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Mr. Elwell moved, seconded by Ms. Griest, to approve the June 14, 2018, minutes, as amended. The motion carried by voice vote.

5. Continued Public Hearing

None

6. New Public Hearings

Case 908-S-18 Petitioner: Greg Allen, d.b.a. Prairie States Warehouse, Inc. via agent Tim Mohr. Request to authorize the storage and dispensing of agricultural fertilizer as a “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” facility as a Special Use in the AG-1 Agriculture Zoning District. Location: A 7.46-acre part of an 88.03-acre tract in the Southeast Quarter of Section 12, Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township and commonly known as Prairie States Warehouse with an address of 1009 CR 2400E, Homer, Illinois.

Ms. Capel informed the audience that Case 908-S-18 is an Administrative Case and as such, the County allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she will ask for a show of hands for those who would like to cross-examine, and each person will be called upon. She requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions. She said that those who desire to cross-examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross-examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. She reminded the audience that when they sign the witness register they are signing an oath. She asked the audience if anyone desired to sign the witness register and there was no one.

Ms. Capel asked the petitioner if he would like to make a statement regarding the request.

Mr. Nick Burrus, Engineer with Milano and Grunloh Engineers and Surveying, whose address is 108 East Washington, Altamont, stated that he was present tonight to represent Prairie States Warehouse, Inc. who is requesting a special use permit for their agricultural facility. He said that there are couple of outstanding items that they are fully aware of and they look forward to addressing those items at the appropriate time during the hearing.

Ms. Capel asked staff if there were any questions for Mr. Burrus.

1
2 Mr. Hall asked Mr. Burrus to indicate in detail the products that the facility deals in.
3
4 Mr. Burrus stated that Tim Mohr would be a better person to answer Mr. Hall's question.
5
6 Mr. Tim Mohr, who resides at 610 N. Champaign Avenue, Allerton, stated that the products that they
7 keep at the subject property, currently and in the future, are agricultural herbicides for corn and
8 soybeans. He said that there is no dry fertilizer or anhydrous ammonia at the facility.
9
10 Ms. Lee asked Mr. Mohr if they mix the dry herbicides with water.
11
12 Mr. Mohr stated that they do not have dry fertilizer, but there are herbicides that are mixed with water.
13
14 Ms. Lee asked Mr. Mohr if the chemical and fertilizer plant that is located within two miles of the
15 proposed facility is also owned by the Allen family.
16
17 Mr. Mohr stated that the Allen family are partial owners of that facility, but he cannot speak to the
18 structure or percentage of ownership by the Allen family.
19
20 Ms. Lee asked Mr. Mohr if Greg Allen also has an interest in the Allerton Supply Company.
21
22 Mr. Mohr stated that the Allen Family owns Allerton Supply, but he cannot speak to whether Greg Allen
23 does or does not have interest in Allerton Supply.
24
25 Mr. Randol asked Mr. Mohr if the proposed facility will have dry fertilizer in the future.
26
27 Mr. Mohr stated that if their customers indicate a need for dry fertilizer in the future, then it is a
28 possibility.
29
30 Mr. Randol asked Mr. Hall if the possibility of dry fertilizer at the facility affects the special use permit.
31
32 Mr. Hall stated that a special use permit is specific to the site plan, and if in the future additional tanks
33 are required for new products, but were not on the approved site plan, then a new special use permit
34 would be required.
35
36 Mr. Mohr stated that currently they have 32% liquid nitrogen in tanks that were included in their Illinois
37 Department of Agriculture (IDAG) permit. He said that if they were to add anything that would be
38 regulated by the IDAG, they would need to apply for a new permit with them first and they would apply
39 for a new special use permit with the County at the same time. He said that if they were to ever have dry
40 fertilizer, there are several steps that they would be required to go through. He said that they could think
41 about having dry fertilizer, but they realize that there are several hoops that they would have to go

1 through to achieve it.

2
3 Mr. Hall stated that the IDAG hurdle is the most important hurdle, because if it is something that a
4 petitioner is thinking about doing in five years, then staff suggests that they start with the IDAG now,
5 because it is critical.

6
7 Mr. Mohr stated that at this time they are staying with what was approved in their current IDAG permit.

8
9 Mr. DiNovo asked Mr. Mohr if they currently have liquid nitrogen at the facility now.

10
11 Mr. Mohr stated that they do have 32%, but it is not liquid nitrogen, it is urea.

12
13 Mr. DiNovo stated that Mr. Mohr previously indicated that they only had dry herbicides.

14
15 Mr. Mohr stated that they do not have any dry fertilizers. He said that when Mr. Randol asked about dry
16 fertilizer he wanted to make sure that he adequately addressed the question.

17
18 Mr. Hall stated that one thing that state law requires the County to have on file is a set of construction
19 documents in case anyone wants to review the documents for accessibility. He asked Mr. Mohr if they
20 had a set of construction plans for the existing building, because he does not recall if those plans were
21 submitted during the shed's permitting.

22
23 Mr. Mohr stated that they do have copies of the blueprints prepared by Graber Buildings and he can
24 supply a copy of those prints to staff.

25
26 Mr. Hall asked Mr. Mohr if Graber Buildings designed the interior of the building as well.

27
28 Mr. Mohr stated yes. He said that the containment was approved by IDAG and built by the engineers
29 hired by Graber Buildings.

30
31 Mr. DiNovo asked Mr. Mohr to indicate the quantities of chemical that are kept at the subject property.

32
33 Mr. Mohr stated that there are two fiberglass 15,000 gallons tanks for the 32%, which is just a urea
34 solution, behind the building. He said the dike that the two tanks are in must hold whatever the ILEPA
35 requires, which he believes is 125% of one tank. He said that the other two gray tanks are only for fresh
36 water.

37
38 Ms. Lee asked Mr. Mohr if he understood that the lighting on the building must comply with the
39 Champaign County Zoning Ordinance requirements, because the current lighting does not comply.

40
41 Mr. Mohr stated that it is his understanding that some permitting is required for the lighting, and he and

1 Mr. Burrus will do whatever the County requires for compliance.

2
3 Ms. Lee stated that she is concerned, even if there is 125% containment, about a heavy rain causing the
4 dike to overflow and the chemical drifting into the drainage ditch.

5
6 Mr. Burrus stated that the IDAG requirements indicate that the largest tank must be contained inside the
7 dike, along with capacity for a six-inch rainfall. He said that it is the responsibility of the property owner
8 to monitor and pump out water in the dike during a heavy rainfall event. He said that the calculations
9 have been submitted to IDAG and the permit was approved.

10
11 Mr. Passalacqua asked Mr. Burrus if IDAG performs periodic inspections.

12
13 Mr. Burrus stated yes.

14
15 Ms. Capel asked Mr. Mohr if it is incumbent on the owner to pump out the dike, is there a pump in place
16 at that location.

17
18 Mr. Mohr stated yes, it is a sump pump, and during a heavy rain event the sump pump is monitored to
19 make sure it is operating properly.

20
21 Mr. Randol asked Mr. Mohr if their products during the busy season for the operation are delivered by
22 semi-truck.

23
24 Mr. Mohr stated that they have several straight trucks used in their operation, but some semi-trucks
25 utilized as well.

26
27 Mr. Randol asked Mr. Mohr to indicate a normal traffic count during their busy season.

28
29 Mr. Mohr stated that a traffic count per average day in the Spring, their busy season, would be 8 to 12
30 trucks, and maybe 15 trucks during their busiest day.

31
32 Ms. Lee asked Mr. Mohr if the intent when the building was first constructed was for a
33 chemical/fertilizer plant.

34
35 Mr. Mohr stated that when the building was first constructed the intent was for agricultural use only.

36
37 Ms. Lee stated that previous testimony indicated that Graber Buildings constructed the building
38 according to IDAG requirements, so doesn't that contradict testimony indicating that it was first
39 constructed for agricultural use only.

40
41 Mr. Mohr stated that the building plans changed several times after people, who knew the type of

1 business that the Allen family was involved in, requested services.

2
3 Ms. Griest stated that the site plan does not indicate any outdoor storage, other than the tanks which she
4 does not consider as outdoor storage because the chemical is contained in the tank. She asked Mr. Mohr
5 if there will be any outdoor storage.

6
7 Mr. Mohr stated that there will be some equipment that is randomly stored outside, but no chemicals.
8 He said that per the IDAG permit, even the chemicals stored inside of the building must be located in an
9 area where the floor slopes as a dike for containment.

10
11 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Mohr or Mr. Burrus, and there was
12 no one.

13
14 Mr. Hall asked Mr. Burrus if IDAG required any documentation of compliance with local zoning.

15
16 Mr. Burrus stated not that he is aware of.

17
18 Mr. Hall stated that he is going to recommend that before a partial Zoning Compliance Certificate can be
19 issued, staff would verify that the facility is in conformance with the accessibility code, and the parking
20 area does not appear to be in conformance. He said that the accessibility code requires that an asphalt or
21 concrete surface for the accessible parking space, so changes do need to be made. He said that staff does
22 not rigorously enforce the need for a compliance certificate, so if they are operating now they can
23 continue to operate, but when the Board reviews the special conditions of approval, he will recommend
24 that the Stormwater Management Plan be in place and that all certifications are done within one year.
25 He said that he would hope that the accessibility issues could be resolved within that time, because they
26 will also be due for compliance by that time. He said that one year after this meeting, all these things
27 should be cleaned up. He assumes that some work has been completed on the Stormwater Management
28 Plan and it may only be an issue of having it reviewed by the County's consulting engineer, so there may
29 not be a lot of work that remains to be done.

30
31 Mr. Burrus stated that they intend to comply with all requirements, and they have discussed the location
32 of the accessible parking space.

33
34 Ms. Griest asked Mr. Hall if the proposed special condition regarding the Stormwater Management Plan
35 will be revised to include the one-year time period for compliance.

36
37 Mr. Hall stated yes.

38
39 Ms. Capel stated that the Board needs to review the proposed special conditions of approval with the
40 petitioner. She asked the Board and staff if there were any additional questions for Mr. Mohr or Mr.
41 Burrus, and there were none.

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Ms. Capel read special condition A.

A. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.

The above stated special condition is necessary to ensure the following:
The proposed Special Use Permit meets applicable state codes for handicapped accessibility.

Mr. Hall recommended the following revision to special condition A. as follows:

The Zoning Administrator shall not authorize a partial Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act, including the submission of a site plan and building floor plans of sufficient scale and quantity of information to evaluate general compliance with the Illinois Accessibility Code including doorway widths and door hardware where relevant and a statement verifying accessibility by an Illinois Licensed Architect.

The above stated special condition is necessary to ensure the following:
The proposed Special Use Permit meets applicable state codes for handicapped accessibility.

Mr. Hall said that statement can be a separate statement and it does not have to be on the plans, but if they are stamped by an Illinois Licensed Architect then that would suffice.

Mr. DiNovo asked if sealed plans are required.

Mr. Hall stated that the presumption is that the plans will be sealed and in that case that would suffice. He said that nothing in the ordinance requires that the plans must have the seal of an architect. He said that he is not requiring an architect to certify anything that he cannot see, which are doors of sufficient width, and things like that.

Ms. Capel asked Mr. Mohr if he agreed to revised Special Condition A.

Mr. Mohr indicated that he agreed to revised Special Condition A.

1 Ms. Capel read Special Condition B. as follows:

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B. Regarding the ongoing operation of the Special Use as authorized by the Illinois Department of Agriculture:

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

The special conditions above are required to ensure the following:
To ensure that Champaign County is fully informed of any risks that arise for public safety and environmental protection.

Ms. Capel asked Mr. Mohr if he agreed to Special Condition B.

Mr. Mohr indicated that he agreed to Special Condition B.

Ms. Capel read proposed Special Condition C.

C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.

The special conditions stated above are required to ensure the following:
That any proposed exterior lighting is in compliance with the Zoning Ordinance.

Mr. Hall recommended the following revision to Special Condition C.:

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C. **The Zoning Administrator shall not authorize a final (or complete) Zoning Compliance Certificate until the petitioner has demonstrated that any existing or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special conditions stated above are required to ensure the following:
That any proposed exterior lighting is in compliance with the Zoning Ordinance.

Ms. Capel asked Mr. Mohr if he agreed with revised special condition C.

Mr. Mohr indicated that he agreed with revised special condition C.

Ms. Capel read proposed special condition D.

D. **A complete Stormwater Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The special conditions stated above are required to ensure the following:
That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

Mr. Hall recommended the following revision special condition D.

D. **A complete Stormwater Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved within 6 months of the approval of Case 908-S-18 as part of the Zoning Use Permit application for construction within 1 year of approval of Case 908-S-18 and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The special conditions stated above are required to ensure the following:
That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

Ms. Capel asked Mr. Mohr if he agreed with revised special condition D.

1

2 Mr. Mohr indicated that he agreed with revised special condition D.

3

4 Ms. Griest asked Mr. Hall to indicate how long the approval takes, because special condition D.
5 indicates that the Stormwater Drainage Plan shall be submitted within 6 months of approval of Case
6 908-S-18. She said that the petitioner can certainly control the submission portion of the special
7 condition, but they cannot control the approval time period.

8

9 Mr. Hall stated that the approval time is based upon how good the submittal is, and if it is good the
10 approval time could take up to two weeks, but if the submittal is not good it could take as long as six
11 months.

12

13 Ms. Griest asked Mr. Hall how the petitioner could control that time period.

14

15 Mr. Hall stated that the petitioner can control the time period if they read the ordinance and they do what
16 is required, then the time period can be met, because it has been done before.

17

18 Ms. Griest stated that she understands that it has been done before, but her point is that the petitioner is
19 being held responsible for the approval.

20

21 Mr. Hall stated that the petitioner is being held responsible for submitting a design that meets the
22 ordinance, and it must be approved within six months. He said that if they submit a good design that
23 complies with the ordinance requirements in five and one-half months, then it could be approved within
24 two weeks, but if they submit a design, even if it complies, in seven months then it is already late. He
25 said that if they submit a design five times within eight months, then it is still late.

26

27 Ms. Griest asked Mr. Hall to indicate the consequence for a late submittal.

28

29 Mr. Hall stated that he does not know that there is any practical consequence as long as it finally gets
30 approved, but at a certain point it would be referred to the State's Attorney's Office.

31

32 Ms. Griest asked if the petitioners would receive a Cease and Desist Order and stop operations.

33

34 Mr. Hall stated that staff never tells someone to cease and desist, that is left up to the court system. He
35 said that the Board is aware of what he calls, the commercial building code act (PA-96-704) that became
36 effective in 2011 and it requires that before occupancy could be issued for any commercial building
37 certification is received that it meets the commercial building code act (PA-96-704). He said that if you
38 take the view that the construction was done when the use was permitted as an agricultural use building,
39 then he would argue that it is an existing agricultural use converted to commercial use and that does not
40 fall under the commercial building code act. He said that if you take the view that it is kind of a gray
41 area as to what point this structure became a commercial building, then it could be that it needs to meet

1 the commercial building code act, but it could be that it already does, although he has not seen any
2 construction documents, so he does not know. He said that since this is a state code and not a local code,
3 he would recommend that the Board take the view that construction was done early enough as a private
4 agricultural project and there is reason enough to say that the commercial building code does not apply
5 to this project. He said that if this was the County's code then he would be more energetic about making
6 sure that we either knew that for a fact or made it comply, but it is not a Champaign County and we have
7 reason to believe that it does not apply.

8
9 Ms. Lee stated that testimony was provided indicating that Graber Buildings constructed the building
10 under the specification of the IDAG, which would construe the structure as a commercial building and
11 not just an agricultural building.

12
13 Mr. Hall stated that the IDAG does not look at buildings in that way, so no, he would not want the Board
14 to believe that is the case.

15
16 Ms. Lee stated that if a permit is required for the use of the structure from IDAG, then the structure is no
17 longer a farm building, but is a commercial building.

18
19 Mr. Hall stated that the IDAG does the on-farm storage and it is not clear if they were determining that
20 the use was agriculture or commercial. He said that he has had enough conversations with employees
21 from the IDAG regarding what is and is not considered agriculture or commercial that he understands
22 that he has a different view than they do.

23
24 Ms. Lee stated that testimony was received indicating that the IDAG containment should accommodate a
25 six- inch rainfall, but this area has had rainfalls that exceed six inches. She said that she is concerned
26 about the water that will overflow into the drainage ditch.

27
28 Mr. Hall stated that a six-inch rain is a 100-year rain, and we have had multiple rain events like that, but
29 we could have 500-year rains although they are not that common. He said that someone in the State has
30 made the decision that controlling for the 100-year event on top of a complete spill is adequate and this
31 Board does not need to be second guessing the IDAG on something like that.

32
33 Ms. Griest stated that Mr. Hall makes a good case on the conversion on the basis that the Department of
34 Planning and Zoning issued an approved building permit for the structure as an agricultural building.
35 She said that there is a precedent there indicating that for a short time it was just an agricultural building
36 and was then determined to be turned into and agricultural commercial building. She said that there was
37 a permit obtained for the agricultural construction, so the Board must look at it as a Change of Use.

38
39 Ms. Capel entertained a motion to approve the special conditions as amended.

40
41 **Ms. Griest moved, seconded by Mr. Elwell, to approve the special conditions as amended. The**

1 **motion carried with one opposing vote.**

2
3 Mr. DiNovo stated that there is one small item that affects the Finding of Fact. He said that there is an
4 inaccurate statement in the Natural Resource Report indicating that the water from the site will leave by
5 way of the drainage ditch. Mr. DiNovo stated that an examination of the topography indicates that the
6 water will leave the site westerly and then south and then in a generally southwestern direction before it
7 gets to the drainage ditch. He said that the runoff is not going directly to the ditch, but on to the property
8 to the south. He said that the statement in the report should be revised to indicate that the water will
9 leave the site generally to the south and southwest and then to the drainage ditch.

10
11 Mr. Passalacqua asked if it is in this Board's venue to change a statement in a report that was filed by
12 someone else.

13
14 Mr. DiNovo stated that the Board does not have to accept any witness' statement as true. He said that
15 the Board is not obliged to accept anything that comes to the Board as truth, when it is manifestly not.

16
17 Mr. Hall stated that the Board does not have the right to change what another organization puts in a
18 report. He said that the Board can choose to not accept the report but cannot change the report.

19
20 Mr. DiNovo stated that the Board has the right to strike the quotation from the report in the Finding of
21 Fact and substitute it with the Board's own finding in its place.

22
23 Mr. Hall stated that the quotation is not in the Summary of Evidence.

24
25 Mr. DiNovo stated that the quotation is in the Summary of Evidence on page 7, item 8.B. (1).

26
27 Mr. Hall agreed to strike the sentence and replace it with a statement indicating that the water from the
28 site will leave generally to the south and southwest and ultimately to the drainage ditch, but ultimately it
29 does flow across other people's property before it gets to the drainage ditch.

30
31 Mr. Passalacqua stated that Mr. DiNovo's new statement should be an addition and not a strike out,
32 because this Board cannot revise a statement made in a report from someone else.

33
34 Mr. Hall stated that Mr. DiNovo is not proposing to revise a statement in the report, but the statement
35 has been included in the Board's Summary of Evidence, so the Board can strike the statement from the
36 report and include a correct statement in the Summary of Evidence. He said that the statement in the
37 report remains as submitted by CCSWD, but the Summary of Evidence will indicate the new statement.

38
39 Ms. Lee stated that the water will still flow to the drainage ditch in the end.

40
41 Ms. Griest asked who owns the surrounding farm ground, is it in common ownership with the subject

1 property or does it belong to someone else.

2
3 Mr. DiNovo stated that it appears that the water will drain through three different parcels before it
4 reaches the drainage ditch. He said that there is a narrow strip and then onto the parcel to the south and
5 then a third parcel to the west before it reaches the drainage ditch.

6
7 Ms. Lee asked if the subject property has the drainage ditch running through it on the westerly end.

8
9 Mr. DiNovo stated yes, but the water doesn't flow that way. He said that the southeast corner of the
10 larger property flows to the south before it flows west. He said that the topography map from the County
11 makes the drainage line very clear, and he shared the map with the Board.

12
13 Ms. Capel stated that the topography map from Mr. DiNovo should be added as a Document of Record.

14
15 Mr. Hall agreed.

16
17 Mr. Passalacqua asked how item 8.B. (1) will read and will the Board pursue discovering the owners'
18 names of the other parcels.

19
20 Ms. Burgstrom stated that the adjacent parcels received notice of the public hearing.

21
22 Mr. Passalacqua asked Mr. Mohr if he knows of any surface drainage issues, and does the water actually
23 go in that direction.

24
25 Mr. Mohr stated no.

26
27 Mr. Passalacqua asked Mr. Mohr if the Allen family owns the surrounding parcels.

28
29 Mr. Mohr stated that the Allen family does own farm ground to the south of the subject property, but
30 there are other landowners farther south. He said that he cannot read the topography on the map in the
31 mailing packet.

32
33 Ms. Lee asked Mr. Mohr if the Allen family owns the farm ground to the east of CR 2400E.

34
35 Mr. Mohr stated that the Allen family owns everything across the road from the subject property to the
36 east.

37
38 Ms. Lee stated that there is a drainage ditch which goes through part of that.

39
40 Mr. Mohr stated that all the water from the subject property does not go onto the road to the east. He
41 said that nowhere on the subject property or the property to the east does the water cross CR 2400E,

1 because it all slopes to the back.

2
3 Mr. Hall stated that one alternative would be to insert a new paragraph 8,B (4) and that would be the
4 statement from Mr. DiNovo as follows: In the review by the ZBA during the August 16, 2018 meeting,
5 they noted that the water from the site will leave generally to the west and southwest, traversing several
6 parcels before entering the drainage ditch. Mr. Hall stated that paragraph 8.B. (1) should remain in
7 place.

8
9 Mr. Passalacqua agreed with Mr. Hall's recommendation of leaving paragraph 8.B. (1) and inserting new
10 paragraph 8.B. (4).

11
12 Mr. Hall stated that in regard to item 9.C. (1) on page 12 of the Summary of Evidence, a special
13 condition has been added that the existing development comply with the SWMEC Ordinance.

14
15 Ms. Griest stated that item 9. C. (1) has a conflict, because it indicates that the principal building was
16 constructed for an agricultural use, making it exempt from the SWMEC Ordinance. She asked if there
17 was testimony that the structure was actually constructed for agricultural use.

18
19 Mr. Hall stated that the structure was authorized for agricultural use. He said that item 9. C. (1) should
20 be revised to indicate the following: The principal building was authorized for agricultural use, making
21 it exempt from the SWMEC Ordinance.

22
23 Ms. Capel asked the Board and staff if there were any additional revisions to the Summary of Evidence,
24 and there were none.

25
26 Ms. Capel asked staff if there were new Documents of Record.

27
28 Mr. Hall stated that new items 7. and 8. should read as follows: 7. Supplemental Memo #1 dated August 9,
29 2018, with attachments, and 8. Map of 908-S-18 area topography submitted by Frank DiNovo on August
30 16, 2018.

31
32 Ms. Capel stated that the Board will now move to the Findings of Fact.

33
34 Ms. Lee asked Ms. Capel to ask the audience if anyone desired to sign the witness register to present
35 testimony regarding Case 908-S-18.

36
37 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding
38 Case 908-S-18, and there was no one.

39
40 Ms. Capel closed the witness register.

41

1 **FINDINGS OF FACT FOR CASE 908-S-18:**

2
3 **From the documents of record and the testimony and exhibits received at the public hearing for**
4 **zoning case 908-S-18 held on August 16, 2018, the Zoning Board of Appeals of Champaign County**
5 **finds that:**

6
7 **1. The requested Special Use Permit IS necessary for the public convenience at this location.**

8
9 Mr. DiNovo stated that the requested Special Use Permit IS necessary for the public convenience at this
10 location, because it serves existing demand by agricultural producers in the surrounding area.

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

16
17 **a. The street has ADEQUATE traffic capacity and the entrance location has**
18 **ADEQUATE visibility.**

19
20 Mr. Passalacqua stated that the street has ADEQUATE traffic capacity and the entrance location has
21 ADEQUATE visibility because we have testimony that the traffic volumes are very low.

22
23 Mr. DiNovo stated that the terrain is flat, and the view is unobstructed.

24
25 **b. Emergency services availability is ADEQUATE.**

26
27 Mr. DiNovo stated that emergency services availability is ADEQUATE, because it is within 4 road
28 miles of both the Sidney and Homer Fire Protection Districts.

29
30 **c. The Special Use WILL be compatible with adjacent uses.**

31
32 Mr. Passalacqua stated that the Special Use WILL be compatible with adjacent uses, because it is an
33 agricultural service in an agricultural setting.

34
35 Mr. DiNovo stated that the site is completely surrounded by farmland.

36
37 **d. Surface and subsurface drainage will be ADEQUATE.**

38
39 Surface and subsurface drainage will be ADEQUATE, because there is testimony that they do not have a
40 surface drainage issue.

41

1 Ms. Griest stated that they are required to complete a Storm Water Drainage Plan in conformance with
2 the SWMEC Ordinance.

3
4 **e. Public safety will be ADEQUATE.**

5
6 Mr. DiNovo stated that public safety will be ADEQUATE, because the facility will have to be designed
7 and operated in compliance with permits from the Illinois Department of Agriculture and the Illinois
8 Environmental Protection Agency.

9
10 **f. The provisions for parking will be ADEQUATE.**

11
12 Mr. DiNovo stated that the provisions for parking will be ADEQUATE, because there is ample room on
13 the site and a plan demonstrating compliance with the Environmental Barriers Act and Illinois
14 Accessibility Code will be submitted at the time of permitting.

15
16 **g. The property is BEST PRIME FARMLAND and the property with the proposed
17 improvements IS WELL SUITED OVERALL.**

18
19 Mr. Passalacqua stated that the property is BEST PRIME FARMLAND and the property with the
20 proposed improvements IS WELL SUITED OVERALL, because it is in close proximity to their
21 customers.

22
23 **h. The existing public services ARE available to support the proposed special use
24 effectively and safely without undue public expense.**

25
26 Mr. Randol stated that the existing public services ARE available to support the proposed special use
27 effectively and safely without undue public expense, because the fire and rescue departments are within
28 4 road miles.

29
30 **i. The existing public infrastructure together with proposed improvements ARE
31 adequate to support the proposed development effectively and safely without undue
32 public expense.**

33
34 Mr. DiNovo stated that the existing public infrastructure together with proposed improvements ARE
35 adequate to support the proposed development effectively and safely without undue public expense,
36 because the proposed project will utilize an onsite well and wastewater disposal and does not pose any
37 substantial public service demands.

38
39 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
40 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be

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

3
4 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
5 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**
6 **DISTRICT in which it is located.**

7
8 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
9 IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the DISTRICT in
10 which it is located.

11
12 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
13 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it**
14 **is located because:**

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

17 Ms. Griest stated that the Special Use will be designed to CONFORM to all relevant County ordinances
18 and codes.

19
20 **b. The Special Use WILL be compatible with adjacent uses.**

21
22 Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.

23
24 **c. Public safety will be ADEQUATE.**

25 Ms. Griest stated that public safety will be ADEQUATE.

26 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
27 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

28 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
29 **IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance**
30 **because:**

31 **a. The Special Use IS authorized in the District.**

32
33 Ms. Griest stated that the Special Use IS authorized in the District.

34
35 **b. The requested Special Use Permit IS necessary for the public convenience at this**
36 **location.**

37

1 Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this
2 location.

- 3
4 **c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
5 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**
6 **WILL NOT be injurious to the district in which it shall be located or otherwise**
7 **detrimental to the public health, safety, and welfare.**
8

9 Ms. Griest stated that 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 **d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
15 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in**
16 **which it is located.**

17 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
18 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

19
20 Ms. Griest stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
21 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.
22

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

24 Mr. DiNovo stated that the requested Special Use IS NOT an existing nonconforming use.

25 Ms. Griest stated that item 11.B. of the Summary of Evidence indicates that it is an existing
26 nonconforming use.

27 Mr. DiNovo stated that the structure may have been constructed in ways that were not fully compliant
28 with the Zoning Ordinance, but a nonconforming use is fully lawful use, and there are special rules in
29 place. He said that an illegal use is a totally different thing.

30 Ms. Griest stated that item 11.B in the Summary of Evidence should be revised to indicate that the
31 existing use is not a conforming use.

32 Mr. Hall recommended that the Board strike item 11.B. He said that there is an issue with how item
33 11.B is indicated, so the easiest thing to do would be to strike it from the Summary of Evidence. He said

1 that striking the item will not harm the important evidence.

2 Mr. Passalacqua stated that Finding of Fact Item B. should read as follows: The requested Special Use IS
3 NOT an existing nonconforming use.

4 Mr. DiNovo recommended that item 11.B. could read as follows: The existing use is not a non-
5 conforming use.

6 Mr. Hall agreed with Mr. DiNovo’s recommendation.

7 Ms. Capel read Finding of Fact item 5. as follows: The requested Special Use IS/IS NOT an existing
8 nonconforming use.

9 Mr. Passalacqua stated that the requested Special Use IS NOT an existing nonconforming use.

10 **6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**
11 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
12 **PARTICULAR PURPOSES DESCRIBED BELOW:**

13
14 **A. The Zoning Administrator shall not authorize a partial Zoning Compliance**
15 **Certificate authorizing operation of the proposed Special Use Permit until the**
16 **Zoning Administrator has verified that the Special Use as constructed does in fact**
17 **comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act,**
18 **including the submission of a site plan and building floor plans of sufficient scale**
19 **and quantity of information to evaluate general compliance with the IAC including**
20 **doorway widths and door hardware where relevant and a statement verifying**
21 **accessibility by an Illinois Licensed Architect.**

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

24 **The proposed Special Use Permit meets applicable state codes for**
25 **handicapped accessibility.**

26
27 **B. Regarding the ongoing operation of the Special Use as authorized by the Illinois**
28 **Department of Agriculture:**

29 **(1) The Special Use shall at all times be operated in conformance with the**
30 **Illinois Department of Agriculture permit, and any special conditions**
31 **thereof.**

32
33 **(2) The owner/operator of the Special Use shall make all inspection and**
34 **maintenance records required by the Illinois Department of Agriculture**
35 **(IDAG) available to Champaign County upon request by the Zoning**
36 **Administrator and shall cooperate with Champaign County in resolving any**

1 valid complaint or concern that is related to public safety and environmental
2 protection.

3
4 (3) The owner/operator of the Special Use shall provide the Zoning
5 Administrator with copies of renewal permits over the lifetime of the Special
6 Use for the Illinois Department of Agriculture (IDAG) Permit. The Special
7 Use shall become void if the Petitioner fails to submit a renewal permit from
8 the Illinois Department of Agriculture (IDAG) to the Zoning Office over the
9 lifetime of the Special Use.

10
11 The special conditions above are required to ensure the following:
12 To ensure that Champaign County is fully informed of any risks that arise
13 for public safety and environmental protection.

14
15 C. The Zoning Administrator shall not authorize a final (or complete) Zoning
16 Compliance Certificate until the petitioner has demonstrated that any existing, new
17 or proposed exterior lighting on the subject property will comply with the lighting
18 requirements of Section 6.1.2.

19
20 The special conditions stated above are required to ensure the following:
21 That any proposed exterior lighting is in compliance with the Zoning
22 Ordinance.

23
24 D. A complete Storm Water Drainage Plan that conforms to the requirements of the
25 Storm Water Management and Erosion Control Ordinance shall be submitted and
26 approved within 6 months of the approval of Case 908-S-18 as part of the Zoning
27 Use Permit application for construction, and all required certifications shall be
28 submitted after construction within 1 year of approval of Case 908-S-18 prior to
29 issuance of the Zoning Compliance Certificate.

30
31 The special conditions stated above are required to ensure the following:
32 That the drainage improvements conform to the requirements of the Storm
33 Water Management and Erosion Control Ordinance.

34
35 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
36 of Fact, as amended.

37
38 Mr. Passalacqua moved, seconded by Mr. DiNovo, to adopt the Summary of Evidence, Documents
39 of Record, and Findings of Fact, as amended. The motion carried by voice vote.

40
41 Ms. Capel entertained a motion to move to the Final Determination for Case 908-S-18.

1
 2 **Mr. Passalacqua moved, seconded by Mr. Mr. Randol, to move to the Final Determination for**
 3 **Case 908-S-18. The motion carried by voice vote.**
 4

5 **FINAL DETERMINATION FOR CASE 908-S-18:**
 6

7 Mr. Passalacqua moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals
 8 finds that, based upon the application, testimony, and other evidence received in this case, the
 9 requirements of Section 9.1.11B. for approval **HAVE** been met, and pursuant to the authority granted by
 10 Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

11 The Special Use requested in Case **908-S-18** is hereby, **GRANTED WITH SPECIAL**
 12 **CONDITIONS** to the applicant, **Greg Allen, d.b.a. Prairie States Warehouse Inc.**, to
 13 authorize **storage and dispensing of agricultural fertilizer as a “Farm Chemicals and**
 14 **Fertilizer Sales including incidental storage and mixing of blended fertilizer”** facility as a
 15 **Special Use in the AG-1 Agriculture Zoning District.**
 16

17 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**
 18

19 **A. The Zoning Administrator shall not authorize a partial Zoning Compliance**
 20 **Certificate authorizing operation of the proposed Special Use Permit until the**
 21 **Zoning Administrator has verified that the Special Use as constructed does in fact**
 22 **comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act,**
 23 **including the submission of a site plan and building floor plans of sufficient scale**
 24 **and quantity of information to evaluate general compliance with the IAC including**
 25 **doorway widths and door hardware where relevant and a statement verifying**
 26 **accessibility by an Illinois Licensed Architect.**
 27

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

29 **The proposed Special Use Permit meets applicable state codes for**
 30 **handicapped accessibility.**
 31

32 **B. Regarding the ongoing operation of the Special Use as authorized by the Illinois**
 33 **Department of Agriculture:**

34 **(1) The Special Use shall at all times be operated in conformance with the**
 35 **Illinois Department of Agriculture permit, and any special conditions**
 36 **thereof.**
 37

38 **(2) The owner/operator of the Special Use shall make all inspection and**
 39 **maintenance records required by the Illinois Department of Agriculture**
 40 **(IDAG) available to Champaign County upon request by the Zoning**

1 **Administrator and shall cooperate with Champaign County in resolving any**
 2 **valid complaint or concern that is related to public safety and environmental**
 3 **protection.**

4
 5 **(3) The owner/operator of the Special Use shall provide the Zoning**
 6 **Administrator with copies of renewal permits over the lifetime of the Special**
 7 **Use for the Illinois Department of Agriculture (IDAG) Permit. The Special**
 8 **Use shall become void if the Petitioner fails to submit a renewal permit from**
 9 **the Illinois Department of Agriculture (IDAG) to the Zoning Office over the**
 10 **lifetime of the Special Use.**

11
 12 The special conditions above are required to ensure the following:

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

15
 16 **C. The Zoning Administrator shall not authorize a final (or complete) Zoning**
 17 **Compliance Certificate until the petitioner has demonstrated that any existing, new**
 18 **or proposed exterior lighting on the subject property will comply with the lighting**
 19 **requirements of Section 6.1.2.**

20
 21 The special conditions stated above are required to ensure the following:

22 **That any proposed exterior lighting is in compliance with the Zoning**
 23 **Ordinance.**

24
 25 **D. A complete Storm Water Drainage Plan that conforms to the requirements of the**
 26 **Storm Water Management and Erosion Control Ordinance shall be submitted and**
 27 **approved within 6 months of the approval of Case 908-S-18 as part of the Zoning**
 28 **Use Permit application for construction, and all required certifications shall be**
 29 **submitted after construction within 1 year of approval of Case 908-S-18 prior to**
 30 **issuance of the Zoning Compliance Certificate.**

31
 32 The special conditions stated above are required to ensure the following:

33 **That the drainage improvements conform to the requirements of the Storm**
 34 **Water Management and Erosion Control Ordinance.**

35
 36 Ms. Capel requested a roll call vote.

37
 38 The roll was called as follows:

39
 40 **DiNovo – yes Elwell – yes Griest – yes**
 41 **Lee – no Passalacqua – yes Randol – yes**

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41

Capel – yes

Mr. Hall informed the petitioner that he has received an approval for his request. Mr. Hall noted that Ms. Burgstrom will be contacting him soon regarding the next steps.

Mr. Mohr thanked the Board and staff.

Mr. DiNovo requested that the Board take a short recess.

The Board recessed at 8:19 p.m.

The Board resumed at 8:25 p.m.

Case 914-S-18 Petitioner: Richard Tarvin Request to authorize Self-Storage Warehouses, not providing heat and utilities to individual units, as a Special Use in the AG-2, Agriculture Zoning District. Location: A 3-acre tract in the Northeast Quarter of the Northeast Quarter of Section 2, Township 21 North, range 8 East of the Third Principal Meridian in Condit Township, and commonly known as the vacant parcel located in the Southwest corner of the intersection of CR 3000N (US136) and CR 1100E.

Ms. Capel informed the audience that Case 914-S-18 is an Administrative Case and as such, the County allows anyone the opportunity to cross-examine any witness. She said that at the proper time, she will ask for a show of hands for those who would like to cross-examine, and each person will be called upon. She requested that anyone called to cross-examine go to the cross-examination microphone to ask any questions. She said that those who desire to cross-examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. She noted that no new testimony is to be given during the cross-examination. She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination.

Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. She reminded the audience that when they sign the witness register they are signing an oath. She asked the audience if anyone desired to sign the witness register and there was no one.

Mr. Passalacqua stated that he must recuse himself from Case 914-S-18, because Mr. Tarvin is a customer of Mr. Passalacqua’s roofing business.

Ms. Capel asked the petitioner if he would like to make a statement regarding his request.

Mr. Richard Tarvin, who resides at 1096 CR 3000N, Dewey, stated that he would like to place storage trailers on the open lot, which would be a service to the public in having additional storage options at

1 that location.

2

3 Ms. Capel asked Mr. Tarvin if the subject property is currently a vacant lot.

4

5 Mr. Tarvin stated that he only parks extra trailers from his business on the lot when required.

6

7 Ms. Capel asked Mr. Tarvin if the lot is graveled.

8

9 Mr. Tarvin stated yes.

10

11 Mr. DiNovo asked Mr. Tarvin if he is proposing to park the trailers on the vacant lot and renting the
12 trailers to the public for storage.

13

14 Mr. Tarvin stated yes, but the wheels and the dolly would be removed, and the trailer will sit on the
15 surface of the ground.

16

17 Mr. DiNovo asked Mr. Tarvin to indicate how far off the ground the bed of the trailer would sit.

18

19 Mr. Tarvin stated that the bed of the trailer will be six to eight inches off the ground.

20

21 Ms. Lee stated that the second sentence in the second paragraph on page 2 of the Preliminary
22 Memorandum indicates the following: The proposed self-storage facility would have up to units, which
23 would thus require at least 4 parking spaces. She said that the sentence does not indicate the number of
24 units proposed. She asked Mr. Tarvin to indicate the number of proposed units on the subject property.

25

26 Mr. Tarvin stated that 10 storage units are proposed to be on the property.

27

28 Ms. Burgstrom stated that the sentence that Ms. Lee was discussing should read as follows: The
29 proposed self-storage facility would have up to 10 units, which would thus require at least 4 parking
30 spaces.

31

32 Mr. Randol stated that the Annotated 2017 Aerial (Site Plan) indicates that five of the ten spaces located
33 on the west side of the property would have a loading berth. He asked Mr. Tarvin if the loading berth
34 would be a concrete structure that is even with the trailers or would those trailers remain on wheels.

35

36 Mr. Tarvin stated that the loading berth will be on the required solid base and surfaced with rock, which
37 is minimum of two-inches.

38

39 Mr. Elwell asked Mr. Tarvin if the shipping containers are 40 feet in length.

40

41 Mr. Tarvin stated that these trailers are 53 feet in length.

1
2 Mr. Elwell asked Mr. Hall if he is aware of any drainage issues on the subject property.
3
4 Mr. Hall stated that he is not aware of any drainage issues on the property, and he does not believe that
5 the intended use would create any drainage issues.
6
7 Ms. Griest stated that Mr. Tarvin is not proposing to change the topography of the subject property.
8
9 Mr. DiNovo asked Mr. Hall if staff had discussed the proposed use with the Capitol Development Board
10 regarding accessibility requirements.
11
12 Mr. Hall stated that he assumes that the accessibility requirements would apply and making one unit
13 accessible would be well within the normal requirement for the proportion of units.
14
15 Mr. DiNovo stated that he researched to see if there were any similar storage units in existence, and he
16 could not find any, so he wondered if the accessibility requirements were too onerous. He said that if the
17 proposed trailers/units are only eight inches off the ground, then it would not be too onerous is
18 complying with the accessibility requirements. He said that this will be a relatively unique project.
19
20 Ms. Capel asked Mr. Hall if there must be one paved accessible parking space.
21
22 Mr. Hall stated yes, and it must have a paved or concrete surface with an accessible route to the
23 accessible storage unit.
24
25 Mr. DiNovo stated that he did find a requirement for an overhead door with a pole that comes down to a
26 certain height.
27
28 Mr. Elwell asked Mr. Tarvin if the doors swing open, and if so, how do they swing open.
29
30 Mr. Tarvin stated that the doors that are on the existing trailers do swing open and he has no proposal in
31 changing those doors.
32
33 Mr. Elwell asked if the two doors combined are eight feet wide, then when the one four-foot door is
34 opened, the other four-foot door would accommodate someone with accessibility requirements.
35
36 Mr. Tarvin stated yes.
37
38 Ms. Capel asked the Board and staff if there were any additional questions for Mr. Tarvin and there were
39 none.
40
41 Ms. Capel asked the audience if anyone desired to cross-examine Mr. Tarvin, and there was no one.

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Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding Case 914-S-18, and there was no one.

Ms. Capel closed the witness register.

Ms. Capel stated that the Board will review the Special Conditions of Approval with Mr. Tarvin.

Ms. Capel read special condition A.

A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 914-S-18 by the Zoning Board of Appeals.

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

Ms. Capel asked Mr. Tarvin if he agreed with special condition A.

Mr. Tarvin indicated that he agreed with special condition A.

Ms. Capel read special condition B.

B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouse Units without heat and utilities to individual units until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

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

Ms. Capel asked Mr. Tarvin if he agreed with special condition B.

Mr. Tarvin indicated that he agreed with special condition B.

Ms. Capel read special condition C.

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

1 **the 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 Ms. Capel asked Mr. Tarvin if he agreed with special condition C.

7

8 Mr. Tarvin indicated that he agreed with special condition C.

9

10 Ms. Capel read special condition D.

11

12

13 **D. One loading berth meeting Zoning Ordinance requirements will be constructed on**
14 **the property prior to the Zoning Administrator authorizing a Zoning Compliance**
15 **Certificate.**

16

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

18 **That off-street parking is in compliance with the Zoning Ordinance.**

19

20 Ms. Capel asked Mr. Tarvin if he agreed with special condition D.

21

22 Mr. Tarvin indicated that he agreed with special condition D.

23

24 Ms. Capel read special condition E.

25

26

27 **E. No business operations on the subject property can include anything other than**
28 **simple storage.**

29

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

31 **That no additional uses are established on the subject property.**

32

33 Ms. Capel asked Mr. Tarvin if he agreed with special condition E.

34

35 Mr. Tarvin indicated that he agreed with special condition E.

36

37 Ms. Capel entertained a motion to approve the special conditions as read.

38

39 **Ms. Griest moved, seconded by Mr. Randol, to approve the special conditions as read. The motion**
40 **carried by voice vote.**

41

1 Ms. Capel stated that there are no additions to the Documents of Record.

2
3 Ms. Capel stated that the Board will now move the Findings of Fact for Case 914-S-18.

4
5 **FINDINGS OF FACT FOR CASE 914-S-18:**
6

7 From the documents of record and the testimony and exhibits received at the public hearing for zoning
8 case **914-S-18** held on **August 16, 2018**, the Zoning Board of Appeals of Champaign County finds that:

9
10 **1. The requested Special Use Permit IS necessary for the public convenience at this location.**

11
12 Mr. DiNovo stated that the requested Special Use Permit IS necessary for the public convenience at this
13 location, because the use would serve existing demand for business and residential supplementary
14 storage.

15
16 **2. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
17 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL**
18 **NOT be injurious to the district in which it shall be located or otherwise detrimental to the**
19 **public health, safety, and welfare because:**

20
21 **a. The street has ADEQUATE traffic capacity and the entrance location has**
22 **ADEQUATE visibility.**

23
24 Mr. Randol stated that the street has ADEQUATE traffic capacity and the entrance location has
25 ADEQUATE visibility, because they are using existing access driveways and parking areas.

26
27 Mr. DiNovo stated that it abuts a state highway.

28
29 **b. Emergency services availability is ADEQUATE.**

30
31 Mr. Randol stated that emergency services availability is ADEQUATE, because the Rantoul Fire
32 Protection District is approximately 2.5 miles away.

33
34 Mr. DiNovo stated that the use will pose no special hazards.

35
36 **c. The Special Use WILL be compatible with adjacent uses.**

37
38 Mr. Randol stated that the Special Use WILL be compatible with adjacent uses, because it is located
39 across the street from a commercial trucking business.

40
41 **d. Surface and subsurface drainage will be ADEQUATE.**

1
2 Mr. Elwell stated that surface and subsurface drainage will be ADEQUATE, because there are no current
3 drainage issues.

4
5 Ms. Capel stated that there is no change being made to the drainage.
6

7 **e. Public safety will be ADEQUATE.**
8

9 Mr. Randol stated that public safety will be ADEQUATE, because the incorporated Village of Rantoul is
10 only 2 miles away.

11
12 **f. The provisions for parking will be ADEQUATE.**
13

14 The provisions for parking will be ADEQUATE, because there is already existing parking.
15

16 **g. The property IS WELL SUITED OVERALL for the proposed improvements.**
17

18 Mr. DiNovo stated that the property is WELL SUITED OVERALL for the proposed improvements,
19 because it has already been developed for truck storage and has frontage on a state highway.
20

21 **h. Existing public services ARE available to support the proposed SPECIAL USE**
22 **without undue public expense.**
23

24 Ms. Capel stated that public services ARE available to support the proposed SPECIAL USE without
25 undue public expense, because it is within 2 miles of the Village of Rantoul.
26

27 **i. Existing public infrastructure together with the proposed development IS adequate**
28 **to support the proposed development effectively and safely without undue public**
29 **expense.**
30

31 Mr. DiNovo stated that existing public infrastructure together with the proposed development IS
32 adequate to support the proposed development effectively and safely without undue public expense,
33 because there is no demand for public utilities.
34

35 Ms. Capel stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL
36 CONDITIONS IMPOSED HEREIN, is so designed, located, and proposed to be operated so that
37 it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to
38 the public health, safety, and welfare.
39

40 **3a. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
41 **IMPOSED HEREIN, DOES conform to the applicable regulations and standards of the**

1 **DISTRICT in which it is located.**

2

3

Mr. Randol stated that 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.

4

5

6

7 **3b. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
8 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it**
9 **is located because:**

10

11

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

14

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

15

16

17

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

19

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

20

21

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

23

Mr. Randol stated that public safety will be ADEQUATE.

24

25

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

26

27

28 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
29 **IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance**
30 **because:**

31

32 **a. The Special Use is authorized in the District.**

33

34 **b. The requested Special Use Permit IS necessary for the public convenience at this**
35 **location.**

36

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

37

38

39 **c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
40 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**
41 **WILL NOT be injurious to the district in which it shall be located or otherwise**

detrimental to the public health, safety, and welfare.

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

d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Randol stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

Ms. Capel stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance

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

6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:

A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 914-S-18 by the Zoning Board of Appeals.

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouse Units without heat and utilities to individual units until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

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

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

1 **the 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 **D. One loading berth meeting Zoning Ordinance requirements will be constructed on**
7 **the property prior to the Zoning Administrator authorizing a Zoning Compliance**
8 **Certificate.**

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

11 **That off-street parking is in compliance with the Zoning Ordinance.**

12
13 **E. No business operations on the subject property can include anything other than**
14 **simple storage.**

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

17 **That no additional uses are established on the subject property.**

18
19 Ms. Capel entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of
20 Fact, as amended.

21
22 **Ms. Lee moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of Record,**
23 **and Findings of Fact, as amended. The motion carried by voice vote.**

24
25 Ms. Capel entertained a motion to move to the Final Determination for Case 914-S-18.

26
27 **Mr. Randol moved, seconded by Ms. Lee, to move to the Final Determination for Case 914-S-18. The**
28 **motion carried by voice vote.**

29
30 **FINAL DETERMINATION FOR CASE 914-S-18:**

31
32 **Mr. Randol moved, seconded by Ms. Griest, that the Champaign County Zoning Board of Appeals**
33 **finds that, based upon the application, testimony, and other evidence received in this case, the**
34 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted**
35 **by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

36
37 **The Special Use requested in Case 914-S-18 is hereby GRANTED WITH SPECIAL**
38 **CONDITIONS to the applicant, Richard Tarvin, to authorize the following:**

39
40 **Authorize Self-Storage Warehouses, not providing heat and utilities to individual**
41 **units, as a Special Use in the AG-2 Agriculture Zoning District.**

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SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 914-S-18 by the Zoning Board of Appeals.**
- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Self-Storage Warehouse Units without heat and utilities to individual units until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- D. One loading berth meeting Zoning Ordinance requirements will be constructed on the property prior to the Zoning Administrator authorizing a Zoning Compliance Certificate.**
- E. No business operations on the subject property can include anything other than simple storage.**

Ms. Capel requested a roll call vote.

The roll was called as follows:

Elwell – yes	Griest – yes	Lee – yes
Passalacqua – recused	Randol – yes	DiNovo - yes
Capel – yes		

Mr. Hall informed Mr. Tarvin that he has received an approval for his request, and Ms. Burgstrom will be in contact regarding the final paperwork.

Mr. Tarvin thanked the Board.

7. Staff Report

None

8. Other Business

A. Review of Docket

Mr. Hall stated that the Environment and Land Use Committee affirmed the Zoning Board of Appeals

1 recommendation for Case 895-AT-18, but they did consider a change to the decommissioning requirements
2 and are recommending a Letter of Credit only with a requirement for an A or A2 rating by Standard and
3 Poor's and Moody's, and that will apply regardless of what quality of solar panels are proposed. He said
4 that the City of Urbana requested a minor change to the requirement for a resolution, and the intent was to
5 not impose a burden on the municipalities. He said that the wording was revised slightly, but the effective
6 requirements were not changed. He said that the text amendment is scheduled to be adopted by the County
7 Board next Thursday, August 23rd. He said that the docket indicates two solar farm cases proposed for the
8 August 30th ZBA meeting.

9
10 Mr. Hall stated that even though the Board finished five cases at the last ZBA meeting, staff added seven
11 new cases in July, totaling 17 new pending cases. He said that it amazing how the docket continues to stay
12 filled up.

13
14 Ms. Capel asked the Board to indicate any known absences from future Board meetings.

15
16 Mr. Elwell stated that he would not be attending the September 13th meeting.

17
18 Mr. Hall stated that two other Board members indicated that they too will not be in attendance at the
19 September 13th meeting, thus placing the Board at a bare quorum.

20
21 Ms. Griest stated that she may be in attendance for the September 13th meeting.

22
23 Ms. Capel stated that she too may be in attendance for the September 13th meeting.

24
25 Mr. Passalacqua asked Mr. Hall if ELUC believed that the ordinance was too restrictive and would scare off
26 petitioners.

27
28 Mr. Hall stated no. He said that ELUC was concerned that there could be bad results if we had to draw
29 against an escrow account and it was contested.

30
31 Ms. Capel stated that they don't contest the Letter of Credit, but they can contest a draw from the escrow.

32
33 Mr. Hall stated that the bank rating that they selected, is not the highest rating and is not the lowest
34 investment grade rating but is middle of the road rating.

35
36 Mr. Passalacqua stated that there was discussion about those types of Letters of Credit, in that they normally
37 pay out and discuss it later.

38
39 Mr. Hall stated that some of the ELUC members had this concern, because they knew enough about escrow
40 accounts that they had this predisposition to like an escrow account, but others were not familiar with
41 escrow accounts so they did not have that perception. He said that Baywa- r.e. found that the east coast

1 system manager already had a requirement for a certain level of credit rating on banks providing letters of
2 credit and that is the one that we went with, so we had evidence that it was already a standard in the
3 industry, and it worked out well. He said that there were no comments at the first ELUC review of the text
4 amendment, but at the last ELUC meeting there were three people who provided comments, and that was the
5 only public turnout that was there.

6
7 Mr. Passalacqua asked Mr. Hall if Mr. Hartke attended the ELUC meetings.

8
9 Mr. Hall stated that Mr. Hartke did attend the ELUC meetings and the public has five minutes to provide
10 their comments/presentation.

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

13
14 None

15
16 **10. Adjournment**

17
18 Ms. Capel entertained a motion to adjourn the meeting.

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

21
22 The meeting adjourned at 8:55 p.m.

23
24
25 Respectfully submitted

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30 Secretary of Zoning Board of Appeals

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