

# CASE NO. 707-S-12

## SUPPLEMENTAL MEMORANDUM

September 13, 2012

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708

Petitioners: **Daniel Williams and Fran Williams**

Site Area: **5.2 acres**

Time Schedule for Development:  
**Currently in Operation**

Prepared by: **Andy Kass**  
Associate Planner

**John Hall**  
Zoning Administrator

Request: **Authorize the use of an existing Paintball Facility as an "Outdoor Commercial Recreational Enterprise" as a Special Use on 5.2 acres that is part of a 35 acre tract in the CR Conservation-Recreation Zoning District.**

Location: **A 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.**

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### *STATUS*

This case was continued from the May 17, 2012, public hearing. A revised Summary of Evidence, Finding of Fact, and Final Determination is attached. Two special conditions are also proposed and are included below.

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### **PROPOSED SPECIAL CONDITION**

- A. All obstacles used in the play of paintball shall be removed from the property if the business ceases operations for longer than 180 consecutive days unless the business is being actively marketed for sale.**

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

**That the subject property is properly maintained and does not become a nuisance.**

- B. This Special Use Permit shall be void if the business has ceased operations for 12 consecutive months without the business being actively marketed for sale.**

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

**That the subject property is properly maintained and does not become a nuisance.**

### **ATTACHMENTS**

- A Revised Summary of Evidence, Finding of Fact, and Final Determination**

**REVISED DRAFT**

**707-S-12**

**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: ~~May 17, 2012~~ September 13, 2012

Petitioners: Daniel Williams and Fran Williams

Request: Authorize the following on land in the CR Conservation-Recreation Zoning District

Authorize the use of an existing Paintball Facility as an “Outdoor Commercial Recreational Enterprise” as a Special Use on 5.2 acres that is part of a 35 acre tract

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 17, 2012, and September 13, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Daniel Williams, 2453 CR 600E, Dewey, owns and operates the existing paintball business "Firemark Paintball" on the subject property which is owned by Fran Williams, mother of the Petitioner who resides on the property.
2. The subject property is 5.2 acres which is part of a 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, they do receive notice of such cases and they are invited to comment.

**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 and the larger property on which it is located is currently zoned CR Conservation-Recreation. The rest of the property is in use as a residential property with some of the subject property used for agricultural production.
  - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
    - (1) Land on the north is zoned CR Conservation Recreation and is in agricultural production.
    - (2) Land on the south is zoned CR Conservation-Recreation and is in agricultural production.
    - (3) Land east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
    - (4) Land west of the subject property is zoned CR Conservation-Recreation and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding site plan and operations of the Paintball Facility:
- A. The site plan received February 8, 2012, and revised on August 13, 2012, indicates the following:
- (1) Five playing fields for paintball games located in the northwest corner of the property. Four of the game fields are in the wooded area of the property and one game field is in the non-wooded area. There are various obstacles placed throughout the playing fields for patrons to hide behind while the game is in play. The obstacles include large wooded or plastic spools, plastic barrels, plastic tubes, and pallets. There are also equipment storage structures including a 10' × 12' shed, semi-trailer, and mobile home. ~~The total area apparently occupied by the game fields and equipment storage cannot be accurately determined because there are missing dimensions and the drawing is not to scale nor is it even proportionately accurate.~~
  - (2) An ~~85' × 105'~~ 85' × 132' parking area located on the east side of the property and approximately ~~800~~ 961 feet away from the game fields. The entrance to the parking area is located off of CR 600E and is directly north of the parking area.
  - (3) Signage on the property directs customers to walk down a farm lane to get to the playing fields.
  - ~~(4) No structures on the east side of the property are part of the proposed Special Use.~~
  - (4) Areas not associated with Firemark Paintball located south of the proposed special use on the same property.
  - ~~(5) The site plan does not clearly indicate the area of the proposed Special Use Permit.~~
  - (5) A 200' × 30' overflow parking and loading berth area located on the east side of the subject property.
  - (6) An area of open space located in between paintball fields 2, 3, 4, and 5.
  - (7) A staging area.
  - (8) An accessible parking space.
  - (9) A hay field located east of the paintball fields.
- B. Information regarding the operations of Firemark Paintball is provided on their website ([www.firemarkpaintball.com](http://www.firemarkpaintball.com)) and by the Petitioner and is summarized as follows:

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- (1) Firemark Paintball has been in operation since 2002.
- (2) A Release of Liability Agreement is available on the website prior to visiting Firemark Paintball. The waiver is required to play each time a player visits Firemark Paintball.
- (3) Days and hour of operation are Monday, Wednesday, Friday, Saturday, and Sunday. Each day of operation games occur between 10:00 a.m. through 2:00 p.m. and 2:00 p.m. through 6:00 p.m.
- (4) Safety rules for the park are available and can be summarized as follows:
  - (a) Safety goggles must be worn at all times.
  - (b) No shooting at the head/neck, wildlife, and no blind shooting.
  - (c) No shooting into or out of staging area, neutral zones, or parking areas.
  - (d) No climbing of trees or structures.
  - (e) No physical or verbal abuse.
  - (f) No unauthorized equipment.
  - (g) No alcohol, drugs, or smoking.
- (5) Dan Williams (one of the Petitioners) is the only employee. There are volunteers who assist with refereeing games on the weekends. Typically there are two referees who help on the weekends.

C. On August 13, 2012, the petitioner submitted a document titled "Firemark Paintball Orientation" which covers safety and rules of the game. The game rules and safety rules are presented to all patrons of Firemark Paintball and can be summarized as follows:

- (1) Goggles must be work at all times in goggle required areas.
- (2) Paintball gun barrel covers must be in place before leaving the playing field.
- (3) All personally owned guns must shoot below 300 fps and be semi-automatic.
- (4) Games last 10 minutes
- (5) If a paintball hits or breaks on a player the player is out.

- (6) Players must remain within the designated boundary lines
- (7) Climbing of tress, shooting blindly, and shooting wildlife is prohibited.
- (8) No smoking, alcohol, or foul language.
- (9) All referee decisions are final.
- D. At the May 17, 2012, public hearing Dan Williams, petitioner, testified and is summarized as follows:
  - (1) Reservations are required to play at the park.
  - (2) He does have liability insurance for the business.
- E. On August 8, 2012, Dan Williams, petitioner, indicated the following to Planning and Zoning Staff:
  - (1) T-posts will be used to secure obstacles to the ground to prevent them from floating away in a flood event.
  - (2) A rope will be used to delineate the property boundaries.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

- 6. Regarding authorization for an Outdoor Commercial Recreational Enterprise as a Special Use in the CR Conservation-Recreation Zoning District in the *Zoning Ordinance*:
  - A. Section 5.2 authorizes Outdoor Commercial Recreational Enterprise as a Special Use in the CR and AG-2 Zoning District.
  - B. 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.

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- (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 establishes standard conditions for an Outdoor Commercial Recreational Enterprise as follows:
- (a) A minimum lot size of 1 acre.
  - (b) Not permitted within 200' of an R DISTRICT or residential or INSTITUTIONAL USE.
- C. 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 with 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) "SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
  - (5) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
  - (6) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
  - (7) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground

upward except as may be specifically provided by the regulations and standards herein.

- (8) "YARD, FRONT" is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- (9) "YARD, REAR" is a YARD A YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (10) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.

D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:

- (1) That the Special Use is necessary for the public convenience at that location;
- ~~(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;~~
- (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.



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- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
    - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
    - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
  - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
    - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
    - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
    - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Currently there are no other Paintball Field locations within the Champaign County area. Without Firemark Paintball, players have to travel to Danville, Bloomington, Mattoon, or Joliet. With gas prices rising, the short distance [fifteen miles from Champaign-Urbana] to get to Firemark Paintball will help players decrease expenses. Furthermore, with a top notch facility, players from other counties will come to Firemark Paintball bringing income to Champaign County.”**
  - B. The proposed Special Use has been in operation since 2002. Planning and Zoning Staff has been collecting information regarding the existing paintball business on the subject property since 2005.
  - C. At the May 17, 2012, public hearing Daniel Williams, petitioner, testified, and is summarized as follows:
    - (1) He has seen kid’s lives change after they play paintball because a young man indicated that he played at the facility last year and loved it so much that he purchased his own equipment and he plans to return again this year.
    - (2) He has had a day camp operated in conjunction with the YMCA in the past that teaches kids how to play paintball and the camp this year will be a five day long event.

**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 playing area is well separated from housing of surrounding areas yet close to several cities. Currently, Firemark Paintball has been in operation for the past ten years with no major injuries. The area in use is in the wooded corner of a 40 acre farm. The wooded area is not suitable for grain farming and is a poor grazing option. Although near a creek, it is well out of the flood area evidenced by the owner whose family has owned this land for over 100 years. All paint used is bio-degradable and field materials are mostly recyclable. Abuse of wildlife and animals is forbidden. No alcohol, drugs, or smoking are allowed. Player parking is adequate for current expected customers.”**

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- B. Regarding surface drainage:
- (1) The subject property drains south and west to the stream that runs through the subject property.
  - (2) The proposed Special Use is exempt from the Stormwater Management Policy because it does not exceed 1 acre of impervious area.
- C. The subject property is accessed from CR 600E on the west side of the property. Regarding the general traffic conditions on CR 600E at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The Illinois Department of Transportation (IDOT) measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The AADT of CR 600E is indicated as 750 AADT.
  - (2) CR 600E is a Minor Street as indicated in the Champaign County Zoning Ordinance.
  - (3) Pavement width in front of the subject property is approximately 20 feet.
  - (4) The Township Road Commissioner has received notice of the case.
  - (5) Regarding the proposed special use and the anticipated traffic impacts:
    - (a) The proposed Special Use will generate a small amount of traffic that should not create any problems on CR 600E.
- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Cornbelt Fire Protection District and is located approximately 6.5 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- E. Portions of the subject property are located in Zone A of the mapped floodplain according to the Flood Insurance Rate Map of Champaign County, Panel 100. A majority of the area which the proposed special use occupies is within the mapped floodplain as follows:
- (1) The elevations received on February 7, 2012, from Vegrzyn, Sarver and Associates indicates that the semi trailer, manufactured home, and storage shed are above the Base Flood Elevation (BFE) of 695.6 for Summerfield North Subdivision.
  - (2) The Petitioner has indicated that the obstacles in the paintball fields are secured to the ground or to trees in an effort to prevent them from being swept away by floodwaters.

- (3) A special condition has been proposed to ensure that obstacles are secured to the ground to prevent floating away in the event of a flood.
- F. Regarding outdoor lighting on the subject property:
- (1) No outdoor lighting has been indicated on the site plan.
  - (2) On May 10, 2012, Planning and Zoning Staff conducted a site visit to the subject property. During this visit the Petitioner indicated that solar powered lighting is used at times when daylight is shorter.
  - (3) At the May 17, 2012, public hearing Daniel Williams, petitioner testified that they are looking into solar powered light systems to determine if operations after dark would be feasible.
- G. Regarding wastewater treatment and disposal on the subject property:
- (1) The Petitioner provides an accessible portable toilet for patrons use. The portable toilet is serviced by Illinois Portable Toilets and is emptied once per week.
- H. Regarding solid waste disposal on the subject property:
- (1) No solid waste agency services the proposed Special Use. Solid waste disposal is conducted by the Petitioner.
- I. Regarding food sanitation and public health considerations related to the proposed Special Use:
- (1) The Petitioner has indicated that prepackaged food such as bottled water, canned soda, bottled Gatorade, chips, and candy bars will be sold to patrons at the proposed Special Use.
  - (2) In an email from Tammy Hamilton, Administrative Assistant at the Champaign-Urbana Public Health District dated January 25, 2012, to the Petitioner, indicates that no health permit is required for the sale of prepackaged foods.
- J. 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

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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.

K. Regarding accessibility requirements of the State of Illinois:

- (a) 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. ~~There is no information regarding the cost of the pole barn that is used to house the farm dinners in inclement weather, so it is unclear if that will trigger the requirements of the IEBA.~~
- (b) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (c) 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.
- (d) 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.
- (e) 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.

- (f) The Petitioner has contacted the Illinois Capital Development Board regarding accessibility and received an email from that can be summarized as follows:
  - (1) The storage shed, semi trailer, and mobile home already exist and are not required to be accessible.
  - (2) At least one portable toilet shall be accessible.
  - (3) The parking area already exists and does not need an accessible space. When the parking area is altered (new rock, etc.) one paved accessible space must be provided and accompanied by a paved route to the beginning of the paintball area.
- L. On May 10, 2012, Staff visited the subject property and noted that a single rope is used to mark the boundaries of the subject property so that trespass onto adjacent properties is prevented.
- M. The Petitioner has indicated to Staff that the proposed Special Use operates during deer hunting season and that patrons do not wear orange vests or any other hunting safety gear because it would make a player more visible to opposing players. The Petitioner has also indicated that hunting occurs on the adjacent property to the west and that the landowner has agreed to not allow hunting after 10 a.m. on the property so that safety of the patrons is not compromised.
- N. The subject property has an average Land Evaluation score of 75 and is therefore not Best Prime Farmland as defined by the Zoning Ordinance.
- O. At the May 17, 2012, public hearing, Tim Woodard, 2490 CR 550E, Dewey, testified, and his testimony is summarized as follows:
  - (1) He and his wife request denial of the special use permit because approval of the special use permit would be injurious to the district due to periodic flooding and trespassing and approval of the special use would be detrimental to the public welfare because of the lack of safety precautions.
  - (2) He has consistently had issues with trespassers from the petitioner's property even though there is a boundary.
  - (3) He has caught patrons of the petitioner's business on his property and in his deer hunting tree stand.

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- (4) His son and a friend were hunting on the Woodard property last year with a real gun and were shot by patrons of the petitioner's business with paintball guns.
  - (5) He is concerned about the petitioner's paintball debris floating down the creek during a flood event because the creek flows north and west through the petitioner's property to a neighboring property and then to his.
  - (6) Historically the paintball park has had substantial debris in the floodplain that regularly floats down to his property. A few years ago he spent an entire weekend using a tractor, truck, and trailer picking up utility company spools, pallets, and plastic barrels and returned two trailer loads to the petitioner's property.
  - (7) The most critical concern that he and his wife have is that the business currently operates during the shotgun deer season and there are no precautions taken by patrons of the paintball park other than an agreement with Carl Breedlove to not allow hunting on the Breedlove property after 10 a.m. The trespassing that occurs on the adjacent properties and the presence of hunters throughout the area during hunting season is leaving safety to chance and at worse gross negligence.
  - (8) He encouraged the Board to do some research on outdoor activity safety during hunting season and if they did they would find that the wearing of blaze orange is highly recommended.
  - (9) Many paintball operations shut down during hunting season in order to safe guard their patrons.
  - (10) Mr. Woodard indicated that an ideal scenario would be an extended fence with signage on it to delineate property boundaries so that not only is his property protected but Carl Breedlove's property would be also.
- P. At the May 17, 2012, public hearing Daniel Williams, petitioner testified, and is summarized as follows:
- (1) He has liability insurance for the facility.
  - (2) For the YMCA events kids are transported by bus to the property and the events are one day events once per month for three months with up to 30 kids, but this year he would have a five day event
  - (3) 100 people is his total capacity because it is the amount of paintball guns he has available to rent.
  - (4) There is a referee with groups at all times.

(5) The facility is busier on Saturday and Sunday although they are open on Monday and Wednesday.

Q. At the May 17, 2012, public hearing Earl Williams, landowner, testified and is summarized as follows:

(1) The area where the paintball fields are located is generally full of weeds and trees therefore he could not utilize the area as a pasture so it is a perfect place for the paintball fields.

(2) In the fall once the last hay cut has been removed the parking lot for the operation is expanded to that area therefore allowing ample area for parking.

(3) He has had debris float onto his property in flooding conditions but he just cleans it up and moves on.

(4) He does not allow hunting on the property and has posted signs indicating so, but many times those signs are taken down or shot at. He has had several tree stands placed on his property and he removes them, but nothing seems to stop the trespassing.

R. The Petitioner has indicated to Staff that the proposed Special Use operates during deer hunting season and that patrons do not wear orange vests or any other hunting safety gear because it would make a player more visible to opposing players. The Petitioner has also indicated that hunting occurs on the adjacent property to the west and that the landowner has agreed to not allow hunting after 10 a.m. on that property so that safety of the paintball patrons is not compromised.

S. On August 13, 2012, the petitioner submitted a document titled "Firemark Paintball Orientation" which covers safety and rules of the game. The game rules and safety rules are presented to all patrons of Firemark Paintball and can be summarized as follows:

(1) Goggles must be work at all times in goggle required areas.

(2) Paintball gun barrel covers must be in place before leaving the playing field.

(3) All personally owned guns must shoot below 300 fps and be semi-automatic.

(4) Games last 10 minutes

(5) If a paintball hits or breaks on a player the player is out.

(6) Players must remain within the designated boundary lines



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(7) Climbing of tress, shooting blindly, and shooting wildlife is prohibited.

(8) No smoking, alcohol, or foul language.

(9) All referee decisions are final.

N.T. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

**GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT**

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: “Yes.”
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Regarding the proposed special use:
- (a) Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning District.
- (b) Section 6.1.3 requires the following Standard Conditions:
- i.* Minimum lot area of 1 acre.
- ii.* Not permitted within 200’ of any R DISTRICT or residential or INSTITUTIONAL use.
- (c) The proposed Special Use complies with the Standard Conditions.
- (2) Section 5.3 requires a principal use to have a side yard of 15 feet and a rear yard of 25 feet.
- (a) The Petitioner did not indicate side or rear yards for the obstacles on the site plan.
- (b) Planning and Zoning Staff conducted a site visit to the subject property on May 10, 2012, and found that obstacles along the rear property line did not meet the minimum rear yard requirement. ~~If the minimum yard is not met~~

~~the Petitioner must move the obstacle or request a variance and the cases will need to be re-advertised.~~

(c) The petitioner has requested a Variance for a side yard of zero feet and a rear yard of zero feet in Case 725-V-12.

(3) Regarding parking for the proposed Special Use:

(a) Paragraph 7.4.1 A. requires the minimum size of a parking space be to 9' × 20' and total site area for both parking and maneuvering shall average to at least 300 square feet. Parking spaces shall also be a minimum of 10 feet from a front property line and a minimum of 5 feet from a side or rear property line.

(b) Paragraph 7.4.1 C.3.b.ii. requires for outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.

i. The Petitioner has indicated that peak attendance is 100 people. The required number of parking spaces for 100 people is 33 parking spaces.

(c) ~~The site plan received, February 8, 2012, August 12, 2012, indicates an 85' × 105' 85' × 132' parking area. This area is capable of accommodating 29 37 parking spaces based on an average of 300 square feet per space, which is 4 less than what is required. The overall proportions of the parking area may actually accommodate many fewer parking spaces, but there is no detailed layout of parking spaces. It is also not clear how far the parking spaces are from the front property line. There does appear to be additional space available to accommodate the remainder of the required parking spaces, but it is unclear how much additional area is need.~~

(d) There is currently no indication on the ground in the parking area that identifies how close parking should occur in proximity to CR 600E. Posts could be used to mark the minimum required 10 feet separation from the right-of-way.

(e) At the May 17, 2012, public hearing Daniel Williams, petitioner testified that there may typically be 20 vehicles in total but in the fall there may be more because they tend to have larger groups during that time. In October the hay field is gone and when larger groups of 100 or more come to play they park in the overflow parking area. Out of the ten years in business he

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has probably only had three such groups, but typically groups total 50 to 100 per day.

(f) Section 7.4.1 A.3.a. requires that no such parking space shall be located less than 10 feet from any FRONT LOT LINE.

i. The petitioner has requested a Variance authorizing parking spaces to be zero feet from the front lot line in lieu of the minimum required 10 feet in Case 725-V-12.

- C. Regarding compliance with the *Stormwater Management Policy*:
- (1) The proposed Special Use is exempt from for the requirements of the *Stormwater Management Policy*
- D. Regarding the Special Flood Hazard Areas Ordinance:
- (1) The subject property is located in Zone A of the mapped floodplain according to the Flood Insurance Rate Map of Champaign County, Panel 100. A majority of the area which the proposed special use occupies is within the mapped floodplain.
  - (2) The elevations received on February 7, 2012, from the Vegrzyn, Sarver and Associates indicates that the semi trailer, manufactured home, and storage shed are above the Base Flood Elevation (BFE) of 695.6 for Summerfield North Subdivision.
  - (3) The Petitioner has indicated to Staff that the obstacles in the paintball fields are secured to the ground or to trees in an effort to prevent them from being swept away by floodwaters.
- E. Regarding the Subdivision Regulations, the subject property is located in the Village of Mahomet subdivision jurisdiction and no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the CR Conservation-Recreation Zoning District:
- (1) An Outdoor Commercial Recreational Enterprise is authorized as a Special Use in the CR and AG-2 Zoning District.
  - (2) The proposed Special Use will not hinder agricultural production because the majority of the area for the proposed use is wooded and not suitable for row-crop production.
  - (3) The proposed Special Use has preserved the trees on the subject property.

- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
- (1) The Petitioner has contacted the Illinois Capital Development Board regarding accessibility and received an email from that can be summarized as follows:
    - (a) The storage shed, semi trailer, and mobile home are existing and not required to be accessible.
    - (b) At least one portable toilet shall be accessible.
    - (c) The parking area is existing and does not need an accessible space. When the parking area is altered (new rock, etc.) one paved accessible space must be provided and accompanied by a paved route to the beginning of the paintball area.

***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. An Outdoor Commercial Recreational Enterprise is authorized as a Special Use in the CR and AG-2 Zoning District.
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.3 of the Ordinance states the general intent of the CR District and states as follows (capitalized words are defined in the Ordinance):

The CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
    - (2) The types of uses authorized in the CR District are in fact the types of uses that have been determined to be acceptable in the CR 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.
  - C. 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.

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- (a) 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) The Petitioner has indicated to Staff that the proposed Special Use operates during deer hunting season and that patrons do not wear orange vests or any other hunting safety gear because it would make a player more visible to opposing players. The Petitioner has also indicated that hunting occurs on the adjacent property to the west and that ~~the~~ landowner has agreed to not allow hunting after 10 a.m. on ~~the~~ that property so that safety of the paintball patrons is not compromised.
- (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) It is not clear whether or not the proposed Special Use will have any impact on the value of nearby properties.
- (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 will generate a small amount of traffic that should not create any problems on CR 600E.
- (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.
- (a) The proposed Special Use is exempt from the *Stormwater Management Policy* and should have no impact on flooding.
- (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) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (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 nonconforming 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.
- (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.

The subject property is located in the CR Conservation-Recreation Zoning District and is, by definition, a rural use. The proposed use will not be taking land out of 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 does contain natural features including woodlands and a stream. The proposed Special Use has preserved the tree on subject property.

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- (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 subject property is located in the CR Conservation-Recreation Zoning District and is, by definition, a rural use.

- (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.

The subject property is located in the CR Conservation-Recreation Zoning District and is, by definition, a rural use.

**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, “**Not Applicable.**”

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

12. Regarding proposed special conditions of approval:

A. **Regarding State of Illinois accessibility requirements:**

(1) **An accessible portable toilet shall be provided;**

(2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Petitioner has provided a paved accessible parking space with appropriate markings for use by handicapped patrons.**

The special conditions stated above are required to ensure the following:

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

- B. All obstacles used in the play of paintball shall be removed from the property if the business ceases operations for longer than 180 consecutive days unless the business is being actively marketed for sale.**

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

**That the subject property is properly maintained and does not become a nuisance.**

- C. Enclosed gaming structures intended to be temporarily occupied by players shall not be larger than 150 square feet in area.**

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

**That existing and future structures are small enough in size where life safety considerations are not a concern or necessary.**

- D. Regarding structures and obstacles in the floodplain:**

**(1) Structures and obstacles used in the play of paintball shall be secured to the ground with a T-post.**

**(2) Storage of obstacles and structures not being used in the play of paintball shall not occur within the floodplain.**

The special conditions stated above are required to ensure the following:

**That effects on neighboring properties are mitigated and that storage does not occur within the mapped floodplain.**

- E. The petitioner and any future owner of Firemark Paintball shall have in place and maintain a rope to delineate the exterior boundaries of the play fields at all times.**

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

**To prevent trespass of Firemark Paintball patrons onto neighboring properties.**

- F. This Special Use Permit shall be void if the business has ceased operations for 12 consecutive months without the business being actively marketed for sale.**

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

**That the subject property is properly maintained and does not become a nuisance.**



**DOCUMENTS OF RECORD**

1. Special Use Permit Application received on February 8, 2012, with attachments:
  - A Letter of Intent
  - B Site Plan
  - C Trustees Deed
  - D Email dated January 25, 2012, from Tammy Hamilton
  - E Email dated February 2, 2012, from Doug Gamble
2. Elevation Data received February 7, 2012
3. Preliminary Memorandum for Case 707-S-12 dated May 11, 2012, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received February 8, 2012
  - C Annotated Site Plan
  - D Email dated February 2, 2012, from Douglas Gamble, Accessibility Specialist, Illinois Capital Development Board
  - E Color photos of the subject property (included separately to Board members and the Petitioner, photos are also available on the Champaign County website)
  - F Draft Summary of Evidence, Finding of Fact, and Final Determination
4. Supplemental Memorandum for Case 707-S-12 dated May 17, 2012
5. Photos submitted by Tim Woodard at the May 17, 2012, public hearing
5. Variance Application received on June 28, 2012
6. Revised Site Plan received August 13, 2012
7. Firemark Paintball Orientation (Safety and Rules of the Game) received August 13, 2012
8. Preliminary Memorandum for Case 725-V-12 dated September 7, 2012, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Revised Site Plan received August 13, 2012
  - C Draft Summary of Evidence, Finding of Fact, and Final Determination
9. Supplemental Memorandum for Case 707-S-12 dated September 7, 2012, with attachments:
  - A Revised Site Plan received August 13, 2012
  - B Firemark Paintball Safety and Rules Handout received August 13, 2012
  - C Map and Photos submitted by Tim Woodard at the May 17, 2012, public hearing
  - D Excerpt of minutes from the May 17, 2012, public hearing

10. Supplemental Memorandum for Case 707-S-12 dated September 13, 2012, with attachment:  
A Revised Summary of Evidence, Finding of Fact, and Final Determination
11. Supplemental Memorandum for Case 725-V-12 dated September 13, 2012, with attachment:  
A Letter from Burl Williams received September 13, 2012
12. Letter from Burl Williams received September 13, 2012

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 707-S-12 held on **May 17, 2012, and September 13, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN {IS / IS NOT}}** necessary for the public convenience at this location because:  
\_\_\_\_\_  
\_\_\_\_\_
  
2. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it **{WILL NOT / WILL}** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has **{ADEQUATE / INADEQUATE}** traffic capacity and the entrance location has **{ADEQUATE / INADEQUATE}** visibility.
  - b. Emergency services availability is **{ADEQUATE / INADEQUATE} {because\*}**:  
\_\_\_\_\_  
\_\_\_\_\_
  - c. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses **{because\*}**:  
\_\_\_\_\_  
\_\_\_\_\_
  - d. Surface and subsurface drainage will be **{ADEQUATE / INADEQUATE} {because\*}**:  
\_\_\_\_\_  
\_\_\_\_\_
  - e. Public safety will be **{ADEQUATE / INADEQUATE} {because\*}**:  
\_\_\_\_\_  
\_\_\_\_\_
  - f. The provisions for parking will be **{ADEQUATE / INADEQUATE} {because\*}**:  
\_\_\_\_\_  
\_\_\_\_\_
  - g. The property **{IS/IS NOT} SUITED OVERALL** for the proposed improvements **{because\*}**:  
\_\_\_\_\_  
\_\_\_\_\_

- h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense*{because\*}*: \_\_\_\_\_
- i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because\*}*: \_\_\_\_\_

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
- a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
  - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
  - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
- a. The Special Use is authorized in the District.
  - 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.

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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}***

\*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 **707-S-12** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the applicants to **Daniel Williams and landowner Fran Williams** to authorize the use of an existing Paintball Facility as an “Outdoor Commercial Recreational Enterprise” as a Special Use *{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }*

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