

MINUTES OF REGULAR MEETING**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street
Urbana, IL 61802

DATE: March 3, 2022**PLACE: Shields-Carter Meeting Room
1776 East Washington Street
Urbana, IL 61802****TIME: 6:30 p.m.****MEMBERS PRESENT:** Ryan Elwell, Lee Roberts, Jim Randol, Larry Wood, Tom Anderson**STAFF PRESENT:** John Hall, Susan Burgstrom, Stephanie Berry, Isaak Simmers**OTHERS PRESENT:** Tony Grilo, Anthony Donato, Lauren Miller, Troy Easterday, Anne Murray-Easterday**1. Call to Order**

The meeting was called to order at 6:30 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence - None**4. Approval of Minutes - December 30, 2021, January 13, 2022, and January 27, 2022 Minutes.**

Mr. Elwell entertained a motion for the December 30, 2021 minutes.

Mr. Randol moved, seconded by Mr. Roberts, to approve the December 30, 2021 minutes. The motion carried by voice vote.

Mr. Elwell entertained a motion for the January 13, 2022 minutes.

Mr. Roberts moved, seconded by Mr. Randol, to approve the January 13, 2022 minutes. The motion carried by voice vote.

Mr. Elwell entertained a motion for the January 27, 2022 minutes.

Mr. Roberts moved, seconded by Mr. Randol, to approve the January 27, 2022 minutes. The motion carried by voice vote.

Mr. Elwell entertained a motion to move Case 034-S-21 to the beginning of the Docket.

Mr. Wood moved, seconded by Mr. Randol, to move Case 034-S-21 to first on the agenda at this public hearing. The motion carried by voice vote. (Note: minutes are transcribed in numerical order

1 *per the agenda).*

2
3 **5. Continued Public Hearings**

4
5 **Case 030-AT-21**

6 Petitioners: **Zoning Administrator**

7 Request: **Amend the Champaign County Zoning Ordinance as follows:**

- 8 **1. Amend Section 3.0 Definitions by adding a definition for “DATA CENTER”**
- 9 **and “PV SOLAR ARRAY.”**
- 10 **2. Add new paragraph 4.2.1 C.6. that authorizes a PV SOLAR ARRAY as a**
- 11 **County Board SPECIAL USE Permit in the AG-2 Agriculture Zoning District**
- 12 **as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE.**
- 13 **3. Amend Section 5.2 Table of Authorized Principal Uses by adding DATA**
- 14 **CENTER as a Special Use in the AG-2 Agriculture, B-4 General Business, and**
- 15 **I-1 Light Industry Zoning Districts, and by adding PV SOLAR ARRAY as a**
- 16 **County Board Special Use Permit in the AG-2 Agriculture and all Business and**
- 17 **Industrial Zoning Districts.**
- 18 **4. Add footnote 31 to Section 5.2 Table of Authorized Principal Uses for classifying**
- 19 **the requirements for PV SOLAR ARRAYS with an output of one megawatt**
- 20 **or more as a County Board Special Use Permit and PV solar arrays with an**
- 21 **output of less than one megawatt as an ACCESSORY PV SOLAR ARRAY.**
- 22 **5. Add standard conditions to Section 6.1.3 Schedule of Standard Conditions for**
- 23 **Specific Types of Special Uses as follows:**
 - 24 **A. The location of the DATA CENTER must be approved in writing by the**
 - 25 **relevant Fire Protection District.**
 - 26 **B. The petitioner shall provide the P&Z Department with a written**
 - 27 **explanation of security features for the DATA CENTER.**
 - 28 **C. DATA CENTERS constructed with PV SOLAR ARRAYS shall be located**
 - 29 **adjacent to the solar inverter and as far as possible from property lines and**
 - 30 **adjacent DWELLINGS consistent with good engineering practice.**
- 31 **6. Add new Section 7.9 Accessory PV SOLAR ARRAY, with new requirements**
- 32 **including but not limited to the following:**
 - 33 **A. A PV SOLAR ARRAY with an output of less than one megawatt shall be**
 - 34 **permitted as an ACCESSORY STRUCTURE subject to the following**
 - 35 **standards:**
 - 36 **1. An accessory ground-mounted PV SOLAR ARRAY with less than one**
 - 37 **megawatt on contiguous lots under common ownership shall require**
 - 38 **compliance with minimum zoning requirements in Section 7.2 YARDS**
 - 39 **for DETACHED ACCESSORY BUILDINGS and STRUCTURES.**
 - 40 **2. For an accessory ground-mounted PV SOLAR ARRAY greater than**
 - 41 **1,000 square feet in area, screening requirements shall apply per**
 - 42 **Sections 7.6.2 and 7.6.3.**
 - 43 **3. No permit is required for roof-mounted PV SOLAR ARRAYS.**
 - 44 **4. Loading berths and parking spaces are not required for accessory**
 - 45 **ground-mounted PV SOLAR ARRAYS.**

46
47 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
48 the witness register for that public hearing. He reminded the audience that when they sign the witness
49 register, they are signing an oath.

1 Mr. Elwell asked if the Zoning Administrator, Mr. Hall, if he would like to give them an update on the
2 nature of his request.

3
4 Mr. Hall stated that since the Board last reviewed this on January 27, 2022, he is recommending some
5 changes. He consulted with some of the solar companies doing accessory solar arrays around the county,
6 and they recommended the language that staff is proposing for Section 6.1.3; it is slightly different than
7 what they used for the PV Solar Farm, and is more in line with what they would see for an accessory array.
8 He said they are proposing that change in language, it isn't a big change, but he thinks it is ultimately
9 going to make it easier for the PV Solar Arrays as opposed to what is required for a PV Solar Farm. He
10 said in regard to noise, he doesn't know if the Board members had heard about the news report within the
11 last month, where they walked up to a data center in Nebraska or Kansas, and it was several of these
12 shipping containers filled with computers in a field, they weren't in a building, and the news reporter said,
13 "sounds pretty loud, what is the decibel rating," and the operator of the data center said, "it is 85 decibels,"
14 which is what you would expect for an inverter at a solar farm. He said the point he would like to make is
15 these data centers are one of the more difficult uses, they could be so flexible. He said that particular data
16 center wasn't inside of a building, it was just sitting out in a field, but if it was in a building it might
17 produce less noise, or given all the fan noise and everything reverberating on the metal siding of the
18 building, who knows, it might make more noise, he doesn't know. He said that what they are
19 recommending is that any data center has to be in compliance with Pollution Control Board rules, and if
20 there is a dwelling within 1,500 feet, they are recommending that a noise analysis be submitted as a part
21 of the Special Use Permit. He said that going back to how large the solar farms that are an accessory use
22 to data centers, they have only ever seen two megawatt solar farms, and those are the same size as a
23 community solar farm. He said for their community solar farms, a noise analysis is only required if the
24 Board wants to see one, they don't actually require a noise analysis for community solar farms, which
25 again are no more than two megawatts. He said if you see a data center with an accessory solar array, no
26 more than two megawatts, it is the Board's option whether or not to require a noise analysis for the solar
27 array, but they are recommending that a noise analysis be required if there is a dwelling within 1,500 feet
28 of that data center.

29
30 Mr. Randol said that in view of what they have encountered, he thinks it would be good to prevent and
31 protect themselves by requiring a noise analysis anytime there would be one that was questionable.

32
33 Mr. Hall said that their Zoning Ordinance already says a noise analysis for a community solar farm is only
34 required if the Board wants it, and they haven't proposed to change that.

35
36 Mr. Randol said that whenever someone is applying for their permit, then that is when the Board could
37 require that.

38
39 Mr. Hall said that they could require that.

40
41 Mr. Anderson asked him if he could explain to him to whom the proposed data center belongs that the
42 Board would be analyzing.

43
44 Mr. Hall said that he has no idea who owns it; the data center is doing the analysis, but he doesn't know.

45
46 Mr. Anderson said he wonders or understands that this facility is not hooked up to the public electricity,
47 it is generating its own electricity to run the computers. He asked what happens at night when snow covers
48 the arrays, and are there batteries for these data centers.

1 Mr. Hall said that there could be batteries; they are generally located pretty close to substations, so that
2 leads him to think that at night the data center would go back to drawing energy from the grid. He said he
3 doesn't know, but that is what he is expecting to happen because he expects that the data centers would
4 run 24/7.

5
6 Mr. Anderson said that it makes a difference if they are getting the power from the grid or if there are
7 batteries for the data centers, because he understands that no employees are housed to work there
8 permanently, and a sporadic inspection is not enough if there are batteries running these data centers at
9 night.

10
11 Mr. Hall said that batteries require ongoing supervision.

12
13 Mr. Anderson said that the batteries create heat, and if they could imagine on a hot summer day how hot
14 that equipment would get. He said that if there are no batteries, and they get the power from the grid, then
15 he wouldn't worry about it, but the minute they put batteries there to run the data centers, it should be
16 inspected every day.

17
18 Mr. Hall asked if he is wanting to see a requirement for that or would that be an issue in the review of the
19 Special Use Permit.

20
21 Mr. Anderson said that he has never heard of a solar farm that is designed like this. He said that he feels
22 uncertain in approving something that he doesn't know. He asked Mr. Hall if he didn't know for sure if
23 there were batteries or if it was working off the grid.

24
25 Mr. Hall said that a data center is always a Special Use Permit, so the Board would always have a chance
26 to ask the developer if there were batteries, and a data center always has to be approved by the relevant
27 Fire Protection District, and he assumes they would want to know if there were batteries. He said with it
28 being a Special Use Permit, the Board will always have the ability to impose special conditions.

29
30 Mr. Anderson asked about security.

31
32 Mr. Hall said that they would require a written explanation of the security features.

33
34 Mr. Elwell asked Mr. Donato and Mr. Grilo if they would be willing to testify in this case, and they stated
35 that they would. He asked them if they would please state their names and their addresses.

36
37 Mr. Anthony Donato stated that he lives at 1 Broadleys Court in Bannockburn, Illinois; and Mr. Tony
38 Grilo stated that he lives at 103 North Thomas in Thomasboro, Illinois.

39
40 Mr. Elwell asked them if they would like to fill the Board in a little bit about what a data center is.

41
42 Mr. Donato said that one topic that had come up already in the conversation was the community solar
43 projects for solar farms that were developed in Champaign County. He said how that process began was
44 the concept was out there, and 900 people applied, and after 34 were approved, the State ran out of money,
45 so the rest remain on a waitlist. He said that their concept is very similar to a community solar farm project,
46 except they use the power onsite, and the concept that they proposed that made the most business sense
47 was a data center. He said these data centers are relatively simplistic; it is a steel pole barn that they would
48 find on a lot of different properties for storage, and within that steel pole barn, they would have
49 computerized equipment, and that equipment would use the power that the solar farm produces. He said

1 what it does best for the utility itself, when they talk about two megawatt or 2.5 megawatt solar projects,
2 they are producing 2,500 kilowatts of power on a continual basis when the sun is up, and they use between
3 400 to 800 kilowatts. He said that during the day, they overproduce, and that helps the grid, so at night
4 there would be low usage and in the middle of the day there would be higher usage as more people are
5 public, so in that grid Ameren would have to figure out how to keep everything going. He said that they
6 don't use power during the day, because they mine their own power. He said they send more back to the
7 grid, lowering those increases, and then they utilize power all night from Ameren the utility, in which they
8 don't have as big of a drop, so their ups and downs get straighter. He said it's a benefit for the utility, and
9 it makes everything more functional. He said that their data center concept is basically that steel pole barn
10 with computerized equipment plugged in on the inside with no batteries.

11
12 Mr. Randol said no batteries.

13
14 Mr. Donato said no batteries.

15
16 Mr. Randol asked if there was potential that some of their other operations would require batteries.

17
18 Mr. Donato said he doesn't think so, because they want to connect to the utility, so they would always
19 have power in that sense, but if they were applying batteries, they would be looking for a facility that is
20 completely off the grid, and the amount of power used would require such large batteries, and so many
21 batteries, that it wouldn't be practical. He said that if someone wanted a battery to support their house, it
22 could survive it, but at the power level they would use, it would be tens of millions of dollars to build
23 proper batteries to keep it all operational, so just the normal connection to the utility, which is called
24 behind the meter program, is their business concept.

25
26 Mr. Elwell asked him if it was his understanding that the grid itself acts as the battery.

27
28 Mr. Donato said basically.

29
30 Mr. Elwell said they would charge during the day, and would use whatever their needs would be, and the
31 overflow would go back into the grid that would charge the battery, then at night, when they are not
32 producing, the battery would discharge and feed the need they would have.

33
34 Mr. Donato said the utility would feed the need that they would have.

35
36 Mr. Anderson said the way that Mr. Donato explained it is the same technology that he has at his house,
37 and he is connected to the grid. He said that during the day the solar arrays power the grid, then his house
38 operates off the grid full time, but he replenishes the grid during the day, and at night he works from the
39 grid. He said that is the way a lot of technology around the Champaign-Urbana area works, and he thinks
40 it should say it in the proposed text amendment, because he heard that the solar system is furnishing power
41 to drive the computers day and night, but he couldn't see at night.

42
43 Mr. Wood asked Mr. Donato if there was a fine line between the amount of production that they could
44 maximize out at, given they have full sun, because they have a lot of cloudy days, and during that time,
45 they are not likely to keep up to overproduce. He asked if there was a level at which they would
46 overproduce in order to maximize that. He said that obviously if they have a lot more solar arrays, it is a
47 lot more expensive if they are not getting the rebate on it, and that is a problem.

48
49 Mr. Donato said that what they built actually maximizes out at that ratio, so on the AC side, the amount

1 of power produced, it is a two megawatt solar farm, the highest ratio they can go to is 1.5 megawatts, so
2 they would put three megawatts of physical panels on site. He said if it was perfectly sunny, they could
3 produce as high as three megawatts, but it would never actually feed through the inverters that convert the
4 power, because they are capped at two megawatts, so the limit would never surpass the two megawatts
5 even though they would have the additional ones. He said that on those cloudier days, the panels
6 themselves won't operate at a 100 percent, so they could still be operating at two megawatts, which would
7 be the maximum that would backflow. He said that is what the utility would plan all of their background
8 for, so they would know what they could handle, so they would never send more than two megawatts
9 through, but they have the overage during the winter months, cloudy days, and things of that nature. He
10 said that in general, a two-megawatt solar farm would produce about 4.2 million kilowatt hours per year,
11 and that is accounting for all the weather changes and everything of that nature, but that is the amount of
12 power they would create with one two-megawatt solar farm.

13
14 Mr. Elwell asked Mr. Hall to remind him again, what a community solar farm megawatt amount would
15 be.

16
17 Mr. Hall said two megawatts.

18
19 Mr. Elwell asked Mr. Hall if they were talking about a community solar farm size or were they talking
20 about it being bigger.

21
22 Mr. Hall said that he thinks they were talking about only a community solar farm size.

23
24 Mr. Elwell asked how many acres they would be talking about with the solar panels.

25
26 Mr. Donato said between six to ten acres per two-megawatt solar farm. He said the original ones were
27 capped at two megawatts, but these are technically capped at 2.5 megawatts, and it is possible to put two
28 of these projects on one parcel, but it's between five and ten acres per two megawatts of solar farm.

29
30 Mr. Elwell asked Mr. Hall if he could remind him one more time what the definition was of what they
31 were currently talking about here, why it is different, is it because it is not being moved from the solar
32 panel to the grid like it would be in the community solar farm. He said it sounded like from the testimony
33 today, they could do a three megawatt, and if the weather was perfect, then how much would be used
34 compared to how much would be going back into the grid.

35
36 Mr. Donato said that the easiest way to answer that question is a limit from the utility, so if the substation
37 that is in close proximity could only handle one megawatt of load, that is what they would allow them to
38 physically utilize from their service; they could overproduce and help their system, but the utility itself
39 would tell them. He said that they are looking at one of them that is 1.4 megawatts of what they could
40 connect, so they would be running at 1,400 kilowatts, and they have another one that told them that the
41 maximum they could put was 600, but both of those could still have the same two-megawatt solar farm,
42 which backfeeds into their system.

43
44 Mr. Elwell asked if they were familiar with their definition of community solar farm.

45
46 Mr. Donato said yes.

47
48 Mr. Elwell asked him how different that was from what they are proposing.

49

1 Mr. Donato said that truthfully the community solar project itself, the owner of the solar farm would have
2 to find 200 individuals with normal accounts to purchase the power that they create, because that is how
3 much power they create; in this system it is the behind the meter program. He said that they have a normal
4 system, no different than using a house as an example. He said their solar farm is physically larger, so it
5 supports all the power of everything they would build, and whatever they don't use backfeeds to the grid.
6 He said that if they use more power than they create, then they would pay their normal power bill to the
7 utility.

8
9 Mr. Elwell said that if he could use an analogy for a community solar farm, they would have to have 200
10 houses to make the project work, but their data mining could be analogous to the 200 houses possibly.

11
12 Mr. Donato said anything onsite, the solar farm itself is not tied directly to a data center, it could be a
13 grocery store building that is behind the grocery store, it could be a car dealership, or it could be anyone
14 with five acres of land just simply producing that much power and offsetting their own power bill.

15
16 Mr. Elwell said that it seems to him, that they were talking about two sides of the same quarter.

17
18 Mr. Hall said in what way were they talking two sides of the same quarter.

19
20 Mr. Elwell said the same amount is being produced if they were talking about a potential project and a
21 community solar farm, it is going into the grid. He said that in this project some of it would be consumed,
22 but again, it would probably be utility company limited, he guesses, but that would still go back into the
23 grid. He said he thinks he understood what Mr. Hall was saying at the last meeting, but from the testimony
24 today, it seems like it would be doing the same thing.

25
26 Mr. Hall said if Mr. Elwell is getting back to the issue of why they have to have this thing called a PV
27 Solar Farm, and a thing called a PV Solar Array, then why don't they just call them the same thing. He
28 said that if they were back at the beginning, they could do that, write the definitions more carefully, and
29 make it clear. He said that he does think there is value in retaining the designation of a PV Solar Farm or
30 a PV Solar Array, precisely because the solar farm would only be feeding into the grid, and the accessory
31 solar array feeds into the grid when it is not using it all onsite; that is the difference, it is not saying one is
32 better than the other, it is just saying, this is that, and that is that. He said that he agrees, if they were back
33 at the beginning, they could just call it all a solar array, and could still have these threshold sizes, where
34 if it was more than two megawatts, they would provide a full noise analysis, and if it was less than, then
35 it would be up to the Board. He said that in the solar array they got this, if it is more than one megawatt,
36 then it would not be treated as a solar farm. He said the point is, if they were starting all over, then they
37 could simplify it somewhat; he still thinks there is a value to having things called solar farms and things
38 called solar arrays.

39
40 Mr. Wood said that they could still have it as a solar farm, only it would be a special designation under a
41 solar array, just make the solar array definition a little more generic and take off about the last four or five
42 words in that definition, because they are all solar arrays effectively. He asked if there was a permitting
43 process for residential solar.

44
45 Mr. Hall said that it is just like building a shed.

46
47 Mr. Wood said it is a permitting process.

48
49 Mr. Hall said yes.

1 Mr. Wood said nothing that would ever come before the Board here.

2

3 Mr. Hall said no.

4

5 Mr. Wood said that they could include that, and they could have solar arrays for residential, business, and
6 pure generation, which is what they would call a solar farm right now. He said that it would make more
7 sense to him, he thought he had talked about that at the last meeting, it would make more sense, but he
8 guesses it would depend on how much they would want to revamp the whole text amendment. He asked
9 if that was the problem.

10

11 Mr. Hall said yes.

12

13 Mr. Wood asked what creates most of the noise, if it was just from the fans.

14

15 Mr. Grilo said yes, the fans in the data center, that was part of the reason they put them in the machine
16 shed, because the machine shed has filters on them to help isolate noise and air pollution to help sustain
17 that noise. He said that as far as the solar array noise, he has been next to a lot of their inverters, and he
18 has never really noticed any noise, as far as an inverter goes.

19

20 Mr. Wood said that he has one and it doesn't make any noise.

21

22 Mr. Grilo said that they have small fans in them.

23

24 Mr. Wood asked if the technology was improving to where they would be generating less and less heat
25 with the solid state. He asked what would create most of the heat that they would need the fans for, would
26 it be from the mechanical processes within the metal pole barn.

27

28 Mr. Grilo said the computers and processors, and the electronics inside of them would be using power;
29 therefore, the heat would have to be dissipated.

30

31 Mr. Elwell asked Mr. Donato and Mr. Grilo if any potential data center with a three-megawatt size was
32 generally the average size for a data center or is this super-sized, or is this small. He asked if they could
33 give him an idea of what a data center with a three-megawatt solar array would be.

34

35 Mr. Donato said that the solar farm sizes would be either two or 2.5 megawatts from a connection
36 standpoint, if they could build two of them on a parcel, and the utility could handle that. He said that they
37 would be separate utility accounts though, capped at 2.5 megawatts, if they built two of them on the same
38 parcel, then it would be technically five megawatts, but they could look at it as the limit would be 2.5
39 megawatts.

40

41 Mr. Elwell asked if that was an average size for a data center.

42

43 Mr. Donato said yes, that would be the size, but it is not in an average high or low that is kind of mixed
44 together, it is either two megawatts or 2.5 megawatts, that is what they are looking to build.

45

46 Mr. Elwell said yes, but could they have a much smaller data center or a much larger data center.

47

48 Mr. Donato said yes, the data center itself is based on the load the utility would be able to handle, and the
49 building that they sent the Board a sample of is one that handles 1.4 megawatts on the AC side from the

1 utility. He said that this physical building could get a little bit longer, about 50 percent longer, but that is
2 the size ratio. He said they would build a building that is between 1,200 square feet and capped out at
3 2,000 square feet, relatively small compared to a 10-acre parcel.

4
5 Mr. Wood asked if they would need most of the 10 acres for the solar farm side of that to supply an
6 adequate amount of energy.

7
8 Mr. Grilo said correct, most of the 10 acres is still vegetation, the row spacing is really what would take
9 up so much of the array to help prevent shadows and so forth.

10
11 Mr. Wood asked if it made a difference if the solar arrays were adjustable throughout the day versus fixed.

12
13 Mr. Grilo said that they built one that is referred to as a single axis solar array; it would start out pointing
14 east and then it would rotate until it pointed west. He said they are shifting gears to a fixed system that
15 just points south. He said that with the rotational system, it seemed to him to be a maintenance headache,
16 and the fixed systems are going to end up being the win. He said that they were out today replacing
17 batteries, he thinks sometimes the single axis systems, the engineer sat in the room, and said, "oh this is
18 going to be a really cool system," and then it went out into the middle of a field in the middle of winter,
19 and they learned a different story.

20
21 Mr. Wood asked if it would be fair to say that they really don't need a heating system in there, just a
22 cooling system.

23
24 Mr. Grilo said yes, they would just use air flow for the cooling system, so they won't use air conditioners,
25 they will just move clean fresh air through; the Board is absolutely right, they won't have a heating system.

26
27 Mr. Wood asked if they would have to adjust that depending on what the outside temperature would be.

28
29 Mr. Grilo said yes.

30
31 Mr. Wood asked if he had thought about geothermal.

32
33 Mr. Grilo said yes, he has thought a lot about it, and if he had it his way, he thinks he would have a giant
34 lake or pond that would recirculate the water. He said that he has a giant pond where he lives in
35 Thomasboro, and he always looks at it and thinks if they could just take the cool water and put the warm
36 water back, that would be ideal.

37
38 Mr. Anderson asked why the metal pole barn had big doors on the front of them in the photos that were
39 submitted to the Board.

40
41 Mr. Grilo said those doors are what they would open or close to allow air flow or restrict air flow, and
42 behind those doors would be a filter system that would help remove particulates and things like that.

43
44 Mr. Anderson asked if there would be an employee monitoring the movement of the doors.

45
46 Mr. Grilo said correct, they would be working remotely to control and monitor, and there would be
47 employees onsite at different hours of the day. He said that a lot of these employees are techy, so
48 sometimes they work from 7p.m. to 4a.m. or 11p.m. to 4a.m. in the morning, but it would not be staffed
49 24/7, it would be monitored 24/7.

1 Mr. Anderson asked where the headquarters would be located.
2

3 Mr. Grilo said they have an office here in Champaign, near Prospect Avenue and Bradley Avenue, that he
4 would say is considered the headquarters.
5

6 Mr. Anderson asked if he would monitor these sheds from the office here in town, and if someone could
7 get out to that location in 15 minutes if something were to go wrong or if someone were to break in.
8

9 Mr. Grilo said that there wouldn't be someone onsite 24/7, but there would be someone working 24/7, and
10 one of the duties of that person would be site monitoring for the different sites via video. He said all the
11 doors, monitor sensors, and everything has alerts on them. He said that he would try to position an
12 employee where they could get there quickly; Mr. Anderson said 15 minutes, but he doesn't see why
13 anyone couldn't get there in a few minutes. He said that security is important to them; there would be
14 valuable computer equipment inside, so having responsiveness would be key.
15

16 Mr. Wood asked if they had any thoughts on any fencing around the property.
17

18 Mr. Grilo said that they were talking today about that and going back and forth, about what type of fencing.
19 He said that yes, just to add another layer of protection, he has always had the thought if someone wanted
20 to get in, they are going to get in. He said that having motion alerts on a perimeter allows them to have a
21 lot more responsiveness; if they were to see the lighting come on, and the camera was to show a glimpse
22 of somebody with bolt cutters at the chain link fence, they would know immediately that something was
23 wrong. He said that it would just add another layer and improve the ability to securely monitor the site.
24

25 Mr. Elwell asked Mr. Hall if the example that both these gentlemen were talking about would be more
26 than one megawatt, so that would not be an accessory solar array.
27

28 Mr. Hall said that is right.
29

30 Mr. Elwell said maybe that was where he was getting confused at with an accessory structure, thinking
31 that ten acres is probably not an accessory use.
32

33 Mr. Elwell asked if there were any other questions from the Board .
34

35 Mr. Wood said that his only other thought was going back to the discussion that they just had about
36 changing the structure of how this text amendment would be laid out, he would think that more than likely
37 going on down the road the staff would find something else, they would want to add to it. He said that it
38 would be a whole lot simpler if they were to redesign the structure now, as opposed to continuing to add
39 more individual things on the Zoning Ordinance to try and define them; it would be a lot simpler for
40 people that would go in to drill down into stuff. He said that is his suggestion, and it would take more
41 work to do that now, but it might save the staff time in the future.
42

43 Mr. Elwell asked if that would have to go back before the County Board.
44

45 Mr. Hall said that they would have to readvertise the text amendment, because they would be opening
46 themselves up to easy cries of foul if they wouldn't.
47

48 Mr. Wood said that they would be happy to show up and get paid \$100 a night for doing that.
49

1 Mr. Hall said if that is what the Board wants, that is what they would do.

2
3 Mr. Donato said that if he could make one note on that topic, these are very much like community solar
4 farms; they hit a wait list very quickly, and it is very time sensitive that they have an approval to build on
5 the land so they could submit their projects for funding. He said that he was just casually mentioning that
6 with the hopes of all the Board members being in favor of what they would like to do.

7
8 Mr. Elwell said that he doubts that they would have many people opposed, but this seems to him like kind
9 of kicking a can down the road. He said that where they find themselves now, would they find themselves
10 revisiting this two years from now, and he doesn't know what the opportunity cost would be like. He
11 asked if it would be easier to just keep adding as they go down the road or could they come up with a
12 sufficient fix for his hesitancy right now.

13
14 Mr. Randol said that he thinks they should leave it the way it is at this point in time; they could make a
15 change in the text amendment now, or advertise and do it next month or three months from now. He said
16 this is all new to them; they could go down the road in another year from now, and they could have
17 something else they need to change, so he doesn't think they should rush into making any changes at this
18 point.

19
20 Mr. Wood said that if they have an issue with getting something started here, then he wouldn't allow that
21 to slow down that process for something like this, but if they want to go ahead and put this in place, then
22 maybe take the next year, when the Staff have time to sit down and take a look at the structure of this
23 whole text amendment. He said that it is okay the way the text amendment is; he doesn't have a problem
24 with the issues that are presented here in terms of how this was defined. He said it's just the overall
25 structure that they have might make it easier for them on down the road.

26
27 Mr. Elwell asked if there were any other questions from the Board or Staff. Seeing none, he asked if
28 anyone would like to testify in this case. Seeing no one, he entertained a motion to close the Witness
29 Register for Case 030-AT-22.

30
31 **Mr. Roberts moved, seconded by Mr. Randol, to close the Witness Register for Case 030-AT-22.**
32 **The motion carried by voice vote.**

33
34 Mr. Elwell asked the Board how they would like to proceed.

35
36 **Mr. Wood moved, seconded by Mr. Randol, to accept the Preliminary Draft and Documents of**
37 **Record, and move to the Findings of Fact for Case 030-AT-22, as amended. The motion carried**
38 **by voice vote.**

39
40 Mr. Elwell said that he would be reading the Findings of Fact for Case 030-AT-22 from Attachment D,
41 page 18 of 22 in the Preliminary Memorandum, as follows:

42
43 **FINDINGS OF FACT FOR CASE 030-AT-22**

44 From the documents of record and the testimony and exhibits received at the public hearing conducted
45 on **January 27, 2022 and March 3, 2022**, the Zoning Board of Appeals of Champaign County finds
46 that:

- 47
48 **1. The proposed Zoning Ordinance text amendment *IS NECESSARY TO ACHIEVE* the Land**
49 **Resource Management Plan because:**

- 1 A. The proposed Zoning Ordinance text amendment will *HELP ACHIEVE* LRMP
- 2 Goals 3, 4, 6, 7, and 8.
- 3
- 4 B. The proposed Zoning Ordinance text amendment *WILL NOT IMPEDE* the
- 5 achievement of LRMP Goals 1, 2, and 9.
- 6
- 7 C. The proposed Zoning Ordinance text amendment is *NOT RELEVANT* to LRMP
- 8 Goals 5 and 10.
- 9
- 10 2. The proposed text amendment *WILL* improve the Zoning Ordinance because it will:
- 11 A. *HELP ACHIEVE* the purpose of the Zoning Ordinance (see Item 16).
- 12
- 13 B. *IMPROVE* the text of the Zoning Ordinance (see Item 17).
- 14

15 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
16 Findings of Fact for Case 030-AT-22, as amended.

17
18 **Mr. Randol moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**
19 **Record, and the Findings of Fact for Case 030-AT-22, as amended. The motion carried by voice**
20 **vote.**

21
22 Mr. Elwell entertained a motion to move to the Final Determination for Case 030-AT-22.

23
24 **Mr. Randol moved, seconded by Mr. Wood, to move to the Final Determination for Case 030-AT-**
25 **22. The motion carried by voice vote.**

26
27 Mr. Elwell said that he would be reading the Final Determination for Case 030-AT-22 from Attachment
28 D, page 20 of 22 in the Preliminary Memorandum, as follows:

29
30 **FINAL DETERMINATION FOR CASE 030-AT-22**

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

34
35 **The Zoning Ordinance Amendment requested in Case 030-AT-21 should BE ENACTED by the**
36 **County Board in the form attached hereto.**

37
38 **The foregoing is an accurate and complete record of the Findings and Determination of the**
39 **Zoning Board of Appeals of Champaign County.**

40
41 Mr. Elwell requested a roll call vote.

42
43 The vote was called as follows:

44 Randol- yes	Roberts- yes	Anderson- yes
45 Elwell- no	Wood - yes	

46
47 **The motion carried.**

48 Mr. Elwell told Mr. Hall that he received four affirmative votes to approve the case.

49

1 Mr. Hall said thank you.

2

3 Mr. Elwell told Mr. Donato and Mr. Grilo that he is excited to hear of any potential future data center
4 ideas; he thinks that is pretty exciting.

5

6 **6. New Public Hearings**

7

8 **Case 034-S-21**

9 **Petitioners: Anne Murray-Easterday, d.b.a. Pear Tree Estate**

10

11 **Request: Authorize an expansion of the Special Use Permit for an event center approved in Case**
12 **700-S-11 to include construction and use of a chapel as an accessory use in the AG-2**
13 **Agriculture Zoning District, with the following waiver:**

14

15 **Authorize a waiver for the use of existing outdoor lighting that is not full cutoff design,**
16 **per Section 6.1.2 of the Zoning Ordinance.**

17

18 **Location: A 10-acre tract of land located in the Southwest Quarter of the Northwest Quarter of**
19 **Section 14, Township 20 North, Range 8 East of the Third Principal Meridian in**
20 **Hensley Township, commonly known as Pear Tree Estate, with an address of 2150 CR**
21 **1000E, Champaign.**

22

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

26

27 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
28 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
29 show of hands from those who would like to cross-examine, and each person will be called upon. He said
30 that those who desire to cross-examine do not have to sign the Witness Register, but will be asked to
31 clearly state their name before asking any questions. He noted that no new testimony is to be given during
32 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws
33 are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their
34 request prior to introducing evidence.

35

36 Ms. Anne Murray-Easterday stated that she lives 2150 County Road 1000 East, Champaign, Illinois. She
37 informed the Board that she had brought new packets for them that showed the stormwater drainage plan
38 and updated drawings. She said that they built Pear Tree in 2013 after having the property rezoned to AG-
39 2 Agriculture, and they run an event center there where they host events and weddings every week. She
40 said that after a few years of experience, they realized that there is a need for a separate space on the
41 property to hold ceremonies. She said it would not change the capacity at which they do events, but it
42 would change the flow of events during the day. She said that is why they have been working with
43 architects and engineers to come up with the best plan to establish a beautiful addition to the property.

44

45 Mr. Elwell asked if there were any questions from the Board.

46

47 Mr. Wood asked the staff if they had not had a chance yet to look at the stormwater detention analysis.

48

49 Mr. Hall said no, their office had just received the stormwater detention analysis today.

- 1 Mr. Anderson asked if the chapel was associated with any denomination.
2
- 3 Ms. Murray-Easterday said it is not, because it would be a non-denominational chapel.
4
- 5 Mr. Anderson said okay.
6
- 7 Ms. Murray-Easterday said that it would be to just host wedding ceremonies.
8
- 9 Mr. Anderson said okay, when he was out there, it was raining cats and dogs, and the space north of the
10 property looked like a river.
11
- 12 Ms. Murray-Easterday said that there is a waterway that runs on the north side of their property, which is
13 accounted for in the packet; the chapel would be on the south side of the property, which is on higher
14 ground, and that is why they have been working with SKS to make sure that the drainage is still
15 appropriate. She said that they have had 11 inches of rain in an hour out there before and the water has
16 been properly drained, luckily, because it was Pear Tree Estate's first week of being open.
17
- 18 Mr. Wood asked if they were putting in a new detention basin just to the west of the parking lot.
19
- 20 Mr. Murray-Easterday said that the new detention would be going on the northwest side of the property.
21
- 22 Mr. Anderson asked if anyone was living in the residence.
23
- 24 Ms. Murray-Easterday said yes, and they use it as a bed and breakfast as well.
25
- 26 Mr. Anderson asked if it was open to the public.
27
- 28 Ms. Murray-Easterday said no, it is just for their clients.
29
- 30 Mr. Anderson said okay.
31
- 32 Ms. Murray-Easterday said that their clients are able to get ready there during the day.
33
- 34 Mr. Elwell asked Mr. Hall if there were any issues with staffing in regard to handicap accessible parking
35 spaces or anything like that.
36
- 37 Mr. Hall said that they have met the handicap accessibility requirements for the main facility, but for the
38 chapel, he thinks it is something that they need to look at. He said that the chapel needs to be accessible,
39 and he thinks they would need to have one or two handicap accessible spaces.
40
- 41 Ms. Murray-Easterday said that she agrees; they just sent a revision to the engineers and the architects,
42 because in that gravel lot, they could work on that area as well as a drop off area right in front of the chapel
43 that would be on the east side of the chapel. She said they would like to do a drop off area as well as one
44 or two handicap accessible parking spots, whatever is required for parking, because the other parking spots
45 are closer to the actual building, but she agrees that is a necessary adjustment.
46
- 47 Mr. Elwell asked about the east side.
48
- 49 Ms. Murray-Easterday said that someone built a building on an angle there, but the east side would be

1 towards the house.

2

3 Mr. Elwell asked if it was opposite from the grass spaces.

4

5 Ms. Murray-Easterday said correct, they would like to make the drive one cohesive drive to the house,
6 building, and chapel, so it would all be interconnected; and they would work those handicap spots out
7 with whatever the regulations were.

8

9 Mr. Elwell asked where the septic would go.

10

11 Ms. Murray-Easterday said that the septic would be on the south side of the property. She said they don't
12 technically need to make their septic bigger; however, they are going to for logistic purposes and the
13 layout of Pear Tree in general. She said that the septic would have to have some tests done, but the original
14 thoughts were that it would be on the south side of the property.

15

16 Mr. Wood asked if it was west or southwest of the chapel because that is the only space available.

17

18 Ms. Murray-Easterday said yes, it is not a huge septic system that is required, since there is no kitchen;
19 and they have had the septic company already out there to check everything out and make sure there was
20 adequate space.

21

22 Mr. Elwell asked if the septic was going to be on the south side of the chapel.

23

24 Ms. Murray-Easterday said that it might be on the southwest side.

25

26 Mr. Elwell asked how far the chapel was from the property line.

27

28 Ms. Murray-Easterday said she needs to check, but she thinks their engineering plan might have it
29 backwards.

30

31 Mr. Wood said that he thought it was going to be west of the chapel, because it is on the south side of the
32 property from how Ms. Murray-Easterday had explained it.

33

34 Ms. Murray-Easterday said sorry, she meant west of the chapel. She said not between the property line
35 and the chapel, but west of the chapel on the south side of the lane.

36

37 Mr. Wood said just opposite of the drainage basin.

38

39 Mr. Elwell asked if it was where the grass parking spaces were designated on the west side of the chapel.

40

41 Ms. Murray-Easterday said that is the seating inside the chapel, it currently says there are grass parking
42 spaces there, but those spaces are not necessary and are never used. She said that there would be no parking
43 on the west side of the chapel, she sees what Mr. Elwell was saying. She said that on this engineering plan
44 it has the old grass parking spaces labeled still.

45

46 Mr. Elwell asked if that was the area that would have the septic.

47

48 Ms. Murray-Easterday said yes.

49

1 Mr. Elwell asked if they were able to connect and would they connect it to the house if they didn't have
2 to.
3
4 Ms. Murray-Easterday said no, the house is on a small septic system, and that is located on the north side
5 of the house, and it is on a separate little hill, so the chapel's septic system would be bigger than that.
6
7 Mr. Elwell asked if they would have to put a septic tank in for the chapel.
8
9 Ms. Murray-Easterday said yes.
10
11 Mr. Elwell asked if there were any other questions from the Board.
12
13 Mr. Wood asked about the light issue and if it was only partial cutoff.
14
15 Mr. Hall said that there is actually no cutoff, but it is well-screened by the vegetation and is fairly low
16 lighting.
17
18 Mr. Wood said that all the lights are around three feet high.
19
20 Mr. Murray-Easterday said yes, 32 inches.
21
22 Mr. Randol asked if that lighting was installed prior to the Board approving it in the Zoning Ordinance.
23
24 Mr. Hall said no, it was after.
25
26 Mr. Randol asked if the lighting was unapproved.
27
28 Mr. Hall said yes, that is why Pear Tree needs the waiver.
29
30 Mr. Elwell said that it had been a while since he had visited their facility, and asked if the screening was
31 already there for that parking lot.
32
33 Ms. Murray-Easterday said where it says additional screening on the north parking lot, that additional
34 vegetation screening is going in the spring, but they already have vegetation screening in place, but it was
35 discussed with staff that they would like to see more. She said there are already hardwood and evergreen
36 trees there, so they are going to add the same type of vegetation they have along the north side of the
37 whole concrete parking lot.
38
39 Mr. Elwell asked if there were any other questions from the Board.
40
41 Mr. Randol referred to the letter from the Fire Protection District, and asked where the dry hydrant is
42 located.
43
44 Ms. Murray-Easterday said it is in the circle drive near the entrance of the building.
45
46 Mr. Randol said okay.
47
48 Mr. Elwell asked Mr. Randol if he would be willing to educate him on a dry hydrant; he was only present
49 for fire calls long enough to be the paramedic and not the firefighter.

1 Mr. Randol said that a dry hydrant is where water is drafted from the water source to the fire engine. He
2 said in this case, it would be the detention pond, so there is water standing in it, but the pumpers from the
3 fire trucks have to suck the water to get it there because it is not pressurized.

4
5 Mr. Elwell said that the fire truck is sucking it from the pond, and it is being pressurized by the pumper
6 on the fire truck.

7
8 Mr. Randol said that the pipes from the hydrant extend out of the ground, and typically it is not like your
9 normal fire hydrant, they are PVC or metal that come up above the ground and have the same attachments
10 that the fire hoses would connect to.

11
12 Mr. Elwell asked if there were any other questions from the Board or Staff. He asked if anyone would like
13 to cross-examine this witness. Seeing no one, he entertained a motion to close the Witness Register for
14 Case 034-S-21.

15
16 **Mr. Roberts moved, seconded by Mr. Wood, to close the Witness Register for Case 034-S-21. The**
17 **motion carried by voice vote.**

18
19 Mr. Elwell asked Mr. Hall if the Board had received the stormwater detention analysis at tonight's meeting
20 and if there was anything that the Board needed to review before they would proceed with the Final
21 Determination for Case 034-S-21.

22
23 Mr. Hall said no, he thinks that Special Condition G. makes it clear that they have what they need, and
24 they can move forward; they will send it to the County's engineer for review, and they will receive any
25 revisions that are necessary, that is all part of permitting. He said that it is good news they have the
26 stormwater detention analysis tonight, because it is further progress.

27
28 Mr. Elwell said that he would feel comfortable if the Board proceeded with this case tonight.

29
30 Mr. Randol asked Mr. Hall if there were any limitations on the number of parties that can take place at
31 any given time, because there have been some occurrences in the past where the Board had placed
32 limitations.

33
34 Mr. Hall said no, at this location on a county highway where they have done a traffic study, there are no
35 limits.

36
37 Mr. Elwell asked him about the parking, and if there was anything else required besides the handicap
38 accessible parking that they would need to keep in mind.

39
40 Mr. Hall said that is covered by Special Condition A. He said they already know there is adequate parking,
41 and they are going to provide more parking, because the ceremony will be at the proposed chapel, and
42 then some people will probably move to the other parking lot, so the parking is fine. He said that he
43 believes the original Special Use Permit included a special condition that there could be no on street
44 parking, but they didn't include that with these special conditions, but he has no fear that there would be
45 on street parking. He said there is plenty of space to park off street, and with that being a county highway,
46 it would be crazy to park on it, but people do crazy things. He said that he doesn't see that as a problem
47 with these special conditions, so he thinks the parking is in good shape.

48
49 Mr. Elwell asked for Ms. Murray-Easterday to come back up to the testimony microphone because there

1 are some proposed special conditions that he is going to read. He asked her to respond in the affirmative
2 if she agreed with each special condition.

3
4 Mr. Elwell said that he would be reading the Special Conditions for Case 034-S-21 from Attachment H,
5 page 17-18 of 26 in the Preliminary Memorandum, as follows:

6
7 **GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**
8

9 12. Regarding proposed special conditions of approval:

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

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

16 **That the proposed Special Use meets applicable State requirements for**
17 **accessibility.**
18

19 Mr. Elwell asked Ms. Murray-Easterday if she was in agreement with Special Condition A.

20
21 Ms. Murray-Easterday replied yes.
22

23 B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or**
24 **issue a Zoning Compliance Certificate on the subject property until the lighting**
25 **specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met, with**
26 **the exception of the existing lighting fixtures surrounding the parking areas that are**
27 **the subject of the waiver in Case 034-S-21.**

28
29 The special condition stated above is required to ensure the following:

30 **That exterior lighting meets the requirements established for Special Uses in**
31 **the Zoning Ordinance.**
32

33 Mr. Elwell asked Ms. Murray-Easterday if she was in agreement with Special Condition B.

34
35 Ms. Murray-Easterday replied yes.
36

37 C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
38 **authorizing occupancy of the proposed building until the Zoning Administrator has**
39 **received a certification of inspection from an Illinois Licensed Architect or other**
40 **qualified inspector certifying that the new buildings comply with the following**
41 **codes: (A) the current edition or most recent preceding editions of the International**
42 **Building Code, and (B) the National Electrical Code NFPA 70.**

43
44 The special condition stated above is required to ensure the following:

45 **New commercial buildings shall be in conformance with Public Act 96-704.**
46

47 Mr. Elwell asked Ms. Murray-Easterday if she was in agreement with Special Condition C.

48
49 Ms. Murray-Easterday replied yes.

1 D. All onsite Special Use activities shall be in compliance at all times with the
2 Champaign County Health Ordinance, the Champaign County Liquor Ordinance,
3 and the Champaign County Recreation and Entertainment Ordinance.
4

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

6 That the proposed Special Use is in ongoing compliance with all applicable
7 County requirements.
8

9 Mr. Elwell asked Ms. Murray-Easterday if she was in agreement with Special Condition D.
10

11 Ms. Murray-Easterday replied yes.
12

13 E. The Petitioner shall ensure that the guests are made aware of the County Ordinance
14 prohibiting nuisance noise past 10 pm and that the use of the facility requires
15 compliance to avoid complaints from neighboring residences. Music and other
16 nuisance noise shall not be audible at the property line past 10 pm.
17

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

19 That events held on the subject property adequately consider neighbors.
20

21 Mr. Elwell asked Ms. Murray-Easterday if she was in agreement with Special Condition E.
22

23 Ms. Murray-Easterday replied yes.
24

25 F. This special use permit does not authorize onsite food preparation or the
26 construction of any food preparation area or kitchen.
27

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

29 To protect public health.
30

31 Mr. Elwell asked Ms. Murray-Easterday if she was in agreement with Special Condition F.
32

33 Ms. Murray-Easterday replied yes.
34

35 G. Regarding storm water drainage:

36 (1) Prior to issuance of a Zoning Use Permit for the chapel, the petitioner’s storm
37 water engineer shall revise the Storm Water Drainage Plan to include the
38 proposed chapel and the gravel overflow parking lot to the north, which will
39 then be reviewed by the P&Z Department’s consulting engineer.

40 (2) Prior to occupancy of the chapel, the petitioner shall make any recommended
41 changes to the storm water drainage system on the property as required by
42 the storm water review.
43

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

45 That there is an adequate storm water drainage system in place for all uses
46 on the subject property.
47

48 Mr. Elwell asked Ms. Murray-Easterday if she was in agreement with Special Condition G.
49

1 Ms. Murray-Easterday replied yes.

2

3 H. **Only one event shall be held at one time on the subject property.**

4

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

6 **That events do not exceed the capacity of the septic system and available**
7 **parking spaces.**

8

9 Mr. Elwell asked Ms. Murray-Easterday if she was in agreement with Special Condition H.

10

11 Ms. Murray-Easterday replied yes.

12

13 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 034-S-21.

14

15 **Mr. Wood moved, seconded by Mr. Roberts, to move to the Findings of Fact for Case 034-S-21. The**
16 **motion carried by voice vote.**

17

18 Mr. Elwell said that he would be reading the Findings of Fact for Case 034-S-21 from Attachment H, page
19 20 of 26 in the Preliminary Memorandum, as follows:

20

21 **FINDINGS OF FACT FOR CASE 034-S-21**

22 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
23 **034-S-21** held on **March 3, 2022**, the Zoning Board of Appeals of Champaign County finds that:

24

25 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
26 **location because:**

27

28 Mr. Randol said the requested Special Use Permit IS necessary for the public convenience at this location
29 because: the wedding clients will have a venue that will not be subject to inclement weather and the event
30 center has been at this location since 2014.

31

32 **2. The requested Special Use Permit is so designed, located, and proposed to be operated so**
33 **that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise**
34 **detrimental to the public health, safety, and welfare because:**

35

36 **a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance**
37 **location has *{ADEQUATE / INADEQUATE}* visibility because:**

38

39 Mr. Wood said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
40 visibility because: there is no proposed increase in events on the property, so the addition of a chapel
41 should not induce additional traffic or create safety issues.

42

43 Mr. Randol said that the Board might want to add that the main highway is a county highway.

44

45 Mr. Elwell asked if there is no proposed increase in events, then why are they building the chapel.

46

47 Ms. Murray-Easterday asked him if he wanted her to answer that.

48

1 Mr. Elwell said that he knows why they are, but the Board's answer was that there is no increase in events,
2 so why is the Board here tonight for this case, it's kind of a rhetorical question for the Board.

3
4 Mr. Randol said that he assumes there is a demand for the chapel, or they wouldn't be requesting the
5 Special Use Permit for it. He said they don't have to have an increase in events to require the need for the
6 chapel, their existing clientele or needs could request that need.

7
8 Mr. Wood said that it is stated as an additional convenience to the customers.

9
10 Mr. Elwell asked if he is just missing it.

11
12 Mr. Hall said that is a good question, he could have said as a Zoning Administrator that as long as they
13 agreed not to increase the capacity, then this would not be an expansion of the Special Use Permit, so they
14 wouldn't need a new public hearing. He said that he extends all courtesies he can to petitioners, but he
15 was not going to go that far, and in his mind this case rightly needed to come before this Board, and the
16 Board needed to determine if it was or was not an issue, that there would not be an increase in capacity.
17 He said the staff is recommending that the events not be increased because of traffic concerns.

18
19 Mr. Elwell said that personally, he doesn't think that there are going to be any issues with traffic; he thinks
20 that is a very well-made county highway, and their facility is fantastic, so he doesn't have an issue with
21 that. He said that he has an issue with the Board's response, because he doesn't think that is accurate,
22 because he knows that there are going to more events held at their facility, because this is an awesome
23 facility, and it is going to draw more people to their facility.

24
25 Ms. Murray-Easterday said that she wishes that were the case, but they are already booked every Friday
26 and Saturday of the year, so unfortunately, unless they can book a weekend day, they are not going to be
27 able to take more events. She said this is just to improve the quality of the service and their lives, because
28 room flips are hard.

29
30 Mr. Elwell said that it is a truthful statement that there will be no proposed increase in events on the
31 property.

32
33 Ms. Murray-Easterday said unfortunately not, they contract their days for only one event per day, and they
34 are booked out for two years, so they would not be changing that, but she wishes they could add more
35 events, but it just isn't possible.

36
37 Mr. Elwell said okay, he learns something new every day.

38
39 Mr. Elwell continued reading the Findings of Fact for Case 034-S-21 from Attachment H, page 20 of 26,
40 2. b. in the Preliminary Memorandum, as follows:

41
42 **b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:**

43
44 Mr. Wood said the emergency services availability is ADEQUATE because: the subject property is
45 located approximately 8 road miles from the Thomasboro Fire Protection District station, and they have
46 been notified and have received a comment back from them indicating that they have trained there before,
47 and the facilities have worked as they should.

48
49 **c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:**

1 Mr. Wood said the Special Use WILL be compatible with adjacent uses because: the subject property is
 2 surrounded by land in agricultural production and there isn't going to be any change in production as a
 3 result of the chapel, and the event center has been at this location since 2014.

4
 5 **d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} because:**

6
 7 Mr. Wood said the surface and subsurface drainage will be ADEQUATE because: the special condition
 8 has been added to ensure that the original Storm Water Drainage Plan will be revised to include the
 9 proposed chapel and the gravel overflow parking lot to the north.

10
 11 Mr. Randol asked if the County's engineer would inspect that to be sure it is done to their specifications.

12
 13 Mr. Hall said that the design engineer will provide as built drawings, which the County's engineer will
 14 review.

15
 16 Mr. Elwell asked about Special Condition F., and it refers to no food on the premises, but does that also
 17 cover the septic, or does the Board need to include something about the septic.

18
 19 Mr. Hall said no, the septic has already been designed and there will be food on the premises, but the point
 20 is they won't be cooking, they will just be serving the food.

21
 22 Mr. Elwell said there won't be a kitchen.

23
 24 Mr. Hall said there will be a serving kitchen, but not a prep kitchen.

25
 26 Mr. Elwell continued reading the Findings of Fact for Case 034-S-21 from Attachment H, page 20 of 26,
 27 2. e. in the Preliminary Memorandum, as follows:

28
 29 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**

30
 31 Mr. Wood said the public safety will be ADEQUATE because: the relevant jurisdictions were notified of
 32 this case, and the only comments received were from the Thomasboro Fire Protection District.

33
 34 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:**

35
 36 Mr. Wood said the provisions for parking will be ADEQUATE because: based on the analysis by P&Z
 37 staff, they indicated there is sufficient space on the property for all required parking spaces.

38
 39 **g. The property {IS/IS NOT} well suited overall for the proposed improvements because:**

40
 41 Mr. Wood said the property IS well suited overall for the proposed improvements because: the proposed
 42 chapel location would be where there is currently a gravel parking lot, so no land would be taken out of
 43 production.

44
 45 **h. Existing public services {ARE/ARE NOT} available to support the proposed special
 46 use without undue public expense because:**

47
 48 Mr. Wood said the existing public services ARE available to support the proposed special use without
 49 undue public expense because: no additional public services would be required for the proposed chapel.

- 1 **i. Existing public infrastructure together with the proposed development *{IS/IS NOT}***
2 **adequate to support the proposed development effectively and safely without undue**
3 **public expense because:**

4
5 Mr. Wood said the existing public infrastructure together with the proposed development IS adequate to
6 support the proposed development effectively and safely without undue public expense because: no new
7 infrastructure is required for the proposed chapel, other than the septic system and the drainage basin.

8
9 Mr. Wood said the requested Special Use Permit is so designed, located, and proposed to be operated so
10 that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the
11 public health, safety, and welfare.

- 12
13 **3a. The requested Special Use Permit *{DOES / DOES NOT}* conform to the applicable**
14 **regulations and standards of the district in which it is located.**

15
16 Mr. Randol said the requested Special Use Permit DOES conform to the applicable regulations and
17 standards of the district in which it is located.

- 18
19 **3b. The requested Special Use Permit *{DOES / DOES NOT}* preserve the essential character of**
20 **the district in which it is located because:**

- 21
22 **a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant**
23 **County ordinances and codes.**

24
25 Mr. Randol the Special Use will be designed to CONFORM to all relevant County ordinances and codes.

- 26
27 **b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.**

28
29 Mr. Randol the Special Use WILL be compatible with adjacent uses.

- 30
31 **c. Public safety will be *{ADEQUATE / INADEQUATE}*.**

32
33 Mr. Randol said the public safety will be ADEQUATE.

34
35 Mr. Randol said the requested Special Use Permit DOES preserve the essential character of the district in
36 which it is located.

- 37
38 **4. The requested Special Use Permit *{IS / IS NOT}* in harmony with the general purpose and**
39 **intent of the Ordinance because:**

- 40
41 **a. The Special Use is authorized in the District.**

- 42
43 **b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience**
44 **at this location.**

45
46 Mr. Roberts said the requested Special Use Permit IS necessary for the public convenience at this location.

- c. **The requested Special Use Permit is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.**

Mr. Randol said the requested Special Use Permit is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

- d. **The requested Special Use Permit *{DOES / DOES NOT}* preserve the essential character of the district in which it is located.**

Mr. Roberts said the requested Special Use Permit DOES preserve the essential character of the district in which it is located.

Mr. Roberts said the requested Special Use Permit IS in harmony with the general purpose and intent of the Ordinance.

- 5. **The requested Special Use *IS NOT* an existing non-conforming use.**

6. ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***

- A. **Regarding the waiver of the standard condition in Section 6.1.2 of the Zoning Ordinance that requires exterior lighting that is full-cutoff in design:**

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

Mr. Wood said the waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health, safety, and welfare because: most of the lighting is surrounded by tall grass, which shields the lighting from neighboring properties, and the nearest residence is approximately 850 feet from the lighting fixtures, and no complaints have been received.

- (2) **Special conditions and circumstances *{DO / DO NOT}* 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:**

Mr. Randol said the 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: most of the lighting is surrounded by tall grass, which shields the lighting from neighboring properties, and he nearest residence is approximately 850 feet from the lighting fixtures, and no complaints have been received.

- (3) **Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:**

Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or

1 structure or construction because: there are no shields known to be available for the fixtures, so if required,
2 the petitioner would have to purchase approximately three dozen replacement fixtures.

3
4 Mr. Randol said that the Board might want to add that it would be quite expensive to do that.

5
6 **(4) The special conditions, circumstances, hardships, or practical difficulties *{DO***
7 ***/DO NOT}* result from actions of the applicant because:**

8
9 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
10 from actions of the applicant because: the petitioner chose lighting with a low bulb wattage that is shielded
11 by tall grass.

12
13 **(5) The requested waiver *{IS / IS NOT}* the minimum variation that will make**
14 **possible the reasonable use of the land/structure because:**

15
16 Mr. Randol said the requested waiver IS the minimum variation that will make possible the reasonable
17 use of the land/structure because: there are no shields known to be available for the fixtures, so using the
18 existing lighting with the prairie grass that shields the light is the minimum variation without the petitioner
19 taking on the expense of replacing the fixtures.

20
21 **7. *THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED AND HAVE BEEN***
22 ***AGREED UPON BY THE PETITIONER TO ENSURE COMPLIANCE WITH THE***
23 ***CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES.***

24
25 Mr. Elwell entertained a motion to accept the Summary of Evidence, Documents of Record, and Findings
26 of Fact for Case 034-S-21, as amended.

27
28 **Mr. Randol moved, seconded by Mr. Wood, to accept the Summary of Evidence, Documents of**
29 **Record, and Findings of Fact for Case 034-S-21, as amended.**

30
31 Ms. Burgstrom said they have to add that additional document received tonight.

32
33 Ms. Elwell ask they do or do not.

34
35 Ms. Burgstrom said that they have the new packet from Pear Tree Estate that Ms. Murray-Easterday
36 brought tonight, which needs to be added as a Document of Record.

37
38 Mr. Elwell asked if that also included the Thomasboro Fire Protection District comments.

39
40 Ms. Burgstrom said that the Thomasboro Fire Protection District was already listed in Preliminary Draft
41 as a Document of Record.

42
43 Mr. Elwell said that since the Board had the motion already seconded, he thinks they need to vote on it,
44 but they need to add the new packet from Pear Tree Estate to the Documents of Record, so he recommends
45 the motion be amended.

46
47 Ms. Burgstrom said that the Board can amend that motion.

48
49 Mr. Elwell asked Mr. Randol if he would like to amend that motion.

1 Mr. Randol moved, seconded by Mr. Wood, to amend their motion for Case 034-S-21, and to include
2 the packet that Pear Tree Estate handed out at tonight’s meeting to the Documents of Record. The
3 motion carried by voice vote.
4

5 Mr. Randol moved, seconded by Mr. Wood, to accept the Summary of Evidence, Documents of
6 Record, and Findings of Fact for Case 034-S-21, as amended. The motion carried by voice vote.
7

8 Mr. Elwell informed Ms. Murray-Easterday that they had a full Board, so they would be moving to the
9 Final Determination for Case 034-S-21. He entertained a motion to move to the Final Determination for
10 Case 034-S-21.
11

12 Mr. Wood moved, seconded by Mr. Roberts, to move to the Final Determination for Case 034-S-21.
13 The motion carried by voice vote.
14

15 Mr. Elwell said that he would be reading the Final Determination for Case 034-S-21 from Attachment H,
16 page 25 of 26 in the Preliminary Memorandum, as follows:
17

18 **FINAL DETERMINATION FOR CASE 034-S-21**

19 Mr. Wood moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals
20 finds that, based upon the application, testimony, and other evidence received in this case, the
21 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority
22 granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:
23

24 The Special Use requested in Case 034-S-21 is hereby GRANTED WITH SPECIAL CONDITIONS
25 to the applicant, Anne Murray-Easterday, d.ba. Pear Tree Estate, to authorize the following:
26

27 Authorize an expansion of the Special Use Permit for an event center approved in Case 700-S-
28 11 to include construction and use of a chapel as an accessory use in the AG-2 Agriculture
29 Zoning District.
30

31 *{SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:}*

32 Authorize a waiver for the use of existing outdoor lighting that is not full-cutoff design, per
33 Section 6.1.2 of the Zoning Ordinance.
34

35 Mr. Elwell requested a roll call vote.
36

37 The vote was called as follows:

38 **Randol- yes Roberts- yes Anderson- yes**
39 **Elwell- yes Wood - yes**
40

41 **The motion carried.**
42

43 Mr. Elwell told Ms. Murray-Easterday that they received five affirmative votes to approve the case. There
44 may be communication coming from P&Z Staff.
45

46 Ms. Murray-Easterday thanked the Board.
47

48 **7. Staff Report**
49

1 Mr. Hall said there was no report, other than what Ms. Berry mentioned at the beginning of the meeting.
2 He said they have their second new Zoning Technician here tonight, Isaak Simmers, and they can expect
3 to see him at meetings in the future alternating with Ms. Berry.
4

5 **8. Other Business**

6
7 Mr. Wood asked if there was still going to be a meeting here on March 17, 2022.
8

9 Mr. Elwell and Mr. Hall said yes.
10

11 **A. Review of Docket**

12
13 Mr. Elwell asked if there were any absences anticipated, and there were none.
14

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

16
17 **10. Adjournment**

18
19 Mr. Elwell entertained a motion to adjourn the meeting.
20

21 **Mr. Roberts moved, seconded by Mr. Randol, to adjourn the meeting.**

22
23 Mr. Elwell requested a roll call vote.
24

25 The vote was called as follows:

26	Randol- yes	Roberts- yes	Anderson- yes
27	Elwell- no	Wood - yes	

28
29 The meeting adjourned at 8:20 p.m.
30

31 Respectfully submitted,
32
33
34

35 Secretary of Zoning Board of Appeals
36
37
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49