

AS APPROVED AUGUST 14, 2014

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: July 17, 2014

PLACE: Lyle Shield's Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 7:00 p.m.

MEMBERS PRESENT: Catherine Capel, Marilyn Lee, Roger Miller, Jim Randol, Eric Thorsland

MEMBERS ABSENT : Debra Griest, Brad Passalacqua

STAFF PRESENT : Lori Busboom, Susan Chavarria, John Hall

OTHERS PRESENT : Chad Osterbur, Tim Hughes, Don Wauthier, Josh Rund, Eric Sebens, Scott Reifsteck

1. Call to Order

The meeting was called to order at 7:00 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with two members absent.

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

3. Correspondence

None

4. Approval of Minutes (June 12, 2014)

Mr. Thorsland entertained a motion to approve the June 12, 2014, minutes.

Mr. Randol moved, seconded by Ms. Capel to approve the June 12, 2014, minutes.

Mr. Thorsland asked the Board if there were any corrections or additions to the minutes.

Mr. Thorsland indicated that he had a minor correction to Line 32 on Page 12. He said that he was only paraphrasing a concern of Ms. Lee but she did not state that there is a ramp for the water. He said that

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1 Line 32 should be revised to indicate the following: He said that Ms. Lee questioned the direction of the
2 water to get to the detention rather than heading straight to the swale which is much lower.

3
4 **The motion carried by voice vote.**

5
6 **5. Continued Public Hearing**

7
8 **Case 766-AM-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Amend the**
9 **Zoning Map to change the zoning district designation from the AG-1, Agriculture Zoning District**
10 **to the B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in**
11 **related zoning Case 767-S-13. Location: A 5-acre tract in Tolono Township in the East Half of the**
12 **Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of**
13 **the Third Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR**
14 **900E, Champaign.**

15
16 **Case 767-S-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Authorize the**
17 **following as a Special Use in the B-1 Rural Trade Center Zoning District: Part A. Authorize**
18 **multiple principal buildings on the same lot consisting of the following: (1) a landscape**
19 **contractor’s facility with outdoor storage that was originally authorized in Case 101-S-97; and (2)**
20 **Self-Storage Warehouses, providing heat and utilities to individual units as a special use proposed**
21 **in Part B. Authorize the construction and use of Self-Storage Warehouses, providing heat and**
22 **utilities to individual units as a special use. Location: A 5-acre tract in Tolono Township in the**
23 **East Half of the Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North,**
24 **Range 8 East of the Third Principal Meridian and commonly known as Prairieview Landscaping**
25 **at 1069 CR 900E, Champaign.**

26
27
28 Mr. Thorsland informed the audience that Case 767-S-13 is an Administrative Case and as such the
29 County allows anyone the opportunity to cross examine any witness. He said that at the proper time he
30 will ask for a show of hands for those who would like to cross examine and each person will be called
31 upon. He requested that anyone called to cross examine go to the cross examination microphone to ask
32 any questions. He said that those who desire to cross examine are not required to sign the witness
33 register but are requested to clearly state their name before asking any questions. He noted that no new
34 testimony is to be given during the cross examination. He said that attorneys who have complied with
35 Article 7.6 of the ZBA By-Laws are exempt from cross examination.

36
37 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
38 sign the witness register for that public hearing. He reminded the audience that when they sign the

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1 witness register they are signing an oath.

2

3 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

4

5

6 Mr. Eric Sebens, who resides at 3008 Cherry Hills Drive, Champaign, stated that he is present tonight to
7 present revised drawings which include three different examples showing the detail of the progressive
8 development as he proposes to develop the property.

9

10 Mr. Thorsland asked the Board if there were any questions for Mr. Sebens and there were none.

11

12 Mr. Thorsland asked if staff had any questions for Mr. Sebens and there were none.

13

14 Mr. Thorsland called John Hall to testify.

15

16 Mr. John Hall, Zoning Administrator, apologized that no information was included in the mailing
17 although staff had not received the revised plan by the deadline. He said that the revised plans were
18 received on July 16, 2014. He said that Sheet 1 of the revised plans indicates the full proposed
19 development; and Sheet 2 indicates the first phase; and Sheet 3 indicates an intermediate phase but he is
20 assuming that the Board would be willing to grant any amount of flexibility between the preliminary and
21 the final phase as long as all of the requirements are met. He said that something that the Board may
22 want to consider is if the intermediate phase needs to consist of this much or is it just important that each
23 phase be wholly contained.

24

25 Mr. Hall stated that the Supplemental Memorandum dated July 17, 2014, reviews the changes. Mr. Hall
26 reviewed the changes to the plan as follows: 1. The Revised Site Plan dated 7/16/14 includes a
27 Preliminary Site Plan, Phase 1 Construction and Phase 2 Construction; and 2. The debris area on the
28 southwest corner of the property has been moved to ensure 10 feet of space between the debris area and
29 the property lines; and 3. The Hoop Shed has been moved from the southwest part of the property to an
30 area just behind the existing house on the north-central part of the property; and 4. Grass areas and paved
31 surface have been differentiated. An additional aggregate surface drive has been added to the area
32 between the west property line and the westernmost self-storage building with a note "drive for
33 landscaping access"; and 5. "Stone Riprap, Class A3" has been noted on the south basin; and 6. At least
34 20 feet has been ensured for the area between the relocated poly-houses and self-storage warehouses
35 identified in Phase 2 Construction. Further, Note 9 states that "A minimum of 20' separation will be
36 required between buildings on the contractor's facility and the storage facility"; and 7. The existing
37 septic tank and leach field are demarcated at their existing location as well as where they will be
38 relocated to an area in front of the house on the east-central part of the property; and 8. The driveway

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1 entrance to the storage facility has been widened; and 9. Regarding the use of gravel, Note 8 on the
2 Preliminary Site Plan that “owner shall be responsible for maintaining aggregate drives in good
3 condition”; and 10. A note has been added on the Preliminary Site Plan on the north side property line
4 that states “no parking within 5 feet of the property line.” Mr. Hall noted that an attempt has been made
5 to illustrate the contractor’s facility buildings, parking and such in a clearer format. He said that at the
6 last meeting the contractor’s facility buildings and parking were not this readable and the new plans are
7 an improvement. He said that if the Board looks at the north detention basin the Board will note that it
8 looks like parking spaces are no closer than 25 feet to the berm which he assumes is an attempt to
9 minimize encroachment onto the detention basin and if the Board is comfortable with this he believes
10 that it is sufficiently clear that this is the limit of encroachment into the detention basin.

11
12 Mr. Hall stated that the minutes that were approved tonight are the minutes of these cases at the last
13 meeting. He said that in reviewing the minutes the only thing that was not updated on the new plan is
14 where the western most access drive goes over the south end of the north detention basin. He said that
15 no changes were made in this area and it isn’t much of a berm at that point and he assumes that the
16 petitioner was just thinking that there wouldn’t be enough traffic to damage it.

17
18 Mr. Hall stated that as he was working on the memorandum today he finally remembered that we have
19 not seen a self-storage facility like this that was not proposed to have concrete for the access drive and at
20 this point the only issue needing to be resolved is the issue that gravel drives are okay but gravel is not
21 an accessible surface. He said that the condition is to require the facility to be in compliance with the
22 Illinois Accessibility Code so there has to be acceptable parking that is accessible to all of the units. He
23 said that attached to the Supplemental Memorandum dated July 17, 2014, is one attempt at showing how
24 accessibility could be provided and accessibility for the self-storage warehouses is one of the more
25 difficult things we ever review for. He said that he did go back through our file of letters from the
26 Capital Development Board and he found a letter from 2002 and the Capital Development Board wants
27 every storage unit to be accessible from an accessible parking space. He said that with a development
28 like the one proposed it means that at every building there has to be some amount of accessible parking
29 that is accessible to every unit in that building. He said that it is unknown as to how many units there are
30 going to be at this time so in the example he assumed a more or less three foot sidewalk along the long
31 sides of all of the buildings, except the westernmost building which only has storage units on one side,
32 and indicated accessible parking at one end. He said that an accessible parking space is 16 feet wide and
33 20 feet long constructed of concrete or asphalt therefore the material that is indicated as an aggregate
34 surface is not where those parking spaces are. He said that the parking must be concrete or asphalt with
35 striping and signage indicating where the parking spaces are located. He said that he believes that there
36 will be two spaces required per building although it really depends on how much parking is associated
37 with each building and to a certain extent that will depend upon the number of storage units. He said
38 that as the petitioner proposed, with 30 foot wide access drives and 30 feet between buildings, part of

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1 determining accessibility is that the three foot sidewalks must fit within that 30 feet of separation or are
 2 they outside of the 30 feet separation because these are sidewalks that are not supposed to be blocked by
 3 parked vehicles and must be accessible for access. He said that if the sidewalks are inside of the 30 feet
 4 then it is no longer 30 feet but is actually 24 feet and 24 feet is wider than a rural road but some part of
 5 that has to be available for assumed parallel parking along one side and therefore a 9 feet space off of 24
 6 feet leaves 15 feet for movement which should work but he does not know if that is what the Board
 7 wants and this is something for which we have no standard. He said that staff needs to know what the
 8 Board believes is acceptable.

9
 10 Mr. Hall stated that the 16 feet for the accessible parking at the north end of these buildings was taken
 11 out of the building area with the exception of the westernmost building in which case you could add 16
 12 feet at the south end. He said that the 30 feet entrance drive is not really a standard but earlier we had
 13 assumed that the 30 feet would include some amount of parallel parking so what he is trying to say to the
 14 Board is that we have not seen a self-storage facility like this, that adds gravel drives between buildings,
 15 so we have never had to determine what really is acceptable in that instance. He said that when the
 16 gravel drives between the buildings are concrete it really becomes a much easier thing because concrete
 17 is an accessible surface that still needs the striping and signage.

18
 19 Mr. Hall stated that the petitioner has not seen the example before this evening so it is news to the
 20 petitioner that when staff indicates that it is going to be accessible that he may end up with less building
 21 area and perhaps even fewer units. Mr. Hall stated that the new memorandum includes a revised special
 22 condition regarding accessibility which attempts to set out the performance characteristics for
 23 accessibility and then simply says that Illinois Capital Development Board signoff is required for
 24 anything that is proposed for accessibility. He said that it is not up to the Zoning Administrator as to
 25 what is considered accessible and it is not up to the Zoning Board or the County Board but is up to the
 26 Illinois Capital Development Board. Mr. Hall read special condition G. as follows:

27
 28 **G. The Zoning Administrator shall not approve a Zoning Use Permit or issue a Zoning**
 29 **Compliance Certificate for the proposed self-storage warehouses until the petitioner**
 30 **has demonstrated that the proposed Special Use complies with the Illinois**
 31 **Accessibility Code which will require the following:**

- 32 (1) Every self-storage space shall be easily made accessible at any time and shall
- 33 be located on an accessible path from an accessible parking space, unless a
- 34 different standard is authorized or required in writing by the Illinois Capital
- 35 Development Board; and
- 36 (2) There must be at least {30/36} feet of clearance between self-storage buildings
- 37 unless a different dimension is required to meet the standard of the Illinois
- 38 Capital Development Board; and

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- 1 (3) **The petitioner shall submit with any Zoning Use Permit Application written**
- 2 **approval of the proposed site plan accessibility by the Illinois Capital**
- 3 **Development Board; and**
- 4 (4) **The above requirements shall apply even if those requirements cause a**
- 5 **reduction in the total number of storage units and/or total area of self-**
- 6 **storage buildings and/or additional areas of concrete or asphalt are required**
- 7 **as necessary to meet the accessible parking requirement.**

8
9 The special condition stated above is necessary to ensure the following:

10 **That the proposed Special Use meets applicable state requirements for accessibility.**

11
12 Mr. Hall stated that we cannot determine during this public hearing what is accessible unless the Board
13 requires the petitioner to submit something to the Capital Development Board and Doug Gamble
14 provides those types of comments every day therefore those comments are not difficult to get but until
15 we go through that exercise we don't really know what they require. Mr. Hall stated that the first part of
16 special condition G. is text from the Capital Development Board. He said that if there is a storage unit
17 that has an 8 foot wide overhead door, as long as there is an electric operator to open that door and there
18 is no big gap for a change in level at the floor, that is an accessible entrance provided that they can get
19 there and that is why the accessible route is indicated on the front of each building. He said that making
20 each unit easily accessible is a standard part of what we do during permitting but the fact that gravel is
21 proposed for all of the drives is what really makes this case different from anything that the Board has
22 seen recently.

23
24 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

25
26 Mr. Thorsland stated that the petitioner is just now hearing about the requirements for accessibility and
27 the only reason why the petitioner is hearing the requirements tonight is because staff only received the
28 revised site plan yesterday. Mr. Thorsland stated that he would like to have more time to review the
29 revised site plan and what we are going to do about accessibility. He said that the accessibility
30 requirement is not something that the Zoning Board of Appeals has any control over but it is a
31 requirement of the Capital Development Board and because of the proposed use of gravel that is not an
32 acceptable surface because it changes a lot. Mr. Thorsland asked Mr. Sebens what his first thoughts are
33 about making the building smaller. Mr. Thorsland stated that he is not comfortable with coming out into
34 the just 30 foot space and adding 3 foot successful sidewalks there because what will happen is that
35 people will drive upon those sidewalks. He said that the answer for many of the questions could have
36 been answered had staff known what questions to ask before yesterday. He said that there are a lot of
37 variables that we do not have an answer and there are three different site plans for the Board to review.
38 He said that some of the members came in the meeting room right before the meeting started therefore

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1 they did not have any opportunity to review any of the new information. He asked Mr. Sebens if he is
2 willing to reduce the size of the units if required.

3
4 Mr. Sebens stated that he would like to have a little bit more information to see if there are any other
5 options.

6
7 Mr. Thorsland stated that the Board would like to review the information a lot further and he would like
8 to know what the Capital Development Board states about accessibility. He said that one option, which
9 is not cost effective for Mr. Sebens, is to pave everything but if it is all paved then there are always water
10 concerns. Mr. Thorsland stated that there are other items that he would like to review such as the
11 detention area where Mr. Sebens indicated employee parking, and the berm that is proposed to be driven
12 over to get to the back of the property. He said that the elevation to the front of the property is 716 feet
13 and the building to the back is 715.5 feet therefore if the drainage plan does not work well then the water
14 is going to be inside of the building because it is one-half foot lower. He said that he has questions
15 regarding the water drainage, ADA requirements, etc.

16
17 Mr. Sebens stated that he has not looked at the cost difference between gravel and concrete.

18
19 Mr. Thorsland stated that he can guarantee that the cost will be different.

20
21 Mr. Thorsland stated that he is not comfortable as a member of the Board in going too much further with
22 this case until some of the questions are answered. He said that he understands that Mr. Sebens put forth
23 a lot of effort for the submitted plans but the plans were received somewhat late for tonight's meeting
24 and if the Board would have had time to review the information they would have more questions. He
25 said that if the new information had been received earlier perhaps some of those questions, such as
26 accessibility, could have been answered prior to the meeting.

27
28 Ms. Lee asked Mr. Sebens to indicate the results of the recent rain event at the property.

29
30 Mr. Sebens stated that the rain event that was received two months ago really challenged his property
31 more than the last rain event. He said that the recent rain event only produced three inches total in
32 comparison to some other areas of the County and even though the event still produced a lot of water it
33 was not as bad as the event that occurred two months ago.

34
35 Mr. Randol stated that he does not feel comfortable proceeding without information regarding the
36 accessibility. He said that if the concrete is allowed along the buildings with the gravel then something
37 needs to be required to prevent parking on the sidewalk.

38

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1 Mr. Thorsland stated that he works across from the rehabilitation facility on campus and there are always
2 people in wheelchairs and they have a lot of trouble with people parking on the sidewalk during
3 construction periods.

4
5 Mr. Thorsland stated that there is an avenue to answer all of the Board's questions and Mr. Sebens can
6 work with staff and the state and those answers will probably shift around some of Mr. Sebens' thoughts
7 about what he wants to do on the property. He noted that the site plan is much better. He asked Mr.
8 Sebens if he has moved the hoop houses.

9
10 Mr. Sebens stated no, the plan indicates their proposed location during the final phase.

11
12 Mr. Thorsland asked Mr. Sebens if he indeed found the septic tank and knows where the new system
13 will be located.

14
15 Mr. Sebens stated yes.

16
17 Mr. Thorsland stated that the questions regarding accessibility should be at the top of Mr. Sebens' list
18 and that would even be with just the Phase I construction. He said that if he was proposing this project
19 he would ask the Capital Development Board if Phase I was completely compliant does every other
20 building on the property need to be accessible or could the next building be non-accessible because any
21 client who needs an accessible unit would be located in the first building.

22
23 Mr. Sebens stated that the first building could have a percentage of the units to be reserved for clients
24 who require accessibility only.

25
26 Mr. Thorsland stated that Mr. Sebens will need to discuss all of his options with the Capital
27 Development Board. He said that the ZBA only needs to make sure that accessibility is included on the
28 site plan.

29
30 Mr. Thorsland asked the Board if there were any additional questions for Mr. Sebens.

31
32 Ms. Lee asked Mr. Sebens if the outlet on the west end of the property is a 6-inch outlet or an 8-inch
33 outlet.

34
35 Mr. Sebens stated that it is a 6-inch outlet.

36
37 Ms. Lee stated that all three outlets on the plan are 6-inch outlets.

38

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1 Mr. Sebens stated yes.

2
3 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Sebens and there was no one.

4
5 Mr. Thorsland called Chad Osterbur to testify.

6
7 Mr. Chad Osterbur stated that he is a Consulting Engineer with Fehr Graham Engineering and
8 Environmental. He said that he had no new information but would answer any questions that the Board
9 may have regarding this project.

10
11 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Osterbur and there were
12 none.

13
14 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Osterbur and there was no one.

15
16 Mr. Thorsland called Mr. Scott Reifsteck to testify.

17
18 Mr. Scott Reifsteck, who resides at 1341 CR 600N, Tolono, stated that he is in attendance on behalf of
19 Betty Wills, his landlord, and himself. He said that Mr. Sebens asked for permission to use the 6-inch
20 tile on the northwest detention basin and he and Ms. Wills are willing to allow Mr. Sebens to use it as an
21 outlet providing that the 6-inch tile maintains its capabilities. Mr. Reifsteck stated that he and Ms. Wills
22 do not want any further buildings put into the area where the detention basin is or concrete surfaces
23 which would increase the amount of water runoff. He said that he and Ms. Wills also do not want any
24 further water diverted into that area from other places on the property, which could easily happen,
25 because the tile is not large enough to handle a lot of water and the tile was put in to keep the area dry
26 and prevent erosion from surface water runoff. Mr. Reifsteck stated that he installed the six-inch tile
27 himself to try to contain erosion in that area and he is more than willing to allow Mr. Sebens to use the
28 tile as long as we don't do something there that will increase more water flow into the detention area or
29 increase the amount of water that would normally go into the tile. He said that if an 8-inch outlet is
30 installed there is potential for it to run down and cause erosion.

31
32 Mr. Reifsteck stated that Mr. Sebens asked if he could not be required to install fencing around the edge
33 of the property because there will be a security fence around the self-storage units and will install a grass
34 area around the edge of the property to prevent the encroachment issues that had been previously
35 occurring. Mr. Reifsteck stated that he and Ms. Wills are willing to agree with Mr. Sebens' request to
36 not install the fence around the edge of the property at this time although they would like to stipulate that
37 if the security fence does not provide for debris retention on the property or if other issues occur that the
38 security fencing does not prevent then the security fencing must be installed around the perimeter of the

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1 west and north of the subject property. He said that he has always gotten along with Mr. Sebens very
2 well and he understands that there are times when things just don't work. He said that he did not realize
3 that Mr. Sebens intended to install a tall fence around the storage area and he is willing to try not
4 installing the fence around the property area as long as Mr. Sebens would be willing to install it at a later
5 date upon Mr. Reifsteck and Ms. Wills' request.

6
7 Mr. Thorsland asked the Board if there were any questions for Mr. Reifsteck and there were none.

8
9 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Reifsteck and there was no
10 one.

11
12 Mr. Thorsland asked if staff had any questions for Mr. Reifsteck.

13
14 Mr. Hall stated that he noticed that Mr. Reifsteck did not attend the last public hearing. He asked Mr.
15 Reifsteck if he had spent much time familiarizing himself with the proposed south detention basin.

16
17 Mr. Reifsteck stated that he hasn't seen the most recent plan.

18
19 Mr. Hall stated that the proposed detention basin is no closer than 30 feet to the centerline of the swale
20 therefore from his perspective he does not see that it encroaches too much into the swale and it is going
21 to have riprap at the outlet so that the water does not cause erosion. He said that he believes that it may
22 way help the drainage situation in the south swale but given that Mr. Reifsteck farms the property to the
23 south and he has not seen the new plan he wanted to make sure that Mr. Reifsteck was aware of it and
24 did not have any concerns.

25
26 Mr. Reifsteck stated that he is aware that they have moved it and have made some changes to it but it
27 seems to him that it will be an improvement.

28
29 Mr. Hall stated that the new plan is easier to understand because they have drawn the elevations on both
30 sides of the dam therefore it does show how close it comes to the centerline of the swale.

31
32 Mr. Reifsteck stated that it appears to be an improvement and he believes that it will help to alleviate the
33 problem with the drainage.

34
35 Ms. Lee asked Mr. Hall if it would be beneficial for Mr. Reifsteck to receive a copy of the minutes that
36 the Board approved tonight.

37
38 Mr. Reifsteck stated that he did receive a copy of the draft minutes in the mailing.

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1

2 Mr. Reifsteck submitted his written comments to the Board as a Document of Record.

3

4 Mr. Thorsland asked the Board if there were any questions for Mr. Reifsteck and there were none.

5

6 Mr. Thorsland asked if staff had any additional questions for Mr. Reifsteck and there were none.

7

8 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Reifsteck and there was no
9 one.

10

11 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
12 testimony and there was no one.

13

14 Mr. Thorsland closed the witness register.

15

16 Mr. Thorsland stated that in listening to Mr. Reifsteck's testimony it may be appropriate to ask staff for a
17 couple of conditions that address the size of the northwest tie into the tile and limit it to a 6-inch tile and
18 some sort of language that if it continues to be an issue that it needs to be addressed. He said that the
19 same type of condition could be constructed for the western fence because it seems to be a reasonable
20 proposal to not worry about the fence until encroachment becomes an issue. He said that the conditions
21 do not need to be very complicated.

22

23 Mr. Randol asked Mr. Thorsland if the 5-foot buffer strip was the Board's recommendation. He asked if
24 that was to be like a grass lawn or ornamental native grass to provide screening.

25

26 Mr. Thorsland stated that the old plan indicated parking spots right up against the western property line
27 and the aerial indicated that the vehicles were clearly getting onto the cultivated area therefore the grass
28 is there to try to stop that drift onto Mr. Reifsteck's property. He said that the grass should not be short
29 grass because someone will park on it. He said that the Board has a nice site plan currently but the
30 Board needs more time to review it.

31

32 Mr. Thorsland requested that Mr. Osterbur attend the next public hearing for these cases to explain how
33 they will deal with the access during the last phase when the traffic for the landscaping business will go
34 behind the building to the west. He said that there is a ramp or berm that will take care of the northwest
35 detention pond and the Board is concerned that the ramp or berm will not be tramped down by the traffic
36 therefore a little more detail regarding that would make the Board more comfortable.

37

38 Mr. Thorsland asked the Board if there is any other information required from staff or petitioner before

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1 this case is brought back before the Board.

2
3 Mr. Thorsland requested a continuance date.

4
5 Mr. Hall stated that he would prefer that the petitioner provide the information to the Capital
6 Development Board and they can let the petitioner know if the information is adequate. Mr. Hall said
7 that Mr. Gamble gets back to staff amazingly quickly considering that he is the only person who does
8 this for the entire State of Illinois but it will probably take a couple of weeks to get something to Mr.
9 Gamble and one week for Mr. Gamble to get back to staff and/or the petitioner and a week for staff to
10 have Mr. Gamble's response written into a memorandum for the ZBA mailing. He said that at a
11 minimum he would rather not see these cases come back before this Board prior to August 28th. He said
12 that the August 28th meeting has two new variance cases which should be simple and able to be
13 completed in one meeting. He said that he believes that if things go perfect these cases could be ready
14 for August 28th but personally he would feel better if the cases were continued to the September 11th
15 meeting because any time staff sends something out for review by someone else it always ends up taking
16 up more time. He said that if the Board feels that they have time to deal with this on August 28th and the
17 petitioner will do his utmost to get all of the review completed by August 28th then it is okay with staff
18 but this is a lot to have work out perfectly.

19
20 Mr. Thorsland stated that he cannot stress enough that the Board wants to open up their mailing
21 envelopes and see the site plan at that time to review.

22
23 Mr. Hall stated that the condition regarding fencing should be reviewed by Mr. Reifsteck before it comes
24 to the Board. He said that he does not believe that August 28th is enough time but if everyone else
25 believes that it is then that is fine.

26
27 Mr. Thorsland stated that it appears that the consensus of the Board is to continue these cases to the
28 September 11th meeting. He said that this is just to be absolutely sure that the Board has everything that
29 they can do at that meeting because he is sure that Mr. Sebens would be very happy if the Board were
30 able to finish these cases on that night and not continue them again. He noted that if the Board gets to
31 the August 28th meeting and everything is not all done the cases will not be continued to September 11th
32 because by then the docket will be filled for that date and the cases will be heard sometime late in the
33 year.

34
35 Mr. Thorsland entertained a motion to continue Cases 766-AM-13 and 767-S-13 to the September 11,
36 2014, meeting.

37
38 **Mr. Randol moved, seconded by Ms. Capel to continue Cases 766-AM-13 and 767-S-13 to the**

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1 **September 11, 2014, meeting. The motion carried by voice vote.**

2
3 **6. New Public Hearings**

4
5 **Case 781-S-14** Petitioner: **United Prairie LLC, owned by Premier Cooperative and Topflight**
6 **Grain, and officers Roger Miller, William Schable, Ron Meece, and Tim Hughes. Request to**
7 **authorize expansion of existing Special Use Permit 676-S-10 to allow for the construction and use**
8 **of a liquid fertilizer storage tank as part of a “Farm Chemicals and Fertilizer Sales including**
9 **incidental storage and mixing of blended fertilizer” facility. Location: A 12 acre tract in Lots 1, 2,**
10 **and 3 of August Miller’s Subdivision, part of the southwest quarter of the northeast quarter of**
11 **Section 34, Township 22N, Range 8 East, in East Bend Township and commonly known as United**
12 **Prairie LLC, at 3506 CR 950E, Dewey.**

13
14 Mr. Thorsland informed the audience that Case 781-S-14 is an Administrative Case and as such the
15 County allows anyone the opportunity to cross examine any witness. He said that at the proper time he
16 will ask for a show of hands for those who would like to cross examine and each person will be called
17 upon. He requested that anyone called to cross examine go to the cross examination microphone to ask
18 any questions. He said that those who desire to cross examine are not required to sign the witness
19 register but are requested to clearly state their name before asking any questions. He noted that no new
20 testimony is to be given during the cross examination. He said that attorneys who have complied with
21 Article 7.6 of the ZBA By-Laws are exempt from cross examination.

22
23 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
24 sign the witness register for that public hearing. He reminded the audience that when they sign the
25 witness register they are signing an oath.

26
27 Mr. Roger Miller, Zoning Board of Appeals member, stated that due to a potential conflict of interest he
28 must abstain from Case 781-S-14.

29
30 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

31
32 Mr. Tim Hughes, who resides at 808 E Jackson, Tolono, stated that he is the General Manager for
33 United Prairie LLC. He said that he is before the Board tonight to request a Special Use Permit to
34 authorize expansion of their existing Special Use Permit for construction of a liquid fertilizer storage
35 tank that is 67 feet in diameter and 40 feet tall. He said that the storage tank will have a secondary 40
36 Mil PVC internal liner for containment of the 32%. He said that as part of authorization to construct this
37 tank United Prairie has simultaneously submitted an Application for Permit and Construction Approval,
38 Agrichemical Facility, to the Illinois Department of Agriculture. He said that currently the liquid

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1 fertilizer is being stored on site in the smaller tanks and the proposed tank will be located on the north
2 side of the fertilizer shed. He said that they are also planning to add 300 feet of rail siding for the
3 project.

4
5 Mr. Thorsland asked the Board if there were any questions for Mr. Hughes.

6
7 Ms. Lee asked Mr. Hughes what the liner is made of.

8
9 Mr. Hughes stated that it is a plastic poly-type liner. He said that the liner is called an 8-ounce Geo-Tech
10 Style Liner and the regulations for that liner come from the Department of Agriculture. He said that it
11 fits inside therefore it mounts to the top of the tank and the product actually sits in the liner, like a
12 bladder, so that the product does not come in contact with the steel portion of the tank.

13
14 Ms. Lee asked Mr. Hughes if water would be added to the 32% to make 28% or will other products be
15 used.

16
17 Mr. Hughes stated that they do not add water to the 32% and they sell the product as 32%. He said that
18 32% is a product that will salt out during extreme temperatures unless it is stored in quantities of
19 500,000 gallons or more. He said that watering the 32% down to 28% requires hauling water back and
20 forth to the field therefore 32% provides a more efficient delivery method, if you have the storage for it.

21
22 Ms. Lee asked Mr. Hughes if at any time they will mix the 32% with anhydrous ammonia.

23
24 Mr. Hughes stated no. He said that 32% and anhydrous ammonia do the same thing to the plant but they
25 are two different products. He said that anhydrous ammonia is a hazardous material therefore a facility
26 is required to have a hazardous material license to haul it and 32% is considered non-hazardous and does
27 not require a special hazardous material license to haul it.

28
29 Ms. Lee asked Mr. Hughes to indicate the total capacity of the tank.

30
31 Mr. Hughes stated that the total capacity of the tank is 1 million gallons however with the bladder they
32 lose a lot of head space. He said that they have applied with the Department of Agriculture to go up to 1
33 million gallons if they filled the tank completely full. He said that they work in terms of tonnage
34 therefore this is a tank that is rated to hold 5,000 tons of 32%.

35
36 Ms. Lee asked Mr. Hughes to explain what kind of damage would be caused to the soil if the material
37 were to leak out onto other landowner's property.

38

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1 Mr. Hughes stated that the site itself is contained therefore if they had a catastrophic rupture, although
2 the tank is designed not to do so, the tank itself is containment and there is only one entry and one exit
3 valve on the tank and those valves are contained in steel boxes that are closed and locked at all times.
4 He said that if one of the valves would rupture the valve is within a steel box that is connected inside the
5 tank. He said that if the tank were to rupture most of the product would be contained on site because
6 there is a berm around the entire property. He said that since the 32% is a nitrogen product they would
7 be required to clean it up because they would not want the nitrogen product to leach into the ground
8 water.

9
10 Mr. Thorsland asked Mr. Hughes if they had located any abandoned wells on the subject property.

11
12 Mr. Hughes stated no.

13
14 Mr. Thorsland asked Mr. Hughes if United Prairie had someone verify that no abandoned wells are
15 located on the subject property.

16
17 Mr. Hughes stated yes.

18
19 Mr. Thorsland asked Mr. Hughes if he is happy with Special Condition C. regarding the capping of
20 unused wells on the subject property if found.

21
22 Mr. Hughes stated yes.

23
24 Mr. Hall stated that the Board recently saw a special use permit like this, although the proposal was for
25 28%, and the Department of Agriculture had granted that project an experimental permit. He asked Mr.
26 Hughes if United Prairie's permit from the Department of Agriculture is an experimental permit as well.

27
28 Mr. Hughes stated no and he cannot explain why. He said that up to this point they have been using the
29 bladder system in the industry for over one decade and they had always been considered experimental.
30 He said that he was surprised that the new permit was not listed as experimental although he cannot
31 explain why other than speculating that this has become the standard in the industry and to mark it as
32 experimental is misleading because this is what they require facilities to do. He said that the old system
33 would have a steel tank with a steel dike around it and the problem with that is that over time 32% can
34 be very corrosive and you need to keep the product from the steel. He said that the liner keeps the 32%
35 product away from the steel. He said that the liner sits on a sand base and located around the bottom of
36 the tank are small ports where they are required to check weekly for leaking and if they are leaking they
37 are required to repair the port and replace the bladder.

38

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1 Mr. Hall stated that during the previous special use permit there was an operations manual written by a
2 certified professional. Mr. Hall asked Mr. Hughes if an operations manual will be prepared by certified
3 professional for this tank.

4
5 Mr. Hughes stated that the firm that they utilize is ASMARK and they write their operation manuals and
6 perform their safety training classes. He said that they have an on-staff health and safety person that
7 takes care of that aspect of the operation.

8
9 Mr. Hall asked Mr. Hughes if the health and safety person is the staff person who will be checking the
10 ports on a weekly basis.

11
12 Mr. Hughes stated that the on-site location manager is the person who is responsible for checking the
13 ports and is required to manage the logs each week and those logs are checked periodically by the
14 Department of Agriculture to make sure that the ports are being checked and that the results are being
15 documented.

16
17 Mr. Hall asked Mr. Hughes if the permit that is received from the Department of Agriculture a
18 permanent permit or is it renewed annually.

19
20 Mr. Hughes stated that the initial permit takes longer to receive but after it is received the permit is
21 renewed on an annual basis.

22
23 Mr. Thorsland asked if the connective piping for filling the tank is close to the tank and does not run
24 across the site.

25
26 Mr. Hughes stated that the connective piping is stainless steel and is local to the tank. He said that
27 where the truck physically hooks on to the tank there is concrete pad to catch any spillage. He said that
28 as a company they use a double wall stainless steel piping because in the long run it keeps them from
29 having to replace it. He said that the piping goes in to an exterior valve that opens and closes and then
30 goes into the valve that is located in the steel box so that if there is any rupture the product goes in to the
31 tank.

32
33 Mr. Thorsland asked Mr. Hughes if he had reviewed the proposed special conditions for approval.

34
35 Mr. Hughes stated that he had reviewed the proposed special conditions approval.

36
37 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hughes and there were
38 none.

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1

2 Mr. Thorsland asked if staff had any additional questions for Mr. Hughes.

3

4 Mr. Hall stated that the site plan indicates that the spur ends at some distance from the tank. He asked if
5 there would be some sort of a facility at the end of the spur that the rail cars hook up to that would
6 transfer the product to the tank.

7

8 Mr. Hughes stated yes.

9

10 Mr. Hall asked Mr. Hughes what he would call that facility.

11

12 Mr. Hughes stated that the facility would be indicated as the bulk head.

13

14 Mr. Hall stated that the State of Illinois has adopted Public Act 96-704, which staff calls the Commercial
15 Building Code Act. He said that the Public Act indicates that any commercial building must meet
16 certain commercial codes. He said that Public Act 96-704 was written by legislators and they probably
17 did not know that in the code even a tank is called a building. He said that in a previous special use
18 permit there was a special condition that required documentation indicating that the 3/4 million gallon
19 tank complied with Public Act 96-704 and that documentation was provided. Mr. Hall stated that he
20 does not see such a special condition for this case but he does believe that it is a feature of state law. He
21 asked Mr. Hughes if he was familiar with Public Act 96-704.

22

23 Mr. Hughes stated that he is not familiar with Public Act 96-704.

24

25 Mr. Hall stated that this is the problem when the State creates a law that talks about commercial
26 buildings complying with the building code and the building code considers the tank as being a building.
27 He said that there is a question in his mind if the state legislature really wanted fertilizer tanks to comply
28 with the building code but that is literally what the law says. He asked Mr. Hughes if he would have a
29 problem with such a condition being added because it would require someone being involved from the
30 beginning to the end that could certify at the end of the project that it complies with the building code.

31

32 Mr. Hughes stated that he would not have a problem with such a special condition.

33

34 Mr. Hall stated that the special condition could be added as Special Condition H.

35

36 Ms. Lee stated that item #5.A.(3) indicates that the proposed liquid solution tank is 60 feet x 40 feet
37 although Mr. Hughes indicated that the proposed liquid solution tank is 67 feet x40 feet.

38

1 Mr. Hughes stated that Ms. Lee was correct.

2
3 Mr. Hall stated that all references regarding the liquid solution tank should be revised to indicate 67 feet
4 x 40 feet.

5
6 Mr. Hughes requested that Mr. Hall read proposed Special Condition H.

7
8 Mr. Hall stated that when the Board is ready to review the special conditions he will read Special
9 Condition H.

10
11 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall or Mr. Hughes and
12 there were none.

13
14 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Hughes and there was no one.

15
16 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
17 testimony for Case 781-S-14 and there was no one.

18
19 Mr. Thorsland closed the witness register.

20
21 Mr. Thorsland stated that the Board will now review the proposed special conditions. Mr. Thorsland
22 read the special conditions as follows:

23
24 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate without**
25 **documentation of the County Engineer's approval of any constructed driveway**
26 **entrance including any necessary as-built engineering drawings.**

27
28 The special condition stated above is required to ensure the following:

29
30 **All vehicles related to the proposed Special Use can safely enter and exit the subject**
31 **property with adequate visibility and regardless of weather conditions.**

32
33 Mr. Thorsland stated that the railroad spur was discussed briefly during tonight's public hearing. He
34 asked Mr. Hall if the railroad spur would be approved by the County Engineer.

35
36 Mr. Hall stated no.

37
38 Mr. Thorsland asked if construction of the railroad spur was between the petitioner and the railroad

1 company.

2

3 Mr. Hall stated yes.

4

5 Mr. Thorsland asked Mr. Hughes if he was comfortable with the special condition not mentioning
6 anything about the railroad spur.

7

8 Mr. Hughes stated yes.

9

10 Mr. Thorsland asked Mr. Hughes if he agreed with Special Condition A.

11

12 Mr. Hughes stated that he agreed with Special Condition A.

13

14 **B. A complete Stormwater Drainage Plan that conforms to the requirements of the**
15 **Stormwater Management Policy shall be submitted and approved as part of the**
16 **Zoning Use Permit application and review and all required certifications shall be**
17 **submitted after construction prior to issuance of the Zoning Compliance Certificate.**

18

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

20

21 **The proposed Special Use Permit conforms to the requirements of the Stormwater**
22 **Management Policy.**

23

24 Mr. Thorsland asked Mr. Hughes if he agreed with Special Condition B.

25

26 Mr. Hughes stated that he agreed with Special Condition B.

27

28 **C. Any private wells on the subject property shall be documented on the site plan and**
29 **all unused wells shall be sealed. The Zoning Administrator shall not approve a**
30 **Zoning Compliance Certificate for Phase I of the Proposed Special Use Permit**
31 **without documentation that all unused wells on the subject property have been**
32 **sealed and the Champaign County Health Department has been notified.**

33

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

35

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

37

38 Mr. Thorsland asked Mr. Hall if Special Condition B. should be revised to indicate Phase II.

1
2 Mr. Hall stated that Phase I was in 2010 and this special use permit is in addition to that. He said the
3 petitioner indicated that there are no unsealed wells on the subject property.

4
5 Mr. Thorsland stated that he is comfortable with Phase II.

6
7 Mr. Hall stated that we don't know if there are any unsealed wells and we could request that the
8 petitioner inform the Board if one is discovered and if it is the well should be sealed appropriately as
9 soon as possible.

10
11 Mr. Thorsland stated that he is more interested that we are not looking all of the way back to Phase I
12 with this special condition. He said that the site plan indicated Phase I and most of everything is already
13 there.

14
15 Mr. Hughes stated that the site plan indicates "future" and those items are not on the subject property to
16 date.

17
18 Mr. Hall stated that the permit in 2010 was for Phase I and no Zoning Compliance Certificate has been
19 issued. He said that many of the conditions from the 2010 special use case are still applicable and it is
20 not intended to add anything new but to be consistent with the previous approval.

21
22 Mr. Thorsland stated that Ms. Busboom suggested that Special Condition C. read as follows:

- 23
24 **C. Any private wells on the subject property shall be documented on the site plan and**
25 **all unused wells shall be sealed. The Zoning Administrator shall not approve a**
26 **Zoning Compliance Certificate for Phase I and the Proposed Special Use Permit**
27 **without documentation that all unused wells on the subject property have been**
28 **sealed and the Champaign County Health Department has been notified.**

29
30 The above stated special condition is necessary to ensure the following:

- 31
32 **Any unused wells on the subject property are protected from contamination.**

33
34 Mr. Thorsland asked Mr. Hughes if he agreed with Special Condition C.

35
36 Mr. Hughes stated that he agreed with Special Condition C.

37
38 **D.**

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

6
7 **(2) The Zoning Administrator shall not authorize a Zoning Compliance**
8 **Certificate Authorizing operation of the proposed Special Use Permit until**
9 **the Zoning Administrator has verified that the Special Use as constructed**
10 **does in fact comply with the Illinois Accessibility Code and Illinois**
11 **Environmental Barriers Act.**

12
13 The above stated special condition is necessary to ensure the following:

14
15 **The proposed Special Use Permit meets applicable state codes for handicapped**
16 **accessibility.**

17
18 Mr. Thorsland asked Mr. Hughes if he agreed with Special Condition D.

19
20 Mr. Hughes stated that he agreed with Special Condition D.

21
22
23 **E. The Zoning Administrator shall not approve a Zoning Compliance Certificate**
24 **authorizing operation of the proposed Special Use Permit unless a copy of the**
25 **required Agrichemical Permit from the Illinois Department of Agriculture is**
26 **provided.**

27
28 The above stated special condition is necessary to ensure the following:

29
30 **The proposed Special Use Permit meets applicable state codes for construction and**
31 **use of an agrichemical facility.**

32
33 Mr. Thorsland asked Mr. Hughes if he agreed with Special Condition E.

34
35 Mr. Hughes stated that he agreed with Special Condition E.

36
37 **F.**
38 **(1) The Special Use shall at all times be operated in conformance with the**

1 **Illinois Department of Agriculture permit, and any special conditions**
2 **thereof.**

3
4 **(2) The owner/operator of the Special Use shall make all inspection and**
5 **maintenance records required by the Illinois Department of Agriculture**
6 **(IDAG) available to Champaign County upon request by the Zoning**
7 **Administrator and shall cooperate with Champaign County in resolving any**
8 **valid complaint or concern that is related to public safety and environmental**
9 **protection.**

10
11 **(3) The owner/operator of the Special Use shall provide the Zoning**
12 **Administrator with copies of renewal permits over the lifetime of the Special**
13 **Use for the Illinois Department of Agriculture (IDAG) Permit. The Special**
14 **Use shall become void if the Petitioner fails to submit a renewal permit from**
15 **the Illinois Department of Agriculture (IDAG) to the Zoning Office over the**
16 **lifetime of the Special Use.**

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

19
20 **To ensure that Champaign County is fully informed of any risks that arise for**
21 **public safety and environmental protection.**

22
23 Mr. Thorsland asked Mr. Hughes if he agreed with Special Condition F.

24
25 Mr. Hughes stated that he agreed with Special Condition F.

26
27
28 **G. The development of the site must be substantially the same as indicated in the Site**
29 **Plan submitted on April 30, 2014.**

30
31 The above stated special condition is necessary to ensure the following:

32
33 **That the development of the site is the same as described in the public hearing.**

34
35 Mr. Thorsland asked Mr. Hughes if he agreed with Special Condition G.

36
37 Mr. Hughes stated that he agreed with Special Condition G.

1 **H. The Zoning Administrator shall not authorize a Zoning Compliance Certificate for**
2 **the proposed Special Use until the Zoning Administrator received a certification of**
3 **inspection from an Illinois Licensed Architect or other qualified inspector certifying**
4 **that the new building complies with the following codes:**

- 5 A. **The 2006 or later edition of the International Building Code**
6 B. **The 2008 or later edition of the National Electrical Code NFPA 70**
7 C. **The Illinois Plumbing Code**

8
9 The above stated special condition is necessary to ensure the following:

10
11 **The proposed structures comply with *Illinois Public Act 96-704*.**

12
13 Mr. Hall stated that he does not know if the Illinois Plumbing Code is relevant to an ammonia tank, and
14 likewise, if it can be shown that the Illinois Plumbing Code or any of the other codes are not relevant
15 then even if this is a condition it would not apply. He said that the International Building Code
16 specifically defines a building as including a tank and he is sure that the National Electrical Code NFPA
17 70 is still relevant. He said that if we find conclusively that the Illinois Plumbing Code is not relevant
18 then it will not be applied.

19
20 Mr. Thorsland asked Mr. Hughes if he agreed with Special Condition H.

21
22 Mr. Hughes stated that he agreed with Special Condition H.

23
24 Mr. Thorsland stated that there are no new Documents of Record.

25
26 **Findings of Fact for Case 781-S-14:**

27
28 From the documents of record and the testimony and exhibits received at the public hearing for zoning
29 case 781-S-14 held on July 17, 2014, the Zoning Board of Appeals of Champaign County finds that:

- 30
31 **1. The requested Special Use Permit IS necessary for the public convenience at this**
32 **location.**

33
34 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this
35 location because there is customer demand for the product that the retailer proposed to supply and
36 requires storage for; and there is highway and railroad access at the site; and the site is existing for agri-
37 chemicals and sales and the proposed use is compatible with current use of the site.

1 **2. The requested Special Use Permit, subject to the special conditions imposed herein,**
2 **is so designed, located, and proposed to be operated so that it WILL NOT be**
3 **injurious to the district in which it shall be located or otherwise detrimental to the**
4 **public health, safety, and welfare because:**

5
6 **a. The street has ADEQUATE traffic capacity and the entrance location has**
7 **ADEQUATE visibility.**

8 Ms. Capel stated that the street has ADEQUATE traffic capacity and the entrance location has
9 ADEQUATE visibility. She said that County Highway 23 has adequate traffic capacity and also the
10 County Engineer's approval is required for the entrance.

11
12 Mr. Randol stated that the petitioner is already using the street and entrance location and is only
13 combining storage.

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

15
16 Ms. Capel stated that emergency services availability is ADEQUATE.

17
18 **c. The Special Use WILL be compatible with adjacent uses.**

19
20 Mr. Thorsland stated that the Special Use WILL be compatible with adjacent uses.

21
22 **d. Surface and subsurface drainage will be ADEQUATE.**

23
24 Mr. Randol stated that surface and subsurface drainage will be ADEQUATE.

25
26 **e. Public safety will be ADEQUATE.**

27
28 Mr. Randol stated that public safety will be ADEQUATE.

29
30 **f. The provisions for parking will be ADEQUATE.**

31
32 Ms. Capel stated that the provisions for parking will be ADEQUATE.

33
34 **g. The property is BEST PRIME FARMLAND and the property with the**
35 **proposed improvements IS WELL SUITED OVERALL.**

36
37 Ms. Capel stated that the property is BEST PRIME FARMLAND and the property with the proposed
38 improvements IS WELL SUITED OVERALL.

- 1
2 **h. The existing public services ARE available to support the proposed special**
3 **use effectively and safely without undue public expense.**
4

5 Mr. Randol stated that the existing public services ARE available to support the proposed special use
6 effectively and safely without undue public expense.
7

- 8 **i. The only existing public infrastructure together with proposed improvements**
9 **ARE adequate to support the proposed development effectively and safely**
10 **without undue public expense.**
11

12 Mr. Thorsland stated that only existing public infrastructure together with proposed improvements ARE
13 adequate to support the proposed development effectively and safely without undue public expense.
14

15 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed
16 herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the
17 district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
18

- 19 **3a. The requested Special Use Permit, subject to the special conditions imposed herein,**
20 **DOES conform to the applicable regulations and standards of the DISTRICT in**
21 **which it is located.**
22

23 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein,
24 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.
25

- 26 **3b. The requested Special Use Permit, subject to the special conditions imposed herein,**
27 **DOES preserve the essential character of the District in which it is located because:**
28 **a. The Special Use will be designed to CONFORM to all relevant County**
29 **ordinances and codes.**
30

31 Mr. Thorsland stated that the Special Use will be designed to CONFORM to all relevant County
32 ordinances and codes.
33

- 34 **b. The Special Use WILL be compatible with adjacent uses.**
35

36 Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.
37

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

1
2 Mr. Randol stated that public safety will be ADEQUATE.

3
4 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed
5 herein, DOES preserve the essential character of the District in which it is located.

- 6
7 **4. The requested Special Use Permit, subject to the special conditions imposed herein,
8 IS in harmony with the general purpose and intent of the Ordinance because:**
9 **a. The Special Use IS authorized in the DISTRICT.**

10
11 Mr. Randol stated that the Special Use IS authorized in the DISTRICT.

- 12
13 **b. The requested Special Use Permit IS necessary for the public convenience at
14 this location.**

15
16 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this
17 location.

- 18
19 **c. The requested Special Use Permit, subject to the special conditions imposed
20 herein, is so designed, located, and proposed to be operated so that it WILL
21 NOT be injurious to the district in which it shall be located or otherwise
22 detrimental to the public health, safety and welfare.**

23
24 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein,
25 is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in
26 which it shall be located or otherwise detrimental to the public health, safety and welfare.

- 27
28 **d. The requested Special Use Permit, subject to the special conditions imposed
29 herein, DOES preserve the essential character of the DISTRICT in which it
30 is located.**

31
32 Mr. Randol stated that the Special Use Permit, subject to the special conditions imposed herein, DOES
33 preserve the essential character of the DISTRICT in which it is located.

34
35 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed
36 herein, IS in harmony with the general purpose and intent of the Ordinance.

- 37
38 **5. The requested Special Use Permit IS NOT an existing nonconforming use.**

1
2 Mr. Randol stated that the requested Special Use Permit IS NOT an existing nonconforming use.

3
4 **6. The special conditions imposed herein are required to ensure compliance with the**
5 **criteria for Special Use Permits and for the particular purposes described below:**

6
7 **A. The Zoning Administrator shall not issue a Zoning Compliance Certificate without**
8 **documentation of the County Engineer's approval of any constructed driveway**
9 **entrance including any necessary as-built engineering drawings.**

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

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

13
14 **B. A complete Stormwater Drainage Plan that conforms to the requirements of the**
15 **Stormwater Management Policy shall be submitted and approved as part of the**
16 **Zoning Use Permit application and review and all required certifications shall be**
17 **submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

19 **The proposed Special Use Permit conforms to the requirements of the Stormwater**
20 **Management Policy.**

21
22 **C. Any private wells on the subject property shall be documented on the site plan and**
23 **all unused wells shall be sealed. The Zoning Administrator shall not approve a**
24 **Zoning Compliance Certificate for Phase I and the Proposed Special Use Permit**
25 **without documentation that all unused wells on the subject property have been**
26 **sealed and the Champaign County Health Department has been notified.**

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

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

29
30 **D.**
31 **(1) The Zoning Administrator shall not approve a Zoning Use Permit for the**
32 **proposed Special Use Permit without certification by an Illinois Licensed**
33 **Architect or Illinois Professional Engineer that the proposed construction**
34 **will comply with the Illinois Accessibility Code and Illinois Environmental**
35 **Barriers Act; and**

36
37 **(2) The Zoning Administrator shall not authorize a Zoning Compliance**
38 **Certificate Authorizing operation of the proposed Special Use Permit until**

1 **the Zoning Administrator has verified that the Special Use as constructed**
2 **does in fact comply with the Illinois Accessibility Code and Illinois**
3 **Environmental Barriers Act.**

4
5 The above stated special condition is necessary to ensure the following:

6
7 **The proposed Special Use Permit meets applicable state codes for handicapped**
8 **accessibility.**

- 9
10 **E. The Zoning Administrator shall not approve a Zoning Compliance Certificate**
11 **authorizing operation of the proposed Special Use Permit unless a copy of the**
12 **required Agrichemical Permit from the Illinois Department of Agriculture is**
13 **provided.**

14
15 The above stated special condition is necessary to ensure the following:

16
17 **The proposed Special Use Permit meets applicable state codes for construction and**
18 **use of an agrichemical facility.**

19
20 **F.**

- 21 **(1) The Special Use shall at all times be operated in conformance with Illinois**
22 **Department of Agriculture permit, and any special conditions thereof.**
23
24 **(2) The owner/operator of the Special Use shall make all inspection and**
25 **maintenance records required by the Illinois Department of Agriculture**
26 **(IDAG) available to Champaign County upon request by the Zoning**
27 **Administrator and shall cooperate with Champaign County in resolving any**
28 **valid complaint or concern that is related to public safety and environmental**
29 **protection.**
30
31 **(3) The owner/operator of the Special Use shall provide the Zoning**
32 **Administrator with copies of renewal permits over the lifetime of the Special**
33 **Use for the Illinois Department of Agriculture (IDAG) Permit. The Special**
34 **Use shall become void if the Petitioner fails to submit a renewal permit from**
35 **the Illinois Department of Agriculture (IDAG) to the Zoning Office over the**
36 **lifetime of the Special Use.**

37
38 The above stated special condition is necessary to ensure the following:

1
2 **To ensure that Champaign County is fully informed of any risks that arise for**
3 **public safety and environmental protection.**
4

5 **G. The development of the site must be substantially the same as indicated in the Site**
6 **Plan submitted on April 30, 2014.**

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

8 **That the development of the site is the same as described in the public hearing.**
9

10 **H. The Zoning Administrator shall not authorize a Zoning Compliance Certificate for**
11 **the proposed Special Use until the Zoning Administrator received a certification of**
12 **inspection from an Illinois Licensed Architect or other qualified inspector certifying**
13 **that the new building complies with the following codes:**

14 **A. The 2006 or later edition of the International Building Code**

15 **B. The 2008 or later edition of the National Electrical Code NFPA 70**

16 **C. The Illinois Plumbing Code**

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

18 **The proposed structures comply with *Illinois Public Act 96-704*.**
19

20 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and
21 Findings of Fact as amended.
22

23 **Ms. Capel moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of**
24 **Record and Findings of Fact as amended. The motion carried by voice vote.**
25

26 Mr. Thorsland entertained a motion to move to the Final Determination for Case 781-S-14.
27

28 **Ms. Capel moved, seconded by Mr. Randol to move to the Final Determination for Case 781-S-14.**
29 **The motion carried by voice vote.**
30

31 Mr. Thorsland informed the petitioner that two Board members were absent and one Board member has
32 abstained therefore it is at his discretion to either continue Case 781-S-14 until a full Board is present or
33 request that the present Board move forward to the Final Determination. He informed the petitioner that
34 four affirmative votes are required for approval.
35

36 Mr. Hughes requested that the present Board move to the Final Determination.
37

38 **Final Determination for Case 781-S-14:**

17-14

1
2 **Ms. Capel moved, seconded by Mr. Randol that the Champaign County Zoning Board of Appeals**
3 **finds that, based upon the application, testimony, and other evidence received in this case, the**
4 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority**
5 **granted by Section 9.1.6B. of Champaign County Zoning Ordinance, determines that the Special**
6 **Use requested in Case 781-S-14 is hereby GRANTED WITH SPECIAL CONDITIONS, to the**
7 **applicant United Prairie, LLC, owned by Premier Cooperative and Topflight Grain, to authorize**
8 **expansion of existing Special Use Permit 676-S-10 to allow for the construction and use of a liquid**
9 **fertilizer storage tank as part of a “Farm Chemicals and Fertilizer Sales including incidental**
10 **storage and mixing of blended fertilizer” facility.**

11
12 Mr. Thorsland requested a roll call vote.

13
14 The roll was called:

15			
16	Capel-yes	Griest-absent	Lee-yes
17	Miller-abstained	Passalacqua-absent	Randol-yes
18	Thorsland-yes		

19
20 Mr. Hall informed Mr. Hughes that he has received approval and staff will send out the appropriate
21 paperwork as soon as possible.

22
23 **7. Staff Report**

24
25 Mr. Hall stated that the Board received information regarding the upcoming Illinois Association of
26 County Zoning Officials meeting on August 8, 2014, at Starved Rock Lodge & Conference Center,
27 Starved Rock State Park, Utica, IL. He said that this meeting provides a good opportunity for the Board
28 to meet other County Zoning Board of Appeals members. He said that this meeting generally has
29 approximately 100 people in attendance and he highly recommends it to the Board. He said that he is
30 planning to attend and would be happy to have anyone accompany him to the meeting but anyone
31 interested should get pre-registered as soon as possible.

32
33 Ms. Capel stated that she is interested in attending the meeting.

34
35 Ms. Lee stated that she may be interested in attending but she will have to let staff know if it is possible.

36
37 Mr. Hall stated that it is appropriate to be pre-registered and then cancel if necessary. He said that
38 anyone who decides to attend at the last minute can register and pay the fee at the door. He noted that

1 the Department of Planning and Zoning will pay the fees for registration but will not pay for any hotel
2 fees.

3
4 **8. Other Business**
5 **A. Review of Docket**
6

7
8 Mr. Hall stated that during preparation of the budget staff discovered that by the end of May the Board
9 has only had half as many cases as last year. He said that this year is a much different year than last year
10 and it is unknown if the pace will continue.

11
12 **9. Audience Participation with respect to matters other than cases pending before the Board**
13

14 None
15

16 **10. Adjournment**
17

18 Mr. Thorsland entertained a motion to adjourn the meeting.

19
20 **Ms. Capel moved, seconded by Ms. Lee to adjourn the meeting. The motion carried by voice vote.**
21

22 The meeting adjourned at 8:32 p.m.
23

24 Respectfully submitted
25
26
27
28

29 Secretary of Zoning Board of Appeals
30
31
32
33
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35

ZBA
17-14

AS APPROVED AUGUST 14, 2014

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