

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61802

DATE: January 12, 2017 PLACE: Lyle Shields Meeting Room
1776 East Washington Street
Urbana, IL 61802

MEMBERS PRESENT: Catherine Capel, Frank DiNovo, Debra Griest, Brad Passalacqua, Jim
Randol, Eric Thorsland

MEMBERS ABSENT : Marilyn Lee

STAFF PRESENT : Connie Berry, Susan Burgstrom, John Hall

OTHERS PRESENT : Amber Barnhart, Timothy Voelker, Ryan Reber, Abigail Frank, Jonathon
Manuel, Christine Walsh

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 with one member absent.

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

3. Correspondence

None

Mr. Thorsland thanked Pius Weibel, County Board Chair, and Sarah Balgoyen, Racial Justice Task Force

1 Committee Chair, for graciously re-scheduling the Racial Justice Task Force Committee meetings to a new
2 location. He said that he and Mr. Hall worked with Mr. Weibel and Ms. Balgoyen regarding the meeting
3 room conflicts and thankfully, an alternate location was available for the Racial Justice Task Force
4 Committee meetings and the ZBA has returned to the Lyle Shields Meeting Room for its meetings. He said
5 that there are a few meeting room conflicts between the ZBA and County Board meetings, but the ZBA does
6 still have the option of using the John Dimit Meeting Room as an alternate meeting location.

7
8 **4. Approval of Minutes (August 11, 2016, September 15, 2016, October 27, 2016, November 10,**
9 **2016, December 8, 2016)**

10
11 Mr. Thorsland stated that staff received edits from Mr. DiNovo and Ms. Lee, and staff has inserted those
12 edits into the corresponding draft minutes. He asked the Board if there were any additional edits to the draft
13 minutes.

14
15 Mr. DiNovo stated that there were a few statements attributed to him that he questioned. He said that he is
16 especially concerned about line 6 on page 40 of the September 15th minutes, because he does not remember
17 Mr. Deering stating the text in the draft minutes regarding the fee title.

18
19 Ms. Burgstrom read the following text from the minutes: He said that the CCFPD did not receive a
20 Warranty Deed and they do not own the fee title to the property, but based on the Quit Claim Deed they do
21 have what the railroad had, and the right-of-way that he assumes would be made up of variety of ownership
22 and some of those may be easements. Ms. Burgstrom stated that Mr. DiNovo did not remember Mr.
23 Deering being so definite about the fee.

24
25 Ms. Griest stated that she remembers Mr. Deering stating this text.

26
27 Mr. Passalacqua stated that he also remembers Mr. Deering stating this text, because Ms. Lee was very
28 concerned about the entire process and what the CCFPD owned. Mr. Passalacqua stated that Mr. Deering

1 indicated that the CCFPD had what the railroad had and some of it pertained to easements, not all, but one
2 ownership.

3

4 Mr. DiNovo stated that he did not recall Mr. Deering stating that.

5

6 Mr. Thorsland asked Mr. DiNovo, if there were any additional concerns.

7

8 Mr. DiNovo stated that there were two areas in the December 8, 2016, minutes that he also questioned.
9 He said that line 13 on page 31 indicates that he asked Ms. Griest why the gate is there, but he does not
10 remember asking this question.

11

12 Ms. Berry indicated that she listened to the tape again and corrected the minutes to indicate the following:
13 Mr. Fitzgerald asked Ms. Griest why the gate is there.

14

15 Mr. DiNovo thanked staff for the corrections.

16

17 Mr. Thorsland entertained a motion to approve the draft minutes as amended.

18

19 **Ms. Capel moved, seconded by Ms. Griest, to approve the August 11, 2016, September 15, 2016,**
20 **October 27, 2016, November 11, 2016, and December 8, 2016, minutes as amended. The motion**
21 **carried by voice vote.**

22

23

24 **5. Continued Public Hearing**

25

26 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
27 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
28 **for any County Board approved special use permit for a Rural Residential Development in the Rural**

1 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
2 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
3 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
4 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
5 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
6 **driveway separation between driveways in the same development; (4) require minimum driveway**
7 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
8 **(5) require for any proposed residential lot not served by a public water supply system and that is**
9 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
10 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**
11 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results;**
12 **(6) require for any proposed RRO in a high probability area as defined in the Illinois State Historic**
13 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**
14 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**
15 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**
16 **the agency response.**

17
18 Mr. Thorsland stated that the Board has continued this case numerous times. He said that staff is requesting
19 that the case be continued to a later date, because staff has not had adequate time available to work on it.

20
21 Mr. Hall requested the Board to continue Case 685-AT-11 to the April 13, 2017, meeting. He said that he is
22 not requesting the continuance in hopes of getting something done, because when staff finally does get
23 something caught up on this case it would be good to re-advertise it. He said that he fears the case will be
24 forgotten if it is withdrawn and not continued to a later date.

25
26 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the April 13, 2017, meeting.

27
28 **Ms. Griest moved, seconded by Ms. Capel, to continue Case 685-AT-11 to the April 13, 2017, meeting.**

1 **The motion carried by voice vote.**

2

3

4 **6. New Public Hearings**

5

6 **Case 858-AM-16 Petitioner: Abigail Frank, Amber Barnhart, Trent Barnhart, and Donald Barnhart**

7 **Request: Authorize the Zoning Map to change the zoning district designation from the AG-1**

8 **Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed**

9 **Special Use with waiver in related Zoning Case 859-S-16. Location: Four different tracts of land**

10 **totaling 35.15 acres in the East Half of the Northwest Quarter of Section 4 of Township 18 North,**

11 **Range 9 East of the Third Principal Meridian in Philo Township and commonly known as the**

12 **farmstead located east of Barnhart Prairie Restoration at 1433 East Old Church Road, Urbana.**

13

14 **Case 859-S-16 Petitioner: Abigail Frank, Amber Barnhart, Trent Barnhart, and Donald Barnhart**

15 **Request: Authorize the remodeling of existing farm buildings for the establishment and use of an**

16 **Event Center as a combination “Private Indoor Recreational Development” and “Outdoor**

17 **Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the**

18 **AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related**

19 **Zoning Case 858-AM-16, on the following property, with the following waiver to the standard**

20 **conditions for an Outdoor Commercial Recreational Enterprise: Authorize a waiver for an Outdoor**

21 **Commercial Recreational Enterprise that is 185 feet from a residential use in lieu of the minimum**

22 **required 200 feet separation distance. Location: Four different tracts of land totaling 35.15 acres in**

23 **the East Half of the Northwest Quarter of Section 4 of Township 18 North, Range 9 East of the Third**

24 **Principal Meridian in Philo Township and commonly known as the farmstead located east of**

25 **Barnhart Prairie Restoration at 1433 East Old Church Road, Urbana.**

26

27 **Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign**

28 **the witness register for that public hearing. He reminded the audience that when they sign the witness**

1 register they are signing an oath.

2

3 Mr. Thorsland informed the audience that Case 859-S-16 is an Administrative Cases and as such, the
4 County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will
5 ask for a show of hands for those who would like to cross-examine and each person will be called upon. He
6 requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions.
7 He said that those who desire to cross-examine are not required to sign the witness register, but are
8 requested to clearly state their name before asking any questions. He noted that no new testimony is to be
9 given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA
10 By-Laws are exempt from cross-examination.

11

12 Mr. John Hall, Zoning Administrator, distributed Supplemental Memorandum #1, dated January 12, 2017, to
13 the Board for review. He said that the Summary of Evidence that was included in the mailing inaccurately
14 indicated that there were no issues with the parcels, but there is. He said that staff's historical research,
15 determined that the survey that created the parcels was recorded one month after the recording of the
16 annexation of some property that shifted the Urbana one-and-one half-mile jurisdiction for subdivision
17 approvals. He said that when this survey was recorded, it was subject to Urbana's subdivision jurisdiction
18 and the one-acre parcel that has no street frontage is a contradiction of the *Illinois Plat Act*. He said staff
19 contacted the petitioners and they contacted the City of Urbana. He said that when there is a situation like
20 this staff, prefers that the Board does not make a recommendation until the Board sees a proposed Plat of
21 Subdivision. He said that the petitioners are in the early stages of the proposed Plat of Subdivision and staff
22 does not know what will be required. He said that staff recommends a proposed special condition ensuring
23 that occupancy shall not be authorized until an approved Plat of Subdivision by the City of Urbana is
24 recorded.

25

26 Mr. Hall stated that staff receive a reply from IDNR regarding the *Endangered Species Act*, and the
27 Franklin Ground Squirrel is an endangered species that is in the area of the subject property. He said that
28 when IDNR visited the subject property on January 11, 2017, four Franklin Ground Squirrel borrows were

1 identified in the area of the proposed parking lot. He said that evidently the Franklin Ground Squirrels were
2 not satisfied with the 80-acre nature preserve and wanted their own little plot of land. He said that luckily,
3 the petitioners had other land available where the parking lot could be relocated, and the petitioners were
4 agreeable with revising the site plan to indicate the relocated parking lot. He said that the Board received
5 the revised plan tonight for review. Mr. Hall noted that the accessible parking area is located on the east
6 side of the proposed event center and the rest of the parking area is somewhat remote. He said that as one of
7 the many improvements added to the revised site plan there is a cul-de-sac turnaround for drop-off. He said
8 that the Whistle Pig Sanctuary is depicted on the site plan, but he does not believe that it has a formal
9 designation to the special use. He said that the petitioners have spent a lot of time responding to IDNR's
10 concern.

11
12 Mr. Hall stated that the memorandum includes a special condition regarding the driveway. He said that
13 when staff spoke to the City of Urbana, they indicated their concerns about ensuring that emergency
14 vehicles always have good access. He said that the City of Urbana's concern reminded staff that a special
15 condition is normally included that the event center shall be served by a driveway that has a paved surface
16 consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Philo
17 Fire Protection District. He said that staff should button up the special condition to indicate that the Philo
18 Fire Protection District should approve the entire driveway for width, thickness and corner radius, because
19 they are the ones who have to get to the property quickly and they should be the ones to approve the
20 driveway. He said that he hopes to receive comments from the Philo Fire Protection District regarding the
21 driveway.

22
23 Mr. Hall stated that there are no other changes to the special conditions. He said that attached to the
24 memorandum is the letter that Ms. Burgstrom wrote notifying the petitioners about the subdivision issues,
25 and the petitioners are already working on it. He said that also attached to the memorandum is a letter from
26 the IDNR staff indicating that they did know that there is an 80-acre nature preserve, but nonetheless, they
27 have made their recommendation regarding the Franklin Ground Squirrel.

28

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

2

3 Mr. Thorsland called Abigail Frank to the witness microphone.

4

5 Ms. Abigail Frank, who resides at 1413 East Old Church Road, Urbana, stated that she is the designer
6 behind Bluestem Hall and she is the sixth generation at the Barnhart farmhouse and on the farmstead. She
7 said that she has been working on this project full-time for 12 months, but she has been truly working on it
8 for five years. She said that she went to graduate school to receive her master's degree in interior
9 architecture so that she could have the education and experience to work with pre-existing historic buildings.

10 She said that her family has a history of loving conservation, which is why they converted their farm into
11 the Barnhart Prairie. She said that this project is a different kind of conservation work, as she is sure that
12 everyone has had buildings on their property that have not stood the test of time. She said that the subject
13 building is the last historic building on their property, and it is her intention to breathe some life, energy and
14 finances back into it so that she can create a lifelong business for herself in the meantime, as well as saving
15 the building.

16

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

18

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

20

21 Ms. Frank noted that most of the audience members are on her team.

22

23 Mr. Thorsland thanked Ms. Frank for a great presentation and being responsive to staff's requests. He said
24 that the Board always appreciates it when a petitioner comes before them prior to beginning their project.
25 He said that Mr. Hall discussed the *Plat Act* issue and the Board will more than likely impose a special
26 condition ensuring that occupancy shall not be authorized until an approved Plat of Subdivision by the City
27 of Urbana is recorded and a special condition regarding approval of the driveway by the Philo Fire
28 Protection District.

1

2 Ms. Frank stated that approximately 40 minutes before this meeting, she spoke with Lorrie Pearson, Planner
3 with the City of Urbana, and Ms. Pearson indicated that a simple way to move forward would be to remedy
4 their main concern regarding the stand-alone one-acre parcel. Ms. Frank stated that her mother Amber
5 Barnhart owns the stand-alone one-acre parcel, as well as other surrounding parcels. Ms. Frank said that the
6 parking lot needs to be relocated and once it is it will nearly be touching the one-acre parcel. Ms. Frank said
7 that her mother is currently in the process of purchasing the land next to the one-acre lot and once the
8 purchase is finalized and the stand alone one-acre parcel touches, other land owned by Ms. Barnhart, the
9 problem is solved. Ms. Frank stated that the purchase of the additional land is something that the family has
10 been working towards anyway.

11

12 Mr. Thorsland stated that the phone call discussion with Ms. Pearson is wonderful news, but until staff
13 receives written documentation from the City of Urbana, the information cannot be added to the record.

14

15 Ms. Frank stated that it sounded like the City of Urbana is attempting to get organized on their end. She said
16 that Ms. Pearson stated that she would be in touch.

17

18 Mr. Thorsland stated that written documentation for the City of Urbana is a very important part of this case
19 for the ZBA and for the County Board.

20

21 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Frank.

22

23 Mr. DiNovo asked Ms. Frank to indicate which adjacent parcel Ms. Barnhart is purchasing and how it would
24 solve the problem at hand.

25

26 Ms. Frank stated that the one-acre parcel which stands alone is owned by Ms. Barnhart and the parcel which
27 is south of the one-acre parcel, containing the relocated parking lot, is owned by Donald Barnhart, Ms.
28 Barnhart's brother. Ms. Frank stated that Ms. Barnhart is in the process of purchasing part of the southern

1 parcel from her brother; therefore, not making the one-acre parcel a stand-alone parcel any more, which is
2 what the City of Urbana was concerned about. She said that as a stand-alone parcel it would be susceptible
3 to other complicated things from the City of Urbana. She said that Ms. Barnhart will own all of the land
4 from the one acre south; therefore, creating a rectangle.

5

6 Ms. Burgstrom indicated the lot ownership on the overhead screen for the Board.

7

8 Ms. Frank stated that the subject one-acre parcel will be connected to land owned by Ms. Barnhart;
9 therefore, eliminating the concern of the one-acre being a stand-alone parcel.

10

11 Mr. Thorsland called Amber Barnhart to testify.

12

13 Ms. Amber Barnhart, who resides at 1949 Outer Park Drive, Springfield, stated that she is 62 years old and
14 she grew up on the subject property. She said that approximately two years ago, she was in the process of
15 purchasing the land from her brother Donald Barnhart, but during that time their mother was very ill, and
16 passed away one year ago, and Ms. Barnhart had not completed the final legal paperwork. She said that she
17 does have an I.O.U. from her brother for the parcel totaling 8 acres. She said that due to politics between
18 her two brothers, Mr. Donald Barnhart owns a ribbon around the farmstead, but Mr. Donald Barnhart does
19 not have those issues with his sister, so her intent to own the entire 8 acres. She said that she contacted Ed
20 Clancy, Professional Engineer with Berns, Clancy & Associates, regarding the plat issue and Mr. Clancy
21 believes that the purchase will work out fine with the City of Urbana's concerns. He said that Mr. Clancy
22 helped the Barnhart family with the prairie surveying in the 1990's and assisted with their father's estate.
23 She said that Mr. Clancy is drawing the subdivision, but it only involves herself, Trent Barnhart and Donald
24 Barnhart, who will have a small prairie that he will own. She said that Mr. Clancy recommended that an
25 easement should be granted to Donald Barnhart for access to his small prairie. She said that when she spoke
26 to Ms. Pearson, she was told that rather than the City of Urbana providing several answers in writing, Ms.
27 Pearson wanted to consult with her staff and only provide one determination.

28

1 Mr. Thorsland stated that the Board should receive a copy of the City of Urbana's final determination when
2 so that the determination can be added as a Document of Record.

3
4 Ms. Barnhart stated that her daughter presented the family's plans regarding the shed. She said that these
5 plans have been something that they have wanted to do for decades, as the shed has always been the place
6 where the Barnhart family would hold community events. She said that converting the shed into a hall would
7 not be anything different from what the Barnhart family has done inside it during her entire lifetime. She
8 said that her family loves the prairie and they will relocate the parking lot because of the Franklin Ground
9 Squirrels.

10
11 Mr. Thorsland asked the Board if anyone desired to cross-examine Ms. Barnhart and there was no one.

12
13 Mr. Thorsland asked the Board and staff if there were any questions for Ms. Barnhart.

14
15 Mr. DiNovo asked Ms. Barnhart who owned the prairie.

16
17 Ms. Barnhart stated that the Barnhart family owns the prairie property and the SWCD has a lease on it,
18 except for the approximately four acres, which the SWCD owns.

19
20 Mr. DiNovo asked Ms. Barnhart if she and her siblings own the prairie.

21
22 Ms. Barnhart stated yes. She said that the SWCD has an easement on the prairie forever. She said that part
23 of the prairie is also a nature preserve.

24
25 Mr. Thorsland asked the Board and staff if there were any additional questions for Ms. Barnhart and there
26 were none.

27
28 Mr. Thorsland called Ryan Reber to testify.

1

2 Mr. Ryan Reber, who resides at 1918 Hagan Blvd, Urbana, stated that he is the architect for this project. He
3 said that Ms. Frank contacted him last year and after several iterations, he believes that it is very successful
4 project that hits all of the markers that he likes to see in a project, because it is ecologically minded, makes
5 use of an existing historical structure, and is going to be an amenity for the community. He said that he
6 produces all deliverables for this project. He said that the new site plan indicates the relocation of the new
7 parking lot, which has 150 spots, but it could start out as less than that and could be expanded to the north, if
8 necessary. He said that the site plan also indicates a long lane, turn-around and a pedestrian path that goes
9 in on axis to the main hall.

10

11 Mr. Thorsland asked Mr. Reber if the parking lot would have a grass surface.

12

13 Mr. Reber stated that they are proposing a permeable mulch surface for the parking lot. He said that the
14 only surface that will be paved is the parking lot to the east to accommodate ADA regulations and drop-off.
15 He said that depending on what the Board receives from the Philo Fire Protection District, the turn-around
16 radius may need to be expanded. He said that the driveway is 24 feet wide currently. He said that he would
17 contact the fire protection district regarding their driveway and turn-around radius requirements.

18

19 Mr. Thorsland requested an official document from the Philo Fire Protection District regarding their
20 requirements for the driveway and turn-around radius. He noted that the official document will become a
21 Document of Record for the two cases before the Board and will be included in the next mailing packet. He
22 said that depending upon the requirements from the Philo Fire Protection District, the special condition
23 regarding the driveway and turn-around might be revised.

24

25 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Reber.

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27 Mr. Passalacqua asked if any exterior lighting is proposed, because the site plan does not indicate exterior
28 lighting.

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Mr. Thorsland stated that the mailing listed a whole bunch of lights that may or may not be utilized in the project.

Mr. DiNovo stated that an extensive lighting plan was included in the packet.

Ms. Burgstrom noted that Attachment O. includes the lighting plan.

Mr. Thorsland stated that all of the information provided to the Board is excellent.

Mr. Reeber stated that the existing lighting plan is based on an earlier design of the project.

Mr. Thorsland stated that he has the impression that the petitioner and her family will not have intrusive lights shining out onto the prairie.

Mr. Reber stated that Ms. Frank met with a lighting consultant who developed a “dark sky” lighting scheme.

Mr. Thorsland asked the Board if there were any additional questions for Mr. Reber and there were none.

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

Mr. Hall stated that staff contacted Bruce Walden, Director of Real Estate Services for the University of Illinois, to make sure they are aware of the pending cases and whether they had any concerns as they relate to the south farms livestock facility that is located approximately one-half mile away from the subject property. He said that the response that staff received is as follows: They anticipate no negative impact from the proposed use. Thank you for consulting with the department. Mr. Hall stated that the document will be included as a Document of Record and will be included in the next memorandum for these cases.

1 Mr. Thorsland called Tim Voelker to testify.

2

3 Mr. Tim Voelker, who resides at 1413 Old Church Road, Urbana, stated that he is Ms. Frank’s fiancé and he
4 fully supports the project. He said that Ms. Frank is the lead force for the proposed project, but he does
5 share his ideas.

6

7 Mr. Thorsland stated that it appears that the community is supportive of the petitioner’s requests. He
8 commended the petitioners for presenting a concise and detailed report for the Board’s review.

9

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

11

12 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Voelker and there were none.

13

14 Mr. Thorsland called Jonathon Manuel to testify.

15

16 Mr. Jonathan Manuel, stated that he is the Resource Conservationist for the Champaign County Soil and
17 Water Conservation District, located at 2110 W. Park Ct., Champaign. He said that the CCSWCD Board
18 holds an easement on the 80 acres that the Barnhart family owns that is in the prairie preserve; therefore, to
19 ensure that the easement is being enforced, the CCSWCD keeps an eye on the prairie. He said that the
20 CCSWCD has been the lead for the restoration as the Barnhart family has been all over the country with
21 their careers. He said that thanks to the Barnhart family, the CCSWCD has been able to purchase 16.2 acres
22 on Church Street, which is a nice section of ground. He said that the CCSWCD has purposely worked with
23 the Barnhart family for several years with an idea of some sort of educational facility at the property. He
24 said that the CCSWCD worked with the Illinois Department of Natural Resources (IDNR) to make sure that
25 their acreage would allow them to do something; however, the CCSWCD Board feels that the proposed
26 project would be a better outlet as an educational center for the prairie. He said that we all know that the
27 construction of buildings is costly and this would be a way to help the prairie maintain itself rather than the
28 CCSWCD having fundraisers, etc. He said that it may sound somewhat selfish, but they are excited about

1 the future of this project, as it will assist with educational opportunities for the beautiful prairie that the
2 Barnhart family owns.

3
4 Mr. Thorsland asked Mr. Manuel if he is not worried about any party guests that might intrude upon the
5 prairie and the proposed event center would be a benefit to the prairie restoration.

6
7 Mr. Manuel stated that he is not concerned about that instance. He said that he is more worried about
8 vehicles driving off the lane into the prairie than he is about guest intrusion. He said that the event center is
9 a good distance away from the prairie and the guests are not going to travel into the prairie in dresses and
10 heels, because the prairie plants are very tall and thick and it is not an easy walk by any means.

11
12 Mr. Thorsland stated that he was somewhat concerned about kids that may wander into the prairie. He
13 asked Mr. Manuel how the Board could assist with his concern regarding vehicles driving off the lane and
14 into the prairie. He asked Mr. Manuel if the new location of the parking lot assists with his concern.

15
16 Mr. Manuel stated that he does hate to see farm ground taken out of production and the effect that it will
17 have on the existing hedgerow, but the new location for the parking lot does assist with his concern
18 regarding vehicles on lane. He said that the lane would require a road ditch to keep water off, which will
19 mitigate any vehicles staying on the lane. He said that recently the CCSWCD recently installed a parking
20 area on their 16.2 acres and the Barnhart lined it with beautiful stones and it accommodates fire truck access.

21 He said that the people who decide to travel into the prairie would do so even if a ten-foot fence were
22 installed around it.

23
24 Mr. Thorsland asked Mr. Manuel if the intent is for the CCSWCD to bring people out to visit the prairie and
25 to use the event hall for educational center.

26
27 Mr. Manuel stated that the Barnhart family has offered this option to the CCSWCD for educational events.
28 He said that he would hope to be able to bring school groups to the property and the CCSWCD has already

1 been holding annual events at Parkland.

2

3 Mr. Thorsland asked Mr. Manuel if a prairie burn takes place.

4

5 Mr. Manuel stated yes. He said that generally controlled burns are conducted in the spring and sometimes in
6 the fall.

7

8 Mr. Passalacqua asked Mr. Manuel who takes care of the burn events.

9

10 Mr. Manuel stated that normally a certified burn boss, which in this area is Jamie Ellis or Bruce Stickers and
11 a crew of volunteers, equipped with the proper equipment, participate in the scheduled burns. He said that
12 they have had successful prairie burns for twelve years and it has made a huge difference.

13

14 Mr. Thorsland stated that since controlled burns are weather dependent, he would assume they are not
15 conducted on a day when an event is scheduled. He suggested that Ms. Frank and the CCSWCD work
16 together when scheduling the events versus the controlled burns. He suggested that both parties work with
17 each other outside of the public hearing regarding the controlled burns.

18

19 Mr. Manuel stated that one of the stipulations for a controlled burn is that the property owner is present
20 during the burn event.

21

22 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Manuel and there were none.

23

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

25

26 Mr. Thorsland called Ms. Frank to the witness microphone.

27

28 Mr. Thorsland stated that he is concerned about the skinny road and the potential for unlimited events, with

1 possible heavy traffic at an intersection when crops are in the fields in a rural area. He asked Ms. Frank if
2 she understands the concerns indicated in the packet regarding the traffic counts. He said that it is not likely
3 that the township will complete a huge improvement due to Ms. Frank’s proposed use, but the traffic on
4 rural roads is over prescribed. He asked Ms. Frank if she has a plan for making people aware of the
5 difference between rural and city traffic, such as inserting directional information in her client packets,
6 advertising, signage, etc.

7
8 Ms. Frank stated that she is aware of the difference between rural and city traffic, because she had to learn
9 that lesson herself. She said that there are multiple ways to leave the subject property as traffic could leave
10 straight down Philo Road, or they could travel directly east to Route 130. She said that in either case traffic
11 would have the opportunity to reach a large thoroughfare for travel into the city. She said that it is her
12 intention to educate her clients about the differences between city and country driving as well as coming up
13 with her suggested solution for travel and indicating that solution on the website. She said that she could
14 encourage ride sharing or indicate suggested routes to and from the event center.

15
16 Mr. Thorsland noted that the site plan should indicate any proposed signage. He asked Ms. Frank if she has
17 contacted the Philo Township Highway Commissioner.

18
19 Ms. Frank stated no.

20
21 Mr. Hall noted that the Philo Township Highway Commissioner did receive notice of the cases, although it
22 is up to them to contact staff with any concerns.

23
24 Mr. Thorsland suggested that Ms. Frank contact the Philo Township Highway Commissioner.

25
26 Ms. Frank stated that when you exit the subject property the visibility is amazing, because the view includes
27 the University of Illinois silos located on Neil Street, and that location is four miles away.

28

1 Mr. Thorsland asked Ms. Frank if the visibility is impaired when the crops are in the fields.

2

3 Ms. Frank stated that even when the crops are in the fields, the visibility is excellent.

4

5 Mr. Thorsland stated that guests will be leaving the subject property at night and generally, that traffic is
6 consistent. He said that when guests arrive to the subject property, the traffic is scattered and there is not as
7 much concern. He asked Ms. Frank if she proposes any signage on Philo Road or Old Church Road
8 indicating an approaching driveway so that people are aware of incoming or outgoing traffic. He said that
9 the more information or signage that Ms. Frank could provide the better. He said some of the event centers
10 have been required to provide a traffic study, although there is not a recent traffic study for Old Church
11 Road. He informed Ms. Frank that it would be beneficial for Ms. Frank to speak with the Philo Township
12 Highway Commissioner regarding way-finding signage.

13

14 Mr. DiNovo asked if the current 200 ADT design is based on traffic safety considerations, road conditions
15 or road wear.

16

17 Ms. Burgstrom stated that the 200 ADT design is based on if you were building a new roadway in a rural
18 area, given the current width that would be the design volume for that current width.

19

20 Mr. DiNovo asked Ms. Burgstrom if staff knows how they determined that ADT.

21

22 Ms. Burgstrom stated that she does not, but it is probably included in the IDOT manual and she can research
23 it.

24

25 Mr. DiNovo stated that this is a common situation and he wonders how much of the ADT is road wear,
26 safety, and how much of it is functional. He said that it is hard to understand how significant the ADT is
27 without knowing what the 200 ADT actually means.

28

1 Ms. Burgstrom stated that she can look into the factors that go into that number, but she knows that there is
2 crash data available for the County. She said that she can find crash data for Old Church Road if the Board
3 so desires.

4
5 Mr. Thorsland asked Mr. DiNovo if he wanted a short synopsis from Ms. Burgstrom that just indicates what
6 is known for the last five years and how that number is driven.

7
8 Mr. DiNovo stated that his concern is not limited to this case, but he would like to be able to understand it
9 better.

10
11 Ms. Burgstrom stated that sometimes a road can be considered over capacity and not be a problem.

12
13 Mr. Passalacqua stated that this is an arbitrary number with so many variables and he is not sure that this is a
14 number that he cares about.

15
16 Mr. DiNovo stated that he does not want to assume that this is a safety issue, because it may not be.

17
18 Mr. Thorsland stated that he is concerned about the intersection and the fact that people may not realize that
19 the event center is there. He said that way signage would be a great safety benefit.

20
21 Mr. Passalacqua stated that having an event center dumping people out onto a rural road is probably safer
22 than his drive home with one vehicle.

23
24 Mr. Thorsland asked Ms. Frank if alcohol would be available at the events.

25
26 Ms. Frank stated that she did not apply for a liquor license, because that is not her interest. She said that the
27 caterer that the clients use for their events would have a liquor license, because they will be the ones serving
28 the alcohol. She said that she does not want to indicate that the event center will be a liquor free place.

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Mr. Passalacqua stated that if the caterer serves the liquor then they would hold all liability associated with the liquor.

Mr. Thorsland asked Ms. Frank to indicate an idea of the maximum use in the future.

Ms. Frank stated that it is her intention to frontload the schedule with weddings and weekend events, but as Mr. Manuel testified, she has a strong hope that she will be able to have educational events, fundraisers, and perhaps an art gallery for a couple of weeks at a time. She said that she is opening it up to see how it goes, and if weekly events begin to be booked then she is okay with not having weekend weddings. She said that she is just trying to see how the business unfolds. She said that she could potentially see it as an everyday event center with Chamber of Commerce breakfasts, a work retreat, and many other shorter events every day during the week.

Mr. Thorsland stated that a best-case scenario would be that the event is busy every day of the year.

Ms. Frank stated yes.

Mr. Thorsland asked Ms. Frank if she anticipates the event center being open year-around.

Ms. Frank stated yes, with the exception of January, as she expects that month to slow down due to weather.

Mr. Thorsland stated that the event center has the potential of being a very busy place; therefore, he would greatly suggest contact with the Philo Township Highway Commissioner regarding signage and road traffic. Mr. Thorsland requested that the Philo Township Highway Commissioner indicate his comments in writing for the Board's review and insertion into the Documents of Record.

Mr. Thorsland stated that there are no proposed special conditions regarding traffic.

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Mr. Passalacqua stated that he had more concern regarding the traffic from another event center, which was dumped onto Hensley Road than he does for this event center. He said that he understands the traffic concerns regarding farming equipment, but he is not leaning towards requiring a traffic study.

Mr. Thorsland agreed with Mr. Passalacqua.

Mr. Passalacqua stated that he agrees with installation of road signage. He said that if anyone uses a current GPS they should be able to find the event center during a heavy fog.

Mr. Thorsland asked Ms. Frank if she has ever used a GPS to find her property.

Ms. Frank stated that she has used a GPS to find her property and it takes her directly home from any location.

Mr. Thorsland asked the Board if there were additional questions for Ms. Frank and there were none. He informed Ms. Frank that the cases would be continued to a later date so that she can receive an answer from Urbana, contact the Philo Fire Protection District and the Philo Township Highway Commissioner and prepare a complete site plan.

Ms. Frank stated that she is also concerned with people invading the prairie. She said that she loves the prairie and her focus is protecting the prairie plants and animals that thrive there. She said that it is her intention to either place boulders to define the area where people are and are not allowed, but she could also install a split-rail fence to indicate the boundaries. She said that the ultimate plan would be to develop some lighting.

Mr. Thorsland stated that it is understandable that the dark sky is important, but if any lighting is proposed, it must be indicated on the site plan.

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Ms. Frank stated that the goal is to keep it as safe as possible, but also as dark as possible so that they do not appear to be a runway. She said that she resides on the property so she will be making sure that everything is working properly.

Mr. Thorsland stated that Ms. Frank has homework to complete prior to the next meeting.

Mr. DiNovo stated that even with the 8-acres which Donald Barnhart is to convey to Amber Barnhart, a 9-acre parcel will remain which will be landlocked. He said that the 9-acre parcel will be outside of the City of Urbana’s ETJ and they will not be able to do anything about it. He said that it could be left there as an unbuildable lot. He asked if the Board should address how the parcel could become a usable lot.

Mr. Hall stated that staff would prefer that the 9-acre lot not become a usable lot and used for agriculture or as part of the prairie, and owned jointly with adjacent land.

Mr. DiNovo stated that it is his understanding that the prairie is under different ownership.

Mr. Hall stated that Donald Barnhart owns part of the prairie and staff does not normally impose subdivision requirements on the division of farmland so it is not an issue.

Mr. Passalacqua stated that Ms. Barnhart referred to that parcel as a ribbon of easement.

Mr. Hall stated that it is not a ribbon of easement, but is a ribbon of land.

Mr. DiNovo stated that the 9 acres will remain as an unbuildable parcel and it will not be a good zoning lot.

Ms. Barnhart stated that the 9 acres is part of the original prairie and Donald Barnhart would rather die than have anything hurt the prairie. She said that she is trying to get Donald Barnhart to indicate in his will that

1 when he passes away that the 9 acres will become part of the CCSWCD easement prairie. She said that Mr.
2 DiNovo is correct in that the parcel will be landlocked. She said that she spoke with Ms. Pearson regarding
3 an easement going down Ms. Frank's lane and into the prairie, and Ms. Pearson indicated that she would
4 probably be okay with that, but her brother does not want to see anything happen to the prairie.

5
6 Mr. Manuel stated that Donald Barnhart and Trent Barnhart have both signed an intent to sell their parcels to
7 the CCSWCD so that their land can be added to the existing prairie.

8
9 Mr. Thorsland asked Mr. DiNovo if this information satisfied his concern.

10
11 Mr. DiNovo stated that he just wanted to make sure that everyone was clear about the 9-acre parcel.

12
13 Mr. Hall stated that staff does have some questions which may relate to homework for Ms. Frank. He said
14 that staff would like to know if the high LESA rating for protection is a concern for the Board and can the
15 Board document any logic as to why the rezoning should be approved and why the Board did or did not
16 approve the special use permit. He said that all of the LRMP policies discuss no conflicts with agriculture,
17 no overloading of infrastructure, etc.; therefore, can the Board can document how the Board made their final
18 decision. He said that staff did not make any recommendations, because staff did not have as much
19 information at that time as they do now. He said that staff has received information that the University of
20 Illinois does not have any concerns with the proposed use, but does Champaign County have any concerns.
21 He said he would like to hear the Board's thoughts about these issues.

22
23 Mr. Thorsland stated that in regards to the high LESA rating, the record indicates that the prairie is going to
24 stay and the petitioners are involved in agricultural education for the prairie. He said that there is a good
25 management plan that exists and even though a little bit of production is loss, there is a benefit in turning the
26 property into a place which preserves endangered habitat and promotes agricultural education outreach. He
27 said that the petitioner would be obtaining comments from the Philo Township Highway Commissioner
28 regarding signage and concerns on infrastructure. He said that the petitioner has provided information

1 regarding the proposed wastewater management and how to keep the prairie protected with boulder
2 placement or split rail fence. He said that the Board would need to make sure that when they go through the
3 LRMP findings that they provide good justification should they approve the map amendment and the special
4 use.

5
6 Mr. DiNovo stated that when it comes to farmland preservation there are two considerations: 1. taking land
7 out of commercial production, making the land unavailable for farmers to use to provide their livelihood;
8 and 2. preservation of the soil resource, and making sure that the soils are still there in the future. He said
9 that clearly this does not really implicate much with respect to concern #2; and given that the land is already
10 dedicated to conservation it doesn't implicate concern #1 either. He said that sometimes the policies in the
11 LRMP are going to conflict. He said that we want to promote the economy of Champaign County and we
12 want to protect the environment and those policies do not always have to be found to be aligned in every
13 instance in every case. He said that sometimes you rely on some policies and other times you rely on others.

14
15 Mr. Thorsland stated that this would go to the County Board where there will be many questions and in
16 general, it is good to show that the petitioner has conferred with everyone involved and to show the benefits
17 of the intended use.

18
19 Mr. Passalacqua stated that the fact that there are six generations of the Barnhart family, which have been
20 good stewards of the land and the petitioner's relationship with the CCSWCD preservation, is good
21 justification. He said that in his mind prairie cover is the best soil preservation that row cropping and the
22 row croppers get all of the points. He said that he would have no problem in justifying the map amendment
23 and the special use permit.

24
25 Mr. Thorsland stated that the complete site plan is required prior to the next meeting, as well as a safety plan
26 for vehicles entering and exiting the property. He said that the Board must also have an amount of use
27 planned for the event center.

28

1 Ms. Frank asked Mr. Thorsland how the Board would like her to quantify the proposed use. She asked if the
2 Board wanted a monthly or yearly scenario.

3
4 Mr. Thorsland stated that Ms. Frank could indicate the number of yearly events that she would like to have
5 and then perhaps break down those yearly events into the types of events that she would like to hold and the
6 number of people expected at each event. He said that at this point the number of events is unknown so the
7 number will be speculative.

8
9 Ms. Capel stated that Ms. Frank could categorize the number of people expected to participate during any
10 given event.

11
12
13 Mr. Passalacqua stated that Ms. Frank should not only present the first year of her proposed use, but should
14 estimate as much as she wants to ultimately do so that she will not have to come back before the Board. He
15 said that if a potential building is expected, Ms. Frank should indicate it on the site plan.

16
17 Mr. Thorsland stated that even if it is as simple as a pond, it should be on the site plan. He said that Ms.
18 Frank would not need to return to the Board later if an approved future use is indicated on the approved site
19 plan.

20
21 Ms. Frank stated that she has the potential in developing the property in phases, but she decided to indicate
22 the grand plan end phase to the Board for approval. She said that she could not imagine any kind of other
23 use, but the way that the parking lot has been developed she hopes that the parking lot could be lined with
24 permeable pavers. She said that lining the parking lot with pavers would not occur until money starts
25 coming in and she can afford their installation.

26
27 Mr. Passalacqua stated that pavers are a great idea, but it is expensive. He said that without pavers the
28 petitioners would probably need a tractor nearby to assist vehicles leaving the grass parking lot from time to

1 time.

2

3 Ms. Frank stated that she does have five antique tractors in the building right now.

4

5 Mr. Thorsland stated that he had fortunate opportunities to visit several different countries and the default
6 parking lot, even in the cities in Europe, are permeable pavers that are cross-sectioned with gravel and grass
7 and that design defines the parking spots. He said that this would be very expensive, but the parking lot
8 never requires painting as the parking spaces are defined by what the surface is and it drains and standing
9 water is a non-issue, 90% of it is permeable surface. He said a parking lot with pavers would be very
10 expensive, but it would be the first and last parking lot that Ms. Frank would need to create and she could
11 indicate that the parking lot may be constructed in phases, if that is the case.

12

13 Ms. Frank stated that the idea of the pavers was to keep the parking lot ecologically sound with the prairie
14 and not have serious quantities of surface runoff coming off it. She said that the site plan would indicate
15 that there is a possibility of installing pavers at the parking lot location.

16

17 Mr. Thorsland stated that the things that the County Board is going to want to know about are the road,
18 lighting, and parking.

19

20 Ms. Frank asked if she is supposed to open a discussion about the proposed project with the Philo Township
21 Highway Commissioner, or are there certain things that the Board would like the Highway Commissioner to
22 address.

23

24 Mr. Thorsland stated that the Board would like to know the Philo Township Highway Commissioner's
25 concern about the proposed project and if he would be willing to install signage on Old Church Road
26 regarding the driveway entrance. He said that the Highway Commissioner's comments must be in writing
27 or he should come to the next meeting so that his comments are in the record.

28

1 Mr. Thorsland asked the Board and the audience if there were any questions regarding the two cases for Ms.
2 Frank, and there were none.

3
4 Mr. Thorsland asked the audience if anyone desired to present additional testimony regarding these cases,
5 and there was no one.

6
7 Mr. Thorsland stated that staff has suggested a continuance date for Cases 858-AM-16 and 859-S-16 on
8 March 16th. He said that currently Mr. Passalacqua is absent on January 26th, but it is possible that these two
9 cases could be continued to the January 26th meeting.

10
11 Ms. Frank stated that she is available on January 26th.

12
13 Mr. Thorsland stated that he is concerned that a continuance to January 26th may be too soon, because Mr.
14 Reber requires time to revise the site plan and the Philo Township Highway Commissioner needs to submit
15 written comments regarding the proposed use. He said that the January 26th meeting might be too soon for
16 the City of Urbana as well.

17
18 Mr. DiNovo stated that the March 16th meeting might take less time than originally anticipated.

19
20 Mr. Passalacqua stated that the Board has heard a lot of testimony about Case 792-V-14, which is scheduled
21 on March 16th, and he is not sure that there will new information to review.

22
23 Mr. DiNovo stated that he is not sure if the March 16th meeting should be exclusively held for Case 792-V-
24 14.

25
26 Mr. Thorsland asked Mr. Hall if staff has received any additional information for Case 792-V-14.

27
28 Mr. Hall informed the Board that there is no quick resolution for Case 792-V-14, because regardless of the

1 final determination, the Board will need to complete the finding very carefully.

2

3 Mr. Thorsland stated that he fears that finalizing this case will take a very long time, because he is sure that
4 there will be feedback from the back of the room.

5

6 Ms. Burgstrom stated the petitioner for Case 792-V-14 has a deadline of mid-February for the submission of
7 new information, and staff has not received any new information to date.

8

9 Mr. Passalacqua stated that the case could take the entire meeting, because whether the finding is in the
10 positive or negative, it could take a long time for the Board to complete it.

11

12 Ms. Griest recommended that Cases 858-AM-16 and 859-S-16 be continued to the January 26th meeting,
13 because the petitioner has demonstrated her eagerness to move forward and because she has submitted such
14 a comprehensive package for the Board's review. She said that if the petitioners are not available for the
15 January 26th meeting, the Board could continue the cases to a later date.

16

17 Mr. Thorsland stated that he is sure that Ms. Frank will be aggressive in obtaining the answers that the
18 Board requires, but he is concerned whether the City of Urbana will have an answer before the January 26th
19 meeting.

20

21 Ms. Burgstrom stated that the City of Urbana's Plan Commission meeting is on January 19th and this case is
22 on the agenda and it will be forwarded to their Board during the first week in February. She said that the
23 City of Urbana's staff could have a quick turn-around for having solutions for their planning commission;
24 therefore, the January 26th meeting is not a far-fetched idea.

25

26 Mr. Thorsland stated that there is one other case on the agenda for the January 26th meeting and that case is a
27 variance.

28

1 Ms. Griest asked staff if the Board requires final action from the City of Urbana prior to this Board’s final
2 determination or would the City of Urbana Plan Commission’s recommendations be adequate.

3
4 Mr. Hall stated that his concern is that, whatever the City of Urbana will require, a new survey or plat, the
5 petitioner’s engineer has time to draft it so that it is entered as a Document of Record at the ZBA.

6
7 **Mr. DiNovo moved, seconded by Ms. Griest to continue Cases 858-AM-16 and 859-S-16 to the**
8 **January 26, 2017, meeting. The motion carried by voice vote.**

9
10 **7. Staff Report**

11
12 None

13
14 **8. Other Business**

15 A. Review of Docket

16
17 Mr. Thorsland asked the Board if there were any anticipated absences from meetings.

18
19 Ms. Griest noted that she will be absent from the February 16th and April 27th meetings.

20
21 Ms. Capel stated that she will be absent from the February 16th meeting as well.

22
23 B. Update Regarding Meeting room for Future ZBA Meetings

24
25 Mr. Hall stated that the ZBA would once again hold their meetings in the Lyle Shields Meeting Room.

26
27 Mr. Thorsland requested that the ZBA not hold their meetings in the Jennifer Putman Room again, as it was
28 not an adequate room with sufficient amenities for a meeting.

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

None

10. Adjournment

Mr. Thorsland entertained a motion to adjourn the meeting.

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

The meeting adjourned at 8:06 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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DRAFT SUBJECT TO APPROVAL DRAFT

ZBA //

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