

CASE NO. 805-AM-15, 806-S-15, 807-V-15

SUPPLEMENTAL MEMORANDUM #3

JANUARY 14, 2016

Petitioners: Michael Wishall, 547 CR 900 E, Tolono, IL, Jason Wishall, 482 CR 900 East, Tolono, IL, and Brian Wishall, 3514 Village Drive, Anderson, IN, d.b.a. Wishall Transport, Wishall Farms & Transportation, Inc., and Wishall Farms, Inc.

Case 805-AM-15

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to authorize the use of an existing unauthorized Truck Terminal as a proposed Special Use in related Zoning Case 806-S-15 and subject to the requested variance in related Zoning Case 807-V-15.

Case 806-S-15

Request: Part A: Authorize the use of an existing unauthorized Truck Terminal as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning Case 805-AM-15 and subject to the requested variance in related zoning case 807-V-15, on the subject property below.

Part B: Authorize the following waiver to the standard conditions of the "Truck Terminal" special use as per Section 6.1.3 of the Zoning Ordinance: A separation distance of 30 feet in lieu of the required 200 feet between any Truck Terminal and any adjacent residential district or residential use.

Case 807-V-15

Request: Authorize the following variance on land proposed to be rezoned to the AG-2 Agriculture Zoning District in related Case 805-AM-15 in order to authorize the use of an existing unauthorized Truck Terminal as a proposed Special Use in related Zoning Case 806-S-15:

Part A. A variance from Section 5.3 of the Zoning Ordinance for a lot size of 5.68 acres in lieu of the maximum area of 3 acres for lots with soils that are best prime farmland.

Part B. A variance from the Champaign County Stormwater Management and Erosion Control Ordinance which requires a Stormwater Drainage Plan and review for lots of 2 to 6.25 acres that have greater than one acre of impervious surface area.

Location: A tract in Pesotum Township in the Northwest Quarter of the Northwest Quarter of Section 10 of Township 17 N, Range 8 E of the Third Principal Meridian and commonly known as Wishall Transport, Wishall Farms & Transportation, Inc., and Wishall Farms, Inc. located at 482 and 486 CR 900 East, Tolono.

Site Area: A 5 acre parcel plus approximately 0.68 acres of the adjacent parcel

Time Schedule for Development: Already in use

Prepared by: **Susan Chavarria**, Senior Planner

John Hall, Zoning Administrator

STATUS

Today Zoning Department staff received several documents from Mr. Matt Schweighart, attorney for the Petitioners that were requested by ZBA members at the October 15, 2015 meeting. These should be added as Documents of Record Item 14:

“Supplemental Memo #3 dated January 14, 2016, with attachments:

- A Email from Attorney Matt Schweighart
- B Agreement between LMJ Transportation and Tolono Township
- C Tile Map from 1996 created by Champaign County Soil and Water Conservation District
- D Legal Description of Special Use Permit area (received via second email on 1/14/16)”

ATTACHMENT A: EMAIL FROM MR. MATT SCHWEIGHART

After the first public hearing on October 15, 2015, Zoning Department staff sent six questions to Mr. Schweighart in order to acquire more information about the uses and functionality of the subject property.

1. What are the fuel tanks used for (i.e. does one serve just the trucking operations, another ag, or some other use)?
2. Does the trucking operation use both driveways or only the south driveway?
3. Do any significant business operations (bookkeeping, record keeping and filing; dispatching, meetings, etc.) occur in the residence on site?
4. John has determined that the Map Amendment (Case 805-AM-15) needs to include the entire 5 acre parcel plus that part of the truck terminal that extends east of the 5 acres. Would your clients be willing to authorize Bryan Bradshaw to provide a written legal description for that area?
5. Could you please identify which family members have an owner interest in the trucking company?
6. Please contact or have one of the owners contact Doug Gamble, Accessibility Specialist with the Illinois Capital Development Board. A special condition for the trucking business use permit will be that all is compliant with accessibility regulations.

ATTACHMENT B: AGREEMENT FOR ROAD USE

Jason Wishall, president of Wishall Transport, signed an agreement with Tolono Township Commissioner Brad Clemmons that Wishall Transport will not run full trucks on 900 East, nor will they run on 900 East in inclement weather.

ATTACHMENT C: TILE MAP

Mr. Michael Wishall provided the tile map for the subject property. Infrared imagery was used in 1996 to show where probable (solid line) and possible (dashed line) field tiles are.

ATTACHMENT D: LEGAL DESCRIPTION

Bryan Bradshaw created an updated legal description which bounds the proposed Special Use Permit area. No map was provided, Attorney Schweighart says the description is based on the map shown in the revised Case Maps in Supplemental Memorandum #2 dated January 6, 2016. The legal description and the Special Use Permit boundary in the revised Case Maps dated January 6, 2016 have been determined by staff to be the same. A Special Condition could be added which uses this legal description and/or a map as the Special Use Permit area.

ATTACHMENTS

- A Email from Attorney Matt Schweighart, dated and received January 14, 2016
- B Agreement between LMJ Transportation and Tolono Township (undated), received January 14, 2016
- C Tile Map from 1996 created by Champaign County Soil and Water Conservation District , received January 14, 2016
- D Legal Description of Special Use Permit area, received via second email on 1/14/16

Susan Chavarria

From: Matthew J. Schweighart <mjs@erwinlaw.com>
Sent: Thursday, January 14, 2016 12:17 PM
To: Susan Chavarria
Subject: RE: a few more questions
Attachments: Tolono Township Agreement.pdf; Tile Map.pdf

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Susan-

Attached please find the following documents:

1. Agreement with Tolono township
2. Tile Map

Additionally, please see the answers to your questions below.

1. What are the fuel tanks used for (i.e. does one serve just the trucking operations, another ag, or some other use)?

The tanks are used by both the farm trucks and the trucking operation.

2. Does the trucking operation use both driveways or only the south driveway?

The trucking operation uses both driveways.

3. Do any significant business operations (bookkeeping, record keeping and filing; dispatching, meetings, etc.) occur in the residence on site?

All of the bookkeeping, dispatch, meetings, etc. for both the farming and the trucking operations take place in a separate addition to the residence. The office space has a separate entrance from the residence and the two spaces are separated by a double wall with noise reducing insulation, with no interior passage between the two. The office space is used to support both the trucking and farming operations, with most of the space used for the farm.

4. John has determined that the Map Amendment (Case 805-AM-15) needs to include the entire 5 acre parcel plus that part of the truck terminal that extends east of the 5 acres. Would your clients be willing to authorize Bryan Bradshaw to provide a written legal description for that area?

Bryan Bradshaw is working to draft a legal description to reflect the parcel as indicated in Supplemental Memorandum #2 dated January 6, 2016.

5. Could you please identify which family members have an owner interest in the trucking company?

LMJ Transportation, Inc. d/b/a Wishall Transport is 100% owned by Jason Wishall.

6. Please contact or have one of the owners contact Doug Gamble, Accessibility Specialist with the Illinois Capital Development Board. He can be reached at (217) 782-8530 or doug.gamble@illinois.gov. As soon as Doug has time, we will need a written statement from him saying what needs to be done to the tool shop or other facilities related to the trucking business, or to state that the property is in compliance with the Illinois Accessibility Code and Environmental Barriers Act. A special condition for the trucking business use permit will be that all is compliant with accessibility regulations.

Doug Gamble retired at the end of the year. We have been in touch with his replacement, Felicia Burton, who indicated that she is not able to provide a statement without having an accessibility survey prepared by an architect. We are in the process of engaging an architect to conduct the survey. The petitioners understand that compliance is a condition for the use permit, and are willing to take the actions necessary, if any, to ensure compliance.

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SPECIAL USE PERMIT

LMJ Transportation, Inc.

D/B/A Wishall Transport

482 CR 900 East

Tolono, IL 61880

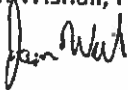
Tolono Township

1081 CR 900 North

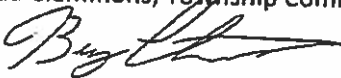
Tolono, IL 61880

This agreement is between Wishall Transport and Tolono Township. Tolono township allows Wishall Transport to run 900 East between Sadorus road and Monticello road. In accordance with this agreement Wishall Transport agrees to only run 900 East when the trailers are empty. Wishall Transport also agrees to not run 900 East in inclement weather.

Jason Wishall, President



Brad Clemmons, Township Commissioner



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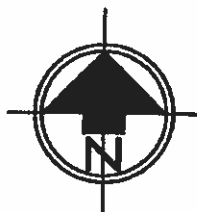
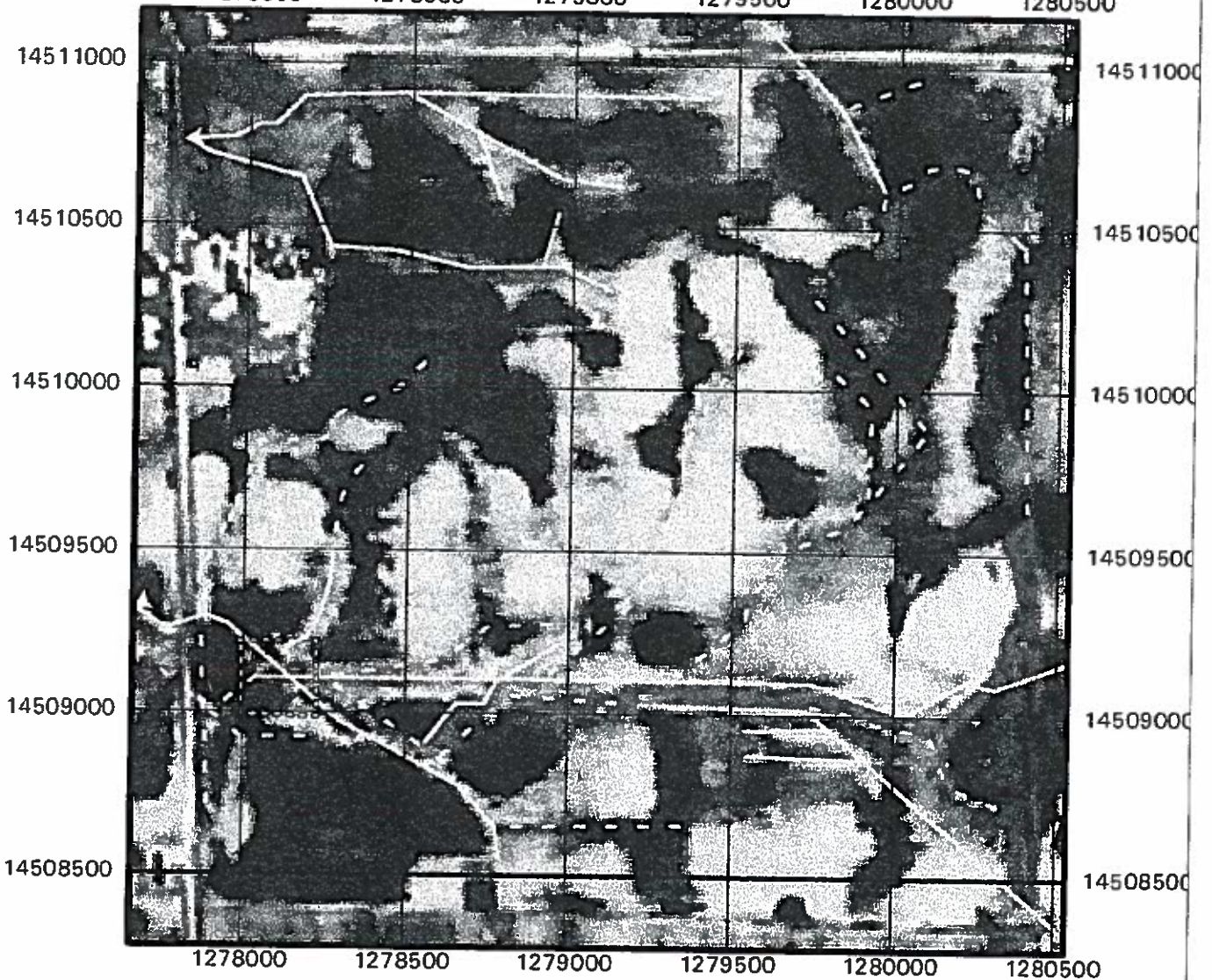
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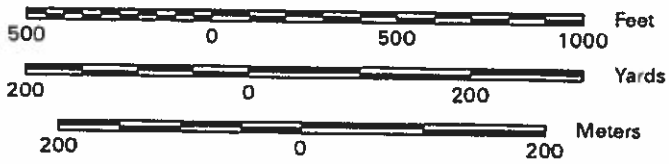
CLIENT: Mike Wishall

T17N R08E, NW 1/4, Sec 10 - Aprx. 160 Acres

1278000 1278500 1279000 1279500 1280000 1280500



Scale 1 : 6000



Grid lines at 500 ft. intervals

Call JULIE 1-800-892-0123
48 hours prior to digging.

LEGEND

Dashed yellow line indicates estimated position of a possible field tile.

Solid yellow line indicates estimated position of a probable field tile.

Yellow dashed box indicates area of special interest.

DISCLAIMER

This geographic product is untested and not field verified. It represents the best effort of the Champaign County Soil and Water Conservation District to detect the possible presence of field tile from aerial, color infrared imagery. This product carries with it no promise of accuracy.

Date of Imagery: 1996

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Legal Description

Wishall Farms

A parcel of Land in the North Half of the Northwest Quarter Section 10, Township 17 North, Range 8 East of the Third Principal Meridian, in Champaign County, Illinois, more particularly described as follows:

Commencing at a found iron pin at the Northwest Corner of the Northwest Quarter of Section 10, Township 17 North, Range 8 East of the Third Principal Meridian; Thence South $00^{\circ}16'43''$ East along the West line of the Northwest Quarter of said Section 10, a distance of 520.00 feet to a mag nail and the point of Beginning; Thence North $89^{\circ}43'17''$ East, a distance of 400.00 feet to an iron pin; Thence South $00^{\circ}16'43''$ East, a distance of 544.50 feet to an iron pin; Thence South $89^{\circ}43'17''$ West, a distance of 400.00 feet to the West line of the Northwest Quarter of Said Section 10 and a mag nail; Thence North $00^{\circ}16'43''$ West, along said West Line, a distance of 544.50 feet to the Point of Beginning.

And

Commencing at the Northwest Corner of the Northwest Quarter of Section 10, Township 17 North, Range 8 East of the Third Principal Meridian; Thence South $00^{\circ}16'43''$ East along the West line of said Northwest Quarter of Section 10, a distance of 520.00 feet; Thence North $89^{\circ}43'17''$ East, a distance of 400.00 feet; Thence South $00^{\circ}16'43''$ East, a distance of 45.00 feet to the Point of Beginning; Thence North $89^{\circ}43'17''$ East, a distance of 170.00 feet; Thence South $00^{\circ}16'43''$ East, a distance of 180.00 feet; Thence South $89^{\circ}43'17''$ West, a distance of 170.00 feet; Thence North $00^{\circ}16'43''$ West, a distance of 180.00 feet to the point of beginning containing 0.70 acres, more or less.

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