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3 **MINUTES OF REGULAR MEETING**

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4 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

5 **1776 E. Washington Street**

6 **Urbana, IL 61802**

7  
8  
9 **DATE: August 11, 2016**

**PLACE: John Dimit Meeting Room**

**1776 East Washington Street**

**Urbana, IL 61802**

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10  
11 **TIME: 7:00 p.m.**

12  
13 **MEMBERS PRESENT:** Catherine Capel, Frank DiNovo, Debra Griest, Marilyn Lee, Brad  
14 Passalacqua, Jim Randol, Eric Thorsland

15  
16 **MEMBERS ABSENT :** None

17  
18 **STAFF PRESENT :** Lori Busboom, Susan Chavarria, John Hall

19  
20 **OTHERS PRESENT :** Victor Fuentes, Bobbie Johnson, Glynis Barker, Colleen Ruebke, Mark  
21 Ruebke, Richard Behnke, Bill Shumate, Barbara Phillips, Philip Phillips,  
22 Kenneth Johnson, James Talley, Kay Weidner, Ron Weidner, Teresa Gabel,  
23 Rick Wolken, Shaannon Clark, Dewayne Clark, Joseph Martocchio

24  
25  
26  
27 **1. Call to Order**

28  
29 The meeting was called to order at 7:00 p.m.

30  
31 **2. Roll Call and Declaration of Quorum**

32  
33 The roll was called and a quorum declared present.

34  
35 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
36 the witness register for that public hearing. He reminded the audience that when they sign the witness  
37 register they are signing an oath.

38  
39 **3. Correspondence**

40  
41 None

42  
43 **4. Approval of Minutes (May 12, 2016 and June 30, 2016)**

44  
45 Ms. Chavarria noted corrections to the June 30, 2016, draft minutes. She said that line 7 on page 18 should  
46 be revised to indicate 6" x 6" not 6' x 6'; and lines 30 and 31 on page 28 should indicate vegetated and not  
47 vegetative. She said that line 28 on page 35 should be revised as follows: Mr. DiNovo stated that the  
48 design of the stormwater detention basin does nothing for water quality and the statement that it does is

1 inaccurate. She said that Mr. DiNovo’s statement in lines 31-34 on page 35 should be revised as follows:  
 2 He said that Mr. Berns indicated that his firm is working with the Urbana Park District to improve the  
 3 basin’s performance, but he does not believe that the Board should accept a design like this as constituting  
 4 any kind of non-point source pollution mitigation, unless the Board knows that there are other aspects that  
 5 are not indicated on the plan? Ms. Chavarria stated that Mr. DiNovo’s statement, which begins on line 8 on  
 6 page 37, should be revised as follows: He said that adding the new detention basin does nothing for water  
 7 quality, and he cannot endorse a Finding of Fact that contains a statement that the detention basin improves  
 8 water quality, because it doesn’t.

9  
 10 Ms. Lee indicated that line 11 on page 5 should indicate Mr. Thorsland and not Ms. Capel, because Ms.  
 11 Capel was absent from the May 12<sup>th</sup> meeting.

12  
 13 Mr. Thorsland entertained a motion to approve the May 12<sup>th</sup> and June 30<sup>th</sup> minutes as amended.

14  
 15 **Mr. Passalacqua moved, seconded by Ms. Griest, to approve the May 12<sup>th</sup> and June 30<sup>th</sup> minutes as**  
 16 **amended. The motion carried by voice vote.**

17  
 18 Mr. Thorsland entertained a motion to rearrange the agenda and hear Cases 842-V-16 and 849-V-16 prior to  
 19 Cases 830-AM-16 and 831-S-16.

20  
 21 **Ms. Capel moved, seconded by Mr. Randol, to rearrange the agenda and hear Cases 842-V-16 and**  
 22 **849-V-16 prior to Cases 830-AM-16 and 831-S-16. The motion carried by voice vote.**

23  
 24 Mr. Thorsland called Cases 842-V-16 and 849-V-16.

25  
 26 **5. Continued Public Hearing**

27  
 28 **Case 830-AM-16 Petitioner: Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc., d.b.a. Willow**  
 29 **Creek Farm Request to amend the Zoning Map to change the zoning district designation from the**  
 30 **AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the**  
 31 **proposed Special Use in related Zoning Case 831-S-16. Location: A 37-acre tract in Somer Township**  
 32 **in the Southwest Quarter of the Northeast Quarter of Section 36 of Township 20 North, Range 9 East**  
 33 **of the Third Principal Meridian and commonly known as the farmstead located at 1766 CR 1850N,**  
 34 **Urbana.**

35  
 36 **Case 831-S-16 Petitioner: Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc., d.b.a. Willow**  
 37 **Creek Farm. Request to authorize the remodeling of existing farm buildings for the establishment**  
 38 **and use of an Event Center as a combination “Private Indoor Recreational Development” and**  
 39 **“Outdoor Commercial Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-**

1 **2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning**  
2 **case 830-AM-16. Location: A 37-acre tract in Somer Township in the Southwest Quarter of the**  
3 **Northeast Quarter of Section 36 of Township 20 North, Range 9 East of the Third Principal Meridian**  
4 **and commonly known as the farmstead located at 1766 CR 1850N, Urbana.**

5  
6 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
7 the witness register for that public hearing. He reminded the audience that when they sign the witness  
8 register they are signing an oath.

9  
10 Mr. Thorsland informed the audience that Case 831-S-16 is an Administrative Case and as such the County  
11 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
12 show of hands for those who would like to cross examine and each person will be called upon. He requested  
13 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said  
14 that those who desire to cross examine are not required to sign the witness register but are requested to  
15 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
16 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
17 exempt from cross examination.

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

20  
21 Mr. Victor Fuentes, who resides at 2305 Firethorn Lane, Champaign, stated that he and Ms. Lipps are  
22 attempting to change the zoning of the subject property from AG-1 to AG-2 so that they can convert one of  
23 the existing buildings into a small event center, 2600 square feet. He said that, as requested by the Board, he  
24 has submitted a clear site plan. He said that the architect has indicated the required accessibility for the  
25 bathrooms on the plans, as well as, the handicapped parking. He said that they have received a health permit  
26 from the Champaign County Health Department and the water well test results were okay.

27  
28 Mr. John Hall, Zoning Administrator, stated that when the legal notice was sent in for these cases, staff did  
29 not have an accurate site plan yet and no waiver was included for the proximity of the parking area to the  
30 nearest residential use. He said that he does not intend to re-advertise the case with the waiver and staff's  
31 recommendation is to have the parking area relocated to meet the 200' foot separation. He said that if the  
32 Board is inclined to allow parking at its current location then the Board could not complete this case tonight  
33 and it would need to be re-advertised.

34  
35 Mr. Hall stated that staff has spent a lot of time discussing these cases, as documented by the numerous  
36 emails. He said that it was originally thought that there was no way that staff could actually not make a  
37 negative recommendation for this case, but the more that staff thought about it staff realized that there are  
38 still some by-right lots which could be created. He said that as long as the Board feels that the traffic, in  
39 general, doesn't exceed what could happen without the rezoning then it is conceivable that the increase in

1 traffic is not a problem. He said that the Zoning Ordinance has a provision for temporary uses and anyone  
2 within the rural area could hold a large event, but no more than five times within a 90-day period. He said  
3 that a Temporary Use Permit could be submitted and approved every 90 days for these large events with no  
4 limit on the number of attendees. He said that a temporary use is allowed by-right, but staff believes that it  
5 would be better for the special use to include this information. He said that if the interested parties believe  
6 that this information is part of the approval, then fine, but if it is part of the denial, everyone should  
7 understand that the Temporary Use Permit for the events held on this property could happen. He said that  
8 the Temporary Use Permit could be issued on any rural property as long as there is no record that the event  
9 causes any traffic or safety issues. He said that on 40 acres there is adequate room for people to pull off of  
10 the road, but the Temporary Use Permit is something that the Board needs to consider.

11  
12 Mr. Hall stated that regarding the two by-right lots, staff generally considers that a rural home would  
13 generate at least 10 trips per day per home. He said that in relation to an event center, 20 trips would be 10  
14 cars coming in and out of the property. He said that staff recommended a condition that would allow no  
15 more than 20 vehicles, which means 20 trips in and 20 trips out totaling 40 trips. He said that staff has set  
16 the trips as low as what the by-right alternative would be, but the Board may think that 20 trips in and out of  
17 the property are too many. He said that these trips would occur on a road that is already over the traffic  
18 capacity. He said that there is no way to analyze the traffic problems caused by non-farm traffic interacting  
19 with farm traffic and the Board must realize that it either exists or it doesn't, but for sure, two additional by-  
20 right lots could be created which would result in at least 20 trips per lot per day. He said that if the special  
21 use does not exceed that or is close enough to it then the Board may not think that traffic will be a problem  
22 with the proposed special condition. He said that in terms of traffic generation, the special condition  
23 establishes that no more than 20 vehicles are permitted for any event that occurs, although that could also  
24 include 20 shuttles, which could involve more than 20 people. He said that the special use would still allow  
25 the larger events, including more than 20 vehicles, not to occur more than five times in a 90-day period,  
26 same as that of a Temporary Use. He said that staff is recommending that larger events not happen during  
27 predicted planting and harvesting seasons. He said that the petitioners would still be able to achieve the  
28 same number of events, but they would have to shift when they would occur. He said that staff is not  
29 recommending that the larger events would be reduced in number, but is recommending that they be spaced  
30 a little differently.

31  
32 Mr. Hall stated that staff has not received any comments from the petitioners regarding the special  
33 conditions. He said that the special conditions have to be agreed upon by the petitioners. He said that all of  
34 this information is only staff recommendation, but the final decision is up to the Board. He requested that  
35 the Board document their final decision as best they can.

36  
37 Ms. Capel asked Mr. Hall, if the special use would be limited for events with 20 vehicles or less.

38  
39 Mr. Hall stated that on an everyday basis they cannot have more than 20 vehicles and then no more often

1 than 5 times during a 90-day period they could have more vehicles.  
2

3 Ms. Capel asked Mr. Hall if that is part of the special conditions for the special use permit and not part of an  
4 unregulated thing that is going on.  
5

6 Mr. Hall stated that even if the special use is denied, the Zoning Ordinance allows temporary uses to occur,  
7 with approval, no more than 5 times within a 90-day period, so even with a denial the petitioners could do  
8 something no more often than 5 times within a 90-day period.  
9

10 Ms. Capel asked if staff is attempting to encompass those 5 temporary use events as part of the special use;  
11 therefore, they are outside of the by-right. She asked if the 5 temporary use events are included as part of the  
12 special use no more by-right events could be held.  
13

14 Mr. Hall stated that the 5 temporary use events are by-right, but he would like to include them as part of the  
15 special use to make it cleared that they are approvable. He said that the by-right events are not intended to  
16 increase the number of events or vehicles allowed.  
17

18 Mr. Thorsland stated that the by-right events do not have the vehicle trips restriction. He said that the  
19 attendance list assures that an event is occurring and not a restaurant.  
20

21 Mr. Hall stated that the attendance list is to assure that it is an event that is occurring and not a restaurant,  
22 because restaurants are not allowed in the AG-2 district.  
23

24 Ms. Lee stated that at the last meeting the Board discussed that the special use runs with the land. She asked  
25 Mr. Hall if he has received comments from the State's Attorney regarding this discussion.  
26

27 Mr. Hall stated that staff has not had time to submit this question to the State's Attorney. He said that staff  
28 does not receive an answer from the State's Attorney's office quickly, so even if he had sent the question to  
29 the State's Attorney he would not have received an answer for tonight's meeting. He said that he would not  
30 recommend having a special condition regarding whether or not the special use runs with the land without  
31 having an opinion from the State's Attorney.  
32

33 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.  
34

35 Ms. Lee asked Mr. Fuentes to indicate the number of cattle and other animals that are currently raised on the  
36 farm.  
37

38 Mr. Fuentes stated that they have 20 head of black angus cattle, 13 goats, 90 egg laying chickens, and every  
39 six weeks or so they have 100 chickens for meat consumption. He said that they also have 9 sheep and 7

1 horses.  
2  
3 Ms. Lee asked Mr. Fuentes to indicate how often the cattle are used for the restaurant.  
4  
5 Mr. Fuentes stated that the goal for the cattle is to get them to approximately 1400 pounds before they are  
6 mature. He said that some of the cattle are still babies and will need time to grow during the winter months.  
7  
8 Ms. Lee asked Mr. Fuentes if he is currently able to provide all of the beef that is required for the restaurant.  
9  
10 Mr. Fuentes stated that they just took two cows to the locker for processing. He said that they have been  
11 able to keep up with the demand for his other restaurant, V. Picasso, which is located in Champaign.  
12  
13 Ms. Lee asked Mr. Fuentes to indicate the required pounds of beef for V. Picasso per week.  
14  
15 Mr. Fuentes stated that generally 300 pounds of beef per week is sufficient.  
16  
17 Mr. Thorsland asked Ms. Lee to indicate what point she is trying to make.  
18  
19 Ms. Lee stated that her question relates to whether the petitioners really have enough meat animals to  
20 provide the demands of the restaurant.  
21  
22 Mr. Thorsland asked Ms. Lee why that is an issue for this special use.  
23  
24 Ms. Lee stated that she is trying to determine the percentage of the farm that is being used only to meet the  
25 demands of the restaurant. She said that she would like to know if they are using part of the farm or all of  
26 the farm to meet those needs.  
27  
28 Mr. Fuentes stated that with the exception of the seafood and some of the vegetables, they provide  
29 everything for the restaurant from the farm.  
30  
31 Ms. Capel asked Mr. Fuentes if all of the livestock is raised and fed on the farm or are there other locations.  
32  
33 Mr. Fuentes stated that they have some Berkshire pigs that are being raised in Arthur.  
34  
35 Mr. Thorsland stated that the rotational number of 20 head of cattle is only an estimate.  
36  
37 Mr. Fuentes stated that they have rotational pastures on the farm so that they can move the animals during  
38 different stages of their growth.  
39

1 Mr. Passalacqua stated that he is missing the point of this discussion.

2  
3 Mr. Thorsland stated that this all has to do with the location of the parking lot and whether the current  
4 location is more desirable because of the rotational pastures that are required for the livestock that is used for  
5 the restaurant. He said that staff has provided two maps indicating the special use borders. He said that it  
6 has been established that this is an active farm and the special use takes advantage of the active farm that  
7 surrounds it.

8  
9 Ms. Lee asked Mr. Hall if the special use is applicable to the entire 37 acres.

10  
11 Mr. Hall stated that the special use is not applicable to the entire 37 acres at this time. He said that as the use  
12 has been described the entire 37 acres is not included in the special use. He said that prior to final action the  
13 Board does have to document where the special use is approved. He said that staff has provided an example  
14 on Attachment L, indicating the 7.5-acre area which included the relocation of the parking area. He said that  
15 ideally the petitioner would amend the site plan by outlining the area where the special use is proposed to  
16 occur. He said that the special use has to include the driveway, event center, outdoor area, and final parking  
17 area. He said that he would recommend that the special use includes the house and some area around the  
18 pond, because it seems unlikely that someone would hold a wedding on the property and not take photos  
19 outside and around that pond. He said that if the petitioners do not want people to be near the pond then they  
20 should not include the pond in the special use, but they do need to get the site plan nailed down before this  
21 Board takes final action.

22  
23 Mr. Thorsland asked Mr. Fuentes to indicate how many events they plan to have per year.

24  
25 Mr. Fuentes stated that it is hard to say how many weddings they will have on the property. He said that they  
26 plan to work with the University of Illinois by having educational retreats. He said that by having these  
27 retreats they too can learn how to be better stewards for the animals and the pastures. He said that they will  
28 have small groups who will come to the property to check out what they are doing on the property, but he  
29 does not know if those small groups will be considered an event.

30  
31 Mr. Thorsland stated that it has been discussed tonight that five by-right events in a 90-day period could  
32 occur under a Temporary Use Permit. He asked Mr. Fuentes to indicate how many events beyond those five  
33 by right events, small and large, could occur on the property.

34  
35 Mr. Fuentes stated that he would say 30 events per year. He said that currently they have been doing small  
36 dinners on the farm. He said that small dinners require tickets in advance so that people do not think that  
37 they can just come to the farm for dining. He said that they will have an actual prep kitchen which means  
38 that the food will be brought in and served to the patrons. He said that the required tickets will always assure  
39 the number of people that will be attending an event and the names of those attendees will be on record.

1  
2 Mr. Thorsland asked Mr. Fuentes to indicate the number of tickets that are normally sold for dinners on the  
3 farm.

4  
5 Mr. Fuentes stated that they sell no more than 30 tickets for each dinner of the farm.

6  
7 Mr. Thorsland stated that if 30 tickets are sold the Board could assume that at least half of those people  
8 travel by car.

9  
10 Mr. Fuentes stated that for the most part, two guests generally arrive in the same vehicle. He said that  
11 currently they have two employees who work at the farm and they both have their own vehicles. He said that  
12 they do have servers which come to the farm to serve the food to the patrons of the event that is occurring  
13 that day.

14  
15 Mr. Thorsland asked Mr. Fuentes to indicate the number of vehicles that can be parked on the gravel parking  
16 lot.

17  
18 Mr. Fuentes stated that the parking lot can accommodate 85 vehicles. He said that they wanted to make the  
19 parking lot large enough so that no one parks along the road. He said that they have 5 handicapped spaces  
20 next to the event center. He said that currently when they have the small events, people will park in front of  
21 the building.

22  
23 Mr. Thorsland asked Mr. Fuentes if he is indicating that the gravel parking lot in the front of the property is  
24 not used during dinners on the farm or small events.

25  
26 Mr. Fuentes stated that Mr. Thorsland is correct. He said that that he has another gravel lot in back that  
27 could be used, but he would have to move all of his farm implements to a different location.

28  
29 Mr. Thorsland stated that he does not know if the Board has the power to regulate the parking lot during a  
30 by-right event.

31  
32 Mr. Hall stated that if the case is denied and the petitioner proceeds with the temporary use process, the  
33 requirement for the 200 feet separation and screening would not apply. He said that it is important for the  
34 Board to understand that this case has to be re-advertised if any parking for the special use is approved with  
35 less than 200 feet from the nearest residential property.

36  
37 Mr. DiNovo asked Mr. Hall to clarify if the 200 feet is from the southwest corner of the parking area to the  
38 northeast corner of Ms. Johnson's property.

39



1 Mr. Hall stated yes, the 200 feet would be from the northeast corner of Ms. Johnson's lot. He said that from  
2 a site plan extent, it is bad practice to put parking out near the street rather than close to the use, which is  
3 why staff recommended that no parking is allowed that close to the street.  
4

5 Mr. Thorsland stated that from reading the submitted documentation from the public, there seems to be a  
6 golf cart issue. He said that he understands that the petitioners use golf carts to accommodate patrons to and  
7 from their vehicles.  
8

9 Mr. Fuentes stated that they had two golf carts for the last wedding that they had and it was reported that the  
10 drivers of the golf carts were not being responsible and were driving too fast and being noisy. He said that  
11 he was not aware at the time, but it appears that the drivers were also giving rides to some of the kids that  
12 were at the event. He said that he addressed the issue with the drivers and assured the Board that this issue  
13 will not occur again.  
14

15 Mr. Thorsland asked Mr. Fuentes if all of the golf cart issues only occurred during the one event.  
16

17 Mr. Fuentes stated yes. He said that they used two golf carts, a four seated cart and a six seated cart, for the  
18 one event.  
19

20 Ms. Griest asked Mr. Fuentes to indicate the number of seats available for the event center.  
21

22 Mr. Fuentes stated that the seating capacity for the event center is 160.  
23

24 Mr. Thorsland asked Mr. Fuentes if they are at their maximum capacity.  
25

26 Mr. Fuentes stated that based upon the parking they cannot have more than 200 people, but based on the area  
27 that they have available they only have 160 seats provided.  
28

29 Mr. Thorsland asked Mr. Fuentes if the by-right events would be at the 160 seat capacity.  
30

31 Mr. Fuentes stated yes. He said that this is not going to be a daily, constant traffic, restaurant. He said that  
32 Ms. Lipps lives on the property and she does not want people continuously coming in and out of her  
33 property. He said that he does not want to be a nuisance to Ms. Lipps or to the neighbors, which is why he  
34 discussed the operation of the event center with the Champaign County Sheriff's office. He said that he  
35 attempted to contact the Somer Township Highway Commissioner, but he has not received a response. He  
36 said that the noise will be reduced to the inside only and there will be no outside disc jockey sound systems.  
37

38 Mr. Thorsland asked the Board if there were any additional questions for Mr. Fuentes at this time and there  
39 were none.

1

Mr. Thorsland called Ms. Lipps to testify.

3

Mr. Fuentes stated that Ms. Lipps was not in attendance tonight due to an event for her daughter.

5

Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Fuentes.

7

Ms. Colleen Ruebke, who resides at 1865 South Forty Drive, Urbana, stated that Mr. Fuentes indicated in his testimony that the seating capacity for the event center is 160, but the documentation indicates that there is also exterior seating available creating a total seating capacity of 200. She said that she is concerned about the septic system because it is only approved for 150 guests.

12

Mr. Thorsland stated that Mr. Fuentes did not discuss the septic system, but he understands Ms. Ruebke's concern as to whether the capacity is really only 160.

15

Mr. Fuentes stated the 160 seats are only for the inside of the building.

17

Mr. Thorsland asked Mr. Fuentes if he also has outdoor seating available.

19

Mr. Fuentes stated yes.

21

Mr. Thorsland asked Mr. Fuentes to indicate the total number of patrons and employees allowed on the property of any given event.

24

Mr. Fuentes stated that the contract that they have for weddings only includes 150 people. He said that the inside capacity of the building is 160 people, which includes guests and staff.

27

Mr. Thorsland asked Mr. Fuentes if the advertised contract is for 150 people regardless as to whether they are inside or outside for any given event and not both.

30

Mr. Fuentes stated yes.

32

Mr. Thorsland asked Mr. Fuentes if he would agree to a special condition of approval regarding the total 150 patron capacity for any given event.

35

Mr. Fuentes stated yes.

37

Mr. Thorsland asked Mr. Fuentes if the approved capacity of the septic system above or below the number of guest and employees that are on site at any one time, or are port-a-potties also provided to accommodate the

39

1 guest, employees, and petitioners.

2  
3 Mr. Fuentes stated that the Champaign County Health Department is okay with what they have currently. He  
4 said that the State Fire Marshal has indicated that they cannot have more than 160 people in total at the event  
5 center.

6  
7 Mr. Thorsland asked Mr. Fuentes if the Champaign County Health Department indicated that the current  
8 septic system is adequate to accommodate 160 people.

9  
10 Mr. Fuentes stated yes. He said that no food is prepared on site, but the dishes are washed on site in a three  
11 compartment sink.

12  
13 Ms. Ruebke stated that an email from Michael Flanagan with the Champaign County Public Health  
14 Department, received May 4, 2016, indicates that the septic system was sized for 150 meals and 1800  
15 gallons of water usage per day. She said that Mr. Fuentes has continuously indicated 160 seats.

16  
17 Ms. Capel stated that Mr. Fuentes has testified that the 160 includes 150 guests plus staff.

18  
19 Mr. Thorsland asked Ms. Ruebke if she had any additional questions regarding Mr. Fuentes testimony.

20  
21 Ms. Ruebke stated no.

22  
23 Mr. Thorsland stated that Ms. Ruebke should sign the witness register to present testimony regarding any  
24 further concerns that she may have regarding the proposed use.

25  
26 Mr. Fuentes stated that the septic system was sized for a restaurant and the number of meals that they will  
27 serve versus the number of people that are anticipated to attend.

28  
29 Ms. Lee stated that item (3) on page 4 of 44 of the Summary of Evidence indicates the following: Proposed  
30 longer term improvement include: a. a commercial kitchen in the events center where currently there is a  
31 prep kitchen.

32  
33 Mr. Fuentes stated that the equipment that he has to have for the prep kitchen has to be commercial grade  
34 equipment. He said that he has a three compartment sink, warming unit and a refrigeration/freezer unit and  
35 all of this equipment is commercially approved.

36  
37 Mr. Thorsland asked Mr. Fuentes if, at the time when he was asked by staff about long term improvements,  
38 he indicated that the equipment that would be installed in the prep kitchen would be commercial grade  
39 equipment.

- 1  
2 Mr. Fuentes stated yes.  
3
- 4 Mr. Thorsland asked Mr. Fuentes if he would be agreeable to a special condition indicating that only a prep  
5 kitchen is allowed at the event center and no commercial kitchen could be installed.  
6
- 7 Mr. Fuentes stated yes.  
8
- 9 Ms. Lee asked Mr. Fuentes to explain what equipment would be necessary to turn the prep kitchen into a full  
10 commercial kitchen.  
11
- 12 Mr. Fuentes stated that they only chop veggies in the prep kitchen, but they cannot actually cook in the  
13 kitchen. He said that the Champaign County Health Department has approved their current use of the prep  
14 kitchen. He said that the prepping and plating vegetables for salads is done on site, but the actual cooking of  
15 any food for the dinners on the farm is completed off-site.  
16
- 17 Mr. Randol stated that it appears that Mr. Fuentes is indicating that if he is to serve food to the patrons of any  
18 given event, he has to use commercial equipment and not household kitchen appliances.  
19
- 20 Mr. Thorsland stated that Mr. Fuentes stated that he is willing to accept a condition regarding the allowance  
21 of a commercial prep kitchen only and not full commercial kitchen, which would include a range and hood.  
22
- 23 Mr. Hall stated that attached to the Preliminary Memorandum, dated May 5, 2016, is an email from Victor  
24 Fuentes, dated February 5, 2016. He said that the email indicates the following regarding the kitchen: "Our  
25 goal with the farm is to do events for up to 150 guests and eventually, down the road, have a full service  
26 kitchen there where we can provide true farm-to-fork experiences." Mr. Hall stated that the special condition  
27 regarding a prep kitchen, full service kitchen, commercial prep kitchen or commercial kitchen needs to be  
28 clarified.  
29
- 30 Mr. Fuentes stated that based upon the requirements for the Champaign County Health Department and the  
31 fire inspector, they decided to only have a prep kitchen and not a full commercial kitchen with a range and a  
32 hood. He said that the fact that a barn is still on the other side of the event center, for safety reasons they  
33 decided against a kitchen. He said that in order to obtain the appropriate licenses they have complied with  
34 the requirements of the Health Department and the State Fire Marshal.  
35
- 36 Mr. Thorsland stated that during the time between the February 5<sup>th</sup> email and tonight, a commercial kitchen  
37 is not an option in this building.  
38
- 39 Mr. Fuentes stated no commercial kitchen is proposed.

1  
2 Mr. Thorsland stated that the Board will ask Mr. Fuentes if he ever anticipates having a full commercial  
3 kitchen.

4  
5 Mr. Fuentes stated that no commercial kitchen will be proposed.

6  
7 Mr. Thorsland stated that the special condition will indicate that no commercial kitchen is allowed on the  
8 site.

9  
10 Mr. Fuentes stated that he would agree to such a special condition.

11  
12 Ms. Kay Weidner stated that the current map indicates that the parking lot is outside of the special use area.

13  
14 Mr. Thorsland stated that the map, prepared by staff, indicates an alternative parking area so that the special  
15 use could be made smaller. He said that should the petitioner decide to use the alternative parking area  
16 rather than requesting the waiver for the existing graveled parking area, the alternative parking area would  
17 have to be included in the special use and the existing graveled area near the road would not be included.

18  
19 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Fuentes.

20  
21 Ms. Glynis Barker stated that page 7 of 44 of the Summary of Evidence dated August 11, 2016, indicates the  
22 available seating for the venue. She said that with the exterior seating and the 160 interior seating available,  
23 the petitioners will have a total capacity of 200 persons.

24  
25 Mr. Thorsland stated that this item also indicates that this total was determined by the restrooms. He said  
26 that this information may have changed since this information was received.

27  
28 Ms. Barker noted that the same item on page 7 of 44 indicates that there is a silo which has been converted  
29 to a bar with an accessible service height. She asked Mr. Fuentes to indicate what type of bar will be  
30 available, who will be serving alcohol, etc.

31  
32 Mr. Thorsland stated that the minutes for the first meeting includes the discussion regarding the silo bar.

33  
34 Mr. Thorsland asked the audience if anyone else desired to cross examine Mr. Fuentes and there was no one.

35  
36 Mr. Thorsland called Ms. Bobbie Johnson to testify.

37  
38 Ms. Bobbie Johnson, who resides at 1755 CR 1850N, Urbana, stated that she is confused as to the temporary  
39 use requirements as it relates to parking. She said that it is her understanding the use is not restricted to five

1 parties within a 90-day period, but as many parties as the petitioner desires.

2  
3 Mr. Hall stated that the special condition for the special use for events with no more than 20 vehicles is that  
4 there is no limit on the number of events.

5  
6 Ms. Johnson asked Mr. Hall if that includes the dinners which occur every third Thursday of the month.

7  
8 Mr. Hall stated yes. He said that there is no limit as long as there is no more than 20 vehicles. He said that  
9 an event with more than 20 vehicles will be limited to no more often than five days within any 90-day  
10 period.

11  
12 Mr. Thorsland stated that if the special use is denied, the petitioners could still have five large special events  
13 within a 90-day period.

14  
15 Ms. Johnson asked the Board to indicate who the public would contact regarding complaints about an event  
16 that is being held.

17  
18 Mr. Thorsland stated that if the special use is granted with the ability to hold as many small events as  
19 possible and it is discovered that more than 20 vehicles are present to each event, then the public should call  
20 the Department of Planning and Zoning to file a complaint. He said that if it is a safety issue, then the public  
21 should call the Sheriff's office.

22  
23 Mr. Hall stated that the public should contact the Champaign County Department of Planning and Zoning  
24 with any concerns regarding any events that are occurring on the Lipps' property, but if it is a concern  
25 regarding safety he would encourage the public to call the Sheriff's office.

26  
27 Ms. Johnson stated that the documentation indicates that the subject property is considered best prime  
28 farmland and if that is the case, she does find it unfortunate that the land is going to be turned into a  
29 recreational use.

30  
31 Mr. Thorsland stated that even though the property is considered best prime farmland, the use can be  
32 authorized by-right under a Temporary Use Permit with the restriction that events can only occur five times  
33 within a 90-day period. He said that the designation of best prime farmland does apply to the Board's  
34 consideration of the special use.

35  
36 Mr. Hall stated that if the special use is denied, the petitioners could go through the process of dividing six  
37 acres of the prime farmland for additional home sites. He said that as the special conditions are proposed, if  
38 the special use is approved, the petitioners give up their by-right lots and they cannot create anymore small  
39 lots from the 37 acres. He said that if the petitioners do create new lots, they will be in violation of the

1 special use permit and it will become void.

2  
3 Ms. Johnson stated that she feels that it not up to the Zoning Board of Appeals to get these cases approved.  
4 She said that she is getting the impression that it is one sided and that the Board is attempting to help the  
5 petitioners get this passed. She said that the petitioners did not follow the rules from the beginning. She said  
6 that at this point she would like the opportunity to take a break in providing testimony.

7  
8 Mr. Thorsland stated that he would be happy to recall Ms. Johnson when she is ready to present additional  
9 testimony.

10  
11 Mr. Thorsland called Ms. Glynis Barker to testify.

12  
13 Ms. Glynis Barker, who resides at 1824 CR 1750E, Urbana, stated that one year ago she and her husband  
14 moved to this area with the idea that they would be living in peace and quiet in the country. She said that  
15 they looked forward to living in an agricultural community, not in an area where an event could be held  
16 every night of the week with additional problems and activities that would disrupt this peaceful setting. She  
17 said that she and her husband respect the rights of the neighbors in regards to their land, living conditions,  
18 and their opportunity to have friends and family entertained in their home. She said that the petitioners have  
19 not respected their neighbor's rights by constructing a parking area and creating an event center without  
20 following proper procedure or regards to their neighbors. She asked the Board how they can trust that the  
21 petitioners will follow the guidelines that have come forth when the petitioners have already done things on  
22 the property without proper approvals. She said that the event center and the parking area is an invasion of  
23 the community by creating additional noise, litter, and traffic that will cause undue wear and tear on the  
24 roads.

25  
26 Mr. Hall stated that staff attempts to find a place of agreement for things like this, for example, the small  
27 events could occur no more often than once per week, plus the five times within 90 days. He said that the  
28 petitioner has testified that they anticipate approximately 30 events per year; therefore, no more than 20  
29 vehicles would be present at the property for an event once a week, plus the five times within 90 days for  
30 larger events. He asked Ms. Barker if this restriction would reassure her. He said that if there is a concern  
31 with the use, the public is always encouraged to contact the Department of Planning and Zoning, and staff  
32 will follow up on the concern.

33  
34 Ms. Barker stated that it does not make her feel any better, because if the petitioners had been following the  
35 guidelines and rules up to this point the special condition would have reassured her concern. She said that  
36 since the petitioners have not followed the rules and guidelines, she does not have a lot of trust that those  
37 actions will not just be continued.

38  
39 Mr. Hall stated that he understands Ms. Barker's concerns, because he does not understand why people do

1 not obtain approval before they do things like this. He said that he does not want Ms. Barker to believe that  
2 this is the first instance of something like this, as it is the typical approach that many people take. He said  
3 that documentation has been submitted indicating that the septic system on the subject property for the event  
4 center has been approved and they have met the Champaign County Public Health Department's  
5 requirements. He said that it is true that the petitioner's constructed the parking lot, but it is staff's  
6 recommendation that the petitioners are not allowed to use the parking lot and it must be relocated. He said  
7 that it is true that certain approvals have been obtained for the septic system and the kitchen, and hopefully  
8 they will agree to relocated the parking lot. He said that indeed, all of these approvals have been obtained,  
9 but this Board should have received these requests prior to the approvals by those other entities.

10  
11 Ms. Barker stated that this information does not make her feel any better, because she and her husband  
12 moved out to the country to be in the country and not next to a reception hall. She said that they moved to  
13 their current residence so that they could enjoy the peace and quiet and the privacy of the rural area and if  
14 they had wanted to live next to a bar or event center they would have moved next to one.

15  
16 Mr. Hall asked Ms. Barker to indicate the location of her property.

17  
18 Ms. Barker stated that her property is directly behind Kenneth Johnson's property to the south.

19  
20 Mr. Hall stated that if the subject property was one-half mile to the west there would not be a rezoning  
21 required, but the petitioners would still require a special use permit. He said that many times the country is  
22 not the rural area that people believe it is, but regardless the petitioners' property requires rezoning and a  
23 special use.

24  
25 Mr. Thorsland stated that he has been on this Board for almost nine years and he is here because the only  
26 thing that he wanted to do is restrict development near his farm. He said that if he had a dollar for every  
27 time someone came before this Board indicating that they moved out to the country. He said that he is not  
28 being negative about that mind thought, but there is this same perception from people who have moved out  
29 to the fringe of town which is close to town and in the country at the same time. He said that the Board  
30 recently heard a case regarding a property that held events and has been in existence for many, many years,  
31 but they never bothered to apply for a permit. He said that people knew that the property was there and no  
32 one ever called about it. He said that it is very, very difficult to balance the difference between the  
33 expectations of people who live in the country or what they intend to do in the agricultural district. He said  
34 that there is no reason why all of the Berkshire pigs, who currently are raised in Arthur, could not come to  
35 the subject property to live by-right, because the pigs are considered agriculture.

36  
37 Ms. Barker stated that she had no idea that such a scenario could occur.

38  
39 Mr. Thorsland stated that their real estate agent should have provided this information. He said that the



1 Champaign County Farm Bureau has a brochure about what is expected in the country. He said that people  
2 could wake up in the morning and have cows all around them and there is nothing that this Board could do  
3 about this. He said that the special use, as presented tonight, that is before this Board is not an allowed by-  
4 right use that is expected to be out in this district.

5  
6 Mr. Thorsland stated that Ms. Johnson expressed her concern that the ZBA is attempting to assist the  
7 petitioners in obtaining their requested approvals, but that is not the case. He said that staff's job is to find a  
8 way to make everyone work together within the rules of the Zoning Ordinance and achieve the ability to  
9 monitor the use. He said that the petitioners could apply for a Temporary Use Permit to hold events five  
10 events within a 90-day period and they could continue to reapply every 90 days. He said that if the  
11 petitioners decide to apply for a permit to build a huge building for the events that they receive a Temporary  
12 Use Permit for and they follow all of the rules for the County, they can do so.

13  
14 Ms. Barker stated that more or less, Mr. Thorsland is indicating that the petitioners are going to do this  
15 regardless of everyone's concerns.

16  
17 Mr. Thorsland stated that they have the ability to hold five events within a 90-day period, but there are  
18 regulations that they must follow to be able to do so.

19  
20 Ms. Barker stated that they still do that regardless.

21  
22 Mr. Thorsland stated yes. He said that the Board has three pages of special conditions which really lock in  
23 what can and cannot happen on the subject property regarding the intended use. He said that the public has  
24 the ability to contact the office with any concerns regarding those events. He said that if this Board had a  
25 dollar for every person who has come before this Board after they have already constructed a building or  
26 removed trees,

27  
28 Mr. Passalacqua stated that no one on this Board is on one side or the other. He said that the members of  
29 this Board also reside in Champaign County and they also have neighbors, but this Board has seen worse  
30 cases than what is proposed tonight, and the approval for those cases had special conditions so that the Board  
31 had governing power. He said that, not out of disrespect, the petitioners have the by-right option to hold five  
32 events within a 90-day period and this Board has no ability to place restrictions upon that approval. He said  
33 that if the petitioners withdraw their petitions, because they feel that these hearings are going nowhere, they  
34 could still hold five events every 90 days with the approval of a Temporary Use Permit with no special  
35 regulations. He said that he does not want to live next to a busy, loud public use either, but currently this  
36 Board has no jurisdiction in saying what the petitioners can and cannot do.

37  
38 Mr. Passalacqua stated that he just wants to make it clear that this Board is not on any side, but the case is  
39 now before them and they have to do the best that they can to have some control over the use, yet allow

1 everyone to get a little bit of what they want.

2  
3 Mr. Thorsland stated that the Ms. Johnson has voiced concerns about a continuance, but the reason why a  
4 continuance was granted previously was because the Board had nothing to work with other than a crummy  
5 drawing and a lovely video. He said that since that first meeting the petitioner has indicated that some of the  
6 things that were presented at the previous meeting are no longer true, because the petitioner found out that  
7 either the original plan doesn't work or they changed their mind. He said that one of the other benefits for a  
8 special use is that everything that will be proposed in the future must be indicated on the site plan now and  
9 this Board will regulate those items during this public hearing process. He said that if a future use or  
10 building was not approved by this Board then the use must be ceased immediately and it is possible that the  
11 building will have to be taken down, and this Board has required a petitioner to remove an unauthorized  
12 portion of a building before. He said that this Board must hear everything that the petitioner and the  
13 audience is concerned about, because this Board will listen to those concerns and if necessary the Board will  
14 impose special conditions on the use to assure compliance.

15  
16 Mr. Passalacqua informed the audience that whether this Board votes for an approval or denial, this is not  
17 over. He said that this Board does the hard work for the County Board so that all they have to do is read a  
18 two-page memorandum, discuss the information and move to a final decision.

19  
20 Mr. DiNovo stated that this Board is supposed to be implementing policies and purposes of the Champaign  
21 County Board. He said that there are criteria in the Champaign County Zoning Ordinance that must be met  
22 as well as goals and policies in the Land Resource Management Plan (LRMP). He said that the only way  
23 that this Board could be criticized is whether or not they are implementing those goals and policies. He said  
24 that if the decision that the Board makes appears to be contradictory to those goals and policies, then there  
25 would be a basis for criticism. He said that it is not this Board's job to weigh equities, but to implement  
26 policies and document that implementation.

27  
28 Mr. Thorsland stated that the provided documentation includes the Land Resource Management Plan and the  
29 biggest goal and policy that this Board reviews is in regard to agriculture. He said that it took the County a  
30 long time to finalize the LRMP and this Board abides and follows through with the review for that plan. He  
31 requested the audience to submit testimony regarding all of their concerns during the public hearing process  
32 so that this Board can address those concerns.

33  
34 Mr. Thorsland asked Ms. Barker if she had any additional testimony for the Board tonight.

35  
36 Ms. Barker stated that she feels the same way as almost everyone else in this room, in that it is disconcerting  
37 to think about people who have been drinking at these events will be traveling down the road. She said that  
38 currently all of the neighbors have privacy out there and it is nerve racking to think that this atmosphere will  
39 be gone due to this proposed use.

1  
2 Mr. Passalacqua noted that the audience's testimony is what this Board turns around as homework for the  
3 petitioner. He said that when this Board hears the concerns of the neighbors the Board will question the  
4 petitioner as to how they will proactively address those concerns.  
5  
6 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Barker.  
7  
8 Mr. Fuentes requested the opportunity to ask Ms. Barker a question.  
9  
10 Mr. Thorsland informed Mr. Fuentes that he should come to the cross examination microphone to ask Ms.  
11 Barker a question. He noted that Mr. Fuentes could only ask a question regarding her testimony.  
12  
13 Mr. Fuentes stated that he would like to assure Ms. Barker that he and Ms. Lipps can be trusted.  
14  
15 Mr. Thorsland informed Mr. Fuentes that he is making a statement regarding Ms. Barker's testimony and  
16 that is not allowed during the cross examination process.  
17  
18 Mr. Passalacqua reminded Mr. Fuentes that when he is called back to the witness microphone he can  
19 indicate his assurances at that time.  
20  
21 Mr. Thorsland called Ms. Colleen Ruebke to testify.  
22  
23 Ms. Colleen Ruebke, who resides at 1845 South Forty Drive, Urbana, stated that the Board previously  
24 discussed the requirement for the petitioners to follow the rules and regulations. She said that in her letter,  
25 which is included in tonight's memorandum, she referenced two sections in the Zoning Ordinance. She said  
26 that Section 2.e. indicates the following: promoting the public health, safety, comfort, morals, and general  
27 welfare. She said that Section 1.0 of the Champaign County Nuisance Ordinance indicates the following:  
28 preventing the destruction or diminution of the peace and repose of residential neighborhoods. She said that  
29 South Forty Drive is part of a subdivision and there are a lot of people located within a smaller area and it is  
30 a developed neighborhood. She said that peace and repose is going to be disrupted with the proposed use.  
31 She said that the diagram indicates the large pond and everyone knows that voices carry across water. She  
32 said that she does not know the scientific specifications as to why voices are carried across water, but she  
33 does know that she can actually hear people talking on the Lipps' property.  
34  
35 Mr. Thorsland asked Ms. Ruebke to indicate the location of her property on the aerial map, Attachment J.  
36  
37 Ms. Ruebke stated that her home is located southwest of Ms. Shaennon Clark's property. She said that her  
38 home is located on the west side of South Forty Drive and there are two lots between her property and the  
39 subject property and she can still hear noise from the Lipps' property.

1  
2 Mr. Thorsland stated that the small parking lot that is along 1850N was put in without any permission. He  
3 asked Ms. Ruebke if the small parking lot has contributed to any noise issues.  
4  
5 Ms. Ruebke stated that it depends on the type of vehicles that are there and how some people start their  
6 engines.  
7  
8 Mr. Thorsland asked Ms. Ruebke if she has heard any noise that was generated from the parking lot.  
9  
10 Ms. Ruebke stated that sometimes she has heard noise from that area. She said that she does not have an  
11 issue with the visits for the school children or the veterinary students, but she and others in the area are  
12 concerned about the party events. She said that there will be 150 people trying to get to their cars to leave  
13 the property after the event is over and there will be noise generated during that time.  
14  
15 Mr. Thorsland stated that the Board discussed the by-right events that could be held with the approval of a  
16 Temporary Use Permit. He said that the petitioner has testified that he is willing to have the parking  
17 relocated near the building for the smaller events. He asked Ms. Ruebke if that would be a solution that  
18 would help with her concern.  
19  
20 Ms. Ruebke stated that she would like a guarantee that relocating the parking closer to the building would  
21 assist with the noise.  
22  
23 Mr. Thorsland asked Mr. Hall to indicate what can be done with the parking if this case is denied.  
24  
25 Mr. Hall stated that nothing can be done with the parking lot and it could be used no more often than five  
26 times within a 90-day period under an approved Temporary Use Permit. He said that if everyone in this  
27 room asked the County Board to have the Temporary Use provision changed then it might be done  
28 eventually. He said that under the Zoning Ordinance, if someone already has a temporary use before the  
29 Zoning Ordinance is changed, they have non-conforming rights to that use. He said that the public can  
30 request that the Temporary Use Permit provision be changed by the County Board, but it may not have a lot  
31 of bearing on this use. He said that this is really a question for the State's Attorney's office.  
32  
33 Ms. Ruebke asked Mr. Hall if the Temporary Use Permit is just an automatic request upon submission.  
34  
35 Mr. Hall stated that staff would make sure that all parking is off the street and screened. He said that if the  
36 petitioners apply for a Temporary Use Permit, they would only have to provide screening if they are within  
37 100 feet from a dwelling. He said that if the petitioners are operating under a special use, the ZBA can  
38 require screening over and above what the Zoning Ordinance requires. He said that as a neighbor there are  
39 some things that will be much better off if the ZBA can adopt an effective condition that can be enforced.

1 He said that this information may not answer Ms. Ruebke's concerns, but if she really believes that she is  
2 better off with the ZBA approving something which is accompanied by special conditions, then it would be  
3 wonderful if she could share that with the Board tonight.

4  
5 Mr. Thorsland stated that this process is very interactive and there is no limit as to the number of times  
6 someone can testify, unless the testimony becomes redundant. He said that if there is any testimony that  
7 someone would like to add or if there is something that they believe would be helpful to the Board, then that  
8 person should bring it to the Board for review and consideration.

9  
10 Mr. Passalacqua stated that he would like to ask Mr. Fuentes if the trees that were planted are for privacy.

11  
12 Mr. Thorsland stated that he will call Mr. Fuentes back up to the witness microphone later on during the  
13 meeting and at that time Mr. Fuentes can address Mr. Passalacqua's question.

14  
15 Mr. Thorsland asked the Board and staff if there were any additional questions for Ms. Ruebke and there  
16 were none.

17  
18 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Ruebke and there was no one.

19  
20 Mr. Thorsland called Mark Ruebke to testify.

21  
22 Mr. Mark Ruebke, who resides at 1865 South Forty Drive, Urbana, stated that in Item d. on page 21 of 40 of  
23 the Summary of Evidence for Case 831-S-16, Mr. Fuentes discusses the farm atmosphere. Mr. Ruebke  
24 stated that the house and buildings on the subject property do not look like typical farm structures. Mr.  
25 Ruebke said that he does not understand why Mr. Fuentes is wanting this business on the Lipps' farm when  
26 he already has businesses in Champaign and Urbana. Mr. Ruebke said that if the property is rezoned it will  
27 leave the door open for Mr. Fuentes to expand.

28  
29 Mr. Thorsland informed Mr. Ruebke that the special use permit will limit the current use and any future uses  
30 on the subject property. He said that the special use permit will have special conditions and restrictions  
31 attached and if the petitioners violate those special conditions then the special use permit is voided.

32  
33 Mr. Ruebke stated that Mr. Fuentes could request expansion for a restaurant.

34  
35 Mr. Thorsland stated that Mr. Fuentes could make that request, but it is unlikely that this Board would  
36 approve such a request.

37  
38 Mr. Ruebke stated that there are many discrepancies in the document regarding the number of employees.  
39 He said that Mr. Fuentes has indicated that he only has two employees, but with an event that hosts 150

1 people he doesn't understand how only two employees would be sufficient.  
2  
3 Mr. Thorsland stated that Mr. Fuentes has testified that they have two farm employees and when events are  
4 held those two employees assist with the guests at the event.  
5  
6 Mr. Ruebke stated that the document does not indicate that information and it needs cleaned up.  
7  
8 Mr. Ruebke stated that Mr. Fuentes has been a great asset to the community and he is glad that he is here, but  
9 the intended use for the subject property and rezoning the property is not the right thing to do.  
10  
11 Mr. Thorsland asked Mr. Ruebke if there are any further restrictions that the Board could place on the special  
12 use that would make him feel more comfortable with the proposed use.  
13  
14 Mr. Ruebke stated that the Board is trying to do the right thing in placing restrictions and special conditions  
15 on the proposed use, but he believes that we are on a slippery slope if the property is rezoned.  
16  
17 Mr. Hall stated that he would like to address the concern about people leaving larger events after consuming  
18 alcohol. He said that the petitioners will be required to have an annually approved liquor license. He said  
19 that if the petitioners do not manage the alcohol properly, then anyone could go to the County Board with a  
20 complaint prior to the renewal of the petitioner's required annual liquor license.  
21  
22 Ms. Griest stated that the items that Mr. Ruebke referred to which are included in the Summary of Evidence  
23 are testimony items and staff cannot change those items. She said that in the mass of documents for the  
24 special use there are inconsistencies due to the multiple testimonies on the same subject that are received  
25 from different witnesses. She said that all of those testimonies are recorded. She said that where the public  
26 really wants to concentrate on that summary is in the Finding of Fact, as it summarizes and brings all of the  
27 testimony received together under one document. She said that while the public spends time digesting the  
28 information it is difficult to sort it all out. She said that this Board wants to hear everyone's concerns about  
29 the proposed use so that the Board may respond appropriately for all of the parties involved.  
30  
31 Mr. Thorsland stated that this will not be the last public hearing for this case; therefore, everyone has time to  
32 consider what is proposed by the petitioner and the Board. He said that if there is something that the public  
33 wants to add or address then they should either contact staff prior to the meeting in writing so that it can be  
34 included in the mailing packet for the next meeting, or just simply attend the next meeting to voice those  
35 concerns. He said that all of the information will be included in the Summary of Evidence that will be  
36 forwarded to the County Board for their final determination. He said that the public is welcome to attend the  
37 County Board meeting as well when the rezoning case will be considered at that level.  
38  
39 Mr. Thorsland asked staff and the Board if there were any questions for Mr. Ruebke and there were none.

1  
2 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Ruebke and there was no one.  
3  
4 Mr. Thorsland called Ms. Bobbie Johnson to testify.  
5  
6 Ms. Johnson, who resides at 1755 CR 1850N, Urbana, asked the Board if the petitioners required a permit if  
7 they desired to hold the educational events.  
8  
9 Mr. Hall stated that if it is just random school trips to give tours of the agricultural areas, then no approvals  
10 are necessary.  
11  
12 Ms. Johnson asked Mr. Hall if, the petitioners did not receive the special use permit approval and the  
13 rezoning, they still would not need any special approvals for the educational tours of the agricultural area.  
14  
15 Mr. Hall stated that they would not require special approval if they are only providing tours of the farm, but  
16 if they are doing more than just tours of the farm, then more information would be required.  
17  
18 Ms. Johnson asked the Board if the petitioners are having a petting zoo during the educational events, will a  
19 special approval be required.  
20  
21 Mr. Thorsland noted that no testimony has been received from the petitioners regarding a petting zoo.  
22  
23 Ms. Johnson stated that perhaps it isn't a petting zoo, but just looking and touching the animals.  
24  
25 Mr. Thorsland stated that he would imagine that when students attend a farm tour that they will touch some  
26 of the agricultural animals. He said that Mr. Fuentes previously stated that they try to educate and connect  
27 the students how the livestock that they are seeing are connected with the meals that they have. He said that  
28 Mr. Fuentes is attempting to make his case so that he can obtain the approval for the special use, thus he is  
29 trying to show the Board all of the shiny objects that apply to the use, but Ms. Johnson is pointing out some  
30 of the not so shiny objects of the use.  
31  
32 Ms. Johnson stated that Mr. Thorsland is correct. She asked what is the educational part of the farm tour and  
33 what are they trying to teach the kids.  
34  
35 Mr. Thorsland stated that the petitioners do not have to have a lesson plan for the farm tour.  
36  
37 Ms. Johnson stated that it shouldn't be considered educational then.  
38  
39 Mr. Thorsland stated that the tour could be called a food realization tour or something else and that is up to

1 Mr. Fuentes.

2

3 Ms. Johnson stated that she is interpreting the farm tours in a different way.

4

5 Mr. Thorsland stated that this not something that the Board can say much about, because they are inviting  
6 people to come out to see a working farm and there is not any control that the Board could apply to that. He  
7 said that if a special use permit is approved with special conditions the Board could place an additional  
8 condition regarding a limit on the educational farm tours.

9

10 Ms. Johnson stated that her concern was just how far the petitioners could go with the farm tours without a  
11 permit.

12

13 Mr. Thorsland stated that as far as the education aspect he has no idea.

14

15 Ms. Johnson asked if a permit was needed for that.

16

17 Mr. Thorsland stated that in regards to the parking lot, Ms. Johnson is the most affected landowner. He  
18 asked Ms. Johnson if any trees have been planted for screening.

19

20 Ms. Johnson stated that there are trees planted, but she is not sure what type of trees they are, but her corn is  
21 taller than those trees and the first branches are 4 or 5 feet from the ground. She said that the trees are not  
22 helping screen the parking lot at all.

23

24 Mr. Thorsland asked Ms. Johnson to explain what occurs on the parking lot during an event.

25

26 Ms. Johnson stated that the day of a wedding there were golf carts driven by kids, not employees, that raced  
27 up and down the driveway to drop people off. She said that the kids that were driving the golf carts were  
28 loud, they were creating dust and throwing rocks, and they were whipping through the parking lot while  
29 taking people to their vehicles. She said that she is surprised that some of the guests did not complain. She  
30 said that when one golf cart would drive up the lane another would be traveling down the lane and then race  
31 back up to race each other. She said that on a couple of occasions she has talked to Mr. Fuentes and she let  
32 him know how upset she was about the golf cart occurrences. She said that Mr. Fuentes told her that he was  
33 not aware of the situation, which is completely understandable because he was more worried about what was  
34 going on at the wedding, but she made him aware that during the first event at the property he should have  
35 known that people were watching what was going on. She said that nothing was supposed be going on at the  
36 pond and everything to be contained to the event center, but there were hay rides and people riding horses on  
37 the property. She said that she is right across from the subject property so she can walk on either side of her  
38 house and she can see what is going on.

39



1 Mr. Thorsland stated that the special use would provide control over what can and cannot occur on the  
2 subject property. He said that with a special use there are controls that can be put into place for the proposed  
3 use, but without it there are none. He said he is only one Board member, but he does not like the parking lot  
4 at its current location. He said that even if this Board has no power over the parking lot, he would suggest  
5 that a great service would be served if the parking lot was moved to a location closer to the event center. He  
6 said that through the special use process the Board can impose special conditions on the use, such as  
7 installation of a fence.

8  
9 Ms. Johnson stated that there is a fence, but it is a split rail fence.

10  
11 Mr. Thorsland noted to the audience that there will be another meeting and the Board would like input from  
12 the neighbors as to what not only has happened on the subject property, but what the neighbors would like to  
13 see happen if the special use is approved.

14  
15 Ms. Johnson asked the Board, if the parking lot remains at its current location, who will patrol that parking  
16 lot. She said that the parking lot is right across from her property and she is uncomfortable knowing that  
17 people may socialize and drink at the parking lot after the event, or they may be dropped off at the parking  
18 lot so that they can wait on the ride home.

19  
20 Mr. Thorsland stated that a liquor license has to be approved for the intended use; therefore, if there is a  
21 violation of that license the public should contact the County Board.

22  
23 Ms. Johnson stated that it may not be the liquor license that is being violated, but who knows if someone  
24 might decide to purchase a six pack and meet their buddies at the parking lot to socialize and drink. She said  
25 that since the parking lot is private property they may think that no one can do anything. She said that once  
26 the drivers who have or have not been drinking exit the parking lot they will be traveling on a narrow 17 feet  
27 country road that does not have two feet of gravel on both sides of it.

28  
29 Mr. Thorsland stated that this Board struggled with an event center that was located off of a public highway.  
30 He said that this special use is not along a public highway and is not adequate for anyone to travel upon  
31 regardless of whether they have or have not been drinking.

32  
33 Mr. Passalacqua stated that the Board suggested that not all of the guests attend the event center in their own  
34 vehicle. He said that the Board recently had an event center which shuttled their guests in and out of the  
35 property to a common parking lot that was off-site.

36  
37 Ms. Johnson stated that the wedding that was recently at the event center did have shuttles, but from the  
38 subject property to her house the driver drove 50 m.p.h. and it is ridiculous.

39

1 Mr. Thorsland stated that it is not uncommon for anyone who lives in the rural area to drive 55 m.p.h. once  
2 they hit the road from their driveway.

3  
4 Ms. Johnson stated that that type of driving is unacceptable and is very reckless. She said that she works all  
5 week and she does not want to hear loud noise, whooping and hollering from the subject property, because  
6 the evenings and weekends are her time to sit and relax and she doesn't want to listen to it.

7  
8 Mr. Thorsland suggested to Ms. Johnson, and her neighbors, that they make a list of things that they are  
9 experiencing in regards to the events on the subject property and what solutions could be applied to the  
10 special use. He said that the Board will also be considering the testimony that was received from the  
11 neighbors and solutions that may assist everyone involved, whether it is a denial or an approval with many,  
12 many special conditions.

13  
14 Ms. Johnson stated that she has additional information for the Board.

15  
16 Mr. Thorsland stated that Ms. Johnson is the last person on the witness register, but there will be a time  
17 when he will need to stop her testimony so that the Board can address Mr. Fuentes and continue this case to  
18 a later date.

19  
20 Ms. Johnson stated that the information provided indicated that the driveway lighting would be full cutoff  
21 and only turned on for events. She asked if this was only a suggestion or is it a requirement.

22  
23 Mr. Thorsland stated that the full cut-off lighting is a requirement and is not just a suggestion. He said that  
24 all special use permits require full cut-off lighting, which means that Ms. Johnson should not be able to see  
25 the lights on the subject property. He said that the Board can institute a special condition which indicates  
26 that all lights must be turned off by 10:00 p.m. and can only be used during events.

27  
28 Mr. DiNovo stated that at the last public hearing there was discussion as to whether the existing driveway  
29 lights were existing lawful lights which could not be required to be moved, unless it was a negotiated  
30 condition.

31  
32 Mr. Thorsland asked Ms. Johnson if she is opposed to the existing driveway lights.

33  
34 Ms. Johnson stated that they do light up the whole property from the road.

35  
36 Mr. Thorsland stated that he personally dislikes those types of lights. He said that Mr. DiNovo brings up a  
37 point that depending on how the lights are bracketed into the special use, it may or may not give the Board  
38 total power over the driveway lighting. He said that the nice thing about this process is that Mr. Fuentes is  
39 sitting in this room listening to all of this discussion. Mr. Thorsland said that the Board always suggests

1 discussion about concerns outside of the meeting with the petitioner so that hopefully those issues are  
2 remedied before the next meeting. He said that it is preferred that the petitioner attempts to be the best  
3 neighbor that they can.

4  
5 Ms. Johnson asked the Board if the special use is passed with special conditions and the petitioner comes  
6 back to the Board indicating that they want a full service kitchen. She asked if the Board would  
7 automatically say no, or what.

8  
9 Mr. Thorsland stated that Mr. Fuentes has agreed to a special condition that a commercial kitchen is not  
10 allowed on the subject property. He said that if a commercial kitchen is desired, then the petitioner would  
11 have to apply for another special use to be heard before this Board.

12  
13 Ms. Johnson asked the Board if the petitioner can automatically ask or add the commercial kitchen.

14  
15 Mr. Thorsland stated that the petitioners can ask. He said that the special use, if approved, will have special  
16 conditions of attached to it, and if the petitioners desire to make a change to that special use they will have to  
17 file an application that will include those changes. He said that this case will be referred to heavily during  
18 the discussion of a new case for the subject property.

19  
20 Mr. Passalacqua noted that any changes will require a new case and will not be just an addition to this  
21 special use. He agreed that this case will be reviewed during the new special use.

22  
23 Mr. Thorsland stated that the review of a previous case on the same subject property is not unusual and it  
24 could assist with the decision process.

25  
26 Mr. Johnson asked the Board to indicate what would happen if Ms. Lipps purchases more horses and decides  
27 to offer horseback riding or riding lessons.

28  
29 Mr. Hall stated that horseback riding and lessons for the public would require a special use permit. He said  
30 that if they have barn accommodations to board horses for other people and they allow those people to ride  
31 their own horses on the property, then no special use is required. He said that if the public is invited to the  
32 subject property, who do not board horses on the property, for horseback riding, then a special use is  
33 required. He asked Ms. Johnson if hayrides and horseback riding has occurred.

34  
35 Ms. Johnson stated that horseback riding and hayrides have occurred on the subject property during a  
36 wedding event.

37  
38 Mr. Hall stated that horseback riding has not been included in the special use request. He said that in regards  
39 to the hayrides, as long as that is limited to the area of the special use permit, it could be included be with the

1 special use but the Board will need to know where the hayrides are proposed. He said that horseback riding  
2 needs to be included in the special use permit as well.

3  
4 Mr. DiNovo stated that with what people spend on weddings, the Board could reasonably anticipate what  
5 ideas people will want to do at their weddings. He said that there is an inherent problem when you have a  
6 use labeled and the Board tries to specify every possible idea that may or may not be allowed. He said that  
7 the Board needs to decide how hard lined they will be with the special use and whether if something is not  
8 explicitly listed in the special use permit, it is not allowed. He said that someone may want to release doves  
9 after a wedding, but it is not listed in the special use, so is it a violation.

10  
11 Mr. Hall stated that he does not want to go overboard on things like this and not all of the ideas can be nailed  
12 down, but the idea has to be limited to the area of the special use permit. He said that no part of the special  
13 use permit can be within 200 feet of an adjacent residential property. He said that this Board will not be able  
14 to nail down everything, but the Board can narrow down the area of the special use in which these events can  
15 occur.

16  
17 Mr. Thorsland stated that he agrees with Mr. DiNovo in the fact that a wedding could include any type of  
18 idea and the Board can never include every instance that could occur, although the Board can control the  
19 events that are appearing to affect the neighbors the most. He said that the petitioner has now heard the  
20 discussion that if horseback riding is to occur, then it should be added to the special use permit. He assured  
21 Ms. Johnson that this Board is not trying to soften the edges of this use so that it fits into the neighborhood.  
22 He said that there have been instances when a proposed use does not fit with the surrounding neighborhood  
23 and that use was flat out denied. He said that this case is not a done deal and this is not a rigged system.

24  
25 Ms. Johnson stated that the other event centers are not next to other homesteads and subdivisions.

26  
27 Mr. Thorsland stated that the hardest area for this Board is the rural area, because there are different  
28 expectations from the residents.

29  
30 Mr. DiNovo stated that as sad as it may sound, only a minority of farmers actually make 100% of their  
31 income from the farm operation. He said that this is something that the County has recognized for some  
32 time, at least for twenty years. He said that there have been a number of amendments to the Zoning  
33 Ordinance to liberalize the rules in respect to non-agricultural businesses in the rural districts to enable  
34 people to combine farming with other non-farming element for income, such as, the Rural Home Occupation  
35 and the Rural Specialty Business. He said that while people who move out to the rural areas have certain  
36 expectations, the County Board to some extent has been going in the other direction. He said that if the list  
37 of uses that are allowed in the AG-1 and AG-2 districts by-right are reviewed, it will be found that they are  
38 very similar. He said that some very fine distinctions are being made and the County's policies are muddier  
39 than they might seem and they do not always run in favor of the rural residents, but to the rural businesses.

1  
2 Mr. Thorsland stated that there is a *Right to Farm Act* and Ms. Lipps farms her property. He said that the  
3 Board has seen farm machinery sales and fertilizer plants in the rural areas under special use permits and this  
4 Board has to find a way for them to do it. He said that this use is allowed for five days within a 90-day  
5 period under a Temporary Use Permit, but a special use permit will provide control of the use.  
6  
7 Ms. Lee asked Ms. Johnson if there is anything other than the location of the parking lot, noise, dirt,  
8 horseback riding and hayrides that has been going on that she is concerned about and hasn't voiced to the  
9 Board tonight.  
10  
11 Ms. Johnson stated that for a while there was a lot of shooting and explosions going on from the property  
12 until it was addressed. She said that it has stopped for now, but it wouldn't surprise her if it came back.  
13  
14 Mr. Thorsland stated that shooting is not relevant to this case, but it is a problem in the rural areas.  
15  
16 Ms. Johnson stated that she realizes that it is not against the law, however it was very excessive.  
17  
18 Mr. Thorsland stated that he does not know what the Board can do about that occurrence unless it was part  
19 of an event.  
20  
21 Ms. Johnson stated that it was not part of an event. She said that at one point there was trash across the road  
22 from an event, but the petitioners took care of it.  
23  
24 Mr. Thorsland stated that the petitioner is present tonight and he is listening to all of the testimony. Mr.  
25 Thorsland informed the audience that the petitioner is going to have homework items that must be addressed  
26 and presented to this Board prior to the next public hearing.  
27  
28 Ms. Johnson stated that, perhaps she should not say this but, she is concerned about any retaliation, because  
29 there have been instances of retaliation since this case has started, and she will end it at that so that it is on  
30 the record.  
31  
32 Mr. Thorsland asked the Board if there were any questions for Ms. Johnson and there were none.  
33  
34 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Johnson and there was no one.  
35  
36 Mr. Thorsland thanked everyone for their testimony and noted that he anticipates this case being continued  
37 to the last meeting in October.  
38  
39 Mr. Thorsland called Mr. Fuentes to the witness microphone.

1  
2 Mr. Passalacqua stated that based upon the testimony regarding occupancy it appears that the plan for the  
3 parking lot should be revised. He said that based on the petitioner's occupancy goals it appears that the  
4 parking lot does not need to be as large as the lot that is currently next to the road. He said that a homework  
5 assignment from him would be for Mr. Fuentes to indicate what a realistic parking lot size would be, in  
6 comparison to the proposed occupancy, and where would that parking lot be located. He said that the  
7 current parking lot being located so close to the road is a real problem, and if this Board would have had this  
8 case before them prior to the construction of the parking lot, it would have never been allowed near the road.  
9 He said that this Board does not penalize or fine someone, but again had this case been before this Board  
10 first the parking lot would have never been there.

11  
12 Mr. Thorsland stated that a lot of testimony has been received regarding the current location of the parking  
13 lot and the Board has even indicated that they too are not happy with its current location. He said that the  
14 Board cannot make Mr. Fuentes move the parking lot, but it appears that it would be a benefit if he did move  
15 it.

16  
17 Ms. Griest stated that the parking lot is part of the special use and this Board can make Mr. Fuentes move it  
18 if the special use cannot be approved due to the parking lot's location. She said that, as one Board member,  
19 she does not like the parking lot in its current location either and it creates a lot of unnecessary hardship on  
20 the petitioner by placing it so far away from the venue. She said that during Mr. Fuentes' testimony he  
21 stated that he wanted to preserve the character of the rural parcel by placing the parking lot further down on  
22 the parcel. She said that the petitioner is creating more havoc with the golf carts and people walking and is  
23 diminishing the essence of the rural environment by having the parking lot so far away. She said that if the  
24 parking lot can be so far away, perhaps the parking lot should be located in town and the patrons can be  
25 shuttled back and forth. She said that Mr. Fuentes should submit an alternative plan for the parking lot  
26 which moves it closer to the venue.

27  
28 Mr. Passalacqua stated that when the Board sends a petitioner home with homework, it should be noted that  
29 submittal of solutions for those homework items does not assure an approval. He said that the Board is not  
30 indicating that Mr. Fuentes should remove the parking lot at this time, but Mr. Fuentes should submit an  
31 alternative plan relocating the parking lot to a new location which is closer to the venue. Mr. Passalacqua  
32 stated that submission of the solutions for the homework items will help the Board make their decision, but  
33 it will not make the decision for the Board. He said that by just providing the Board with a new site plan  
34 with an alternative plan for the parking lot is not the only step in getting this request approved, but it does  
35 show the Board that the petitioner is working with the Board to see if it can be approved.

36  
37 Mr. Thorsland stated that the Board has received a lot of testimony, some negative, from the neighbors  
38 regarding the proposed special use. He said that Mr. Fuentes was taking notes during that testimony;  
39 therefore, the Board would like to know how Mr. Fuentes will address those concerns. He said that Mr.

1 Fuentes should provide a scope regarding the educational events, which should include, how often those  
2 events will occur and the number of children that could be expected at any one event. He said that testimony  
3 was provided regarding a commercial kitchen and the Board has briefly discussed this issue and he would  
4 like to propose a special condition prohibiting a commercial kitchen. Mr. Thorsland asked Mr. Fuentes if  
5 people were riding horses on the property.  
6

7 Mr. Fuentes stated that people were riding horses on the property, but the horses on Ms. Lipps' property are  
8 her own horses and she and her children ride them regularly. He said that the wedding that was held on the  
9 property was for friends of Ms. Lipps and she allowed the children, who were Ms. Lipps' daughter's age, to  
10 ride her horses. He said that the children rode the horses on the property where the wedding occurred and  
11 were not allowed to ride to the road.  
12

13 Mr. Thorsland stated that horseback riding has not been included under the special use request. He said that  
14 the hayrides are allowed, but they must be within the confines of the special use.  
15

16 Mr. Fuentes asked the Board if Ms. Lipps was not allowed to ride her horses on her property.  
17

18 Ms. Griest informed Mr. Fuentes that the scope of the venue should include hayrides, horseback riding, etc.,  
19 so that those activities are included in the special use approval. She informed Mr. Fuentes that the approved  
20 activities must only occur within the boundaries of the approved special use and nowhere else on the  
21 property. She said that if these activities occur outside of the approved special use area, the petitioners will  
22 be in violation of the approval and will be placing the special use at risk. She recommended that Mr.  
23 Fuentes be precise and complete about the special use and that he includes all activities, current and future,  
24 that occur on the property and where those activities will occur, because if the special use is approved there  
25 will be very little flexibility.  
26

27 Mr. Thorsland stated that the petitioners must think about where they would like the business to be in five or  
28 more years. He said that the approved site plan can just indicate a proposed horseback riding area or a  
29 proposed merry-go-round, because if it isn't included in the approval it cannot occur without coming back  
30 before this Board. He said that he would like a firm number on the amount of guests and employees.  
31

32 Mr. Fuentes stated that there will be 150 guests and 10 employees.  
33

34 Mr. Thorsland stated that the Board will hold the petitioner at a capacity of 160. He said that testimony has  
35 been presented regarding the lights. He said that it would behoove Mr. Fuentes if he would indicate the type  
36 of lights that are on the property and along the driveway and indicate the times when the lights are on. He  
37 said that perhaps the lights are only on during events so that there is adequate lighting provided to access the  
38 parking lot. He said that the lighting issue may be resolved if the parking lot is relocated.  
39

- 1 Mr. Fuentes stated that the lights that are along the driveway are 9 volt lights and they have always existed.  
2 He said that no new lights have been added at the event center or the parking lot.  
3
- 4 Mr. Thorsland stated that some people appear to have an issue with the lights. He said that screening has  
5 been discussed and that screening will assist with the lighting concerns, and perhaps even any noise concerns  
6 as well.  
7
- 8 Mr. Fuentes stated that they have planted 10 pear trees, but Ms. Chavarria informed him that they needed to  
9 plant more evergreen trees and that is not a problem.  
10
- 11 Ms. Griest noted that Mr. Fuentes should not do more planting of trees until he receives an approval from  
12 this Board, because he will just be adding more unauthorized items.  
13
- 14 Mr. Thorsland stated that the Board is also not telling him that he cannot plant more trees if he so desires.  
15
- 16 Ms. Griest stated that Mr. Fuentes could be at risk of planting trees that are not required for the special use.  
17
- 18 Mr. Thorsland stated that Mr. Fuentes should not plant more trees yet, but should come back to the Board  
19 with an idea as to what he would like to plant and where he would like to locate the trees.  
20
- 21 Mr. Fuentes stated that he planted the pear trees to make the property look pretty. He said that Ms.  
22 Chavarria informed him that the trees that he chose to plant, the pear trees, are not the correct type of trees  
23 for screening purposes. He said that the pear trees will remain, but he would plant whatever type of trees are  
24 required by the Board for screening the special use. He said that Ms. Johnson is the person who is most  
25 affected by the special use and the parking lot, but if the parking lot is moved, it will be closer to the South  
26 Forty Subdivision and he has planted 36 trees in that area.  
27
- 28 Mr. Thorsland stated that Mr. Fuentes should have a good idea of what to indicate on the revised site plan  
29 and Mr. Thorsland can see areas where he could locate a parking lot. He said that as the Board members  
30 have previously indicated, if the special use would have been before the Board before the parking lot was  
31 constructed, the parking lot would not have been allowed at its current location.  
32
- 33 Mr. Fuentes stated that ignorance is not an excuse, but he thought that when he came before the Board with  
34 the proposal they would see that he constructed the parking lot off of the road, to assure that no parking  
35 would be along the right-of-way. He said that his assumption is incorrect, but it is the only thing that he had  
36 wrong. He said that one person testified that they did not know if he could be trusted to do what the Board  
37 requires, but he would have to do what the Board requires or he would be in conflict of the approval. He  
38 said that he has provided the Board with everything that they have required thus far, and on his own, he has  
39 hired an engineer to provide the site plan. He said that he understands the neighbors' concerns regarding the



1 parking lot, but the building was already in place on the property and even though he should have come to  
2 the Board first, he thought that he was making things easier by constructing the parking lot.

3  
4 Mr. Thorsland stated that Mr. Fuentes has heard the testimony tonight and has heard input from this Board;  
5 therefore, he should understand what concerns need to be addressed on the revised site plan and what  
6 additional information needs to be provided regarding current and future events. He asked Mr. Fuentes if he  
7 will be available on October 27<sup>th</sup> for a continuance of these cases.

8  
9 Mr. Fuentes stated that he is available on October 27<sup>th</sup>.

10  
11 Mr. Thorsland asked the Board if there were any additional questions for Mr. Fuentes and there were none.

12  
13 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Fuentes.

14  
15 Mr. Ron Weidner asked Mr. Fuentes if he resided on the property.

16  
17 Mr. Thorsland informed Mr. Weidner that Mr. Fuentes did not testify regarding the address of his residency.

18  
19 Mr. Passalacqua stated that Mr. Fuentes' address is a recorded statement in the minutes.

20  
21 Mr. Fuentes clarified that he resides at 2305 Firethorn Lane, Champaign.

22  
23 Mr. Thorsland stated that Mr. Fuentes is very aware that Mr. Ron Weidner has submitted a protest regarding  
24 the map amendment, which means that it is very important that Mr. Fuentes does a good job in trying to  
25 make everyone very happy.

26  
27 Mr. Fuentes stated that he sent a letter to all of the neighbors informing them of what was proposed on Ms.  
28 Lipps' property and invited them to contact him with any questions that they may have regarding the  
29 proposed use. He said that he included his email address in the letter so that people could just email  
30 questions to him. He said that he is more than happy to compromise in any way that he can, especially with  
31 the commercial kitchen. He said that he will never have a restaurant on the property, but in his mind it  
32 doesn't make any difference whether he has a prep kitchen versus a full kitchen. He said that he will agree  
33 to a special condition regarding him never having a restaurant or a full kitchen on the property, so it doesn't  
34 make any sense why he could not have a full kitchen on the property.

35  
36 Mr. Thorsland stated that if a special condition is approved regarding the prohibition of a full kitchen, then  
37 no full kitchen is allowed. He said that the Board has had instances where people have proposed a servant's  
38 dwelling and in that instance a full kitchen is not allowed, because in that instance the building would  
39 become a house. He said that neighbors will not feel any better about the use if a full commercial kitchen is

1 allowed. He said that there will be a proposed special condition about a restaurant and a full kitchen at the  
2 next meeting and at that time the Board can discuss those conditions.

3  
4 Mr. Thorsland entertained a motion to continue Cases 830-AM-16 and 831-S-16 to the October 27, 2016,  
5 meeting.

6  
7 **Mr. Passalacqua moved, seconded by Mr. Randol, to continue Cases 830-AM-16 and 831-S-16 to the**  
8 **October 27, 2016, meeting. The motion carried by voice vote.**

9  
10 Mr. Thorsland encouraged everyone to discuss the use with Mr. Fuentes so that many of the concerns can be  
11 rectified prior to the next meeting.

12  
13 Mr. DiNovo stated that it would be very helpful for the Board if staff could prepare a document which pulled  
14 together all of the elements of the special use that could be either by-right, temporary use, or a home  
15 occupation in the AG-1 district. He said that it would help him understand the need for the proposed  
16 rezoning if he knew how much of the use needs a special use.

17  
18 **6. New Public Hearings**

19  
20 **Case 842-V-16 Petitioner: Richard Behnke Request to authorize a variance for a proposed division of**  
21 **a lot which is 3.39 acres in area in lieu of the minimum required lot area of 5 acres. Location: A 3.39-**  
22 **acre tract in the Southwest corner of the intersection of US Route 150 and CR 2450E that is in the**  
23 **Northeast Quarter of the Northeast Quarter of the Fractional Northwest Quarter of Section 18,**  
24 **Township 19 North, Range 11 East of the Third Principal Meridian in Ogden Township, and**  
25 **commonly known as 2431 CR 1600N, St. Joseph, Illinois.**

26  
27 **Case 849-V-16: Request to authorize a variance for a proposed average lot width of 193 feet in lieu of**  
28 **the minimum required average lot width of 200 feet for the north 193 feet of the subject property.**  
29 **Location: A 3.39-acre tract in the Southwest corner of the intersection of US Route 150 and CR 2450E**  
30 **that is in the Northeast Quarter of the Northeast Quarter of the Fractional Northwest Quarter of**  
31 **Section 18, Township 19 North, Range 11 East of the Third Principal Meridian in Ogden Township,**  
32 **and commonly known as 2431 CR 1600N, St. Joseph, Illinois.**

33  
34 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign  
35 the witness register for that public hearing. He reminded the audience that when they sign the witness  
36 register they are signing an oath.

37  
38 Mr. Thorsland informed the audience that Cases 842-V-16 and 849-V-16 are Administrative Cases and as  
39 such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time

1 he will ask for a show of hands for those who would like to cross examine and each person will be called  
2 upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any  
3 questions. He said that those who desire to cross examine are not required to sign the witness register but  
4 are requested to clearly state their name before asking any questions. He noted that no new testimony is to  
5 be given during the cross examination. He said that attorneys who have complied with Article 7.6 of the  
6 ZBA By-Laws are exempt from cross examination.

7  
8 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

9  
10 Mr. Richard Behnke, who resides at 1014 Francis Drive, Champaign, stated that he is before the Board  
11 tonight to obtain approval for the division of a lot that he purchased in Champaign County. He said that he  
12 would like to divide the property into two lots. He said that currently a house, barn and machine shed exists  
13 on the property, but the house is not livable and needs to be torn down. He said that dividing the property  
14 would benefit the County, because two homes would generate more tax dollars for the County and the St.  
15 Joseph community.

16  
17 Mr. Thorsland asked Mr. Behnke if he would be residing in one of the new homes.

18  
19 Mr. Behnke stated yes. He said that he would build a house on the corner and will offer it for sale, but the  
20 second house that would be constructed would be his residence.

21  
22 Mr. DiNovo asked Mr. Behnke if he knew when the 3.39-acre tract was created.

23  
24 Mr. Behnke stated that the attorney for the Village of St. Joseph indicated that subdivision approval would  
25 be more favorable if evidence was presented indicating that the lot was created prior to September of 1971.  
26 Mr. Behnke said that he obtained a deed regarding the lot which was dated in 1969.

27  
28 Mr. Thorsland asked Mr. Behnke if the 1969 deed created the 3.39-acre tract.

29  
30 Mr. Behnke stated yes.

31  
32 Mr. Thorsland asked Mr. Behnke if the lot has always been used for a residence.

33  
34 Mr. Behnke stated that there has always been a home on the lot. He said that the garage and shed were  
35 constructed after the home was constructed. He said that he sold the shed and had it removed from the  
36 property and the garage and house will be torn down.

37  
38 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Behnke and there  
39 were none.

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

Mr. Thorsland asked Mr. Behnke if he had any additional testimony to present to the Board.

Mr. Behnke stated that if anyone is interested in purchasing a new home in the country they should contact him because he will have one for sale.

Mr. Thorsland read the special condition for approval for Case 849-V-16 as follows:

- A. Within 30 days of approval of Case 849-V-16, a Plat of Survey for at least one of the new lots must be filed with the Recorder of Deeds.**

The special condition stated above is required to ensure the following:  
**That the new lots conform to the Illinois Plat Act (765 ILCS 205).**

Mr. Thorsland asked Mr. Behnke if he agreed with Special Condition A.

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

Mr. Behnke stated that he will provide staff with copies of the 1969 deed and the new recorded survey.

**Findings of Fact for Case 842-V-16:**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 842-V-16 held on August 11, 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. Passalacqua 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 the lot was created prior to Zoning Ordinance adoption and none of the structures were put in place by the current owner.

Ms. Capel stated that the property is dilapidated, and by splitting the property the owner can build his residence and can afford to clean up the property.

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

4  
 5 Mr. DiNovo stated that practical difficulties or hardships created by carrying out the strict letter of the  
 6 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure  
 7 or construction because it would require the petitioner to put a single residence on a lot that is three times the  
 8 size of the minimum allowed in the district and larger than the maximum allowed in the district.

9  
 10           **3. The special conditions, circumstances, hardships or practical difficulties DO NOT result from**  
 11           **actions of the applicant.**

12  
 13 Mr. Thorsland stated that special conditions, circumstances, hardships or practical difficulties DO NOT  
 14 result from actions of the applicant.

15  
 16           **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**

17  
 18 Ms. Griest stated the requested variance IS in harmony with the general purpose and intent of the Ordinance  
 19 because no farmland will be taken out of production.

20  
 21 Mr. DiNovo stated that the land could not readily put back into production given the disturbance and existing  
 22 trees, and it makes more sense to accommodate two dwellings on the property instead of one, which will  
 23 help reduce conversion of other land.

24  
 25 Mr. Behnke requested clarification regarding the disturbance and existing trees.

26  
 27 Mr. Thorsland stated that if Mr. Behnke received a denial and he tried to return the land to agriculture, Mr.  
 28 Behnke would have to rip all of the trees out. He said that this lot is not a suitable lot that is easily returned  
 29 to agriculture and it has not been in row crop since at least 1969.

30  
 31 Mr. DiNovo stated that the disturbance that he is referring to is the construction of the house, outbuildings,  
 32 and driveway.

33  
 34 Mr. Passalacqua clarified that the finding does not mean that Mr. Behnke cannot cut down any of the trees.

35  
 36           **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental**  
 37           **to the public health, safety, or welfare.**

38  
 39 Mr. Passalacqua stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise

1 detrimental to the public health, safety, or welfare because it will improve the neighborhood and a letter of  
2 support has been received from the Village of St. Joseph.

3  
4 Mr. Thorsland stated that there is adequate space for both houses.

5  
6 **6. The requested variance IS the minimum variation that will make possible the reasonable use of  
7 the land/structure.**

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

11  
12 **7. No special conditions are hereby imposed.**

13  
14 **Findings of Fact for Case 849-V-16:**

15  
16 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
17 849-V-16 held on August 11, 2016, the Zoning Board of Appeals of Champaign County finds that:

18  
19 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure  
20 involved, which are not applicable to other similarly situated land and structures elsewhere in  
21 the same district.**

22  
23 Mr. Thorsland stated that special conditions and circumstances DO exist which are peculiar to the land or  
24 structure involved, which are not applicable to other similarly situated land and structures elsewhere in the  
25 same district because the lot was created prior to adoption of the Zoning Ordinance. The property is  
26 dilapidated and by splitting the property the owner can build his own residence and can afford to clean up the  
27 property.

28  
29 Ms. Capel stated that the average lot width is just 7 feet short of the minimum requirement lot width of 200  
30 feet.

31  
32 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations  
33 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
34 structure or construction.**

35  
36 Mr. Thorsland stated that practical difficulties or hardships created by carrying out the strict letter of the  
37 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure  
38 or construction because it would require the petitioner to put a single residence on a lot that is three times the  
39 size of the minimum allowed in the district and larger than the maximum allowed in the district.

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

Mr. Thorsland stated that special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant.

**4. The requested variance, SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS in harmony with the general purpose and intent of the Ordinance.**

Mr. DiNovo stated that the requested variance, subject to the proposed special condition, IS in harmony with the general purpose and intent of the Ordinance because the average resulting lot variance is less than 2%.

**5. The requested variance, SUBJECT TO THE PROPOSED SPECIAL CONDITION, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.**

Mr. Passalacqua stated that the requested variance, subject to the proposed special condition, WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because it will improve the neighborhood and there is a letter of support from St. Joseph and there is adequate space for both houses.

**6. The requested variance, SUBJECT TO THE PROPOSED SPECIAL CONDITION, IS the minimum variation that will make possible the reasonable use of the land/structure.**

Mr. Thorsland stated that the requested variance, subject to the proposed special condition, IS the minimum variation that will make possible the reasonable use of the land/structure.

**7. The special condition imposed herein is required for the particular purposes described below:**

- A. Within 30 days of approval of Case 849-V-16, a Plat of Survey for at least one of the new lots must be filed with the Recorder of Deeds.**

The special condition stated above is required to ensure the following:  
**That the new lots conform to the Illinois Plat Act (765 ILCS 205).**

Mr. DiNovo stated that he would like to revise the special condition as follows:

- A. Within 30 days of approval of Case 849-V-16, a Plat of Survey for at least one of the**

1           **new lots must be filed with the Recorder of Deeds.**

2  
3           The special condition stated above is required to ensure the following:

4           **That the new lots conform to the Illinois Plat Act (765 ILCS 205) and to comply**  
5           **with a condition required for the waiver of subdivision approval by the Village**  
6           **of St. Joseph.**

7  
8           Mr. DiNovo stated that recording the survey is a condition of the waiver of the subdivision approval by the  
9           Village of St. Joseph.

10  
11           Ms. Capel stated that the following addition should be added to Finding #1: the average lot width is just 7  
12           feet short of the minimum requirement lot width of 200 feet.

13  
14  
15           Mr. Thorsland entertained a motion to approve the special condition for Case 849-V-16.

16  
17           **Mr. Randol moved, seconded by Mr. DiNovo, to approve the special condition for Case 849-V-16. The**  
18           **motion carried by voice vote.**

19  
20           Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings  
21           of Fact for Cases 842-V-16 and 849-V-16, as amended.

22  
23           **Ms. Capel moved, seconded by Ms. Lee, to adopt the Summary of Evidence, Documents of Record and**  
24           **Findings of Fact for Cases 842-V-16 and 849-V-16, as amended. The motion carried by voice vote.**

25  
26           Mr. Thorsland entertained a motion to move to the Final Determination for Cases 842-V-16 and 849-V-16.

27  
28           **Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Cases 842-V-16**  
29           **and 849-V-16. The motion carried by voice vote.**

30  
31           Mr. Thorsland informed Mr. Behnke that a full Board is present for tonight's meeting and four affirmative  
32           votes are required for approval of his requests.

33  
34  
35           **Final Determination for Case 842-V-16:**

36  
37           **Mr. Passalacqua moved, seconded by Ms. Capel that the Champaign County Zoning Board of**  
38           **Appeals finds that, based upon the application, testimony and other evidence received in this case,**  
39           **that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**



1 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals  
2 of Champaign County determines that:

3  
4 The variance requested in Case 842-V-16 is hereby GRANTED to the petitioner Richard  
5 Behnke to authorize the following variance in the AG-1 Agriculture Zoning District:

6  
7 Authorize a variance for a proposed division of a lot 3.30 acres in area in lieu of the minimum  
8 required lot area of 5 acres.

9  
10 Mr. Thorsland requested a roll call vote.

11  
12 The roll was called as follows:

13  
14 Capel – yes DiNovo – yes Griest – yes  
15 Lee – yes Passalacqua – yes Randol – yes  
16 Thorsland - yes  
17

18  
19 **Final Determination for Case 849-V-16:**

20  
21 Ms. Capel moved, seconded by Ms. Lee, that the Champaign County Zoning Board of Appeals finds  
22 that, based upon the application, testimony, and other evidence received in this case, that the  
23 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted  
24 by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of  
25 Champaign County determines that:

26  
27 The variance requested in Case 849-V-16 is hereby GRANTED WITH CONDITIONS  
28 to the petitioner Richard Behnke to authorize the following variance in the AG-1 Agriculture  
29 Zoning District:

30  
31 Authorize a variance for a proposed average lot width of 193 feet in lieu of the minimum  
32 Required average lot width of 200 feet for the north 193 feet of the subject property.

33  
34 Subject to the following condition:

- 35  
36 A. Within 30 days of approval of Case 849-V-16, a Plat of Survey for at least one of the  
37 new lots must be filed with the Recorder of Deeds.  
38

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

1                   **That the new lots conform to the Illinois Plat Act (765 ILCS 205) and to comply**  
 2                   **with a condition required for the waiver of subdivision approval by the Village**  
 3                   **of St. Joseph.**

4  
5 Mr. Thorsland requested a roll call vote.

6  
7 The roll was called as follows:

8			
9	<b>Capel – yes</b>	<b>DiNovo – yes</b>	<b>Griest – yes</b>
10	<b>Lee – yes</b>	<b>Passalacqua – yes</b>	<b>Randol – yes</b>
11	<b>Thorsland - yes</b>		

12  
13 Mr. Hall informed Mr. Behnke that he has received an approval for both requests. He informed Mr. Behnke  
14 that staff will be in touch regarding final paperwork and that Mr. Behnke should call staff with any  
15 questions.

16  
17 Mr. Thorsland called continued cases 830-AM-16 and 831-S-16.

18  
19 **7. Staff Report**

20  
21 None

22  
23 **8. Other Business**

24       A. Review of Docket

25  
26 Mr. Hall distributed the current docket for the Board’s review.

27  
28 Mr. Thorsland asked the Board if there were any questions regarding the docket and there were none.

29  
30 Mr. Thorsland asked the Board if anyone would be absent from any of the ZBA meetings.

31  
32 Ms. Capel stated that she will be absent from the December 22, 2016, meeting.

33  
34 Mr. DiNovo stated that it is possible that he will be absent from the November 10, 2016, meeting.

35  
36 **9. Audience Participation with respect to matters other than cases pending before the Board**

37  
38 None

39

1 **10. Adjournment**

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Mr. Thorsland entertained a motion to adjourn the meeting.

**Ms. Griest moved, seconded by Ms. Capel, to adjourn the meeting. The motion carried by voice vote.**

The meeting adjourned at 10:00 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals