



**DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES**

*Planning Division*

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

**TO:** Mayor Laurel Lunt Prussing

**FROM:** Elizabeth H. Tyler, FAICP, Director

**DATE:** February 2, 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 located 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 Champaign County Case 859-S-16, which would approve a County Special Use 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 City Council, with consideration of the Urbana Plan Commission’s recommendation, should vote to “approve” or “defeat” a resolution of protest for the proposed rezoning in Champaign County. 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 exclusively as 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 surrounding prairie preserve landscape. The County would consider such uses as a “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise.” The petitioners 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 the 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, and assuring that 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.

The Champaign County Zoning Board of Appeals heard Cases 858-AM-16 and 859-S-16 for the rezoning and Special Use Permit at their January 26, 2017 meeting. They approved both cases with several conditions including one for the Special Use Permit requiring an approved and recorded Plat of Subdivision with the City of Urbana. As a result, the new land division must address the noncompliant parcels of the subject property.

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.

## **Plan Commission**

The Urbana Plan Commission heard the case at their January 19, 2017 meeting. The members of the Commission asked questions about the subject properties’ need for a proper subdivision, the range of uses allowed under the proposed County AG-2, the impact of nearby livestock on the event center viability, and whether the adjacent prairie preserve could be restored to agricultural

land. Staff explained that while County AG-2 zoning would allow a range of commercial uses not available in County AG-1, these uses are still mostly of a rural nature that would be consistent with the nearby farmland and prairie preserve. Staff also pointed out that many of the permitted uses would also require a Special Use Permit, such as the proposed event center. Staff have determined that the prairie preserve is owned by a nonprofit entity set up by the Barnhart family and is subject to conservation easements from the Champaign County Soil and Water Conservation District and Illinois Department of Natural Resources. The Champaign County Soil and Water Conservation District also owns a few of the parcels in the reserve. The preserve has been deemed a Nature Preserve from the Illinois Nature Preserves Commission.

The Plan Commission voted with 5 ayes to 3 nays to send the case to the Urbana City Council with a recommendation of defeating the resolution of protest with a contingency that the subject properties be properly subdivided as required by the City's subdivision ordinance. Since the Plan Commission meeting, the petitioner's engineer has submitted a draft subdivision plat and is working with City staff to submit a formal application.

## **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 would be generally compatible with the rural area. The subject properties' proximity of one-and-one-half miles to future growth areas, 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 AG-2 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 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 districts in the City. In the event of the subject properties being annexed into the City, the 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 an appropriate conversion.

## **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. At their January 26, 2017 meeting, the Champaign County ZBA recommended approval of the rezoning and Special Use Permit with conditions. The Champaign County Board could approve the applications no sooner than their February 23, 2017 meeting.

## **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.

8. At their January 26<sup>th</sup>, 2017 meeting, the Champaign County Zoning Board of Appeals recommended approval to the Champaign County Board for Cases 858-AM-16 and 859-S-16 with a condition of the Special Use Permit that the properties receive an approved and recorded Plat of Subdivision by the City of Urbana.
9. At their January 19, 2017 meeting, the Urbana Plan Commission forwarded CCZBA Case 858-AM-16 to the Urbana City Council with a recommendation of defeating the resolution of protest with the condition that a proper subdivision of the lots is completed.

## Options

The Urbana City Council has the following options with CCZBA Case 858-AM-16 to rezone the properties from County AG-1 to County AG-2:

- a. Defeat a resolution of protest for the proposed rezoning; or
- b. Defeat a resolution of protest, contingent upon specific provisions to be identified; or
- c. Adopt a resolution of protest for the proposed rezoning.

## Recommendation

At their January 19, 2017, meeting, the Urbana Plan Commission voted with five ayes and three nays to recommend that the Urbana City Council **defeat a resolution of protest** for the proposed rezoning on the condition that the required subdivision process be completed for the properties. Staff concurs with the recommendation.

Attachments: Exhibit A: Land Use and Zoning Map  
Exhibit B: Application  
Exhibit C: Champaign County ZBA Memorandum January 19, 2017 w/ exert from  
January 12, 2017 meeting Memorandum  
Exhibit D: Urbana Plan Commission - January 19, 2017 Meeting Minutes

cc: Susan Burgstrom, Champaign County Planning and Zoning

**RESOLUTION NO. 2017-02-008R**

**A RESOLUTION OF PROTEST AGAINST A PROPOSED MAP AMENDMENT TO THE CHAMPAIGN COUNTY ZONING MAP**

(A request to rezone four parcels totaling 35.15 acres at 1413 East Old Church Road from the County AG-1, Agriculture Zoning District to the County AG-2, Agriculture Zoning District / CCZBA-858-AM-16)

WHEREAS, Abigail Frank, Amber Barnhart, Trent Barnhart, and Donald Barnhart have petitioned the County of Champaign in Champaign County ZBA Case No. 858-AM-16 to change the zoning map from County AG-1, Agricultural to County AG-2, Agriculture for a 35.15 acre tract of land known as 1413 East Old Church Road, located in Champaign County; and

WHEREAS, said proposed map amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-858-AM-16"; and

WHEREAS, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that states in cases of any proposed map amendment where the land affected lies within 1 1/2 miles of the limits of a zoned municipality, the corporate authorities of the zoned municipality may by resolution issue written protest against the proposed map amendment; and

WHEREAS, the proposed map amendment is compatible with the Goals and Objectives and Future Land Use Map of the 2005 City of Urbana Comprehensive Plan, and generally meets the LaSalle Criteria; and

WHEREAS, the Urbana Plan Commission met on January 19, 2017 to consider the request and subsequently voted five ayes and three naves to recommend that the Urbana City Council defeat a resolution of protest against the proposed map amendment contingent upon a subdivision for the properties being completed; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed map amendment is not in the best interest of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby APPROVE a Resolution of Protest against the proposed map amendment as presented in CCZBA-858-AM-16.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

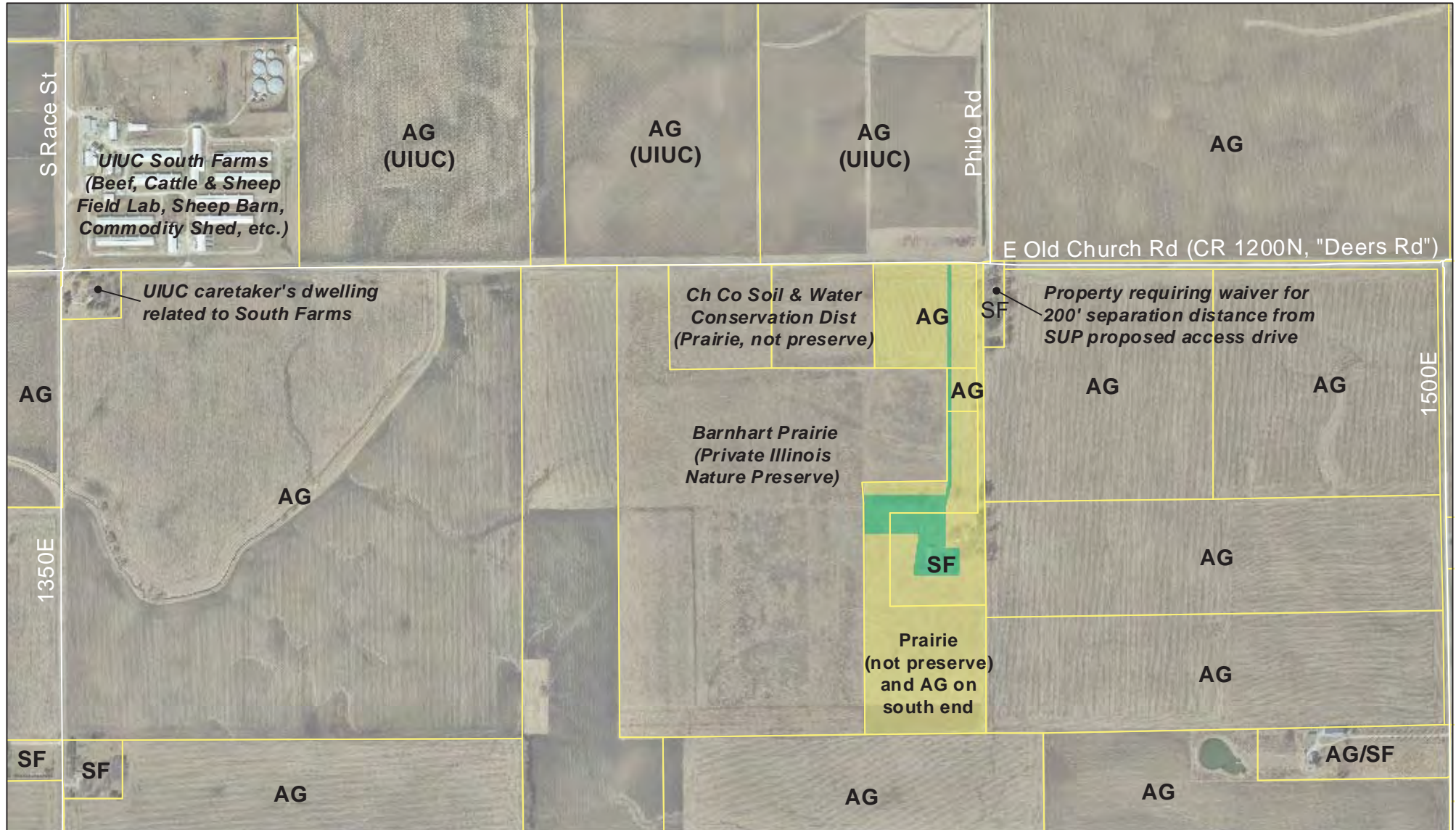
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Laurel Lunt Prussing, Mayor



# 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)<br><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

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CHAMPAIGN CO. P & Z DEPARTMENT

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

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  
Olga Barnhart

9/26/16  
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  
Donald Barnhart

9/26/16  
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>	
PIN <u>19-27-04-100-009</u>	case <u>BSB AM-16</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

CHAMPAIGN CO. P & Z DEPARTMENT

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

Don 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





**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.

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**DRAFT**

**DATE:** January 19, 2017

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building  
Council Chambers  
400 South Vine Street  
Urbana, IL 61801

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**MEMBERS PRESENT:** Barry Ackerson, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail, Daniel Turner

**STAFF PRESENT:** Lorrie Pearson, Planning Manager; Christopher Marx, Planner I; Teri Andel, Administrative Assistant II

**OTHERS PRESENT:** Jane Billman, Liz Cardman, Josh Daly, Louis Kuhny, Mary Pat McGuire, Pierre Moulin, Dan Newman, Esther Patt, Michael and Elizabeth Plewa, John Polk, Ruth Ross, Steve Ross, Chris Saunders, Leslie Sherman, Jacob Unzicker, Karl Weingartner, Ruth Wene

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**NEW BUSINESS**

**Case No. CCZBA-858-AM-16 – A request by Abigail Frank, Amber Barnhart, Trent Barnhart and Donald Barnhart to amend the Champaign County Zoning Map on four different tracts of land totaling 35.15 acres located at 1433 East Old Church Road from County AG-1, Agriculture Zoning District, to AG-2, Agriculture Zoning District, in order to operate a proposed Special Use with associated waiver in related Case No. CCZBA-859-S-16.**

Chair Fitch opened this case. Christopher Marx, Planner I, presented the staff report to the Plan Commission. He gave background information on the subject properties and explained the purpose of the proposed map amendment. He talked about the subdivision of the property into the current parcels and accessibility to each parcel. He discussed the Champaign County AG-1 and AG-2 Zoning Districts. He read the options of the Plan Commission and presented City staff's recommendation to defeat a resolution of protest.

Chair Fitch asked if the Plan Commission members had questions for City staff.

Mr. Trail inquired as to what a "private Illinois Nature Preserve" is and what are the regulations for one. Mr. Marx explained that the property was owned by the applicants; however, the nature preserve was managed by a public or partially-public entity. Ms. Pearson added that City staff

did not research details about the nature preserve. Mr. Hopkins believed that two of the Barnhart-owned parcels are designated as a nature preserve and have open access to the public to walk around and learn about natural habitats, etc. Staff can include additional information about the preserve in the memorandum to City Council.

Mr. Stohr noticed that the subject properties were down wind of the University of Illinois' cattle and sheep barns. He expressed concern about whether this will create some sort of conflict.

Mr. Trail wondered if the AG-2 Zoning District would limit the size of the potential event center. Mr. Marx replied that he would have to check the development standards of that district. Ms. Pearson noted that the special use permit request would be approved as presented; therefore, if the applicants wanted to grow the business, then they would need to get additional approval to do so. She noted that the special use permit would be the more restrictive of the regulations.

Mr. Fell asked how the subject property was subdivided. Mr. Marx explained that the Extra-Territorial Jurisdictional (ETJ) Area was extended down to some of the subject properties around 2001. The Barnhart farm was subdivided in the middle of 2002 without the knowledge of the ETJ extending that far.

Mr. Fell questioned if some of the parcels were non-conforming in size. Mr. Marx said yes, that is correct. Mr. Fell wondered if the City should have the property owners make the parcels conforming before the City approves the rezoning. Mr. Marx replied that Champaign County, the applicants, and the City are working together to have the applicants submit a subdivision request to fix this issue. Champaign County has the ability to put a condition on either the approval of the special use permit or the approval of the rezoning to require conformity of the parcels. Ms. Pearson added that Champaign County did commit to not issuing a Certificate of Occupancy before this issue was resolved.

Mr. Turner expressed concern about the increase in late night traffic. Ms. Pearson pointed out that this would relate to the special use permit request, which is not under review by the Urbana Plan Commission, but that a comment about concerns over traffic has been conveyed to the County staff.

With there being no further questions, Chair Fitch opened the hearing up for public input. There was none. Chair Fitch opened the hearing up for Plan Commission discussion and/or motion(s).

Mr. Trail considered this more sprawl. He expressed curiosity in how the proposed event center would interact with the designated nature preserve. There are other event venues. Mr. Otto stated that there was a similar request on the north end of town, but there was concern about it creating too much noise close to town. We cannot have it both ways. The City cannot say that an event center cannot be located in town and that it cannot be located outside of town. None of the Plan Commission's comments so far have opposed the rezoning of the parcels.

Chair Fitch stated that he shared some of Mr. Trail's concerns. What assurances do we have that the special use permit will not go forward until after the subdivision issues have been resolved? What is the rush? Ms. Pearson explained that if the City of Urbana wants to weigh in on the rezoning decision, then the City Council would need to make a decision and convey the decision

15 days before the Champaign County Board’s meeting. Otherwise, the City gives up their right to protest.

Mr. Otto moved that the Plan Commission forward Case No. CCZBA-858-AM-16 to the City Council with a recommendation of “no protest” contingent upon the subject properties being brought into conformity with the Subdivision regulations. Mr. Hopkins seconded the motion.

Mr. Stohr expressed concern that an event center would be located in close proximity to animal operations. Mr. Otto replied that if no one leases the event center then that is not the Plan Commission’s problem. However, the State of Illinois has a right to farm act, so any complaints would fall on deaf ears.

Roll call on the motion was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Hopkins	-	Yes	Mr. Otto	-	Yes
Mr. Stohr	-	No	Mr. Trail	-	No
Mr. Turner	-	No	Mr. Ackerson	-	Yes

The motion was approved by a vote of 5 to 3.