

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – AUGUST 2, 2023**

**MEMBERS PRESENT**

Barb Lamont – Chair  
Ron Grider – Vice Chair  
Dennis Hughes  
Adam Brown  
Marcia Potrafka  
Gary Hutchens – Alternate Member #2

**COUNTY PERSONNEL PRESENT**

Tracy Sumpter – Planning & Zoning  
Amy McKinney – Environmental Management  
Debra Kraft – County Board Member

**MEMBERS ABSENT**

Clint Gordon – Alternate Member #1

Chair Lamont called the meeting to order at 8:30.

**MINUTES**

Ms. Potrafka made the motion to approve May 3, 2023 minutes, seconded by Mr. Grider. All members present answering, Aye. Motion Carried (5-0).

**OLD BUSINESS:**

- 4.1 R-01-07-23 a petition filed by Gregory Hostetler requesting to rezone approximately 4.47 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial Zoning. The property is commonly known at along South Route 121, Hervey City, Illinois  
Mt Zion Township PIN: 12-17-15-200-019**

Ms. Sumpter reported that ZBA recommended approval on July 5, 2023, EEHW recommended approval on July 27, 2023, and the Petition will go to full County Board on August 10, 2023.

- 4.2 S-02-07-23 a petition filed by Gregory Hostetler requesting a Special Use Permit for the operation of a junk yard in (M-2) Heavy Industrial Zoning . The property is commonly known as along South Route 121, Hervey City, Illinois.  
Mt Zion Township PIN: 12-17-14-100-014**

Ms. Sumpter reported that ZBA recommended approval on July 5, 2023, EEHW recommended approval on July 27, 2023, and the Petition will go to full County Board on August 10, 2023.

- 4.3 R-03-07-23 a petition filed by Gregory Hostetler requesting to rezone approximately 1.96 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial Zoning. The property is commonly known as along South Route 121, Hervey City, Illinois.  
Mt Zion Township PIN: 12-17-14-100-014**

Ms. Sumpter reported that the petition was withdrawn by the petitioner before going to EEHW.

- 4.4 R-04-07-23 a petition filed by Gregory Hostetler requesting to rezone approximately .52 acres from (RMH-1) Single Family Residential Zoning to (M-2) Heavy Industrial Zoning. The property is commonly known as 1350 S State Route 121, Mt Zion, IL 62549  
Mt Zion Township PIN: 12-17-14-100-005**

Ms. Sumpter reported that ZBA recommended approval on July 5, 2023, EEHW recommended approval on July 27, 2023, and the Petition will go to full County Board on August 10, 2023.

- 4.5 V-05-07-23 a petition filed by Gregory Hostetler requesting a variance to change the required minimum lot size from 1 acre to .52 acres in (M-2) Heavy Industrial Zoning. The property is commonly known as 1350 S State Route 121, Mt Zion, IL 62549  
Mt Zion Township PIN: 12-17-14-100-005**

Ms. Sumpter reported that ZBA passed the petition on July 5, 2023 contingent on County Board approving the special use and rezoning for this same parcel.

- 4.6 S-06-07-23 a petition filed by Gregory Hostetler requesting a Special Use Permit for the operation of a junk yard in (M-2) Heavy Industrial Zoning. The property is commonly known as 1350 S State Route 121, Mt Zion, IL 62549  
Mt Zion Township PIN: 12-17-14-100-005**

Ms. Sumpter reported that ZBA recommended approval on July 5, 2023, EEHW recommended approval on July 27, 2023, and the Petition will go to full County Board on August 10, 2023.

- 4.7 V-07-07-23 a petition filed by Michael Wilson, executor of the estate of Donald & Thelma Wilson, requesting a variance to change the required minimum lot size from 10 acres to 4 acres in (A-1) Agricultural Zoning. The property is commonly known as 13411 N Route 51, Maroa, IL 61756  
Maroa Township PIN: 10-02-15-200-006**

Ms. Sumpter reported that ZBA recommended approval on July 5, 2023.

Ms. Lamont stated we have one (1) hearing today, S-01-08-23 petition by Carmen Rivera, a special use permit for an event venue in R-2 residential.

She then asked that if anyone is wanting to speak on the petition to please all stand up to be sworn in at one time.

**NEW BUSINESS:**

Chairman Lamont called Ms. Carmen Rivera to speak.

**5.7 S-01-08-23 a petition filed by Carmen Rivera requesting a Special Use Permit for the operation of an events venue facility in (R-2) Single Family Residential Zoning. The property is commonly known as 2749 Norwood Avenue, Decatur, Illinois.  
Decatur Township PIN: 04-12-04-176-001**

Carmen Rivera  
2440 W. Main  
Decatur, IL

Ms. Rivera stated she was here for a special use permit for the property at 2749 Norwood Ave. She handed out a presentation packet to the ZBA members.

Ms. Rivera stated: I wanted to give an overview of my vision. We have a business, Rivera and Associates LLC. This will be a unique event venue that will provide an excellent experience for special occasions. We would like to start with smaller events. I am the founder along with my husband. We had a vision to provide the best special event venue in the area. We have been looking for a facility or property, back in October we found the facility on Norwood Ave. This is a 15 acre property with 3 buildings, and we thought this will be a great location for what we have been thinking of doing. Ms. Rivera pointed out the property on the presentation she handed out then continued to list prospective customers such as, professionals and companies, community agencies, community at large, and religious groups. I mentioned that we want to start small, things like meetings, workshops, for religious groups retreats, an area where they can have a meditation getaway, and of course other small events birthdays, anniversaries, and other celebrations. Like I mentioned the purpose will be for rental facility for special events. Event will be limited to smaller groups since we understand that we don't have that much space for parking so we want to keep it as smaller groups, more intimate events, like retreats workshops, meetings, weddings, birthdays. In addition to the rental, since we have a home there that is 4 bed rooms, 2 bathroom house that we have upgraded, we wanted to have it like an all-inclusive so people could stay there for an event, they could have it for the whole weekend. We look at the impact of course, health, safety, welfare, and morals and although we did not see negative impact to any of these we did list some potential impacts. At the time we did the application, I will say that we were not aware we had city sewer so we listed it as one of the health impacts with the consideration of upgrading to have city sewer. We brought out a septic tank specialist and to our surprise they told us you are already on city sewer. We do have well water so one of goals is to upgrade to city water so we can accommodate consistent events. For public safety, we have

identified that when you leave Norwood, on the corner of Highland Road, there is a need for stop signs, so we want to make sure to have one in place to ensure the safety of not only the guests, but more importantly the residents since we expect more traffic. The public welfare, in consideration of the neighboring properties we already anticipated comments regarding noise, so we are in the process of renovating the property and making plans to insulate buildings to make them sound proof. We also have plans to have firm expectations from signed contracts with our clients where events will end at or before 10 o'clock and keep the events to a smaller number to reduce further noise. One of the things at our facility is that the buildings, when we wrote this, are at least 20 feet but it's a little bit greater than that to closest neighbor, so that's keeping in consideration the local noise ordinance. This is a family friendly event center. So we also looked at impact to property value and benefits to Macon County. Our vision is to provide a positive economic impact to the surrounding communities, the city, Macon County. We will provide a location where people can have celebrations with their families, their communities. We upkeep and upgrade the property as we have. We purchased the property in January of this year and we have done many upgrades, and continue to have done in our plans like expanding the drive way because right now it's just a one car drive. We plan to expand it to make it safer and more flexible for people to go in and out. We are also thinking about hiring local contractors for our events such as Caterings, DJs, party rentals; a decent amount of money that will be kept in our community and boosting the local economy. Of course we anticipate out of town guest increasing local tourism and with that in turn food and hotel revenue. We are initially planning to hire 5 part time staff members, and with the hope we can hire more. So in conclusion, we plan to bring a lot of value to the Decatur community and Macon County hence we are asking for this special use permit, as when we review the zoning we realized this property is zoned residential. Ms. Rivera then asked if anyone had any questions for her.

Ms. Potrafka said she had 3 questions, my question is have you contacted the Macon County Health Department about your septic system to see if it's adequate for a facility?

Ms. Rivera answered, we don't have septic, its city sewer. When we did the application we were told we have septic so we brought a septic specialist in and he told us we are in city sewer.

Ms. Potrafka then asked, have you contacted the Macon County Health Department about your facility and what you plan on doing out there?

Ms. Rivera stated she has not.

Ms. Potrafka stated the health department has requirements as well. My second question is have you contacted either the City of Decatur or the Macon County Highway Department about your stop sign? Because that's not something you can just say I want a stop sign and they put it up, there's a process to it.

Ms. Rivera stated it seems that once upon a time there was one there but it's not now. But I can do that as well.

Ms. Potrafka said my last question, and I think this is probably everybody's question, have you had any neighbor complaints about any activities out there now?

Ms. Rivera stated she has not. To the best of my knowledge, I have not. The police have not showed up on our property.

Ms. Potrafka asked, have any of the neighbors addressed you?

Ms. Rivera said no.

Ms. Sumpter asked, so you mention possibly hooking up to city utilities. So if you would do that, then the city would annex you into the City of Decatur so you would no longer be the unincorporated area. Which if this were approved, would make it null and void. Then you would have to go through the city to see what their requirements would be for you to run this type of business.

Ms. Rivera said she was not aware of that.

Ms. Kraft introduced herself and stated she was on the Macon County Board. She asked there is a home there but you do not live in that home and no one is living in that home?

Ms. Rivera answered we do not live in that home, we go there on the weekends and stay there and do projects. We are there during the week doing projects as well.

Ms. Lamont had a question for Ms. Sumpter, She stated that guests could stay there overnight, is there anything additional that has to be done if this is going to be used as an overnight facility?

Ms. Sumpter stated we would potentially have to look at like an Air BNB type thing, and I don't think that would be included under this special use permit. I think it would probably have to go through a whole separate hearing.

Mr. Grider to Ms. Sumpter, She mentioned hiring 5 employees, is there not sometime of restriction that we have typically?

Ms. Sumpter answered, usually we do have some sort of restriction on that, and it's usually up to the discretion of myself.

Ms. Lamont asked if there were any other questions.

Ms. Potrafka asked Ms. Sumpter if this was a city issue or a county issue.

Ms. Sumpter responded, right now it's a county issue because it's still in the unincorporated area of the county. I have reached out to the city, they did voice some concerns which I will present in the finding of facts.

Mr. Hutchens asked if the neighboring properties were annexed yet.

Ms. Sumpter answered, 90% of the neighboring properties are in the city.

Mr. Hutchens asked so this is an area where the city water has not been hooked up to so therefore it has stayed in the county?

Ms. Sumpter confirmed.

Ms. Potrafka to Ms. Rivera, so you have a well?

Ms. Rivera said yes.

Ms. Lamont stated you need to make sure the well is large enough to be adequate to service the facility.

Ms. Lamont asked if there were any other questions.

No more questions were asked.

Ms. Lamont said to the people that want to speak, please know that you are limited to 5 minutes, so if you guys just want to find one person or you all can do it individually, whatever you want to do. Who would like to speak first?

Lana Smith came to the podium.

Hi, I'm Lana Smith, I live on Pershing Road. I'm a realtor in Decatur but I'm also a neighborhood resident. When you come into my neighborhood there's only one way in and one way out, which means everybody drives pasts my house or turns on Primrose and drives by those houses to come in and out. Lots of dogs, lots of children, lots of street parking, and I feel like coming in and out of our neighborhood with very many vehicles would be a serious concern for a lot of people who live there. I also think property values would be negatively affected by large events. So when they say small events, a number might be helpful. Are you only going to have 10 people at a time? Which is totally different than 100. And when you have events, birthdays, celebrations, weddings, it usually involves alcohol and I also know what that can bring to a neighborhood on the way out. Which is stuff in your yard that you really don't want. So I think the biggest concern is that our neighborhood would be negatively impacted by noise and traffic and safety for the people that live there. Thank you.

Andy Neisslie came to the podium.

My Name is Andy Neisslie. And I am the third house on Primrose. I will definitely be negatively affected because like she said, one way in and one way out. Also my concern is if they approve this, then she decides to expand it into weddings or graduation parties, underage drinking. We have a truck and trailer that sets outside for my husband's lawn business, who carries the liability if somebody leave their place and hit our vehicles? Or again she doesn't even live in the neighborhood so why does she want to bring that into our neighborhood? Take it to your own neighborhood. It would be like putting one up in Bakers Woods, they would nix that in a heartbeat. Ravina Park would nix it. Why our neighborhood? We moved into this place because

it was quiet, its serene, we have our grandkids over, we walk our dog, we sit on the porch, we sit on the deck, we don't want the people coming in and out of our neighborhood. We are kind of a little nook in the middle of nowhere that people really don't know about. I don't think we should bring a whole lot of attention to our area. I don't think it's fair to us, we don't want it, we don't deserve it, and we sure in the heck didn't ask for it. She never came around and talked to any of the neighbors about hey this is my idea, what do you think? She doesn't care what the neighbors think. That why the petition started. This one woman is going to take down our neighborhood single handedly for her own personal gain. That's all I got to say.

Rachel Banning came to the podium.

I'm at the corner of Norwood and Pershing. Where everybody travels down the hill or up the hill to get in and out of the neighborhood. On the back side. Just a little preface, when the girls home was there, there was quite a bit of traffic and there was some commotion and that was very do able. However, one of the things that I have concerns with is that I had absolutely no idea about any of this until Monday, until I ran into Lana. There was a petition that went around, I didn't have access to it. So I'm grateful that I'm here today. I do appreciate some of the concerns that they did address, but it doesn't cover for the residents. This is a no outlet area. If you live on Pershing, If you live on Norwood, Highland and back around the corner, I think its Hunt, there one way to get in and one way to get out. So in that area we also have a very narrow Pershing. Pershing is already decaying. The white lines on several sections of that road are breaking away, as is Norwood. Increased traffic is only going to accelerate that deterioration. Primrose, not really a good idea for that much traffic to go that way because there is so much cars and congestion and the twists and the turns and the people that live there and use that road. From morning to evening our residents walk, push strollers, ride bikes, walk dogs, little kids on motorized vehicles, we don't have sidewalks. We don't have sidewalks on Pershing, we don't have sidewalks on Norwood so what are those people supposed to do differently because of this? They're going to have to change what they do on event days. If they have a large party how will our streets handle that traffic and congestion? Let's say they have guests of 500 hundred, I don't think unreasonable to expect that much property and that size of building could handle those size of parties. If they have those size of parties, lets say there was 250 cars for 500 people, when that party lets out those cars will be backed up from their stop sign all the way to 121. So what the neighborhood comes to a standstill when all parties let out? So what if it is at 9 o'clock, they come in a 4, 5, 6 o'clock so it's just the opposite. So the neighborhood is pretty much going to come to a standstill while these things are going on. They've addressed the loud music, so if it's insulated honestly I don't back up to them like some of these folks do, I can what's in the distance just like I can here what's at Macon County Fair Ground too. Again the trash thing, no doubt in my mind if alcohol is being served that when people leave, they jump in car, they take their booze bottle, they take their cup and before they get to the main road it's going to get pitched. My yard is a big yard and I pick up trash on a daily basis sometimes and then there is the field to the south of me that would be a prime place to pitch your bottles. On a personal level, I pay over \$4000 a year in taxes to live there. I've increased my property, I've added buildings, I pay my taxes. We moved into this neighborhood because it was quiet. It was someplace that you can raise a family. They played in the woods, they enjoyed the surroundings. So to have picked this quiet area, now it's going to be compromised from what my family and my grandsons are going to be able to grow up in with the excess noise and again, I'm with Lana, I think the

property value will decrease, especially for the folks that are right next door to the comings and goings. Thank you for your time.

Jeff Delorentes came to the podium.

Hello, my name is Jeff Delorentes and I live at 1540 W. Highland Place in Decatur Illinois. I thank you all for having me here to allow me to speak and thank you all for attending today. It's a great opportunity for everybody to voice their opinions and their concerns and I'm also here to voice my concerns. Not only with the concern about increased traffic, we also wanted to state that we are concerned about construction equipment that may be brought in on an infrequent basis just to accommodate the changes that are coming to this property. These are very small roads and a very populated area. This neighbor, in my mind, was designed for non-business oriented activities, mainly residential. That's why it was zoned that way. It what like others have said is a non-outlet area. So there is no way for traffic to be diverted if there is an emergency. Also what about fire safety? Are there any fire hydrants in that zone that can accommodate 1 or 3 buildings being on fire? On that note, I think businesses are bad for the area. We already have one business in the area that's like a nursing home or some health aid facility and in recent times, just on July 4<sup>th</sup> and 5<sup>th</sup> there been criminal activity that involved 2 shootings on 2 days. A resident of Decatur was involved with a traffic stop and avoided the area, came speeding through the neighborhood. And I'm not saying this is related to the Rivera's in anyway but, what I'm saying is that kind of thing unsupervised, with these parties or events, can bring in any untold number of people to the neighborhood that don't belong there. People that were visiting the girls' home, the people at the girls home were involved with robberies in the neighborhood. So you're inviting other people to the neighborhood that don't belong and are taking advantage of the fact that it is a quiet place that people can go to bed at 9 o'clock. So my concern today is we do not want to introduce more people to the neighborhood that don't respect the area. I listen to Slayer, Metallica, and stuff like that but I turn it down. I do not bring it to my neighbors because I have respect for my neighbors. There has already been 2 events at this area I believe, one on father's day and 4<sup>th</sup> of July, we had a number of lost people going through the neighborhood trying to find their way out. But then they come around, they're lost so they have to go out the one way that there is to get in and out. I understand that some event venues may increase the property values because the walking distance to maybe a concert or show, but when you increase that your property assessments go up and so do your property taxes. We already have that burden of increased property taxes in Illinois why would we want to say yes to something like that? Also concerned about unsupervised events. If you do not live there, how do you know what is going on? I just wanted to state my opinion and I thank you all for listening to me. It's been a very stressful couple of days for me and thank you for having me here.

Jan Loftus came to the podium.

My name is Jan Loftus, and I live on the south of the property. My neighbor lives on the west and to the east of me is Garmin Park. I do wonder if some people knowing about this event might be coming into your event through that way. My property actually goes across the creek. I'm not sure how many feet but its goes past the creek so that it would be in your event area. Which water attracts people, and that really concerns me, that people might be coming down to the creek and if something happens, would I be the one liable? I'm very concerned about that.



Especially if alcohol is involved because I don't know why they like to throw bottles in the water. The noise level, believe it or not where I am just north of Franklin School and directly south of this property, and you wouldn't believe how loud it can be just from hearing the fairgrounds when they have events there. Those are usually few and far between. But I have heard music lately that I assumed was from the fairgrounds, but maybe it wasn't. That noise level if it came often, would be very concerting. I feel for the Rivera's who have taken on this undertaking because I know you have a lot of time and money in it but gosh, there are so many negative impacts affecting so many different people, I hope that it is not approved. Thank you.

Patricia Jones came to the podium.

My Name is Patricia Jones, I live at 2442 N. Summit Ave. I like Jan, she's my neighbor and sitting in front of them is my other neighbors who were kind enough to bring us today. We are from the other side of the creek so to speak. My problems with this acquisition are numerous. My main concern has been noise, unsupervised property, the 4<sup>th</sup> of July did not end until well into the 5<sup>th</sup> of July after 1 o'clock. I did raise my hand earlier, I have called the police. At the time I called it was July 21<sup>st</sup> and I spoke to officer 156 about noise control. I was told that if I wanted to file a complaint because there has been coming from there, and I will go into that in a minute. I was concerned about that and I wanted to know what the law was about it. My neighbor called one time she spoke to me, she thought she had heard gun shots. Well it could have been fire crackers. Boom boom boom boom, ya know like that. I also heard that. I also heard Bang bang all the time bang bang bang. On Memorial Day it was like motorcycles were racing up the hill. I'm sorry but there are lanes on that land where they can do that. My son showed me the overview of where they have cleared the land. They have taken down a lot of the trees, which stopped some of the noise before. I have all the concerns those people do, I drove through there last night just to see. All of those concerns are my concerns. They are not going to live there, they've got two toilets ok what are you going to bring in? They've got a well, wells are running dry in the area. We're in a drought, climate change, the wells are running dry. We are on city water, I do not have city sewer we have septic tanks which we maintain of course. Do unincorporated areas pay city taxes? I do not know. The one lady said she paid \$4000, I pay \$8000. So there ya go. The toilets, two toilets are not going to accommodate a party. What are we going to have porta-potties? Outside facilities for toilets? I think when they purchased this property perhaps they got the horse before the cart. They had not investigated the property. They spent \$390,000 on this land to be developed without having checked to see what was possible to place there. All the things everyone has said. Does not enough to change taxes, property, roads, venues, nothing is positive to the city. The 5 jobs will not make a difference in the city's employment record. I don't wish these people any harm, but it's going to harm the neighborhood. Thank you.

Jerry Copper came to the podium.

My name is Jerry Copper 1535 Highland Place. I'm one of the few people that got one of these (holding up a letter from Macon County) from the county and I started showing it around multiple people in my neighborhood and everybody said I don't want that in my neighborhood. So a few of us neighbors decided to get a petition going. 89 signatures.

Barb Lamont asked for the petition. And said we will give it back or make a copy of it.

Mr. Copper said we already have a copy and that's pretty much all I got to say because everything else has been said.

Petition was entered as Exhibit 1.

Ms. Lamont asked if anyone else would like to speak.

Ms. Rivera came to the podium once again. Speaking to neighbors in attendance, first of all thank you for the opportunity and thank you for sharing. I hear you talking and I see your point. When we purchased the property you're right we did not to the due diligence, hence we are doing what we are supposed to do now. Out of the things that you mentioned I want to clarify, we are as neighbors even though we don't live there we stay there on the weekends we are good neighbors. With all due respect ma'am we were out at the house with no noise by 10 o'clock on the 4<sup>th</sup> of July and father's day. These are our private parties, these are just like any of you if you have an event at your house and you make sure that you don't have noise after because you are a good neighbor. So with all due respect, we have never stayed there past 10 o'clock. I also want to clarify that I went around a couple times to address you ma'am with all due respect it wasn't on purpose that didn't want to talk, the only person I found is sitting right here and I spoke with her just trying to see how the neighborhood was. We don't want to harm the neighborhood, we don't want to harm anyone, much less see anyone get hurt. So I just want to state that I hear loud and clear what people are saying but at the same time I am a responsible citizen, and I pay taxes just like all of you and I value my property. In the case, yes we did not do our homework before, but by all means we don't want to harm your neighborhood, we don't want to harm anyone, we don't want anyone to hurt, much less children. I want to state that it was not on purpose that we didn't go around I do have a full time job as well. So it wasn't like I was going to go around over and over and over. I will be honest this is the first time we're doing this so I didn't have experience. I respect all your comments, they are valid. Unfortunately this looks like it may not go the way we wanted, but hey lesson learned. We will continue to upgrade the facility but just remember this is a private property so we do celebrate, we're Hispanic, and we do celebrate many things we will definitely consider and maintain the noise level and respect the city ordinance. I just wanted to clarify that because I'm a respected citizen here in Decatur and I don't want my name to be used like I was an irresponsible person. So thank you for your time.

Ms. Sumpter was called on to present the finding of facts.

Petition:	For a Special Use permit to allow the operation of an events venue facility in (R-2) Single Family Residential Zoning
Parcel Number:	04-12-04-176-001
Location:	This property is commonly known as 2749 Norwood Ave, Decatur, IL 62522 in Decatur Township.
Acreage:	15.00 Acres
Zoning:	R-2 Single Family Residential Zoning

## **Finding of Facts**

- The petitioner is seeking to operate an events venue facility to host workshops, meetings, weddings, birthdays or other small celebrations.
- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.008) defines a special use as a use, either private or public, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. Therefore, the Special Use Permit is needed because this property is zoned R-2 Single Family Residential Zoning.
- With the unique nature of this Special Use Permit, other government departments such as the Macon County Health Department and City of Decatur were contacted to ensure the health and safety to our citizens.
- Traffic could be an issue on what are fairly narrow residential roads. There is minimal access to this neighborhood as well as dead end roads and lack of signage. There is one way in and one way out of this neighborhood plus railroad tracks to cross.
- The property is not served by a particular fire protection district. This further emphasizes safety issues.
- I have received five letters of opposition to the petition.

### **EFFECTS ON GENERAL WELFARE:**

The establishment, maintenance or operation of this Special Use permit could be detrimental to the surrounding neighbors for traveling down the roads or emergency vehicles to get access to this property or surrounding properties.

### **EFFECTS ON NEARBY PROPERTY:**

The Special Use could be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

### **EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY:**

The establishment of the Special Use Permit would not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

### **ADEQUACY OF UTILITIES & FACILITIES:**

These issues will need to be addressed in a timely manner.

### **INGRESS & EGRESS:**

Whether adequate parking can be provided to eliminate parking on the roadways.

### **CONFORMITY TO REGULATIONS:**

With the passage of the Special Use Permit by the Macon County Board the property will conform.

**STAFF RECOMMENDATION:** You may vote to approve or deny this petition, or amend as appropriate. Staff has inspected the property and staff recommends denial of the special use

petition. If the board so wishes to approve the petition, the following stipulations are recommended:

Stipulations:

1. This Special Use Permit constitutes a license issued to the named Petitioners only. This special use permit is not property nor does it convey any property right. This special use permit is, therefore, not assignable or transferable.
2. Employees shall be family members or no more than 5 non-family members.
3. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.
4. Building permits shall be obtained as required.
5. There shall be no parking on the roadways. Ample parking shall be provided to handle all events on the property.
6. There will need to be fire lane access from the street to the buildings wide enough for fire apparatus in the event of a fire or medical emergency. Therefore, there shall be no parking along the driveway during events.
7. If said property has more than 25 people at the facility more than 60 days a year (does not have to be a consecutive 60 days), a Non-Community Public Water Supply application must be applied for through Illinois Department of Public Health. This will require private testing annually of the water supply, at a cost the owner will incur, and allow for annual inspections of the water well system. (Macon County Health Department)
8. If the garage or shed on the property are to be converted for use to have a kitchen built in for use during events, plans should be submitted to the Health Department for review. This would be in addition to permits and inspections required by Macon County Planning & Zoning. (Macon County Health Department)
9. With the property being on a septic system presently, an adequate onsite waste water treatment system that would serve all the various uses of the buildings on the site would be required along with a separate septic system for each building since each building would have its own waste water characteristics and flow rates. (Macon County Health Department)
10. If food is to be served on site, a food license will be required. If a food license is required, a plan of the food area will need to be submitted to the Macon County Health Department.

11. Said property and all operations shall remain subject to all other applicable local, county, state, and federal regulations. Failure to do so will result in revocation of this special use permit and it will be effective immediately.
12. Hours of operation for the business are 8:00 a.m. – 10:00 p.m., 7 days a week.
13. The maximum occupancy number for the property shall be 100 guests per event.
14. This Special Use Permit shall be for a 2 year period beginning September 14, 2023 and ending September 14, 2025.
15. The Special Use Permit holders are required to apply for a renewal of this special use permit on or before July 2, 2025. Upon a timely application being made, the Zoning Board of Appeals shall hear evidence and testimony regarding compliance with the terms of this special use permit and shall also consider all other relevant matters related to the issuance of a special use permit and recommend to the County Board whether the renewal should be granted or denied.

Ms. Lamont asked Ms. Sumpter if she said they were basically in no man's land for fire protection.

Ms. Sumpter answered they currently are not served by a fire protection district. So it could be Warrensburg, it could be Decatur, it could Hickory Point that responds, so that would be a safety concern.

Ms. Lamont asked, if alcohol was on the property, what would have to be done with that?

Ms. Sumpter answered that would be through the health department.

Ms. Potrafka asked if petitioners can withdraw their petition.

Ms. Sumpter answered, if they choose to withdraw, yes they could.

Ms. Lamont asked if Ms. Rivera knew that was an option.

Ms. Sumpter to Ms. Rivera, If ZBA does not recommend approval today it's not the end of it. It does go on to an oversight committee and then on to the county board for final vote. If it is voted down by county board, you would not be able to re-apply for a year. So you do have the option to withdraw the petition. Just to let you know that.

Ms. Rivera ask what she would need to do if she chose to withdraw.

Ms. Sumpter answered you would need to submit it to me in writing that you are withdrawing the petition before the EEHW.

Ms. Lamont asked if there are any more questions.

Ron Grider made motion to approve the special use permit. Seconded by Dennis Hughes. Motion failed (0-5)

**CITIZEN'S REMARKS:** There were no further citizen remarks.

Chair Lamont asked if there is anything for next month. Ms. Sumpter stated at this time we have no hearings for next month.

**ADJOURNMENT:** Ron Grider made the motion to adjourn; Marcia Potrfka seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 9:24 A.M.

*Minutes submitted by Amy McKinney, Macon County Planning and Zoning Dept.*