

AS APPROVED AUGUST 12, 2010

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3 **MINUTES OF REGULAR MEETING**

5 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

6 **1776 E. Washington Street**

7 **Urbana, IL 61801**

8
9 **DATE: July 29, 2010**

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

10
11 **TIME: 7:00 p.m.**

Urbana, IL 61802

13 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Roger Miller, Melvin Schroeder, Eric
14 Thorsland

15
16 **MEMBERS ABSENT :** Doug Bluhm, Paul Palmgren

17
18 **STAFF PRESENT :** Connie Berry, John Hall, J.R. Knight

19
20 **OTHERS PRESENT :** Jim Finger, Lisa Feig, Tom Finger, Nathan Feig

21
22
23 **1. Call to Order**

24
25 The meeting was called to order at 7:01 p.m.

26
27 **2. Roll Call and Declaration of Quorum**

28
29 The roll was called and a quorum declared present with two members absent.

30
31 Mr. Hall informed the Board that due to the absence of Doug Bluhm, Chairman, the Board must appoint an
32 Interim Chair for tonight's meeting.

33
34 **Mr. Thorsland moved, seconded by Mr. Schroeder to appoint Ms. Capel as Interim Chair for**
35 **tonight's meeting. The motion carried by voice vote.**

36
37 **3. Correspondence**

38
39 None

40
41 **4. Approval of Minutes (July 15, 2010)**

42
43 **Mr. Schroeder moved, seconded by Mr. Thorsland to approve the July 15, 2010, minutes as**
44 **submitted. The motion carried by voice vote.**

45
46 **5. Continued Public Hearing**

47
48 None

1
2 **6. New Public Hearings**
3

4 **Case 671-AM-10** Petitioner: **James Finger, President and Lisa M. Feig, Vice President, d.b.a. Triad**
5 **Shredding, Inc. Request to amend the Zoning Map to change the district designation from the AG-2**
6 **Agriculture Zoning District to the B-4 General Business District. Location: A 4.35 acre tract in the**
7 **East Half of the East Half of the Southwest Quarter of the Southeast Quarter of Section 33 o Harwood**
8 **Township and commonly known as the Triad Shredding property at 2074 CR 3000N, (US136),**
9 **Rantoul.**

10
11 **Case 672-S-10** Petitioner: **James Finger, President and Lisa M. Feig, Vice President, d.b.a. Triad**
12 **Shredding, Inc. Request to authorize Triad Shredding, Inc. to do recycling of non-hazardous**
13 **materials (confidential paper shredding and recycling) with all processing and storage of materials**
14 **taking place indoors in the B-4 General Business Zoning District (the subject of Case 671-AM-10).**
15 **Location: A 4.35 acre tract in the East Half of the East Half of the Southwest Quarter of the Southeast**
16 **Quarter of Section 33 of Harwood Township and commonly known as the Triad Shredding property**
17 **at 2074 CR 3000N (US136), Rantoul.**

18
19 Ms. Capel called Cases 671-AM-10 and 672-S-10 concurrently.
20

21 Ms. Capel informed the audience that Case 672-S-10 is an Administrative Case and as such the County
22 allows anyone the opportunity to cross examine any witness. She said that at the proper time she will ask for
23 a show of hands for those who would like to cross examine and each person will be called upon. She
24 requested that anyone called to cross examine go to the cross examination microphone to ask any questions.
25 She said that those who desire to cross examine are not required to sign the witness register but are requested
26 to clearly state their name before asking any questions. She noted that no new testimony is to be given
27 during the cross examination. She said that attorneys who have complied with Article 6.5 of the ZBA By-
28 Laws are exempt from cross examination.
29

30 Mr. Hall distributed a Supplemental Memorandum dated July 29, 2010, for the Board's review. He said that
31 after reviewing the memorandums that were included in the mailing the Board should have realized that staff
32 had alot of work to do prior to the meeting and a lot of evidence to add to the Finding of Fact. He said that
33 due to staff vacation this week there has been limited work completed on these cases since the mailing and
34 all of the evidence which needed added to the Finding of Fact was not added. He said that unfortunately the
35 cases are not ready for action at tonight's meeting, which is not necessarily a bad thing, because this is the
36 first rezoning like this under the Land Resource Management Plan and in most respects it will have a higher
37 hurdle than it would under the Land Use Goals and Policies and tonight's memorandum addresses that issue.
38

39 Mr. Hall stated that staff's recommendation included in the previous memorandums was that on the rezoning
40 all of Goal 4 was achieved although it is not that clear. He said that staff was rushed in preparing the
41 memorandum for the rezoning and a lot of the changes that staff intended to make were not included
42 therefore Goal 4 and Goal 5 must be reviewed very carefully by the Board and anything that staff has merely

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1 recommended is just that, a recommendation. He said that if the Board has any questions at all then he
2 would like to review those questions before proceeding because we are dealing with a whole new set of
3 polices which present new challenges. He said that there are case maps attached to the Supplemental
4 Memorandum dated July 29, 2010, which helps put everything into a much better perspective. He
5 distributed a generalized zoning map, Figure 12.6 of the LRMP, and stated that the area where the subject
6 property is located is the only isolated section of AG-2 which is surrounded by AG-1 that is not co-located
7 with a village. He said that long term residents of the area may recall that the County Board had a planning
8 study completed in the late 1980's regarding land use recommendations for along U.S.136 because land use
9 along this corridor has been a concern for a very long time. He noted that Figure 12.6 of the LRMP will be
10 added as a Document of Record.

11
12 Mr. Hall stated that there are one or two dwellings located west of the subject property and there are a few
13 other dwellings in the area. He said that the south side of U.S.136 is zoned AG-1 and is undeveloped. He
14 said that attached to the Supplemental Memorandum is a letter from Bruce Stickers, Resource
15 Conservationist, Champaign County Soil and Water Conservation District, which indicates that the proposed
16 rezoning and Special Use Permit do not require a Natural Resources Report because the property has not
17 been in agricultural production since before 1988. Mr. Hall stated that staff went back through the property
18 tax records and it has been confirmed that there was a business use in the existing building on October 10,
19 1973, which is when zoning was adopted, and staff is aware that the facility was utilized as a meat locker
20 until the early 1980's. He said that the use on the property has been unknown since the 1980's and there
21 have been some enforcement issues but since Triad Shredding purchased the property the enforcement issues
22 are being corrected.

23
24 Mr. Hall stated that Page 2, of the July 29, 2010, Supplemental Memorandum includes new evidence for
25 Policy 4.2.1. He said that Policy 4.2.1 is one of the new policies which will establish a higher standard for a
26 rezoning such as the one requested in Case 671-AM-10. He noted that even with the new evidence staff is
27 not making a recommendation regarding conforms or does not conform. He said that Goal 4 is the goal and
28 policies which deal with protecting agriculture and Goal 5 is the goal and policies which discuss urban land
29 use. He said that some people may be surprised that staff is discussing urban land use in a rezoning case but
30 at a staff level it can be justified. He said that Policy 4.2.1 states, "The County may authorize a proposed
31 business or other non-residential discretionary review development in a rural area if the proposed
32 development supports agriculture or involves a product or service that is provided better in a rural area than
33 in an urban area." He said that also attached to the Supplemental Memorandum dated July 29, 2010, are the
34 definitions from the LRMP and a discretionary review development is either in a special use case or map
35 amendment, in this case both therefore the revised item 11.C.(1) regarding Policy 4.2.1 should read as
36 follows: The proposed rezoning (conform/does not conform) to Policy 4.2.1 because of the following: (a)
37 The proposed use is "recycling of non-hazardous waste materials (confidential paper shredding and
38 recycling)" with all processing and storage of materials taking place indoors and is discussed in related
39 zoning case 672-S-10; and (b) The proposed development does not support agriculture; and (c) It is not clear
40 whether or not the use proposed in related case 672-S-10 is provided better in a rural area; and (d) The
41 proposed use can operate from this rural location and can make very productive use of the subject property
42 which has not been in agricultural production since before 1988 and was in a business use when the Zoning

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1 Ordinance was adopted on October 10, 1973. He said that elsewhere in the Finding of Fact staff has added
2 evidence indicating that the proposed use serves businesses within a 100-mile radius and with a service area
3 that large it is fair to say that there is not an exact location which would be the best location provided it has
4 good highway access. He said that staff is trying to list as much relevant evidence under Policy 4.2.1 as
5 possible. He said that Policy 4.2.1 is one of the most difficult policies for this case because it actually talks
6 about a service that is provided better in a rural area. He said that there are rural areas and then there are
7 rural areas and this location on U.S.136, which is an isolated area of AG-2, is unlike most other rural areas in
8 the County and there are no other areas in the County like it. He said that all of the evidence may have to
9 come down to Policy 4.2.1 because it is the most challenging policy.

10
11 Mr. Hall stated that there are no changes to Policy 4.2.2 and staff recommended that the use conforms to
12 Policy 4.2.2. He said that there are no changes to Policy 4.2.4. He said that Objective 4.3 regarding Site
13 Suitability for Discretionary Review Development states the following: Champaign County will require that
14 each discretionary review development is located on a suitable site. He said that in the Preliminary
15 Memorandum dated July 23, 2010, staff recommended achieves although staff must now retract that
16 recommendation. He said that the memorandum is incorrect when it included Policy 4.3.1 which discusses
17 soils which are not considered best prime farmland and these soils are considered best prime farmland
18 therefore Policy 4.3.1 is not relevant. He said that Policy 4.3.2 states that on best prime farmland, the
19 County may authorize a discretionary review development provided the site with proposed improvements is
20 well-suited overall for the proposed land use. He said that revised Item 11.D.(2) regarding Policy 4.3.2
21 should read as follows: The proposed zoning (conforms/does not conform) to Policy 4.3.2 because of the
22 following: (a) The land is best prime farmland and consists primarily of Drummer Silty Clay soil that has a
23 Land Evaluation score of 98; and (b) The subject property fronts and has access to U.S. 136 which is a state
24 highway; and (c) The subject property is not served by sanitary sewer; and (d) The existing building on the
25 subject property was in business use when the Zoning Ordinance was adopted on October 10, 1973; and (e)
26 The subject property has not been in agricultural production since before 1988; and (f) Mr. Hall stated that it
27 would be good to have some evidence about the AG-2 district and how this is an unusual location; and (g)
28 The proposed use is “recycling of non-hazardous waste materials (confidential paper shredding and
29 recycling) with all processing and storage of materials taking place indoors and is discussed in related zoning
30 case 672-S-10. Relevant considerations related to this use are the following: i: This is an existing business
31 that serves other businesses within a 100-mile radius and is therefore not dependent upon a single location so
32 much as good transportation accessibility; and ii: The proposed use should not be considered urban
33 development because there is no wastewater generated by the recycling process. There will also be very
34 little need for potable water from the well; and iii: The buildings housing the proposed use will appear to be
35 very similar to large farm buildings; and iv: The proposed use is proposed to have an enclosed dock area
36 which should eliminate the possibility of blown litter into the adjacent farm fields; and v: The proposed
37 hours of operation are 8 AM to 6 PM Monday through Friday. He said that any other evidence that could be
38 included would help tend towards well suited overall but when it is a judgment call staff will not make a
39 recommendation and leave the determination up to the Board.

40
41 Mr. Hall stated that revised Item 12.A(2) is in regard to LRMP Goal 5 which states that Champaign County
42 will encourage urban development that is compact and contiguous to existing cities, villages, and existing

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1 unincorporated settlements. He said that Objective 5.1 states that Champaign County will strive to ensure
2 that the preponderance of population growth and economic development is accommodated by new urban
3 development in or adjacent to existing population centers. He said that staff did not make a recommendation
4 regarding Policy 5.1.1 which states that the County will encourage new urban development to occur within
5 the boundaries of incorporated municipalities. He said that the critical question is whether this is urban
6 development therefore the new evidence to be included under revised Item 12.A(2) is as follows: The
7 proposed rezoning (conforms/does not conform) to Policy 5.1.1 because of the following: (a) The subject
8 property is not served by sanitary sewer; and (b) The appendix to Volume 2 of the LRMP defines “urban
9 development” as the construction, extension, or establishment of a land use that requires or is best served by
10 a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected
11 and served by a public sanitary sewer system; and (c) As explained in related Zoning Case 672-S-10 the
12 proposed use is “recycling of non-hazardous waste materials (confidential paper shredding and recycling)
13 with all processing and storage of materials taking place indoors. The shredding and recycling process uses
14 no process water so there is no wastewater produced by the proposed recycling operations; and (d) The
15 proposed use is not urban development because the proposed use generates no process-related wastewater
16 and could be very adequately served by an onsite septic system; and (e) The B-4 District contains many uses
17 that can be considered urban development as defined by the LRMP such as laundry and restaurant and any
18 use which generates a substantial wastewater load; and (f) A special condition has been proposed to limit
19 uses on the subject property to uses that generate no more wastewater than the equivalent of a three bedroom
20 dwelling as specified in the *Illinois Private Sewage Disposal Licensing Act and Code (77IAC905)*. The *Act*
21 specified that the wastewater load of a three bedroom dwelling is 600 gallons per day. The subject property
22 could be redeveloped with a three bedroom dwelling under the current AG-2 designation. The following is a
23 review of authorized uses in the B-4 District and indicate the size limit that would result from the limit of
24 600 gallons of wastewater per day: i: A restaurant without a bar generates 10 gallons of wastewater per day
25 per customer so a 600 gallon limit equates to only 60 customers which is probably too few customers to
26 support a restaurant; and ii: A laundry generates 50 gallons of wastewater per day so a 600 gallon limit
27 equates to only about 12 customers; and iii: an office generates 15 gallons of wastewater per day per
28 employee so a 600 gallon limit equates to about 40 employees. He said that if there was a building, such as
29 the existing building on the subject property, which had a completely open office which provided restrooms
30 and stairs, etc. 40 employees would not be allowed therefore it would take a sizeable office building to house
31 40 employees. He said that the previous information is based on information, in Section 905. Appendix A of
32 the *Illinois Private Sewage Disposal Licensing Act and Code (77IAC905)*, which is an attachment to the
33 Supplemental Memorandum dated July 29, 2010. He said that staff is trying to demonstrate that if both
34 cases were approved by the Board the petitioners would not be limited to only doing the proposed special use
35 permit and could actually do anything that was by-right that is authorized under the B-4 district. He said that
36 over the years the County has used various kinds of creative conditions to limit a rezoning like this when
37 they believed that the idea of rezoning would be okay if the size of types of uses could be limited. He said
38 that he does not recall using a condition like this but frankly he believes that it is a good sound condition and
39 the biggest concern about the location is the wastewater load. He said that limiting the use to no more than
40 600 gallons would add adequate protection. He said that the spoke to Jeff Blackford of the Champaign
41 County Health Department and he agreed that limiting to 600 gallons would provide good assurance with a
42 proviso which is that the property is not subsequently subdivided so that you don’t end up with just one 600

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1 gallon per day use and not two 600 gallon per day uses. He said that if the condition could be refined better
2 to indicate that the condition applies to the entire property and even if the property is subdivided the
3 condition would still apply to the entire property.

4
5 Mr. Hall stated that with the new evidence it is clear that staff has a lot more work to do on other policies
6 that the Board has not seen the evidence on and what staff would like to know tonight is if the Board
7 believes that the path that we are going down can be successful or if there are more serious issues. He noted
8 that the evidence regarding the tax records will be added to the Finding of Fact so that when this case is
9 before the County Board they can be confident that this is what we are talking about.

10
11 Ms. Capel asked the Board if there were any questions for Mr. Hall.

12
13 Mr. Miller asked Mr. Hall to indicate the minimum lot width that would be required in the AG-2 district for
14 a single family dwelling.

15
16 Mr. Hall stated that after the 1992 amendment the minimum average lot width in the AG-2 district is 150
17 feet. He said that the subject property was created under the old standard which was only 100 feet therefore
18 this is a non-conforming lot of record that is legal to use under the current zoning district.

19
20 Mr. Miller stated that due to the long and narrow shape of the subject property it would be a difficult to
21 develop it for a home site.

22
23 Mr. Hall stated that the subject property is long and narrow and the length of the lot is unusual but it is fully,
24 legally non-conforming and if someone wanted to place a house on a lot that is this wide they could legally
25 do so.

26
27 Ms. Capel called Mr. Jim Finger to testify.

28
29 Mr. Jim Finger, President of Triad Shredding Corp. stated that their hope is to place their business at the
30 proposed location. He said that they have been searching for a new location for approximately five years and
31 one of the biggest problems that they have incurred is finding a site that has access to a state highway, has
32 three-phase electrical service and a loading dock. He said that they would like to stay in the Rantoul area
33 because Rantoul is where they were born and raised but they have not had any luck finding an appropriate
34 location. He said that they discovered that the subject property was for sale and they quickly purchased it
35 because it was in foreclosure. He said that they were aware of the fact that a business had been previously
36 located on the subject property therefore they hoped that their business would be allowed to operate on the
37 subject property.

38
39 Ms. Capel asked the Board if there were any questions for Mr. Finger.

40
41 Mr. Miller asked Mr. Finger to indicate the number of employees and vehicles expected at the subject
42 property.

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1
2 Mr. Finger stated that currently they have three full-time employees and five part-time employees although
3 the number of part-time employees can vary down to two or three. He said that the business has two small
4 Isuzu box trucks and a larger Mack box truck. He said that the employee vehicles and the trucks may make
5 two trips per day in and out of the facility. He said that a does semi-truck arrive every weekly to be loaded
6 with the recycling product but there is very little traffic generated by the business. He said that the business
7 does not operate on weekends and they are generally out of the building by 6 PM. He said that the well and
8 the septic system are already established on the property and their intent is to utilize those systems for the
9 business.
10
11 Mr. Thorsland asked Mr. Finger if he was aware that many people use recycled paper products for animal
12 bedding.
13
14 Mr. Finger stated that he has had a few inquiries regarding such a use but currently the price is good for the
15 recycled product therefore they send it directly to the paper mill. He said that there is always the question of
16 continued confidentiality therefore it is easier to have the paper product sent to the mill.
17
18 Mr. Miller asked Mr. Finger if the finished product is always kept indoors to maintain that confidentiality.
19
20 Mr. Finger stated yes. He said that everything will be stored indoors and the trucks that haul the products are
21 enclosed vehicles.
22
23 Ms. Capel asked if staff had any questions for Mr. Finger.
24
25 Mr. Hall asked Mr. Finger if any wastewater is generated in the recycling process.
26
27 Mr. Finger stated no.
28
29 Mr. Hall asked Mr. Finger if the trash generated from the business would be stored inside.
30
31 Mr. Finger stated yes.
32
33 Mr. Hall asked Mr. Finger if he could give the Board any other reasons why this location is very well suited
34 or why a rural location should be considered either necessary or very beneficial for the business.
35
36 Mr. Finger stated that the site is beneficial because of the location and the existence of three-phase electrical
37 service. He said that once they are assured that the business can operate in this location they will be
38 upgrading the three-phase electrical service. He said that they have looked at several other locations and
39 they had even considered constructing a building on his residential property, which is one-half mile from the
40 subject property, but installing three-phase electrical service was cost prohibitive.
41
42 Mr. Hall stated that the last rezoning that the Board had similar to this use was a property that had access to a

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1 three-phase electrical system. He asked Mr. Finger if he could supply a document from his electrical
2 provider indicating a three-phase electrical system is currently available at the subject property.

3
4 Mr. Finger stated yes.

5
6 Mr. Hall informed Mr. Finger that any new evidence that would build credibility for the site for the proposed
7 use would be appreciated. He said that staff believes that the use would be feasible and when the new
8 policies were reviewed it appeared that staff was in water over their heads for awhile but currently he
9 believes that staff is keeping above water thus far.

10
11 Mr. Finger stated that he appreciates the position that staff and the Board are at right now because no one
12 desires urban sprawl uncontrolled. He said that this property was in use as a slaughter house and it should
13 have been classified as I-2 rather than AG-2 although it is what it is and they are hopeful that they can get it
14 rezoned.

15
16 Mr. Thorsland asked Mr. Finger if the appearance of the new building will be similar to a large pole barn.

17
18 Mr. Finger stated yes.

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

21
22 Mr. Miller stated that the site plan requires indication of the current buildings and any proposed buildings.
23 He said that the configuration of the lot allows for growth therefore making it a well suited lot for the
24 proposed use.

25
26 Mr. Thorsland stated that in regards to the traffic count the business would be generating as much traffic as
27 one residence.

28
29 Mr. Hall asked the Board if they believe that the County's Land Use Policies would be better served by
30 amending the Zoning Ordinance, not to slow down the petitioners, because it is conceivable that this case
31 could proceed for hopefully approval by the County Board and then a zoning ordinance amendment could
32 follow which would allow this kind of thing on an identical property without going through this process. He
33 said that there have been many rezonings over the years where seed research facilities were authorized for
34 reuse for a use that would otherwise not be allowed in the ag districts. He said that in a couple of occasions
35 the Board has included a condition that indicates that the property would be rezoned to B-4 with some kind
36 of limited land uses and if it ever becomes possible that the use can be allowed without rezoning the land
37 would revert back to AG-1 or AG-2. He said that there has never been a use like the one in this case that has
38 fronted a state highway but when a property fronts a state highway that had a business use on October 10,
39 1973, things become a lot of easier. He said that he could imagine a very limited amendment that would
40 allow this similar thing on any other parcel that is not larger than five acres, had a business use on October
41 10, 1973 and fronts a state highway.

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1 Ms. Capel called Lisa Feig to testify.

2
3 Ms. Feig, Vice-President of Triad Shredding Corp. stated that she was looking for agricultural related clients
4 that the business serves but was unable to find one, except for the bank's ag-related business, which Mr.
5 Miller can attest to. She said that it is their policy to not speak about their customers unless they are on their
6 list of references. She said that security is one thing that must be highlighted and how it relates to the
7 property and the business. She said that they pride themselves on confidentiality because it is the nature of
8 their business. She said that the traffic will be low because they do not invite every individual that they do
9 business with to come to the facility because everyone's confidentiality is held the same and it doesn't matter
10 if you do \$20 worth of business a year or \$5,000 a month therefore the business will blend very well with the
11 agricultural area. She said that their staff is very hopeful that they will be able to break ground soon because
12 they are looking forward to having the entire operation under one roof and not having to move things around
13 in order to operate. She said that the new building will look very similar to a pole barn therefore blending
14 very well into the area.

15
16 Ms. Capel asked the Board if there were any questions for Ms. Feig.

17
18 Mr. Miller asked Ms. Feig if they have had any contact with the neighbors to the west of the subject
19 property.

20
21 Ms. Feig stated that they have not had any face to face contact although she does wave.

22
23 Mr. Miller asked Ms. Feig if they plan to demolish the existing building on the subject property.

24
25 Ms. Feig stated that they have not determined what to do with the existing building to date. She said that if
26 the existing building can be kept then that would be great but they need to decide whether or not keeping the
27 building will be cost effective. She said that just like any other business in the County they are trying to do
28 things economically and make the best decisions for their business. She said that some of the best advice
29 that she has received from some of her fellow members of the Rantoul Exchange Club that have been in
30 business for over thirty years is that they scrutinize every dollar that they spend today as they did thirty years
31 ago. She said that they expect to use the same philosophy with the existing building and if it can be brought
32 up to their standards, as well as the County's standards, cost effectively then yes they will keep the building
33 but if not then the building will be removed.

34
35 Mr. Hall stated that the petitioners have testified that they have looked for other properties and none were
36 available but additional comments would be appreciated to make it a more robust piece of evidence.

37
38 Ms. Feig stated that she and her brother are life long residents of Rantoul and their grandfather had land that
39 was taken by eminent domain when Chanute Air Force Base was developed and their great-grandparents
40 farmed land in the Rantoul area. She said that their roots grow very deep in the County and they have
41 exhaustively attempted to find a location in Rantoul because they wanted to stay in Rantoul therefore an
42 added attraction to this property is the fact that it has a Rantoul address. She said that the properties that they

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1 looked at either did not have dock space, availability of three-phase electricity or a location where a semi-
2 truck could safely maneuver. She said that there are other locations that other businesses could be perfectly
3 fine at but for their business they needed a location that was appropriate for their traffic.

4
5 Mr. Hall stated that being in a rural area is ideal for their business.

6
7 Ms. Feig stated yes, it is perfect. She said that they are aware that people who live in rural communities look
8 after each other and they look forward to that rural benefit.

9
10 Ms. Capel asked the Board if there were any additional questions for Ms. Feig and there were none.

11
12 Ms. Capel asked if staff had any additional questions for Ms. Feig and there were none.

13
14 Ms. Capel asked the audience if anyone desired to sign the witness register at this time to present testimony
15 regarding Case 672-S-10.

16
17 Ms. Capel called Mr. Tom Finger to testify.

18
19 Mr. Tom Finger, who resides at 332 Highland Drive, Rantoul stated that he is Jim and Lisa's father therefore
20 he does cross examine them every day. He said that currently Triad Shredding Corp. is located at the
21 Rantoul Business Center on the old Chanute Air Force Base and one of the issues that they have is that there
22 is no space on the base which has adequate square footage available for their business. He said that they
23 spend most of their day hauling stuff up and down an alley way to different bays at the Rantoul Business
24 Center and it is undetectable that they are doing so because it is kept clean. He said that he never thought
25 that his kids would be involved in the trash business. He said that he is very critical about trash pickup
26 because he works for ATT and he handles about 90% of their real estate and one of the things that he cannot
27 stand is trash around a building. He said that at one time the neighbor to the west of the subject property
28 operated a lawn mower business and the deteriorated building still exists and probably still has related items
29 in it. He said that he did speak to Don Johnson who is one of the neighbors to the east and he indicated that
30 he had no issues with the proposed use on the subject property and was glad to see that someone would be
31 cleaning the property up. He said that he is proud of his kids because they have worked hard to get this
32 business this far and their intention was to keep it in Rantoul. He said that they have looked at every piece of
33 available real estate on Chanute Air Force Base, which can be documented by contacting the last three
34 Village Administrators for the Village of Rantoul and the Economic Development Department, so that they
35 can keep the business in Rantoul. He said that the subject property will be convenient for the business
36 because it already has three-phase electrical availability and it is close to the highway.

37
38 Ms. Capel asked the Board if there were any questions for Mr. Finger and there were none.

39
40 Ms. Capel asked if staff had any questions for Mr. Finger and there were none.

41
42 Ms. Capel closed the witness register.

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1
2 Ms. Capel asked the Board to provide direction to staff regarding these cases.
3
4 Mr. Thorsland stated that if we are looking for reason to prove conformance with Policy 4.2.1. then we
5 should consider the testimony regarding the availability of three-phase electrical service, and the fact that the
6 subject property housed a business prior to the adoption of the Zoning Ordinance on October 10, 1973, and
7 the rural location is beneficial for security purposes, and the subject property has easy access to the state
8 highway (U.S.136) for semi-truck traffic. He said that it appears that the subject property is a pretty unique
9 fit for a pretty unique business which will blend itself into a rural location. He said that the amendment
10 would make it easier to take a non-ag, agricultural lot that has been out of production for a long time and
11 allow it to be reused.
12
13 Mr. Hall stated that the Board may want to double check with the petitioners to make sure they do not have
14 any concerns regarding the draft conditions particularly the condition regarding the property reverting back
15 to AG-2 if the Zoning Ordinance is amended and the limit on wastewater.
16
17 Ms. Capel re-opened the witness register.
18
19 Ms. Capel asked the petitioners if they had any concerns regarding the draft conditions.
20
21 Mr. Finger stated that they had no concerns regarding the limit on wastewater.
22
23 Mr. Hall stated that the limit on wastewater is not intended to encompass a caretaker's dwelling and under
24 County zoning the petitioners could have a caretaker's dwelling.
25
26 Mr. Finger stated that he does not have a problem with the limit on wastewater.
27
28 Mr. Thorsland asked Mr. Finger if he had any concerns regarding the property reverting back to AG-2.
29
30 Mr. Finger requested clarification.
31
32 Mr. Hall stated that the condition would revert the zoning district designation of the property back to AG-2 if
33 the Ordinance is later amended so the petitioners could have come here and done the same thing without
34 rezoning. He asked Mr. Finger if this amendment is adopted would he have any opposition to the subject
35 property reverting back to AG-2.
36
37 Mr. Finger stated no.
38
39 Mr. Hall stated that under this approach if the Board approves two buildings of the size indicated on the
40 general layout then that is what can be done. He said that this is a special use permit therefore if larger
41 buildings are necessary the petitioner would need to return to the Board to seek approval and that scenario
42 would not change the need due to the amendment. He said that from the County's perspective, rather than

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1 having a little isolated piece of B-4 out there in the middle of the countryside it would go back to AG-2
2 which is generally a better thing for county planning. He said that the request for rezoning may get better
3 reception at the County Board level if the condition is included and the petitioners can live with it.
4

5 Mr. Miller asked Mr. Hall if the petitioners had an opportunity to sell their property and business would the
6 reversion back to AG-2 effect the marketability of the property.
7

8 Mr. Hall stated that it boils down to how marketable is a B-4 parcel when they are limited to no more than
9 600 gallons of waste water versus an AG-2 parcel which is also limited to no more than 600 gallons. He said
10 that he has to believe that the B-4 parcel would be more marketable because when people hear B-4 they are
11 not hearing AG.
12

13 Mr. Miller stated that the condition would mean that if the business sold or closed up then the parcel would
14 revert back to AG-2.
15

16 Mr. Finger stated that he can see how this could turn into a problem if the condition is included.
17

18 Mr. Miller stated that he understands that it is the petitioner's intention to make this a long term location but
19 things change.
20

21 Mr. Finger stated that some day he plans to retire therefore perhaps it should remain B-4 if possible.
22

23 Mr. Hall stated that if the Board recommends it without the condition and it passes through the County
24 Board without it being raised then from the petitioner's perspective so much the better. He said that he
25 would expect this question to be raised by some County Board members and if it is then the issue could be
26 discussed at that time. He said that the County Board can always impose a condition if they feel better with
27 a condition but if the condition is included in the ZBA's recommendation and the County Board does not
28 feel that it is warranted then the County Board can remove it.
29

30 Mr. Finger stated that he would like to leave the condition out of the ZBA's recommendation and if it is
31 suggested at the County Board level then it could be added back in at that time.
32

33 Mr. Hall stated that he will have to convince the ZBA.
34

35 Mr. Finger stated that the property has been a business for a very, very long time and the property next to it
36 was also a business and it is unknown if that property owner would like to get that business going again. He
37 said that there has to be other properties like this in the County, although he does not know where they are,
38 therefore this is a very unique situation.
39

40 Ms. Capel asked Mr. Miller if he indicated that if Jim and Lisa sell the property and Triad Shredding Corp. is
41 no longer doing business upon the property that it will revert back to AG-2.
42

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1 Mr. Hall stated that the situation was such that if the Zoning Ordinance is amended so that this use can
2 happen in AG-2 with a special use permit then at that point the zoning would revert to AG-2. He said that if
3 the County does not do that then it would stay B-4. He said that there is a question about whether or not the
4 business is in existence for twenty years at the B-4 location and the County changes the zoning and it reverts
5 to AG-2 then that would be unreasonable. He said that a time frame is not on the amendment but it would be
6 easy to do by indicating that if the Zoning Ordinance is amended within two years the property would revert
7 to AG-2 but if the deadline is missed then the property would remain B-4.

8
9 Ms. Capel stated that B-4 has a lot of uses allowed by-right that AG-2 does not. She said that right now if
10 we amend AG-2 and the petitioners continue to do business as usual the only thing that is going to change is
11 the zoning designation and not the way that they do their business. She said that what will be affected is any
12 other by-right uses that the petitioners are able to squeeze on the lot and not go over the 600 gallon limit
13 regarding wastewater.

14
15 Mr. Hall stated that the petitioners would have a more valuable property under B-4 zoning with the
16 condition.

17
18 Mr. Thorsland stated that he agrees with the petitioner that the property should remain B-4 and not revert
19 back to AG-2. He said that if the ZBA can make a good case for the zoning to change to B-4 and not revert
20 at a later date then that is what we should move towards. He said that if the issue is brought forth at the
21 County Board later then the petitioner would have that option in his back pocket.

22
23 Mr. Hall stated that there could be a section in the Finding of Fact which talks about how the Board
24 reviewed the possible condition and then discussed how the availability of the three phase electrical service,
25 state highway access, and that this is a location where there is a history of business use since before the
26 adoption of zoning, would indicate to a County Board member that the ZBA considered this condition and
27 determined that there were factors that mitigated for a conditional B-4 as being the best district for this
28 property.

29
30 Mr. Thorsland agreed. He said that he does not believe that it would be very difficult to explain the
31 uniqueness of the property and it's fit for the requested use. He said that there may be a place to refer to the
32 fact that at the cessation of this business use with the limit on wastewater creates a value to the B-4 zoning
33 which would be lost if it reverted back to AG-2.

34
35 Mr. Hall stated that staff has received some very good information from the Board to add to the Finding of
36 Fact that will make this pretty strong. He said that it appears that the Board is pretty confident in going
37 towards this direction therefore staff needs to get all of the new information summarized in the finding.

38
39 Mr. Miller asked Mr. Hall if Case 645-S-09 will be heard at the August 26, 2010, meeting.

40
41 Mr. Hall stated that the understanding is that even if there is no court decision Case 645-S-09 will be heard
42 on August 26th. He said that if the August 12th meeting could be reconvened this case could be continued to

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1 that meeting.

2
3 Mr. Knight asked Mr. Hall if the Zoning Administrator cases that are scheduled for September 16th would
4 be placed further back on the docket.

5
6 Mr. Hall stated that it is possible if the petitioners are agreeable and the Board chooses to do so, Cases 671-
7 AM-10 and 672-S-10 could be continued to the September 16th meeting.

8
9 Mr. Thorsland stated that perhaps Case 673-V-10 could be pushed back on the docket since the building
10 already exists therefore continuing Cases 671-AM-10 and 672-S-10 to the August 26, 2010, meeting.

11
12 Mr. Hall asked Mr. Thorsland if he really wants to have these two cases and Case 645-S-09 at the same
13 meeting.

14
15 Mr. Knight stated that he is concerned that the Cases 671-AM-10 and 672-S-10 were rushed for tonight's
16 meeting and staff missed a lot of important information therefore he would like the chance to make sure that
17 all of the information is available at the next meeting.

18
19 Ms. Capel asked Mr. Finger to indicate his preference.

20
21 Mr. Finger requested that the cases be heard as soon as possible because after the ZBA offers its
22 recommendation the County Board has to approve it which will put them into October or November and it
23 will be hard to begin construction when the ground is frozen.

24
25 Mr. Hall stated that the August 12th meeting could be reconvened and if the Board is successful then so much
26 the better and if not then a window could stay open for the August 26th meeting as a backup. He said that
27 generally if a building already exists in a variance case most petitioners would just as soon put the hearing
28 off as long as they can.

29
30 **Mr. Thorsland moved, seconded by Mr. Courson to hold a special meeting on August 12, 2010, to hear**
31 **Cases 671-AM-10 and 672-S-10. The motion carried by voice vote.**

32
33 **Mr. Miller moved, seconded by Mr. Thorsland to continue Cases 671-AM-10 and 672-S-10 to the**
34 **August 12, 2010, meeting. The motion carried by voice vote.**

35
36 **7. Staff Report**

37
38 None

39
40 **8. Other Business**

41
42 **A. June, 2010 Monthly Report**

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Mr. Hall stated that the June, 2010 Monthly Report will be distributed at the next meeting for the Board's review.

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

None

10. Adjournment

The meeting adjourned at 8:18 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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DRAFT SUBJECT TO APPROVAL DRAFT

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