

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61802

DATE: May 12, 2016

PLACE: John Dimit Meeting Room  
1776 East Washington Street

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Frank DiNovo, Brad Passalacqua, Jim Randol, Eric Thorsland

MEMBERS ABSENT : Catherine Capel, Debra Griest, Marilyn Lee

STAFF PRESENT : Connie Berry, Susan Chavarria, John Hall

OTHERS PRESENT : Kenneth Johnson, Bobbie Johnson, James Talley, Diana Bubenik, Teresa Gabel, Donna Hixson, Gary Hixson, Lois Wood, Donald Wood, Shaennon Clark, Victor Fuentes, Traci Lipps, Robert Sherman

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 three members absent.

3. Correspondence

None

4. Approval of Minutes (February 25, 2016)

Mr. Thorsland stated that he has been informed that the February 25, 2016, minutes were listed on the agenda, but the final draft was not available prior to the mailing. He said that the February 25, 2016, minutes will be included on the May 26, 2016, meeting agenda.

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.

5. Continued Public Hearing

None

6. New Public Hearings

Case 829-V-16 Petitioner: Diana Bubenik, d.b.a. Prairie Signs Inc. Request to authorize a variance from Section 7.3.6 of the Zoning Ordinance on a property in the B-4 General Business Zoning District: Part A: 5 wall mounted signs that occupy 2% of the wall surface on one frontage (North) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface; and Part B: 1 wall mounted sign that occupied 2% of the wall surface and not on a frontage (East) in lieu of the maximum allowed 3 wall mounted signs that occupy no more than 15% of the wall surface per frontage; and Part C: 2 private traffic direction signs that are each 38 square feet in area in lieu of the maximum allowed 5 square feet per sign. Location: A 6 acre tract in part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 20N, Range 8E in Hensley Township and commonly known as the Rush Truck Center, 309 East Hensley Road, Champaign.

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 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.

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

Ms. Diana Bubenik, agent for Prairie Signs Inc., stated that they are requesting a variance to install wall mounted and traffic direction signs on the property occupied by Rush Truck Center. She said that they have received an approved Zoning Use Permit for three signs and those signs have been installed. She said that the requested signs are not very large signs and will indicate logos, International, Cummins and Allison that are required under a licensing agreement. She said that the signs are small and are not obnoxious and denial of the variance would cause a Rush Truck Center to be in breach the license agreement.

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

Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Bubenik and there was no one.

Mr. Thorsland stated that the property is in an interesting location that can be accessed from three different areas. He said that part of the justification for the variance is that three freestanding signs would be a lot more expensive than wall signs. He asked Ms. Bubenik if they had considered three freestanding signs.

Ms. Bubenik stated that the cost would be \$10,000 to \$15,000 dollars per sign.

1  
2 Mr. Thorsland stated that there would be cost savings with the wall signs and the impact would be less. He  
3 stated that there are no special conditions included with this case at this time. He asked Ms. Bubenik if the  
4 lights which would illuminate the wall signs would be full-cutoff.  
5  
6 Ms. Bubenik stated that the wall signs are internally illuminated.  
7  
8 Mr. Thorsland called Robert Sherman to testify.  
9  
10 Mr. Robert Sherman, Hensley Township Highway Commissioner, stated that he believes that the Rush  
11 Truck Center requires a larger sign so that trucks will see it and travel to their facility therefore generating  
12 more tax dollars for the township. He said that he has no objection to the variance because they have a fine  
13 facility and he encouraged the Board to stop by and visit it.  
14  
15 Mr. Thorsland asked the Board if there were any questions for Mr. Sherman and there were none.  
16  
17 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Sherman and there was no one.  
18  
19 Mr. DiNovo stated that if the signs were put together so that they were contiguous, such as one sign, one  
20 blank panel, one sign, one blank panel, etc. it could be considered one sign.  
21  
22 Ms. Chavarria stated that this is true. She said that the building is approximately 200 feet long.  
23  
24 Mr. Passalacqua stated that such a scenario would cause undue expense and work.  
25  
26 Mr. DiNovo stated that he is not indicating that they should, but if they did they would not need the  
27 variance. He said that the only reason why this is before the Board is because they are single signs rather  
28 than one continuous sign with blank spaces between the logos.  
29  
30 Mr. Hall stated that Mr. DiNovo is correct. He said that a more creative Zoning Administrator may have  
31 considered that option but there was no time for that consideration.  
32  
33 Mr. DiNovo stated that his point is that if it were considered one sign they could have more by-right.  
34  
35 Mr. Thorsland stated that the variance gives the petitioner more flexibility regarding the location of the signs  
36 and testimony was received indicating the licensing agreement.  
37  
38 Ms. Bubenik stated that the different companies do not want to share space with each other.  
39  
40 Mr. Thorsland stated that their desire is understandable.  
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**Findings of Fact for Case 829-V-16:**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **829-V-16** held on **May 12, 2016**, the Zoning Board of Appeals of Champaign County finds that:

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

Mr. Thorsland stated that special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because of the location of the building and its size, it is approached from three different roads, and the wall signs would better serve to notify customers from the three different directions at a lower cost than 3 free-standing signs.

- 2. **Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction.**

Mr. DiNovo stated that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because of the licensing agreement for the signs and the necessity to keep the logos distinct.

- 3. **The special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.**

Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because it is an existing structure that they are remodeling to fit their use and the requirements for signage for wayfinding, advertising, and a requirement from their franchises.

- 4. **The requested variance IS in harmony with the general purpose and intent of the Ordinance.**

Mr. Passalacqua stated that the variance IS in harmony with the general purpose and intent of the Ordinance.

1 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**  
2 **detrimental to the public health, safety, or welfare.**

3 Mr. Passalacqua stated that the requested variance WILL NOT be injurious to the neighborhood  
4 or otherwise detrimental to the public health, safety, or welfare because it is less invasive than 3  
5 freestanding signs.

6 **6. The requested variance IS the minimum variation that will make possible the reasonable**  
7 **use of the land/structure.**

8 Mr. Thorsland stated that the requested variance IS the minimum variation that will make  
9 possible the reasonable use of the land/structure.

10 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

11 Mr. Thorsland stated that no special conditions are hereby imposed.

12  
13 Mr. Thorsland noted that under the Documents of Record the second item 2 should be revised to indicate  
14 item 3.

15  
16 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings  
17 of Fact as amended.

18  
19 **Mr. Passalacqua moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of**  
20 **Record and Findings of Fact as amended. The motion carried by voice vote.**

21  
22 Mr. Thorsland entertained a motion to move to the Final Determination for Case 829-V-16.

23  
24 **Mr. DiNovo moved, seconded by Mr. Randol, to move to the Final Determination for Case 829-V-16.**  
25 **The motion carried by voice vote.**

26  
27 Mr. Thorsland informed the petitioner that currently the Board has three absent Board members therefore it  
28 is at her discretion to either continue Case 832-V-16 until a full Board is present or request that the present  
29 Board move to the Final Determination. He informed the petitioner that four affirmative votes are required  
30 for approval.

31  
32 Ms. Bubenik requested that the present Board move to the Final Determination.

33  
34 **Final Determination for Case 829-V-16:**

35  
36 **Mr. Passalacqua moved, seconded by Mr. DiNovo that the Champaign County Zoning Board of**  
37 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**

1 that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority  
2 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals  
3 of Champaign County determines that:

4 The Variances requested in Case 829-V-16 are hereby GRANTED to the petitioner Diana Bubenik,  
5 d.b.a. Prairie Signs Inc., to authorize the following variance in the B-4 General Business Zoning  
6 District:

7  
8 Part A: 5 wall mounted signs that occupy 2% of the wall surface on one frontage (North)  
9 in lieu of the maximum allowed 3 wall mounted signs that occupy no more than  
10 15% of the wall surface.

11  
12 Part B: 1 wall mounted sign that occupies 2% of the wall surface and not on a frontage  
13 (East) in lieu of the maximum allowed 3 wall mounted signs that occupy no more  
14 than 15% of the wall surface per frontage.

15  
16 Part C: 2 private traffic direction signs that are each 38 square feet in area in lieu of the  
17 maximum allowed 5 square feet per sign.

18  
19 Mr. Thorsland requested a roll call vote.

20  
21 The roll was called as follows:

22			
23	<b>Randol – yes</b>	<b>DiNovo - yes</b>	<b>Passalacqua – yes</b>
24	<b>Thorsland – yes</b>	<b>Capel – absent</b>	<b>Griest – absent</b>
25	<b>Lee – absent</b>		
26			

27 Mr. Hall informed Ms. Bubenik that she has received an approval of her request. He stated that staff  
28 will mail the appropriate paperwork as soon as possible. He noted that if Ms. Bubenik had any  
29 questions she should contact staff.

30  
31  
32 **Case 830-AM-16 Petitioner: Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc., d.b.a. Willow**  
33 **Creek Farm Request to amend the Zoning Map to change the zoning district designation from the**  
34 **AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the**  
35 **proposed Special Use in related Zoning Case 831-S-16. Location: A 37 acre tract in Somer Township**  
36 **in the Southwest Quarter of the Northeast Quarter of Section 36 of Township 20 North, Range 9 East**  
37 **of the Third Principal Meridian and commonly known as the farmstead located at 1766 CR 1850N,**  
38 **Urbana.**

39  
40 **Case 831-S-16 Petitioner: Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc., d.b.a. Willow**

1 **Creek Farm. Request to authorize the remodeling of existing farm buildings for the establishment**  
2 **and use of an Event Center as a combination “Private Indoor Recreational Development” and**  
3 **“Outdoor Commercial Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-**  
4 **2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning**  
5 **case 830-AM-16. Location: A 37 acre tract in Somer Township in the Southwest Quarter of the**  
6 **Northeast Quarter of Section 36 of Township 20 North, Range 9 East of the Third Principal Meridian**  
7 **and commonly known as the farmstead located at 1766 CR 1850N, Urbana.**  
8

9 Mr. Thorsland informed the audience that Case 831-S-16 is an Administrative Case and as such the County  
10 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for  
11 a show of hands for those who would like to cross examine and each person will be called upon. He  
12 requested that anyone called to cross examine go to the cross examination microphone to ask any questions.

13 He said that those who desire to cross examine are not required to sign the witness register but are requested  
14 to clearly state their name before asking any questions. He noted that no new testimony is to be given  
15 during the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-  
16 Laws are exempt from cross examination.  
17

18 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.  
19

20 Mr. Victor Fuentes read a prepared statement and submitted a copy to staff as a Document of Record. Mr.  
21 Fuentes stated that it's a pleasure to be here tonight to discuss with the Board a special use permit. Mr.  
22 Fuentes stated that he owns and operates V. Picasso in downtown Champaign. He said that he is a business  
23 owner with over two decades of not only experience, but commitment to the Champaign County region. He  
24 said that Ms. Lipps is a 4<sup>th</sup> generation farmer operating Willow Creek Farms. He said that the request before  
25 the Board tonight is a rather simple one: to allow for increased and different usage of one existing building  
26 on Ms. Lipps' farm.  
27

28 Mr. Fuentes stated that at its heart, the request is one aimed at increasing the knowledge and interactions our  
29 region has with our regions' farming heritage and one that increases agricultural-driven economic  
30 development in our region. He said that additionally, it is one that helps to support the expansion of a  
31 locally-owned and operated business and one focused on sustainable farming techniques. He said that his  
32 business, V. Picasso, which is located in downtown Champaign, is a farm-to-table restaurant that opened in  
33 2015 and focuses on locally produced foods stemmed from the fast and increasing demand for such foods in  
34 our stores and restaurants, something that is occurring both locally and nationally. He said that to meet this  
35 local demand, he partnered with Traci Lipps, a 4<sup>th</sup> generation family farmer, who runs Willow Creek Farms  
36 and together, they are now producing about 75% of the foods needed at his restaurant, which is just seven  
37 and one-half miles down the road from the tables that serve this food. He said that their patrons could not be  
38 eating fresher, more local food unless they were growing it themselves. He said that they have also created  
39 some other full-cycle operations like composting our food waste to use as natural farm fertilizer.  
40

41 Mr. Fuentes stated that V. Picasso's success, coupled with the growing demand for both local foods as well

1 as farm-to-table experiences nationwide, has shown us that we can do more to connect people with the food  
2 that they eat and they can see that they can play a role in making this educational – healthy connection  
3 happen.  
4

5 Mr. Fuentes stated that Willow Creek Farms is located about two miles outside of Urbana proper and it lies  
6 on 37 acres of gently sloping land amid a smattering of areas homes and abundant farmland. He said that  
7 Willow Creek Farms is a working farm with cows, chickens, goats, horses and sheep and the sheep range in  
8 rotational pastures feeding openly on the healthy alfalfa and hay that Illinois' soils provide. He said that  
9 they also have bees, about 15 hives. He said that a small greenhouse and garden area grow seasonal fruits  
10 and vegetables for the restaurant's use. He said that bees pollinate area crops and provide natural,  
11 nutritional honey. He said that Willow Creek is fully licensed with an Illinois egg broker license and  
12 through both Illinois and the USDA for meat production.  
13

14 Mr. Fuentes stated that last year they decided to join the growing ranks of farm-to-table agricultural  
15 operations who offer on-the-farm experiences. He said that it's an idea that is already taking off nationwide  
16 and in our area demand is outpacing availability. He said that their plan is really quite simple, to turn an  
17 existing 2,500 square feet farm building into a special event meeting space. He said that it will house  
18 educational events and field trips, workshops, business and personal retreats, and special events like  
19 wedding and fundraisers.  
20

21 Mr. Fuentes stated that features and amenities of the plan include the following: seating for up to 150 guests;  
22 complete ADA compliance (ingress/egress, parking, restroom facilities); and fully off-street parking for 100  
23 automobiles in an improved gravel parking lot and gravel access road to the facility. He said that in addition  
24 to the existing fencing, the parking area will be ringed with pear trees to create an additional visual and  
25 sound barrier. He said that parking also includes ADA parking right outside the building and they will be  
26 able to accommodate parking for larger vehicles like buses. He said that there will be no on-site cooking  
27 facilities as all food will be catered in only. He said that the facility embraces both the more rustic, on-farm  
28 experience with modern upgrades, including a fully equipped HVAC system. He said that there are proper,  
29 if not generous, setbacks throughout the farm creating additional distance buffers for noise and sound  
30 including the following: a distance of over 300 feet from nearest non-family neighbors from the meeting  
31 facility; and a distance of over 300 feet from the parking area from the nearest non-family neighbors.  
32

33 Mr. Fuentes stated that they will create pop-up, day of, onsite signage cautioning visitors to farm and bike  
34 related activity and traffic around them and including, when necessary, volunteer traffic monitors to control  
35 traffic. He added that he has examples of things they are thinking of doing during harvesting and planting  
36 seasons and during weekends they have noticed there are a lot of people going by on bicycles. He said they  
37 are thinking that when they have an event, they will have a contract that their patrons will sign as well as  
38 their own employees who will have those signs before they leave the premises so that they are aware that  
39 there are slow moving vehicles. He said that educational opportunities and signage will also be placed  
40 around the farm to engage and educate visitors on sustainable farming, farm life, and Illinois' farming  
41 heritage. He said that all event waste will be handled quickly and off-site. He noted that they also upgraded



1 to the septic system to accommodate the increased usage, and this has been approved by the Champaign  
2 County Health Department.

3  
4 Mr. Fuentes stated that they have some important partnerships in place, with more sure to come. He said  
5 that they are partnering with the Don Moyer Boys & Girls Club to provide educational opportunities and  
6 field trips. He said that the University of Illinois Veterinary School also hopes to use Willow Creek as an  
7 educational site for students.

8  
9 Mr. Fuentes stated that they are similar to, but different from, some of the other area operations that the  
10 Board might have heard about such as, Pear Tree Estate, Hudson Farm and Prairie Fruits Farm. He said that  
11 they applaud their partners, for they realize that the demand for these facilities in growing fast enough to  
12 accommodate us as well. He said that they also offer some unique benefits that give area residents a choice;  
13 a working diversified farm experience and a full HVAC system that allow different seasonal opportunities  
14 and compared to some, cozier accommodations and to others, larger accommodations.

15  
16 Mr. Fuentes stated that in front of the Board tonight they will find two letters of support for this concept; one  
17 from our regional Convention and Visitor's Bureau; and another from a wedding planning firm. He said that  
18 he and Ms. Lipps are excited by the opportunity to add to central Illinois' farming heritage with this project  
19 that help links area families and children to on-farm opportunities and one that helps to grow a local  
20 agricultural business in new and creative ways. He requested the Board's support tonight for this special use  
21 permit and he invited the Board to visit Willow Creek Farms.

22  
23 Ms. Chavarria clarified that staff has only received the letter of support from the Convention and Visitor's  
24 Bureau. She requested that Mr. Fuentes submit the second letter of support to staff as a Document of  
25 Record.

26  
27 Mr. Fuentes stated that he has a copy of the letter of support from the wedding firm with him tonight and  
28 submitted it to Ms. Chavarria as a Document of Record.

29  
30 Mr. Fuentes stated that he has a three-minute video for the Board's viewing.

31  
32 Mr. Thorsland stated that the video will be difficult to include in the minutes. He requested that Mr. Fuentes  
33 submit a copy of the video to staff so that anyone who desires to view it has that opportunity through staff.  
34 He asked the Board if they agreed to view Mr. Fuentes' video.

35  
36 Mr. Passalacqua stated that he was fine with viewing the video is if was truly three minutes long and not one  
37 hour.

38  
39 Ms. Chavarria asked Mr. Fuentes if the video included narrative audio as well.

40  
41 Mr. Fuentes stated that the video only includes music and no narration. He said that the video will provide

1 the Board an aerial view of the new parking area and the building they intend to use for this facility, and so  
2 you can see where the setbacks are from the other properties. He noted the view of CR1850N, the entrance  
3 to the property, the improved gravel parking lot, and the driveway leading up to the property. He noted that  
4 the field to the right of the driveway is planted with alfalfa used to feed the horses and cattle they raise at the  
5 property. The video showed the smaller end of the barn to the right of the driveway, which is where they  
6 intend to hold events. He pointed out the new handicapped accessible parking spaces on the concrete pad  
7 outside the barn. He noted that some of their animals, such as sheep and chickens, are located behind the  
8 barn. He noted the cattle area and the 2.5 acre garden to the west of the barn. He pointed out that a small  
9 berm west of the barn separates the hay field to the south and the alfalfa field and garden to the north. He  
10 stated that they planted 36 2.5 inch thick, 25 feet tall trees along the west boundary line by the South Forty  
11 Subdivision. He pointed out that the small building west of the barn is a greenhouse, and the boxes by the  
12 big shed are the honeybees.

13  
14 Ms. Lipps stated that the video indicates the new trees that they planted along the North Forty Subdivision,  
15 the one building which houses the event center and the barn, and the bin which is being converted into an  
16 outdoor bar. She submitted documentation indicating their traffic mitigation plans to the Board as a  
17 Document of Record.

18  
19 Mr. Passalacqua asked Ms. Lipps if she resides on the property.

20  
21 Ms. Lipps stated yes.

22  
23 Ms. Chavarria noted during the video that the eastern portion of the building is the proposed event center  
24 and the western portion of the building will continue to be used as a barn. She said that the bin located in  
25 the video is to be converted into an outdoor bar.

26  
27 Mr. Fuentes then showed photographs of the inside of the events center. He noted that the main room for  
28 events was previously a horse barn, and the loft above was a hay loft. He stated that the barn already had a  
29 restroom and septic system, but the system was not big enough for the events center. He stated that the  
30 Health Department told them they needed a larger tank for the amount of people they planned to have. He  
31 said that they contracted to have a new one put in, which was approved by the Health Department and has  
32 passed inspection. He stated that they are in the process of building a women's bathroom, so they will have  
33 both men's and women's bathrooms that will be ADA compliant. The video then showed the bin outside the  
34 events center that they intend to convert to a bar.

35  
36 Mr. Thorsland asked Mr. Fuentes if the Champaign County Public Health Department approved the event  
37 center/barn combination in regards to the gate access for the animals.

38  
39 Mr. Fuentes stated yes. He said that the animals are kept totally separate from the event center area and the  
40 barn cannot be accessed through the event center. He said that they installed a caterer's kitchen in the event  
41 center for the catered food preparation. He added that the new septic system that will accommodate the

1 proposed number of patrons has been installed and approved by the Champaign County Public Health  
2 Department.

3  
4 Mr. Thorsland asked Mr. Fuentes if the Health Department had been out to see what they have proposed.

5  
6 Mr. Fuentes stated that yes, they have. He said that the Health Department gave them a list of things they  
7 needed to comply. He stated that they wanted to have a kitchen, but instead have what is called a service  
8 kitchen, where a caterer comes in and sets up. He said they needed to have a hand sink and 3-compartment  
9 sink, which they have in place. He said that another concern the Health Department had was the bathrooms,  
10 the septic tank and the amount of people they planned to have. He stated that the new septic tank has already  
11 been installed, inspected and approved. He stated that the runs for the septic field are located just outside the  
12 barn and noted the septic tank covers in the image.

13  
14 Mr. Thorsland asked Mr. Fuentes if the grain bin will only have one door.

15  
16 Mr. Fuentes stated that only the people serving the drinks will be inside of the bar area. He showed an  
17 image and again noted that they planted 36 two and one-half foot trees along the west side of the property.

18  
19 Mr. Thorsland asked Mr. Fuentes to indicate when the video/photographs were taken.

20  
21 Mr. Fuentes stated that they were taken on Mother's Day which was May 8, 2016.

22  
23 Mr. Thorsland asked Mr. Fuentes if they contacted the state regarding handicap accessibility.

24  
25 Mr. Fuentes stated yes. He said that they were told that they had to have an "x" amount of handicap  
26 parking.

27 Mr. Thorsland asked Mr. Fuentes if could provide a copy of the state's approval of the handicap parking. He  
28 said that the gentleman who they contracted for their concrete work indicated that they had to have at least  
29 three handicap parking spots for the possible 150 guests. He noted that they are going to have 5 accessible  
30 spaces, and that those spots will be located next to the event center.

31  
32 Mr. Fuentes stated that he does not have such a document and that the only thing that he had is the word  
33 from his experienced concrete person and his own experience.

34  
35 Mr. Hall asked Mr. Fuentes if he could explain the logic in having the patron parking so far away from the  
36 event center.

37  
38 Mr. Fuentes stated that the patron parking is located so far away so that the patrons maintain their feeling of  
39 being on the farm. He said that they did not want the parking to invade the farm atmosphere and they did  
40 not want a big line of gravel right next to where the animals and people will be. He stated that visitors could  
41 come all the way up to the building and be dropped off, then come back (to the parking area) and farm

1 employees would bring the drivers back and forth on golf carts.  
2  
3 Mr. Thorsland asked Mr. Fuentes if the graveled parking area is a typically drier area.  
4  
5 Mr. Fuentes stated that it is a drier area. He said that they determined that the location of the graveled  
6 parking area, both aesthetically and for what they are trying to accomplish, is the best location for patron  
7 vehicles. He said that the graveled parking area is 100' x 250'.  
8  
9 Mr. Thorsland asked Mr. Fuentes if he knew the depth of the graveled parking area.  
10  
11 Mr. Fuentes stated that he believes that the graveled parking area is 10" deep.  
12  
13 Mr. Thorsland asked Mr. Fuentes if he had someone construct the gravel parking area.  
14  
15 Mr. Fuentes stated yes.  
16  
17 Mr. Thorsland asked Mr. Fuentes if he had documentation that someone had done the gravel parking area.  
18  
19 Mr. Fuentes stated yes.  
20  
21 Mr. Thorsland asked Mr. Fuentes if he had a document indicating approval of the septic system.  
22  
23 Mr. Fuentes stated yes. He said that the restroom will have two stalls with a hand sink that are ADA  
24 compliant.  
25  
26 Mr. Thorsland asked Mr. Fuentes if he had any document regarding what they need for the ADA bathrooms.  
27  
28 Mr. Fuentes stated he has the invoice from the contracted plumber. He said that he does have the contact  
29 information for the state plumbing inspector.  
30  
31 Ms. Chavarria asked Mr. Fuentes to indicate how close they are to having the inspection completed.  
32  
33 Mr. Fuentes stated that they have to finish pouring the concrete and then the urinals and hand sinks will be  
34 installed. He said that he is probably being ambitious but he anticipates the work being completed next week  
35 for the state plumbing inspector's visit.  
36  
37 Ms. Chavarria asked Mr. Fuentes if the patrons will use the staircase for access to the loft.  
38  
39 Mr. Fuentes stated that there will be no patron access to the loft as it is only for storage. He said that the  
40 compressor for the walk-in cooler is located in the loft and will be accessed by staff only, not patrons.  
41

1 Mr. Thorsland asked the Board if there were any questions for Mr. Fuentes and there were none.

2  
3 Mr. Thorsland stated that he has the following items noted for Mr. Fuentes and Ms. Lipps to complete prior  
4 to the next meeting for these cases. He said that the petitioners should contact staff with any questions  
5 regarding the complete site plan but it should be fully detailed with accurate dimensions. He said that the  
6 site plan should indicate everything that is currently on the property as well as anything that will be  
7 proposed in the future. He said that the reason why future plans are required on the complete site plan is  
8 because those plans can be part of the special use permit and when the petitioners are ready to start those  
9 plans they will not have to come back before the Board again for approval. He said that the Board cannot  
10 waive any ADA requirements, therefore to assure compliance it is highly recommended that the petitioners  
11 contact the Capital Development Board. He said that it is nice that the concrete contractor has indicated  
12 what needs to be done, but the petitioners need to contact the Capital Development Board to make sure what  
13 is required for ADA compliance. He said that the Board requires documentation regarding the graveled  
14 parking lot and any manufacturer's information regarding any lighting on the property. He said that all  
15 lighting on the property must be full cut-off and the lighting must be indicated on the complete site plan.

16  
17 Mr. Fuentes stated that the only light that they plan to use on the outside of the property are the existing  
18 lights which are located along the driveway.

19  
20 Mr. Thorsland stated that those lights need to be indicated on the complete site plan and they must be lights  
21 which do not omit glare onto adjacent properties. He said that he does is not sure what the Board will do in  
22 regards to the pond.

23  
24 Mr. Fuentes stated that the pond is just for personal use and is not for patron use.

25  
26 Mr. Thorsland stated that the traffic mitigation plan was very helpful but there may be testimony received  
27 tonight from neighbors regarding traffic concerns.

28  
29 Mr. Passalacqua stated that even the video indicated the entire property the complete site plan needs to  
30 indicate everything that Mr. Fuentes described. He said that there is never too much information on a  
31 complete site plan.

32  
33 Mr. Fuentes stated that he has submitted a site plan.

34  
35 Mr. Chavarria stated that staff does have a hand drawn site plan and an aerial photograph but the Board  
36 requires a one page site plan with everything existing and proposed indicated with dimensions.

37  
38 Mr. Passalacqua stated that this will require another meeting date because the current site plan is incomplete.

39  
40 Mr. Thorsland stressed that the petitioners should visit the office or contact staff for examples of complete  
41 site plans. He said that the Board has to know the location of the septic system so that it can be determined

1 if there is adequate room for a replacement system should the existing one fails. He said that the driveway,  
2 pond, buildings, residence, lights, etc. should be included if it is part of the special use permit.

3  
4 Ms. Chavarria noted that there is a lamp post every 50 feet along the existing driveway and they are on  
5 every night. She said that in one aspect these lights are for the residence and for another they are to guide  
6 patrons to the street. She said that the lights are not full cut-off therefore the Board will need to consider  
7 how they want to handle this issue.

8  
9 Mr. Fuentes stated that Ms. Chavarria is correct.

10  
11 Mr. Hall stated that the issue regarding the existing lights along the driveway is up to the Board.

12  
13 Mr. Thorsland stated that, as one Board member, he would not take issue with the existing lights but they do  
14 guide the patrons to the parking lot and the road.

15  
16 Mr. Hall stated that the residence is considered agriculture.

17  
18 Mr. Passalacqua stated the driveway lights also guide the pathway to the residence. He said that with or  
19 without the special use request he would say that this is a nice residential lighted driveway.

20  
21 Mr. DiNovo stated that the special use does not have direct access to the roadway; therefore, it is not  
22 practical to exclude the driveway. He said that the driveway is also the path to the graveled parking lot.

23  
24 Mr. Hall stated that the Board will need to decide; what is the site plan for the special use permit and what is  
25 the site plan for the residence on the property.

26  
27 Mr. DiNovo stated that he is uncomfortable in arbitrarily drawing lines on the site plan to define the special  
28 use parts on this tract. He said that the special use has to be drawn logically and sensibly since there has to  
29 be a route from the parking lot to the building.

30  
31 Mr. Thorsland stated that during a previous case there was a part of the property that was not included in the  
32 special use.

33  
34 Mr. DiNovo stated that as long as area is included in the special use is logical and includes all of the  
35 functional aspects of the special use in a continuous area.

36  
37 Mr. Hall asked the Board to be specific about the driveway lights.

38  
39 Mr. Passalacqua asked Mr. Hall if the residence was compliant.

40  
41 Mr. Hall stated that the house is not the issue.

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Mr. Passalacqua stated that the residence has to have a driveway.

Mr. Hall stated that there is so much discussion required for this case. He asked the Board to comment on the parking lot being located next to the street rather than near the event center.

Mr. DiNovo stated that the special use cannot arbitrarily be chunked up so that the special use is just the building and the parking lot. He said that the boundaries of the special use must make sense.

Mr. Thorsland stated that the Board currently has a special use request with a residence on the property. He said that the same driveway will be used for the special use that is used for the residence and along that driveway are existing lights. He asked the Board if they desire to waive the requirement for cut-off lighting for the driveway lights or require that the lights be replaced with full-cut off fixtures.

Mr. DiNovo stated that the boundaries of the special use are not clear.

Mr. Thorsland stated that there is a logical division of the house from the special use.

Mr. DiNovo stated that he sees no reason to change the existing driveway lights.

Mr. Hall stated that if the Board believes that the requirement for lighting applies to the driveway lights then a variance is required, but currently they could be considered nonconforming. He said that when the lights require replacement will the Board require that they are replaced with conforming lights.

Mr. Randol stated yes.

Mr. Passalacqua disagreed. He said that the driveway lights are for Ms. Lipps residence and they just happen to be conveniently located along the driveway that accesses the event center.

Mr. Hall stated that the Board does have some discretion regarding the lights because it is a gray area and from a staff perspective they want the Board's decision to be very clear so that staff knows what to require in the future.

Mr. Thorsland a case or situation like this always takes some time because the special use is taking two uses and placing them into one box.

Mr. DiNovo stated that he has no problem with the different uses on the subject property. He said that he doesn't have a problem in determining that the driveway lights are not part of the special use even though they fall within the area of the special use.

Mr. Fuentes asked the Board if the concern is that the driveway lights are too bright.

1  
2 Mr. Thorsland stated that at this point it is unknown.  
3  
4 Ms. Lipps asked the Board if the concern is the wattage.  
5  
6 Mr. Thorsland asked Ms. Lipps if she knows the wattage of the lights.  
7  
8 Mr. Passalacqua stated that the wattage information is not relevant because they are not full cut-off fixtures.  
9  
10 Mr. Thorsland informed Mr. Fuentes and Ms. Lipps that the more information that is included in the site  
11 plan the better.  
12  
13 Mr. DiNovo asked Mr. Fuentes what type of activities will occur in the outdoor area. He asked if there will  
14 be music outside.  
15  
16 Mr. Fuentes stated that there may be music provided outdoors but it will end at 10:00 p.m., or earlier so that  
17 they comply with the Ordinance requirements.  
18  
19 Mr. DiNovo asked Mr. Fuentes if they will apply for a liquor license.  
20  
21 Mr. Fuentes stated that they will apply for a liquor license once the special use is approved.  
22  
23 Mr. Thorsland called Traci Lipps to testify.  
24  
25 Ms. Traci Lipps, who resides at 1766 CR 1850N, Urbana, stated that she understands that one of the  
26 concerns is that she will be taking farmland out of production but she believes that she is enhancing it. She  
27 said that she is passionate about what she does with her livestock and she actually has her own breeding  
28 stock. She said that it is important for children to learn where their food comes from and this is something  
29 that she can bring to Champaign County because there isn't anything like this in the area.  
30  
31 Mr. Thorsland asked Ms. Lipps to indicate how long she has resided on the property.  
32  
33 Ms. Lipps stated that she has resided on the property for seven years.  
34  
35 Mr. Thorsland asked Ms. Lipps if the property was in agricultural use before her purchase.  
36  
37 Ms. Lipps stated yes.  
38  
39 Mr. Thorsland asked Ms. Lipps if the property will continue its agricultural use if the special use is not  
40 approved.  
41



1 Ms. Lipps stated yes, because the property is her life, her business, etc. She said that agriculture is what she  
2 is about and what she does.

3  
4 Mr. Thorsland asked the Board if there were any questions for Ms. Lipps and there were none.

5  
6 Mr. Thorsland asked staff if there were any questions for Ms. Lipps and there were none.

7  
8 Mr. Hall stated that the final decision for the map amendment will be up to the County Board, which  
9 consists of 22 people. He said that if the petitioners are lucky the County Board will spend approximately  
10 ten minutes to review it although the ZBA will take hours for its review. He said that the more that the ZBA  
11 presses the petitioners for information regarding the case will provide a better presentation to the County  
12 Board. He said that the County Board needs to know that when Ms. Lipps purchased her property in 2007  
13 she intended to do more than agriculture but now she wants to do something in addition to agriculture. He  
14 said that the petitioners need to make the case to the County Board that only a small portion of the land will  
15 not be used for agriculture versus the large amount of land that will be used for agriculture.

16  
17 Mr. Thorsland stated that this is why the site plan is so important because it will assist the County Board in  
18 recognizing the agricultural use versus the non-agricultural use. He said that the site plan will be part of the  
19 main discussion by the County Board.

20  
21 Mr. Thorsland asked the Board if there were any additional questions for Ms. Lipps and there were none.

22  
23 Mr. Thorsland called Bobbie Johnson to testify.

24  
25 Ms. Bobbie Johnson, who resides at 1755 CR 1850N, Urbana, stated that she lives across from the parking  
26 lot. She said that the location of the parking lot does not make sense because there will be noise and trash  
27 created. She said that when the parties are over, guests will be shuttled down to the parking lot for access to  
28 their vehicles and she is concerned whether the guests will leave or sit and chat for a long period of time.  
29 She said that she does not understand why the parking lot is not near the main road rather than close to the  
30 event center. She said that the parking lot and the edge of her yard almost meet therefore she has a lot of  
31 concerns. She said that since the parking lot is located near a main road she does not know how the  
32 petitioners will maintain the activity that could possibly occur in the parking lot. She said that guests will be  
33 taken to the parking lot and dropped off therefore she believes that there will be a security risk.

34  
35 Mr. Thorsland stated that the location where the subject property ends is unclear. He asked staff if screening  
36 of the parking lot is an option.

37  
38 Mr. Hall stated that screening is required regardless of the location of the parking lot. He said that if the  
39 parking lot is located further back on the property, then the existing buildings and landscaping, existing and  
40 proposed, can serve as screening.

41

- 1 Mr. Thorsland asked Mr. Hall to indicate what type of vegetative screening would be required if the parking  
2 lot remained in its current location.  
3
- 4 Mr. Hall stated that required screening would be four foot vegetation or fencing.  
5
- 6 Mr. Thorsland noted that the complete site plan should include screening and an indication of what type of  
7 screening will be installed.  
8
- 9 Mr. Passalacqua asked Ms. Johnson if she has witnessed any functions which required the use of the parking  
10 lot.  
11
- 12 Ms. Johnson stated no because the parking lot was constructed two weeks ago.  
13
- 14 Mr. Passalacqua stated that the planning that the petitioners have completed and submitted are better than  
15 almost any other petition that this Board has received. He assured Ms. Johnson that her concerns are being  
16 heard at this Board.  
17
- 18 Ms. Johnson stated that she is opposed to this request because all of this has gone on for a while and the  
19 neighbors and the Board received information about the use at the same time. She said that the information  
20 that they received last Friday was well over 100 pages, therefore they have not had time to review it. She  
21 said that since this has gone for a while, she does not understand why the petitioners did not have enough  
22 courtesy to contact the neighbors regarding how their business will affect the neighbor's properties.  
23
- 24 Mr. Thorsland stated that the Board receives their information at the same time. He said that anyone who  
25 signs the witness register will be placed on the mailing list and they will receive any additional information  
26 that is submitted for these cases. He noted that the mailing packets are available for viewing online as well.  
27
- 28 Ms. Johnson stated that events and construction of the parking lot have occurred since January and we are  
29 now into the month of May. She said that she has heard them say that they want to do this and that for the  
30 community and that is fine, but a postcard or letter to the neighbors would have been appropriate so that  
31 they are aware of what is going on.  
32
- 33 Mr. Thorsland stated that the subject property is agriculture and any agricultural activity occurring on the  
34 property is exempt from zoning.  
35
- 36 Ms. Johnson stated that what the petitioners are requesting is not only agriculture.  
37
- 38 Mr. Thorsland stated that he understands what the petitioners are requesting and the property could never go  
39 out of just being a farm and if they had several grain wagons that they chose to park on a graveled area in  
40 the front yard they could without any approvals. He said that he is not defending or condoning anyone's  
41 actions but when a property is located in the agricultural district, typical agricultural activities can occur 24

1 hours a day. He said that with a property of this size there could be large agricultural equipment parked on  
2 the graveled area, although he understands that there are two sides to everything.

3  
4 Ms. Johnson stated that she understands the agricultural use but the event center is not agriculture.

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

7  
8 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Johnson and there was no one.

9  
10 Mr. Thorsland called James Talley to testify.

11  
12 Mr. James Talley, who resides at 1748 County Road 1850N, Urbana, stated that he has many of the same  
13 concerns as Ms. Johnson. He said that he has nothing against the proposed business but he has some  
14 concerns about different things if the special use permit is approved. He said that he read the documents and  
15 it is a little bit complex.

16  
17 Mr. Talley stated that he is concerned about additional noise that will be created by the proposed use. He  
18 said that there is no way that there will not be additional noise created. He said that the neighborhood  
19 consists of approximately one dozen houses and they will all be impacted by the additional noise. He said  
20 that the area is located on a high water table; therefore any additional treatment that goes into this water  
21 table could have a lasting effect on potability because every residence is connected to private wells.

22  
23 Mr. Thorsland asked Mr. Talley if he is concerned about the additional wastewater generated by the guests.

24  
25 Mr. Talley stated that he is concerned about anything that goes into our water system and if this can be  
26 accommodated so that there is no impact then he has nothing against it. He said that he just wanted to make  
27 sure that his concern is noted.

28  
29 Mr. Thorsland stated that the Board has received testimony that the new septic system has been approved by  
30 the Champaign County Public Health Department and since no one on this Board is a health inspector, they  
31 have to assume that they know what they are doing.

32  
33 Mr. Talley stated that this Board should not assume anything because people in Flint, Michigan assumed  
34 that their health board knew what they were doing.

35  
36 Mr. Thorsland stated that the Board requires the petitioner to indicate the number of people that they  
37 anticipate for the events to the Champaign County Public Health Department. The Champaign County  
38 Public Health Department will review their current or proposed system and they will determine if it is  
39 acceptable.

40  
41 Mr. Talley stated that he is concerned with sanitation on the property. He said that when there are large

1 amounts of people on the property the neighbors should be assured that sanitation will be confined to the  
2 facility.

3  
4 Mr. Thorsland asked Mr. Talley if he is concerned about the male guests on the property straying away from  
5 using the facilities on the property.

6  
7 Mr. Talley stated yes, but there are other kinds of pollution such as, noise, trash, traffic, and exhaust into the  
8 air.

9  
10 Mr. Thorsland stated that the Board will find out the width of County Highway 1850N.

11  
12 Mr. Talley stated that the pavement is 17 feet wide.

13  
14 Ms. Chavarria stated that Average Daily Trips (ADT) for the area which is one mile east of the subject  
15 property is approximately 400. She said that for the design of a 17 foot roadway the recommended ADT is  
16 250.

17  
18 Mr. Talley stated that when vehicles meet on this narrow road, one of the vehicles has to practically pull off  
19 of the road to accommodate the oncoming vehicle. He said that people who are unfamiliar with the road  
20 will more than likely increase the probability of additional traffic accidents.

21  
22 Mr. Thorsland stated that Mr. Talley is voicing concerns which the Board will address with the petitioners  
23 later during this meeting.

24  
25 Mr. Talley stated that he is concerned about drainage. He said that currently the ditches located along the  
26 road do not drain, so any additional water that will drain into those ditches will remain there until it naturally  
27 dries up. He said that he is concerned with existing farm tiles that were installed years ago and whether the  
28 proposed septic system will be tied into those existing farm tiles.

29  
30 Mr. Thorsland informed Mr. Talley that if the septic system was proposed to be connected to the existing  
31 farm tiles the Champaign County Public Health Department would not have approved the permit.

32  
33 Mr. Talley stated that there will still be additional usage and drainage; therefore, the septic will have to be  
34 maintained often so that a septic smell does not permeate the adjacent neighborhood.

35  
36 Mr. Thorsland stated that the septic system has been inspected and approved for a certain amount of people.

37  
38 Mr. Talley stated that he understands that the septic system has been inspected and approved but he still has  
39 the concern.

40  
41 Mr. Thorsland stated that he understands Mr. Talley's concerns. He said that the bar is located near the

1 laterals of the septic system; therefore it would be in the best interest of the petitioners to maintain the  
2 system as a courtesy to their patrons and the neighborhood.

3  
4 Mr. Passalacqua stated that if the concern is smell, there are goats located near the event center as well.

5  
6 Mr. Talley stated that he believes that the pond is a great feature of the farm, but with guests who are  
7 unfamiliar with the property there is a remote chance that someone will get disoriented and drive into the  
8 pond.

9  
10 Mr. Passalacqua stated that the Board has had other similar cases which include event centers that include  
11 the existence of a pond; therefore, the Board understands Mr. Talley's concern.

12  
13 Mr. Talley stated that he is concerned about what kind of impact this use might have on home values in his  
14 neighborhood and the surrounding area. He said that no one has expressed an interest regarding this concern  
15 and no one has provided an impact statement. He asked the Board who is responsible for providing this  
16 information.

17  
18 Mr. Thorsland stated that the land values concern is addressed in the *LaSalle and Sinclair* factors. He said  
19 that the Preliminary Memorandum included the review for these factors under the map amendment case.

20  
21 Mr. Talley stated that there may not be any impact.

22  
23 Mr. Thorsland stated that it is always difficult to point to any specific thing as to what would trigger land  
24 values to go up or down. He said that the LaSalle and Sinclair factors vary based on actual cases.

25  
26 Mr. Talley asked if screening will be required.

27  
28 Mr. Thorsland stated that the Board has discussed screening and recommended that the petitioners indicate  
29 any proposed screening on the complete site plan with specific details regarding the type of screening that is  
30 proposed.

31  
32 Mr. Thorsland asked the Board if there were any questions for Mr. Talley.

33  
34 Mr. Randol asked Mr. Talley to indicate the distance between his property and the subject property.

35  
36 Mr. Talley stated that his property is adjacent to the subject property.

37  
38 Ms. Chavarria stated that Mr. Talley's property is located at the southeastern part of the South Forty  
39 Subdivision.

40  
41 Mr. Talley stated that he has a vegetative (tree) wind break between his property and the subject property.

1  
2 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Talley and there were  
3 none.  
4  
5 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Talley and there was no one.  
6  
7 Mr. Thorsland called Victor Fuentes to the witness microphone.  
8  
9 Mr. Victor Fuentes approached the witness microphone as requested.  
10  
11 Mr. Thorsland stated that there are concerns regarding screening and the type of screening that will be  
12 proposed, therefore the complete site plan should include a detailed description of the proposed screening as  
13 well as its location. He asked Mr. Fuentes to indicate how many events are proposed in one year; and what  
14 days of the week will the events take place. He asked Mr. Fuentes if the business will be opened year  
15 around or will it only be a seasonal operation.  
16  
17 Mr. Fuentes stated that the event center will be operating on the weekends during the summer as May  
18 through August is the peak season for weddings. He said that they will hold events for kids during the week  
19 and each event will last between 45 minutes to one and one-half hours.  
20  
21 Mr. Thorsland asked Mr. Fuentes if the weddings/dinners would predominately occur on the weekends. He  
22 asked if the events for kids will only occur on weekdays and will they arrive by cars or buses.  
23  
24 Mr. Fuentes stated that at this point the kids arrive in cars and not buses.  
25  
26 Mr. Thorsland asked Mr. Fuentes if they anticipate becoming involved with schools for their events by  
27 which they will bring the kids to the property by buses.  
28  
29 Mr. Fuentes stated that they hope to become more involved with the school systems. He apologized for not  
30 contacting the neighbors regarding their proposed operation. He said that staff highly suggested that the talk  
31 to the neighbors but he failed to do so. He said that there is a split rail fence that goes across the field and  
32 pear trees will be planted. He said that their concern is that they do not want the property to look like  
33 anything but a beautiful farm. He said that other than himself and Ms. Lipps, they have two other people  
34 who will assist with any trash pickup.  
35  
36 Mr. Thorsland stated that the Board appreciates the distributed flyer indicating the petitioners' plans for  
37 temporary/removable signage warning guests about traffic and personal animals. He said that a definitive  
38 event calendar, including hours of operation, would be appreciated before the next meeting for the Board's  
39 review and it would also be nice if the neighborhood could have a copy of the calendar as well. He said that  
40 the petitioners should contact the Somer Township Highway Commissioner for his input regarding the  
41 additional traffic that will be generated on the township road due to the proposed operation. He said that

1                   the  
2 petitioners should contact the fire protection district for their input as well. He suggested that the  
3                   petitioners  
4 contact the neighbors for their input and concerns related to the proposed use, and discuss how those  
5 concerns can be satisfied. He said that the petitioners should not hesitate to contact staff with any questions  
6 that they may have related to their cases.  
7

8 Mr. Hall stated that staff cannot help the petitioners with the issue of traffic and the impact that this use will  
9 have on farming in the area. He said that a traffic impact analysis cannot address interference with farming  
10 and there is no way to model it. He said that from a staff perspective it is a problem with this location, but  
11 this is not staff's decision. He said that staff would like to know the Board's thoughts about that so that if  
12 there is anything that staff can do then they will, but if there is nothing that staff can do, staff will stop  
13 worrying about it and allow the chips to fall where they may.  
14

15 Mr. Thorsland stated that testimony has been received regarding the road concerns, and the Board is  
16                   familiar  
17 with the agricultural traffic that will travel this road in the spring and the fall. He said that there is always a  
18 concern when someone who is unfamiliar with the township roads decides to travel them but does not  
19 understand the rural road conditions. He said that there are mixed uses which exist in the rural areas, such  
20                   as  
21 agriculture, subdivisions, event centers, seed companies, etc.  
22

23 Mr. DiNovo stated that it may be helpful if staff would elaborate on the ways that they think about traffic.  
24 He said that it appears to him that the average daily traffic is not a good way to consider this kind of a use  
25 since a majority of the traffic will presumably be generated during the night. He said that traffic review has  
26 always been a problem for staff review and he is not convinced that a 400 ADT is exceptional.  
27

28 Mr. Randol stated that the bulk of the traffic will be generated through the work week during early morning  
29 and late afternoon, which is not when events will be occurring.  
30

31 Mr. Fuentes stated that they intend to coordinate with local hotels when they book weddings so that the  
32 guests can utilize their shuttle service, thus reducing the number of vehicles traveling the rural road and the  
33 gravel parking lot will only accommodate 100 vehicles. He said that the septic system that was installed  
34 is probably overkill because it is larger than the system that the Champaign County Public Health  
35 Department recommended.  
36

37 Mr. Thorsland stated that the Board would like to know the number of events to be held and what days of  
38 the week those events will occur. He asked Mr. Fuentes if the State Fire Marshal has inspected the event  
39 center to provide a maximum number of people allowed.  
40

41 Mr. Fuentes stated that one of the people that he works with is knowledgeable about the amount of square

1 footage and exits required for the number of people that they propose.

2  
3 Mr. Thorsland asked Mr. Fuentes if he has had any kind of authority inspect the property.

4  
5 Mr. Fuentes stated no.

6  
7 Mr. Randol stated that the fire protection district could inspect the property for compliance.

8  
9 Mr. Fuentes stated that has he called the fire protection district and left four voice messages requesting a  
10 return call, but no one has done so. He said that he contacted Illini Fire Company to make sure that they had  
11 enough exits and fire extinguishers. He said that they also installed emergency push bars on the exit doors.

12  
13 Mr. Thorsland asked Mr. Fuentes if the installers provided a drawing or floorplan which indicates where all  
14 of the exit doors and fire extinguishers are located.

15  
16 Mr. Fuentes stated that the installers did not provide a drawing but he can indicate the location of the exit  
17 doors and fire extinguishers on the floor plan.

18  
19 Mr. Thorsland stated that from Mr. Fuentes testimony, it appears that he and Ms. Lipps have attempted to  
20 make the building compliant in regards to capacity and fire safety.

21  
22 Mr. Fuentes stated yes, with the exception of being able to contact the fire protection district.

23  
24 Mr. Hall stated that the biggest concern that staff has about traffic is the fact that the property is considered  
25 best prime farmland and for the map amendment, the property has to be a very well suited location that will  
26 not interfere with agricultural traffic. He said that he does not know how such a use can be placed within a  
27 rural area and not interfere with agricultural traffic. He said that the best example that the Board has seen  
28 was the Hudson Wedding Barn case where the petitioner had agreements with surrounding farmers on the  
29 north/south road. He said that Windsor Road is a problem with traffic already and an event center like this  
30 would not affect Windsor Road that much. He said that the traffic for this event center will not come from  
31 a road like Windsor Road or County Highway 1, but will come off of all rural township roads from the state  
32 highway and farm traffic will be on those roads. He said that there will be less farm traffic on the roads  
33 closer to the urbanized area, but the easiest way to travel to this property has farm fields most of the way.  
34 He said that he does not know how to advise the Board on the findings regarding interference with  
35 agricultural traffic other than, and he is not proposing this option, not holding events during planting and  
36 harvest seasons and those times change. He said that this is why uses like this in locations like this are  
37 always difficult and staff does its best to discourage people from even proposing it. He said that the Board  
38 recently had a case before them with a relatively high LESA rating but the property was an agricultural  
39 facility; therefore, it was recommended that the high LESA rating was not important. He said that the

40 LESA  
41 for the proposed event facility is even higher.



1

2 Mr. Randol stated that the petitioners in the previous event center case were basically doing the same thing,  
3 remodeling an existing agricultural barn. He said that perhaps the petitioners could determine the property  
4 owners of the surrounding farmland and they could have a similar agreement regarding event scheduling and  
5 farming operations.

6

7 Mr. Thorsland stated that perhaps the petitioners could coordinate with the surrounding landowners to try to  
8 limit the impact during planting and harvest season.

9

10 Mr. Hall stated that during the previous case, the petitioner only had to coordinate their events with three or  
11 four surrounding farmers. He said that the petitioners for the cases before the Board tonight could contact  
12 all of the farmers between the property and Route 45.

13

14 Mr. Thorsland asked the Board if they want the petitioners to contact all of the agricultural landowners.

15

16 Mr. Randol stated that Mr. Fuentes did mention that they would utilize shuttle buses to take people to and  
17 from the property.

18

19 Mr. Fuentes asked if the surrounding agricultural landowners have voiced concerns regarding the additional  
20 traffic.

21

22 Mr. Hall stated no. He said that these concerns are from the adopted policies from the Champaign County  
23 Board, which are the same policies that they will review when this case comes before them for approval.

24

25 Mr. Thorsland stated that the ZBA can complete a lot of work on the map amendment case but when it goes  
26 to the County Board, a member may know the person who farms acreage east of the event center therefore  
27 they call that person and suddenly 50 plus upset surrounding landowners are in attendance to the County  
28 Board meeting opposing the request. He suggested that the petitioners contact surrounding  
29 landowners/tenants informing them of the requested use so that there is no question as to what is being  
30 proposed.

31

32 Mr. Fuentes stated that he resides and owns businesses within the city limits and he understands that the  
33 requested use presents a challenge but he is willing to comply with all of the rules and regulations of the  
34 County. He said that he does understand that the vast majority of surrounding properties is farmland but  
35 they will do everything in their power to control the activities at the event center. He said that he was  
36 surprised by how many people in the area have never been on a farm. He said that Ms. Johnson testified that  
37 parties have been held on the subject property in the past. Mr. Fuentes stated that during those  
38 parties/dinners there are typically only 15 vehicles belonging to the guests.

39

40 Mr. Thorsland stated that he completely understands Mr. Fuentes' comment regarding how many people  
41 have never been to a farm and it is sad, but that information is not truly relevant to this case.

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Mr. Fuentes stated that if a business like the one proposed is discouraged, those people may never experience the farming atmosphere.

Mr. Thorsland stated that he believes that it would be in the petitioners' best interest to contact the surrounding landowners regarding the proposed use and attempt to gain their support in writing or suggest that the surrounding landowners attend the next meeting to voice their concerns or support to the Board. He said that communication between the surrounding landowners would be beneficial to the petitioners and the Board. He said that the petitioners are requesting a difficult use in an area that may not be well suited for it. He said that as soon as the Board receives the complete site plan the Board may have additional questions, but the biggest issue is that the subject property is located on a narrow road that will have additional traffic from people who are unfamiliar with the area.

Mr. Thorsland informed the petitioners that three Board members are absent from tonight's meeting and those members may have additional comments or questions that the present Board has not communicated at this hearing. He said that the three absent Board members, of which some reside in the rural areas, have a lot of knowledge and experience with cases like this in rural setting.

Mr. Hall noted that none of the missing Board members operate a use like the one proposed.

Mr. Thorsland stated no, but one Board member operates an active sheep farm in the rural area.

Mr. Thorsland informed the petitioners that a complete site plan indicating existing and future plans. He said that that the petitioners need to contact the neighbors regarding the proposed use. He said that the petitioners should contact staff regarding the complete site plan so that they can indicate what a good site plan would include, such as screening details and location, ADA requirements, lighting, etc. He said that the petitioners are required to contact the Capital Development Board to verify in writing that the handicapped restrooms, parking, doors, etc. are in compliance. He said that this information should be available for the next public hearing.

Mr. Thorsland asked staff if the petitioners can hold their event in June.

Mr. Hall stated that it is the petitioner's choice. He said that staff never tells anyone to stop doing what they are doing when they have started it already, and most people decide to continue their intended use and move forward with the County's approval. He said that he cannot stress enough that believes that this case will have a difficult time at the County Board level either way because there are some very difficult decisions regarding this case. He said that as the Zoning Administrator he should tell the petitioners to stop their use until they receive approval from the Zoning Board of Appeals and the County Board, but if the petitioners did that they would be unlike anyone else in Champaign County. He said that stopping the use would be to the petitioner's credit but it is not a practice that often occurs.

1

2 Mr. Randol asked Mr. Hall if the entire 37 acres needs to be rezoned since it is still going to be agriculture.

3

4 Mr. Hall stated that it is his opinion that the entire 37 acres does not require rezoning but the petitioners are  
5 safer if they rezone the entire 37 acres and indicate on the complete site plan that the remaining acreage will  
6 remain in agriculture. He said that the petitioners already need to identify the area of the special use  
7 permit, but the more that the map amendment is decreased to meet the special use permit may raise more  
8 issues but that is an alternative. He said that the issues about traffic really go to the special use more than  
9 anything else, and if this property was located one mile west they wouldn't need to rezone the land because  
10 it would be located in the AG-2 District. He said that the issues about traffic that are really related to the  
11 special use would still incur difficult questions, but approval would just be up to the ZBA. He said that  
12 because the petitioners require a map amendment, the request still has to be forwarded to the County Board,  
13 and anything that goes to the County Board is reviewed by 22 people rather than seven people and the  
14 request is not the County Board's main concern.

15

16 Mr. Thorsland stated that the ZBA receives and reads the packet information that is included in the mailings  
17 for each case, but it is not known if the County Board does the same thing.

18

19 Mr. Hall stated that the County Board will read everything that they are provided, but staff will not provide  
20 the County Board with everything regarding this case. He said that the County Board will receive a few  
21 pages from the map amendment that will summarize the case. He said that staff does make all of the case  
22 information available for the County Board's review and they could spend hours reviewing that  
23 information,  
24 and some County Board members will.

25

26 Mr. Fuentes asked the Board when the next public hearing regarding their requests will be held.

27

28 Mr. Thorsland stated that the Board will determine a continuance date shortly. He said that it is up to the  
29 petitioners as to what they do next regarding the requests, because the petitioner's worst nightmare would  
30 be

31 that they continue to invest money into the proposed use and the ZBA recommends a denial of the map  
32 amendment and the County Board agrees with that recommendation.

33

34 Mr. Hall stated that a lot of that investment has already occurred.

35

36 Mr. Thorsland stated that any continued investment is at the petitioner's risk. He said that the ZBA cannot  
37 take action on the map amendment case tonight and all of the required information cannot be submitted to  
38 the Board before the event that is scheduled to occur on the property in June. He said that the petitioners  
39 can go ahead and hold the June event with the risk of the ZBA and the County Board  
40 becoming upset over the continued unapproved use. He said that Mr. Hall testified that historically it would  
41 be a rare occasion if the petitioners decided not to continue their intended use until approval or denial was

1 obtained from the County. He said that as Mr. Passalacqua previously noted, the petitioners have  
2 completed  
3 a lot of work on the site, educating their customers about the area and the agricultural aspect of the use. He  
4 suggested that the petitioners work with staff, because they are the ones who prepare these cases for the  
5 Board's review.

6  
7 Mr. Passalacqua stated that a positive aspect for the proposed use is that it is a farm-to-table experience as  
8 opposed to a wedding barn that just happens to be located in a rural location.

9  
10 Mr. Thorsland stated that testimony has been received from neighbors regarding the proposed use and it  
11 would be helpful if any questions and concerns regarding the business were discussed as a group outside of  
12 this venue so that those issues are clarified prior to the next meeting. He said that suggested continuance  
13 date from staff is July 28<sup>th</sup>. He asked the petitioners if they will be available on July 28<sup>th</sup>.

14  
15 Mr. Fuentes stated that he will be available on July 28<sup>th</sup>.

16  
17 Mr. Thorsland asked the petitioners if a continuance to July 28<sup>th</sup> would provide enough time to obtain all of  
18 the required information, as the cases could be continued to August 11<sup>th</sup>.

19  
20 Mr. Fuentes stated that he and Ms. Lipps would prefer a continuance date to August 11<sup>th</sup>.

21  
22 Mr. Thorsland entertained a motion to continue Cases 830-AM-16 and 831-S-16 to August 11<sup>th</sup>.

23  
24 **Mr. Randol moved, seconded by Mr. Passalacqua to continue Cases 830-AM-16 and 831-S-16 to the**  
25 **August 11<sup>th</sup> meeting. The motion carried by voice vote.**

26  
27 Mr. Kenneth Johnson requested permission to ask questions regarding Cases 830-AM-16 and 831-S-16.

28  
29 Mr. Thorsland requested that Mr. Johnson sign the witness register and then approach the witness  
30 microphone.

31  
32 Mr. Kenneth Johnson, who resides at 1751 County Road 1850 N, Urbana, requested the location of the  
33 leach field for the new septic system that was discussed tonight.

34  
35 Mr. Thorsland stated that the location of the leach field will be indicated on the complete site plan. He said  
36 that Ms. Chavarria provided a photograph indicating the location of the covers for the new septic system.  
37 He said that the covers appear to be located east of the building that will be used for the event center.

38  
39 Mr. Johnson stated that he wanted to reiterate what Mr. Talley discussed about flooding. He said  
40 that farm tile was installed years and years ago and the use will produce more water in those tiles and flood  
41 the area more.

1  
2 Mr. Thorsland stated that the new septic system was installed by a professional and inspected. He said that  
3 nothing can be connected to the farm tiles because it is not allowed, and the health department would not  
4 approve it.  
5  
6 Mr. Johnson stated that the field tiles are already full.  
7  
8 Mr. Thorsland stated that there has been a significant change in the standards, and the septic system will not  
9 have an impact.  
10  
11 Mr. Hall asked Mr. Johnson if his concern is in regards to the general increased runoff and the effect on  
12 farm tiles.  
13  
14 Mr. Johnson stated yes.  
15  
16 Mr. Thorsland stated that increased impervious areas do cause additional runoff and the Board will  
17 address that issue during the public hearing.  
18  
19 Mr. Johnson stated that his leach field is connected to a tile which eventually flows through a farm tile that  
20 is already full, so he is concerned that this use will impact an existing problem.  
21  
22 Mr. Thorsland stated that he is not a hydrologist but the water that 150 people can produce is probably  
23 equivalent the two minutes of rain that the area received yesterday.  
24  
25 Mr. DiNovo stated that a single family residence produces approximately 1,800 gallons of water per day.  
26  
27 Mr. Randol stated that he worked for a water district and they estimate that an average three bedroom home  
28 will produce 1,500 gallons of water per day.  
29  
30 Mr. Thorsland asked Mr. Randol if, in his unprofessional but experienced opinion, he believes that  
31 there should be concern about the additional water that will be produced from the event center.  
32  
33 Mr. Randol stated no.  
34  
35 Mr. Thorsland informed Mr. Johnson that the Board will address this issue during the hearing process. He  
36 said that the petitioners are sitting in the room, therefore they understand that the neighbors have a concern  
37 regarding the additional water that will be generated from the proposed use, and he would assume that the  
38 petitioners will come to the next public hearing regarding these cases with additional information to remedy  
39 the neighbor's concerns.  
40  
41 Mr. Johnson stated that he and his neighbors are concerned about the water.

1  
2 Mr. Thorsland stated that there are very few areas in Champaign County that do not have concerns related  
3 to  
4 water runoff and drainage.

5  
6 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Johnson and there  
7 were none.

8  
9 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Johnson and there was no one.

10  
11 **7. Staff Report**

12 None

13  
14 **8. Other Business**

15 A. Review of Docket

16  
17 Mr. Thorsland stated that the docket schedule has exploded with cases; therefore, it is very important for the  
18 Board to notify staff of any absences. He noted that he will be absent from the May 26<sup>th</sup> and July 14<sup>th</sup>  
19 meetings.

20  
21 Mr. DiNovo reminded the Board that he will be absent from the May 26<sup>th</sup> meeting.

22  
23 **9. Audience Participation with respect to matters other than cases pending before the Board**

24  
25 None

26  
27 **10. Adjournment**

28  
29 Mr. Thorsland entertained a motion to adjourn the meeting.

30  
31 **Mr. Passalacqua moved, seconded by Mr. Randol to adjourn the meeting. The motion carried by**  
32 **voice vote.**

33  
34  
35 The meeting adjourned at 9:25 p.m.

36  
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38  
39 Respectfully submitted

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41

ZBA

*AS APPROVED AUGUST 11, 2016*

5/12/16

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Secretary of Zoning Board of Appeals