

AS APPROVED MAY 15, 2008

MINUTES OF SPECIAL MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: May 1, 2008

PLACE: Lyle Shields Meeting Room  
1776 East Washington Street

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Debra Griest, Richard Steeves, Melvin Schroeder, Eric Thorsland

MEMBERS ABSENT : Doug Bluhm, Roger Miller, Joseph L. Irle

STAFF PRESENT : John Hall, Leroy Holliday, J.R. Knight

OTHERS PRESENT : Larry Dalton, Thomas Sinder, Roger Miller, Rich Rutherford, Keith Stone, Jackie Stone, David Happ

1. Call to Order

The meeting was called to order at 7:03 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearings

None

6. New Public Hearings

Ms. Griest called Cases 613-S-08 and 614-S-08 concurrently.

\*Case 613-S-08: Petitioner: Grand Prairie Co-op and Roger Miller, Manager. Request: Authorize the construction and use of a grain elevator bin that was previously authorized in

1 **Case 187-S-99 and that is now proposed to be approximately 127 feet, 2 inches in height as a**  
 2 **Special use Permit in the AG-2 Agriculture Zoning District. Location: A four acre tract in the**  
 3 **East Half of the Northwest Quarter of Section 16 of Sidney Township that borders the west**  
 4 **side of the Village of Sidney corporate boundary and also borders on and extends**  
 5 **approximately 622 feet south of the Norfolk Southern Railroad right of way and that is**  
 6 **commonly known as the Grand Prairie Co-op, Inc, grain elevator located at 301 South David**  
 7 **Street, Sidney.**

8  
 9 **\*Case 614-S-08: Petitioner: Grand Prairie Co-op and Roger Miller, Manager. Request:**  
 10 **Authorize the expansion of an existing grain elevator facility by the construction of a proposed**  
 11 **flat grain storage building as a Special Use Permit in the AG-2 Agriculture Zoning District.**  
 12 **Location: A four acre tract in the East Half of the Northwest Quarter of Section 16 of Sidney**  
 13 **Township that borders the west side of the Village of Sidney corporate boundary and also**  
 14 **borders on and extends approximately 622 feet south of the Norfolk Southern Railroad right**  
 15 **of way and that is commonly known as the Grand Prairie Co-op, Inc. grain elevator located at**  
 16 **301 South David Street, Sidney.**

17  
 18 Ms. Griest informed the audience that this is an Administrative Case and as such the County allows  
 19 anyone the opportunity to cross examine any witness. She said that at the proper time she will ask  
 20 for a show of hands for those who would like to cross examine and each person will be called upon.  
 21 She requested that anyone called to cross examine go to the cross examination microphone to ask  
 22 any questions. She said that those who desire to cross examine are not required to sign the witness  
 23 register but are requested to clearly state their name before asking any questions. She noted that no  
 24 new testimony is to be given during the cross examination. She said that attorneys who have  
 25 complied with Article 6.5 of the ZBA By-Laws are exempt from cross examination.

26  
 27 Mr. Hall distributed a Supplemental Memorandum regarding Case 614-S-08, dated May 1, 2008, to  
 28 the Board for review. He said that the supplemental memorandum has a black and white aerial  
 29 photograph of the subject property and the adjacent properties. He said that also attached to the  
 30 supplemental memorandum is a revised site plan, submitted by the Petitioner, on May 1, 2008. He  
 31 said that the site plan also has a cross section of the proposed flat storage building, which is the  
 32 subject of Case 614-S-08. He said that the Petitioner also submitted an analysis of the storage  
 33 capacity at the Sidney facility and photographs of the residential properties that abut the subject  
 34 property to the east.

35  
 36 Mr. Hall stated that no new information is available for Case 613-S-08. He said that what Case 613-  
 37 S-08 really amounts to is that in the previous zoning case 187-S-99, the ZBA approved the  
 38 expansion of the Sidney facility to add two grain bins plus at the time the Petitioner was planning to  
 39 add a scale and a scale house on this four acre tract. He said that when Case 187-S-99 was approved  
 40 the Petitioner was still not certain which site plan they wanted to utilize and they were in  
 41 negotiations with the Village of Sidney in regard to some street issues therefore Case 187-S-99 was  
 42 actually approved with two site plans with different conditions which applied to each site plan. He  
 43 said that at the time of approval of Case 187-S-99 Special Use Permits had to be approved by the  
 44 County Board although the *Zoning Ordinance* has since been amended removing the need for

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1 Special Use Permits to be approved by the County Board. He said that after Case 187-S-99, was  
2 approved the Petitioner decided to build a temporary flat grain storage ring which did not have the  
3 capacity of the two grain bins that were originally proposed and the new scale facilities were not  
4 constructed. He said that at the time the Zoning Administrator approved the Zoning Use Permit  
5 without requiring any of the conditions approved in Case 187-S-99 therefore since that time Grand  
6 Prairie Co-op has been using the temporary flat grain storage ring. He said that due to the amount of  
7 grain received from last year's harvest the Petitioner decided to expand indicating that they desired  
8 to replace the temporary flat grain storage ring with an actual bin.  
9

10 Mr. Hall stated that one of the conditions included in the approval for Case 187-S-99 was that if  
11 either of the grain bins were going to be more than 100 feet in height a variance would be required  
12 although the *Zoning Ordinance* actually indicates that a Special Use Permit would be required for a  
13 bin which is more than 100 feet in height. He said that the requirement for a Special Use Permit  
14 cannot be amended by a condition because it is a *Zoning Ordinance* requirement. He said that the  
15 Petitioner decided to build the grain bin this spring and when they contacted the Department of  
16 Planning and Zoning it was realized that a Special Use Permit would be required. He said that the  
17 Petitioner only desires to build one bin which is larger in diameter and taller than either of the bins  
18 that were approved in Case 187-S-99. He said that if you compare the diameter and height  
19 differences for one bin versus two, it ends up with Case 613-S-08 requesting a couple of percent  
20 volume than had already been approved in Case 187-S-99. He noted that the only reason Case 613-  
21 S-99 is before the Board tonight is because the new bin will be more than 100 feet tall and based on  
22 the information submitted it will be 127 feet 2 inches in height to the top of the conveying  
23 equipment.  
24

25 Mr. Hall stated that another condition that was approved in Case 187-S-99 was because the case was  
26 approved under the *Interim Stormwater Management Policy* which had a more restrictive  
27 requirement for stormwater retention. He said that the Board may remember that when the *Interim*  
28 *Stormwater Management Policy* was amended and made the permanent *Stormwater Management*  
29 *Policy* it was realized that the interim policy was too restrictive in some instances and as a result  
30 when you have less than one acre of impervious area on a property of this size, four acres, the new  
31 *Stormwater Management Policy* doesn't require detention. He said that this is why staff has not  
32 proposed the detention requirement for Case 613-S-08 because if this construction was being done  
33 "by-right" it would not need detention however the only way to remove that condition from the  
34 previous Special Use Permit would be by action of the Zoning Board of Appeals. He said that Case  
35 613-S-08, as presented to the Board at this hearing, has no special conditions. He said that buffering  
36 was required in Case 187-S-99 but Case 613-S-08 does not allow any construction on that part of the  
37 property therefore staff did not believe that any buffering should be required. He noted that these  
38 are all issues which the Board must consider before action is taken on Case 613-S-08. He said that if  
39 the Board does feel that conditions for approval are necessary then it is up to the Board to require  
40 those conditions.  
41

42 Mr. Hall stated that Case 614-S-08 proposes the expansion of the existing facility by the  
43 construction of a proposed flat grain storage building on the south portion of the property. He said  
44 that the building will be a 160' x 320' building with a peaked roof. He said that the Supplemental

1 Memorandum dated May 1, 2008, includes the revised site plan for the proposed construction and  
2 also includes a diagram of the proposed flat grain storage building indicating that the pre-  
3 manufactured roof system will be mounted on a 14 foot tall wall making the structure 76 feet overall  
4 in height. He said that the way the *Zoning Ordinance* regulates height is in terms of average height  
5 to the mid point of the peaked roof and with this new information the average height of the proposed  
6 flat grain storage building is 48.5 feet which is less than the 50 foot maximum overall average  
7 height. He said that it is unusual for the Board to see something this tall in the agricultural districts  
8 that isn't like a grain bin but this complies with the height limit.

9  
10 Mr. Hall stated that the Preliminary Memorandum dated April 25, 2008, outlines several conditions  
11 which the Board should consider for Case 614-S-08. He said that after staff had already placed the  
12 legal advertisement of Case 614-S-08, it was realized that the original site plan indicated more lot  
13 coverage, building area, than the *Zoning Ordinance* allows in this zoning district. He said that the  
14 Petitioner included on the revised site plan that they had discussed the possibility of acquiring more  
15 land from the adjacent property owner. He said that lot coverage is simply a mathematical ratio of  
16 the amount building area over lot area. He said that if the Petitioner could acquire more lot area it  
17 would lower the coverage and if they acquire enough it would bring the coverage to within the limits  
18 of the *Zoning Ordinance* otherwise a variance would be required or make the building area smaller.  
19 He said that the Petitioner has not actually committed at this point to buying any land but this is a  
20 question that the Board could ask the Petitioner at this hearing. He said that he believes that the  
21 Petitioner intends to proceed with the variance request and staff included a condition that would  
22 allow the Board to take action on Case 614-S-08 if the Board feels that they have all of the pertinent  
23 information necessary. He said that from a staff level he believes that it would better to continue the  
24 case until action is taken on the variance, but given that this is in a part of the county in where the  
25 newspaper publishes legals in such a way that it takes longer for staff to get cases advertised. He  
26 said that for that reason the variance for the lot coverage cannot be before the Board before May  
27 29<sup>th</sup>. He said that the Petitioner desires to move ahead on both of these cases and if the Board  
28 believes that they can truly separate the coverage issue out of Case 614-S-08 then it could be  
29 approved with a condition that the Petitioner shall either make the building smaller or acquire more  
30 land or obtain a variance. He said that this would allow the Special Use Permit to be decided but he  
31 is not sure what benefit that would give the Petitioner. He said that this building is much larger than  
32 buildings that have been proposed in Case 187-S-99 therefore the Board might want to consider a  
33 greater amount of buffering between the proposed structure in Case 614-S-08 and the residences to  
34 the east of the subject property. He said that the Petitioner is expecting some type of buffering to be  
35 required and the photographs submitted by the Petitioner does indicate that the residences to the east  
36 do have a few trees but it is up to Board to determine if they want to require some buffering and staff  
37 believes that it would be a good idea.

38  
39 Ms. Griest asked if the Board had any questions for Mr. Hall.

40  
41 Mr. Steeves asked Mr. Hall if the Petitioner is proposing to purchase the 2.08 acres and the .69 acres  
42 indicated on the revised site plan.

43  
44 Mr. Hall stated that he believes that the revised site plan indicates an either/or situation in regard to

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1 the additional acreage although he has not had a chance to ask the Petitioner and the Board should  
2 discuss that issue with the Petitioner. He said that at a staff level it is believed that Case 613-S-08  
3 appears to be simple and is possibly ready for action at this hearing. He said that he did approve the  
4 Zoning Use Permit and the bin that is the issue in Case 613-S-08 is being constructed as we speak  
5 with a condition that the height be limited to 100 feet or as authorized by the Special Use Permit. He  
6 said that he authorized the Special Use Permit because the Petitioner indicated that there is no way  
7 that they are going to encounter any difficulty by this public hearing. He said that even if the Board  
8 is not inclined to take action on Case 613-S-08 at this hearing the Petitioner has begun construction  
9 with an understanding that the bin cannot be built more than 100 feet tall without the Special Use  
10 Permit approval.

11

12 Ms. Griest asked if the Board had any additional questions for Mr. Hall and there were none.

13

14 Ms. Griest asked if the Petitioner had any questions for Mr. Hall and there were none.

15

16 Mr. David Happ, Professional Engineer with Foth Infrastructure and Environment, LLC stated that  
17 the owner of the proposed .69 acre tract is reluctant in selling therefore the Petitioner will probably  
18 move forward with the purchase of the 2.08 acres, which could be a condition of the Special Use  
19 Permit, therefore relieving the need for a variance.

20

21 Ms. Griest asked if the Board had any questions for Mr. Happ and there were none.

22

23 Ms. Griest asked if staff had any questions for Mr. Happ.

24

25 Mr. Hall asked Mr. Happ if he is thinking that the stormwater detention area may work better if the  
26 Petitioner acquires the 2.08 acres or would he anticipate still placing it adjacent to the building.

27

28 Mr. Happ stated that the 2.08 acres would give them some flexibility but he believes that they will  
29 try to keep it east of the building and run a storm sewer line to the northwest corner. He said that the  
30 Petitioner has no new plans for the 2.08 acres.

31

32 Mr. Steeves asked Mr. Happ if there are no immediate plans for the 2.08 acres and will the land stay  
33 in crop production.

34

35 Mr. Happ stated that the land is currently in production. He said that the Board could ask Mr. Miller  
36 if the land will stay in production.

37

38 Ms. Griest asked Mr. Happ to clarify his relationship with the Petitioner.

39

40 Mr. Happ stated that he is a Professional Engineer with Foth Infrastructure and Environment, LLC  
41 which used to be known as Daily and Associates. He said that Daily and Associates completed a lot  
42 of work on the previous petitions submitted by the Petitioner.

43

44 Ms. Griest asked if the Petitioner had any questions for Mr. Happ and there was none.

1  
2 Ms. Griest asked the audience if anyone desired to cross examine Mr. Happ and there was no one.

3  
4 Mr. Roger Miller, Manager for Grand Prairie Co-op, stated the 2.08 acres would remain in crop  
5 production. He said that the land slopes dramatically towards the stream and the 2.08 acres would  
6 just be a continuation of their south lot line. He said that the document titled "Sidney Storage  
7 Analysis" indicates the 2007 harvest and the projected 2008 harvest bushels. He said that in 2007  
8 the grain carried into harvest at the facility was 189,411 bushels of corn, 35,766 bushels of Non  
9 GMO bushels of corn and 43,790 Non GMO bushels of beans therefore 268,968 bushels was  
10 accepted therefore over 270,000 bushels of corn was accepted during harvest. He said that in 2008  
11 he anticipates the same amount of bushels delivered to the facility although it does vary every year  
12 because in previous years they have only carried 50,000 bushels of corn but they have also carried  
13 over 350,000 bushels of corn therefore it ties up their storage space.

14  
15 Mr. Miller stated that in 2007 the Sidney facility received 3,043,035 bushels of corn and soybeans  
16 and assuming that we have the same type of harvest in 2008 the facility will again receive that many  
17 bushels of corn and soybeans. He said that last fall because the facility received so much corn they  
18 had trouble staying open therefore they trucked grain directly from the farm to the Tolono facility.  
19 He said that in 2008 the grain will go directly to the Sidney facility rather than having the expense of  
20 trucking it to the Tolono facility. He said that in years past all of the grain went in to the Sidney  
21 facility because they did not have the problem of staying open but this particular year they had  
22 trouble with receiving the trains and harvest was very fast and they were not able to keep open. He  
23 said that the management staff estimated conservatively that the Sidney facility was closed 11 days  
24 because they could not obtain transportation to get the grain out of the facility which is unacceptable  
25 in regard to their standards and is unacceptable to the Board to have a farmer unable to deliver his  
26 grain to the facility for 11 days in the harvest, which is approximately 25% of the harvest. He said  
27 that they felt that they lost over 250,000 bushels from our customers in 2007. He said that the total  
28 bushels handled in 2007 was 3,312,003 and in 2008 it is estimated that the total bushels handled will  
29 be 3,724,395. He said that the analysis indicates that in 2007 the beginning storage and the ending is  
30 the same figure, 2,060,000 but that is because no new structure has been constructed. He said that  
31 the figures reflected in 2008 reflect the proposed bin which adds 730,000 bushels and if the flat grain  
32 storage building is approved an additional 1,300,000 bushels will also be added to the storage space.

33 He said that these additions would eliminate 225,000 bushels in ground storage and 50,000 bushels  
34 in small flat storage therefore the total storage space for the facility would go from 2,060,000 in  
35 2007 to 3,815,000 in 2008 which would give the facility excess space of 90,605 bushels. He said that  
36 this would eliminate the need to truck grain out of the Sidney facility or truck grain from the field to  
37 the Tolono facility. He said that the grain will primarily be kept at the Sidney facility and shipped  
38 out by train cars after the harvest season. He said that in 2007 the Sidney facility shipped out  
39 1,216,652 bushels of grain during harvest by rail and 92,500 bushels by truck and that was one of the  
40 problems in that they could not get the transportation to get that grain moved which caused a  
41 hardship upon their customers. He said that the total amount of grain shipped in 2007 was  
42 1,309,152 bushels and basically the last train came when harvest was almost over and they ended up  
43 with approximately 60,000 bushels of empty space in the elevator at that time. He said that the  
44 facility requires the extra storage to accommodate their patrons during the anticipated harvest in

1 2008.

2  
3 Mr. Miller noted that the revised site plan indicates a chart titled "Bin Info" that coincides with the  
4 bin numbers on the aerial. He said that during the Board's review of this chart they will find the  
5 total height of the five bins has become taller and taller due to the improvement of the engineering  
6 design of the bin. He said that one reason why the proposed bin for 2008 is much taller is because of  
7 its diameter of 105' versus the 90' diameter of the other bins. He said that the side wall height is 6  
8 foot higher but the overall height is nine foot higher so there is an additional three foot of peak  
9 height on the new bin. He said that the proposed bin is located to the west of the existing facility  
10 and the northerly line of the existing bins was substantially shielded by the existing grain elevator to  
11 the primary part of Sidney to the east. He said that the proposed bin will be the same type of bin as  
12 has been constructed in the past and the aeration fans will have silencers attached, just as the existing  
13 fans have installed, and the bin will have no top exhausters. He said that the facility stopped using  
14 top exhausters to eliminate the issue of noise. He said that the proposed bin will have 60 free-air  
15 vents installed with no power exhausters therefore the bin should be fairly quiet for the Village of  
16 Sidney.

17  
18 Ms. Griest asked if the Board had any questions for Mr. Miller.

19  
20 Mr. Thorsland asked Mr. Miller if the purchase of the additional .69 acres is a possibility. He said  
21 that he would like to see the proposed flat grain storage building moved farther away if possible  
22 from the adjacent residents.

23  
24 Mr. Miller stated that the land owner was more than willing to sell the 2.08 acres due to the quality  
25 of the land and the production is not great. He said that they are pretty sure that they can complete  
26 the purchase of the 2.08 acres and will try to acquire the additional .69 acres.

27  
28 Mr. Thorsland stated that the 2.08 acres will solve the drainage issue but he is thinking more of the  
29 adjacent property owners in that they will receive a much earlier sunset due to the proposed  
30 structure. He said that he can see the access to the temporary flat grain storage structure and asked if  
31 there would be a return drive constructed.

32  
33 Mr. Miller stated that if the Board will review the revised site plan they will see two knockout points  
34 on the north side of the building and those knockouts are the entry and exit points of the structure.

35  
36 Mr. Thorsland asked if those points will be pushed right up to the minimum towards the lot line.

37  
38 Mr. Hall stated that 20 feet is the minimum and since there will be drainage along the west side of  
39 the structure it is proposed to place a stormwater detention area along the west side of the proposed  
40 flat storage structure.

41  
42 Mr. Thorsland stated that he hates to see good farmland taken out of production but when will Grand  
43 Prairie know about the .69 acre tract.

1 Mr. Miller stated that the owner is reluctant to sell the .69 acre tract but he did indicate that if he has  
2 to work with Grand Prairie Co-op then they can probably work something out. He said that if the  
3 Board includes the .69 acre tract as a condition of approval then Grand Prairie will go back to the  
4 owner and negotiate some more.

5  
6 Ms. Griest asked if the Board had any additional questions for Mr. Miller and there were none.

7  
8 Ms. Griest asked if staff had any questions for Mr. Miller.

9  
10 Mr. Hall asked Mr. Miller if the type and number of fans is similar to what is currently being used or  
11 will the new bin have an improved venting system.

12  
13 Mr. Miller stated that the new fans and venting for the new bin will be an improvement to what has  
14 been used in the past. He said that bin #16 was the last bin that was constructed in 2006 and it does  
15 not have power exhaust on top but does have free air vents and the new bin is designed in the same  
16 manner. He said that those bins have four fans on the bottom and the bottom fans include silencers.  
17 He said that the 2 fans will be faced in a northerly direction and the other two will be faced in a  
18 southerly direction with silencers attached.

19  
20 Ms. Griest asked the audience if anyone desired to cross examine Mr. Miller and there was no one.

21  
22 Mr. Richard Rutherford, who resides at 319 South Scarborough Street, Sidney distributed  
23 photographs for the Board's review and submitted those photographs as evidence. He said that his  
24 property has been in his family for over 100 years and his family has learned to live with the  
25 elevator. He said that recently his brother-in-law built a new home directly west of his property and  
26 the proposed flat grain storage building will be next to their new home. He said that he agrees with  
27 Mr. Thorsland in that perhaps the proposed structure could be moved further west so that it is not  
28 right on top of their properties. He said that they currently deal with several health issues in which  
29 vermin and dust travel from the elevator. He said that they were not aware that Grand Prairie Co-op  
30 was proposing such a huge project until someone contacted them. He said that during previous  
31 testimony it was said that five years ago the scales and scale house were approved for construction.  
32 He said that the Village of Sidney actually shot down the construction of the scale and scale house  
33 because of the truck traffic that would be created on the narrow street.

34  
35 Mr. Rutherford reviewed photographs of the railroad tracks on Main Street in Sidney. He said that  
36 the truck traffic that travels to the elevator heavily damages the road and the tracks and no  
37 maintenance is done. He pointed out the deep holes and raised bolts along the tracks which impose  
38 dangerous conditions to walking pedestrians and vehicular traffic. He said that the residents of  
39 Sidney have learned to live with the elevator and the traffic that is generated but there is no reason  
40 why they need to move closer to the residents. He said that the elevator traffic utilizes Scarborough  
41 Street and the semi trucks fly past their residence. He said that it is his opinion that the truck traffic  
42 should utilize Grand Prairie Co-ops access drives rather than traveling through residential streets.

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44 Ms. Griest asked if the Board had any questions for Mr. Rutherford.



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Mr. Steeves asked Mr. Rutherford if the new home was built two years ago.

Mr. Rutherford stated yes. He said that the revised site plan does not show the new home but indicates the older home that was torn down. He said that currently there is a 2300 square foot house at its current location with a 1500 square foot garage located next to it. He said that his grandfather owned his house and when he purchased the home he added 1400 square foot on to it. He said that he is trying to bring up their property values but when projects like the ones proposed in these two cases are brought into the neighborhood the property values go down. He asked the members of the Board if they would want such a structure next to their property.

Ms. Griest asked if the Board if there were additional questions for Mr. Rutherford and there were none.

Ms. Griest asked Mr. Rutherford to clarify, using the submitted revised site plan, where the new home was constructed.

Mr. Rutherford indicated on the revised site plan where the new home was built. He said that he had the lots replatted with the Village of Sidney and there are currently now two large lots.

Ms. Griest asked Mr. Rutherford, if when the old house was torn down and the new house was built, there was any doubt that they were aware that the grain operation was present and that there were plans of a proposed scale house.

Mr. Rutherford stated that he attended the previous meeting and they indicated that they would not do any improvements to their properties if the scale house was built at the proposed location therefore the scale house was relocated. He said that with the location of the new scale house Grand Prairie Co-op can actually stage trucks on their own property instead of out on the road and the railroad tracks. He said that the aerial photograph on the revised site plan is not accurate.

Mr. Hall stated that the 2005 aerial photograph on the revised site plan is not accurate although the number of homes that are impacted remains the same at two.

Mr. Rutherford stated yes.

Ms. Griest asked Mr. Rutherford to confirm that they were aware that the elevator was at its current location when the new home was built.

Mr. Rutherford stated yes.

Ms. Griest asked the Board if there were any additional questions for Mr. Rutherford and there were none.

Ms. Griest asked if staff had any questions for Mr. Rutherford and there were none.

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Ms. Griest asked if the Petitioner or his representative had any questions for Mr. Rutherford and there were none.

Mr. David Happ, Professional Engineer with Foth Infrastructure and Environment, LLC for the Petitioner, asked Mr. Rutherford if he had a choice between the flat grain storage building and the temporary grain storage ring which was west of the existing bins, which would he choose to have located next to his property.

Mr. Rutherford stated that he would not want to see either structure next to his property.

Mr. Happ stated that the alternative to building the flat grain storage building is to build another temporary grain storage ring. He said that Grand Prairie is willing to spend another \$200 thousand dollars to build a covered structure.

Mr. Rutherford stated that he understands his point.

Ms. Griest asked the audience if anyone desired to cross-examine Mr. Rutherford and there was no one.

Mr. Keith Stone, who resides at 204 West Prairie Street, Sidney stated that his new home is directly adjacent to the elevator property. He said that they had no idea that the elevator planned to build a structure that close to his property. He said that his young grandchildren will probably be living with him when his son returns for duty overseas and he feels that the proposed construction will create a dangerous area for them to be playing in. He said that he is concerned about the amount of water that will be coming off of the property because he has a septic tank and the leach field runs towards the field. He submitted photographs, as evidence and for the Board's review indicating the proximity of his home to the field. Mr. Stone stated that the fans may have silencers on the fans but they are still loud. He said that they have become accustomed to the noise because the bins are farther away from their property. He said that if the proposed flat grain storage building is not approved and they begin dumping grain on the ground there are going to be health issues arise. He said that he is concerned about the amount of dust that will be generated from the new building because he and his wife have terrible allergies. He said that he is also concerned about the damage that the dust will cause to his home and his vehicles. He said that it appears that Grand Prairie is more or less indicating that if they do not get their new building approved then they are going to make life pretty miserable for the adjacent property owners.

Mr. Stone stated that one of his other neighbors, who was unable to attend tonight's hearing, is trying to remodel his home and he has indicated that he is not happy about Grand Prairie's proposed building either. Mr. Stone stated that if the proposed flat storage grain building is approved he would like to see some very strict restrictions of some sort in regard to safety, noise, better buffers than indicated on the revised site plan and an effective plan for all of the water that is going to be coming off the roof of the building onto his property. He said that he believes that the property values will go down once the proposed building is completed which is unfair because he spent every

1 dime he had to build his new home.  
2  
3 Ms. Griest asked if the Board had any questions for Mr. Stone and there were none.  
4  
5 Ms. Griest asked if staff had any questions for Mr. Stone and there were none.  
6  
7 Ms. Griest asked if the Petitioner or his representative had any questions for Mr. Stone.  
8  
9 Mr. Happ asked Mr. Stone if his new home is serviced by a multi-flow system or a leach field.  
10  
11 Mr. Stone stated that his home is serviced by a leach field.  
12  
13 Mr. Happ asked Mr. Stone the location of his leach field.  
14  
15 Mr. Stone stated that the leach field is to the west of his home towards the field in question but it  
16 stops at the property line.  
17  
18 Mr. Happ asked Mr. Stone if his leach field discharges in to the field in question.  
19  
20 Mr. Stone stated that it does not discharge in to the field in question. He said that the proposed  
21 detention area will affect him before he effects the detention area because there will be a lot of water  
22 coming off of that roof.  
23  
24 Ms. Griest asked the audience if anyone else in attendance desired to cross examine Mr. Stone and  
25 there was no one.  
26  
27 Ms. Griest asked the audience if anyone else desired to sign the witness register to give testimony  
28 regarding Cases 613-S-08 or 614-S-08 and there was no one.  
29  
30 Ms. Griest closed the witness register.  
31  
32 Ms. Griest stated that the Board has heard testimony and staff recommendation as to why there is  
33 good reason to move forward with Cases 613-S-08 and 614-S-08 separately. She said that at this  
34 time she would like to go back dealing with Case 613-S-08 which is in regard to the construction of  
35 the bin with a height of 127 feet 2 inches. She said that the Preliminary Memorandum dated April  
36 25, 2008 indicates that the height of the proposed grain bin is 127 feet 2 inches but the chart entitled  
37 "Bin Info" on the revised site plan indicates that the height of the bin is 127 feet 4 inches.  
38  
39 Ms. Griest asked the Board if there is additional information that they require at this time related to  
40 Case 613-S-08.  
41  
42 Mr. Thorsland stated that in the revised site plan indicates a landscaped buffer southeast of bin #17.  
43 He requested information as to what type of buffer would be placed at this location.  
44

1 Mr. Hall stated that he does not know what type of landscaping will be placed within this area but he  
2 assumes that the Petitioner anticipates some guidance on what the Board will require.

3  
4 Ms. Griest requested that Mr. Happ give testimony regarding the landscape.

5  
6 Mr. Happ stated that the text regarding landscaping southeast of bin #17 as indicated on the revised  
7 site plan was carried over from a previous plan. He said that at this time there are no plans to do any  
8 landscaping at this location although if landscaping in this area is a condition for approval then they  
9 will certainly abide by that condition.

10  
11 Ms. Griest asked if the Board required any additional information regarding Case 613-S-08 and there  
12 was none.

13  
14 **Summary of Evidence for Case 613-S-08:**

15  
16 Mr. Hall stated that the first sentence in Item #5.A(6) of the Summary of Evidence should be revised  
17 as follows: Condition 5 of Case 187-S-99 indicated that the proposed grain elevator bin could not be  
18 greater than 100 feet in height unless a variance was obtained. He said that new Item #5.A.(9)  
19 should be added indicating the following: The site plan approved in this zoning case will become  
20 the new approved site plan for development of the subject property and will replace the approved  
21 site plan in Case 187-S-99. He said that the following sentence should be added to Item #5.B(3):  
22 The height was indicated to be 127 feet 4 inches on handouts at the public hearing held on May 1,  
23 2008. He said that a new Item #5.B(8) should be added as follows: No other buildings are proposed  
24 on the site plan.

25  
26 Ms. Griest stated that Item #5.B(8) is because the Board is only dealing with the site plan that does  
27 not include the flat storage building.

28  
29 Mr. Hall stated that Ms. Griest was correct. He said that Mr. Miller provided good evidence at  
30 tonight's hearing regarding the fans and vents which will be located on the bins therefore he asked  
31 the Board if they would like to include that testimony in the Summary of Evidence.

32  
33 Ms. Griest stated that it would be advisable to add the testimony to the Summary of Evidence. She  
34 said that Mr. Miller's testimony regarding that they have ceased using the top mounted fans on the  
35 new bin should be added to the Summary of Evidence.

36  
37 Mr. Hall stated that a new Item #5.C should read as follows: The Petitioner, Roger Miller testified at  
38 the public hearing held on May 1, 2008 the following: (1) The new bin will not have top mounted  
39 exhaust fans; and (2) The new bin will have fans with silencers. The fans equipped with silencers  
40 will be mounted at the bottom and will have two fans exhausting to the north and two fans  
41 exhausting to the south.

42  
43 Ms. Griest asked Mr. Miller what terminology he used in regard to the vents.

44

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1 Mr. Miller stated that free air vents will be utilized on the bin.  
2  
3 Mr. Hall stated that a new Item #5.C(3) should read as follows: The bin will also have several free  
4 air vents.  
5  
6 Mr. Steeves asked if the same comments should be included in Item #7.  
7  
8 Mr. Hall asked Mr. Steeves if he is not sure if those comments are relevant to public convenience.  
9 He said that there is no mention as to how the grain is delivered and that is a very important issue.  
10  
11 Mr. Steeves stated that the comments from #5.C. should be included in Item #7.  
12  
13 Mr. Hall agreed and indicated that the text from Item #5.C.(1), (2) and (3) will be added to Item #7.  
14  
15 Ms. Griest asked Mr. Steeves if he would like to follow up with the Petitioner as to how the grain  
16 will be delivered. She asked the Board members if there were any other additions or corrections to  
17 the Summary of Evidence for Case 613-S-08 and there were none.  
18  
19 Ms. Griest stated that it seems more relevant that the witnesses that presented testimony in relation  
20 to the temporary flat grain storage building be included in Case 614-S-08 and not Case 613-S-08.  
21  
22 Mr. Steeves asked if anyone has estimated the increase in truck traffic that will be generated on the  
23 Scarborough Street when the temporary flat grain storage building is constructed. He said that he  
24 only wants it emphasized in Item #7 that the new bin will improve the dust and noise situation by the  
25 use of the new free air vents and fans with silencers.  
26  
27 Ms. Griest reminded Mr. Steeves that currently the Board is only discussing the height of the  
28 permanent grain bin at this time. She said that reasonably Grand Prairie is putting at least a third of  
29 that capacity on the ground within that same location.  
30  
31 Mr. Hall stated that there is only a few percentage of difference in actual storage volume between  
32 this case and case 187-S-99.  
33  
34 Ms. Griest asked Mr. Hall if the Sidney Storage Analysis would be more appropriate for the  
35 Documents of Record for Case 614-S-08 rather than 613-S-08.  
36  
37 Mr. Hall stated yes. He said that the Supplemental Memorandum, with attachments, for Case 614-S-  
38 08 dated May 1, 2008, should be added to the Documents of Record for Case 613-S-08 because one  
39 of the attachments is the revised site plan that indicates the amended height of the bin. He said that  
40 all of the other information regarding Case 614-S-08 is not relevant to the Board's decision in Case  
41 613-S-08.  
42  
43 Ms. Griest asked the Board if there was any additional information that they felt should be added to  
44 the Summary of Evidence or Documents of Record and there was none.

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**Finding of Fact for Case 613-S-08:**

From the documents of record and testimony and exhibits received at the public hearing for zoning case 613-S-08 held on May 1, 2008, the Zoning Board of Appeals of Champaign County finds that:

**1. The requested Special Use Permit IS necessary for the public convenience at this location.**

Mr. Thorsland stated that the requested Special Use Permit IS necessary for the public convenience at this location because it minimizes the amount of excess open storage of grain on site.

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

**a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.**

Mr. Hall reminded that the Board that in Case 187-S-99 the Board had approved virtually the same amount of storage capacity and there was a lot of testimony regarding traffic and that case was approved.

Ms. Griest stated that the Board deemed that it was adequate in both instances.

Mr. Hall stated yes.

Mr. Schroeder stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

**b. Emergency services availability is ADEQUATE.**

Mr. Thorsland stated that Emergency services availability is ADQUATE.

**c. The Special Use will be designed to CONFORM to all relevant County Ordinances and codes.**

Mr. Steeves stated that the Special Use will be designed to CONFORM to all relevant County Ordinances and codes.

**d. The Special Use WILL be compatible with adjacent uses.**

Mr. Thorsland stated that the Special Use WILL be compatible with adjacent uses because it is located next to the existing facility and the Special Use is only to approve an increase in height to a

1 previously approved bin at the same location.

2  
3 **e. Surface and subsurface drainage will be ADEQUATE.**

4  
5 Mr. Steeves stated that surface and subsurface drainage will be ADEQUATE.

6  
7 **f. Public safety will be ADEQUATE.**

8  
9 Mr. Thorsland stated that public safety will be ADEQUATE.

10  
11 Ms. Griest stated that Item #2.g is not applicable to this case.

12  
13 Mr. Thorsland stated that the requested Special Use Permit is so designed, located and proposed to  
14 be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise  
15 detrimental to the public health, safety and welfare.

16  
17 **3a. The requested Special Use Permit DOES conform to the applicable regulations and**  
18 **standards of the DISTRICT in which it is located.**

19  
20 Mr. Steeves stated that the requested Special Use Permit DOES conform to the applicable  
21 regulations and standards of the DISTRICT in which it is located.

22  
23 **3b. The requested Special Use Permit DOES preserve the essential character of the**  
24 **DISTRICT in which it is located.**

25  
26 **a. The Special Use will be designed to CONFORM to all relevant County**  
27 **ordinances and codes.**

28  
29 Mr. Thorsland stated that the Special Use will be designed to CONFORM to all relevant County  
30 ordinances and codes.

31  
32 **b. The Special Use will be compatible with adjacent uses.**

33  
34 Mr. Steeves stated that the Special Use will be compatible with adjacent uses.

35  
36 **c. Public safety will be ADEQUATE.**

37  
38 Mr. Steeves stated that public safety will be ADEQUATE.

39  
40 Mr. Steeves stated that the requested Special Use Permit DOES preserve the essential character of  
41 the DISTRICT in which it is located.

42  
43 **4. The requested Special Use Permit IS in harmony with the general purpose and intent of**  
44 **the Ordinance.**

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**a. The Special Use is authorized in the District.**

**b. The requested Special Use Permit IS necessary for the public convenience at this location.**

Mr. Steeves stated that the requested Special Use Permit IS necessary for the public convenience at this location.

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

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

**d. The requested Special Use Permit DOES preserve the essential character of the DISTRICT in which it is located.**

Mr. Steeves stated that the requested Special Use permit DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Steeves stated that the requested Special Use Permit IS in harmony with the general purpose and intent of the Ordinance.

**5. The requested Special Use IS NOT an existing nonconforming use.**

Mr. Thorsland stated that the requested Special Use IS NOT an existing nonconforming use.

**Mr. Steeves moved, seconded by Mr. Thorsland to adopt the Summary of Evidence, Documents of Record and Finding of Fact as amended. The motion carried by voice vote.**

**Mr. Schroeder moved, seconded by Mr. Steeves to close the public hearing for Case 613-S-08. The motion carried by voice vote.**

Ms. Griest informed the Petitioner and his representative that the current Board has three members absent at tonight’s public hearing and it will take four affirmative votes to approve the request in Case 613-S-08. She stated that it is at the Petitioner’s direction as to whether the Board moves forward to the Final Determination at tonight’s public hearing or continue the case to a later date when all of the Board members are present.

Mr. Happ asked if a continuance is requested could additional information could be presented at that time.



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Ms. Griest stated that the public hearing in regard to accepting new testimony has been closed for Case 613-S-08 and the Board has completed the Finding of Fact.

Mr. Hall informed Mr. Happ that the Board prepared the findings for only Case 613-S-08 which is only in regard to the grain bin. He said that he apologizes for the length of the findings but it is how the Board assures that the same things are reviewed in each case, although at times modified for each individual case, and all of the findings which were adopted were affirmative. He said that the findings must support the final determination therefore that may be relevant as to whether the Petitioner determines whether or not to take action on Case 613-S-08 at tonight’s public hearing.

Mr. Happ stated that he thought that the Board was going to move forward with Case 614-S-08 also. He said that the Petitioner desires a final determination for Case 613-S-08 at tonight’s public hearing.

**Final Determination:**

**Mr. Steeves moved, seconded by Mr. Thorsland that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.11B HAVE been met, and pursuant to the authority granted by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use requested in Case 613-S-08 is hereby GRANTED to the petitioners, Grand Prairie Co-op, and Roger Miller, manger to authorize the construction and use of a grain elevator bin that was previously authorized in Case 187-S-99 and that is now proposed to be approximately 127 feet, 4 inches in height as a Special Use Permit in the AG-2 Agriculture Zoning District.**

The roll was called:

<b>Thorsland-yes</b>	<b>Schroeder-yes</b>	<b>Steeves-yes</b>
<b>Griest-yes</b>	<b>Bluhm-absent</b>	<b>Irle-absent</b>
<b>Miller-absent</b>		

Mr. Hall informed Mr. Miller that the Board has approved Case 613-S-08 and a letter amending the permit relieving the previous conditions will be sent out immediately.

**Mr. Schroeder moved, seconded by Mr. Thorsland to take a five minute recess. The motion carried by voice vote.**

**The meeting recessed at 8:35 p.m.  
The meeting resumed at 8:45 p.m.**

Ms. Griest stated that the Board will now review Case 614-S-08. She said that the Board has received a lot of information although there are a few unanswered questions. She said that it appears that there are conflicting opinions on the floor therefore the Board needs to determine what is needed

1 from the Petitioner before the Board moves towards a final determination. She said that the Board  
2 always tries to find the harmony in the conflicting interests while continuing to be economically  
3 feasible. She said that she appreciates the homeowner's concerns that have been expressed and she  
4 thanked them for coming to the public hearing with their information. She said that the  
5 homeowner's have raised some good points which the Petitioner hadn't considered which is a  
6 positive step in the right direction. She said that she does have a few questions regarding the  
7 proposed temporary flat grain storage building. She said that Mr. Thorsland suggested moving the  
8 structure further west if the additional .69 acres could be purchased by the Petitioner. She said that  
9 previous testimony indicated a slope which might inhibit the movement of the structure therefore is  
10 moving the flat storage further west even feasible. She said that the issues regarding stormwater  
11 runoff is a concern and she would like information regarding where the water will travel and how it  
12 will be handled and diverted so that it does not negatively impact the adjacent landowners and their  
13 septic leach fields. She said that she would like more information regarding screening and separation  
14 along the west property line if the flat storage was authorized. She said that she is not sure that the  
15 planting of some evergreens will meet her expectations of shielding these homes from the impact of  
16 a flat storage structure. She said that she would also like to hear more testimony from the adjacent  
17 homeowners as to if it would mitigate some of their concerns if the flat storage structure were able to  
18 be moved further from their properties and appropriate screening was provided to help shield their  
19 properties from the structure's impact. She said that testimony has been received from the property  
20 owners that they were aware that the grain elevator was adjacent to their parcels when they built  
21 their new home and neither of the residents, the grain elevator or the homeowners, are new to the  
22 area.

23  
24 Mr. Steeves stated that he agrees with Ms. Griest's concerns.

25  
26 Mr. Thorsland stated that he would like to know if there will be interior and exterior lighting. He  
27 said that he is concerned about the potential for light pollution.

28  
29 Mr. Schroeder stated that there will be less traffic with the new facility because the trucks will bring  
30 in the grain but it will be shipped by rail. He said that open flat storage has nothing but smell  
31 therefore it will be beneficial to have the new covered facility. He said that he is somewhat  
32 concerned about the maintenance of the rail system.

33  
34 Mr. Thorsland stated that the Board has no jurisdiction over how the railroad maintains their rail  
35 system.

36  
37 Ms. Griest stated that how the railroad maintains the crossing is outside the purview of this Board or  
38 the Village of Sidney or the grain co-op as well. She said that the railroad knows what that crossing  
39 handles as far as traffic load and the type of traffic. She asked what additional changes would be  
40 required to the driveway if the flat storage were able to be moved farther to the west.

41  
42 Ms. Griest asked if staff had any items which require additional information.

43  
44 Mr. Hall stated nothing other than what concerns the Board.

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Ms. Griest stated that the Board is not prepared to take final action on Case 614-S-08 at tonight's public hearing. She asked the Petitioner if they had any information regarding the Board's concerns.

Mr. David Happ stated that there will be no interior lights and no exterior lighting will be installed other than the safety lights on the far north end where the entrances are located.

Ms. Griest stated that there will not be any night time operation in the flat storage structure.

Mr. Happ stated that Ms. Griest was correct.

Mr. Happ stated that if the flat storage building was moved the circulation drive would need to be extended to the west there would be an oil and chip driveway with washed gravel to minimize the dust issue so that it would not be intrusive to the neighbors. He said that Grand Prairie is willing to agree to pursue purchasing the .69 acres and if they do he believes that they would be successful therefore the building could be shifted another 80 feet to the west which would make it a total of 168 feet from the east property line which would be the rear lot line to Mr. Stone's property. He said that he understands that the requirements would allow them to go as far as 20 feet to the west property line but they would like to leave a little bit of room because there will be some runoff from the roof and that water will be collected and sent north. He said that if it helps the Board with their decision at tonight's public hearing and it would alleviate some of the adjacent homeowner's concerns he believes that Grand Prairie will commit to purchasing the .69 acres.

Mr. Hall asked Mr. Happ if he is anticipating a storm drain so that the detention basin that is east of the flat storage building will actually be discharging in to the stream.

Mr. Happ stated that there is a ditch that runs along the south side of the railroad and from there it goes west to the stream. He said that west of the new proposed bin is where we would discharge in to the ditch.

Mr. Hall stated that one thing the *Stormwater Management Policy* requires is if the slope of the basin floor is flatter than 2% then there must be an under drain system.

Mr. Happ stated that he is anticipating a dry basin so there will be under drains installed.

Mr. Hall asked if it would be fair to say that, in regards to Mr. Stone's concerns about soil wetness, it will be an improvement.

Mr. Happ stated that sometimes the term stormwater detention gives the impression that the water is going to be standing there but this is a dry basin. He said that the only time that the water will be present is when there is a heavy rain event and it will just be there long enough to detain it so that it doesn't rush to the ditch to the north. He said that the under drains will also be there to help keep the basin dry. He said that "basin" is probably not the best term to use for the area because it will mainly be a depressed area to collect the water to detain it so that it can be routed to a storm tile and

1 moved northwest to the ditch.  
2  
3 Mr. Hall stated that the underdrain system will keep the depressed area dry all year long.  
4  
5 Mr. Happ stated yes. He said that the depressed area will be maintained and mowed. He said that  
6 the west side of the property will be a grass swale between the west side of the property line and the  
7 building which will drain to the north.  
8  
9 Mr. Thorsland asked if Grand Prairie would be agreeable to building some sort of berm which would  
10 raise the height of the trees.  
11  
12 Mr. Happ stated yes. He said that the berm would raise the height of the trees even higher therefore  
13 there would be the blockage from the berm as well as the trees.  
14  
15 Ms. Griest asked if there was any natural drainage coming from the east currently.  
16  
17 Mr. Happ stated that if there was any drainage coming from the east it would be routed around the  
18 berm.  
19  
20 Mr. Thorsland asked Mr. Happ when he would be able to confirm the purchase of the .69 acres. He  
21 said that he understands that Grand Prairie is very committed to the purchase tonight but he would  
22 like proof that they can actually follow through with that commitment.  
23  
24 Mr. Hall stated that the Board could create a condition that staff could not issue a Zoning Use Permit  
25 for construction of the temporary flat grain storage building until a recorded deed is received  
26 verifying the purchase of the .69 acres.  
27  
28 Ms. McGrath stated that a revised site plan would be required if the .69 acres is purchased indicating  
29 that the building will be moved further to the west.  
30  
31 Mr. Hall stated that that requirement for a revised site plan would be a new condition for approval.  
32  
33 Ms. Griest stated that she would be much more comfortable with rearranging the docket and  
34 continuing the case to May 15<sup>th</sup> so that the Petitioner can have adequate time to purchase the  
35 additional .69 acres and prepare a revised site plan.  
36  
37 Mr. Thorsland stated that perhaps the adjacent property owners should be asked if the purchase of  
38 the additional .69 acres and the possible relocation of the flat storage building would help mitigate  
39 their concerns.  
40  
41 Ms. Griest informed Mr. Stone and Mr. Rutherford that the Board is sensitive to their concerns and  
42 they have tried to address those concerns with the Petitioner and Mr. Happ. She said that the Board  
43 believes that there is some form of reasonable compromise available to mitigate those concerns.  
44

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1 Mr. Stone stated that he is willing to work with Grand Prairie Co-op especially if they are willing to  
2 move the structure to the west and install a berm and landscaping. He said that he does not want this  
3 huge structure next to his house which will have a lot of water runoff. He said that he hadn't thought  
4 about the lighting issue but he is pleased to know that there will not be any interior lights and only  
5 exterior lights on the entrance end of the structure. He said that without exterior lighting his  
6 property may not be as safe as others may prefer but he likes it just fine.

7  
8 Ms. Griest asked Mr. Stone if he would find the planting of mature vegetation along the berm that  
9 would qualify as screening acceptable.

10  
11 Mr. Stone stated that it would be more acceptable if they maintain that landscaping.

12  
13 Ms. Griest asked Mr. Stone if he understood that the Petitioner is proposing a dry basin which would  
14 pull the stormwater away from the facility and may actually improve the drainage that he currently  
15 has on his property.

16  
17 Mr. Stone stated that the dry basin will be wonderful. He said that he was concerned that the  
18 detention area would be a swamp prone to mosquitoes. He said that he just wants to be able to enjoy  
19 his property and use the backyard for his grandchildren where they can play safely.

20  
21 Ms. Griest asked Mr. Stone if he had any other concerns that need addressed.

22  
23 Mr. Stone stated no, but he would like to see the revised site plan after the .69 acres is purchased.

24  
25 Ms. Griest asked if the Board had any additional questions for Mr. Stone and there were none.

26  
27 Ms. Griest asked if staff had any additional questions for Mr. Stone and there were none.

28  
29 Ms. Griest asked if the Petitioner or his representative had any additional questions for Mr. Stone  
30 and there were none.

31  
32 Mr. Stone thanked the Board for their consideration.

33  
34 Mr. Rutherford stated that as long as his sister and brother-in-law are happy with everything then he  
35 is fine. He said that they are the folks that are going to have to live right next to this facility but he is  
36 also concerned that after this flat storage building is constructed that the grain co-op will want to  
37 utilize Prairie Street, which is basically an alley, for access to the new building.

38  
39 Ms. Griest stated that Prairie Street, although it is not maintained very well, is actually a street and  
40 not an alley.

41  
42 Mr. Rutherford stated that he was informed by Grand Prairie's representatives that all traffic to the  
43 facility will be at the north end of the building therefore he would like to have something in writing  
44

1 stating that they will not utilize Prairie Street as an access to the property.

2  
3 Mr. Stone agreed.

4  
5 Mr. Rutherford stated that it appears that Grand Prairie is attempting to work with them.

6  
7 Ms. Griest stated that the Board works very hard to find a compromise when there is conflict and the  
8 Board understands that usually everyone attends the public hearing with the best of intentions.

9  
10 Mr. Miller stated that they are willing to extend the berm with the trees clear through the right of  
11 way of Prairie Street preventing any traffic from entering off of Prairie Street. He said that they  
12 have no intention of using the street. He said that the only reason that they moved the office in 1999  
13 was because someone was going to lose their life on the railroad tracks. He said that traffic was  
14 staged on David Street and residents were driving around the traffic and across down gates and they  
15 were going to be killed. He said that they were trying to create a safer atmosphere because their  
16 office was located right where it blocked the view of the railroad tracks. He said that the reason why  
17 they could not move their office in where it is now is because there were two alleys which Grand  
18 Prairie did not own so they could not move the office. He said that they had negotiations with the  
19 Village of Sidney and they were able to purchase the two alleys and the office was relocated and the  
20 trucks are staged on their property. He said that they do try to work with their neighbors in that they  
21 purchase washed pea gravel that does not promote dust.

22  
23 Mr. Miller stated that he knew that anyone within 250 feet of the subject property was going to  
24 receive notification of their requests therefore the adjacent property owners would receive the same  
25 packet of the information that he did in regard to the cases.

26  
27 Ms. Griest clarified that Mr. Miller was counting on what the County does automatically in sending  
28 out notification of the requests therefore his point was that he did not replicate that process.

29  
30 Ms. Griest stated that it appears that there is a little bit of work to do but it appears that this can all  
31 be completed by the May 15<sup>th</sup> public hearing.

32  
33 **Mr. Steeves moved, seconded by Mr. Thorsland to continue Case 614-S-08 to the May 15, 2008,**  
34 **public hearing. The motion carried by voice vote.**

35  
36 Mr. Hall recommended that Case 583-AT-07, Zoning Administrator be moved to the May 29, 2008,  
37 public hearing.

38  
39 **Mr. Thorsland moved, seconded by Mr. Steeves to move Case 583-AT-07, Zoning**  
40 **Administrator to the May 29, 2008 public hearing. The motion carried by voice vote.**

41  
42 **7. Staff Report**

43  
44 None

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**8. Other Business**

None

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

None

**10. Adjournment**

The meeting adjourned at 9:17 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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***DRAFT SUBJECT TO APPROVAL DRAFT***

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**DRAFT SUBJECT TO APPROVAL DRAFT**

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