C.4. of the Zoning Ordinance.**

**L. No new pavement shall be installed in Outlots 4A, 5A, and B except as necessary to repair the existing gravel paving.**

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

**That there are no negative effects on the Saline Branch Drainage Ditch due to event center parking.**

M. **The petitioners shall not allow any parking for the event center in the public street right of way and will ensure that all guests and service providers related to the events center are made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.**

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

**That the proposed Special Use is not injurious to travelers on North Lincoln Avenue.**

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Fact for Case 935-S-19, as amended.

**Ms. Lee moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of Record, and Findings of Fact for Case 935-S-19, as amended. The motion carried by voice vote.**

Mr. Elwell entertained a motion to move to the Final Determination for Case 935-S-19.

**Mr. Randol moved, seconded by Ms. Lee, to move to the Final Determination for Case 935-S-19. The motion carried by voice vote.**

**Final Determination for Case 935-S-19 Parts A and B:**

**Ms. Lee moved, seconded by Mr. Wood, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

**The Special Use requested in Case 935-S-19 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicants, Bill Cope and Mary Kalantzis, d.b.a Prairie Glass House, LLC, to authorize the following:**

**Part A: Authorize the establishment and use of a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related Zoning Case 934-AM-19.**

Part B: Authorize the establishment and use of an “Outdoor Commercial Recreational Enterprise” as a Special Use.

{SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:}

Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 30 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 934-AM-19 by the County Board.
- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.
- C. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.
- D. All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.
- E. Music and other nuisance noise shall not be audible in adjacent dwellings with doors and windows closed past 10 pm.
- F. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.
- G. Within one year of approval of zoning cases 934-AM-19 and 935-S-19, the petitioners shall install a new septic system on lot 3as approved by the Champaign County Health Department, and thereafter shall comply with the recommendations of the Health Department regarding the septic system on Lot 4. If the septic system is not installed and approved by the Health Department within one year, the Special Use Permit shall be suspended until the septic system has been installed and approved by the Health Department, and the following documentation shall be submitted to the Zoning Administrator:

ZBA

**AS APPROVED SEPTEMBER 12, 2019**

**8-15-19**

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- (1) A true and correct copy of an approved COUNTY Health Department PERMIT for construction of the private sewage disposal system.
  - (2) A revised site plan indicating the identical area for the private sewage disposal system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.
  - (3) A true and correct copy of the COUNTY Health Department Certificate of Approval for the private sewage disposal system shall be submitted to the Zoning Administrator prior to the use of any new septic system.
- H. The Special Use is subject to the approval of Case 934-AM-19.
- I. This Special Use Permit shall expire if no events are held during any consecutive 365-day period.
- J. The revised Site Plan received July 31, 2019, the annotated aerial event center site plan (Attachment C to Preliminary Memorandum dated 4/25/19), and the floor plan of the Cope-Kalantzis residence (Attachment P to the Preliminary Memorandum), is the official site plan for approval in Case 935-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.
- K. Within six months of approval of Zoning Cases 934-AM-19 and 935-S-19, the petitioner shall install a Type A screen along the petitioner's side of the shared property lines of the adjacent residence to the north with an address of 4102 N Lincoln Avenue, Champaign.
- L. No new pavement shall be installed in Outlots 4A, 5A, and B except as necessary to repair the existing gravel paving.
- M. The petitioners shall not allow any parking for the event center in the public street right of way and will ensure that all guests and service providers related to the events center are made aware of this prohibition in their promotional materials, contracts, maps, and signs posted in a prominent location.

38 Mr. Elwell requested a roll call vote.

39  
40 The roll call vote was as follows:

41

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

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Mr. Hall informed Mr. Cope that he has received a recommendation for approval for Cases 931-AM-19, 932-S-19 and 934-AM-19, and those cases will be forwarded to the Environment and Land Use Committee for their September 5<sup>th</sup> meeting, and the full County Board on September 19<sup>th</sup>.

**6. New Public Hearings**

**7. Staff Report**

None

**8. Other Business**

**A. Review of Docket**

Mr. DiNovo stated that in talking about the factors for RROs and whether or not there were any near-by natural or man-made hazards, it struck him that there are two undefined terms, what is near and what is considered a hazard. He said that there is a railroad which is 3,000 feet away, a concrete batch plant one-half mile away, and even though he does not have an opinion regarding that, he wondered if at some point those hazards could be identified beforehand rather than doing it on the fly during the case.

Mr. Wood stated that the RRO recommended for approval tonight is also relatively close to Hanson’s Recycling.

Mr. DiNovo stated that he is wondering what is considered a hazard. He asked what constitutes a hazard, is fire and explosives or highly toxic materials, and dust is a problematic thing in its own right. He said that he does not what the term hazard means, and it is worthy of some thought.

Mr. Elwell asked the Board to report any known absences.

Mr. Wood noted that he would be absent from the September 26<sup>th</sup> meeting.

Ms. Lee asked staff to indicate what is going on with the event center that is located north of I-74 and east of IL Route 45.

Mr. Hall stated that Willow Creek is operating, although neighbors continue to report the amount of traffic generated and staff monitors that as much as possible.

Ms. Burgstrom asked Ms. Lee if she was referring to the Farm Lake/Dessen event center or was she actually

1 discussing the Willow Creek event center.

2

3 Ms. Lee stated that she was referring to the event center that she described.

4

5 Ms. Burgstrom stated that they are both east of IL Route 45 near Airport Road, Farm Lake/Dessen is  
6 immediately east of Napleton's Auto Park and Willow Creek is on CR 1850 E.

7

8 Ms. Lee stated that she is discussing the older case where there were compliance issues.

9

10 Mr. Randol stated that he believes that Ms. Lee is discussing the Farm Lake/Dessen event venue.

11

12 Ms. Burgstrom stated that no complaints have been received regarding the Farm Lake/Dessen facility.

13

14 Ms. Lee stated that she thought staff was having issues with the Farm Lake/Dessen facility, although she  
15 may be referring the wrong facility.

16

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

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19 None

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21 **10. Adjournment**

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23 Mr. Elwell entertained a motion to adjourn the meeting.

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

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27 The meeting adjourned at 8:10 p.m.

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30 Respectfully submitted

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35 Secretary of Zoning Board of Appeals

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