



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** Urbana Plan Commission

**FROM:** Christopher Marx

**DATE:** January 13, 2017

**SUBJECT:** CCZBA-858-AM-16: A request by Abigail Frank, Amber Barnhart, Trent Barnhart, and Donald Barnhart to rezone four parcels at 1413 East Old Church Road from the County AG-1, Agriculture Zoning District to the County AG-2, Agriculture Zoning District.

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### **Introduction**

A petition has been submitted to Champaign County requesting a zoning map amendment for four parcels totaling 35.15 acres at 1413 East Old Church Road from County AG-1, Agriculture to County AG-2, Agriculture. The properties contain a house, barn, green space, and farmland. This case is being considered by the County Zoning of Appeals concurrently with case CCZBA 859-S-16, which would approve a County Special User Permit to allow “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise.”

The properties are south of the Urbana city limits and within one and one-half miles of the municipal boundary. According to Illinois state law, the City has the authority to review zoning changes within the Extra Territorial Jurisdiction (ETJ) area for consistency with the City’s Comprehensive Plan. The City does not have such authority with Special Use Permits. However, as a courtesy to the City, the County forwards all Special Use Permit requests within the ETJ to municipalities for their review and comment. The Plan Commission should vote to make a recommendation to the City Council to either “protest” or “not protest” the rezoning. The Urbana City Council will review the Commission’s recommendation and vote to either approve or defeat a resolution of protest. Should the City Council enact a protest of the County rezoning, under State law the County Board could not approve the application except by a three-fourths super majority of affirmative votes. To be valid, a protest must be filed with the Champaign County Clerk.

### **Background**

The subject properties, originally used as exclusively farmland, were split in 2002 among family members and set aside as a house, prairie preserve space, and smaller farmland tracts. The divided parcels surround the subject properties. The surrounding land uses are largely rural in

nature. To the east, north, and south are farm fields. Towards the west is the Barnhart Nature Prairie Preserve. All the surrounding properties are zoned AG-1, Agriculture.

The petitioners plan to convert and expand an existing barn into an event center that can host receptions and private parties, taking advantage of the adjacent prairie preserve. The County would consider such uses as a “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise.” They would also install new parking spaces to accommodate the event center patrons. In the Champaign County Zoning Ordinance, the uses of “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” are not permitted in the County’s AG-1, Agriculture, zoning district, which is the current zoning of the subject site. The petitioners are seeking a rezoning from County AG-1 to County AG-2 to facilitate their Special Use Permit application for the event center.

The petitioners are proposing to build an addition to the existing barn on the property to create an indoor event venue with a capacity of 350 patrons. The building would accommodate events like weddings, receptions, and other gatherings. They plan to install a separate septic system that is adequate for the needs of the event center. The petitioners also intend to install a new access drive through the property to the event center and are discussing with County staff the exact location of that drive. The event center would initially construct 70 parking spaces with the possibility of expanding up to 165 spaces if needed. City staff have provided comments to County staff regarding safe circulation, proper sanitation, assuring State life safety codes will be met by the proposed use.

As part of the estate settlement proceeding, the subject properties, along with several adjacent parcels owned by the same family, were split in 2002 without undergoing the required subdivision preparation and review process. As a result, two of the parcels are without frontage to a public right-of-way and one of them is too small as it is less than five acres. City staff is working with the County staff to ensure that a proper subdivision process is undertaken to rectify the situation of landlocked parcels and unclear access.

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

## **Issues and Discussion**

### **County Zoning**

According to the Champaign County Zoning Ordinance, the intent of the AG-1, Agriculture Zoning District is:

“protect the areas of the county where soil and topographic conditions are best adapted to the pursuit of agricultural uses and to prevent the admixture of urban and rural USES which would contribute to the premature termination of agriculture pursuits.” (Section 5.1.1)

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

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

The Petitioners have stated a desire to incorporate a recreational use on their property which is compatible with a rural area. The subject properties' proximity to future growth of the City, as well as the Petitioners' desire to develop a use that complements conservation of the nearby prairie preserve and farmland make the parcels suited for the AG-2 district. The permitted uses for the District in the Champaign County Zoning Ordinance are designed to minimize disruption of the rural character of the area. Rezoning the property from AG-1 to AG-2 would represent a suitable transition of zoning districts.

### **Urbana 2005 Comprehensive Plan**

The City of Urbana's 2005 Comprehensive Plan, Appendix “A” – Future Land Use Map, shows the future land use of the subject properties as “Future Planning Area.” The plan defines this land use classification as:

*“Areas within the one-and-one-half mile extraterritorial jurisdictional area that should be studied for their growth potential and inclusion in regular updates to the Comprehensive Plan.”*

Parcels immediately east, south, and west of the petitioners' property are also shown as “Future Planning Area”. The proposal is limited in scope and would not prevent future planning in the area. The proposed rezoning would allow for continued use of the house on the property and for a compatible private recreational use. The proposed rezoning would allow for continued use of the adjacent parcels for farming, conversation, or future development.

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

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

*Objectives*

*16.2*      Preserve agricultural lands and environmentally sensitive areas outside the growth area of the city.

*Goal 17.0*      Minimize incompatible land uses.

*Objectives*

*17.1*      Establish logical locations for land use types and mixes, minimizing potentially

incompatible interfaces, such as industrial uses near residential areas.

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

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

*Objectives*

- 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.
- 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

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

In summary, staff finds that the rezoning from AG-1 to AG-2 designation would be generally consistent with the goals and objectives of the 2005 Comprehensive Plan.

### **City of Urbana Zoning**

In evaluating the proposed rezoning, the City should assess if the use matches the type of uses that would be permitted in the same or similar zoning district in the City. In the event of the subject properties being annexed into the City, its County zoning designation is converted to a City zoning designation on the basis of Urbana Zoning Ordinance Table IV-1. Should this property be rezoned to County AG-2, unless otherwise provided for through an annexation agreement, the zoning would automatically convert to the City AG, Agricultural District. Given the general undeveloped nature of the property, the AG designation would be appropriate.

### **The La Salle National Bank Criteria**

In the case of *La Salle National Bank v. County of Cook (La Salle)*, the Illinois Supreme Court developed a list of factors that are paramount in evaluating the legal validity of a zoning classification for a particular property. The attached Champaign County Zoning Board of Appeals memorandum addresses the La Salle criteria towards the end of the memorandum exhibit. On January 12, 2017, the Champaign County ZBA moved to continue the case to their meeting on January 26, 2017. The Board wanted more time for the Petitioners to ensure that the subject properties would be properly subdivided.

### **Summary of Findings**

1. The petitioners are requesting a rezoning of the property at 1413 Old East Church Road from the County AG-1, Agriculture to the County AG-2, Agriculture.

2. The City may issue a protest to the rezoning application because the site is within the City's Extra-territorial Jurisdiction.
3. The site is proposed to be rezoned to allow the consideration of a Special Use Permit for a private event center.
4. The proposed rezoning would not prevent future planning of the area as noted in the Urbana Comprehensive Plan Future Land Use Map.
5. The proposed rezoning and land use are generally compatible with the surrounding County zoning and land uses.
6. The proposed zoning change is generally compatible with the land use policy goals of the 2005 Urbana Comprehensive Plan, which promote contiguous growth and compatibility of land uses.
7. The proposed zoning change is generally compatible with the LaSalle Criteria.

## **Options**

The Plan Commission has the following options in cases CCZBA-817-AM-15, a request to rezone a property from County AG1 to County AG2. The Urbana Plan Commission may:

- a. Forward the plan case to the City Council with a recommendation of "no protest"; or
- b. Forward the plan case to the City Council with a recommendation of "no protest", contingent upon specific provisions to be identified; or
- c. Forward the plan case to the City Council with a recommendation of "protest".

## **Staff Recommendation**

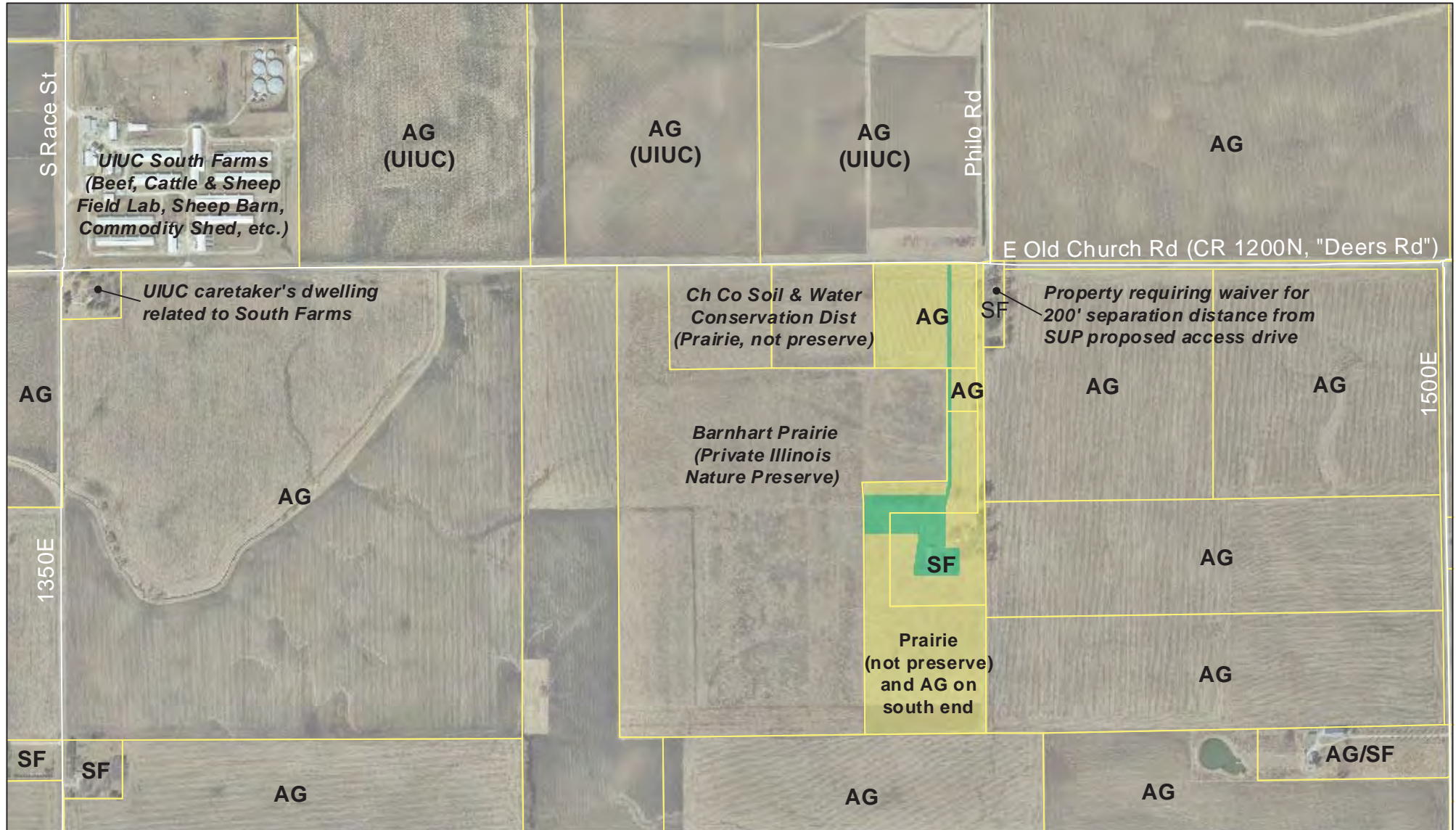
Based upon the findings above, Staff recommends that the Plan Commission forward to the City Council a recommendation to **defeat a resolution of protest** as presented.

Attachments: Exhibit A: Land Use and Zoning Map  
Exhibit B: Application  
Exhibit C: Champaign County ZBA Memorandum January 5, 2017

cc: Susan Burgstrom, Champaign County Planning and Zoning

# Land Use and Zoning Map\*

Champaign County ZBA Cases  
858-AM-16 and 859-S-16



## Legend

- Parcels
- SUP subject property
- Map Amendment subject property

\*The subject properties and all surrounding parcels are currently zoned County AG-1, Agriculture.



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

Telephone: (217) 384-3708  
FAX: (217) 819-4021  
Email: zoningdept@co.champaign.il.us  
Online: www.co.champaign.il.us  
Hours: 8:00 a.m. - 4:30 p.m.

FOR OFFICE USE ONLY	
Township <u>Philo</u>	Section <u>4</u>
Case No. <u>858-AM-16</u>	Receipt # <u>5372 + 541</u>
Date <u>9/27/16</u>	<u>\$560 + 210</u> for 3 more parcels
Current Zoning District <u>AG-1</u>	pd 12/8/16
Proposed Zoning District <u>AG-2</u>	
PIN <u>19-27-04-100-009 (pt)</u>	

pt of 19-27-04-100-007  
pt of 19-27-04-100-008  
pt of 19-27-04-100-011

CHAMPAIGN COUNTY, ILLINOIS  
PETITION FOR ZONING AMENDMENT (ZONING MAP)

1. Petitioner Name(s) <i>Petitioner must own at least 50% of the property</i>	Phone	Address
<u>Abigail Frank</u>	<u>217-836-0247</u>	<u>1413 E Old church rd urbana, IL 61802</u>
<u>Amber Barnhart</u>	<u>217-725-0531</u>	<u>1949 Outer Park Dr. Springfield, IL 62704</u>

Email of lead petitioner: abigail.k.frank@gmail.com

2. Address of subject parcel(s): 1413 E. old church road urbana, IL 61802

3. Property Identification Number (PIN): 19-27-04-100-009

4. Legal Description [Note: This petition cannot be processed unless an accurate and complete legal description of subject parcel(s) is included with this form]  
on file

5. Area of parent tract: \_\_\_\_\_ acres or \_\_\_\_\_ square feet

6. Present Zoning District: AG 1 Proposed Zoning District: AG 2

7. Error in the present Ordinance to be corrected by the proposed change in the Ordinance (explain fully):  
AG 1 does not allow the outdoor commercial recreation enterprise or the private indoor recreational development

8. Other circumstances which justify the Amendment (explain fully):

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9. Additional comments by Petitioner: This will be first and foremost be a celebration of the prairie landscape. It will be an safe and healthy way for guests to enjoy the prairie and as a community we can support the native ecology together.

10. Time schedule for development (if applicable): Spring 2017

11. Attach an accurate site plan, no larger than 11x17, showing the boundaries of the subject property, adjacent streets, existing and proposed buildings, driveways and other structures. Provide dimensions, sufficient to accurately determine the size and location of all structures. Indicate any known easements. [Note: other drawings may also be required.]

12. I acknowledge that I am required to submit the attached Application for a Natural Resource Information Report and pay associated fees to the Champaign County Soil and Water Conservation District within one week of submitting this Map Amendment application. AF (Initial here)

13. Additional exhibits submitted by Petitioner: site plan

14. Petitioner Signature(s)

Date

aligail Frank

9/26/16

Olga Barnhart

9/26/16

NOTE: If signed by persons other than petitioner(s), state whether Agent or Attorney and give address and telephone number

Trent Barnhart

9/26/16

Donald Barnhart

9/26/16



FOR OFFICE USE ONLY	
Township <u>Phila</u>	Section <u>4</u>
Case No. <u>859-S-16</u>	
Date <u>9/27/16</u>	Receipt # <u>5372</u> \$250
Zoning District <u>AG-2 (reared from AG-D)</u>	case <u>BSB AM-16</u>
PIN <u>19-27-04-100-009</u>	

pt. of: 19-27-04-100-007/008/011

**CHAMPAIGN COUNTY, ILLINOIS  
APPLICATION FOR SPECIAL USE PERMIT**

- | 1. Applicant Name(s)  | Phone               | Address   |
|-----------------------|---------------------|---|
| <u>Abigail Frank</u>  | <u>217-836-0247</u> | <u>1413 E. Old Church Urbana, IL 61802</u>      |
| <u>Amber Barnhart</u> | <u>217-725-0331</u> | <u>1949 Outer Park Dr Springfield, IL 62704</u> |

Email of lead applicant: abigail.k.frank@gmail.com

2. Location of subject parcel(s) 1413 E. Old Church rd Urbana, IL 61802

3. Property Identification Number (PIN): 19-27-04-100-009

4. Legal Description [Note: This application cannot be processed unless accurate and complete legal description of subject parcel(s) is included with this form]  
on file

5. Area of subject property: \_\_\_\_\_ acres or \_\_\_\_\_ square feet

6. Existing use(s):  
shed, hall and house

7. Number and type of existing principal buildings:  
1 - house

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8. Number and type of existing accessory buildings and structures:  
2 - hall and shed

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9. Number of existing dwelling units: 1

10. Proposed use(s): event center

11. Attach an accurate site plan, no larger than 11x17, showing the boundaries of the subject property, adjacent streets, existing buildings, driveways and other structures. Provide dimensions, sufficient to accurately determine the size and location of all structures. [Note: other drawings may also be required.]

12. Reasons the proposed use is necessary for the public convenience at the above noted location:

The unique setting near the barnhart prairie will provide a site of local history and a celebration of ecology and agriculture to the citizens of Champaign-Urbana.

13. List those reasons which will ensure to the County that the proposed land use is designed, located, and operated so that it will not be injurious to the District in which it shall be located or otherwise detrimental to the public welfare. Attach plans if necessary.

The proposed land use will work directly with the barnhart prairie to ensure it stays a safe and happy ecological location. Our neighbors at the corner of philo and E. old church know of this project and approve.

14. Does the proposed use conform to the applicable regulations and standards of, and preserve the essential character of, the District in which it shall be located except where such regulations and standards are modified by Section 6 of the County Zoning Ordinance?

The surrounding farmland will not be disturbed with the exception of the proposed lane. The lane can be of service for agricultural reasons and be a natural prairie fire break.

15. If the property is an existing non-conforming use, will the Special Use make its use more compatible with its surroundings?

N/A

16. Time schedule for development (if applicable): spring 2017

17. Additional exhibits submitted by applicant:

site plan

18. Applicant Signature(s)

Date

Arigane Frank

9/26/16

Clw Barnhart

9/26/16

NOTE: If signed by persons other than petitioner(s), state whether Agent or Attorney and give address and telephone number.

Trent Barnhart

9/26/16

Donald Barnhart 9/26/16

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

(217) 384-3708  
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[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

## **CASES 858-AM-16 and 859-S-16**

PRELIMINARY MEMORANDUM

January 5, 2017

**Petitioner:** Abigail Frank, Amber Barnhart, Trent Barnhart, and Donald Barnhart

### **Case 858-AM-16**

**Request:** Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use with associated waiver in related Zoning Case 859-S-16.

### **Case 859-S-16**

**Request:** Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 858-AM-16 with the following waiver to the standard conditions for an Outdoor Commercial Recreational Enterprise:

Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 185 feet from a residential use in lieu of the minimum required 200 feet separation distance.

**Location:** Four different tracts of land totaling 35.15 acres in the East Half of the Northwest Quarter of Section 4 of Township 18 North, Range 9 East of the Third Principal Meridian in Philo Township and commonly known as the farmstead located east of Barnhart Prairie Restoration at 1433 East Old Church Road, Urbana.

**Site Area:** Map amendment subject property is 4 parcels totaling 35.15 acres; Special Use Permit subject property is a 4.54-acre part of those 4 parcels.

**Time Schedule for Development:** As soon as possible

**Prepared by:** **Susan Chavarria**  
Senior Planner

**John Hall**  
Zoning Administrator

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## **BACKGROUND**

Co-petitioner Amber Barnhart owns the 8.23 acre tract with the machine shed that is proposed to be converted to an events center, as well as the 1-acre property north of that tract. Co-petitioner Abigail Frank resides on the 8.23-acre tract and proposes the events center that is the subject of Special Use Permit case 859-S-16. Signatory Donald Barnhart owns the 17.82-acre property surrounding the 8.23 acre tract, which will include part of the proposed access drive to the events center and overflow parking for

the events center. Signatory Trent Barnhart owns the 8.1-acre property along Old Church Road west of the existing access drive to the 8.23 acre tract, which will include part of the proposed access drive to the events center. Attachment F is a map showing the proposed Map Amendment and Special Use Permit subject properties.

Ms. Frank proposes to renovate and construct an addition to the existing machine shed to create a 350 guest capacity event center. They would like to operate throughout the year, with mostly weekend events. She proposes to construct a septic system for the events center, and has worked with Public Health to determine what she would need to meet demand from 350 guests. She has had Sims drilling do a well analysis, which has shown the existing well has sufficient flow to meet the needs of the event center. She is communicating with her family members, who own surrounding land, including the Barnhart Prairie Restoration. They all prioritize preserving the prairie and using design elements that will minimize impact on this privately owned Illinois Nature Preserve.

Current zoning does not allow Private Indoor Recreational Developments or Outdoor Commercial Recreation Enterprises without a Special Use Permit. The Petitioners seek to rezone to AG-2 to allow this type of establishment.

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## EXISTING LAND USE AND ZONING FOR THE MAP AMENDMENT SUBJECT PROPERTY

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture (Proposed rezoning to AG-2)
North	Agriculture (U of I) <i>Note: UIUC South Farms Livestock Facility is 0.66 mile west of the subject property on north side of Old Church Road</i>	AG-1 Agriculture
East	Residential, Agriculture	AG-1 Agriculture
West	Barnhart Prairie, Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

## EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.

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

## SENSITIVE NATURAL AREAS

The Natural Resource Report completed by the Champaign County Soil and Water Conservation District states, “the Illinois Natural Heritage Database shows the following protected resource may be in the vicinity of the project location: Barnhart Prairie INAI Site, Barnhart Prairie Restoration, and Franklin’s Ground Squirrel”.

On December 8, 2016, staff requested additional consultation from the Illinois Department of Natural Resources regarding the proposed rezoning as it relates to Illinois Natural Area Inventory Sites and endangered species protection in the vicinity. No communication has been received to date.

The Boundary Survey created by Berns, Clancy and Associates dated October 27, 2000, and received January 5, 2017, indicates the 80-acre "Prairie Easement" that is the Illinois Preserve and its proximity to the proposed event center.

### **PROPOSED SEPTIC SYSTEM**

The Petitioners would install a new septic system for the events center on the west side of the barn in addition to the existing, separate septic system for the residence. This will be adjacent to the Barnhart Prairie. Michael Flanagan at Champaign Urbana Public Health District stated in an email received December 13, 2016, that the planned system has sufficient capacity for the demand of 350 guests. He stated that Dan Magruder, a licensed septic contractor that she contacted about this system, agreed that there is enough space to install the required components. The Petitioner is waiting for approval of the Map Amendment and Special Use Permit before hiring a contractor to install the system. Because of this, no formal application has been made for construction with the Health Department.

### **ACCESS DRIVEWAY OPTIONS**

The Site Plan received September 27, 2016, showed a new access driveway for the events center off Old Church Road, approximately 175 feet west of the existing residential access drive centerline. Staff discussed how this might be an improvement given that it is farther away from the intersection of Philo Road at Old Church Road, but also expressed concern about the proposed access drive removing Best Prime Farmland from agricultural use.

The petitioner submitted a Revised Site Plan received January 4, 2017, which included 2 access drive alternatives:

- The first page of the Revised Site Plan corrected the alignment of the straight access drive to reflect that it will not be located on the Barnhart Prairie.
- The second page of the Revised Site Plan (with alternative access drive) shows how the proposed access drive for the events center could align around the south and west edges of Trent Barnhart's 8.1-acre part of the subject property rather than traversing straight through farmland to connect with Old Church Road (CR 1200N).

The petitioner has expressed that she is open to either option, although the original option would be preferred for financial reasons. In an email received January 3, 2017, co-petitioner Abigail Frank stated that co-petitioner Trent Barnhart does not have a problem with putting an access drive through his 8.1-acre property.

### **PROPOSED PARKING**

The Petitioners propose to install a 130 feet by 380 feet (49,400 square feet) grass parking lot that could accommodate 165 spaces by minimum zoning requirements; the petitioners anticipate starting with 70 spaces and increasing as demand requires. The petitioner also proposes to install 6 accessible parking spaces with concrete pavement directly north of the events center. The parking area does not require

screening because it is at least 100 feet away from any lot with a residential use. The parking area would be located partially on the 8.23-acre part of the subject property and partially on Donald Barnhart's 17.82-acre part of the subject property.

## LETTERS RECEIVED

The following letters were received in support of the proposed events center:

- A letter received December 19, 2016, from the nearest neighbors Duane and June Schwartz, who reside at 1501 E Old Church Road, Urbana (directly south of the Philo Road intersection). They support approval for the events center.
- A letter received December 29, 2016, from Amber Barnhart, owner of the 8.23 acre part of the subject property which includes the proposed events center; she is the mother of co-petitioner Abigail Frank.
- A letter received January 3, 2017, from Jeremy Ayers, who farms the land surrounding the Barnhart homestead.
- A letter received January 4, 2017, from Donald Barnhart, owner of the 17.82-acre property surrounding the 8.23 acre tract; he is an uncle of co-petitioner Abigail Frank.
- A letter received January 4, 2017, from Trent Barnhart, owner of the 8.1-acre property along Old Church Road west of the existing access drive to the 8.23 acre tract; he is an uncle of co-petitioner Abigail Frank.

## BEST PRIME FARMLAND AND LESA RATING

Land Evaluation and Site Assessment (LESA) analysis was completed for both the Map Amendment subject property and the Special Use Permit subject property. Regarding the LE score, for both geographies, soils are considered Best Prime Farmland because at least 10% of the soils have an LE score greater than 91, even though their overall LE scores are less than 91. Note that the Natural Resource Report completed by the Champaign County Soil and Water Conservation District received November 21, 2016, calculates the overall LE score, but does not include the 10% rule that is part of the Zoning Ordinance definition of Best Prime Farmland. Staff has consulted with CCSWCD and has requested that future Natural Resource Reports mention the 10% rule.

Regarding the SA portion of the analysis, the map amendment subject property had an SA score of 164 out of 200, for an overall LESA score of 255. This falls under the highest protection rating in LESA, which is "very high rating for protection". The Special Use Permit subject property had an SA score of 143 out of 200, for an overall LESA score of 229. This falls under the second highest protection rating in LESA, which is "high rating for protection".

## DECISION POINTS

Staff is concerned about the impacts an events center will have on the sensitive natural and agricultural land in the area, and potential traffic safety issues given the rural road cross-section. The following decision points can be found in the Finding of Fact for Map Amendment Case 858-AM-16:

- Goal 4 and Objectives 4.1, 4.2, 4.3, and their subsidiary policies;
- Goal 5 and Objective 5.1 and Policy 5.1.4;

- Goal 7, Objective 7.1 and Policy 7.1.1;
- Goal 8, Objectives 8.1, 8.6, and their subsidiary policies;
- LaSalle Factor E and Sinclair Factors G and H; and
- Purposes of the Zoning Ordinance 2.0(b), (c), and (n).

## PROPOSED SPECIAL CONDITIONS

The following special condition is proposed for Case 858-AM-16:

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

The above special condition is necessary to ensure the following:

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

The following special conditions are proposed for Case 859-S-16:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 858-AM-16 by the County Board.**

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

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

- B. **A Zoning Compliance Certificate certifying compliance with all special conditions in this zoning case shall be received within 12 months of receiving a Zoning Use Permit for construction of the additions to the events center.**

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

**The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**

- C. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

**That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.**

- D. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- E. **All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

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

**That the proposed Special Use is in ongoing compliance with all applicable County requirements.**

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

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

**That events held on the subject property adequately consider prior noise complaints and current neighbors.**

- G. **No parking shall occur in the public street right of way.**

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

**That the proposed Special Use is not injurious to pedestrians and motorists on Old Church Road.**

- H. **There are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year.**

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

**A clear understanding that there are no limits on the number of events or limits on when events may occur.**

- I. **The Special Use is subject to the approval of Case 858-AM-16.**

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

**That it is consistent with the intent of the ordinance and the ZBA recommendation for Special Use.**

## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Proposed Site Plan received September 27, 2016
- C Proposed Schematic Design Set for Bluestem Hall received September 27, 2016
- D Revised Site Plan received January 4, 2017
- E Revised Site Plan with Alternate Access Drive received January 4, 2017
- F Map of proposed Map Amendment and Special Use Permit subject properties created by staff on January 3, 2017, in consultation with Abigail Frank
- G LRMP Land Use Goals, Objectives, and Policies
- H LRMP Appendix of Defined Terms
- I Right to Farm Resolution 3425
- J Well analysis letter from Sims Drilling received October 19, 2016





**Subject property, from driveway off Old Church Road, facing south-southwest**



**Subject property, proposed Events Center is barn on right**

- a. Sims Drilling provided a letter received October 19, 2016, which stated the existing well on the subject property provides 10 gallons per minute, which is sufficient for the petitioner’s plans for the Hall.
- b. The subject property is not located over the Mahomet Aquifer.

18. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

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

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

19. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

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

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

***GENERALLY REGARDING THE LASALLE FACTORS***

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

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

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture (Proposed rezoning to AG-2)
North	Agriculture (U of I) <i>Note: UIUC South Farms Livestock Facility is 0.66 mile west of the subject property on north side of Old Church Road</i>	AG-1 Agriculture
East	Residential, Agriculture	AG-1 Agriculture
West	Barnhart Prairie, Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

- B. ***LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:
- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided and so any discussion of values is necessarily general.
  - (2) This is primarily an agricultural area; the 8.23-acre subject property has been a farmstead for over a century. Land surrounding the 8.23-acre parcel was in agricultural production until 2005, when the Barnhart Prairie Restoration, a private Illinois Preserve, was created. Land that was not integrated into the Preserve continues to be maintained as prairie or is in agricultural production.
  - (3) In regards to the value of nearby residential properties, the requested map amendment should not have any effect. Regarding the effect on nearby properties:
    - a. One residence is adjacent to the proposed Special Use, but there is approximately  $\frac{1}{4}$  mile between the residence and the Hall to be converted to an Events Center. The next closest residence to the Hall is 0.4 miles to the southeast and separated by farmland.
    - b. The traffic generated by the proposed use will primarily occur on weekends.
    - c. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.
- C. ***LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
- (1) There has been no evidence submitted regarding property values.
  - (2) If the petitioners are denied the map amendment and special use permit, the properties can still be used as a residence and agricultural land.
- D. ***LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural and prairie land uses and activities.
  - (2) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
  - (2) The subject property is adjacent to a rural road that was designed for 400 vehicles per day; the proposed special use would increase traffic and create additional wear and tear on the road.
  - (3) This area is primarily agricultural; the 8.23-acre subject property has been a farmstead for over a century. Land surrounding the 8.23-acre parcel was in agricultural production until 2005, when the Barnhart Prairie Restoration, a private Illinois Preserve, was created. Land that was not integrated into the Preserve continues to be maintained as prairie or is in agricultural production.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property is occupied and in residential and agricultural in use as zoned AG-1.
  - (2) This area is primarily agricultural; the 8.23-acre subject property has been a farmstead for over a century. Land surrounding the 8.23-acre parcel was in agricultural production until 2005, when the Barnhart Prairie Restoration, a private Illinois Preserve, was created. Land that was not integrated into the Preserve continues to be maintained as prairie or is in agricultural production.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The ZBA has recommended that the proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **{IS / IS NOT}** a service better provided in a rural area.
  - (2) In the review of Policy 4.3.5 the ZBA has recommended the following:
    - a. The proposed use **DOES NOT** serve surrounding agricultural land uses or an important public need.
    - b. The proposed development **{IS / IS NOT}** otherwise appropriate in a rural area.
  - (3) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.