

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 East Washington Street
Urbana, IL 61802**

DATE:	March 28, 2024	PLACE:	Shields-Carter Meeting Room
			1776 East Washington Street
TIME:	6:30 p.m.		Urbana, IL 61802

MEMBERS PRESENT: Brian Andersen, Thaddeus Bates, Chris Flesner, Lee Roberts

MEMBERS ABSENT: Ryan Elwell, Cindy Cunningham, Jim Randol

STAFF PRESENT: John Hall, Stephanie Berry, Charlie Campo

OTHERS PRESENT: Mathew Vollbrecht, Christian Schlesinger, Tony Grilo, Aaron Esry, Michael Walker, Lindsay Vahling, Bruce Vahling, Fred Delcomyn, Nancy Delcomyn, Derek Liebert, Chad Goldenstein, Debra Griest

1. Call to Order

The meeting was called to order at 6:30 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Hall stated that they are without their chair tonight, so the Board needs to choose an interim chair and entertained a motion.

Mr. Bates moved, seconded by Mr. Flesner, to make Brian Andersen the interim chair. The motion passed by voice vote.

3. Correspondence – None

4. Minutes – February 15th and 29th, 2024

Mr. Andersen stated to bear with him as he is still learning this. He said first thing they need to do is approve the minutes.

Mr. Hall said that the Board probably received the February 15, 2024, minutes in the earlier packet.

Mr. Bates moved, seconded by Mr. Flesner, to approve the February 15th and 29th, 2024, minutes. The motion carried by voice vote.

5. Audience participation with respect to matters other than cases pending before the Board - None

6. Continued Public Hearings –

1 Mr. Anderson stated that the first two cases were together.

2
3 **Case 111-S-23**

4 Petitioner: **Anthony Donato, d.b.a. Donato Solar – Bondville LLC**

5
6 Request: **Authorize a photovoltaic solar array with a total nameplate capacity of 6 megawatts**
7 **(MW), including access roads and wiring, as a second principal use as a County Board**
8 **Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District**
9 **in Case 109-AM-23, and including the following waivers of standard conditions (other**
10 **wavers may be necessary):**

11
12 **Part A: A waiver for locating the PV Solar Array less than one-half mile from**
13 **an incorporated municipality and within the contiguous urban growth area of**
14 **a municipality per Section 6.1.5 B.(2)a.**

15
16 Location: **A 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township**
17 **19 North, Range 7 East of the Third Principal Meridian in Scott Township.**

18
19 **Case 133-S-24**

20 Petitioner: **Anthony Donato, d.b.a. Donato Solar – Bondville LLC**

21
22 Request: **Authorize a Data Center as a Special Use Permit in the AG-2 Agriculture Zoning**
23 **District.**

24
25 Location: **A 77.5-acre tract in the East Half of the Southwest Quarter of Section 12, Township**
26 **19 North, Range 7 East of the Third Principal Meridian in Scott Township.**

27
28 Mr. Andersen informed the audience that anyone wishing to testify for any public hearing tonight must
29 sign the witness register for that public hearing. He reminded the audience that when they sign the witness
30 register, they are signing an oath.

31
32 Mr. Andersen informed the audience that this Case is an Administrative Case, and as such, the County
33 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
34 for a show of hands from those who would like to cross-examine, and each person will be called upon. He
35 said that those who desire to cross-examine do not have to sign the Witness Register but will be asked to
36 clearly state their name before asking any questions. He noted that no new testimony is to be given during
37 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws
38 are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their
39 request.

40
41 Tony Grilo, 103 North Thomas Street, Thomasboro, Illinois, stated that before he dives into his case he
42 will add to his testimony, that he is a little bit bummed that he missed Ms. Burgstrom’s last ZBA meeting.
43 He wanted to publicly say that he hopes the ZBA members that are present and not present realize what a
44 huge loss her leaving is to the department, he doesn’t mean that as a detriment to the current staff, but she
45 was an extraordinarily, highly knowledgeable, and very helpful person who guided him time and time
46 again. He could send her a question and he would call her like 15 times a day sometimes asking little
47 questions that she probably has an answer off the tip of her tongue otherwise she has no shame in saying
48 she needs to look it up, and she always got an answer back to him very quickly, but he thinks that

1 department is going to greatly miss her and he is excited to work with her replacement, and he thinks he
2 will leave it at that.

3
4 Mr. Grilo said onto his cases, the solar array, he thinks they spoke about at his previous meeting here; is a
5 six-megawatt solar array just outside of the Village of Bondville, they went pretty in depth on this at that
6 last meeting that this case was at. He said there was some discussion, and the general vibe may have been
7 that it was positive, but because of the rezoning caveat was kind of the hang up there. He said that did
8 pass at full County Board, but they had to reapply for the data center case, because at the last ZBA meeting,
9 it was voted down, although, he did get voted yes to allow a variance for only a couple parking spots for
10 a data center that got voted down, that was interesting, so he had to reapply for the data center portion. He
11 thinks he will leave it at that and if there are questions, he will be available for any questions.

12
13 Mr. Andersen asked if there were any questions from the Board.

14
15 Mr. Hall said just to point out to the Board that they did have a change in the special conditions for the
16 Case 111-S-23. He said those that are in red on the Supplemental Memo #3 and for Case 133-S-24 the
17 Preliminary Memo reviewed four special conditions, he is not certain that these were the same special
18 conditions in the previous data center case or not, but it is a new case, so those need to be reviewed also.

19
20 Mr. Grilo said he will add that all those special conditions, he is still under the understanding that he will
21 need to put a fire hydrant within 200 feet of the data center. He said there was some confusion there about
22 the drainage tiles, he thinks maybe Scott Township and Village of Bondville had some concern that there
23 is a drainage tile along Illinois Route 10, but there is no drainage tile that the Fountain Head Drainage
24 District knows about there, and the Fountain Head Drainage District does have a drainage tile to the south
25 end of the solar array. He said there is a private drainage tile that the current landowner has through the
26 center of the solar array, which he does believe is laid out in one of the site plans. He said yes, it does, on
27 one of the site plans it does point out the private drainage tile, and he did work with the Fountain Head
28 Drainage District to confirm that is not their drainage tile, it is a drainage tile that Mr. Hatch put in, but
29 whether it was Mr. Hatch or a former landowner, and they will expect a probe for that and GPS it before
30 they do anything out there. He said like their Oaks Road case, that public drainage tile that the Fountain
31 Head Drainage District has; there is no easement currently for that, but they will make sure that an
32 easement is obtained again before they start, because it protects everybody including them and the
33 Fountain Head Drainage District.

34
35 Mr. Andersen asked if anyone from the audience would like to cross-examine this witness. Seeing none,
36 he entertained a motion to close the Witness Register for Cases 111-S-23 and 133-S-24.

37
38 **Mr. Roberts moved, seconded by Mr. Flesner, to close the Witness Register for Cases 111-S-23 and**
39 **133-S-24. The motion carried by voice vote.**

40
41 Mr. Andersen said that item G.4. is addressed in Case 133-S-24 for the data center, so they're not going
42 to review that one, but he is going to read letter (I.) and asked if the petitioner would like to come back up
43 and follow through this.

44
45 Mr. Andersen read from Attachment C on pages 41 of 56 in the Supplemental Memo #3, as follows:

46
47 **Special Conditions of Approval for Case 111-S-23**

48
49 **I.** Within the boundary of the solar farm, the petitioner shall:

- 1 1. **Complete a survey identifying all drainage tile and stake off all tile encountered prior**
- 2 **to construction.**
- 3
- 4 2. **Replace or repair all privately owned underground drainage tile that are identified**
- 5 **and encountered consistent with both the Champaign County Storm Water**
- 6 **Management and Erosion Control Ordinance and with the Agriculture Impact**
- 7 **Mitigation Agreement.**
- 8
- 9 3. **All mutual tile drains that serve upland areas shall be protected from construction**
- 10 **disturbance and a 40-foot wide no-construction area shall be centered on all mutual**
- 11 **drain tiles. (Proposed new text)**
- 12
- 13 4. **Future access shall be guaranteed for maintenance of all mutual drain tiles. (Proposed**
- 14 **new text)**
- 15
- 16 5. **No Zoning Compliance Certificate shall be authorized by the Zoning Administrator**
- 17 **until all required “as-built” drawings showing the location of all drainage tile within**
- 18 **the boundary of the solar farm have been filed with the Illinois Department of**
- 19 **Agriculture and the Champaign County Soil and Water Conservation District.**
- 20

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

To ensure conformance with all relevant requirements for replacement of underground drainage tile within the area of the Special Use Permit.

Mr. Andersen asked if he agreed.

Mr. Grilo said yes.

Mr. Andersen read from Attachment H on pages 15 of 22 in the Preliminary Memorandum, as follows:

Special Conditions of Approval for Case 133-S-24

- 12. **Regarding proposed special conditions of approval for the Special Use Permit in Case 133-S-24:**
- A. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed special use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

That the proposed Special Use meets applicable State requirements for accessibility.

Mr. Andersen asked if he agreed.

Mr. Grilo said yes.

- B. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the**

1 **subject property will comply with the lighting requirements of Section 6.1.2.**

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

4 **That the proposed use is in compliance with the Zoning Ordinance.**

5
6 Mr. Andersen asked if he agreed.

7
8 Mr. Grilo said yes.

9
10 **C. A Zoning Compliance Certificate shall be required for the DATA CENTER prior to**
11 **commercial operation. Approval of a Zoning Compliance Certificate shall require the**
12 **following:**

13
14 **1. A certification of inspection from an Illinois Licensed Architect or other**
15 **qualified inspector certifying that the new buildings comply with the following**
16 **codes: (A) the current edition or most recent preceding edition of the**
17 **International Building Code, and (B) the current edition or most recent**
18 **preceding edition of the National Electrical Code NFPA 70.**

19
20 **2. A fire hydrant shall be installed along the gravel drive within 200 feet of the**
21 **data center in compliance with the relevant standards of the relevant**
22 **jurisdiction and written acceptance by the Bondville Fire Department shall be**
23 **submitted to the Zoning Administrator and a Knox box shall be installed at**
24 **the door to the Data Center.**

25
26 **The special condition stated above is required to ensure the following:**

27 The DATA CENTER is constructed consistent with the Special Use Permit
28 approval and in compliance with the Ordinance requirements.

29
30 Mr. Andersen asked if he agreed.

31
32 Mr. Grilo said yes.

33
34 **D. The petitioner shall apply for a Floodplain Development Permit in conjunction with**
35 **the Zoning Use Permit for construction of the DATA CENTER.**

36
37 The special condition stated above is required to ensure the following:

38 **Compliance with the Special Flood Hazard Areas Ordinance.**

39
40 Mr. Andersen asked if he agreed.

41
42 Mr. Grilo said yes.

43
44 Mr. Andersen asked if the Board had any further questions before they move onto the Findings of Fact for
45 Case 133-S-24.

46
47 Mr. Bates said this is a new case and looks like it has been redesigned from the original layout and asked
48 if that was correct.

1 Mr. Grilo said no, it should be identical to the original one.
2
3 Mr. Bates said the data center was always on the south side without any vegetation or anything to block
4 it.
5
6 Mr. Grilo said correct, because it is a 1,000 feet or more from the nearest residential area.
7
8 Mr. Bates said for some reason he thought they had discussion during the first viewing that there was
9 some negotiation to block that, but maybe not. He asked if there was any further communication with the
10 Village of Bondville.
11
12 Mr. Grilo said no he never heard from them, and he can't remember if the cases went to County Board for
13 one or two meetings.
14
15 Mr. Bates said two meetings.
16
17 Mr. Grilo said they talked with him here at the first County Board meeting and that was the last time he
18 heard from them, the Mayor of Bondville wanted to confirm he had his email and phone number, and he
19 was going to reach out and he never heard from him.
20
21 Mr. Bates said okay.
22
23 Mr. Hall said the Village of Bondville did receive notice about the new zoning case.
24
25 Mr. Bates said he would assume and no response obviously.
26
27 Mr. Hall said no response.
28
29 Mr. Andersen asked if there were any other questions from the Board or Staff. Seeing none, he said they
30 were going to move onto the Findings of Fact for Cases 111-S-23 and 133-S-24.
31
32 Mr. Andersen read from Attachment C on pages 44 of 56 in the Supplemental Memo #3, as follows:
33
34 **Findings of Fact for Case 111-S-23**
35 From the documents of record and the testimony and exhibits received at the public hearing for zoning
36 Case **111-S-23** held on **September 14, 2023, November 30, 2023, and March 28, 2024**, the Zoning Board
37 of Appeals of Champaign County finds that:
38
39 **1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this**
40 **location because:**
41
42 Mr. Bates said the requested Special Use Permit **IS** necessary for the public convenience at this location
43 because the State of Illinois has adopted a Renewable Portfolio Standard that established a goal of 25
44 percent of the State's energy coming from renewable sources by the year 2025. He said the Illinois Future
45 Energy Jobs Act requires an installation of 3,000 megawatts of new solar capacity by the year 2030.
46
47 **2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
48 ***HEREIN* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}***

1 be injurious to the district in which it shall be located or otherwise detrimental to the public
2 health, safety, and welfare because:

3
4 a. The street has {ADEQUATE / INADEQUATE} traffic capacity and the entrance
5 location has {ADEQUATE / INADEQUATE} visibility.
6

7 Mr. Bates said the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
8 visibility because traffic volumes are not expected to increase significantly other than during construction
9 of the project. He said notice was sent to IDOT and the Township Road Commissioner, and no comments
10 have been received.

11
12 b. Emergency services availability is {ADEQUATE / INADEQUATE} because:
13

14 Mr. Bates said the emergency services availability is ADEQUATE because the subject property is located
15 approximately 1,475 feet from the Bondville Fire Station.
16

17 c. The Special Use {WILL / WILL NOT} be compatible with adjacent uses because:
18

19 Mr. Bates said the Special Use WILL be compatible with adjacent uses because the proposed PV Solar
20 Array will not be disruptive to surrounding agriculture. He said the inverters are located approximately
21 1,350 feet from the closest residential property.
22

23 d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} because:
24

25 Mr. Bates said the surface and subsurface drainage will be ADEQUATE because most of the subject
26 property is located within a mapped floodplain. He said a Storm Water Drainage Plan and detention basin
27 will be required if more than 16 percent of the subject property is impervious area, including gravel,
28 buildings, and solar array rack posts, per the Storm Water Management and Erosion Control Ordinance.
29

30 e. Public safety will be {ADEQUATE / INADEQUATE} because:
31

32 Mr. Bates said the public safety will be ADEQUATE because the subject property is located
33 approximately 1,475 feet from the Bondville Fire Station. He said notice was sent to IDOT and the
34 Township Road Commissioner, and no comments have been received.
35

36 f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:
37

38 Mr. Bates said the provisions for parking will be ADEQUATE because a PV Solar Array does not require
39 parking. He said there is no significant increase in traffic expected for the proposed development.
40

41 g. The property {IS / IS NOT} WELL SUITED OVERALL for the proposed
42 improvements because:
43

44 Mr. Bates said the property IS well suited overall for the proposed improvements because the site is
45 reasonably well-suited in all respects and has no major defects.
46
47

48 h. Existing public services {ARE / ARE NOT} available to support the proposed
49 SPECIAL USE without undue public expense because:

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Mr. Bates said the existing public services **ARE** available to support the proposed Special Use without undue public expense because no additional public services are necessary for the proposed development.

- i. Existing public infrastructure together with the proposed development *{IS / IS NOT}* adequate to support the proposed development effectively and safely without undue public expense because:**

Mr. Bates said the existing public infrastructure **IS** adequate because no new public infrastructure is required for the proposed development.

Mr. Bates said 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.

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located, subject to approval of the requested waivers.**

Mr. Bates said the requested Special Use Permit **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN DOES** conform to the applicable regulations and standards of the District in which it is located, subject to approval of the requested waivers.

- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:**

- a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.**

Mr. Bates said the Special Use will be designed to **CONFORM** to all relevant County ordinances and codes.

- b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.**

Mr. Bates said the Special Use **WILL** be compatible with adjacent uses.

- c. Public safety will be *{ADEQUATE / INADEQUATE}*.**

Mr. Bates said the public safety will be **ADEQUATE**.

Mr. Bates said 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 / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:**

1 Mr. Bates said the requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
2 HEREIN **IS** in harmony with the general purpose and intent of the Ordinance.

- 3
- 4 **a. The Special Use is authorized in the District.**
- 5
- 6 **b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience**
7 **at this location.**
- 8

9 Mr. Bates said the requested Special Use Permit **IS** necessary for the public convenience at this location.

- 10
- 11 **c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS***
12 ***IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it**
13 ***{WILL / WILL NOT}* be injurious to the district in which it shall be located or**
14 **otherwise detrimental to the public health, safety, and welfare.**
- 15

16 Mr. Bates said the requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
17 HEREIN is so designed, located, and proposed to be operated so that it **WILL NOT** be injurious to the
18 district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

- 19
- 20 **d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS***
21 ***IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the**
22 **DISTRICT in which it is located.**

23
24 Mr. Bates said the requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
25 HEREIN **DOES** preserve the essential character of the District in which it is located.

26
27 **5. The requested Special Use IS NOT an existing nonconforming use.**

28
29 **6. Regarding necessary waivers of standard conditions:**

30
31 **Per Section 7.15 of the Champaign County ZBA Bylaws, “waivers may be approved**
32 **individually or en masse by the affirmative vote of a majority of those members voting on**
33 **the issue and shall be incorporated into the Findings of Fact with the reason for granting**
34 **each waiver described”.**

35
36 **A. Regarding Part A of the proposed waivers, for locating the PV SOLAR ARRAY less**
37 **than one-half mile from an incorporated municipality and within the contiguous**
38 **urban growth area of a municipality:**

- 39 **(1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of**
40 **the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the**
41 **neighborhood or to the public health, safety, and welfare because: the Village**
42 **of Bondville has been notified of this case and has not provided comments as**
43 **of September 6, 2023.on October 25, 2023, filed a Resolution of Protest against**
44 **the required Map Amendment in Case 109-AM-23 that would provide**
45 **appropriate zoning for the PV SOLAR ARRAY. The County Board approved**
46 **the map amendment on February 22, 2024.**

- 1 (2) **Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar**
 2 **to the land or structure involved, which are not applicable to other similarly**
 3 **situated land and structures elsewhere in the same district because: the Village**
 4 **of Bondville was notified of the proposed Special Use Permit on August 21,**
 5 **2023 and on October 25, 2023, filed a Resolution of Protest against the required**
 6 **Map Amendment in Case 109-AM-23 that would provide appropriate zoning**
 7 **for the PV SOLAR ARRAY. The County Board approved the map amendment**
 8 **on February 22, 2024.**
- 9
- 10 (3) **Practical difficulties or hardships created by carrying out the strict letter of**
 11 **the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or**
 12 **otherwise permitted use of the land or structure or construction because:**
 13 **without the waiver, the project could not be constructed on the subject**
 14 **property.**
- 15
- 16 (4) **The special conditions, circumstances, hardships, or practical difficulties *{DO***
 17 ***/ DO NOT}* result from actions of the applicant because: the petitioner was**
 18 **aware of this requirement but decided to request the waiver so that the project**
 19 **could proceed.**
- 20
- 21 (5) **The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL***
 22 ***CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible**
 23 **the reasonable use of the land/structure because: without the waiver, the**
 24 **project could not be constructed on the subject property.**

25

26 Mr. Andersen asked the Board if they wanted to approve all of number six en masse or go through each
 27 item individually.

28

29 **Mr. Bates moved, seconded by Mr. Randol, to approve number six en masse for the necessary**
 30 **waivers for Case 111-S-23. The motion carried by voice vote.**

31

32 Mr. Andersen entertained a motion to move to the Final Determination for Case 111-S-23.

33

34 **Mr. Roberts moved, seconded by Mr. Bates, to move to the Final Determination for Case 111-23.**
 35 **The motion carried by voice vote.**

36

37 Mr. Andersen told Mr. Grilo that there wasn't a full Board tonight and he has the option to continue with
 38 his case tonight or continue it to a different meeting date when there is full Board present.

39

40 Mr. Grilo said he would like to move forward with his case.

41

42 Mr. Andersen read from Attachment C on pages 53 of 56 in the Supplemental Memo #3, as follows:

43

44 **Final Determination for Case 111-S-23**

45 **Mr. Bates moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals**
 46 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
 47 **requirements for approval of Section 9.1.11B. HAVE been met, and pursuant to the authority**
 48 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, recommends that:**

1 The Special Use requested in Case 111-S-23 be **GRANTED WITH SPECIAL CONDITIONS**
2 to the applicant, Anthony Donato, d.b.a. Donato Solar – Bondville LLC, to authorize the
3 following as a Special Use on land in the AG-2 Agriculture Zoning district:
4

5 Authorize a PV SOLAR ARRAY with a total nameplate capacity of 6 megawatts
6 (MW), including access roads and wiring, as a second principal use as a County Board
7 Special Use Permit, subject to the rezoning to the AG-2 Agriculture Zoning District
8 in Case 109-AM-23, and including the following waivers of standard conditions (other
9 waivers may be necessary):
10

11 Part A: A waiver for locating the PV Solar Array less than one-half mile from
12 an incorporated municipality and within the contiguous urban growth area of
13 a municipality per Section 6.1.5 B.(2)a.
14

15 Mr. Andersen requested a roll call vote.

16
17 The vote was called as follows:
18

19 Andersen – Yes Bates – Yes Cunningham – Absent Elwell – Absent
20 Flesner – Yes Randol – Absent Roberts – Yes
21

22 Mr. Grilo asked the Board and Staff if they were going to get to the battery storage Case 130-AT-24 tonight
23 or it is going to get pushed off to another meeting date.
24

25 Mr. Hall said he is going to ask the Board to push it off to another meeting date, although, if there is
26 anyone here wanting to give comments, they should listen to those comments.
27

28 Mr. Andersen read from Attachment H on pages 18 of 22 in the Preliminary Memorandum, as follows:
29

30 **Findings of Fact for Case 133-S-24**

31 From the documents of record and the testimony and exhibits received at the public hearing for zoning
32 case 133-S-24 held on **March 28, 2024**, the Zoning Board of Appeals of Champaign County finds that:
33

- 34 1. The requested Special Use Permit ***{IS / IS NOT}*** necessary for the public convenience at this
35 location because:
36

37 Mr. Bates said the requested Special Use Permit **IS** necessary for the public convenience at this location
38 because the petitioner has signed interconnection agreements with Ameren for constructing the proposed
39 PV Solar Array on the subject property, which would power the Data Center.
40

- 41 2. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED***
42 ***HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}***
43 **be injurious to the district in which it shall be located or otherwise detrimental to the public**
44 **health, safety, and welfare because:**
45

- 46 a. The street has ***{ADEQUATE / INADEQUATE}*** traffic capacity and the entrance
47 location has ***{ADEQUATE / INADEQUATE}*** visibility because:
48

1 Mr. Bates said the street has **ADEQUATE** traffic capacity and the entrance location has **ADEQUATE**
 2 visibility because traffic volumes are not expected to increase significantly other than during construction
 3 of the project. He said notice was sent to IDOT and Scott Township, and no comments have been received.
 4

5 **b. Emergency services availability is {ADEQUATE / INADEQUATE} because:**
 6

7 Mr. Bates said the emergency services availability is **ADEQUATE** because the subject property is located
 8 approximately 1,475 feet from the Bondville Fire Station.
 9

10 **c. The Special Use {WILL / WILL NOT} be compatible with adjacent uses because:**
 11

12 Mr. Bates said the Special Use **WILL** be compatible with adjacent uses because the subject property is
 13 surrounded by agriculture to the east, west, north, and a mix of uses to the south. He said the nearest
 14 dwelling to the data center is over 1,000 feet to the south.
 15

16 **d. Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} because:**
 17

18 Mr. Bates said the surface and subsurface drainage will be **ADEQUATE** because most of the subject
 19 property is located within a mapped floodplain, so a Floodplain Development Permit will be required in
 20 addition to a Zoning Use Permit. He said a Storm Water Drainage Plan and detention basin will be required
 21 if more than 16 percent of the subject property is impervious area, including gravel, buildings, and solar
 22 array rack posts, per the Storm Water Management and Erosion Control Ordinance.
 23

24 **e. Public safety will be {ADEQUATE / INADEQUATE} because:**
 25

26 Mr. Bates said the public safety will be **ADEQUATE** because the subject property is located
 27 approximately 1,475 feet from the Bondville Fire Station. He said notice was sent to the Township
 28 Supervisor, and no comments have been received back.
 29

30 **f. The provisions for parking will be {ADEQUATE / INADEQUATE} because:**
 31

32 Mr. Bates said the provisions for parking will be **ADEQUATE** because there is no significant increase in
 33 traffic expected for the Data Center, and variance case 112-V-23 was approved to only require two parking
 34 spaces for this project.
 35

36 **g. The property {IS / IS NOT} WELL SUITED OVERALL for the proposed
 37 improvements because:**
 38

39 Mr. Bates said the property **IS** well suited overall for the proposed improvements because the site can be
 40 safely and soundly accommodated using simple engineering and common, easily maintained construction
 41 methods with no unacceptable negative effects on neighbors or the general public.
 42

43 **h. Existing public services {ARE / ARE NOT} available to support the proposed
 44 SPECIAL USE without undue public expense because:**
 45

46 Mr. Bates said the existing public services **ARE** available to support the proposed Special Use without
 47 undue public expense because no additional public services are necessary for the proposed development.
 48

1 **i. Existing public infrastructure together with the proposed development {IS / IS NOT}**
 2 **adequate to support the proposed development effectively and safely without undue**
 3 **public expense because:**

4
 5 Mr. Bates said the existing public infrastructure together with the proposed development **IS** adequate to
 6 support the proposed development effectively and safely without undue public expense because no new
 7 public infrastructure is required for the proposed development.

8
 9 Mr. Bates said the requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS
 10 IMPOSED HEREIN is so designed, located, and proposed to be operated so that it **WILL NOT** be
 11 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
 12 and welfare.

13
 14 **3a. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
 15 **HEREIN {DOES / DOES NOT} conform to the applicable regulations and standards of the**
 16 **DISTRICT in which it is located.**

17
 18 Mr. Bates said the requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
 19 HEREIN **DOES** conform to the applicable regulations and standards of the District in which it is located.

20
 21 **3b. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
 22 **HEREIN {DOES / DOES NOT} preserve the essential character of the DISTRICT in which**
 23 **it is located because:**

24
 25 **a. The Special Use will be designed to {CONFORM / NOT CONFORM} to all relevant**
 26 **County ordinances and codes.**

27
 28 Mr. Bates said the Special Use will be designed to **CONFORM** to all relevant County ordinances and
 29 codes.

30
 31 **b. The Special Use {WILL / WILL NOT} be compatible with adjacent uses.**

32
 33 Mr. Bates said the Special Use **WILL** be compatible with adjacent uses.

34
 35 **c. Public safety will be {ADEQUATE / INADEQUATE}.**

36
 37 Mr. Bates said the public safety will be **ADEQUATE**.

38
 39 Mr. Bates said the requested Special Use Permit SUBJECT TO THE SPECIAL CONDITIONS IMPOSED
 40 HEREIN **DOES** preserve the essential character of the District in which it is located.

41
 42 **4. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
 43 **HEREIN {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance**
 44 **because:**

45
 46 **a. The Special Use is authorized in the District.**

47

- 1 **b. The requested Special Use Permit {IS / IS NOT} necessary for the public convenience**
2 **at this location.**

3
4 Mr. Bates said the requested Special Use Permit **IS** necessary for the public convenience at this location.

- 5
6 **c. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
7 **IMPOSED HEREIN} is so designed, located, and proposed to be operated so that it**
8 **{WILL / WILL NOT} be injurious to the district in which it shall be located or**
9 **otherwise detrimental to the public health, safety, and welfare.**

10 Mr. Bates said the requested Special Use Permit **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
11 **HEREIN** is so designed, located, and proposed to be operated so that it **WILL NOT** be injurious to the
12 district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

- 13
14 **d. The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS**
15 **IMPOSED HEREIN} {DOES / DOES NOT} preserve the essential character of the**
16 **DISTRICT in which it is located.**

17
18 Mr. Bates said the requested Special Use Permit **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
19 **HEREIN DOES** preserve the essential character of the District in which it is located.

20
21 Mr. Bates said the requested Special Use Permit **SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
22 **HEREIN IS** in harmony with the general purpose and intent of the Ordinance.

- 23
24 **5. The requested Special Use IS NOT an existing non-conforming use.**

- 25
26 **6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**
27 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
28 **PARTICULAR PURPOSES.**

29
30 Mr. Andersen entertained a motion to adopt the Summary of Evidence, Documents of Record, and
31 Findings of Fact for Case 133-S-24.

32
33 **Mr. Roberts moved, seconded by Mr. Bates, to adopt the Summary of Evidence, Documents of**
34 **Record, and Findings of Fact for Case 133-S-24. The motion carried by voice vote.**

35
36 Mr. Andersen entertained a motion to move to the Final Determination for Case 133-S-24.

37
38 **Mr. Bates moved, seconded by Mr. Roberts, to move to the Final Determination for Case 133-S-24.**
39 **The motion carried by voice vote.**

40
41 Mr. Andersen told Mr. Grilo that there were only four Board members present tonight if he would like to
42 proceed with his case or wait and continue when there is a full Board present.

43
44 Mr. Grilo said to please move forward.

45
46 Mr. Andersen read from Attachment H on pages 18 of 22 in the Preliminary Memorandum, as follows:

47
48 **Final Determination for Case 133-S-24**

1 Mr. Bates moved, seconded by Mr. Flesner, that the Champaign County Zoning Board of Appeals
2 finds that, based upon the application, testimony, and other evidence received in this case, the
3 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority
4 granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

5
6 The Special Use requested in Case 133-S-24 is hereby GRANTED WITH SPECIAL
7 CONDITIONS to the applicant, Anthony Donato, d.b.a. Donato Solar – Bondville LLC, to
8 authorize the following:

9
10 Authorize a Data Center as a Special Use Permit in the AG-2 Agriculture Zoning
11 District.

12
13 SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS.

14
15 Mr. Andersen requested a roll call vote.

16
17 The vote was called as follows:

18
19 Andersen – Yes Bates – Yes Cunningham – Absent Elwell – Absent
20 Flesner – Yes Randol – Absent Roberts – Yes

21
22 Mr. Andersen told Mr. Grilo that was all for him and thanked him.

23
24 Mr. Grilo thanked them.

25
26 Mr. Hall said the solar array will be at the ELUC meeting on May 9, 2024.

27
28 Mr. Grilo asked him if it went to ELUC for one or two meetings.

29
30 Mr. Hall said in this instance it will go to two meetings unless they get a waiver from the Village of
31 Bondville.

32
33 Mr. Grilo said he assumes there will be two meetings.

34
35 Case 126-S-23

36 Petitioner: FFP IL Community Solar, LLC, via agent Christian Schlesinger and participating
37 landowner Kathryn Bonacci

38
39 Request: Case 126-S-23

40 Authorize a Community PV Solar Farm with a total nameplate capacity of 3.5
41 megawatts (MW), including access roads and wiring, in the AG-2 Agriculture Zoning
42 District, and including the following waivers of standard conditions:

43
44 Part A: A waiver for locating the PV Solar Farm less than one-half mile from
45 an incorporated municipality and within the contiguous urban growth area of
46 a municipality per Section 6.1.5 B.(2)a.(a).

47
48 Part B: A waiver for entering into a Roadway Upgrade and Maintenance
49 Agreement or waiver therefrom with the relevant local highway authority at a

1 later time in lieu of prior to consideration of the Special Use Permit by the
2 Board, per Section 6.1.5 G. of the Zoning Ordinance.
3 Other waivers may be necessary.
4

5 Case 127-S-23

6 Request: Authorize a second Community PV Solar Farm with a total nameplate capacity of 2.5
7 megawatts (MW), including access roads and wiring, in the AG-2 Agriculture Zoning
8 District, and including the following waivers of standard conditions:
9

10 Part A: A waiver for locating the PV Solar Farm less than one-half mile from
11 an incorporated municipality and within the contiguous urban growth area of
12 a municipality per Section 6.1.5 B.(2)a.(a).
13

14 Part B: A waiver for entering into a Roadway Upgrade and Maintenance
15 Agreement or waiver therefrom with the relevant local highway authority at a
16 later time in lieu of prior to consideration of the Special Use Permit by the
17 Board, per Section 6.1.5 G. of the Zoning Ordinance.
18

19 Other waivers may be necessary.
20

21 Location: Three tracts of land totaling 55.81 acres located in the Northeast Quarter of Section
22 27, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana
23 Township, and commonly known as farmland owned by Kathryn Bonacci in the
24 southwest corner of the intersection of Windsor Road and IL 130 (High Cross Rd),
25 Urbana.
26

27 Mr. Andersen informed the audience that anyone wishing to testify for any public hearing tonight must
28 sign the witness register for that public hearing. He reminded the audience that when they sign the witness
29 register, they are signing an oath.
30

31 Mr. Andersen asked if anyone else needs to sign the Witness Register that wants to give testimony and he
32 saw none.
33

34 Mr. Roberts asked for a copy of the packet because he seems to have picked up the wrong package at
35 home.
36

37 Mr. Bates asked if this case was a continuance case.
38

39 Mr. Hall said yes, these cases were originally scheduled for the March 14, 2024, ZBA meeting.
40

41 Mr. Roberts said right.
42

43 Mr. Bates said he didn't bring that packet either and Mr. Flesner seems to be the only one prepared.
44

45 Mr. Flesner said he wouldn't go that far.
46

47 Mr. Hall said so noted.
48

49 Mr. Andersen informed the audience that this Case is an Administrative Case, and as such, the County

1 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask
2 for a show of hands from those who would like to cross-examine, and each person will be called upon. He
3 said that those who desire to cross-examine do not have to sign the Witness Register but will be asked to
4 clearly state their name before asking any questions. He noted that no new testimony is to be given during
5 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws
6 are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their
7 request.

8
9 Matt Vollbrecht, Westward Professional Services, 480 Bellevue Avenue, Lander, Wyoming, stated that he
10 was here as the environmental consultant to the applicant. He said a couple quick clarifications, they did
11 a site redesign, so site one is 3.5 megawatts not 4.5 megawatts now. He said they eliminated some of the
12 northern solar arrays, so they no longer need the Part B waiver for the 45 feet, because they are now more
13 than 240 feet. He said they did a lot of consultation with A & E Vet Clinic, and they've agreed to have
14 their work hours from 7a.m. to 8p.m. as a condition, so they just want to make sure that is on the record.

15
16 Mr. Hall said the Board has a handout on that tonight, it's a new special condition.

17
18 Mr. Vollbrecht said oh okay, it just wasn't in his packet and wanted to make sure they did get that addressed
19 – perfect. He said they were here on January 25, 2024, they had a lot of good discussion about the project.
20 He said the Bonacci Site One, which is the one to the east on a 22.49-acre site and has a 3.5 megawatts
21 alternating current power project, that will consist of 9,542 solar array panels with bifacial 520-watt panels
22 that are constructed of laminated glass that are coated with an anti-reflective material and are on single
23 axis trackers tilting between 60 and negative 60 degrees. He said the project will have 14 inverters now
24 instead of the original 18 inverters, and they moved those inverters to the center of the solar array to get
25 them further away from A & E Vet Clinic, so they got them kind of dead center in their project to get them
26 as far away from all the neighbors as they could, and the perimeter will consist of a seven-foot-tall fence.

27
28 Mr. Vollbrecht said Bonacci Site Two is on a 15.96-acre site and has a 2.5 megawatts alternating current
29 power project, which will consist of 6,522 solar panels with a bifacial 530-watt modules constructed of
30 the laminated glass that is coated with an anti-reflective material and are on single axis trackers tilting
31 between 60 and negative 60 degrees. He said this phase of the project will have ten inverters and those
32 have been located essentially in the center of that solar array.

33
34 Mr. Vollbrecht said the two projects will share a single point of entrance from East Windsor Road and they
35 will have a gate at that entrance in some of the discussion that was requested from the County. He just
36 wants to give them quick updates on the things they have changed since their January 25, 2024, meeting
37 due to all the neighbor comments, they tried to address everything that they could. He said the first one is
38 that they did reduce the capacity of Bonacci Site One from 4.5 megawatts to 3.5 megawatts, that let them
39 eliminate some of those northern solar panels, and essentially get the whole solar array further away from
40 A & E Vet Clinic and the residential houses immediately north of Windsor Road, that got rid of need for
41 the Part B waiver, because they are now more than 240 feet away from the residential lots.

42
43 Mr. Vollbrecht said they made some revisions to both sites that incorporated a lot of comments, so they
44 revised the screening plan to drop the proposed American Elderberry and replace it with an Evergreen
45 Arborvitae species, and that was a request from the County to give them a little bit more screening. He
46 said they had an online meeting with the Urbana Park District and have provided the seed mixes for the
47 proposed vegetation maintenance plans and addressed a lot of their concerns they had. He said as a part
48 of that they added additional screening and are now screening the entire east side of the project along
49 Illinois Route 130, so the entire east side of the project will now be screened, that will screen the neighbors

1 to the southeast that had some concerns. He said they have included screening and a solid fence along the
2 south boundary of both Bonacci Site One and Two and that was in response to the Urbana Park District.
3 He said the solid fence will give them a solid wall with screening in front of it, so the solar array will not
4 be visible from the Urbana Park District property, if and when it is developed. He said that solid wall will
5 provide some more noise screening for the Urbana Park District property.
6

7 Mr. Vollbrecht said they completed a noise study, and it did show that the sites are in compliance with the
8 Illinois noise regulations, the noise study concluded that the noise level for the project will be
9 imperceptible at project boundaries compared to existing ambient noise levels, that is assuming it is the
10 typical quiet and rural area ambient noise levels. He said the noise study did show that there really wasn't
11 in effect to the noise, but even though that showed that they are still proposing the solid wall for the Urbana
12 Park District to address their concerns. He said they want to clarify that the inverters only run during
13 daylight hours, because the inverters do not run when there is no sun when the solar panels are not
14 producing electricity. He said they did send the noise study over to Mike McCormick, the Attorney for
15 Lindsay and Bruce Vahling who are the owners of A & E Vet Clinic, they had a team's meeting an online
16 call with them and their noise team to review the noise study and address their concerns, and they think
17 they have addressed their concerns – he hopes they have. He said they have agreed to the condition of the
18 work hours being from 7a.m. to 8p.m. as requested by A & E Vet Clinic. He said they have reached out to
19 a drain tile location firm, so they know the drainage tile is a concern and they are planning on doing a field
20 drain tile location study before construction.
21

22 Mr. Andersen asked if there were any questions from the Board or Staff. Seeing none, he asked if there
23 was any cross-examination for this witness.
24

25 Nancy Delcomyn, 3201 South High Cross Road, Urbana, stated that since they have no maps provided
26 and asked if the petitioner could explain a little more clearly or perhaps show a map, so they can see where
27 the fencing is, because she lives directly to the south of this and it seems to her that they don't have much
28 information about the fence and Arborvitae species, so she would like to hear some more and would like
29 some information about the setback of the southernmost solar array.
30

31 Mr. Vollbrecht said the solid fence will extend the entire length of the southern project boundary, so the
32 solid fence will extend across both sites one and two, so it will be the fence, which is setback 50 feet from
33 the property line and within that 50 feet there will also be the two rows of the shrubs.
34

35 Ms. Delcomyn said two rows, okay.
36

37 Mr. Vollbrecht said they are spaced ten feet apart offset, so there will be a row of shrubs every ten feet,
38 then in front of it there will be another row of shrubs every ten feet, but they are offset five feet. He said
39 when the shrubs are planted there will be a five-foot gap between shrubs, they picked that bushes species
40 for maximum coverage. He said they are ten feet from the fence and ten feet apart, so each shrub has a
41 ten-foot radius for it to grow out and expand, because they don't want them to get to crowded that they
42 are dying out because they are crowded.
43

44 Ms. Delcomyn asked if that was just on the southern border or is that on the eastern side as well.
45

46 Mr. Vollbrecht said nope the solid fence is only on the southern border, but the shrub line will extend up
47 the entire east and north side.
48

49 Ms. Delcomyn said she thought he said the fence was going on the south and east side.

1
2 Mr. Vollbretch said there is not a solid fence on east side.
3
4 Ms. Delcomyn said just the Arborvitae.
5
6 Mr. Vollbretch said yes just the screening shrubs.
7
8 Mr. Schlesinger stated that there will be fence.
9
10 Mr. Vollbretch said there will be fence but it won't be a solid fence.
11
12 Ms. Delcomyn asked how many feet the setback is from the fence to the solar panels.
13
14 Mr. Vollbretch said the setback from the fence to the property line is 50 feet and the solar panels are
15 minimum of 20 more feet, so 70 feet from the property line to the nearest solar panel.
16
17 Ms. Delcomyn asked if they had any more questions for her and thanked them.
18
19 Mr. Vollbretch thanked her.
20
21 Mr. Andersen asked if anyone else would like to cross-examine the petitioner. Seeing none, he said this
22 came up at the last meeting that there were some citizens with concerns on who was going to be doing the
23 construction on this project and asked if the petitioner had any update on what that might look like.
24
25 Christian Schlesinger, Forefront Power, stated that hasn't been determined yet, because the project has not
26 gone out to bid until they have County approval.
27
28 Mr. Andersen called Mr. Walker from the Witness Register and asked him to please state his name and
29 address before proceeding with his testimony.
30
31 Michael Walker, 511 West High Street, Urbana, he stated that he is the current president of the Urbana
32 Park District Board of Commissioners, so he doesn't know how much this Board know about those, but
33 they are a five-person elected commission, and the five commissioners in turn elected him to be president,
34 that is the authoritative body of the Urbana Park District much like a school board over a school district,
35 so they are technically the ones running it, but the hired staff is dealt with separately. He did want to say
36 that as a whole the Urbana Park District was a little surprised on how the notification process worked, the
37 initial stuff of that came up as quite a surprise and fairly short time period. He said since then he will
38 commend the staff of the County, they have been very active reaching out, they reached out to him when
39 the March 14, 2024, meeting was cancelled and were careful to make sure that he knew quickly about this
40 ongoing meeting, so he definitely appreciates that and the professionalism of the petitioners through this
41 process. He knows they have spent a good deal of time working with the Urbana Park District's staff to
42 try and minimize the impact that this project would have on the immediacy of the park, however, he does
43 have very strong concerns about the location and thinks that was poorly chosen in terms of how it was
44 going to impact both the subdivision across Windsor Road, which is he thinks is the fastest growing in
45 terms of building and building permits over the last two years in the City of Urbana. He said they are
46 proposing to build right up to Windsor Road with a gap, but if you were on the second story in one of
47 those houses in that subdivision, then they would be having a really nice view of the solar panels out their
48 window. He said the more particular Urbana Park District concern is that due to the generosity of Fred

1 and Nancy Delcomyn, the Urbana Park District Foundation's whole purpose is to do things for the Urbana
2 Park District itself has title to the 29.5 acres that are immediately to the south of this project.

3
4 Mr. Walker said they have always envisioned from the City of Urbana's master plan if they will that does
5 extend beyond its borders, that there would be a way to get from north to south, that would make access
6 to the 29.5 acres available off of Windsor Road. He said they do have access off of Illinois Route 130, that
7 piece of property does have access from Illinois Route 130. He said they are talking about a difference
8 there between a 40 miles per hour road and a 55 miles per hour road where people are coming downhill
9 often at a good bit over the speed limit. He said in terms of making that park accessible to pedestrians,
10 bicyclist, or anybody that is not actually driving a car, is going to be very problematic for the next 25
11 years, then there is no way of getting in there to that south end if there is a solar project there. He said on
12 that perspective, it certainly didn't match in any way on the City of Urbana's plans for that area and upon
13 which the selection of that site was made by the donors; he thinks the most generous donation that the
14 Urbana Park District has ever had, it is pretty big switch-a-roo, if they will to try and think ahead as to
15 how long it will ever be before they can reliably develop that park to make it available to the public in a
16 way that everybody will benefit from.

17
18 Mr. Walker said he doesn't quite understand the reason for wanting to put a big industrial installation, it
19 is not hugely noisy, but it's a big ugly thing and pretty monolithic in a spot like that, which ought to be
20 prime for other kinds of development and that is just not going to happen for a good long time if they put
21 a solar field there, so if there is ever any reason why it is in their Zoning Ordinance that they have to get
22 special permission to do this within one and one half mile of an incorporated community to be right across
23 the road seems to be pushing those limits a good deal to him. He said it does have an impact to both the
24 north and the south, so it is sandwiched in between, again, he appreciates the care with which the
25 petitioners have tried to accommodate some of their concerns, but the access is something they can't do
26 anything about given the location and that is his biggest concern there. He said they have a staff member,
27 Derek Liebert, who will be coming up here in a little bit, that was involved in the give and take with the
28 petitioners, and he may have some things to add to that, but for himself as a citizen Board member sees
29 this as a lost opportunity for decades probably before that piece of property could be a useful park.

30
31 Mr. Andersen asked if there were any questions from the Board.

32
33 Mr. Bates asked if the solar panels were not built, then what is the timeline for the park.

34
35 Mr. Walker said that is a chicken and egg problem, but from his perspective getting access from Windsor
36 Road is crucial to being able to develop that into a useable community park.

37
38
39 Mr. Bates said what efforts were made by the Urbana Park District's Board prior to learning about these
40 solar panels and meetings to make that road accessible or to secure an accessible road to this facility or
41 park.

42
43 Mr. Walker said to date there have been none, that property was acquired on basis of the donors reading
44 of the City of Urbana's plans, which clearly shows a road going on the south property.

45
46 Mr. Bates asked when did the Urbana Park District acquire the property, he doesn't have that in his records.

47
48 Mr. Walker said it went over the Urbana Park District Foundation within the last three years he believes,
49 but the donors acquired it several years prior.

1
2 Mr. Bates asked if there has been any discussion with the petitioners to work with them on a potential road
3 since it looks like they have a proposed road going halfway there anyway.
4

5 Mr. Walker said not that he is aware of, again, this came up pretty fast and was a bit of a surprise to them,
6 they only heard about it around two weeks before the first meeting that they had for this case.
7

8 Mr. Roberts asked if the 200 acres to the west would be developed into a neighborhood eventually.
9

10 Mr. Walker said that is an excellent question and it might conceivably happen, that property is owned by
11 the Lo's and perhaps their reputation proceeds them.
12

13 Mr. Andersen asked if there were any questions from Staff. Seeing none, he asked if anyone would like to
14 cross-examine this witness. Seeing no one, he thanked Mr. Walker.
15

16 Mr. Walker thanked them all and he knows from serving on a Board himself, that this isn't necessarily
17 where they want to be right here this evening and he appreciates their service.
18

19 Mr. Andersen called Lindsay Vahling from the Witness Register and asked her to please state her name
20 and address before proceeding with her testimony.
21

22 Lindsay Vahling, A & E Vet Clinic, 3003 East Windsor Road, Urbana, stated that Mr. Andersen was doing
23 great by the way. She said they did have a meeting after the last meeting with the petitioners, they were
24 wonderful, and they really want to thank them for sitting and talking with them for almost an hour and a
25 half she thinks to answer questions and go over everything. She said they are in agreeance with everything
26 and have put all their questions and concerns into this Special Use or the special conditions with the
27 construction, but she would like to make note and knows she probably can't control this, but if they could
28 not use construction crew for the solar array and data center that is going on the farmland next to the A &
29 E Vet Clinic on other side, she would very much appreciate that. She said otherwise, they are really happy
30 with things right now and have no other concerns.
31

32 Mr. Bates asked if the A & E Vet Clinic has had any further outages since their last conversation.
33

34 Ms. Vahling said no thankfully.
35

36 Mr. Andersen asked if there were any other questions from the Board or Staff. Seeing none, he asked if
37 anyone would like to cross-examine this witness. Seeing no one, he thanked her and called Lindsay Nancy
38 Delcomyn from the Witness Register and asked her to please state her name and address before proceeding
39 with her testimony.
40

41 Nancy Delcomyn, 3201 South High Cross Road, stated that she is the little green blip at the bottom of the
42 page, and she has the Bonacci Site One solar project map and would like to point out that this project is
43 not located in Champaign County, Texas. She said her major concern with this site has been strengthened
44 by what she was hearing previously with the Donato Solar Site in Bondville, that site is a 1,000 feet from
45 any residential area and this site is considerably less than 1,000 feet, and she doesn't quite understand why
46 this particular site was chosen when there is residential to the north of Windsor Road, A & E Vet Clinic
47 and the rental property they own, and their property that is further to the south. She said it strikes her as
48 detrimental to the City of Urbana's growth and to one of the more high-end neighborhoods in the City of
49 Urbana, so therefore it is detrimental to the City of Urbana in terms of lack of potential growth, which is

1 one thing that the City of Urbana needs since it is hemmed in on a variety of directions. She said that they
2 have solar on their little shed, so she doesn't oppose solar and she understands that the State of Illinois has
3 made it very difficult for the County to turn down solar, but she is really unhappy that this particular site
4 was chosen and there are so many waivers in terms of setback, one and one half mile from an incorporated
5 area, and she would like them to think hard about the impact that this is going to have. She said the park
6 will be there eventually and she was hoping that her grandkids would get to see it, but this is going to slow
7 down the development of the park quite substantially and doesn't believe it would have been 30 years
8 before there was a park that people could get into and walk.

9
10 Mr. Andersen asked if she had anything else she would like to add.

11
12 Ms. Delcomyn said she doesn't think so.

13
14 Mr. Andersen asked if there were any questions from the Board or Staff.

15
16 Mr. Hall said regarding the development that is across the street from this solar farm there is a rather large
17 substation there already and he believes that the plans call for commercial development there at that
18 intersection and asked don't they. He said the Atkins Group has land for sale in the northeast corner of
19 that intersection and he believes they are advertising it for commercial.

20
21 Ms. Delcomyn said perhaps, she doesn't know, that would be their best and highest use for that land in
22 some senses perhaps the people who live there might not think the same.

23
24 Mr. Hall said he wanted to point that out because it is not as if this is actually across the street from
25 residential development, because he would attend that it is not across the street from residential
26 development.

27
28 Ms. Delcomyn said she thinks that would depend if he lived in Stone Creek Subdivision on the far south
29 edge or not.

30
31 Mr. Hall said okay, and he thinks that is all he wanted to discuss with her.

32
33 Ms. Delcomyn said okay and thanked him.

34
35 Mr. Bates asked Mr. Hall what the Stone Creek Golf Course was zoned as and would it be zoned
36 residential.

37
38 Mr. Hall said he is assuming it is residential, because the County would allow a golf course in residential,
39 but that is the City of Urbana.

40
41 Mr. Bates said the only reason he asks is because of their utility building that is part of that operation, but
42 it is still residential.

43
44 Mr. Hall said it probably is zoned residential and asked if it was next to the substation.

45
46 Mr. Bates said there is a gap between it, but he was just curious and asked if the northwest corner of that
47 intersection was zoned commercial.

1 Mr. Andersen asked if there was anyone that would like to cross-examine this witness. Seeing none, he
2 thanked her and asked if anyone else would like to testify that wasn't on the witness register.

3
4 Derek Liebert, Urbana Park District, 1011 East Kerr Avenue, Urbana, stated that he wanted to note that
5 they have been talking with the City of Urbana as well and wants to echo Mr. Walker's comments as well,
6 that the petitioners have been good to work with. He thinks the City of Urbana indicated to them that the
7 likelihood of developing this property is probably quite a few years off, that is a part of why this didn't
8 move forward. He said that as far as the road goes, they would love to see a road along the west side of
9 the property and thinks there may still be an opportunity to do so by jogging it to the west, that is something
10 they should talk more to City of Urbana about. He said in general he thinks the City of Urbana has been
11 redescent to oppose the solar development, but for them any delay on developing that property
12 residentially probably extends the likelihood of it being a park any time soon, they would hope that it
13 could be residential sooner rather than later, that would be his only comment.

14
15 Mr. Andersen asked if there were any questions from the Board for this witness.

16
17 Mr. Bates said more of a comment, and this is just jumping out to him from the positive feedback from
18 Ms. Vahling's testimony on how good the petitioners have been to work with. He said it appears to him
19 that just simplicity, that there is going to be a road about halfway to the park anyway, so maybe it is a
20 conversation that the Urbana Park District could have with the company, because it looks like they are
21 doing a lot of the work already to have the road installed, so just a thought more than anything.

22
23 Mr. Andersen asked if there were any more questions from the Board or Staff. Seeing none, he asked if
24 there was anyone that would like to cross-examine this witness. Seeing no one, he thanked Mr. Liebert
25 and asked if anyone else would like to testify before they close the witness register. Seeing no one, he
26 called the petitioners back up.

27
28 Mr. Vollbretch said that he is not looking to contest anyone's testimony, he just wants to put a couple more
29 clarifications or discussions. He said the residential homes to the north are approximately 600 feet north
30 of Windsor Road and the nearest solar array is 549 feet south of Windsor Road, so there is 1,100 feet of
31 spacing from those residential homes to the north to the solar array. He said as they move west the Stone
32 Creek Golf Course is there, so obviously there won't be any future homes built there where the golf course
33 is, that would be impeded by that. He said they have had discussions with the City of Urbana, they just
34 really don't know and there is no plan right now for sewer and water extending south of Windsor Road,
35 that would spark development at this point. He said the last point on the access road, if the Board looks in
36 their packet, they provided a memo that had some sketches of potential access from the north and he hasn't
37 contacted the city or the county directly, but adding a park access road between the intersection of A & E
38 Vet Clinic and County Road 1600 North, the spacing would really bad there, so it seems like intuitively
39 when access to the south comes, it is going to come directly south of Stone Creek Boulevard. He said the
40 other solar facility is already developed there, which is going to push that access onto the neighboring
41 parcel to the west, they will have to come halfway to the park to avoid the existing solar facility already,
42 so it seems like it wouldn't make sense to jog that back onto the Bonacci property, they would just keep
43 that road south, then that would give the park access in the northwest corner, if and when a road would be
44 developed. He said the Bonacci property is private property and at this point they are not looking to
45 develop it as a residential development, so that is all he has and thanked them.

46
47 Mr. Andersen asked if there were any further questions from the Board or Staff. Seeing none, he asked if
48 anyone would like to cross-examine this witness. Seeing no one, he told them to have a seat and thanked
49 them. He said entertained a motion to close the Witness Register for Cases 126-S-23 and 127-S-23.

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Mr. Flesner moved, seconded by Mr. Roberts, to close the Witness Register for Cases 126-S-23 and 127-S-23. The motion carried by voice vote.

Mr. Andersen read from Attachment I on pages 42 of 62 in the Supplemental Memo #1, as follows:

Special Conditions for Case 126-S-23 & 127-S-23

A. The approved site plan consists of the following documents:

- Site Plan received March 1, 2024.
- Screening Plans received March 1, 2024.

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

The constructed PV SOLAR FARM is consistent with the Special Use Permit approval.

Mr. Andersen asked if he agreed.

Mr. Vollbretch said yes.

B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

Mr. Andersen asked if he agreed.

Mr. Schlesinger said yes.

C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed PV SOLAR FARM until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code, if necessary.

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

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

Mr. Andersen asked if he agreed.

Mr. Schlesinger said yes.

D. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner submits a copy of an executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture per the requirements established in Paragraph 6.1.5 R. of the Zoning Ordinance.

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

1 **That the land affected by PV SOLAR FARM is restored to its pre-construction**
2 **capabilities.**

3
4 Mr. Andersen asked if he agreed.

5
6 Mr. Schlesinger said yes, but that has already been provided to the County.

7
8 **E. A signed Decommissioning and Site Reclamation Plan that has been approved by the**
9 **Environment and Land Use Committee is required at the time of application for a Zoning**
10 **Use Permit that complies with Section 6.1.1 A. and Section 6.1.5 Q. of the Zoning Ordinance,**
11 **including a decommissioning cost estimate prepared by an Illinois Professional Engineer.**

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

14 **The Special Use Permit complies with Ordinance requirements and as authorized by**
15 **waiver.**

16
17 Mr. Andersen asked if he agreed.

18
19 Mr. Schlesinger said yes.

20
21 **F. A Roadway Upgrade and Maintenance Agreement or waiver therefrom signed by the City of**
22 **Urbana and approved by the Environment and Land Use Committee, shall be submitted at**
23 **the time of application for a Zoning Use Permit.**

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

26 **To ensure full compliance with the intent of the Zoning Ordinance in a timely manner**
27 **that meets the needs of the applicant.**

28
29 Mr. Andersen asked if he agreed.

30
31 Mr. Schlesinger said yes.

32
33 **G. The following submittals are required prior to the approval of any Zoning Use Permit for a**
34 **PV SOLAR FARM:**

35 **1. Documentation of the solar module’s unlimited 10-year warranty and the 25-year**
36 **limited power warranty.**

37
38 **2. Certification by an Illinois Professional Engineer that any relocation of drainage**
39 **district tile conforms to the Champaign County Storm Water Management and**
40 **Erosion Control Ordinance.**

41
42 **3. An irrevocable letter of credit to be drawn upon a federally insured financial**
43 **institution with a minimum acceptable long term corporate debt (credit) rating of the**
44 **proposed financial institution shall be a rating of “A” by S&P or a rating of “A2” by**
45 **Moody’s or a rating of “A-” by Kroll’s within 200 miles of Urbana or reasonable**
46 **anticipated travel costs shall be added to the amount of the letter of credit.**

- 1 4. **A permanent soil erosion and sedimentation plan for the PV SOLAR FARM including**
- 2 **any access road that conforms to the relevant Natural Resources Conservation**
- 3 **Service guidelines and that is prepared by an Illinois Licensed Professional Engineer.**
- 4
- 5 5. **Documentation regarding the seed to be used for the pollinator planting, per 6.1.5**
- 6 **E.(9).**
- 7
- 8 6. **A Transportation Impact Analysis provided by the applicant that is mutually**
- 9 **acceptable to the Applicant and the County Engineer and State’s Attorney; or**
- 10 **Township Highway Commissioner; or municipality where relevant, as required by**
- 11 **6.1.5 G. 2.**
- 12
- 13 7. **The telephone number for the complaint hotline required by 6.1.5 S.**
- 14
- 15 8. **Any updates to the approved Site Plan from Case 126-S-23 per the Site Plan**
- 16 **requirements provided in Section 6.1.5 U.1.c.**
- 17
- 18 9. **A copy of the Agency Action Report for the State Historic Preservation Officer of the**
- 19 **Illinois Department of Natural Resources.**
- 20

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

The PV SOLAR FARM is constructed consistent with the Special Use Permit approval and in compliance with the Ordinance requirements.

25 Mr. Andersen asked if he agreed.

27 Mr. Schlesinger said yes.

- 29 **H. A Zoning Compliance Certificate shall be required for the PV SOLAR FARM prior to going**
- 30 **into commercial production of energy. Approval of a Zoning Compliance Certificate shall**
- 31 **require the following:**
- 32 1. **An as-built site plan of the PV SOLAR FARM including structures, property lines**
- 33 **(including identification of adjoining properties), as-built separations, public access**
- 34 **road and turnout locations, substation(s), electrical cabling from the PV SOLAR**
- 35 **FARM to the substations(s), and layout of all structures within the geographical**
- 36 **boundaries of any applicable setback.**
- 37
- 38 2. **As-built documentation of all permanent soil erosion and sedimentation**
- 39 **improvements for all PV SOLAR FARM including any access road prepared by an**
- 40 **Illinois Licensed Professional Engineer.**
- 41
- 42 3. **An executed interconnection agreement with the appropriate electric utility as**
- 43 **required by Section 6.1.5 B.(3)b.**
- 44

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

The PV SOLAR FARM is constructed consistent with the Special Use Permit approval and in compliance with the Ordinance requirements.

49 Mr. Andersen asked if he agreed.

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Mr. Schlesinger said yes.

I. The Applicant or Owner or Operator of the PV SOLAR FARM shall comply with the following specific requirements that apply even after the PV SOLAR FARM goes into commercial operation:

- 1. Maintain the pollinator plantings in perpetuity.**
- 2. Cooperate with local Fire Protection District to develop the District’s emergency response plan as required by 6.1.5 H.(2).**
- 3. Cooperate fully with Champaign County and in resolving any noise complaints including reimbursing Champaign County any costs for the services of a qualified noise consultant pursuant to any proven violation of the I.P.C.B. noise regulations as required by 6.1.5 I.(4).**
- 4. Maintain a current general liability policy as required by 6.1.5 O.**
- 5. Submit annual summary of operation and maintenance reports to the Environment and Land Use Committee as required by 6.1.5 P.(1)a.**
- 6. Maintain compliance with the approved Decommissioning and Site Reclamation Plan including financial assurances.**
- 7. Submit to the Zoning Administrator copies of all complaints to the telephone hotline on a monthly basis and take all necessary actions to resolve all legitimate complaints as required by 6.1.5 S.**

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

Future requirements are clearly identified for all successors of title, lessees, any operator and/or owner of the PV SOLAR FARM.

Mr. Andersen asked if he agreed.

Mr. Schlesinger said yes.

J. The PV SOLAR FARM COUNTY Board SPECIAL USE Permit designation shall expire in 10 years if no Zoning Use Permit is granted.

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

The PV SOLAR FARM is constructed in compliance with the Ordinance requirements.

Mr. Andersen asked if he agreed.

Mr. Schlesinger said yes.

1 **K. The owners of the subject property hereby recognize and provide for the right of agricultural**
2 **activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

5 **Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

6
7 Mr. Andersen asked if he agreed.

8
9 Mr. Schlesinger said yes.

10
11 **L. A 5 feet deep open trench shall extend for 30 feet on either side of any Drainage District**
12 **drainageway that is crossed with underground wiring and the relevant Drainage District**
13 **shall be provided 48 hours in which to inspect for tile and the positions of any tile lines that**
14 **are discovered shall be recorded using Global Positioning System (GPS) technology.**

15
16 The special condition stated above Is required to ensure the following:

17 **That drainage district tiles are protected.**

18
19 Mr. Andersen asked if he agreed.

20
21 Mr. Schlesinger said yes.

22
23 **M. The terms of approval are the requirements of the current Section 6.1.5 of the Zoning**
24 **Ordinance as amended February 23, 2023.**

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

27 **That the current version of the Zoning Ordinance has been referenced.**

28
29 Mr. Andersen asked if he agreed.

30
31 Mr. Schlesinger said yes.

32
33 **N. Within one year of residential development (i.e., construction of a dwelling) within 1,000 feet**
34 **of the west or south sides of the PV SOLAR FARM, the owner of the PV SOLAR FARM will**
35 **establish vegetative screening on the west side per Section 6.1.5 M.(2) of the Zoning**
36 **Ordinance.**

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

39 **To ensure that a screen is planted in the event that anticipated future residential**
40 **development does occur on adjacent land.**

41
42 Mr. Andersen asked if he agreed.

43
44 Mr. Schlesinger said yes.

45
46 **O. Underground drainage tile shall be investigated and identified as follows:**

47
48 **1. Desktop mapping and field reconnaissance shall identify all areas where drain tile is**
49 **expected to be located based on soils, topographic elevations, ground surface channels**

1 and/or depressions, wetlands, natural drainage ingress and egress locations, and
2 knowledge of current owners and/or current farmers.

- 3
- 4 **2. Slit trenching shall be used to investigate the presence of mutual drainage tiles that**
5 **serve upland areas under different ownership. All existing drain tiles encountered**
6 **shall be logged on field mapping and repaired to the original state according to Illinois**
7 **Department of Agriculture Impact Mitigation Agreement (AIMA) standards.**
- 8
- 9 **3. Drain tile routes shall be located by surface probing or electronic detection and field**
10 **staked at 20 feet intervals.**
- 11
- 12 **4. All existing drain tile that are found shall be located in the field using GPS location**
13 **systems and recorded on as-built plans. Record mapping shall be completed**
14 **according to typical civil engineering mapping standards.**
- 15
- 16 **5. Any tile found shall be protected from disturbance.**
- 17
- 18 **6. All mutual drain tiles shall be protected from construction disturbance and a 40-foot**
19 **wide no construction area shall be centered on all mutual drain tiles.**
- 20
- 21 **7. Future access shall be guaranteed for maintenance of all mutual drain tiles.**

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

23 **The identification and protection of existing underground drainage tile and to**
24 **allow ongoing maintenance of mutual drain tiles.**

25

26

27 Mr. Andersen asked if he agreed.

28

29 Mr. Schlesinger said yes.

30

31 **Q. Construction noise on the subject property shall start no earlier than 7:00a.m. and end by**
32 **8:00p.m. except for employee traffic, which may occur outside those hours.**

33

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

35 **That construction noise impacts are reduced for neighbors.**

36

37 Mr. Andersen asked if he agreed.

38

39 Mr. Schlesinger said yes.

40

41 Mr. Andersen entertained a motion to move to the Findings of Fact for Cases 126-S-23 and 127-S-23.

42

43 Mr. Flesner made a motion to move to the Findings of Fact for Cases 126-S-23 and 127-S-23.

44

45 Mr. Roberts made a motion to continue these cases to the next ZBA meeting on April 11, 2024.

46

1 Mr. Andersen told Mr. Flesner that his motion died from a lack of second motion to move to the Findings
2 of Fact for Cases 126-S-23 and 127-S-23, so they have a new motion to continue these cases to a different
3 meeting date and entertained a second motion for that.
4
5 Mr. Bates asked if there was availability on the docket for the April 11, 2024, ZBA meeting.
6
7 Mr. Hall said there are two cases there already and he was anticipating Case 130-AT-24 to be continued
8 to the April 11, 2024, ZBA meeting, but Case 130-AT-24 could be continued to the April 25, 2024, ZBA
9 meeting. He asked Mr. Roberts if there was a reason for the continuance.
10
11 Mr. Roberts said yes he has to leave early.
12
13 Mr. Hall said okay that is a good reason.
14
15 **Mr. Roberts moved, seconded by Mr. Bates, to continue Cases 126-S-23 and 127-S-23 to the April**
16 **11, 2024, ZBA meeting. The motion carried by voice vote.**
17
18 Mr. Hall said they should ask the petitioner if they are available for the ZBA meeting on April 11, 2024,
19 he is sorry he should have mentioned that.
20
21 Mr. Andersen asked the petitioners if they were available for the April 11, 2024, ZBA meeting.
22
23 Mr. Vollbretch said he has to look at his phone.
24
25 Mr. Roberts asked if they would have a full Board anytime soon or is there an issue.
26
27 Mr. Hall said there is an issue with the chair, but that is only one of the three people. He said Mr. Randol
28 is recovering from his shoulder surgery and asked Ms. Berry if he anticipates being at the next meeting.
29
30 Mr. Roberts said yes he does.
31
32 Ms. Berry said yes.
33
34 Mr. Hall said Ms. Cunningham had a business requirement that came up unbeknownst to her, it happened
35 all of a sudden, so no one ever knows when that is going to happen.
36
37 Mr. Roberts asked if Mr. Elwell was okay.
38
39 Mr. Hall said as far as he knows he is okay, but something has come up and they will discuss that at the
40 next meeting, they need an agenda item to discuss that.
41
42 Mr. Andersen asked if the petitioners were available for the April 11, 2024, ZBA meeting.
43
44 Mr. Schlesinger said he is just double checking he doesn't have anything planned.
45
46 Mr. Vollbretch asked if the ZBA meeting on April 11, 2024, was in the evening.
47
48 Mr. Schlesinger said at 6:30 p.m.
49

1 Mr. Hall said yes.
2
3 Mr. Andersen said yes at the same time.
4
5 Mr. Bates asked if theirs would be the first case that night.
6
7 Mr. Hall said no actually Pivot Energy is a previous case and they take them in order by case number
8 unless the Board wants to change that, that is up to the Board.
9
10 Mr. Andersen asked if they would do that during the ZBA meeting on April 11, 2024, if the Board chose
11 to.
12
13 Mr. Hall said they could make that part of the motion.
14
15 Mr. Bates said they have made several trips here, so he would like to make a motion to move the petitioner
16 to the top of the docket to make sure they get through their cases.
17
18 Mr. Hall said okay.
19
20 **Mr. Bates moved, seconded by Mr. Roberts to move Cases 126-S-23 and 127-S-23 to the top of the**
21 **docket for the April 11, 2024, ZBA meeting. The motion carried by voice vote.**
22
23 Mr. Vollbretch asked if they would pick up at the findings of fact.
24
25 Mr. Bates said yes.
26
27 Mr. Andersen said yes.
28
29 Mr. Hall thanked them.
30
31 Mr. Vollbretch said he appreciated their time and thanked them.
32
33 Mr. Andersen said they have one other agenda item and asked if they wanted to continue Case 130-AT-24
34 onto a different day as well.
35
36 Mr. Hall said yes.
37
38 Mr. Andersen asked if they wanted to continue Case 130-AT-24 to the April 25, 2024, ZBA meeting.
39
40 Mr. Bates asked if it was Case 130-AT-24.
41
42 Mr. Andersen said yes.
43
44 Mr. Hall said yes.
45
46 **Mr. Bates moved, seconded by Mr. Flesner, to continue Case 130-AT-24 to the April 25, 2024, ZBA**
47 **meeting. The motion carried by voice vote.**
48
49 7. **New Public Hearings - None**

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8. Staff Report – None

9. Other Business
A. Review of Docket

Mr. Hall asked if there would be any upcoming absences. Seeing no absences coming up.

10. Adjournment

Mr. Andersen entertained a motion to adjourn.

Mr. Bates moved, seconded by Mr. Flesner to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Secretary of the Zoning Board of Appeals