

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street
Urbana, IL 61801

DATE: October 14, 2010 PLACE: Lyle Shields Meeting Room
1776 East Washington Street
Urbana, IL 61802

MEMBERS PRESENT: Doug Bluhm, Thomas Courson, Roger Miller, Melvin Schroeder, Eric Thorsland, Paul Palmgren

MEMBERS ABSENT : Catherine Capel

STAFF PRESENT : John Hall, J.R. Knight

OTHERS PRESENT : John Hurd, Ed Holzhauer, Elaine Holzhauer, Herb Schildt, Sherry Schildt, Ken Bierman, Dennis Bates, Ken Hieser, Barb Irvin, Herman Irvin, David Niccum, Dennis Birkey, Ron Rogers, Randall Hitchins, Tom Jordan, Dennis Cummins, David Kieffer, Steve Burdin, Robert Dodd, Spencer Sadler, Roger Davison, Greg Hitchins

1. Call to Order

The meeting was called to order at 7:05 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with one member absent.

3. Correspondence

None

4. Approval of Minutes (September 16, 2010)

Mr. Thorsland moved, seconded by Mr. Courson to approve the September 16, 2010, minutes as submitted. The motion carried by voice vote.

Mr. Thorsland moved, seconded by Mr. Courson to rearrange the agenda and hear Case 676-S-10 prior to Cases 665-AT-10 and 666-AT-10. The motion carried by voice vote.

5. Continued Public Hearing

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1
2 **Case 665-AT-10 Petitioner: Champaign County Zoning Administrator Request to amend the**
3 **Champaign County Zoning Ordinance by revising paragraph 4.3.3G. as follows: A. Increase the**
4 **maximum fence height allowed in side and rear yards from six feet to eight feet for fences in**
5 **Residential Zoning District and on residential lots in the AG-1 and AG-2 Zoning Districts; and B.**
6 **Require fencing that is higher than four feet tall to be at least 50% transparent when located in the**
7 **following areas: (1) In Residential Zoning Districts, all fencing that is in the front yard; and (2) On**
8 **residential lots in the AG-1, AG-2, and CR Zoning Districts, only fencing between the dwelling and**
9 **the driveway within 25 feet of the dwelling; and C. Increase the maximum allowed height of all**
10 **fencing to allow up to three inches of ground clearance.**

11
12 Mr. Hall stated that this is the sixth meeting for this case and was continued from the September 16, 2010,
13 public hearing. He said that no response has been received from the Sheriff regarding the Board's questions
14 about transparency for gates. He informed the Board that it is at their discretion to take final action in this
15 case or continue it to allow more time for the Sheriff to provide comments. He said that staff would
16 recommend a continuance date of December 16, 2010, because there is a conflict with the County Board for
17 the November 18th meeting. He said that if the Board feels that it is worth it, staff could check with the RPC
18 for the availability of the John Dimit Room on November 18th.

19
20 Mr. Palmgren asked how much time as passed since the Sheriff was first notified of this case.

21
22 Mr. Hall stated that the Sheriff was notified before the September 16, 2010, public hearing and it was
23 requested that his comments be received before this meeting but no comments have been received to date.

24
25 Mr. Thorsland asked Mr. Hall if anyone is awaiting the decision of this case before they can install their
26 fence.

27
28 Mr. Hall stated that Mr. Drollinger has had his fence up for a couple of years and he is very happy with his
29 fence at the height that it is currently which is eight feet. Mr. Hall stated that there is a neighbor dispute
30 occurring in the County regarding a fence but the neighbor understands that either the eight foot fence will
31 be authorized by the amendment or a variance will be required. He said that there is no rush but it would be
32 nice to defuse the neighbor dispute.

33
34 Mr. Palmgren stated that he would like some input from the Sheriff therefore he would like to continue the
35 case to a later date.

36
37 Mr. Hall asked the Board if they would rather continue this case until after the election.

38
39 Mr. Thorsland stated that the original reason why this case was continued was because the Board desired the
40 Sheriff's input on the amendment.

41
42 Mr. Bluhm stated that Mr. Herb Schildt had signed the witness register and asked Mr. Schildt if he would

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1 like to present testimony regarding this case.

2
3 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet asked Mr. Hall if he had the final copy of the
4 proposed amendment. He stated that he had Supplemental Memorandums dated September 10th and
5 September 16th.

6
7 Mr. Knight stated that the September 16th Supplemental Memorandum is the current version of the proposed
8 amendment.

9
10 Mr. Hall stated that a special meeting could be held on December 2, 2010, or the case could be continued to
11 the December 16, 2010, public hearing. He said that due to the lack of items on the docket there really is not
12 a great need to hold a special meeting.

13
14 **Mr. Schroeder moved, seconded by Mr. Thorsland to continue Case 665-AT-10 to the December 16,**
15 **2010, public hearing. The motion carried by voice vote.**

16
17 **Case 666-AT-10 Petitioner: Champaign County Zoning Administrator Request to amend the**
18 **Champaign County Zoning Ordinance by revising Subsection 6.1 and paragraph 9.1.11D.1. to clarify**
19 **that the standard conditions in Subsection 6.1 which exceed the requirements of Subsection 5.3 in**
20 **either amount or kind are subject to waiver by the Zoning Board of Appeals or County Board.**

21
22 Mr. Hall distributed a new Supplemental Memorandum dated October 14, 2010, for the Board's review. He
23 said that attached to the memorandum is a revised finding of fact which reviews the proposed amendment
24 under the Goals, Objectives and Policies of the Land Resource Management Plan (LRMP). He said that the
25 finding of fact does not include any new evidence. He said that he sent a question to the State's Attorney
26 that is of some relevance to this case and if the State's Attorney agrees with what he has proposed it
27 wouldn't change anything in this case but there would be a follow-up text amendment regarding standard
28 conditions and protest rights by townships. He said that no matter what the outcome of the State's
29 Attorney's determination it is not relevant to what is being done in this amendment because this amendment
30 is to clarify that it is the intent to make standard conditions subject to waiver which may be subject to protest
31 by a township with a plan commission. He said that if this is the case then that should be added to the
32 Zoning Ordinance as well as the whole township protests for text amendments and map amendments. He
33 recommended that this case be continued to the December 16th meeting.

34
35 **Mr. Thorsland moved, seconded by Mr. Palmgren to continue Case 666-AT-10 to the December 16,**
36 **2010, public hearing. The motion carried by voice vote.**

37
38 Mr. Bluhm called Mr. Schildt to testify.

39
40 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet stated that he is anxious to hear the State's
41 Attorney's opinion as well. He said that he has thought since he first saw the notice for this case that the
42 advertisement for Case 666-AT-10 is inadequate and staff may want to think about re-advertising it. He said

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1 that the case does more than the advertisement indicates. He said that the advertisement indicates that the
2 proposed amendment revises Subsection 6.1 and paragraph 9.1.11 D.1. to clarify that the standard conditions
3 in Subsection 6.1 which exceed the requirements of Subsection 5.3 in either amount or kind are subject to
4 waiver by the Zoning Board of Appeals or County Board. He said that the proposed amendment does at least
5 two other things of significance. The first is that it brings into the waivability clause of 9.1.11D.1 Section
6 6.1.1 A, which is site reclamation. He said that if you look at how the proposed revision of Section 6.1 is
7 worded it states that the standards listed in this subsection which exceed the applicable district standards in
8 Section 5.3 in either amount or kind and which are not specifically required under another County Ordinance
9 can be waived. He said that the renumbering and rewording makes Section 6.1.1 A. subject to a waiver and
10 he is not sure if that is intentional. He said that change seemed like a fairly large change to him. He said that
11 the amendment also makes Section 6.1.4 subject to the waivability provision of 9.1.11.D.1. and that should
12 be explicitly stated. He said that it expands significantly the things that are subject to waiver in 9.1.11.D.1
13 because of the “in either amount or kind” phrase. He said that he believes that this should be stated in the re-
14 advertisement for the case.

15
16 Mr. Schildt said that this has another effect because, at this moment in time, both the site reclamation and
17 wind farm standard conditions are subject to variance only, and by making them subject to waiver the
18 amendment lowers the standard of the requirements. He stated that a variance has five standards that have to
19 be met, whereas the waiver provision of 9.1.11 D.1 only has two. He said that this should be pointed out in
20 the re-advertisement because he thinks that people who are not familiar with the subtleties of the Zoning
21 Code need to understand the significance of the changes in the proposed amendment. He said that he was
22 ambivalent about whether he should mention this, but ultimately decided he should because this
23 advertisement does not adequately characterize the proposed amendment.

24
25 Mr. Schildt said that something needed to be said regarding the protest rights of townships with plan
26 commissions because if the State’s Attorney’s opinion stated that no protest rights should exist on waivers,
27 then clearly the change in the proposed amendment would be a significant reduction in the protest rights of
28 all townships in the county. He said that this case should possibly be withdrawn until the State’s Attorney’s
29 opinion is available because that reduction in protest rights should be part of the re-advertisement. He said
30 that even though the case description is not very long the side effects are actually very significant until some
31 issues are clarified.

32
33 Mr. Bluhm stated there would be ample time to get the State’s Attorney’s opinion back before the next
34 meeting for this case.

35
36 Mr. Bluhm asked if there was anyone else who wished to sign the witness register and there was no one.

37
38 **6. New Public Hearings**

39
40 **Case 676-S-10 Petitioner: United Prairie LLC, owned by Premier Cooperative and Topflight Grain**
41 **Request to authorize “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of**
42 **blended fertilizer” as a Special Use Permit in the AG-1 Agriculture Zoning District. Location: Lots 1,**

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1 **2 & 3 of August Miller's Subdivision in Section 34 of East Bend Township and commonly known as**
2 **the houses at 3062 CR 950E and 3054 CR 950E, Dewey.**

3
4 Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone
5 the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands
6 for those who would like to cross examine and each person will be called upon. He requested that anyone
7 called to cross examine go to the cross examination microphone to ask any questions. He said that those
8 who desire to cross examine are not required to sign the witness register but are requested to clearly state
9 their name before asking any questions. He noted that no new testimony is to be given during the cross
10 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt
11 from cross examination.

12
13 Mr. Hall stated that no new memorandum is available for tonight's meeting therefore the Preliminary
14 Memorandum dated October 8, 2010, will be reviewed. He said that the Preliminary Memorandum reviews
15 the fact that this is a Special Use Permit in the AG-1 district for a property which is on the east side of
16 Dewey and fronts a county highway. He said that there are five conditions of approval of which Condition
17 #1 requires County Engineer approval of the access onto County Highway 23. He said that Condition #2
18 requires compliance with the Stormwater Drainage Policy. He said that the petitioner has shown ample area
19 on the site plan and now that Stormwater Drainage Plans are required for normal permitting it is really
20 unnecessary for a Stormwater Drainage Plan to be confirmed during a public hearing because it can be done
21 during permitting, provided that the Board is convinced that it is feasible on the property as shown on the
22 site plan. He said that there are two existing single family dwellings on the subject property therefore there
23 are private wells on the property and Condition #3 requires documentation indicating that the private wells
24 are properly sealed as required by the Champaign County Health Department. He said that Condition #4 is
25 in regards to the Illinois Accessibility Code and Environmental Barriers Act. He said that these are state
26 accessibility requirements and the Board cannot vary or give interpretations of those requirements. He said
27 that Condition #5 is in regards to outdoor storage and operations. He said that that the site plan indicates a
28 large berm on the west side of the subject property and it is not clear at this point as to how much screening
29 the berm will provide. He said that all of the outside areas on the property are sites of outdoor storage or
30 operations and are all well within 1,000 feet of separation of residences therefore adequate screening is
31 required. He said that it appears that the berm is proposed to be the principal screening device but it is
32 unknown as to how high the berm will be therefore even if all the other details are not worked out during this
33 public hearing the screening must still be provided. He said that the Summary of Evidence includes all the
34 information received from the petitioner at this point and time.

35
36 Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.

37
38 Mr. Bluhm called Tom Jordan to testify.

39
40 Mr. Tom Jordan of Foth Companies stated that he is present tonight to represent United Prairie, LLC with
41 their request. He complimented staff on their very comprehensive and exhaustive review of this case. He
42 said that Ken Bierman, General Manager for United Prairie, LLC; and Dennis Bates, Operations Manager for

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1 United Prairie, LLC; and David Kieffer, Regional Operations Manager for United Prairie, LLC; and Robert
2 Dodd, petitioner's attorney; and Dennis Cummins, Site Design Engineer for Foth Companies; and Spencer
3 Sadler and Randall Hitchins, co-petitioners are all present at tonight's meeting. He said that as noted in the
4 memorandum the contemplated use for the tract is for Phase I which is the storage and sale of anhydrous
5 ammonia and Phase II will be for the storage and sale of liquid chemicals. He noted that there would be no
6 manufacturing of fertilizer on the site. He said that staff had mentioned a required screen, specifically a
7 Type D screen, and the petitioners have chosen to construct an 8 foot high berm. He said that there is a 100
8 foot setback on the west side of the property which is along the east side of County Highway 23 therefore the
9 petitioner has chosen to build an 8 foot landscaped berm. He said that topsoil will be removed where there
10 are driveways and will be used to construct the berm. He said that the detention area along the east side of
11 the site will also yield some topsoil although the intent will be to excavate for the dry basin and replace the
12 topsoil so that it has a good grass seed bed and use the other material for the embankment. He said that all of
13 the details are not complete but rather than generating the construction plans, etc. and presuming that the
14 Board would grant their request the petitioners would like to have the Board's concurrence that this is a
15 proper use for the site under a special use permit with any imposed conditions and then submit the detailed
16 plans during permitting. He said that there will be no other fencing constructed around the subject property
17 because the petitioners believe that it will encourage vandalism and would be an attractive nuisance. He said
18 that the fence will not deter anyone who does not have the right reason to be on the site from accessing the
19 site. He said that the operational knowledge at United Prairie is very extensive and the safeguards that are in
20 place will prevent vandalism and any other kind of invasive conduct or potential miscues by United Prairie
21 employees. He said that some of the safety features of the planned operations include the year around
22 locking of the mobile tanks; it is not possible for an unauthorized person to open the delivery tanks due to
23 the remote shut-offs that have been installed on the tanks; all of the risers and pipes have breakaways; all
24 tanks have internal valves and all valves have excess flow capacity.

25
26 Mr. Jordan stated that staff questioned the amount of employees which are intended to work at the facility.
27 He said that during the initial operations of Phase I it is anticipated that 1-4 flexible employees during
28 seasonal peaks, which are six weeks in the spring and fall. He said that out of season hours of operation
29 would be 7:00 a.m. to 4:00 p.m. and in season, six weeks during the spring and fall, would be 5:30 a.m. to
30 8:00 p.m. He said that future phases would include 5 -7 full-time employees on the site with an additional 7
31 flexible employees during the seasonal peaks with the same hours as Phase I.

32
33 Mr. Jordan stated that the first day that he was asked to participate in this project he contacted Jeff Blue,
34 Champaign County Highway Engineer, regarding the signage for truck limits. Mr. Jordan stated that he was
35 concerned that County Highway 23 was not a truck route and trucks wouldn't be allowed to travel to the
36 north side of the site. He said that during the initial conversations with Mr. Blue it was not determined
37 where the entrance to the facility might be located because they were only discussing 8 acres and the
38 operations for Phase I and Phase II will fit on the north two lots. He said that it appeared most logical to
39 place the entrance to the facility as an extension of Second Street as it intersects with County Highway 23
40 and in the next few days the south tract became available and it was included in the proposal and we did
41 located the entrance as shown.. He said that Mr. Blue's review of the proposal indicated that it would be
42 better for traffic and safety on County Highway 23 if there was a stop sign installed on east bound Second

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1 Street. He said that Mr. Blue has a valid comment but the same issue exists for the traffic that currently
2 exists along that area. He said that the traffic count for County Highway 23, as indicated in the Preliminary
3 Draft Finding of Fact Item 8.C(3), is 275 AADT where it passes the subject property and in the
4 transportation world that is not very many vehicles at all; for example North Prospect Avenue sees over
5 40,000 vehicles per day. He said that the County recommended a minimum width of 22 feet for a local road
6 with an ADT of more than 400 vehicle trips and County Highway 23 is 24 feet wide therefore it is wider
7 than the stated minimum. He said that United Prairie estimates that there will be approximately 100 semi-
8 truck delivery loads in a six week season with approximately 90% of those vehicles coming during the
9 operational hours therefore there would be 90 semi-trucks delivering anhydrous ammonia during the in-
10 season when Phase I is completed with two tanks. He said that a concern in design is not really the ADT but
11 hourly volume because when you drive in an urban community the peak hours in the morning and evening
12 are the main concern. He said that Mr. Blue recommended that the entrance to the facility be asphalted and
13 the petitioners have voluntarily agreed to use high-mix asphalt on the entrance and those construction details
14 will be submitted to Mr. Blue for approval prior to construction. He said that any construction would be
15 submitted for approval by the County and completed to the County's satisfaction prior to the issuance of a
16 compliance certificate.

17
18 Mr. Jordan stated that the matter of stormwater detention is a valid concern because the contours on the
19 topographic map indicate that the stormwater drains to the east. He said that if you walk the site you would
20 notice water standing on the north and east sides of the site and those are conditions which exist currently
21 and United Prairie is committed to alleviating that maintenance issue by either cleaning out the tiles or
22 constructing a new tile down to the Wild Cat Drainage Ditch. He said that if the tiles are in good condition
23 they will be utilized and maintained but if not then the tiles will be replaced. Mr. Jordan said that the
24 drainage district attorney was contacted and made aware that either the existing tile will be cleaned out and
25 maintained or will be totally replaced down to County Highway 23. He said that the petitioner is estimating
26 that the ultimate solution for stormwater detention will run into the one to two-acre feet of volume. He said
27 that the County has hired a consultant to review the petitioner's consultant's work to guard against a
28 miscommunication in design calculations. He said that they are fully prepared to submit a stormwater
29 pollution prevention plan to the IEPA for permitting. He said that as a practical matter the IEPA is more
30 interested in the fees that are collected than the implementation of the erosion control plan that the County is
31 interested in. He said that the planned lighting for the site is controlled security lighting at the southeast
32 corner of the property where the nurse tanks would be assembled and parked and the lighting would run all
33 night. He said that it is the intent to install lighting at the loading platforms at the anhydrous ammonia tank
34 area that can be turned on during operations when required. He said that the lighting will comply with
35 Ordinance No. 831 and it is intended that the lighting will be 150 watt halogen lamps and only utilized when
36 the area is in use. He said that there are no community wells but there are two private wells on the subject
37 property and it is anticipated that one of those wells will be plugged by a professional well company.

38
39 Mr. Jordan stated that United Prairie staff were directed by their Board to find a suitable site as near Dewey
40 as possible because it is a central area for their market share. He said that their market share is now met at
41 their Tolono facility and they would like to construct an operations facility in the Dewey area. He said that
42 currently United Prairie has 10 or 12 customers in this area and its an economic choice on United Prairie's

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1 part to be located on the subject property because the land is available and it is a good site which is next to
2 County Highway 23 and is adjacent to the short rail along the Canadian Northern Railroad. He said that in
3 the very far future the facility could possibly have rail delivery but it is not anticipated at this time. He said
4 that another facility, not United Prairie, in Champaign County has a nurse tank sitting next to the right-of-
5 way along a county highway and that will not be the case at the subject property because the nurse tank will
6 be located off of the highway and screened. He said that one year ago United Prairie opened the Jamaica
7 facility and the program for the facility was 300 tons per year and the last year has resulted in the sale of
8 1025 tons during the first year of operation which is 3 times what they had projected. He said that United
9 Prairie does have customers in the subject area that will fully utilize the facility for their operations. He said
10 that the subject property consists of three lots in an older recorded subdivision and it is to be treated as one
11 tract. He said that if there is ever a need to comply with the Plat Act or the County's Subdivision Ordinance
12 then the petitioner would comply but he does not believe that a subdivision issue would be before the ZBA
13 unless it was part of the special use request.

14
15 Mr. Hall stated that subdivision issues do not come before the ZBA and he does not see any subdivision
16 issues with this property.

17
18 Mr. Jordan stated that the three lots would be considered as one tract for zoning purposes and there are no
19 flood hazard areas or wetlands on the subject property. He said that there are no violations in regards to the
20 Champaign County Health Ordinance, Public Nuisance Ordinance or the County's license ordinance. He
21 said that there is a provision in the Zoning Ordinance for a non-adaptable structure which requires a bonding
22 for conversion and they would prefer not to do this because they do not feel that any of the buildings which
23 will be constructed on the site are such that they couldn't be converted to something else. He said that it is
24 his judgment that the intent of the code was intended for big box storage which is very difficult to convert to
25 something else but to have a perpetual bond out there to convert a building is not economical to the
26 developer. He said that there are a number of regulations that come into play with this facility such as the
27 County's setbacks, the Department of Agriculture and the minimum radius from a residential area. He said
28 that the submitted site plan indicates that the facility will meet the County's conditions therefore
29 construction plans will be prepared for review. He said that the construction plans will include demolition
30 plans and they are aware that an environmental site assessment will be necessary in order to do the
31 demolition. He said that grading plans, stormwater management plans, paving and geometric plans and
32 technical special provisions will be prepared. He said that it is their intent that all of the site work will be
33 constructed in accordance with IDOT standard specifications for road and bridge construction and the
34 standard specifications for water and sewer main construction in Illinois. He said that water well
35 construction and waste water provisions would be governed by the Champaign County Public Health
36 Department and the Illinois Environmental Protection Agency. He said that any improvements in the future
37 which may require attention to ADA or the IEBA would be complied with and his firm, a civil consulting
38 firm, would deal with any issues outside of the structure and an architect would deal with the interior issues.
39 He said that approximately 10 days ago he contacted the Illinois Historic Preservation Agency and typically
40 there is a routine letter which indicates that there are no problems but to date he has not received a response.
41 He said that he did go online to review EcoCAT to see if there were any listed endangered species on the
42 subject property and there were none listed on the website. He said that multiple agencies control an

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1 operation of this nature which includes the previously mentioned agencies as well as the United States
2 Department of Homeland Security. He said that no dry fertilizer is to be manufactured or stored at the site
3 because that activity will be restricted to the Tolono facility. He said that it is their position that the Findings
4 of Fact that will be reviewed are fully supported by the documentation that has been presented to the Board
5 as well as his testimony at tonight's hearing.

6
7 Mr. Bluhm asked the Board if there were any questions for Mr. Jordan and there were none.

8
9 Mr. Bluhm asked if staff had any questions for Mr. Jordan.

10
11 Mr. Hall asked Mr. Jordan if he believes that Mr. Blue will accept the access drive that is indicated on the
12 current site plan.

13
14 Mr. Jordan stated yes. He said that he believes that Mr. Blue is in agreement with the current location
15 because it has an adequate turning radius for semi-trucks. He said that Mr. Blue's only comment was to
16 install a stop sign for the east bound movement. Mr. Jordan stated that the existing traffic will also have a
17 stop sign at that location but Mr. Blue's comments were in relation to the existing conditions rather than
18 what was being proposed. He said that the entrance road was moved as far south as possible to remove it
19 from the residences because they desire to be a good neighbor. He said that it is the intent of the petitioner to
20 landscape the berm and to keep it well maintained so that it is an operational, crisp site.

21
22 Mr. Hall stated that at a staff level it was always thought that this was not a non-adaptable structure. He
23 recommended a new Item #12 be added to the Summary of Evidence indicating the following: The proposed
24 special use is not a non-adaptable structure, as regulated by the Zoning Ordinance, and no reclamation
25 agreement is required. He said that this settles the issue once and for all and it is included in the Summary of
26 Evidence which proves that the issue was not ignored but addressed.

27
28 Mr. Bluhm asked the Board and staff if there were any further questions for Mr. Jordan and there were none.

29
30 Mr. Miller stated that he has a question for one of the United Prairie employees.

31
32 Mr. Bluhm called Ken Bierman and Dennis Bates to testify.

33
34 Mr. Ken Bierman, General Manager for United Prairie, and Dennis Bates, Operations Manager for United
35 Prairie, indicated that they were available to answer Mr. Miller's questions.

36
37 Mr. Miller asked why the facility will not store dry fertilizer since United Prairie is going through the extent
38 of building a fertilizer facility to service the community.

39
40 Mr. Ken Bierman, General Manager for United Prairie, stated that at the Tolono facility there is a 25,000 ton
41 dry facility and currently there are five other locations. He said that ten or fifteen years ago most retail plant
42 operations had a small dry fertilizer facility at each plant but this day and age with the investment that has

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1 been made United Prairie resources their dry fertilizer out of one plant. He said that the customers that are in
2 Dewey as well as in other locations are being serviced out of Tolono for their dry fertilizer needs therefore
3 they do not need to invest in anymore dry fertilizer facilities that are within the 40 mile radius of Tolono. He
4 said that the hub in Tolono is a rail facility that can load 70 to 80 car trains.
5

6 Mr. Bluhm asked Mr. Bierman if there was anything else that he would like to add as testimony for this case.
7

8 Mr. Bierman stated that he spoke to a few people in the Dewey area about the berm and it is United Prairie's
9 intention to create a green space next to County Highway 23. He said that when they demolish the existing
10 houses and construct the berm the area will be seeded in grass and landscaped which is unlike any of the
11 other facilities. He said that this will be a nice looking facility with good aesthetics that will upgrade the
12 look that is currently in existence.
13

14 Mr. Bluhm asked the Board if there were any questions for Mr. Bierman and there were none.
15

16 Mr. Bluhm asked if staff had any questions for Mr. Bierman and there were none.
17

18 Mr. Bluhm asked the audience if anyone had any questions for Mr. Bierman.
19

20 Mr. John Hurd, who resides at 305 Independence Street, Dewey, stated that he is the President of the Dewey
21 Water District and asked Mr. Bierman if it is the intention of United Prairie to keep both or one of the water
22 meters for the building that will constructed.
23

24 Mr. Bierman stated that Phase I, located on the Hitchins' property, would house a facility with a bathroom
25 and a meter would be utilized for that facility. He said that during Phase II there will also be a need for
26 water resources when the agri-chemicals are loaded therefore the intent would be to keep at least one of the
27 meters.
28

29 Mr. Hurd stated that a meter is located on the north end of the property if they want to run off of that meter.
30

31 Mr. Bierman stated that United Prairie will need to meet with the Dewey Water District to determine what
32 will be the best plan for the necessary water resources at the facility. He said that one thing that is attractive
33 about the southern facility is that it does have a couple of offices and a bathroom therefore the employees
34 can get out of the elements. He said that Phase I will be a seasonal facility.
35

36 Mr. Bluhm asked the audience if anyone else desired to cross examine Mr. Bierman and there was no one.
37

38 Mr. Bluhm asked Dennis Bates if he would like to add any testimony.
39

40 Mr. Bates, Operations Manager for United Prairie, reiterated what Mr. Bierman indicated in that they desire
41 to have facility to be a neighborly plant which will be run professionally and in compliance with all
42 regulations.

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1
2 Mr. Bluhm asked the Board if there were any questions for Mr. Bates and there were none.
3
4 Mr. Bluhm asked if staff had any questions for Mr. Bates and there were none.
5
6 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Bates and there was no one.
7
8 Mr. Bluhm called Mr. Dennis Cummins.
9
10 Mr. Dennis Cummins declined to testify.
11
12 Mr. Bluhm called Mr. Robert Dodd.
13
14 Mr. Robert Dodd declined to testify.
15
16 Mr. Bluhm called Mr. David Niccum to testify.
17
18 Mr. David Niccum, who resides at 108 Third Street, Dewey, stated that his residence is approximately a
19 block and one-half from the proposed facility. He said that many people are concerned about the amount of
20 water that is going to be used at the facility and what stress it will cause on the small plant that was just
21 recently constructed. He said that there is a church located about one block from the facility and they are
22 planning on building on to the church and construct playgrounds for the children therefore there is a concern
23 about any hazards that the new facility may propose.
24
25 Mr. Bluhm stated that perhaps the Board can obtain some information regarding water usage.
26
27 Mr. Bluhm asked the Board if there were any questions for Mr. Niccum and there were none.
28
29 Mr. Bluhm asked if staff had any questions for Mr. Niccum and there were none.
30
31 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Niccum and there was no one.
32
33 Mr. Bluhm called Barb Irvin to testify.
34
35 Mrs. Barb Irvin, who resides at 3057 CR 950E, Dewey, stated that her residence is across the street from the
36 proposed facility. She said that her husband is on oxygen and she has asthma very bad. She said that her
37 doctor was on the television discussing how all of the elevators will be affecting a lot people with lung
38 problems. She said that she is concerned about her driveway being blocked by trucks that are waiting to get
39 in and out of the facility onto County Highway 23.
40
41 Mr. Bluhm asked the Board if there were any questions for Mrs. Irvin and there were none.
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1 Mr. Bluhm asked if staff had any questions for Mrs. Irvin and there were none.
2
3 Mr. Bluhm asked the audience if anyone desired to cross examine Ms. Irvin and there was no one.
4
5 Mr. Bluhm called Herman Irvin to testify.
6
7 Mr. Herman Irvin said that his concerns were some things mentions by his wife and he declined to testify.
8
9 Mr. Bluhm called Mr. Holzhauser to testify.
10
11 Mr. Holzhauser declined to testify.
12
13 Mr. Bluhm called Mr. John Hurd to testify.
14
15 Mr. John Hurd, who resides at 305 Independence Street, Dewey, stated that the new water plant was built in
16 2007 and the water district is concerned if they would be able to provide enough water to the facility or if
17 another well will be required. He said that Item #8.C(1) of the Preliminary Draft indicates that the subject
18 property is within the protection area of the Sangamon Valley Fire Protection District and it is located
19 approximately .03 road miles from the fire station. He said that the fire department has left Dewey and the
20 building was purchased by the township therefore the nearest fire department is located five miles away from
21 Dewey in Fisher.
22
23 Mr. Bluhm asked the Board if there were any questions for Mr. Hurd and there were none.
24
25 Mr. Bluhm asked if staff had any questions for Mr. Hurd.
26
27 Mr. Hall thanked Mr. Hurd for sharing the information regarding the fire protection district. He asked Mr.
28 Hurd how long the Dewey fire station had been closed.
29
30 Mr. Hurd stated that it has been within the last three months. He said that the building has been sold to the
31 township.
32
33 Mr. Hall stated the notice was sent to the Dewey station and not the Fisher station.
34
35 Mr. Bluhm asked Mr. Hurd if perhaps the Dewey station has its mail forwarded to the Fisher station.
36
37 Mr. Hurd stated that he has no idea.
38
39 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Hurd and there was no one.
40
41 Mr. Bluhm called Spencer Sadler to testify.
42

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1 Mr. Sadler declined to testify.

2

3 Mr. Bluhm called David Kiefer to testify.

4

5 Mr. David Kiefer, Regional General Manager for Premier Co-Op, stated that they are trying to provide a
6 service to their farming customers. He said that the Co-Op is owned by its customers and over the past 20
7 years farming has become more of a business rather than just a way of life. He said that one of the things
8 that Premier Co-Op is trying to do is service those customers by providing contracts and marketing advice
9 but one of the things that they cannot do very well in the Dewey area is provide advice and services on
10 inputs. He said that fertilizer is one of the biggest inputs farmers have when putting in their crop and this
11 facility will offer a variety for the farmers which will be price competitive with the current market. He said
12 that Premier Co-Op will have the ability to lean on the Dewey facility to provide fertilizer plans to boost
13 yields in the customer's fields. He said that 25% to 30% of the grain handled for the whole company comes
14 through the elevator in Dewey therefore there is a very large customer base in the area. He said there was a
15 concern about standing traffic and the traffic which will go in and out of the elevator although this should
16 not be an issue because of the location of the driveways for the facility and the proximity of County Highway
17 23. He said that Premier Co-Op desires to be a good steward of the community and anything that can be
18 addressed to assure that stewardship is welcomed.

19

20 Mr. Bluhm asked the Board if there were any question for Mr. Kiefer.

21

22 Mr. Bluhm stated the fertilizer plant should not have the standing traffic that the elevator could have because
23 there is ample space on the site plan for trucks to get on the site and off of the road.

24

25 Mr. Kiefer stated that trucks that will be coming onto the site to unload would consist of just a little over 3
26 trucks per day or 100 trucks per month. He said that during harvest the elevator will receive 250 to 300
27 trucks per day and those trucks will use a different entrance.

28

29 Mr. Bluhm asked if staff had any questions for Mr. Kiefer and there were none.

30

31 Mr. Bluhm asked the audience if anyone had any questions for Mr. Kiefer and there were none.

32

33 Mr. Bluhm called Ken Heiser to testify.

34

35 Mr. Heiser declined to testify.

36

37 Mr. Bluhm asked the audience if anyone else desired to sign the witness register to present testimony
38 regarding Case 676-S-10 and there was no one.

39

40 Mr. Bluhm recalled Mr. Bierman to present additional testimony.

41

42 Mr. Bierman stated he would like to address some of the water concerns that were mentioned previously. He

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1 said that in Phase I they will be using minimal water because the facility will be on a seasonal basis. He said
2 that Phase II, in comparison to the Tolono facility, they are limited to what a 2" line will put out in a day
3 therefore they will have storage tanks which will store water on the site ahead of the season so that they do
4 not need short bursts from the 2" line. He said that they will install 30 to 60,000 gallon storage tanks for
5 water and during the season they will use the water accordingly. He said that they will work with the water
6 district to minimize their concerns about water and if a well is required to obtain additional water sources
7 then they will be agreeable to doing so. He said that if he has to install one or four 30,000 gallon water tanks
8 for storage then so be it because it is just one of the necessary evils of the business.

9
10 Mr. Bluhm asked the Board if there were any questions for Mr. Bierman and there were none.

11
12 Mr. Bluhm asked if staff had any questions for Mr. Bierman.

13
14 Mr. Hall asked Mr. Bierman if he had any idea where the water storage tanks would be located on the
15 property.

16
17 Mr. Bierman stated that the site plan indicates some round storage tanks on the west side of the chemical
18 building but after speaking to some of the neighbors it was decided that the water tanks would be placed in a
19 dike along with some of the liquid fertilizer tanks on the east side of the building. He said that he needs the
20 storage tanks next to the chemical building because of the piping. He said that they are so highly regulated
21 with the Illinois Department of Agriculture and the Illinois Environmental Protection Agency that all of the
22 driveways would be sloped and storage tanks would be located in concrete dikes.

23
24 Mr. Hall asked Mr. Bierman if there would be more tanks than were indicated on the site plan.

25
26 Mr. Bierman stated that he believes that the six tanks indicated would be sufficient for capacity.

27
28 Mr. Bluhm asked the Board and staff if there were any additional questions for Mr. Bierman and there were
29 none.

30
31 Mr. Bluhm asked if anyone in the audience desired to sign the witness register to present testimony regarding
32 Case 676-S-10 and there was no one.

33
34 Mr. Bluhm closed the witness register.

35
36 Mr. Miller stated that there was a concern about potential hazards with the church and a future daycare
37 facility across the street from the facility. He said that the site plan indicates that the facility is on the east
38 side of Dewey which is ideal because in a worst case scenario with an anhydrous tank bursting the prevailing
39 winds would carry the chemical in a direction that would prevent injury to the residents.

40
41 Mr. Bluhm stated that the prevailing winds are normally from the south/southwest. He said that he likes the
42 configuration of the site plan because even though the facility could have been placed on two lots the

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1 addition of the third lot gives ample space on the lots for the truck traffic getting it away from County
2 Highway 23. He asked Mr. Hall if the Board needs to address the fire protection district.

3
4 Mr. Hall stated that is the Board's decision but it appears that the district received an informal notice
5 although it is hard to believe that the fire protection district is not aware of this proposal. He said that if the
6 fire protection district claims that they did not receive a mailed notice then he would have to agree that they
7 did not.

8
9 Mr. Thorsland stated that he would be comfortable in believing that the fire protection district had a
10 forwarding address to the Fisher station. He said that if there was a way, without making it a condition, that
11 the Board could verify that the fire protection district received notice. He said that the Summary of Evidence
12 should be revised to indicate the correct location of the fire protection district.

13
14 Mr. Bluhm stated that the Board completed its due diligence and was not aware of the closing of the Dewey
15 station.

16
17 Mr. Miller stated that five miles is still a reasonable distance for response time to Dewey from the Fisher
18 station. He said that in consolidating some of the smaller fire districts the Fisher station may prove to be a
19 better equipped district for protection. He said that just because a fire station is located in Dewey does not
20 mean that there would be immediate response to an incident.

21
22 Mr. Ken Heiser stated that he is a farmer and Board member for Premier Co-Op and United Prairie. He said
23 that the Sangamon Valley Fire Protection District included fire stations in Dewey, Foosland and Fisher. He
24 said that the Sangamon Valley Fire Protection District has closed the Foosland and Dewey stations and
25 consolidated into one operation in Fisher. He said that he believes that they did the consolidation so that
26 they would have more access to people who can get to the equipment and service the immediate response.
27 He said that there is another anhydrous ammonia plant within three and one-half miles that would be served
28 by the Fisher station.

29
30 Mr. Hall stated that, regarding the church, the facility already exceeds the setbacks required by the Illinois
31 Department of Agriculture for public assembly uses therefore he would be at a loss to say anything other
32 than this exceeds any standard that there is. He said that in regards to dust the facility is perfectly located to
33 minimize any dust going into the residential area. He said that if the County was concerned about dust there
34 would be a condition requiring paving, which there is not, and in this instance the facility is perfectly located
35 so that he does not see that any special condition would be warranted. He said that he is at a loss about the
36 water although Mr. Bierman has indicated that there will be adequate storage for water therefore no huge
37 draw down should occur on the water district during their seasonal operation. He said that the Board can
38 either trust Mr. Bierman's testimony or require additional information.

39
40 Mr. Bluhm stated that it is a "Catch 22" in that if they are having a problem with the water it will hurt the
41 plant just as much as it will hurt the village therefore they will either want to drill their own well or do
42 something to maintain the required capacity. He said that the Board has received good faith testimony that

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1 they will work with the water district as to what is available and if a new well is required then they will drill
2 one.

3
4 Mr. Hall stated that this facility is not in a part of the County where there is a known problem with water
5 availability. He asked the Board if they wanted to make sure that any of the testimony received tonight is
6 inserted into the Summary of Evidence.

7
8 Mr. Thorsland stated that the fire protection district should be corrected.

9
10 Mr. Hall stated that Item #8.D(1) on Page 9 of the Preliminary Draft Summary of Evidence should be revised
11 as follows: The subject property is within the protection area of the Sangamon Valley Fire Protection
12 District that is located in Fisher which is approximately 4 to 5 road miles from the fire station.

13
14 Mr. Bluhm asked Mr. Hall if the Summary of Evidence indicates testimony regarding no storage of dry
15 fertilizer on the facility.

16
17 Mr. Hall stated that Item #5.B only discusses liquid chemicals and liquid fertilizer.

18
19 Mr. Bluhm stated that the last sentence in Item #5.B could be revised to indicate the following: There will
20 be no manufacturing of fertilizer and no storage of dry fertilizer. He asked Mr. Bierman to clarify what
21 liquid chemicals entail.

22
23 Mr. Ken Bierman stated that there would be liquid fertilizer on the facility.

24
25 Mr. Hall stated that the following could be added as Item #5.B(1): At the public hearing on October 14,
26 2010, Ken Bierman, Regional Manager for United Prairie testified that there would be no dry fertilizer
27 storage but there would be liquid fertilizer storage.

28
29 Mr. Miller stated that the Illinois Department of Agriculture or IEPA will be more restrictive than the
30 County. He said that he does not see any reason why the facility should be restricted in not allowing dry
31 fertilizer storage.

32
33 Mr. Hall stated that no such condition has been proposed.

34
35 Mr. Miller stated that dry fertilizer storage is not part of the proposal but the distance from Tolono to Dewey
36 is a long way and if the facility grows as anticipated it is possible that they may want to construct a dry
37 fertilizer storage facility.

38
39 Mr. Hall stated that being a special use permit the petitioner can only build what is on the site plan. He said
40 that in regards to accessory storage he tries to extend as much flexibility as he can for storage but if the site
41 plan is approved with no facilities for dry fertilizer and in five years they want to store dry fertilizer they will
42 have to come back before the Board with a new special use permit.

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1
2 Mr. Miller stated that he is fine with it as long as the petitioner is too.
3
4 Mr. Palmgren stated that the text indicates no manufacturing of dry fertilizer but not storage of dry fertilizer.
5
6 Mr. Hall stated that the same thing applies. He said that if they do not have a place on the site plan
7 indicating the storage of dry fertilizer then it is not allowed. He said that it would be a relatively minor
8 expansion but it needs to be on the site plan. He said that if this were in the industrial district like the
9 Tolono facility there would be no approved site plan therefore it could change on a daily basis but this
10 facility is located in the AG-1 district.
11
12 Mr. Schroeder stated that he would like to see the dry storage facility added to the site plan so that the
13 petitioner will not have to return to the Board at a later date.
14
15 Mr. Bluhm asked if Mr. Bierman would like to address this matter.
16
17 Mr. Bierman stated that he cannot say in any true faith that he will eventually have dry fertilizer on the
18 facility and he is definitely not going to be blending it. He said that if a customer came to him and requested
19 a truck load of fertilizer he would have to say no. He said that if he had a choice he would like to leave it
20 open ended but asked what the main concern is for the dry fertilizer. He said that if the Illinois Department
21 of Agriculture allows the facility to have it the fertilizer would have to be stored in a contained building that
22 could not filter out into the watershed. He said that dry fertilizer storage is not in their future plans at all but
23 the storage of seed is and it is not indicated on the site plan.
24
25 Mr. Hall stated that only buildings need to be indicated on the site plan and it could be established that the
26 buildings on the site plan could be used for the storage of seeds, dry fertilizer, etc. He said that what is
27 stored in them is not the issue as long as the number of buildings and their sizes are indicated on the site
28 plan. He said that if any of the buildings will require future expansion it would be better to have that future
29 expansion on the site plan at this point eliminating a return to the Board for that expansion.
30
31 Mr. Bierman stated that there is a lot of room on the site for their needs but if he was going to construct a dry
32 fertilizer hub like the one in Tolono then the site is not near large enough and they would have to come back
33 before the Board anyway. He said that if he were going to store dry fertilizer on a limited basis then it would
34 be just that, a limited basis and would be a very small scale. He said that if he were going to have dry
35 fertilizer then he would have to construct an additional building.
36
37 Mr. Miller stated that it may be advisable to add a building to the site plan and label it as storage for dry
38 fertilizer, seed and chemicals.
39
40 Mr. Bluhm explained to Mr. Bierman that the Board is trying to save the petitioner the headache of returning
41 to the Board for the expansion in five years when the restrictions may be greater for such a facility in the
42 AG-1 district.

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Mr. Bierman stated that if the site plan is just for buildings then there would be more of a case for additional storage on the site. He said that as technology progresses he may need an additional building in the future. He requested that a 60' x 100' building be added to the site plan for future expansion.

Mr. Hall stated that the 60' x 100' building would be for seed, fertilizer and pesticide storage. He said that a new Item #5.G should be added to the Summary of Evidence as follows: Ken Bierman, Regional Manager for United Prairie testified at the October 14, 2010, public hearing that a 60' x 100' building has been indicated on the site plan for future expansion which will be utilized for the storage of seed, fertilizer and pesticide storage.

Mr. Schroeder stated that he is glad that this matter has been taken care of during this public hearing.

Mr. Schroeder moved, seconded by Mr. Thorsland to recess the meeting for a five minute break. The motion carried by voice vote.

**The meeting recessed at 8:25 p.m.
The meeting resumed at 8:33 p.m.**

Mr. Hall stated that new Items #8.N(1) and (2) on Page 12 of the Draft Summary of Evidence should read as follows: (1) John Hurd, President of the Dewey Water District, testified at the October 10, 2010, public hearing that he wondered how much water would be used for the special use; and (2) Ken Bierman, Regional Manager for United Prairie, testified at the October 10, 2010, public hearing that the facility can store water for their required use and will drill a well if need be.

Mr. Hall stated that original Item #8.N on the Draft Summary of Evidence should be renumbered as Item #8.O.

Mr. Bluhm read the special conditions as follows:

- A. Regarding access to the subject property:**
 - (1) The petitioner shall provide the County Engineer with engineering drawings of the proposed driveway entrance onto County Highway 23.**
 - (2) The Zoning Administrator shall not approve a Zoning Use Permit for the subject property without documentation of the County Engineer's approval of any proposed driveway entrance.**
 - (3) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of any constructed driveway entrance including any necessary as-built engineering drawings.**
- The special condition stated above is required to ensure the following:
All vehicles related to the proposed Special Use can safely enter and exit

1 the subject property with adequate visibility and regardless of weather
2 conditions.
3

- 4 **B. A complete Stormwater Drainage Plan that conforms to the requirements**
5 **of the Stormwater Management Policy shall be submitted and approved**
6 **as part of the Zoning Use Permit application and review and all required**
7 **certifications shall be submitted after construction prior to issuance of the**
8 **Zoning Compliance Certificate.**

9 The proposed condition stated above is required to ensure the following:

10 **The proposed Special Use Permit conforms to the requirements of the**
11 **Stormwater Management Policy.**

- 12
13 **C. Documentation of any private wells on the subject property and that all unused**
14 **wells will be sealed shall be submitted and approved as part of the Zoning Use**
15 **Permit Application and review, and the Zoning Administrator shall not approve**
16 **a Zoning Compliance Certificate for Phase I of the proposed Special Use**
17 **Permit without documentation that all unused wells on the subject property**
18 **have been sealed and the Champaign County Health Department has been**
19 **notified.**

20 The above stated special condition is necessary to ensure the following:

21 **Any unused wells on the subject property are protected from contamination.**

- 22
23 **D. Regarding state accessibility requirements:**

24 **(1) The Zoning Administrator shall not approve a Zoning Use Permit for**
25 **The proposed Special Use Permit without certification by an Illinois**
26 **Licensed Architect or Illinois Professional Engineer that the proposed**
27 **construction will comply with the Illinois Accessibility Code and**
28 **Illinois Environmental Barriers Act; and**

29 **(2) The Zoning Administrator shall not authorize a Zoning Compliance**
30 **Certificate authorizing operation of the proposed Special Use Permit**
31 **until the Zoning Administrator has verified that the Special**
32 **Use as constructed does in fact comply with the Illinois Accessibility**
33 **Code and Illinois Environmental Barriers Act.**

34 The above stated special condition is necessary to ensure the following:

35 **The proposed Special Use Permit meets applicable state codes for**
36 **handicapped accessibility.**

- 37
38 **E. The Zoning Administrator shall not issue a Zoning Compliance Certificate**
39 **to authorize use of the proposed Special Use Permit until a Type D screen**
40 **meeting the requirements of Sections 7.6 and 4.3.3 H. 1. d. of the Ordinance**
41 **has been installed.**

42 The above stated special condition is necessary to ensure the following:

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1 **Screening requirements in the Zoning Ordinance are met and visual impacts**
2 **on neighboring uses are minimized.**
3

4 Mr. Bluhm asked the petitioner's representatives if they agreed to the special conditions as read.
5

6 Mr. Bierman stated that he does agree to the special conditions as read.
7

8 **Mr. Schroeder moved, seconded by Mr. Thorsland to accept the five special conditions as read. The**
9 **motion carried by voice vote.**
10

11 **Findings of Fact for Case 676-S-10:**
12

13 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
14 676-S-10 held on October 14, 2010, the Zoning Board of Appeals of Champaign County finds that:
15

- 16 **1. The requested Special Use Permit is necessary for the public convenience at**
17 **this location.**
18

19 Mr. Miller stated that the requested Special Use Permit IS necessary for the public convenience at this
20 location because the subject property is a unique location next to County Highway 23 and with access to the
21 Canadian National short line.
22

23 Mr. Thorsland stated that the subject property is located in a primarily agricultural area, central to ten
24 grower/owner customers of United Prairie who are currently served by a plant which is 30 miles away.
25

- 26 **2. The requested Special Use Permit, subject to the special conditions imposed herein,**
27 **is so designed, located, and proposed to be operated so that it WILL NOT be injurious**
28 **to the district in which it shall be located or otherwise detrimental to the public**
29 **health, safety and welfare.**
30

- 31 **a. The street has ADEQUATE traffic capacity and the entrance location has**
32 **ADEQUATE visibility.**
33

34 Mr. Thorsland stated that the street has ADEQUATE traffic capacity and the entrance location has
35 ADEQUATE visibility.
36

- 37 **b. Emergency service availability is ADEQUATE.**
38

39 Mr. Miller stated that emergency service availability is ADEQUATE because the consolidated fire protection
40 district is located within five miles of the subject property.
41

- 42 **c. The Special Use will be designed to CONFORM to all relevant County**

1 **ordinances and codes.**

2 Mr. Thorsland stated that the Special Use will be designed to CONFORM to all relevant County ordinances
3 and codes.

4
5 **d. The Special Use WILL be compatible with adjacent uses.**

6
7 Mr. Miller stated that the requested Special Use Permit, will be compatible with adjacent uses.
8

9 Mr. Bluhm stated that the proposed site plan indicates a landscaped berm screen to provide a buffer between
10 the subject property and residences across County Highway 23.

11
12 **e. Surface and subsurface drainage will be ADEQUATE.**

13
14 Mr. Miller stated that surface and subsurface drainage will be ADEQUATE because the proposed site plan
15 includes a dry detention basin and the petitioner's engineer indicated that existing tile would be cleaned out
16 or replaced.

17
18 Mr. Palmgren stated that the subject property is not located in a Special Flood Hazard Area.
19

20 **f. Public safety will be ADEQUATE.**

21
22 Mr. Thorsland stated that public safety will be ADEQUATE because the proposed use will be regulated by
23 more jurisdictions than just the County and all safety requirements will be met.

24
25 **g. The provision for parking will be ADEQUATE.**

26
27 Mr. Thorsland stated that the provision for parking will be ADEQUATE because the proposed use is a
28 seasonal use only and the proposed site plan includes more than adequate area for all required parking.

29
30 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,
31 is so designed, located and proposed to be operated so that it WILL NOT be injurious to the district in which
32 it shall be located or otherwise detrimental to the public health, safety, and welfare.

33
34 **3a. The requested Special Use Permit, subject to the special conditions imposed herein,**
35 **DOES conform to the applicable regulations and standards of the DISTRICT in**
36 **which it is located.**

37
38 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,
39 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

40
41 **3b. The requested Special Use Permit, subject to the special conditions imposed herein,**
42 **DOES preserve the essential character of the DISTRICT in which it is located because:**

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

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

- b. **The Special Use WILL be compatible with adjacent uses.**

Mr. Miller stated that the Special Use WILL be compatible with adjacent uses.

- c. **Public safety will be ADEQUATE.**

Mr. Courson stated that public safety will be ADEQUATE.

Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located.

- 4. **The requested Special Use Permit, subject to the special conditions imposed herein, IS in harmony with the general purpose and intent of the Ordinance.**

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

- c. **The requested Special Use Permit, subject to the special conditions imposed herein, 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, subject to the special conditions imposed herein, 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, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located.**

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1 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,
2 DOES preserve the essential character of the DISTRICT in which it is located.

3
4 Mr. Thorsland stated that the Special Use Permit, subject to the special conditions imposed herein, IS in
5 harmony with the general purpose and intent of the Ordinance.

6
7 **5. The requested Special Use IS NOT an existing nonconforming use.**

8
9 Mr. Thorsland stated that the Special Use IS NOT an existing nonconforming use.

10
11 **6. The special conditions imposed herein are required to ensure compliance with the**
12 **criteria for Special Use Permits and for the particular purposes described below:**

13
14 **A. Regarding access to the subject property:**

15 (1) **The petitioner shall provide the County Engineer with engineering**
16 **drawings of the proposed driveway entrance onto County Highway 23.**

17 (2) **The Zoning Administrator shall not approve a Zoning Use Permit for the**
18 **subject property without documentation of the County Engineer's**
19 **approval of any proposed driveway entrance.**

20 (3) **The Zoning Administrator shall not issue a Zoning Compliance**
21 **Certificate without documentation of the County Engineer's approval of**
22 **any constructed driveway entrance including any necessary as-built**
23 **engineering drawings.**

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

25 **All vehicles related to the proposed Special Use can safely enter and exit**
26 **the subject property with adequate visibility and regardless of weather**
27 **conditions.**

28
29 **B. A complete Stormwater Drainage Plan that conforms to the requirements**
30 **of the Stormwater Management Policy shall be submitted and approved**
31 **as part of the Zoning Use Permit application and review and all required**
32 **certifications shall be submitted after construction prior to issuance of the**
33 **Zoning Compliance Certificate.**

34 The proposed condition stated above is required to ensure the following:

35 **The proposed Special Use Permit conforms to the requirements of the**
36 **Stormwater Management Policy.**

37
38 **C. Documentation of any private wells on the subject property and that all unused**
39 **wells will be sealed shall be submitted and approved as part of the Zoning Use**
40 **Permit Application and review, and the Zoning Administrator shall not approve**
41 **a Zoning Compliance Certificate for Phase I of the proposed Special Use**
42 **Permit without documentation that all unused wells on the subject property**

1 have been sealed and the Champaign County Health Department has been
2 notified.

3 The above stated special condition is necessary to ensure the following:

4 **Any unused wells on the subject property are protected from contamination.**
5

6 **D. Regarding state accessibility requirements:**

7 (1) **The Zoning Administrator shall not approve a Zoning Use Permit for**
8 **The proposed Special Use Permit without certification by an Illinois**
9 **Licensed Architect or Illinois Professional Engineer that the proposed**
10 **construction will comply with the Illinois Accessibility Code and**
11 **Illinois Environmental Barriers Act; and**

12 (2) **The Zoning Administrator shall not authorize a Zoning Compliance**
13 **Certificate authorizing operation of the proposed Special Use Permit**
14 **until the Zoning Administrator has verified that the Special**
15 **Use as constructed does in fact comply with the Illinois Accessibility**
16 **Code and Illinois Environmental Barriers Act.**

17 The above stated special condition is necessary to ensure the following:

18 **The proposed Special Use Permit meets applicable state codes for**
19 **handicapped accessibility.**
20

21 **E. The Zoning Administrator shall not issue a Zoning Compliance Certificate**
22 **to authorize use of the proposed Special Use Permit until a Type D screen**
23 **meeting the requirements of Sections 7.6 and 4.3.3 H. 1. d. of the Ordinance**
24 **has been installed.**

25 The above stated special condition is necessary to ensure the following:

26 **Screening requirements in the Zoning Ordinance are met and visual impacts**
27 **on neighboring uses are minimized.**
28

29 **Mr. Miller moved, seconded by Mr. Thorsland to adopt the Summary of Evidence, Documents of**
30 **Record and Finding of Fact as amended. The motion carried by voice vote.**
31

32 **Mr. Schroeder moved, seconded by Mr. Palmgren to close the public hearing for Case 676-S-10. The**
33 **motion carried by voice vote.**
34

35 Mr. Bluhm informed the petitioner's representatives that one Board member was absent from tonight's
36 meeting therefore it is at their discretion to either continue Case 676-S-10 until a full Board is present or
37 request that the present Board move forward to the Final Determination. He informed the petitioner's
38 representatives that four affirmative votes are required for approval.
39

40 Mr. Bierman requested that the present Board move forward to the Final Determination.
41

42 **Final Determination for Case 676-S-10:**

10/14/10
ZBA

AS APPROVED DECEMBER 16, 2010

1
2 **Mr. Thorsland moved, seconded by Mr. Courson that the Champaign County Zoning Board of**
3 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
4 **that the requirements of Section 9.1.11B. HAVE been met, and pursuant to the authority granted by**
5 **Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use**
6 **requested in Case 676-S-10 is hereby GRANTED WITH SPECIAL CONDITIONS to the petitioners**
7 **United Prairie, LLC, owned by Premier Cooperative and Topflight Grain to authorize “Farm**
8 **Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” as a**
9 **Special Use Permit in the AG-1 Agriculture Zoning District.**

10
11 **Subject to the following special conditions:**

12
13 **A. Regarding access to the subject property:**

- 14 (1) **The petitioner shall provide the County Engineer with engineering**
15 **drawings of the proposed driveway entrance onto County Highway 23.**
16 (2) **The Zoning Administrator shall not approve a Zoning Use Permit for the**
17 **subject property without documentation of the County Engineer’s**
18 **approval of any proposed driveway entrance.**
19 (3) **The Zoning Administrator shall not issue a Zoning Compliance**
20 **Certificate without documentation of the County Engineer’s approval of**
21 **any constructed driveway entrance including any necessary as-built**
22 **engineering drawings.**

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

24 **All vehicles related to the proposed Special Use can safely enter and exit**
25 **the subject property with adequate visibility and regardless of weather**
26 **conditions.**

27
28 **B. A complete Stormwater Drainage Plan that conforms to the requirements**
29 **of the Stormwater Management Policy shall be submitted and approved**
30 **as part of the Zoning Use Permit application and review and all required**
31 **certifications shall be submitted after construction prior to issuance of the**
32 **Zoning Compliance Certificate.**

33 **The proposed condition stated above is required to ensure the following:**

34 **The proposed Special Use Permit conforms to the requirements of the**
35 **Stormwater Management Policy.**

36
37 **C. Documentation of any private wells on the subject property and that all unused**
38 **wells will be sealed shall be submitted and approved as part of the Zoning Use**
39 **Permit Application and review, and the Zoning Administrator shall not approve**
40 **a Zoning Compliance Certificate for Phase I of the proposed Special Use**
41 **Permit without documentation that all unused wells on the subject property**
42 **have been sealed and the Champaign County Health Department has been**

1 notified.

2 The above stated special condition is necessary to ensure the following:

3 **Any unused wells on the subject property are protected from contamination.**

4
5 **D. Regarding state accessibility requirements:**

6 (1) **The Zoning Administrator shall not approve a Zoning Use Permit for**
7 **The proposed Special Use Permit without certification by an Illinois**
8 **Licensed Architect or Illinois Professional Engineer that the proposed**
9 **construction will comply with the Illinois Accessibility Code and**
10 **Illinois Environmental Barriers Act; and**

11 (2) **The Zoning Administrator shall not authorize a Zoning Compliance**
12 **Certificate authorizing operation of the proposed Special Use Permit**
13 **until the Zoning Administrator has verified that the Special**
14 **Use as constructed does in fact comply with the Illinois Accessibility**
15 **Code and Illinois Environmental Barriers Act.**

16 The above stated special condition is necessary to ensure the following:

17 **The proposed Special Use Permit meets applicable state codes for**
18 **handicapped accessibility.**

19
20 **E. The Zoning Administrator shall not issue a Zoning Compliance Certificate**
21 **to authorize use of the proposed Special Use Permit until a Type D screen**
22 **meeting the requirements of Sections 7.6 and 4.3.3 H. 1. d. of the Ordinance**
23 **has been installed.**

24 The above stated special condition is necessary to ensure the following:

25 **Screening requirements in the Zoning Ordinance are met and visual impacts**
26 **on neighboring uses are minimized.**

27
28 The roll was called:

29	30	31	32
	Capel-absent	Courson-yes	Miller-yes
	Palmgren-yes	Schroeder-yes	Thorsland-yes
	Bluhm-yes		

33
34 Mr. Bluhm stated that the Board will now hear Cases 665-AT-10 and 666-AT-10.

35
36 **7. Staff Report**

37 **A. September, 2010 Monthly Report**

38
39 Mr. Hall stated that the Board received the September, 2010 Monthly Report in their mailing packet.

40
41 Mr. Bluhm stated that the Board needs to decide on the November 18th meeting.

10/14/10

AS APPROVED DECEMBER 16, 2010

ZBA

1 Mr. Thorsland asked Mr. Hall to discuss the status of Cases 677-V-10 and 678-V-10.

2

3 Mr. Hall stated that staff has received applications for both cases. He said that staff is trying to get Case
4 677-V-10 nixed and Case 678-V-10 should be a relatively straight forward case. He said that both of the
5 variance cases on the November 18th docket are related to existing structures therefore no one is being held
6 up for construction.

7

8 Mr. Bluhm asked Mr. Hall if he anticipated a huge crowd for the October 28th meeting.

9

10 Mr. Hall stated that there could easily be 10 people for the text amendment.

11

12 Mr. Bluhm asked Mr. Hall if staff could determine if the John Dimit Room is available for the November
13 18th meeting and disclose its findings to the Board at the October 28th meeting.

14

15

16 **8. Other Business**

17

18 None

19

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

21

22 None

23

24 **10. Adjournment**

25

26 The meeting adjourned at 9:15 p.m.

27

28

29 Respectfully submitted

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34 Secretary of Zoning Board of Appeals

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DRAFT SUBJECT TO APPROVAL DRAFT

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