DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: December 10, 2015

SUBJECT: CCZBA-817-AM-15: A request by Farm Lake Inc. to rezone 2502 North Cunningham Avenue from County R-4, Multiple Family Residential to County AG-2, Agriculture Zoning District.

Introduction

A petition has been submitted to Champaign County requesting a zoning map amendment for a 10-acre parcel at 2502 North Cunningham Avenue from County R-4, Multiple Family Residential to County AG-2, Agriculture Zoning District. The property is adjacent to the Urbana corporate limits. It contains a house, a barn and two small lakes, and is heavily wooded. This case is being considered concurrently with CCZBA 808-S-15, which would approve a County Special Use Permit to allow "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" to occur at the barn on the lot.

The property lies within one and one-half miles of the Urbana city limits. By state law, the City has the authority to review zoning changes (but not special use permits) within this "extra-territorial jurisdiction" (ETJ) area for consistency with the City's Comprehensive Plan. The Plan Commission will vote to make a recommendation to the City Council to either "protest" or "not protest" the rezoning at their meeting on December 10, 2015. Staff will report Plan Commission's recommendation to Council on December 14, 2015. The Urbana City Council should review the Plan Commission's recommendation and vote to either approve or defeat a resolution of protest. Should the City Council enact a protest of the County rezoning, under State law the County Board could not approve the application except by a three-fourths super majority of affirmative votes. To be valid a protest must be filed with the Champaign County Clerk.

Background

The property has been used as a private events center since 1992, with extensive use by University-affiliated groups seeking a rural atmosphere. The owner was recently required to obtain a special use permit for this use by the Champaign County Planning and Zoning Department. The use is not allowed in the County R-4 district, and therefore this lot must be rezoned to County AG-2 prior to approval of a Special Use Permit to allow the use. As part of

the related Champaign County Special Use Permit case, certain conditions are being placed upon the property in order to limit impacts on the neighboring residents.

The subject property is zoned County R-4, and contains two buildings: a house and a barn. The owner of the property resides in the house, which is fenced off from the barn, and the barn is used for private events. The private events center spans multiple parcels, three of which are zoned for commercial uses. The events are hosted in two barns, one of which is on the subject property. The other barn is on an adjacent parcel to the west, zoned County B-4 (General Business). The barns do not have running water or bathroom facilities, but portable toilets are provided. Any food is catered and the property owners provide security staff. The subject property also contains two small lakes, totaling almost four acres in area, and is heavily wooded.

The surrounding land uses are largely rural and residential in nature. To the east is a farm field. To the north and south are mobile home parks. Properties to the north, east, and south are zoned County R-5, Manufactured Home Park. To the west is a developer-held vacant commercial lot (formerly the Hanford Inn) located inside the City and zoned B-3, General Business. The mobile home park to the south recently expanded adjacent to the subject property. Prior to 2011 there was a wooded 100 foot buffer on the mobile home park site.

Further background information on the rezoning case, including location and zoning maps, is included in the attached Champaign County Department of Planning and Zoning preliminary memorandum. The following discussion of the issues involved will summarize the essential parts of this information as it pertains to the City's planning jurisdiction.

Issues and Discussion

County Zoning

According to the Champaign County Zoning Ordinance, the intent of the R-4, Multiple Family Residential Zoning District is:

> "…to provide areas for SINGLE FAMILY, TWO FAMILY, and MULTIPLE FAMILY DWELLINGS set in a medium density housing environment." (Section 5.1.7)

The County's Zoning Ordinance defines the intent of the AG-2, Agriculture Zoning District as follows:

> "The AG-2 district is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominantly vacant *and which presently do not demonstrate any significant potential for development*. This DISTRICT is intended generally for application to *areas within one and one-half miles of existing communities* in the COUNTY." (Section 5.1.2)

The subject property's proximity to the City, and the fact that it is unlikely to be developed due to its topography and the presence of the lakes, makes it better suited for the AG-2 district than for the Multiple Family Residential distinction.

Urbana 2005 Comprehensive Plan

The City of Urbana's 2005 Comprehensive Plan, Future Land Use Map #1, shows the future land use of the subject property as "Residential." The plan defines this land use classification as:

> *"Residential areas contain primarily single-family residential housing but may also include a variety of compatible land uses such as duplexes, town homes, civic uses, institutional uses, and parks where zoning is appropriate."*

Parcels immediately west, including the balance of the applicant's events center are shown as "Regional Business". The proposal would generally conform to the Comprehensive Plan's future land use designation of Residential. The proposed rezoning would allow for continued use of the house on the property and would allow for a compatible private recreational use. The proposed rezoning would allow for continued use of the adjacent parcels to the west for regional business.

The following Goals and Objectives of the 2005 Urbana Comprehensive Plan relate to this case:

Goal 16.0 Ensure that new land uses are compatible with and enhance the existing community.

Objectives

16.3 Encourage development in locations that can be served with existing or easily extended infrastructure and city services.

16.5 Consider the impact of new development on public services and the ability to provide those services cost effectively.

Goal 17.0 Minimize incompatible land uses.

Objectives

17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

Goal 21.0 Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).

Objectives

21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

When evaluating zoning amendment requests in the extra-territorial jurisdiction, the City should consider the potential impact in relation to the intent of the Comprehensive Plan. Relevant Champaign County goals and objectives are discussed extensively in the County's Memoranda. Some of these goals and policies coincide with those of the City of Urbana's Comprehensive Plan.

In summary, staff finds that the rezoning from R-4 to AG-2 designation would be generally consistent with the goals and objectives of the 2005 Comprehensive Plan.

City of Urbana Zoning

In evaluating the proposed rezoning from the City's perspective one question to address is "does the use match the type of uses that would be permitted in the same or similar zoning district in the City?" In the event of a property being annexed into the City, its County zoning designation is converted to a City zoning designation on the basis of Urbana Zoning Ordinance Table IV-1. Should this property be rezoned to County AG-2, unless otherwise provided for through an annexation agreement, the zoning would automatically convert to the City AG, Agricultural District. Given the general undeveloped, wooded nature of the property, the AG designation would be appropriate. Additionally, the uses of single family residence and private recreation are appropriate for the AG District.

The La Salle National Bank Criteria

In the case of La Salle National Bank v. County of Cook (La Salle), the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. The attached Champaign County Zoning Board of Appeals memorandum addresses the La Salle criteria on pages 15 to 17 of Attachment H. The Champaign County ZBA unanimously found that the La Salle criteria were met.

Summary of Findings

1. The site is within the City's Extra-territorial Jurisdiction.

2. The site is currently zoned County R-4, Multiple Family Residential and is proposed to be rezoned to County AG-2, Agriculture Zoning District in order to allow continued use of a private indoor/outdoor events facility.

3. The proposed rezoning is generally compatible with the Urbana Comprehensive Plan Future Land Use designation and notations for the site and surrounding areas.

4. The proposed rezoning and land use are generally compatible with the surrounding County zoning and land uses.

5. The proposed zoning change is generally compatible with the land use policy goals of the 2005 Urbana Comprehensive Plan, which promote contiguous growth and compatibility of land uses.

6. The proposed zoning change is generally compatible with the LaSalle Criteria.

Options

City Council has the following options in CCZBA Case no. 817-AM-15, a request to rezone a property from R-4 to AG-2:

a. Defeat a resolution of protest against the proposed rezoning;

b. Defeat a resolution of protest against the proposed rezoning, contingent upon specific provisions to be identified; or

c. Adopt a resolution of protest against the proposed rezoning.

Recommendation

Based upon the findings above, Staff recommended that the Plan Commission forward to the City Council a recommendation to **defeat a resolution of protest** as presented. Plan Commission will discuss the case the evening of December 10, 2015. Staff will report Plan Commission's recommendation at the December 14, 2015 City Council meeting.

Prepared By:

_____

Jeff Engstrom, AICP
Planner II

Attachments: Exhibit A: Land Use Map
Exhibit B: Zoning Map
Exhibit C: Memoranda to the Champaign County ZBA dated November 4, 2015

cc: John Hall, Champaign County Planning and Zoning
Loretta Dessen, Farm Lake Inc.

RESOLUTION NO. 2015-12-072R

A RESOLUTION OF PROTEST AGAINST A PROPOSED MAP AMENDMENT TO THE CHAMPAIGN COUNTY ZONING MAP

(A proposed rezoning of a 10 Acre Tract of Land known as 2502 North Cunningham Avenue from County R-4 to County AG-2 / CCZBA 817-AM-15)

WHEREAS, Farm Lake Inc. has petitioned the County of Champaign in Champaign County ZBA Case No. 817-AM-15 to change the zoning map from County R-4, Multiple Family Residential to County AG-2, Agriculture for a 10 acre tract of land known as 2502 North Cunningham Avenue, located in Champaign County; and

WHEREAS, said proposed map amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-817-AM-15"; and

WHEREAS, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that states in cases of any proposed map amendment where the land affected lies within 1 1/2 miles of the limits of a zoned municipality, the corporate authorities of the zoned municipality may by resolution issue written protest against the proposed map amendment; and

WHEREAS, the proposed map amendment is compatible with the Goals and Objectives and Future Land Use Map of the 2005 City of Urbana Comprehensive Plan, and generally meets the LaSalle Criteria; and

WHEREAS, the Urbana Plan Commission met on December 10, 2015 to consider the request and subsequently voted _ ayes and _ nays to recommend that the Urbana City Council adopt/defeat a resolution of protest against the proposed map amendment; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed map amendment is not in the best interest of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts

contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby APPROVE a Resolution of Protest against the proposed map amendment as presented in CCZBA-817-AM-15.

PASSED by the City Council this _____ day of _____, 2015.

_____

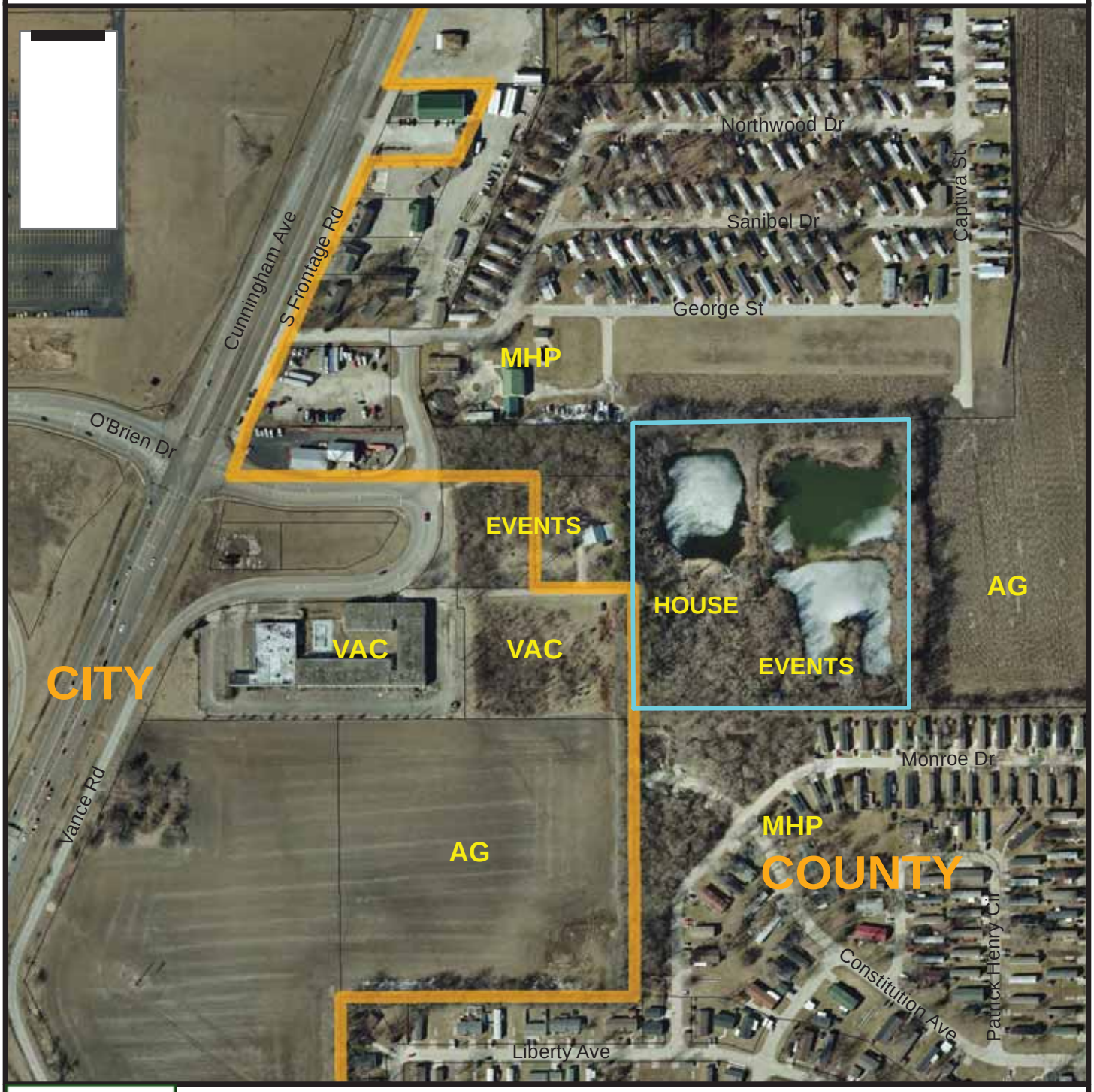
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2015.

_____

Laurel Lunt Prussing, Mayor

Exhibit A: Land Use Map



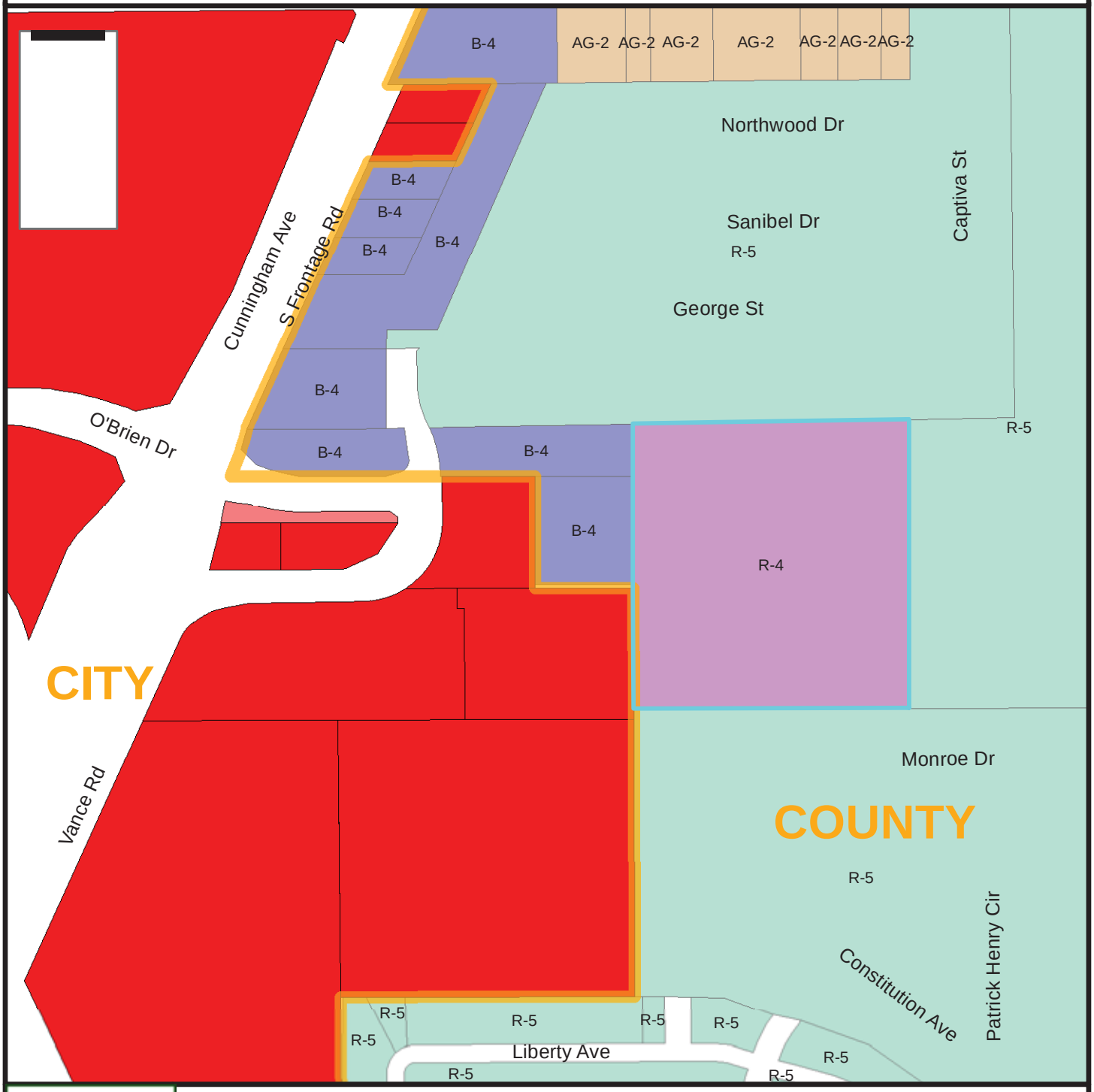
CITY OF URBANA

Case: CCZBA-817-AM-15
Subject: Rezone from County R-4 to County AG-2
Location: 2502 N. Cunningham
Petitioner: Farm Lake, Inc.

Subject Property
Urbana

Prepared 11/30/15 by Community Development Services Department

Exhibit B: Zoning Map



CITY OF URBANA

Case: CCZBA-817-AM-15
Subject: Rezone from County R-4 to County AG-2
Location: 2502 N. Cunningham
Petitioner: Farm Lake, Inc.

Prepared 11/30/15 by Community Development Services Department

Subject Property

Urbana **County Zoning**

- B2
- B3
- AG-2
- B-4
- R-4
- R-5

Champaign County
Department of
PLANNING &
ZONING

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

(217) 384-3708
zoningdept@co champaign il us
www co champaign il us/zoning

CASE NO. 808-S-15 (revised) and 817-AM-15 (new)

SUPPLEMENTAL MEMORANDUM #2
November 4, 2015

Petitioner: Loretta Dessen, d.b.a. Farm Lake Inc.

Case 817-AM-15

Request: Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related Zoning Case 808-S-15.

Case 808-S-15

Request: Part A: Authorize a Special Use Permit for a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" to allow existing and ongoing use of an existing barn as a rentable venue for entertainment and recreation in the AG-2 Agriculture Zoning District on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current R-4 Multiple Family Residence District in related Zoning Case 817-AM-15.

Part B: Authorize the following waiver to the standard conditions of the "Outdoor Commercial Recreational Enterprise" special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 0 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

Location: A 10 acre tract in the West Half of the Northeast Quarter of Section 4 Township 19 North Range 8 East in Urbana Township and commonly known as Farm Lake, with an address of 2502 North Cunningham Avenue, Urbana.

Site Area: 10 acres

Time Schedule for Development: Already in use

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

This pair of cases revises the description of Special Use Permit Case 808-S-15 and adds Map Amendment Case 817-AM-15 based on new information from the Petitioner since the last ZBA hearing for the Special Use case on July 30, 2015.

Petitioner Loretta Dessen established a private events center in an existing barn structure in 1992. In 1993, the subject property was rezoned from AG-2 to R-4 in anticipation of developing multi-family residences. Current zoning does not allow Private Indoor Recreational Developments without a Special Use Permit, and does not allow outdoor recreation at all. Mrs. Dessen seeks to continue using the barn for events, so she has applied for a Map Amendment and Special Use Permit. The pre-1993 AG-2 zoning for the property allows a combination "Private Indoor Recreational Development" by-right and an "Outdoor Commercial Recreational Enterprise" with a Special Use Permit.

Mrs. Dessen holds approximately 50 events in the spring and fall, which generally run from 8 pm to 11:30 pm. There are generally 150 to 200 people at each event. Mrs. Dessen hires 1 security guard for every 25 people. Private parties are responsible for providing transportation to and from the site, food, and alcohol; parties are responsible for ensuring that their vendors are licensed. There is no septic system or running water for the barns; they serve bottled water and rent portable restrooms which are cleaned after events.

Mrs. Dessen requires a Zoning Map Amendment to change the zoning from R-4 to AG-2 (Case 817-AM-15), a Special Use Permit (Part A) to allow existing and ongoing use of an existing barn as a rentable venue for entertainment and recreation, and (Part B) a waiver for separation distance from the nearest residential use (Case 808-S-15). Mrs. Dessen seeks to be in full compliance with the Zoning Ordinance while maintaining the same hosting capabilities she has organized for decades. She does not seek to expand or renovate the events center.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Residential, Events Center	R-4 Multi-Family Residential (Proposed rezoning to AG-2)
North	Residential	R-5 Manufactured Home Park
East	Agriculture	R-5 Manufactured Home Park
West	SW: vacant former hotel site NW: Outdoor commercial recreation (another Dessen property)	SW: City of Urbana B-3 General Business NW: B-4 General Business
South	Residential	R-5 Manufactured Home Park

EXTRATERRITORIAL JURISDICTION

The subject property is located within one and one-half miles of the City of Urbana, a municipality with zoning. Municipalities with zoning have protest rights for Map Amendment cases within their 1.5 mile extraterritorial jurisdiction. They do not have protest rights for Special Use cases.

COMPATIBILITY

The subject property with proposed rezoning and special use generally appear compatible with the Champaign County Zoning Ordinance, Champaign County Land Resource Management Plan, City of

Urbana Comprehensive Plan, LaSalle and Sinclair Factors. More details are provided in the attached Finding of Fact for Map Amendment Case 817-AM-15 and Summary of Evidence for Special Use Case 808-S-15.

PROPOSED SPECIAL CONDITIONS

The following special condition is proposed for Case 817-AM-15:

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

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

The following special conditions are proposed for Case 808-S-15:

A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" until the petitioner has submitted written documentation from Doug Gamble at the Illinois Capital Development Board that the proposed Special Use complies with the Illinois Accessibility Code.**

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

B. **The only two principal uses authorized by Case 808-S-15 are a Single Family Residence and use of the East Barn as a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise".**

The special condition stated above is necessary to ensure the following:
That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

C. **The Special Use Permit shall expire when the current resident Loretta Dessen no longer resides on the property.**

The special condition stated above is necessary to ensure the following:
That life safety concerns and public welfare are adequately considered in management of the proposed Special Use.

D. **Music playing at events must be turned off by 10:00 p.m.**

The special condition stated above is necessary to ensure the following:
That events held on the subject property adequately consider prior noise complaints and current neighbors.

~~**E. No outdoor activities can be held at events other than use of the portable restrooms on the east parcel.**~~

~~The special condition stated above is necessary to ensure the following:~~
~~**That events at the Private Indoor Recreational Facility on the east parcel suit the purpose and intent of allowing the proposed Special Use provided uniquely through this land use classification.**~~

~~**F. Prior to the spring of 2016, the Petitioner shall install <*ZBA determines height and type*> fencing to keep activities in the West Barn from spilling onto the east Parcel, and also to keep East Barn activities from spreading onto areas adjacent to the lakes.**~~

~~The special condition stated above is necessary to ensure the following:~~
~~**That events and activities will not extend to areas adjacent to the lakes, which can pose a health and safety concern for event attendees.**~~

E. The Petitioner shall bi-annually provide a Certificate of Insurance to the Zoning Administrator issued by an insurance carrier authorized to do business in the State of Illinois for general liability insurance coverage limits, with minimum acceptable coverage for bodily injury of $1,000,000 per occurrence and $2,000,000 per aggregate.

The special condition stated above is necessary to ensure the following:
That the property owner is in compliance with the Illinois Liquor Control Act (235 ILCS 5/6-21).

F. The Petitioner will not allow visitors into the water or onto the docks on the subject property.

The special condition stated above is necessary to ensure the following:
That safety continues to be proactively managed for all visitors.

G. After 10 PM guests' use of the grounds should be limited to only the area within the immediate vicinity of the East Barn.

The special condition stated above is necessary to ensure the following:
That noise disruptive to nearby residents and safety hazards with the nearby lakes are minimized.

ATTACHMENTS

A Case Maps (Location, Land Use, Zoning)
B LRMP Land Use Goals, Objectives, and Policies
C LRMP Appendix of Defined Terms
D Annotated Site Plan dated July 23, 2015
E Site Images taken July 2, 2015
F Copy of Right to Farm Resolution 3425
G Approved Minutes from July 29, 2015 ZBA meeting for Case 808-S-15
H Summary of Evidence, Finding of Fact, and Final Determination for Case 817-AM-15
I Summary of Evidence, Finding of Fact, and Final Determination for Case 808-S-15

Location Map

Case 817-AM-15/808-S-15
November 12, 2015

Subject Property

Property location in Champaign County

Legend

Subject Property

Note that the 2011 aerial photo was used instead of most recent 2014 aerial because it provides a clearer view of the subject property.

N

Champaign County Department of PLANNING & ZONING

Land Use Map

Case 817-AM-15/808-S-15
November 12, 2015

Note that the 2011 aerial photo was used instead of most recent 2014 aerial because it provides a clearer view of the subject property

Legend

- Subject Property
- Parcels
- Urbana Municipal Boundary

0 100 200 400 Feet

N

Champaign County Department of PLANNING & ZONING

Zoning Map

Case 817-AM-15/808-S-15
November 12, 2015

Legend

Subject Property
Urbana Municipal Boundary

0 100 200 400 Feet

N

Champaign County Department of PLANNING & ZONING

Goal 1 Planning and Public Involvement

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions
Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials
Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates
Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates
Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions
Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials
Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1
County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates
Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1
ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 1.4 Comprehensive Updates
Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1
A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2
The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

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

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination
Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing
Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination
Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1
The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2
The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 2.1.3
The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing
Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

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

Goal 3 Objectives

Objective 3.1 Business Climate
Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration
Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy
Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

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

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation
Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations
Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 4.3 Site Suitability for Discretionary Review Development
Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review
Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates
By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland
Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution
Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods
Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character
Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation
Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland.*

Policy 4.1.1
Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2
The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3
The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a

reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:

- 1 new lot allowed per parcel less than 40 acres in area;
- 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
- 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.

b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

i. suitability of the site for the proposed use;
ii. adequacy of infrastructure and public services for the proposed use;
iii. minimizing conflict with agriculture;
iv. minimizing the conversion of farmland; and
v. minimizing the disturbance of natural areas,

then,

a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or

b) on *best prime farmland*, the County may authorize non-residential *discretionary development;* or

c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

Objective 4.2 Development Conflicts with Agricultural Operations
Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

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

Policy 4.2.2
The County may authorize *discretionary review* development in a *rural* area if the proposed development:
a. is a type that does not negatively affect agricultural activities; or
b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

Policy 4.2.3
The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

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

Objective 4.3 Site Suitability for *Discretionary Review* Development
Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1
On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

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

Policy 4.3.3
The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

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

Policy 4.3.5
On *best prime farmland*, the County will authorize a business or other non-residential use only if:
a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

Objective 4.4 Regulations for Rural Residential *Discretionary Review*
Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates
By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland
Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution
Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods
Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character
Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1
The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

Champaign County will encourage *urban development* that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 Objectives

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

Objective 5.2 Natural Resources Stewardship
When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services
Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

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

Policy 5.1.1
The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2
a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1 3
The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4
The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:
a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
c. the development is generally consistent with all relevant LRMP objectives and policies.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 5.1 5
The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6
To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7
The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8
The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9
The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship
When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1
The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2 2
The County will:
a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3
The County will:
a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and

b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services
Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1
The County will:
a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2
The County will:
a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3
The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety
Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses
Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards
Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan
Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 6 Objectives and Policies

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

Policy 6.1.1
The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2
The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3
The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4
The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses
Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards
Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan
Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses
Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System
Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses
Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1
The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System
Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1
The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2
The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3
The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4
The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5
The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6
The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability
Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil
Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction
Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection
Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems
Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat
Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves
Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants
Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System
Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability
Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1
The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2
The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3
As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4
To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5
To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6
The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7
The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8
The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9
The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil
Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Policy 8.2.1
The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction
Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1
The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:
a) the operation poses no significant adverse impact to existing land uses;
b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
c) provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection
Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1
The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2
The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3
The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4
The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5
The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6
The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems
Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1
For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2
The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3
The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4
The County will support efforts to control and eliminate invasive species.

Policy 8.5.5
The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat
Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1
The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2
a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3
For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4
The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5
The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6
The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves
Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1
The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2
The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3
The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4
The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5
The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants
Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System
Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases
Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings
Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies
Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling
Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources
Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases
Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1
The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2
The County will promote energy efficient building design standards.

Policy 9.1.3
The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings
Champaign County will encourage energy efficient building design standards.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 9.2.1
The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2
The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies
Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling
Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources
Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

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

Goal 10 Objective

Objective 10.1 Cultural Amenities
Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities
Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1
The County will work to identify historic structures, places and landscapes in the County.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

APPENDIX

DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland
'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development
'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area
Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development
A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review
The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

discretionary review (continued)
public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')
A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves
Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment
When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure
'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services
'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural
Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance
A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall
During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall
During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development
The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

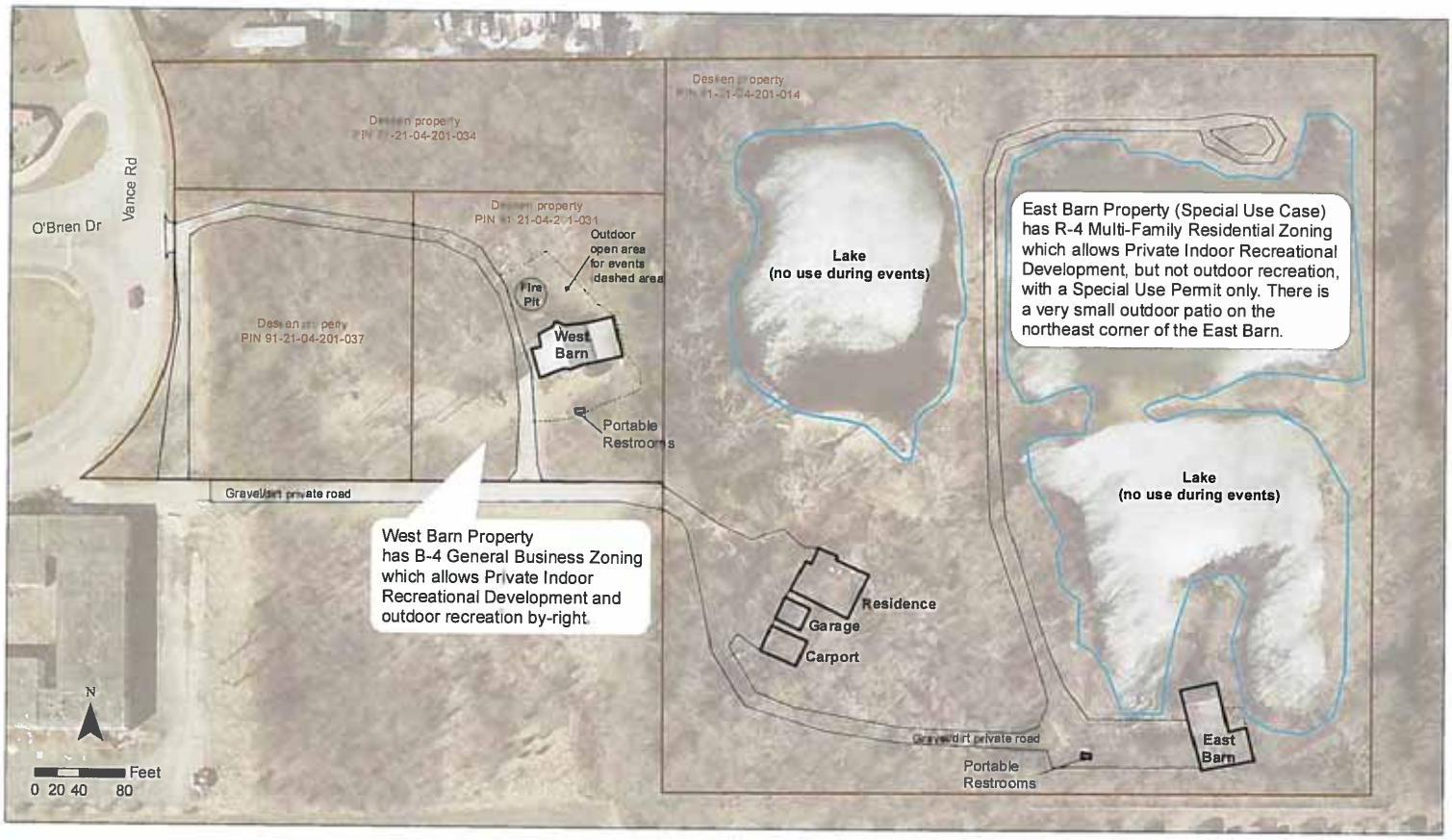
urban land
Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use
Generally, land use that is connected and served by a public sanitary sewer system.

Annotated Site Plan: Dessen Properties

Case 808-S-15
July 30, 2015



Inside of East Barn front entry, facing west – door always open

East Barn interior

East Barn, north entry – doorway always open

RESOLUTION NO. 3425

A RESOLUTION PERTAINING TO THE RIGHT TO FARM IN CHAMPAIGN COUNTY

WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and

WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and

WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:

1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.

2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.

3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.

RESOLUTION NO. 3425

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24th day of May, A.D., 1994.

Chairman, County Board of the
County of Champaign, Illinois

ATTEST:
County Clerk and Ex-Officio
Clerk of the County Board

AS APPROVED AUGUST 27, 2015

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

DATE:	**July 30, 2015**	**PLACE:**	**Lyle Shield's Meeting Room**
			1776 East Washington Street
TIME:	**7:00 p.m.**		**Urbana, IL 61802**

MEMBERS PRESENT: Catherine Capel, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol, Eric Thorsland

MEMBERS ABSENT : None

STAFF PRESENT : Connie Berry, John Hall, Susan Chavarria

OTHERS PRESENT : Randall Brown, Richard McCormick, Christine McCormick, Jon Dessen, Loretta Dessen, Albert Willms

1. Call to Order

The meeting was called to order at 7:00 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with one vacant Board seat.

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

3. Correspondence

None

4. Approval of Minutes (May 14, 2015, May 28, 2015, and June 11, 2015)

Mr. Thorsland entertained a motion to approve the May 14, 2015, May 28, 2015, and June 11, 2015, minutes.

Mr. Randol moved, seconded by Ms. Griest to approve the May 14, 2015, May 28, 2015, and June 11, 2015, minutes.

Mr. Thorsland stated that Ms. Lee provided staff with two minor edits. She said that line 14-16 on page 8 of the May 14, 2015, minutes should include the following: "Mr. Johnson stated that he has another part-time job." Ms. Lee stated that line 8 on page 3 of the May 28, 2015, minutes should be revised to indicate .40 acres and not .04 acres.

The motion carried.

5. Continued Public Hearing

None

6. New Public Hearings

Case 808-S-15 Petitioner: **Loretta Dessen** Request: **Authorize a Special Use Permit for a Private Indoor Recreational Development to allow existing and ongoing use of the existing barn as a rentable venue for entertainment and recreation in the R-4 Multiple Family Residence Zoning District.** Location: **A 10 acre tract in the West half of the Northeast Quarter of Section 4, Township 19 North, Range 8 East in Urbana Township and commonly known as Farm Lake, with an address of 2502 North Cunningham Avenue, Urbana.**

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

Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding her request.

Ms. Loretta Dessen, who resides at 2502 N. Cunningham Avenue, Urbana, stated that she hosts parties in barns that are located on her property. She said that generally the parties are very large and there could be as many as 200 people in attendance. She said that most of the parties are held in the evening, sometimes in the afternoon, and mostly consist of younger, college age, guests although some parties are for older guests. She said that she has also hosted weddings, children's birthday parties and other happy events at the barns which are located on what she considers as a very nice property.

Mr. Thorsland asked Ms. Dessen to indicate the days of the week the events are typically held.

Ms. Dessen stated that most of the time the events are held on the weekends but sometimes there are events on Tuesday, Wednesday and Thursday. She said that there are never events held on Sunday in the east barn. She said that she hosts the events on a seasonal basis which only consist of four months out of the year.

Mr. Thorsland thanked Ms. Dessen for her comments and asked the Board if there were any questions for Ms. Dessen and there were none.

Mr. Thorsland called John Hall to testify.

Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated July 30, 2015, to the Board for review. He said that the new memorandum explains the background of the subject property and the rezonings that have occurred. He said that the eastern portion of the property was originally zoned AG-2 and the western portion of the property was originally zoned B-3. He said that there were two zoning cases before the ZBA and the eastern portion was rezoned to R-4 in 1993 and the western portion was rezoned from B-3 to B-4 in 1998. He said that the western portion of the property is where the latest structure was constructed in 2005.

Mr. Hall stated that the Preliminary Memorandum dated July 23, 2015, included two especially good paragraphs that staff would like to add to the Summary of Evidence at new items 5.B. and 5.E. He said that new item 5.B. summarizes the operations of Ms. Dessen's business. He said that new item 5.E. summarizes the approved zoning cases for the subject property. He said that new item 7.D. discusses the history of the property. He said that the Dessen family has owned the property since 1959 and they operated the Farm Lake Day Camp for 16 years and began holding private events on the property in 1992. He said that the barns are rented out separately and are approximately 275 yards apart on opposite sides of the residence. He noted that in 1992 the property was actually zoned AG-2 and shortly after the eastern portion of the property was rezoned to R-4. He said that during both of the two previous zoning cases there was no mention of holding events and at this point with the rezoning to R-4 there is no opportunity to have outdoor events on the eastern property therefore this Special Use is only for indoor events.

Mr. Hall stated that there are new special conditions proposed in the Supplemental Memorandum dated July 30, 2015, and the important thing about special conditions is that the owner has to agree to the special conditions or they do not apply and the Board would have to take action without the special conditions. He said that in addition to the two special conditions that were included in the Preliminary Memorandum dated July 23, 2015, staff is proposing the following:

C. The Special Use Permit shall expire when the current resident Loretta Dessen no longer resides on the property.

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

That life safety concerns and public welfare are adequately considered in management of the proposed Special Use.

Mr. Hall stated that Special Condition C. only applies to the eastern barn which is the oldest and smallest

barn and the barn which is closer to the greatest number of neighbors. He said that staff assumes that the barn will no longer be used after Ms. Dessen retires from the business or leaves the property.

D. Music playing at events must be turned off by 10:00 p.m.
The special condition stated above is necessary to ensure the following:
That events held on the subject property adequately consider prior noise complaints and current neighbors.

Mr. Hall stated that the eastern barn does not have ventilation and the doors are open when it is being used and Ms. Dessen testified that the typical use for the barn is for younger generation, college age, parties. He said that the floor plan showed a Disc Jockey booth and a dance floor and it would be unusual to have quiet music in a setting such as this and the County's Nuisance Ordinance states that noise is a concern after 10:00 p.m. He said that staff has received noise complaints against this property in the past and if the Board sees fit to approve the special use he cannot imagine it being approved without a condition like proposed Special Condition D.

E. No outdoor activities can be held at events other than use of the portable restrooms on the east parcel.

The special condition stated above is necessary to ensure the following:
That events at the Private Indoor Recreational Facility on the east parcel suit the purpose and intent of allowing the proposed Special Use provided uniquely through this land use classification.

Mr. Hall stated that neighbors may wonder how portable restrooms can be utilized for a use that is only supposed to be operated indoors. He said that there should be no events occurring outside other than the use of the portable restroom.

F. Prior to the spring of 2016, the Petitioner shall install <*ZBA determines height and type*> fencing to keep activities in the West Barn from spilling onto the east Parcel, and also to keep East Barn activities from spreading onto areas adjacent to the lakes.
The special condition stated above is necessary to ensure the following:
That events and activities will not extend to areas adjacent to the lakes, which can pose a health and safety concern for event attendees.

Mr. Hall stated that Special Condition F. applies to the property in question but does not relate to the east barn and relates to the fact that Ms. Dessen's west barn, which can hold events indoor and outdoor by-right, and those activities cannot spill over onto the eastern portion of the property. He said that staff recommends fencing around the east barn to prevent activities from spilling over to the areas adjacent to the lakes. He

said that guests are coming to the subject property to have a party but an outdoor party cannot be held on the areas adjacent to Farm Lake because it does not have proper zoning.

G. The Petitioner shall bi-annually provide a Certificate of Insurance issued by an insurance carrier authorized to do business in the State of Illinois for general liability insurance coverage limits, with minimum acceptable coverage for bodily injury of $1,000,000 per occurrence and $2,000,000 per aggregate.
The special condition stated above is necessary to ensure the following:
That the property owner is in compliance with the Illinois Liquor Control Act (235 ILCS 5/6-21).

Mr. Hall stated that this is a level of insurance recommended by the County's insurance agency and would apply to Ms. Dessen's business in case someone is injured while on the property.

Mr. Hall noted that this is the first time that Ms. Dessen has had a chance to review the proposed conditions.

Ms. Griest stated that she is certain that Ms. Dessen would need to provide the Certificate of Insurance to the Zoning Administrator. Ms. Griest asked Mr. Hall if providing the Certificate of Insurance to the Zoning Administrator could be clarified in Special Condition G.

Mr. Hall stated yes.

Mr. Randol asked Mr. Hall if it is a common practice that the ZBA requires a Certificate of Insurance.

Mr. Hall stated that it is not common yet but such a requirement will be proposed to the updated Recreation and Entertainment (R&E) Ordinance. He said that it has been hoped that the requirement could be added to the R/E Ordinance this year but it has been discovered that there are more difficult issues with the Ordinance than originally thought. He said that the Board recently took action on the Hudson Farm case and the Board did not recommend that a Certificate of Insurance be provided to the Zoning Administrator but maybe it should have. He said that staff did not believe that the nature of activities that Ms. Hudson planned to do on the property justified this requirement but in this instance staff feels that it is advisable but the Board may feel otherwise. He said that the only other time such a condition was proposed was during a case involving an unauthorized music venue operating in the rural area. He said that the question was whether they should be allowed to continue until they receive the appropriate zoning approval or not and the Environment and Land Use Committee made it clear that they had a concern about insurance and until the venue was authorized staff needed to make sure that they had the proper insurance.

Mr. Thorsland stated that the previous venue was held indoors only.

Mr. Hall stated yes, theoretically it was held indoors only.

Mr. Thorsland stated that before the case moves any further he must announce the following: Case 808-S-15 is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands for those who would like to cross examine and each person will be called upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any questions. He said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross examination.

Ms. Dessen stated that she did not bring her insurance policy with her but she does carry a $1,000,000 minimum insurance certificate.

Mr. Thorsland stated that the Board has not approved that special condition as of yet but it is good information for the Board.

Mr. Thorsland called Jon Dessen to testify.

Mr. Jon Dessen, 2502 N. Cunningham Avenue, Urbana, stated that during the last year and one-half they have invested a substantial amount of money, the sum of $16,000+, in placing fencing between the south part of the property and the existing trailer park. He said that one of the reasons for the fencing was to keep the residents and younger children off of Ms. Dessen's property as well as keeping their guests out of the trailer park's property. He said that staff is more than welcome to come visit the property to view the fence. He said that the fence is cedar fencing that spans all of the way from the west side of the property to the east side of the property and is eight feet tall.

Mr. Thorsland stated that information in the mailing indicates that a security guard is hired for every 25 guests. He asked Ms. Dessen if the guards are given any instruction regarding keeping the guests out of the lake and not having separate parties mingle.

Ms. Dessen stated yes. She said that if a guest places a toe in the lake they are placed back on the bus that they arrived in and they are sent home.

Mr. Thorsland asked Ms. Dessen if there is some sort of instruction given to the security personnel before the event.

Ms. Dessen stated yes.

Mr. Jon Dessen stated that both parties are aware that they are not encroaching on either side and if they do they are escorted to the bus or vehicle. He said that guests are not allowed to drive to the property by personal vehicle and are only to arrive at the property by an authorized vehicle and if they violate the rules they are escorted back to that vehicle and asked to leave in that authorized vehicle.

Mr. Thorsland asked Mr. Jon Dessen if they enforce the authorized vehicle and if so where do the guests meet to board the authorized vehicle.

Ms. Dessen stated that one authorized person is allowed one vehicle but no one is allowed to drive individually. She said that the college guests meet at the sorority or fraternity office to board the bus.

Mr. Thorsland asked Ms. Dessen if it is up to the guests to organize their transportation to the subject property.

Ms. Dessen stated yes.

Mr. Thorsland asked Ms. Dessen if the guests are to arrive and leave in the same vehicle.

Ms. Dessen stated yes. She said that only one authorized vehicle is allowed with a designated driver from the organization.

Mr. Thorsland asked Ms. Dessen if that was for parking reasons or because she does not want wear and tear on her property.

Ms. Dessen stated that it is a control system and she does not want people on the road after the party.

Mr. Thorsland stated that he assumes that alcohol is consumed at the events. He asked Ms. Dessen if an outside source provides the alcohol for the events.

Ms. Dessen stated yes.

Mr. Thorsland stated that Ms. Dessen's property is only rented for the space to hold the venue.

Ms. Dessen stated yes, she is just the venue and she provides security at that venue.

Mr. Thorsland informed Ms. Dessen that later during the meeting the Board will discuss the special conditions and she will have the opportunity to agree or disagree with the conditions. He requested that Ms. Dessen review those conditions and if she is uncomfortable with any of the conditions or if she wants her attorney to review the conditions then she has that right and the Board can continue her case to a later date.

Mr. Thorsland asked Mr. Hall if he had any additional information to present to the Board.

Mr. Hall stated no.

Mr. Thorsland asked the Board if there were any questions for Ms. Dessen.

Mr. Passalacqua asked if anyone had spoken with Mr. Doug Gamble, Accessibility Specialist with the Illinois Capital Development Board, regarding the venue.

Mr. Thorsland stated that the Preliminary Memorandum indicated Ms. Dessen spoke with Mr. Gamble.

Mr. Passalacqua asked what bearing that has since the guests arrive to the property in a common bus.

Ms. Chavarria stated that when she originally spoke with Ms. Dessen on the phone and Ms. Dessen was answering questions that Ms. Chavarria had provided to her, Ms. Dessen indicated that she spoke with Mr. Gamble about the venue. Ms. Chavarria stated that she does not have any documentation about what was discussed between Ms. Dessen and Mr. Gamble therefore accessibility requirements are yet to be determined in the future.

Mr. Thorsland asked Ms. Dessen if she remembers what Mr. Gamble told her.

Ms. Dessen stated that she does not recall.

Ms. Chavarria explained to Ms. Dessen that Mr. Gamble is the gentleman that she spoke to about accessibility requirements for the facility.

Ms. Dessen stated that handicap access is not a problem for the barns because a wheelchair can get into them easily. She said that if she is made aware that there is someone in a wheelchair that will be attending the party she will accommodate them by obtaining an accessible portable restroom.

Mr. Thorsland stated that the mailing indicated that information.

Ms. Dessen stated that when the party is booked she inquires whether there will be anyone who requires special accommodations.

Mr. Thorsland asked Ms. Dessen if she has any correspondence with Mr. Gamble regarding the conversation that they had regarding the venue.

Ms. Dessen stated no. She said that she spoke to Mr. Gamble on the phone.

Mr. Thorsland asked Ms. Dessen if it is possible for her to call Mr. Gamble again so that he could send something to staff in writing regarding the accessibility requirements for the property.

Ms. Dessen stated yes. She noted that the barns are no problem because there are no stairs in them.

Mr. Thorsland stated that normally Mr. Gamble will indicate the number of accessible parking spaces required for the property. He asked Ms. Dessen if she and Mr. Gamble discussed accessibility requirements.

Ms. Dessen stated that she has not been asking about it but they let her know. She said that she has had someone indicate that they have a guest who has broken their leg that has special needs.

Mr. Thorsland stated that he is not talking about the customers but is speaking about her conversation with Mr. Gamble and whether or not he indicated that an accessible parking space was required.

Ms. Dessen stated that she believes that Mr. Gamble was out.

Mr. Thorsland asked Ms. Dessen if Mr. Gamble came to the property.

Ms. Dessen stated that there is no problem getting in and out of the barn.

Mr. Thorsland asked Ms. Dessen if Mr. Gamble said anything about an accessible parking space.

Ms. Dessen stated that Mr. Gamble didn't say anything to her about it.

Mr. Thorsland informed Ms. Dessen that the Board would like to see something in writing from Mr. Gamble.

Ms. Griest stated that with respect to Special Condition A., it is evident that this case will be substantially different in regards to having accessible parking indicated on the site plan and a specific number of parking spaces on the site plan. She said that she would like to see a letter or email from Mr. Gamble to satisfy proposed Special Condition A. as currently everything is hearsay and she is not comfortable with that.

Mr. Thorsland stated that he specifically requested that a letter or email from Mr. Gamble be submitted to the Board regarding accessibility requirements for the property.

Mr. Thorsland stated that if the ZBA had known about this in 1993 we would not be here today because the uses would have been made part of that case. He said that the Board must find that the proposed use is

necessary for the public convenience. He asked Ms. Dessen why it would be necessary for the Board to approve this Special Use Permit.

Ms. Dessen stated that people like the east barn because it is old, romantic, and picturesque and it has a feeling of being around for a long time. She said that they really enjoy the east barn a lot.

Mr. Thorsland asked Ms. Dessen if the east barn is one of the original structures and was it part of the day camp.

Ms. Dessen stated that they built the barn in the 60's and it is only historic to her.

Mr. Jon Dessen stated that the barn was part of the day camp.

Mr. Thorsland stated that the east barn is sort of a public resource facility that has been used for the day camp and other events for a very long time.

Mr. Jon Dessen stated yes.

Mr. Thorsland asked Ms. Dessen why the use of the east barn was not discussed in 1993. He asked if the current use was new or was it being rented out at that time.

Ms. Dessen stated that she does not know if it was mentioned at that time or not.

Mr. Thorsland asked the Board if there were any additional questions.

Ms. Griest stated that the site plan indicates a small patio on the east barn. She asked if the request precludes them from having activities extended out onto the patio.

Mr. Hall stated that this is the Board's call. He said that this is supposed to be an indoor recreational development and if he was there he would go out onto the patio and stay there all night. He said that it is up to the Board but he would recommend that the patio not be part of the approval. He said that the Board should also note that behind the disc jockey booth and bar and vending there is an area that is an area that is open to the north, east and west sides with a roof overhang. He said that a lot of people will want to hang out in these areas.

Ms. Dessen asked why this is being considered an indoor recreational facility. She asked if there are rules which restrict people from being outdoors.

Mr. Hall stated that on the east property the venue can only be indoors and cannot be outdoors.

Ms. Dessen asked why.

Mr. Hall stated that it is how the Zoning Ordinance is written. He said that he believes that it goes back to the fact that R-4 is a residential zoning district and there is a presumption that commercial outdoor recreation is generally incompatible with nearby residences. He said that this is why staff will stress that anything that has to do with the outdoors is incompatible in this zoning district. He said that the Board does have some discretion regarding the patios that are partially covered.

Mr. Randol asked Ms. Dessen if the patios are used extensively.

Ms. Dessen stated yes. She said that people enjoy the outdoor environment as much as they do the indoor. She said that the east barn is not completely enclosed because there are no doors to shut and is open to the outdoors. She said that she is not clear as to why the activity is prohibited when there is a place that has a beautiful outdoor setting. She said that not allowing its full use would change the nature of the east barn.

Mr. Thorsland stated that the only recreational use allowed in the R-4 District is indoors and there are probably historical reasons for that restriction. He said that the R-4 District is a residential zoning district as compared to an agricultural or commercial zoning district. He said that the reason why the west barn is not before the Board tonight is because it is zoned differently and Ms. Dessen's property has a couple of different zoning districts on it. He said that due to the Zoning Ordinance the Board can only allow indoor recreational activities and the patio with a roof is a gray area as to whether it is really indoor or outdoor use. He said that how beautiful and open the property is cannot be a factor. He said that a building being as open as this puts the whole barn into a gray area in being used for such a venue in the R-4 district as the east barn can only be operated totally indoors with a special use. He said that he understands that this is frustrating but the east barn is located in the R-4 zoning district and that is why we keep going back to the case in 1993 because if the Board would have known the use of the east barn in 1993 the zoning may have not been changed.

Mr. Jon Dessen stated that he understands what Mr. Thorsland is saying and he understands that if everything had been disclosed in 1993 then this may not be an issue today. He asked if it would satisfy the Board if they were to make the patio and the lean-to areas non-accessible to the guests. He said that the lean-to or overhang is on the north side of the barn and it is where they store a tractor or additional implements and it has always been there since the barn was first constructed. He said that when the overhang was first constructed it was used to store wood.

Mr. Thorsland stated that he is only one member of the Board but he could see a couple of options. He said that they could just not allow anyone access to those areas. He said that he assumes that smoking is not allowed inside of the barn so when people want to smoke they are outdoors.

Mr. Jon Dessen stated that there is a designated distance from the barn for guests who smoke.

Mr. Thorsland stated that an option would be to construct walls thus making the areas indoor.

Ms. Capel stated that it seems a lot of the issues arise due to the zoning.

Mr. Thorsland stated yes, but the case that is before the Board is a Special Use Permit and not a Map Amendment.

Ms. Griest stated that she understands what is before the Board. She asked Mr. Hall if Ms. Dessen has the opportunity to request that the property be rezoned back to AG-2.

Mr. Hall stated yes, but it needs to be carefully considered. He asked why the property was requested to be rezoned to R-4 and what would they be giving up in going back to AG-2. He said that part of this issue is the condition that the music must stop at 10:00 p.m. and it would be a very big deal for the way that this business is being conducted currently. He said that all of these things need to be weighed and hopefully the Board can give Ms. Dessen the best guidance they can as to what will and will not work. He said that the Board needs to be careful because the east barn is the barn that is closest to all of the residents. He said that there are residents within 500 feet on three sides of the property and nothing discussed here tonight is going to make the noise issue any worse than it has been historically but there have been noise complaints and it is not unusual for the Champaign County Sheriff to receive calls about the noise. He said that a call to the Sheriff does not happen all of the time but it has happened on one or two occasions.

Mr. Thorsland stated that he is sure that Ms. Dessen is aware that the Sheriff's office has come to the property to request that the music be turned down.

Ms. Dessen stated yes. She said that the music is not as bad as the girls' voices. She said that she used to be a girl but she grew up and she doesn't scream anymore.

Mr. Thorsland stated that one way to handle the girls' voices is to keep them indoors and another way is to make the building a little tighter.

Ms. Dessen stated that she really doesn't want to change the building.

Mr. Thorsland stated that Ms. Griest and Ms. Capel are suggesting that Ms. Dessen request a zoning change.

Ms. Dessen stated that it sounds like a zoning change may be the best thing to do.

Mr. Thorsland stated that Ms. Dessen should spend some time with staff to discuss the pros and cons for a zoning change. He said that if Ms. Dessen desires to maintain the charm of the east barn, as it is currently, then maybe a better solution is to change the land that it is located upon. He said that keeping the parties all indoors would be a difficult task, even with the security, because people do smoke and they will want to go outside. He said that the east barn does not have any doors so the music and the guests will filter outside. He said that the 10:00 p.m. music cut-off is going to happen anyway regardless of the zoning because that requirement is part of the Nuisance Ordinance.

Mr. Hall stated that he would not be proposing a 10:00 p.m. cut-off if this was a building that could be closed.

Mr. Thorsland stated that Ms. Dessen does not want to change the building therefore it may be beneficial for Ms. Dessen to request a rezoning.

Mr. Randol stated that Ms. Dessen definitely needs to discuss all of the options with staff because if use of the patio and other areas are restricted it will be a major problem to enforce without changing the structure of the barn. He said that if rezoning the property will allow all of Ms. Dessen's desires then that would be a better route to take.

Ms. Lee asked if the property could be rezoned to B-4 to match the other side of the property.

Mr. Hall stated that Ms. Dessen would be entirely in her rights to propose being rezoned to B-4 and at that point it would simply be a map amendment. He said that if the request is approved there is no Special Use Permit and no conditions and it would require good management to ensure that there are no problems.

Ms. Capel asked Mr. Hall if the property is zoned to AG-2, Ms. Dessen would still require a Special Use Permit.

Mr. Hall stated that it is a special use and it could also be outdoors as a special use.

Ms. Capel stated that as far as she is concerned AG-2 would be her preference because with AG-2 the Board would have some control.

Mr. Thorsland stated that Ms. Capel makes a good point that in AG-2 the Board could allow Ms. Dessen to hold her events outdoors but the Board would still have the ability to protect the surrounding neighbors that are in the residential districts. He said that if Ms. Dessen requests that the property be rezoned to B-4 then the only thing the Board could do is approve or deny the request and Ms. Dessen would be her own police officer.

Mr. Hall stated that he would not recommend rezoning the tract to B-4 before discussing it with the City of Urbana because they have protest rights.

Ms. Dessen asked Mr. Hall to define B-4 zoning.

Mr. Hall stated that B-4 is the County's general business district, which is what the west tract is zoned, and Ms. Dessen would be able to do almost anything on that property, which is good, but before Ms. Dessen attempts to extend the B-4 zoning onto the eastern tract she should talk to the City of Urbana to see if they would be opposed to the rezoning request and then make a decision.

Mr. Randol stated that he would assume that Ms. Dessen has an attorney.

Ms. Dessen stated that she does have an attorney.

Mr. Randol stated that it might be wise for Ms. Dessen to consult with her attorney regarding the current operation and what she intends to continue doing on the property before she requests any zoning changes.

Mr. Thorsland stated that Ms. Dessen should make sure that she is clear on what the different zoning rules are for the different zoning districts that she may consider.

Ms. Capel stated that the City of Urbana may be unwilling to support any rezoning therefore consultation with the City of Urbana is an important first step.

Mr. Thorsland stated that he would like to continue the case so that Ms. Dessen can decide which direction she wants to take. He said that if Ms. Dessen decides to continue with the special use request then the Board can continue with the case as it is before them tonight. He said that if Ms. Dessen decides that she wants to rezone the property then staff will notify the Board regarding the change and what their role will be in the case. He said that he understands that this process is frustrating because Ms. Dessen has been operating for a very long time and people are very happy with the operation. He noted that this delay will not slow down Ms. Dessen but will give her adequate time to decide which direction she wants to go regarding rezoning or a special use.

Mr. Randol stated that even if the City of Urbana files a protest against any rezoning of the property the Board does not have to abide by that protest. He informed Ms. Dessen that even if the City of Urbana does file a protest it should not detour her from pursuing a change that she sincerely wants to do.

Ms. Dessen stated that she certainly wants to be in compliance.

Mr. Randol stated that whatever Ms. Dessen decides to do she would have to meet the County's

requirements.

Mr. Thorsland stated that it would be good for Ms. Dessen to meet with the appropriate staff from the City of Urbana to discuss her intentions.

Ms. Griest encouraged Ms. Dessen to spend a lot of time with Mr. Hall and Ms. Chavarria first so that she fully understands her options.

Ms. Griest asked Mr. Thorsland if there were any additional witnesses for the case.

Mr. Thorsland stated that there were no additional witnesses for the case.

Mr. Thorsland stated that the docket has an opening for the November 12th meeting. He said that a continuance to November 12th would not stop or slow down anything that Ms. Dessen is currently doing on her property.

Mr. Jon Dessen asked if November 12th is the date that he and Ms. Dessen would meet with Mr. Hall and Ms. Chavarria or is it the date of the next public hearing.

Mr. Thorsland stated that the case will be continued to the November 12th meeting in its current form but if a new case is proposed then the meeting date may be beyond November 12th.

Mr. Jon Dessen asked if the scheduled events can continue to be held if they do their best to abide by the County's rules. He agreed that it would be a good idea to meet with staff and the City of Urbana and their attorney regarding rezoning the back part of the property. He said that these meetings would help them understand the legalities, paperwork and procedures required for a successful outcome.

Mr. Thorsland informed Ms. Dessen and Mr. Jon Dessen that the continuance will basically place the case on the shelf and nothing changes until the next meeting date. He said that if they decide to rezone the property Case 808-S-15 will be removed and a new map amendment case will be proposed.

Mr. Hall stated that if things move along well and Ms. Dessen decides how she wants to move forward and a map amendment is part of that decision staff could advertise the new case if staff is notified one month prior to the next meeting date.

Mr. Jon Dessen asked if he should call Ms. Chavarria at the office.

Mr. Hall stated yes.

Mr. Randol suggested that Ms. Dessen and Mr. Jon Dessen contact staff as soon as possible.

Mr. Thorsland asked Ms. Dessen and Mr. Jon Dessen if a continuance to November 12, 2015, is an acceptable date.

Ms. Dessen and Mr. Jon Dessen stated yes.

Mr. Passalacqua informed Ms. Dessen and Mr. Jon Dessen that the Board often requests a copy of the contract and rules and restrictions for the events and a copy of the documentation from Mr. Gamble regarding required accessibility.

Mr. Thorsland entertained a motion to continue Case 808-S-15 to the November 12, 2015, meeting.

Ms. Griest moved, seconded by Mr. Randol to continue Case 808-S-15 to the November 12, 2015, meeting. The motion carried by voice vote.

Mr. Thorsland stated that the Board will take a five minute recess.

The Board recessed at 7:55 p.m.
The Board resumed at 8:00 p.m.

Case 810-V-15 Petitioner: **Thomas E. Burgin II and Randall Brown** Request: **Authorize the following variance in the CR, Conservation-Recreation Zoning District: Authorize the proposed separate use of an existing nonconforming lot that was in common ownership with adjacent property and has an average width of 132 feet in lieu of the required minimum 200 feet as per Section 5.3 of the Zoning Ordinance.** Location: **A one acre tract in Urbana Township in the Northeast Quarter of the Northeast Quarter of Section 3, Township 19 North, Range 9 East of the Third Principal Meridian and commonly known as 2901 Airport Road, Urbana.**

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

Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands for those who would like to cross examine and each person will be called upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any questions. He said that those who desire to cross examine are not required to sign the witness register but are requested to clearly

11/04/15 PRELIMINARY DRAFT

817-AM-15

FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals

Final Determination:	***{RECOMMEND ENACTMENT / RECOMMEND DENIAL}***
Date:	***{November 12, 2015}***
Petitioner:	**Loretta Dessen, d.b.a. Farm Lake Inc.**
Request:	**Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related Zoning Case 808-S-15.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **November 12, 2015**, the Zoning Board of Appeals of Champaign County finds that:

(Note: Asterisk* indicates items of evidence that are identical to evidence in Case 808-S-15)

*1. The petitioner Loretta Dessen, d.b.a. Farm Lake Inc., owns the subject property.

*2. The subject property is a 10 acre tract of land in the West half of the Northeast Quarter of Section 4 Township 19 North Range 8 East in Urbana Township and commonly known as Farm Lake, with an address of 2502 North Cunningham Avenue, Urbana.

*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:

*A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment.

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

4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **"R-4 doesn't allow for outdoor events; the change to AG-2 would."**

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: **"Property has been in use since 1992 as venue for events. Property was previously designated AG-2."**

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

*6. Land use and zoning on the subject property and in the vicinity are as follows:

*A. The subject property is a 10 acre tract currently zoned R-4 Multi-Family Residential but is proposed to be rezoned to AG-2 Agriculture in related Case 817-AM-15. It is in use as a single family residence and private events center.

*B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:

*(1) Land to the north is zoned R-5 Mobile Home Park, and is residential in use.

*(2) Land to the east is zoned R-5 Mobile Home Park, and is in agricultural production.

*(3) Land to the south is zoned R-5 Mobile Home Park and is residential in use.

*(4) Land southwest of the subject property is within the City of Urbana corporate limits. It is zoned B-3 General Business and is currently a vacant lot that formerly housed a hotel and conference facility.

*(5) Land northwest of the subject property is another Dessen property which is County zoned B-4 General Business. It is in use as a private events and outdoor recreation facility, which is allowed-by right in the B-4 District.

*7. Regarding the site plan and proposed operations of the subject property:

*A. The Petitioner established a private events center in an existing barn structure in 1992. In 1993, the subject property was rezoned from AG-2 to R-4 in anticipation of developing multi-family residences. Current zoning does not allow Private Indoor Recreational Developments without a Special Use Permit, and does not allow outdoor recreation at all. Mrs. Dessen seeks to continue using the barn for events, so she has applied for a Map Amendment and Special Use Permit. The pre-1993 AG-2 zoning for the property allows a combination "Private Indoor Recreational Development" by-right and an "Outdoor Commercial Recreational Enterprise" with a Special Use Permit.

*B. The Site Plan received June 22, 2015 is a floor plan of the East Barn, where private events are held that are the subject of this Special Use. The floor plan indicates:

*(1) A large L-shaped main room that has one 15 foot entryway on the west side with doors that remain open at all times, and one 9 foot entryway on the north side that has no door.

*(2) An adjacent 29 foot by 16 foot "dance floor" area that has one 6 foot doorway and one 9 foot doorway, neither of which have doors.

*(3) A "DJ booth" and "bar/vender" area that is open on the north, east, and west sides.

*(4) A "patio" that is open on the east and south sides adjacent to the main indoor area.

*(5) All areas are covered by the barn roof.

*C. Ms. Dessen holds approximately 50 events in the spring and fall, which generally run from 8 pm to 11:30 pm. There are generally 150 to 200 people at each event, and several events can occur during any given week. Ms. Dessen hires 1 security guard for every 25 people. Private parties are responsible for providing transportation to and from the site, food, and alcohol; parties are responsible for ensuring that their vendors are licensed. There is no septic system or running water for the barns; they serve bottled water and rent portable restrooms which are cleaned after events.

*D. In addition to the East Barn, the Dessen properties at this location include:

*(1) Four parcels totaling approximately 14 acres – the westernmost two parcels do not have buildings.

*(2) The two parcels with buildings include:

*a. The 1.29 acre west parcel has the West Barn which holds private events like the East Barn.

*b. The 10 acre east parcel has the residence, garage, and carport; the East Barn (the subject of this Special Use Permit application); two lakes, and a road that traverses all four parcels.

*E. Previous Zoning Use Permits on the subject property are as follows:

*(1) Zoning Use Permit # 280-80-02 approved on October 21, 1980 authorized remodeling of the single family structure and enclosing an attached patio to be used as a room addition.

*(2) Zoning Use Permit # 163-81-01 approved on June 16, 1981 authorized construction of a new single family dwelling to replace the single family dwelling destroyed by fire.

*(3) Zoning Use Permit # 152-00-02 approved on June 5, 2000 authorized construction of a residential accessory storage building.

*F. Previous Zoning Cases on the subject property include:

*(1) 858-AM-93: Rezoning AG-2 to R-4, approved 05/18/93

The 10 acre east parcel was surrounded by mobile home parks and multi-family residential. The Dessens stated "We are a private property with a single family residence and wish to be zoned for multiple family dwellings. The mistake in zoning was made when the rest of area was rezoned from AG to R-5 and Highway Business". The Dessens stated that they had no plans for developing the property at the time.

*(2) 154-AM-98: Rezoning B-3 to B-4, approved 10/20/98 (adjacent Dessen property)

The ±4 acre property north of the former Park Inn property was zoned in 1973 for highway business. Mr. Dessen stated on his application "B-3 is an outmoded designation. B-4 is the current one being used by surrounding property". He did not have plans for developing the lots for a certain use at the time.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. Regarding the existing and proposed zoning districts:

A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:

(1) The R-4, Multiple Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY, TWO FAMILY, and MULTIPLE FAMILY DWELLINGS set in a medium density housing environment.

(2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are

predominately vacant and which presently do not demonstrate any significant potential for development.

B. Regarding the general locations of the existing and proposed zoning districts:
(1) The R-4 District is generally located throughout the county.

(2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

(3) The subject property is adjacent to the City of Urbana.

C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
(1) There are 21 types of uses authorized by right in the R-4 District and there are 13 types of uses authorized by right in the AG-2 District:
a. There are 4 uses authorized by right in the R-4 District that are also authorized by right in the AG-2 District:
(a) Single family dwelling;
(b) Subdivisions totaling three lots or less;
(c) Agriculture, including customary accessory uses; and
(d) Country club or golf course.

b. The following 9 uses are authorized by right in the AG-2 District and not at all in the R-4 District:
(a) Roadside Stand operated by farm operator;
(b) Rural Specialty Business, Minor;
(c) Plant Nursery;
(d) Township Highway maintenance garage;
(e) Commercial breeding facility;
(f) Christmas Tree sales lot;
(g) Off premises sign within 660' of the edge of the right-of-way of an interstate highway;
(h) Off premises sign along federal highways except interstate highways; and
(i) Temporary uses.

c. The following 12 uses are authorized by right in the R-4 District but require a Special Use Permit in the AG-2 District:
(a) Two-family dwelling;
(b) Home for the aged;
(c) Nursing home;
(d) Subdivisions totaling more than three lots or with new streets or private accessways (County Board Special Use Permit);
(e) Elementary school, Jr. High School, or High School;
(f) Church, Temple or church related temporary uses on church property;
(g) Municipal or government building;

(h) Police station or fire station;
(i) Library, museum or gallery;
(j) Public park or recreational facility;
(k) Country club clubhouse; and
(l) Lodge or private club.

d. The following 5 uses are authorized by right in the R-4 District but not at all in the AG-2 District:
(a) Boarding house;
(b) Multi-family dwelling;
(c) Fraternity, sorority or student cooperative;
(d) Dormitory;
(e) Institution of an educational, philanthropic or eleemosynary nature;

e. There is one use authorized by right in the AG-2 District but requires a Special Use Permit in the R-4 District:
(a) Township Highway maintenance garage.

(2) There are 10 types of uses authorized by Special Use Permit (SUP) in the R-4 District and 35 types of uses authorized by SUP in the AG-2 District:

a. The following 8 uses may be authorized by SUP in the both the R-4 District and AG-2 District:
(a) Residential Planned Unit Development;
(b) Artificial lake of 1 or more acres;
(c) Township Highway maintenance garage;
(d) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
(e) Electrical substation;
(f) Telephone exchange;
(g) Mortuary or Funeral Home; and
(h) **Private Indoor Recreational Development.**

b. The following 2 uses may be authorized by Special Use Permit in the R-4 District but not at all in the AG-2 District:
(1) Hospital; and
(2) Private Kindergarten or Day Care Facility.

c. The following 58 uses may be authorized by SUP in the AG-2 District and not at all in the R-4 District:
(a) Hotel – no more than 15 lodging units;
(b) Travel trailer camp;
(c) Rural Specialty Business, Major;
(d) Commercial greenhouse;
(e) Greenhouse (not exceeding 1,000 square feet);
(f) Garden shop;

(g) Mineral extraction, quarrying, topsoil removal and allied activities;
(h) Penal or correctional institution;
(i) Sewage disposal plant or lagoon;
(j) Private or commercial transmission and receiving towers (including antennas) over 100' in height;
(k) Water treatment plant;
(l) Radio or television station;
(m) Public fairgrounds;
(n) Motor bus station;
(o) Truck terminal;
(p) Railroad yards and freight terminals;
(q) Airport;
(r) Residential airports;
(s) Restricted Landing Areas;
(t) Heliport/helistops;
(u) Heliport-Restricted Landing Areas;
(v) Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer;
(w) Roadside produce sales stand;
(x) Feed and grain (sales only);
(y) Livestock sales facility and stockyards;
(z) Slaughter houses;
(aa) Grain storage elevator and bins;
(bb) Artist studio;
(cc) Residential recovery center;
(dd) Antique sales and service;
(ee) Amusement park;
(ff) Resort or organized camp;
(gg) Bait sales;
(hh) **Outdoor commercial recreational enterprise** (except amusement park);
(ii) Public camp or picnic area;
(jj) Riding stable;
(kk) Seasonal hunting or fishing lodge;
(ll) Stadium or coliseum;
(mm) Theatre, outdoor;
(nn) Commercial fishing lake;
(oo) Aviation sales, service or storage;
(pp) Cemetery or crematory;
(qq) Pet cemetery;
(rr) Kennel;
(ss) Veterinary hospital;
(tt) Self-storage warehouses, not providing heat/utilities to individual units;
(uu) Off-premises sign beyond 660' of the edge of the right-of-way of an interstate highway;
(vv) Landscape waste processing facilities;

(ww) Contractors facilities (with no outdoor storage nor outdoor operations);
(xx) Contractors facilities with outdoor storage and/or outdoor operations;
(yy) Agricultural drainage contractor facility with no outdoor storage and/or outdoor operations;
(zz) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations;
(aaa) Small scale metal fabricating shop;
(bbb) Gas turbine peaker;
(ccc) Big wind turbine tower (1-3 big wind turbine towers);
(ddd) Wood fabricating shop and related activities;
(eee) Sawmills and planing mills, and related activities; and
(fff) Pre-existing industrial uses (existing prior to October 10, 1973).

(3) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent uses.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:

A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

"It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows…"

B. The LRMP defines Goals, Objectives, and Policies as follows:

(1) Goal: an ideal future condition to which the community aspires

(2) Objective: a tangible, measurable outcome leading to the achievement of a goal

(3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

C. The Background given with the LRMP Goals, Objectives, and Policies further states, "Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies."

REGARDING RELEVANT LRMP GOALS & POLICIES

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

10. LRMP Goal 1 is entitled "Planning and Public Involvement" and states:

> **Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

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

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

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

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

12. LRMP Goal 3 is entitled "Prosperity" and states:

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

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

A. The three objectives are:

(1) Objective 3.1 is entitled "Business Climate" and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

(2) Objective 3.2 is entitled "Efficient County Administration" and states: "Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals."

(3) Objective 3.3 is entitled "County Economic Development Policy" and states: "Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP."

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

13. LRMP Goal 4 is entitled "Agriculture" and states:
Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment will ***HELP ACHIEVE*** Goal 4 for the following reasons:

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

The proposed rezoning will ***HELP ACHIEVE*** Objective 4.1 because of the following:

(1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed rezoning.

(2) Policy 4.1.1 states, **"Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils."**

The proposed rezoning will ***HELP ACHIEVE*** Policy 4.1.1 because the subject property is not on best prime farmland and has not been in agricultural production for over 50 years.

(3) Policy 4.1.6 states: **"Provided that the use, design, site and location are consistent with County policies regarding:**

i. Suitability of the site for the proposed use;
ii. Adequacy of infrastructure and public services for the proposed use;
iii. Minimizing conflict with agriculture;
iv. Minimizing the conversion of farmland; and
v. Minimizing the disturbance of natural areas; then

a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or

b) On best prime farmland, the County may authorize non-residential discretionary development; or

c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland."

The proposed rezoning will ***HELP ACHIEVE*** Policy 4.1.6 for the following reasons:

a. The soil on the subject property is not best prime farmland.

b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will ***HELP ACHIEVE*** Policy 4.3.2 regarding site suitability on best prime farmland.

c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will ***HELP ACHIEVE*** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.

d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will ***HELP ACHIEVE*** Policy 4.2.1, Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.

e. There are no relevant policies having to do with minimizing the conversion of farmland but the proposed use will not take any land out of agricultural production.

f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, the proposed use preserves natural wooded areas on the subject property so the proposed amendment will ***HELP ACHIEVE*** Goal 8.

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

The proposed rezoning will ***HELP ACHIEVE*** Objective 4.2 because of the following:

(1) **Policy 4.2.2 states, "The County may authorize *discretionary review* development in a rural area if the proposed development:**

a) is a type that does not negatively affect agricultural activities; or

b) is located and designed to minimize exposure to any negative affect caused by agricultural activities; and

c) will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure."

The proposed rezoning will ***HELP ACHIEVE*** Policy 4.2.2 for the following reasons:

a. The proposed use of the subject property is ***NOT NEGATIVELY AFFECTED*** by agricultural activities because the surroundings are mostly residential, with agriculture only occurring to the east on land that is zoned R-5.

b. The proposed development in related Case 808-S-15 ***WILL NOT*** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure because:

(a) The proposed special use is sited on land that is not in crop production and there are no new buildings or structures planned.

(b) Agricultural drainage should not be affected.

(c) The traffic generated by the proposed use will generally occur on weekends and the overall impact is minimal due to the vehicle restrictions the Petitioner requires for events.

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

d. No complaints or concerns have been received from neighbors during the public hearings for this case.

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

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

a. The Petitioner understands that this is an area where agricultural activities take place.

b. A special condition has been proposed to ensure that any subsequent owner recognizes the rights of agricultural activities.

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

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

a. The use on the subject property has a natural wooded buffer between the use and nearby agriculture.

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

The proposed rezoning will ***HELP ACHIEVE*** Objective 4.3 because of the following:

(1) **Policy 4.3.1 states, "On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use."**

The proposed rezoning will ***HELP ACHIEVE*** Policy 4.3.1 because the proposed site ***IS WELL SUITED OVERALL*** for the development proposed in related Case 808-S-15 for the following reasons:

a. The soil on the subject property is not best prime farmland.

b. The proposed Special Use Permit repurposes an existing barn and does not include any new buildings.

c. The proposed special use is sited on land that is not in crop production.

d. The subject property is adjacent to the City of Urbana and is located on a public road that has adequate traffic capacity.

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

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

The proposed rezoning will ***HELP ACHIEVE*** Policy 4.3.3 for the following reasons:

a. The subject property is located approximately 1.2 miles from the Carroll Fire Protection District Station. The Fire Protection District has been notified of the proposed special use and rezoning and no comments have been received.

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

(3) **Policy 4.3.4 states, "The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements,**

is adequate to support the proposed development effectively and safely without undue public expense."

The proposed rezoning will ***HELP ACHIEVE*** Policy 4.3.4 for the following reasons:

a. The proposed Special Use Permit repurposes an existing barn and does not include any new buildings or other improvements.

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

(4) **Policy 4.3.5 states, "On best prime farmland, the County will authorize a business or other non-residential use only if:**

a) It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or

b) the use is otherwise appropriate in a rural area and the site is very well suited to it."

The proposed rezoning will ***HELP ACHIEVE*** Policy 4.3.5 for the following reason:

a. The subject property is not located on best prime farmland.

14. LRMP Goal 5 is entitled "Urban Land Use" and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 5.

15. LRMP Goal 6 is entitled "Public Health and Safety" and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 6.

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

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

Goal 7 has 2 objectives and 7 policies. The proposed amendment will ***NOT IMPEDE*** the achievement of Goal 7.

17. LRMP Goal 8 is entitled "Natural Resources" and states as follows:
Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

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

18. LRMP Goal 9 is entitled "Energy Conservation" and states as follows:
Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

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

19. LRMP Goal 10 is entitled "Cultural Amenities" and states as follows:
Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

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

GENERALLY REGARDING THE LASALLE FACTORS

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

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

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Residential, Events Center	R-4 Multi-Family Residential (Proposed rezoning to AG-2)
North	Residential	R-5 Manufactured Home Park
East	Agriculture	R-5 Manufactured Home Park
West	SW: vacant former hotel site NW: Outdoor commercial recreation (another Dessen property)	SW: City of Urbana B-3 General Business NW: B-4 General Business
South	Residential	R-5 Manufactured Home Park

B. ***LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:

(1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

(2) The subject property has been in use as proposed since 1992; the property has not changed significantly since the 1970s.

(3) In regards to the value of nearby residential properties, the requested map amendment should not have any effect. Regarding the effect on nearby properties:

a. The traffic generated by the proposed use will generally occur on weekends and the overall impact is minimal due to the vehicle restrictions the Petitioner requires for events.

b. Nearby residences are buffered by natural wooded areas on all sides of the subject property.

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

C. ***LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.** Regarding this factor:

(1) There has been no evidence submitted regarding property values.

(2) The subject property is a wooded natural area surrounded principally by manufactured home parks and a vacant lot zoned for general business.

D. ***LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:

(1) The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to continue providing a service to the community while maintaining a newer-growth wooded habitat.

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

E. ***LaSalle* factor: The suitability of the subject property for the zoned purposes.** Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the

proposed rezoning will ***HELP ACHIEVE*** Policy 4.3.1 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.

F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:

(1) The subject property is occupied by a single family residence and zoned R-4 Multi-Family Residential.

(2) The subject property was originally zoned AG-2 until it was rezoned to R-4 in 1993. The petitioner has not developed multi-family housing on the property.

G. ***Sinclair* factor: The need and demand for the use.** Regarding this factor:

(1) In the application for related Zoning Case 808-S-15, the Petitioner testified that **"Private parties and organizations (churches, university organizations/clubs, weddings, charities, graduation ceremonies) have been scheduling their events here year after year because we provide a safe, beautiful location that keeps them coming back."**

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

H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**

(1) The ZBA has recommended that the proposed rezoning will ***HELP ACHIEVE*** the Champaign County Land Resource Management Plan.

(2) The Urbana Comprehensive Plan adopted in 2005 calls for residential and business development in the subject property area.

I. Overall, the proposed map amendment ***IS CONSISTENT*** with the LaSalle and Sinclair factors.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment ***{WILL / WILL NOT}*** **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

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

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

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

The requested rezoning ***{WILL / WILL NOT}*** decrease the value of nearby properties.

C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

(1) The proposed rezoning seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.

(2) The Petitioner indicated on the Special Use Permit application 808-S-15 that most parties are dropped off and picked up by private bus, so there are generally few personal vehicles at events.

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

D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

No construction is proposed for the subject property that triggers the need for stormwater management.

E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

(1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

(2) In regards to public comfort and general welfare, the requested rezoning ***{WILL / WILL NOT} PROMOTE*** public comfort and general welfare.

F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

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

The proposed Special Use will not remodel or alter existing structures.

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

The proposed rezoning **WILL** protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses as follows:

(1) The property has had residential zoning since 1993.

(2) The property is not located on best prime farmland.

(3) The proposed use will not remove any land from agricultural production.

J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property has three ponds and has newer growth wooded areas. The petitioner continues to maintain this rural, wooded environment and clients seek this same environment for their special events.

K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed use will not require the development of public utilities or transportation facilities.

L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

(1) The property has had residential zoning since 1993.

(2) The property is not located on best prime farmland.

(3) The proposed use will not remove any land from agricultural production.

M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. Proposed Special Conditions of Approval:

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

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

DOCUMENTS OF RECORD

1. Special Use Permit application received June 22, 2015, with attachments:
   - A Site Plan comprised of East Barn floor plan
   - B Warranty Deed

2. Map Amendment application received October 6, 2015.

3. Natural Resources Report by the Champaign County Soil and Water Conservation District, received July 8, 2015

4. Preliminary Memorandum for Case 808-S-15 dated July 23, 2015, with attachments:
   - A Case Maps (Location, Land Use, Zoning)
   - B Site Plan received June 22, 2015
   - C Annotated Site Plan dated July 23, 2015
   - D Site Images taken July 2, 2015
   - E Natural Resources Report by the Champaign County Soil and Water Conservation District, received July 8, 2015
   - F Draft Summary of Evidence dated July 23, 2015

5. Supplemental Memorandum #1 dated July 30, 2015

6. Supplemental Memorandum #2 for Case 808-S-15 (Revised) and Case 817-AM-15 (new), with attachments:
   - A Case Maps (Location, Land Use, Zoning)
   - B LRMP Land Use Goals, Objectives, and Policies
   - C LRMP Appendix of Defined Terms
   - D Annotated Site Plan dated July 23, 2015
   - E Site Images taken July 2, 2015
   - F Copy of Right to Farm Resolution 3425
   - G Approved Minutes from July 29, 2015 ZBA meeting for Case 808-S-15
   - H Summary of Evidence, Finding of Fact, and Final Determination for Case 817-AM-15
   - I Summary of Evidence, Finding of Fact, and Final Determination for Case 808-S-15

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 30, 2015** and **November 12, 2015,** the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment ***{WILL/WILL NOT}*** **HELP ACHIEVE** the Land Resource Management Plan because:

   A. Regarding Goal 3:

      (1) Although the proposed rezoning is ***NOT DIRECTLY RELEVANT*** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.

      (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment ***WILL HELP ACHIEVE*** Goal 3 Prosperity.

   B. The proposed amendment ***WILL NOT IMPEDE*** the following LRMP goal(s):

      - Goal 1 Planning and Public Involvement
      - Goal 2 Governmental Coordination
      - Goal 4 Agriculture
      - Goal 5 Urban Land Use
      - Goal 6 Public Health and Safety
      - Goal 7 Transportation
      - Goal 8 Natural Resources
      - Goal 9 Energy Conservation
      - Goal 10 Cultural Amenities

   C. Overall, the proposed map amendment ***{WILL / WILL NOT}*** **HELP ACHIEVE** the Land Resource Management Plan.

2. The proposed Zoning Ordinance map amendment ***{IS/IS NOT}*** consistent with the *LaSalle* and *Sinclair* factors because of the following:

   A. The subject property has been in use as proposed since 1992; the property has not changed significantly since the 1970s.

   B. It is impossible to establish property values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

   C. The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to continue providing a service to the community while preserving a natural wooded habitat.

   D. The subject property is occupied by a single family residence and zoned R-4 Multi-Family Residential.

E. The ZBA has recommended that the proposed rezoning will ***HELP ACHIEVE*** the Champaign County Land Resource Management Plan.

F. The Urbana Comprehensive Plan adopted in 2005 calls for residential and business development in the subject property area.

3. The proposed Zoning Ordinance map amendment ***{WILL / WILL NOT}*** **HELP ACHIEVE** the purpose of the Zoning Ordinance because:

A. Establishing the AG-2 District ***{WILL / WILL NOT}*** decrease the value of nearby properties (Purpose 2.0 (b) see Item 21.B.).

B. Establishing the special use requires rezoning to AG-2; this rezoning ***{WILL / WILL NOT}*** lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).

C. Establishing the AG-2 District ***{WILL / WILL NOT}*** promote the public health, safety, comfort, morals, and general welfare (Purpose 2.0 (e) see Item 21.E.).

D. Establishing the AG-2 District at this location will help classify, regulate, and restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i) see Item 21.G.).

E. Establishing the AG-2 District in this location ***WILL*** help protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0 (n) Item 21.I).

F. The proposed rezoning and proposed Special Use ***WILL*** protect natural features such as forested areas and watercourses (Purpose 2.0(o) Item 21.J).

G. Establishing the AG-2 District at this location ***WILL*** maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).

H. The proposed rezoning and proposed Special Use ***WILL NOT*** hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

FINAL DETERMINATION

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

> The Zoning Ordinance Amendment requested in **Case 817-AM-15** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

11/04/15 DRAFT

808-S-15 REVISED

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

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

Date: ***{November 4, 2015}***

Petitioner: Loretta Dessen, d.b.a. Farm Lake Inc.

Request:

Part A: Authorize a Special Use Permit for a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" to allow existing and ongoing use of an existing barn as a rentable venue for entertainment and recreation in the AG-2 Agriculture Zoning District on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current R-4 Multiple Family Residence District in related Zoning Case 817-AM-15.

Part B: Authorize the following waiver to the standard conditions of the "Outdoor Commercial Recreational Enterprise" special use as per Section 6.1.3 of the Zoning Ordinance: a separation distance of 0 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use.

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SUMMARY OF EVIDENCE

Notes:
Changes from the draft used in the July 30, 2015 meeting are underlined.
Asterisk* indicates items of evidence that are identical to evidence in Case 817-AM-15.

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 30, 2015** and **November 12, 2015,** the Zoning Board of Appeals of Champaign County finds that:

*1. The petitioner Loretta Dessen, d.b.a. Farm Lake Inc., owns the subject property.

*2. The subject property is a 10 acre tract of land in the West half of the Northeast Quarter of Section 4 Township 19 North Range 8 East in Urbana Township and commonly known as Farm Lake, with an address of 2502 North Cunningham Avenue, Urbana.

*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:

*A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment.

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

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

*4. Land use and zoning on the subject property and in the vicinity are as follows:

*A. The subject property is a 10 acre tract currently zoned R-4 Multi-Family Residential but is proposed to be rezoned to AG-2 Agriculture in related Case 817-AM-15. It is in use as a single family residence and private events center.

*B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:

*(1) Land to the north is zoned R-5 Manufactured Home Park, and is residential in use.

*(2) Land to the east is zoned R-5 Manufactured Home Park, and is in agricultural production.

*(3) Land to the south is zoned R-5 Manufactured Home Park and is residential in use.

*(4) Land southwest of the subject property is within the City of Urbana corporate limits. It is zoned B-3 General Business and is currently a vacant lot that formerly housed a hotel and conference facility.

*(5) Land northwest of the subject property is another Dessen property which is County zoned B-4 General Business. It is in use as a private events and outdoor recreation facility, which is allowed-by right in the B-4 District.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

*5. Regarding the site plan and operations of the proposed Special Use:

*A. The Petitioner established a private events center in an existing barn structure in 1992. In 1993, the subject property was rezoned from AG-2 to R-4 in anticipation of developing multi-family residences. Current zoning does not allow Private Indoor Recreational Developments without a Special Use Permit, and does not allow outdoor recreation at all. Mrs. Dessen seeks to continue using the barn for events, so she has applied for a Map Amendment and Special Use Permit. The pre-1993 AG-2 zoning for the property allows a combination "Private Indoor Recreational Development" by-right and an "Outdoor Commercial Recreational Enterprise" with a Special Use Permit.

*B. The Site Plan received June 22, 2015 is a floor plan of the East Barn, where private events are held that are the subject of this Special Use. The floor plan indicates:

*(1) A large L-shaped main room that has one 15 foot entryway on the west side with doors that remain open at all times, and one 9 foot entryway on the north side that has no door.

*(2) An adjacent 29 foot by 16 foot "dance floor" area that has one 6 foot doorway and one 9 foot doorway, neither of which have doors.

*(3) A "DJ booth" and "bar/vender" area that is open on the north, east, and west sides.

*(4) A "patio" that is open on the east and south sides adjacent to the main indoor area.

*(5) All areas are covered by the barn roof.

*C. Ms. Dessen holds approximately 50 events in the spring and fall, which generally run from 8 pm to 11:30 pm. There are generally 150 to 200 people at each event, and several events can occur during any given week. Ms. Dessen hires 1 security guard for every 25 people. Private parties are responsible for providing transportation to and from the site, food, and alcohol; parties are responsible for ensuring that their vendors are licensed. There is no septic system or running water for the barns; they serve bottled water and rent portable restrooms which are cleaned after events.

*D. In addition to the East Barn, the Dessen properties at this location include:

*(1) Four parcels totaling approximately 14 acres – the westernmost two parcels do not have buildings.

*(2) The two parcels with buildings include:

*a. The 1.29 acre west parcel has the West Barn which holds private events like the East Barn.

*b. The 10 acre east parcel has the residence, garage, and carport; the East Barn (the subject of this Special Use Permit application); two lakes, and a road that traverses all four parcels.

*E. Previous Zoning Use Permits on the subject property are as follows:

*(1) Zoning Use Permit # 280-80-02 approved on October 21, 1980 authorized remodeling of the single family structure and enclosing an attached patio to be used as a room addition on the subject property.

*(2) Zoning Use Permit # 163-81-01 approved on June 16, 1981 authorized construction of a new single family dwelling structure to replace the single family dwelling destroyed by fire.

*(3) Zoning Use Permit # 152-00-02 approved on June 5, 2000 authorized construction of a residential accessory storage building.

*F. Previous Zoning Cases on the subject property include:

*(1) 858-AM-93: Rezoning AG-2 to R-4, approved 05/18/93

The 10 acre east parcel was surrounded by manufactured home parks and multi-family residential. The Dessens stated "We are a private property with a single family residence and wish to be zoned for multiple family dwellings. The mistake in zoning was made when the rest of area was rezoned from AG to R-5 and Highway Business". The Dessens stated that they had no plans for developing the property at the time.

*(2) 154-AM-98: Rezoning B-3 to B-4, approved 10/20/98 (adjacent Dessen property)

The ±4 acre property north of the former Park Inn property was zoned in 1973 for highway business. Mr. Dessen stated on his application "B-3 is an outmoded designation. B-4 is the current one being used by surrounding property". He did not have plans for developing the lots for a certain use at the time.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding Part A of the proposed Special Use:

A. Section 5.2 authorizes a "Private Indoor Recreational Development" as a Special Use only in the AG-2, R-3, and R-4 Zoning Districts, and by-right in the B-2, B-3 and B-4 Zoning Districts.

B. Section 5.2 authorizes an "Outdoor Commercial Recreational Enterprise" as a Special Use in the CR and AG-2 Zoning Districts, by-right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts, and not at all in the AG-1, all Residential, B-1, and B-2 Zoning Districts.

C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:

(1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:

a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.

b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.

c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.

d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.

e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.

D. Regarding Part B of the proposed Special Use, subsection 6.1.3 establishes the following standard conditions for Outdoor Commercial Recreational Enterprise:

(1) A separation distance of 200 feet between any R DISTRICT or residential or INSTITUTIONAL USE.

E. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):

(1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.

(2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.

(3) "ACCESSORY USE" is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.

(4) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.

(5) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.

(6) "COURT" is an OPEN SPACE, other than a YARD, on the same LOT with a BUILDING, which is bounded on two or more sides by, but is not enclosed by, the walls of such BUILDING.

(7) "PRIVATE ACCESSWAY" is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.

(8) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.

(9) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.

(10) "STRUCURE, DETACHED" is a STRUCTURE connected to another STRUCTURE.

(11) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.

(12) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.

F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:

(1) That the Special Use is necessary for the public convenience at that location;

(2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:

a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.

b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.

c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.

(3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.

(4) That the Special Use is in harmony with the general purpose and intent of this ordinance.

(5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

G. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:

(1) The Ordinance requires that a waiver of a standard condition requires the following findings:

a. That the waiver is in accordance with the general purpose and intent of the ordinance; and

b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.

(2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:

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

b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction.

c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.

H. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:

A. The Petitioner has testified on the application, **"Private parties and organizations (churches, university organizations/clubs, weddings, charities, graduation ceremonies) have been scheduling their events here year after year because we provide a safe, beautiful location that keeps them coming back."**

B. The property is located one-half mile from the I-74 interchange at Cunningham Avenue/US45.

C. According to the News Gazette article dated May 3, 2015, "For the past 25 years, fraternities, sororities, university departments, businesses and other organizations have rented the barns for special events and parties."

D. Ms. Dessen has owned the subject property since 1959. Several parcels comprise the Dessen property: two parcels on the west end of her properties with no buildings; a western parcel with the "West Barn", and the larger east parcel with the residence and an East Barn that was built in 1976. The property was used for the Farm Lake Day Camp for 16 years starting in the 1960s. Ms. Dessen has held private events in both barns since 1992. The barns are rented out separately, and are approximately 275 yards apart on opposite sides of the residence.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:

A. The Petitioner has testified on the application, **"The parties attending events are required to arrive by private transportation (bus). All events are supervised by trained staff at ratios of at least 1 staff member per 40 attendees. Our security coordinates with buses and CCSD (Champaign County Sheriff's Department)."**

B. The Natural Resources Report completed by the Champaign County Soil and Water Conservation District and received July 8, 2015 indicates no concerns with soils, cultural, plant, or animal resources.

C. Regarding surface drainage:

(1) The subject property is located in the Saline Branch Drainage District.

(2) Drainage from the subject property travels off the site to the North, South, and West.

D. The subject property can be accessed by a private drive via O'Brien Drive east of Cunningham Avenue/US 45 North. Regarding the general traffic conditions at this location and the level of existing traffic:

(1) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). There is no ADT data for the area east of Cunningham Avenue/US 45 North.

(2) The Township Highway Commissioner has been notified of this case, but no comments have been received.

(3) The private access drive on the property is a one-lane hard packed surface covered in gravel. There is a circle drive near the main residence which is within short walking distance of the East Barn.

E. Regarding fire protection on the subject property, the subject property is located within the Carroll Fire Protection District. The FPD Chief has been notified of this case but no comments have been received.

F. No part of the subject property is located within the mapped floodplain.

G. Regarding outdoor lighting on the subject property:

(1) There is no outdoor lighting shown on the Site Plan received June 22, 2015.

(2) Visual inspection of the East Barn and its immediate outdoor area indicates several rustic floodlights with low wattage fluorescent bulbs mounted on the walls and rafters. They are plugged directly into electrical outlets which are also mounted on the walls and rafters. There are also decorative string lights in the trees and on the barn walls which are plugged directly into outlets.

(3) The lights do not appear to be cutoff in design. However, the amount of light capable of coming from these lamps is minimal and staff does not consider them to be a source of light glare or trespass for neighboring properties.

H. Regarding wastewater treatment and disposal on the subject property:

(1) For special events, there are two portable restrooms located outside the East Barn. The Petitioner has them sanitized after events. No analysis has been completed to determine if two restrooms are sufficient for demand at the events.

I. Regarding life safety considerations related to the proposed Special Use:

(1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:

a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.

b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.

c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional

designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.

d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.

e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.

f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth $50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.

g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.

h. The certification by an Illinois licensed architect that is required for all construction projects worth $50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.

i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.

j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

(2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:

a. The 2006 or later editions of the following codes developed by the International Code Council:

i. International Building Code;

ii. International Existing Building Code; and

iii. International Property Maintenance Code

b. The 2008 of later edition of the National Electrical Code NFPA 70.

c. The buildings in question are existing, older structures.

(3) In a phone conversation with staff on June 2, 2015, the Petitioner indicated the following:

a. The barn doors are open for every event, no exceptions;

b. There are four fire extinguishers in the East Barn that are checked yearly.

c. "No Smoking" and "Fire Exit" signs are posted in numerous locations in the East Barn.

d. The Fire Protection District has been to the site (date unknown) and they provided no comments.

e. No parties can use the nearby docks or lakes.

J. Regarding noise impacts from music and voices during events to the surrounding residential areas:

(a) Petitioner Loretta Dessen called Champaign County Planner JR Knight on Monday, April 14, 2008, and said that a Sheriff's Deputy had been at the Dessen property the previous weekend (presumably on Saturday, April 12, 2008) responding to a complaint about screaming coming from the Dessen property. The Deputy advised Mrs. Dessen to contact the Planning and Zoning Department to ask about any required permits.

(b) The only noise complaint on record with the Zoning Department was for music being too loud at a barn dance on November 10, 2000 at about 10:20 pm. The resident lived on George Street (the first street north of the subject property). They complained that the music could be heard inside their residence such that it kept their child up 3-4 nights a week.

(c) Staff requested a record search for noise complaints for the subject property on November 2, 2015. The Champaign County Sheriff's Office shows 56 noise complaints from January 2006 to present.

(1) There was a peak in complaints in 2013 and 2014, with 11 in each year. So far in 2015, there have been only 5 complaints. The dates, times, and origins of the complaints were not provided.

(d) When asked about the noise levels at the parties in a phone call with Susan Chavarria on June 1, 2015, Mrs. Dessen stated that they turn the music down at 10:30 pm and that the parties always shut down between 11:30 and midnight.

(e) A special condition has been proposed that the Petitioner turn down the music at 10:00 p.m. in conformance with Champaign County Nuisance Ordinance Section 3.2F.5.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:

A. The Petitioner has testified on the application: **"Yes, we have been hosting events since 1992."**

B. Regarding compliance with the *Zoning Ordinance*:

(1) Section 5.2 authorizes a "Private Indoor Recreational Development" as a Special Use only in the AG-2, R-3, and R-4 Zoning Districts, and by-right in the B-2, B-3 and B-4 Zoning Districts.

(2) An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts.

(3) Regarding the requirement that the proposed Special Use be separated by 200 feet from the nearest residential use:

a. The barn that has been used for special events has been on the property for many years, and conforms to Zoning Ordinance yard and setback requirements except when used as an events center.

b. The barn that holds outdoor events is 0 feet from the neighboring residential property lines to north and south, which is the reason for requesting Part B of the Special Use.

(4) All existing and proposed structures meet setback and front, side and rear yard requirements.

(5) Regarding parking on the subject property:

a. Paragraph 7.4.1 C.1.e. requires one parking space for every 200 square feet of floor area or portion thereof.

b. The East Barn is approximately 2,277 square feet, which would require 12 parking spaces.

c. The Petitioner indicated on the application that most parties are dropped off and picked up by private bus, so there are generally few personal vehicles at events.

d. The property has a private drive running through it that could accommodate significantly more than the 12 required parking spaces.

e. There are no marked handicap accessible parking spaces on the property. The Petitioner spoke with Doug Gamble, Accessibility Specialist with the

Illinois Capital Development Board; the petitioner indicated that Mr. Gamble had no comments.

C. Regarding compliance with the *Stormwater Management Policy*:
(1) The Petitioner plans no new construction so no land will be disturbed that would require a Stormwater Management Plan.

D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.

E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction and the subject property is in compliance.

F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
(1) A Private Indoor Recreational Development may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.

(2) An Outdoor Commercial Recreational Enterprise may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.

(3) The proposed use will not hinder agricultural production.

(4) The property's buildings and setting have been the same for decades.

(5) The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.

(6) There will be no significant drainage impacts because the proposed Special Use will comply with the *Stormwater Management Policy*.

(7) Noise impacts from music and voices during events to the surrounding residential areas were reviewed in item 8.J. and to minimize the noise impacts a special condition has been proposed that the Petitioner turn down the music at 10:00 p.m. in conformance with Champaign County Nuisance Ordinance Section 3.2F.5.

G. Currently, the subject property is zoned R-4 Multi-Family Residential and the Petitioner has requested to rezone the property to AG-2 Agriculture in related Case 817-AM-15. Regarding whether or not the proposed Special Use will preserve the essential Character of the surrounding Zoning Districts:
(1) As reviewed in Case 817-AM-15, a Private Indoor Recreational Development/ Outdoor Commercial Recreational Enterprise is only authorized as a Special Use in the AG-2 District and not the R-4 District. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent uses.

*(2) Land on the north, south, east, and west of the subject property is zoned and is in use as follows:

*a. Land to the north is zoned R-5 Manufactured Home Park, and is residential in use.

*b. Land to the east is zoned R-5 Manufactured Home Park, and is in agricultural production.

*c. Land to the south is zoned R-5 Manufactured Home Park and is residential in use.

*d. Land southwest of the subject property is within the City of Urbana corporate limits. It is zoned B-3 General Business and is currently a vacant lot that formerly housed a hotel and conference facility.

*e. Land northwest of the subject property is another Dessen property which is County zoned B-4 General Business. It is in use as a private events and outdoor recreation facility, which is allowed-by right in the B-4 District.

(3) Section 5.2 authorizes an "Outdoor Commercial Recreational Enterprise" as a Special Use in the CR and AG-2 Zoning Districts, by-right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts, and not at all in the AG-1, all Residential, B-1, and B-2 Zoning Districts.

a. Outdoor events for the proposed special use would not be allowed in R-5 Zoning, which surrounds the subject property on the north, southeast, and east sides. Outdoor events would be allowed to the west and southwest, which allow this special use by-right with the B-4 and B-3 zoning in those areas.

(4) Regarding Part B of the proposed Special Use, that the Outdoor Commercial Recreational Enterprise be separated by 200 feet from the nearest residential use:

a. The barn that has been used for special events has been on the property for many years, and conforms to Zoning Ordinance yard and setback requirements except when used as an events center.

b. The barn that holds outdoor events is 0 feet from the neighboring residential property line to the north and south; the adjacent properties are Manufactured Home Parks.

c. No comments have been received from neighbors regarding Cases 808-S-15 and 817-AM-15.

d. Noise impacts from music and voices during events may be disruptive to surrounding residential areas.

(a) Petitioner Loretta Dessen called Champaign County Planner JR Knight on Monday, April 14, 2008, and said that a Sheriff's Deputy had been at the Dessen property the previous weekend (presumably on Saturday, April 12, 2008) responding to a complaint about screaming coming from the Dessen property. The Deputy advised

Mrs. Dessen to contact the Planning and Zoning Department to ask about any required permits.

(b) The only noise complaint on record with the Zoning Department was for music being too loud at a barn dance on November 10, 2000 at about 10:20 pm. The resident lived on George Street (the first street north of the subject property). They complained that the music could be heard inside their residence such that it kept their child up 3-4 nights a week.

(c) Staff requested a record search for noise complaints for the subject property on November 2, 2015. The Champaign County Sheriff's Office shows 56 noise complaints from January 2006 to present.
(1) There was a peak in complaints in 2013 and 2014, with 11 in each year. So far in 2015, there have been only 5 complaints. The dates, times, and origins of the complaints were not provided.

(d) When asked about the noise levels at the parties in a phone call with Susan Chavarria on June 1, 2015, Mrs. Dessen stated that they turn the music down at 10:30 pm and that the parties always shut down between 11:30 and midnight.

(e) A special condition has been proposed that the Petitioner turn down the music at 10:00 p.m. in conformance with Champaign County Nuisance Ordinance Section 3.2F.5.

H. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been ensured.
(1) The Petitioner indicated that she reserves a handicap accessible portable restroom if the party requests one in advance.

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

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

(2) An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts.

(3) Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:

a. Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

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

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

B. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

(1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

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

(2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:

(a) The existing home on the subject property has been used as a single-family home since the 1950s. The petitioner has held events on the property since 1992. The special use permit for the proposed Event Center should have no effect on property value.

(b) It is not clear whether or not the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general. An event center is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and an event center. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties there should be no significant effect on the value of nearby properties.

(c) In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. If the Special Use Permit is denied, the property could continue to be used as a single family residence and indoor events could be held in the east barn.

(d) Noise impacts from music and voices during events to the surrounding residential areas were reviewed in item 8.J. and to minimize the noise impacts a special condition has been proposed that the Petitioner turn down the music at 10:00 p.m. in conformance with Champaign County Nuisance Ordinance Section 3.2F.5.

(3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:

The proposed Special Use seems unlikely to create any significant traffic impacts but no Traffic Impact Assessment has been made.

(4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

No construction is proposed for the subject property that triggers the need for stormwater management.

(5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.

a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

b. Noise impacts from music and voices during events to the surrounding residential areas were reviewed in item 8.J. and to minimize the noise impacts a special condition has been proposed that the Petitioner turn down the music at 10:00 p.m. in conformance with Champaign County Nuisance Ordinance Section 3.2F.5.

(6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

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

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

(8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed Special Use will not remodel or alter existing structures.

(9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

a. The property has had residential zoning since 1993.

b. The property is not located on best prime farmland.

c. The proposed use will not remove any land from agricultural production.

(10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property has three ponds and newer growth wooded areas. The petitioner maintains this rural, wooded environment and clients seek this same environment for their special events.

(11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed use will not require the development of public utilities or transportation facilities.

(12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

a. The property has had residential zoning since 1993.

b. The property is not located on best prime farmland.

c. The proposed use will not remove any land from agricultural production.

(13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:

A. The Petitioner has testified on the application: **N/A**

B. The existing use on the property is not a nonconforming use.

GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS

12. Regarding the necessary waivers of standard conditions:

A. Regarding the waiver (variance) for a separation distance of 0 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:

(1) The nearest residential use is a Manufactured Home Park to the south, with no distance between property lines; the distance between the special events barn and the nearest manufactured home is approximately 60 feet.

(2) Regarding noise impacts from music and voices during events to the surrounding residential areas:

a. Separation distance is the best way to minimize nuisance noise between properties but it is not clear how much noise reduction there could be from the minimum required 200 feet separation.

b. Petitioner Mrs. Loretta Dessen called Champaign County Planner JR Knight on Monday, April 14, 2008, and said that a Sheriff's Deputy had been at the Dessen property the previous weekend (presumably on Saturday, April 12, 2008) responding to a complaint about screaming coming from the Dessen property. The Deputy advised Mrs. Dessen to contact the Planning and Zoning Department to ask about any required permits.

c. The only noise complaint on record with the Zoning Department was for music being too loud at a barn dance on November 10, 2000 at about 10:20 pm. The resident lived on George Street (the first street north of the subject property). They complained that the music could be heard inside their residence such that it kept their child up 3-4 nights a week.

d. When asked about the noise levels at the parties in a phone call with Susan Chavarria on June 1, 2015, Mrs. Dessen stated that they turn the music down at 10:30 pm and that the parties always shut down between 11:30 and midnight.

e. A special condition has been proposed that the Petitioner turn down the music at 10:00 p.m. in conformance with Champaign County Nuisance Ordinance Section 3.2F.5.

RELATED TO THE WAIVER (VARIANCE), GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

13. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:

A. Regarding the waiver (variance) for a separation distance of 0 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:

(1) The barn being used for special events was constructed in the mid-1970s and the petitioner began to hold private events there in approximately 1992.

(2) The Manufactured Home Parks to the south were also constructed in the 1970s, but the first Manufactured Homes to be constructed within 200 feet of the Petitioner's property line were constructed after 2005, according to Champaign County aerial photography.

(3) In 2014, the Petitioner constructed an 8 feet tall privacy fence along the entirety of the southern property line.

(4) The separation distance between the special use and the nearest residential DISTRICT or USE is measured from property line to property line.

a. There is no separation between the subject property and the residential use to the north.

b. The barn being used for special events is approximately 575 feet from the north property line and over 800 feet from the nearest home north of the property.

RELATED TO THE WAIVER (VARIANCE), GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

14. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:

A. Regarding the waiver (variance) for a separation distance of 0 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:

(1) The barn used for special events has been in place for many years; given the terrain and ponds on the property, there is no other place to hold the larger events that only this barn can hold.

(2) At the July 30, 2015 ZBA Public Hearing, the Petitioner's son, Jon Dessen, testified that during the last year and one-half they have invested a substantial amount of money, the sum of $16,000^+$, in placing fencing between the south part of the property and the existing trailer park. He said that one of the reasons for the fencing was to keep the residents and younger children off of Ms. Dessen's property as well as keeping their guests out of the trailer park's property. He said that the fence is cedar fencing that spans all of the way from the west side of the property to the east side of the property and is eight feet tall.

RELATED TO THE WAIVER (VARIANCE), GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

15. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:

A. Regarding the waiver (variance) for a separation distance of 0 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:

(1) The Petitioner has stated they were not aware that their holding private special events was a Zoning violation for their Zoning District.

(2) The barn being used for special events was constructed in the mid-1970s and the petitioner began to hold private events there in approximately 1992.

(3) The Manufactured Home Parks to the south were also constructed in the

1970s, but the first Manufactured Homes to be constructed within 200 feet of the Petitioner's property line were constructed after 2005, according to Champaign County aerial photography.

GENERALLY PERTAINING TO WHETHER OR NOT THE WAIVER (VARIANCE) IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

16. Regarding the *Zoning Ordinance* requirement that the waivers (variances) of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
    A. Regarding the waiver (variance) for a separation distance of 0 feet in lieu of the required 200 feet between any Outdoor Commercial Recreational Enterprise and any adjacent residential structure and/or use:
        (1) The requested variance is 0% of the minimum required, for a variance of 100%.

        (2) The Zoning Ordinance does not clearly state the considerations that underlie the 200 foot separation distance. Presumably the requirement is intended to provide physical separation and noise attenuation.

        (3) Forested areas of varying densities border the subject property. The Petitioner seeks to maintain and protect these newer-growth wooded areas.

        (4) In 2014, the Petitioner constructed an 8 feet tall privacy fence along the entirety of the southern property line.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED WAIVER (VARIANCE) ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

17. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
    A. The Township Road Commissioner has received notice of the proposed waiver (variance) and no comments have been received.

    B. The Fire Protection District has been notified of the proposed waiver (variance) and no comments have been received.

    C. Regarding noise impacts from music and voices during events to the surrounding residential areas:
        (a) Petitioner Loretta Dessen called Champaign County Planner JR Knight on Monday, April 14, 2008, and said that a Sheriff's Deputy had been at the Dessen property the previous weekend (presumably on Saturday, April 12, 2008) responding to a complaint about screaming coming from the Dessen property. The Deputy advised Mrs. Dessen to contact the Planning and Zoning Department to ask about any required permits.

        (b) The only noise complaint on record with the Zoning Department was for music being too loud at a barn dance on November 10, 2000 at about 10:20 pm. The resident lived on George Street (the first street north of the subject property). They

complained that the music could be heard inside their residence such that it kept their child up 3-4 nights a week.

(c) Staff requested a record search for noise complaints for the subject property on November 2, 2015. The Champaign County Sheriff's Office shows 56 noise complaints from January 2006 to present.

(1) There was a peak in complaints in 2013 and 2014, with 11 in each year. So far in 2015, there have been only 5 complaints. The dates, times, and origins of the complaints were not provided.

(d) When asked about the noise levels at the parties in a phone call with Susan Chavarria on June 1, 2015, Mrs. Dessen stated that they turn the music down at 10:30 pm and that the parties always shut down between 11:30 and midnight.

(e) A special condition has been proposed that the Petitioner turn down the music at 10:00 p.m. in conformance with Champaign County Nuisance Ordinance Section 3.2F.5.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

18. Regarding proposed special conditions of approval:

A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" until the petitioner has submitted written documentation from Doug Gamble at the Illinois Capital Development Board that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

B. **The only two principal uses authorized by Case 808-S-15 are a Single Family Residence and use of the East Barn as a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise".**

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

That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

C. **The Special Use Permit shall expire when the current resident Loretta Dessen no longer resides on the property.**

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

That life safety concerns and public welfare are adequately considered in management of the proposed Special Use.

D. **Music playing at events must be turned off by 10:00 p.m.**

The special condition stated above is necessary to ensure the following:
That events held on the subject property adequately consider prior noise complaints and current neighbors.

~~**E. No outdoor activities can be held at events other than use of the portable restrooms on the east parcel.**~~

~~The special condition stated above is necessary to ensure the following:~~
~~**That events at the Private Indoor Recreational Facility on the east parcel suit the purpose and intent of allowing the proposed Special Use provided uniquely through this land use classification.**~~

~~**F. Prior to the spring of 2016, the Petitioner shall install <*ZBA determines height and type*> fencing to keep activities in the West Barn from spilling onto the east Parcel, and also to keep East Barn activities from spreading onto areas adjacent to the lakes.**~~

~~The special condition stated above is necessary to ensure the following:~~
~~**That events and activities will not extend to areas adjacent to the lakes, which can pose a health and safety concern for event attendees.**~~

E. **The Petitioner shall bi-annually provide a Certificate of Insurance to the Zoning Administrator issued by an insurance carrier authorized to do business in the State of Illinois for general liability insurance coverage limits, with minimum acceptable coverage for bodily injury of $1,000,000 per occurrence and $2,000,000 per aggregate.**

The special condition stated above is necessary to ensure the following:
That the property owner is in compliance with the Illinois Liquor Control Act (235 ILCS 5/6-21).

F. **The Petitioner will not allow visitors into the water or onto the docks on the subject property.**

The special condition stated above is necessary to ensure the following:
That safety continues to be proactively managed for all visitors.

G. **After 10 PM guests' use of the grounds should be limited to only the area within the immediate vicinity of the East Barn.**

The special condition stated above is necessary to ensure the following:
That noise disruptive to nearby residents and safety hazards with the nearby lakes are minimized.

DOCUMENTS OF RECORD

1. Special Use Permit application received June 22, 2015, with attachments:
   - A Site Plan comprised of East Barn floor plan
   - B Warranty Deed

2. Map Amendment application received October 6, 2015.

3. Natural Resources Report by the Champaign County Soil and Water Conservation District, received July 8, 2015

4. Preliminary Memorandum for Case 808-S-15 dated July 23, 2015, with attachments:
   - A Case Maps (Location, Land Use, Zoning)
   - B Site Plan received June 22, 2015
   - C Annotated Site Plan dated July 23, 2015
   - D Site Images taken July 2, 2015
   - E Natural Resources Report by the Champaign County Soil and Water Conservation District, received July 8, 2015
   - F Draft Summary of Evidence dated July 23, 2015

5. Supplemental Memorandum #1 dated July 30, 2015

6. Supplemental Memorandum #2 for Case 808-S-15 (Revised) and Case 817-AM-15 (new), with attachments:
   - A Case Maps (Location, Land Use, Zoning)
   - B LRMP Land Use Goals, Objectives, and Policies
   - C LRMP Appendix of Defined Terms
   - D Annotated Site Plan dated July 23, 2015
   - E Site Images taken July 2, 2015
   - F Copy of Right to Farm Resolution 3425
   - G Approved Minutes from July 29, 2015 ZBA meeting for Case 808-S-15
   - H Summary of Evidence, Finding of Fact, and Final Determination for Case 817-AM-15
   - I Summary of Evidence, Finding of Fact, and Final Determination for Case 808-S-15

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **808-S-15** held on **July 30, 2015** and **November 12, 2015,** the Zoning Board of Appeals of Champaign County finds that:

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

2. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL NOT / WILL}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
   a. The street has ***{ADEQUATE / INADEQUATE}*** traffic capacity and the entrance location has ***{ADEQUATE / INADEQUATE}*** visibility.
   b. Emergency services availability is ***{ADEQUATE / INADEQUATE} {because*}***:
   c. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses ***{because*}***:
   d. Surface and subsurface drainage will be ***{ADEQUATE / INADEQUATE} {because*}:***
   e. Public safety will be ***{ADEQUATE / INADEQUATE} {because*}***:
   f. The provisions for parking will be ***{ADEQUATE / INADEQUATE} {because*}***:

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

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

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

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

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

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

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

d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.

5. The requested Special Use ***{IS/ IS NOT}*** an existing nonconforming use and the requested Special Use Permit ***{WILL/ WILL NOT}*** make the existing use more compatible with its surroundings ***{because:*}***

6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" until the petitioner has submitted written documentation from Doug Gamble at the Illinois Capital Development Board that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

B. **The only two principal uses authorized by Case 808-S-15 are a Single Family Residence and use of the East Barn as a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise".**

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

That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

C. The Special Use Permit shall expire when the current resident Loretta Dessen no longer resides on the property.

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

That life safety concerns and public welfare are adequately considered in management of the proposed Special Use.

D. Music playing at events must be turned off by 10:00 p.m.

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

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

~~E. No outdoor activities can be held at events other than use of the portable restrooms on the east parcel.~~

~~The special condition stated above is necessary to ensure the following:~~
~~That events at the Private Indoor Recreational Facility on the east parcel suit the purpose and intent of allowing the proposed Special Use provided uniquely through this land use classification.~~

~~F. Prior to the spring of 2016, the Petitioner shall install <*ZBA determines height and type*> fencing to keep activities in the West Barn from spilling onto the east Parcel, and also to keep East Barn activities from spreading onto areas adjacent to the lakes.~~

~~The special condition stated above is necessary to ensure the following:~~
~~That events and activities will not extend to areas adjacent to the lakes, which can pose a health and safety concern for event attendees.~~

E. The Petitioner shall bi-annually provide a Certificate of Insurance to the Zoning Administrator issued by an insurance carrier authorized to do business in the State of Illinois for general liability insurance coverage limits, with minimum acceptable coverage for bodily injury of $1,000,000 per occurrence and $2,000,000 per aggregate.

The special condition stated above is necessary to ensure the following:
That the property owner is in compliance with the Illinois Liquor Control Act (235 ILCS 5/6-21).

F. The Petitioner will not allow visitors into the water or onto the docks on the subject property.

The special condition stated above is necessary to ensure the following:
That safety continues to be proactively managed for all visitors.

G. After 10 PM guests' use of the grounds should be limited to only the area within the immediate vicinity of the East Barn.

The special condition stated above is necessary to ensure the following:
That noise disruptive to nearby residents and safety hazards with the nearby lakes are minimized.

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

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval ***{HAVE/ HAVE NOT}*** been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **808-S-15** is hereby ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED }*** to the applicant **Loretta Dessen d.b.a. Farm Lake, Inc.,** to authorize the following as a Special Use on land that is to be rezoned to the AG-2 Agriculture Zoning District from the current R-4 Multi Family Residential Zoning District in related Zoning Case 817-AM-15:

Authorize a Special Use Permit for a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" to allow existing and ongoing use of an existing barn as a rentable venue for entertainment and recreation.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise" until the petitioner has submitted written documentation from Doug Gamble at the Illinois Capital Development Board that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

B. **The only two principal uses authorized by Case 808-S-15 are a Single Family Residence and use of the East Barn as a combination "Private Indoor Recreational Development" and "Outdoor Commercial Recreational Enterprise".**

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

That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

C. **The Special Use Permit shall expire when the current resident Loretta Dessen no longer resides on the property.**

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

That life safety concerns and public welfare are adequately considered in management of the proposed Special Use.

D. **Music playing at events must be turned off by 10:00 p.m.**

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

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

~~E. No outdoor activities can be held at events other than use of the portable restrooms on the east parcel.~~

~~The special condition stated above is necessary to ensure the following:~~
~~That events at the Private Indoor Recreational Facility on the east parcel suit the purpose and intent of allowing the proposed Special Use provided uniquely through this land use classification.~~

~~F. Prior to the spring of 2016, the Petitioner shall install <ZBA determines height and type> fencing to keep activities in the West Barn from spilling onto the east Parcel, and also to keep East Barn activities from spreading onto areas adjacent to the lakes.~~

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E. The Petitioner shall bi-annually provide a Certificate of Insurance to the Zoning Administrator issued by an insurance carrier authorized to do business in the State of Illinois for general liability insurance coverage limits, with minimum acceptable coverage for bodily injury of $1,000,000 per occurrence and $2,000,000 per aggregate.

The special condition stated above is necessary to ensure the following:
That the property owner is in compliance with the Illinois Liquor Control Act (235 ILCS 5/6-21).

F. The Petitioner will not allow visitors into the water or onto the docks on the subject property.

The special condition stated above is necessary to ensure the following:
That safety continues to be proactively managed for all visitors.

G. After 10 PM guests' use of the grounds should be limited to only the area within the immediate vicinity of the East Barn.

The special condition stated above is necessary to ensure the following:
That noise disruptive to nearby residents and safety hazards with the nearby lakes are minimized.

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

SIGNED: ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

Annotated Site Plan: Dessen Properties

Case 808-S-15
July 30, 2015