

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 **1776 E. Washington Street**

4 **Urbana, IL 61801**

5 **DATE: October 15, 2020**

6 **PLACE: ZOOM MEETING**

7 ~~**Lyle Shields Meeting Room**~~

8 ~~**1776 East Washington Street**~~

9 ~~**Urbana, IL 61802**~~

10 **TIME: 6:30 p.m.**

11 **MEMBERS PRESENT:** *Using Zoom in Lyle Shields:* Ryan Elwell, Larry Wood
12 *Remotely via Zoom:* Tom Anderson, Marilyn Lee, Lee Roberts

13 **MEMBERS ABSENT:** Jim Randol

14 **STAFF PRESENT:** *Using Zoom in Lyle Shields:* Lori Busboom, Susan Burgstrom, John Hall

15 **OTHERS PRESENT:** *Remotely via Zoom:* Colton Allen, Greg Allen, Spencer Allen, Julie Ehler,
16 Rex Gower, Stan Harper, Stanley Huls, Anthony Loosa, Tim Mohr, John
17 Rash

18

1. Call to Order

19 The meeting was called to order at 6:34 p.m.

20 **2. Roll Call and Declaration of Quorum**

21 The roll was called, and a quorum declared present.

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

25 **3. Correspondence - None**

26 **4. Approval of Minutes - July 16, 2020 and August 27, 2020**

27 Mr. Elwell entertained a motion to approve the July 16, 2020 and August 27, 2020 minutes.

28 **Mr. Wood moved, seconded by Mr. Anderson, to approve the July 16, 2020 minutes.**

29 Mr. Elwell asked the Board if there were any required additions or corrections to the July 16, 2020
30 minutes, and there were none.

31 Mr. Elwell requested a roll call vote.

32 The vote was called as follows:

33 **Anderson – yes**

34 **Elwell - yes**

35 **Randol – absent**

36 **Roberts – yes**

37 **Wood - yes**

38 **Lee - yes**

1 **The motion carried.**

2

3 Mr. Elwell entertained a motion to approve the August 27, 2020 minutes.

4

5 **Ms. Lee moved, seconded by Mr. Wood, to approve the August 27, 2020 minutes.**

6

7 Mr. Elwell asked the Board if there were any required additions or corrections to the August 27, 2020
8 minutes, and there were none.

9

10 Mr. Elwell requested a roll call vote.

11

12 The vote was called as follows:

13	Anderson – yes	Elwell - yes	Randol – absent
14	Roberts – yes	Wood - yes	Lee - yes

15

16 **The motion carried.**

17

18 **5. Continued Public Hearings - None**

19

20 **6. New Public Hearings**

21

22 **Cases 980-S-20 and 981-V-20: Petitioners: Greg Allen, d.b.a. Prairie States Warehouse, via Agent**
23 **Tim Mohr**

24 **Case 980-S-20 Request: Authorize the construction and use of a facility for storage and dispensing**
25 **of agricultural fertilizer as a “Farm Chemicals and Fertilizer Sales including incidental storage and**
26 **mixing of blended fertilizer” Special Use in the AG-1 Agriculture Zoning District, subject to**
27 **approval of variances in related Case 981-V-20.**

28 **Case 981-V-20 Request: Authorize the following variance on the Special Use Permit requested in**
29 **related Zoning Case 980-S-20: Part A: Authorize a variance for the creation of a 5-acre lot, in lieu**
30 **of the maximum allowed 3 acres for lots with soils that are best prime farmland, per Section 5.3 of**
31 **the Champaign County Zoning Ordinance. Part B: Authorize the construction of a storm water**
32 **detention basin with a setback of 33 feet from the centerline of CR 2500N (County Highway 11) in**
33 **lieu of the minimum required setback of 75 feet, and a front yard of 3 feet in lieu of the minimum**
34 **required 30 feet, per Section 5.3 of the Zoning Ordinance. Part C: Authorize the construction of a**
35 **storm water detention basin with a setback of 35 feet from the centerline of CR 2000E in lieu of the**
36 **minimum required setback of 55 feet, and a front yard of 9 feet in lieu of the minimum required 25**
37 **feet, per Section 5.3 of the Zoning Ordinance.**

38 **Location: A newly created 5-acre lot that was part of an existing 15-acre lot on the Southeast Corner**
39 **of the Southeast Quarter of Section 29, Township 21 North, Range 10 East of the Third Principal**
40 **Meridian in Rantoul Township, and commonly known as vacant land on the Northwest corner of**
41 **the intersection of CR 2000E and CR 2500N (County Highway 11).**

42

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

46

47 Mr. Elwell informed the audience that these Cases are Administrative Cases and as such, the County
48 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask

1 for a show of hands or a verbal indication from those who would like to cross-examine, and each person
2 will be called upon. He said that those who desire to cross-examine asked to clearly state their name before
3 asking any questions. He noted that no new testimony is to be given during the cross-examination. He said
4 that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
5 examination.

6
7 Mr. Elwell asked Mr. Tim Mohr to outline the nature of his request.

8
9 Mr. Tim Mohr, with a business address of 1009 CR 2400E, Homer, stated that they would like to build a
10 fertilizer chemical facility due to expanding business in the Flatville area.

11
12 Mr. Elwell asked if there were any questions from the Board.

13
14 Mr. Anderson referred to the July 22, 2020 site plan, the Storm Water Drainage Plan dated September 10,
15 2020, and the Storm Water Drainage Plan dated October 14, 2020, and asked why the proposed detention
16 basin changes shape. He asked which shape and location is the one they should consider.

17
18 Mr. Rex Gower, engineer for the petitioner, gave an address of 114 W Washington Avenue, Effingham,
19 and stated that the October 14, 2020 Storm Water Drainage Plan is the current plan. He said that the
20 original drawing was a rough sketch to serve as a placeholder; the September 10th plan was too close to
21 the road; and the one that was sent out on October 14th is the most recent rendition.

22
23 Mr. Anderson said that he had visited the site, and asked if the detention basin was staked off.

24
25 Mr. Mohr said that the staked area is not for the detention basin; it is untouched ground for the leach field
26 so nobody will drive through that area.

27
28 Mr. Anderson asked for a description of the basin depth and dimensions after it is complete.

29
30 Mr. Gower stated that the detention basin still has to be approved by the County's engineering consultant.
31 He said that the basin would have a depth of 1.6 feet to the emergency overflow and another one-half foot
32 above the emergency overflow around the perimeter of it. He said that the southeast corner will have a
33 small berm to retain water.

34
35 Mr. Anderson asked about overspill precautions.

36
37 Mr. Gower said that chemical spills cannot get out of the building. He said that putting a building, gravel
38 and tanks on the site sheds more water than the original farm ground. He said that storm water excess
39 would be held in detention for a 50-year storm and then release at a slower rate.

40
41 Mr. Anderson said that he noticed in today's packet that the County Highway Department has
42 recommended a concrete culvert. He said that he noticed that both culverts are metal.

43
44 Mr. Gower said that a metal culvert was approved by John Cooper of the County Highway Department in
45 coordination with Mr. Mohr.

46
47 Mr. Anderson asked about the big tank on the back of the building. He said that an earlier site plan showed
48 it would be for water, and the most recent plan labels it as a nitrogen tank. He said that nitrogen is very

1 explosive.
2
3 Mr. Gower said that nitrogen is an inert gas that is not explosive.
4
5 Mr. Mohr said that the labeling was accidentally overlooked on the original site plan, and the current site
6 plan should say it is for nitrogen. He said it is a nitrogen fertilizer, 32% UAN, which is not explosive, it
7 is just a liquid fertilizer.
8
9 Mr. Anderson said that there needs to be a note on the site plan that the nitrogen is not explosive.
10
11 Mr. Mohr said that he would be happy to provide that.
12
13 Ms. Lee asked if there would be anhydrous ammonia tanks stored on site for anhydrous ammonia that gets
14 taken to farmers' fields for application.
15
16 Mr. Mohr responded that there is no plan for ammonia storage.
17
18 Ms. Lee asked if they are going to have smaller anhydrous tanks that would be used to apply to fields.
19
20 Mr. Mohr clarified that the small tanks are also called nurse tanks, and said that they have not thought that
21 far ahead. He said that if they do have nurse tanks, they would be no different than what you would see in
22 farm fields in the area. He said there are no scales planned there, so they will not be weighed in our out,
23 and there would not be any ammonia business at the facility.
24
25 Ms. Lee asked if they were going to have full cutoff lighting.
26
27 Mr. Mohr said that he is not aware of full cutoff lights.
28
29 Ms. Burgstrom said that full cutoff lighting is required for this facility.
30
31 Mr. Anderson asked if the variances for distance are necessary when they have a full 5 acres to work with,
32 and asked why they are crowding the road along County Highway 11.
33
34 Mr. Mohr said that the reason is that they are trying to disturb the least amount of farmland as possible to
35 maintain the integrity of the land to the north. He said that they have adjusted back to what they were told.
36
37 Ms. Lee said that it would not take much more land to move the facility back enough to not need variances.
38
39 Mr. Roberts asked if the septic system would be multi-flow or a leach field. He noted that the leach field
40 appears rather small, and asked how that would work so close to the drainage basin.
41
42 Mr. Mohr said that he is leaving the septic system layout to their drainage contractor. He said that the
43 contractor has had perc tests done to see whether it requires a multi-flow system. He said that he thinks
44 the soil in that area percs pretty well, but he does not have that information in front of him. He said that if
45 they have to put in a multi-flow system, they will do so. He said that he wants to make Mr. Anderson
46 completely comfortable that the product going in that storage tank is not a flammable or explosive nitrogen
47 product. He said that they are not planning on having anything dangerous to anyone, especially to
48 ourselves, who work around here.

1 Ms. Lee referred to page 6 of the Natural Resources Information Report done by the Champaign County
2 Soil and Water Conservation District. She read that “all soils on the subject property are not suitable
3 sanitary facilities or dwellings.” She said that number 2 states, “A majority of the soils on the subject
4 property are not suitable for dwellings or small commercial buildings.”
5

6 Mr. Hall stated that information in the Natural Resources Information Report is a very conservative take
7 on the soil capabilities. He said that the design standards of the Health Ordinance vary depending on the
8 soils, and is a much more specific way to look at the soils rather than the simplistic way that the soil survey
9 does. He said that septic systems vary in size depending on the soils, and it is true that these soils will
10 require the largest system we will ever see because they don’t percolate very well. He said that we can
11 trust that our Health Ordinance has standards for these soils.
12

13 Ms. Lee asked Mr. Mohr what fertilizers they are planning to mix at this location.
14

15 Mr. Mohr stated that only the UAN fertilizer would be mixed in that storage tank. He said that there would
16 be no other fertilizers blended on that property. He said there would be no dry fertilizers, just the UAN,
17 which is a liquid form that is 32% nitrogen and water blended together.
18

19 Ms. Lee asked Mr. Mohr how they would obtain water.
20

21 Mr. Mohr said they would dig a well.
22

23 Ms. Burgstrom said that they had received a well report today from the petitioner’s engineer. She said that
24 because it was received so late, we did not distribute that. She invited the petitioners and Mr. Gower to
25 make any comments, which would become evidence in the minutes.
26

27 Mr. Mohr said that he became aware that there might be some concerns about water usage, that their well
28 might harm wells on adjacent properties. He said that they went ahead and did some background research
29 on wells in the area. He said that based on that research, they do not foresee any issues or harm to wells
30 in the area. He said that they do not want to cause problems with any wells in the area. He said that Mr.
31 Gower could elaborate on that as far as water usage and availability from the aquifer.
32

33 Mr. Anderson asked about the concrete ditch shown in the newest version of the detention basin.
34

35 Mr. Gower said that the concrete ditch is a low-water conduit required by County ordinance. He said that
36 the 2% grass grade to the bottom where the 2-foot concrete ditch is helps get water out better and keeps it
37 dry so there won’t be mosquitoes and things like that.
38

39 Mr. Wood said that regarding the variances, he appreciates the fact that the petitioners do not want to
40 disturb any more earth than they want to, but if there is not a plausible reason for doing that, the Board
41 should not be setting precedent just to do it. He said that they have probably close to 200 feet on the north
42 side of that property, so he thinks that expanding it 30 to 40 feet might be able to get rid of the variances.
43

44 Mr. Mohr said that the main reason the design is more toward the south end is because they are planning
45 on putting in test plots, so they want to maintain as much farm ground behind the building in order to do
46 that. He said that they would use it for research and provide data to their customers.
47

48 Mr. Elwell said that on Attachment C, it shows that the nearest private well is 695 feet to the southeast.

1 He asked why the residence would not be a closer well.
2
3 Mr. Gower said that the one marked as nearest to the site is the proposed well for the facility. He said that
4 the next closest well, according to the map he sent out today that has the well numbers on it, would be
5 well #5, which is an irrigation well about 400 feet away.
6
7 Ms. Burgstrom asked Mr. Gower to use the Attachment C map in the preliminary memorandum because
8 the map that was submitted today was not distributed.
9
10 Mr. Gower said that on the Attachment C map, the well to the southeast is an irrigation well.
11
12 Mr. Elwell asked if the residential well is further away than the irrigation well.
13
14 Mr. Gower said that there are no residential wells in the vicinity according to the State well logs.
15
16 Mr. Elwell asked if the residence to the northeast would not have a well.
17
18 Ms. Burgstrom said that Mr. Loosa, who is present, is the owner of the residence to the northeast, and
19 would have more information about his well.
20
21 Mr. Anderson said that pure nitrogen is explosive, and asked that the specific chemical in the tank be
22 identified on the final site plan.
23
24 Ms. Burgstrom told Mr. Anderson that they would have the petitioners do that.
25
26 Mr. Elwell told Mr. Anderson that he is confident that Mr. Mohr could provide staff with the MSDS sheet
27 for the chemical.
28
29 Ms. Lee asked when the engineer referred to the State saying how far away other wells could be from the
30 proposed facility, what was that distance.
31
32 Mr. Mohr clarified that Mr. Gower referred to the State log, not the State law. Responding to Mr.
33 Anderson, he said that there are at least two other tanks with the same product within 4 to 5 miles of the
34 subject property that have been built within the last 4-6 years.
35
36 Mr. Elwell asked if anyone would like to cross-examine Mr. Mohr.
37
38 Mr. Anthony Loosa said that he lives northeast of the proposed facility on CR 2000E, about 300 feet from
39 the site. He asked if the nitrogen on site would seep into the aquifer.
40
41 Mr. Mohr said that there would be no leaking from the tank. He said that the tank is designed with
42 secondary containment; it is made of metal with an inner bladder that holds the product. He said that it
43 has to be regularly inspected.
44
45 Mr. Loosa asked if the petitioner's proposed well would take water away from his well.
46
47 Mr. Gower said that there should be no trouble with surrounding wells. He asked Mr. Gower to elaborate
48 to make sure that Mr. Loosa is comfortable with it.

1 Mr. Gower stated that the State well log doesn't show some wells. He said that all the wells around the
2 site rate at 20 gallons per minute (gpm). He said that he looked at their Homer plant during their peak
3 season, and their absolute peak consumption was 17.38 gpm, which is under the peak consumption for all
4 the wells in the area.

5
6 Mr. Loosa said that he is concerned that his well was not even shown on the petitioner's map.

7
8 Mr. Elwell told Mr. Loosa that he was providing testimony, and this is the time for cross-examining Mr.
9 Gower or Mr. Mohr. He said that Mr. Gower testified that peak consumption at Homer was below what
10 the area's wells were rated. He asked Mr. Loosa if that answered his question.

11
12 Mr. Loosa said again that Mr. Gower did not mention that his well existed in his testimony.

13
14 Mr. Elwell told Mr. Loosa that he would be happy to call him as a witness later on in the proceeding, when
15 he can affirm his well location. He asked Mr. Loosa if had any other cross-examination questions.

16
17 Mr. Loosa said he did not at this time.

18
19 Mr. Roberts asked about the depth of the well to be drilled for the business. He asked if it is going into the
20 Mahomet aquifer or a smaller aquifer above it.

21
22 Mr. Mohr said that they plan to go into the Mahomet Aquifer to a source that can handle way more than
23 their needs and avoid affecting any other wells. He said he thinks it will be drilled to a depth of 240 feet.
24 He said that following up with Mr. Loosa's concerns, when he checked the map, he realized that Mr.
25 Loosa's well was not on the State well log because it was put in prior to the State logging those wells. He
26 said that they know it is there, they do not want to harm it, and that is why they are going to extra expense
27 to put in a well that is not going to affect the area's water source. He said they put extra money into
28 background checks to make sure of that.

29
30 Mr. Loosa thanked Mr. Mohr.

31
32 Mr. Elwell asked if anyone else would like to cross-examine Mr. Mohr or Mr. Gower.

33
34 Mr. John Rash, 1962 CR 2500N, said that he lives just west of the site. He said that a well report was
35 submitted that talked about problems with area wells. He asked when they could have a copy of the well
36 report and that he would like to hear more about the report prior to approval of the case.

37
38 Ms. Burgstrom said that she would post the well report on the ZBA meetings website in the morning.

39
40 Mr. Rash said that someone mentioned that they would not store anhydrous ammonia on site except
41 possibly in nurse tanks. He said that is a concern of his and possibly of Mr. Loosa as well. He asked what
42 the approval process would be if they decided they wanted to have anhydrous, even in nurse tanks.

43
44 Mr. Mohr said that they have no planned anhydrous storage. He said that it would need permitting through
45 the Illinois Department of Agriculture (IDAG), and that is not going to happen at all in the foreseeable
46 future.

47
48 Mr. Rash asked if the approval went through IDAG, would the public get a voice in that.

1 Mr. Mohr said yes, they would have a voice in that. He said that they are not expanding their capabilities
2 into that market and are not looking to use more of that product. He said that they know the issues with
3 anhydrous ammonia and they are not looking for any more headaches or causing any with the surrounding
4 area.
5
6 Mr. Rash asked if they were transporting nurse tanks, would they sit onsite overnight or for a period of
7 time.
8
9 Mr. Mohr said no, they are not storing them there.
10
11 Mr. Rash repeated his question of overnight, since Mr. Mohr had said the nurse tanks might sit there.
12
13 Mr. Mohr said that there is probably an outside chance, but there is a chance that a nurse tank could sit
14 there, same as there is a chance of one sitting in front of Mr. Loosa's house. He said that a nurse tank
15 sitting there that is full is even less. He said that a set of nurse tanks would not sit onsite for any extended
16 period of time.
17
18 Mr. Rash asked what ingredients you mix to make UAN, and how do they come in to the facility.
19
20 Mr. Mohr said it is just water and urea cut down into a liquid form.
21
22 Mr. Rash said that he looked up the MSDS, and it said water 30%, urea 36%, and ammonium nitrate
23 39.4%. He said that Mr. Mohr had told Mr. Anderson in testimony that there was no nitrate.
24
25 Mr. Elwell stopped Mr. Rash and said that he is providing testimony, and there would be time for him to
26 do that later. He said that neither Mr. Mohr nor Mr. Gower testified to the percentage of the UAN.
27
28 Mr. Rash said that Mr. Mohr had testified that there would be no ammonium nitrate (UAN) onsite, and
29 that this is the line of questioning he is following.
30
31 Mr. Mohr said that there will be no ammonium nitrate onsite.
32
33 Mr. Rash asked Mr. Mohr to clarify that there is no ammonium nitrate in UAN.
34
35 Mr. Mohr said that once fertilizer is blended, there is no ammonium nitrate.
36
37 Mr. Rash asked Mr. Mohr if the ammonium nitrate is mixed with water before it comes to the facility.
38
39 Mr. Mohr said absolutely, UAN comes as a finished product is ready to go to the field.
40
41 Mr. Rash asked what the water well would be used for.
42
43 Mr. Mohr said it would be to mix with chemicals to spray herbicides, not for blending or manufacturing
44 anything. He said that the water well is for applying in the field.
45
46 Ms. Lee asked Mr. Mohr where the nurse tanks of anhydrous were coming from for the anhydrous
47 ammonia.
48

1 Mr. Mohr said Vermilion County.
2
3 Ms. Lee asked if they were from the Danville location.
4
5 Mr. Mohr said no.
6
7 Mr. Elwell asked if anyone else would like to cross-examine Mr. Mohr. Seeing no one, he opened the
8 Witness Register, and asked Mr. Harper to testify.
9
10 Mr. Stan Harper, 1947 CR 2700E, Ogden, said he is a County Board member and District 3 representative.
11 He said that he thinks the facility is a good idea, and he thinks it should be approved. He said that he has
12 done business with Prairie States Warehouse but also has a daughter-in-law in the business. He said he
13 has also done business with Ehler Bros. Illini FS, and ASC. He said that he has listened to some of the
14 questions that have been raised and those concerns are minimal. He said that the standards put on these
15 facilities by EPA highly control these chemicals. He said that he uses a lot of UAN products almost 100%,
16 and it is completely safe. He said that he grew up with a father-in-law that was in the fertilizer business,
17 and 67 years ago, some of these fertilizer plants had none of the restrictions and requirements that they do
18 now. He said that he is not married to anyone from PSW; like he said, he has done a lot of business with
19 a lot of different fertilizer companies and the competition does not hurt anyone. He said that in the farming
20 business there is a narrow profit margin for any business, and so we appreciate the competition from all
21 of these companies.
22
23 Mr. Loosa asked if the fertilizer is odorless.
24
25 Mr. Harper said it is completely odorless and harmless.
26
27 Mr. Elwell asked if anyone would like to cross-examine Mr. Harper.
28
29 Mr. Anderson asked Mr. Harper where he sees the biggest potential for danger at this new plant.
30
31 Mr. Harper said that from a personal standpoint, he doesn't see any danger, because of the standards these
32 fertilizer plants have for the containment of spills and this and that. He said that as we know, Champaign
33 County was originally swamp; you can do about anything you want there and drainage is an issue. He said
34 that we have regulations put on us and we try to control the amount of product we use. He said that we try
35 to use the best amount that is the most productive for the farmer aspect. He said from the standpoint of a
36 hazard with a UAN plant and the chemical mixture, he guesses that anything can happen, mistakes happen,
37 but most of these people have to go through training and he does not see a large chance. He said if someone
38 wanted to come in and bomb the place, you have nitrogen running all over the place, but he does not
39 perceive that happening either.
40
41 Mr. Anderson asked Mr. Harper what the most likely dangerous thing to happen would be.
42
43 Mr. Harper said it would be an accidental spill is probably the most likely, but they have containment
44 systems for runoff. He said it is EPA mandated now that mixing is done inside the building.
45
46 Mr. Elwell asked if anyone would like to cross-examine Mr. Harper. Seeing no one, he asked if anyone
47 else would like to testify in this case.
48

1 Mr. Mohr said that he just wanted to reiterate to Mr. Andersons that the regulations put on them by IDAG
2 and IEPA for containment are very stringent; everything must be mixed inside, and there is usually double
3 containment. He said that the chances of anything happening are so minute that it is hard to put into
4 perspective.

5
6 Mr. Elwell asked if anyone would like to cross-examine Mr. Mohr. Seeing no one, he asked if anyone else
7 would like to testify in this case.

8
9 Mr. John Rash, 1962 CR 2500N, Thomasboro, testified that with the mention of the report that there could
10 possibly be some well problems, he would like to add...

11
12 Mr. Hall stopped Mr. Rash and said that this was the second time that he has mentioned there are well
13 problems in the well report. He said that he realized Mr. Rash had not yet seen that report, but the report
14 absolutely does not say there will be problems.

15
16 Mr. Rash suggested a study of existing groundwater levels, including those not shown in the report. He
17 said he would like more information on if the wells in the area are being adversely affected. He said that
18 he he makes part of his living using an airport runway on his property that has many regulations that must
19 be met to keep it operational. He is concerned about the height of the tall tank at this facility and the
20 possibility of an antenna being placed on the tank. He said that if it protrudes through the side transitional
21 gradient, this would essentially shut down his runway, which would have adverse financial consequences
22 on his family. He requested that someone look into this and do some sort of an impact analysis on the
23 operation of the airport and how the proposed facility is going to affect operations prior to approving this
24 case.

25
26 Mr. Mohr said that tank height is well below County regulations on height, and in fact the power lines are
27 higher than their tank.

28
29 Mr. Rash said that the powerlines are within the setback of the FAA regulations, but going out to the side,
30 there is a gradient where you can't have anything protruding through that gradient. He said that he wants
31 to make sure that it will not affect his business by coming in contact with the side clearance gradient.

32
33 Mr. Elwell asked where his residence is located compared to the subject property.

34
35 Mr. Rash said that he is on the west and north sides, and there is another property in between his and the
36 proposed site. He said he was just not sure if there would be an impact and does not want to take any
37 chances.

38
39 Mr. Gower said that he has looked at the FAA regulations, and determined that they did not have to file
40 anything, but if they want him to double-check that, he would be happy to verify.

41
42 Mr. Rash asked Mr. Gower if he could do that, and said that he believes it is the IDOT Division of Aviation
43 regulations. He said IDOT has their own engineer over there, and said he was sure Mr. Gower could give
44 them a call. He thanked Mr. Gower.

45
46 Mr. Elwell asked if anyone would like to cross-examine Mr. Rash, and there was no one. He called Mr.
47 Loosa to testify.

48

1 Mr. Anthony Loosa, 2516 CR 2000E, Thomasboro, said that he has concerns about traffic because he has
2 young kids. Mr. Loosa said that now knowing the water is safe and has no odor, and that the EPA is on
3 top of regulating this kind of facility, and Mr. Mohr and Mr. Harper explained it pretty good and confirmed
4 that it is safe, at this point he has no more questions.

5
6 Mr. Elwell asked if there were any questions from the Board or staff.

7
8 Ms. Burgstrom asked Mr. Loosa if he has a pretty clear view of the proposed facility location.

9
10 Mr. Loosa said that he can see whole CR 2500N pretty clearly. He said the proposed structure would block
11 a good portion of the road and of that runway to the southwest. He said if he had to guess, he is about one-
12 eighth of a mile from the proposed location.

13
14 Ms. Burgstrom verified that she had measured the distance to be around 275 feet.

15
16 Mr. Elwell asked Ms. Burgstrom if there is a need for any type of screening.

17
18 Ms. Burgstrom said that outdoor storage and operations do require screening if they are visible within
19 1,000 feet of a residential lot. She said that there is a gray area with this type of facility as to what should
20 be considered outdoor storage and operations. She said things like the big trucks going for loading, use of
21 the nitrogen tank, and other factors need to be classified for screening purposes.

22
23 Mr. Wood said he believed there would be tank trucks delivering UAN.

24
25 Mr. Mohr said that all the truck would be coming from the south off the hard road,

26
27 Mr. Wood asked where the UAN is coming from.

28
29 Mr. Mohr said that it could come from multiple locations, but the majority of it would probably come
30 from Danville.

31
32 Mr. Wood asked what the use is of the proposed building on the east side.

33
34 Mr. Mohr said that it is all one L-shaped building. He described the building, indicating the east portion
35 is a shop and meeting room; the center is an office; the left side on the south end would be for chemicals
36 and diked storage, and the north would be for loadout. He said that any outbound trucks would be loaded
37 inside the building.

38
39 Mr. Wood asked what kind of hardship it would be to eliminate variance parts B and C.

40
41 Mr. Mohr said that they want to maintain as much farm ground to the north as possible for the research
42 plots and for the general consensus of the county wanting to keep it as farm ground. He said that the
43 distance needed to remove parts B and C is closer than he thought. He said that they had already slid
44 everything back a bit already, and said it was like splitting hairs. He asked Mr. Gower for the figures.

45
46 Mr. Burgstrom reviewed the measurements from the most recent proposal they would need to achieve in
47 order to remove the variances. She said that they proposed 47 feet instead of 55 feet on the east side
48 setback from street centerline.

1 Mr. Mohr said that Mr. Anderson noticed the changes in the shape of the detention basin earlier. He said
2 that the only reason that detention basin keeps changing shape is to try to accommodate the setback as
3 much as they can while getting the size of the building they need to have.

4
5 Ms. Burgstrom said that everything would have to shift north 33 more feet from CR 2500N to remove the
6 variance, because they are proposing a setback of 42 feet instead of 75 feet.

7
8 Mr. Wood said that that would get rid of the variances for the detention basin, but not the front yard.

9
10 Ms. Burgstrom said that the front yard on CR 2500N needs to be 30 feet. She said that the right-of-way
11 line for the county highway is where you start the measurement for the front yard. She said that if we
12 move the building 33 feet further back from the street centerline, we are covering that 30-foot area needed
13 for the front yard.

14
15 Mr. Gower said that if we are that close, like he said, we're just splitting hairs. He isn't so sure that they
16 can't slide things back to alleviate a couple of these problems pretty simply.

17
18 Mr. Wood said that he is just going by the rules; it's the game we have to play.

19
20 Mr. Mohr said absolutely, the rules are there for a reason, and he wants to accommodate everything that
21 he possibly can, and do it with the least number of headaches to everybody involved. He said that he
22 certainly wants to do what is best should the County ever need to widen that road in the future. He said
23 that he can have Mr. Gower adjust the design. He said he is more concerned in getting the authorization
24 for construction so they can get going on the project. He said that he certainly does not want to hold up
25 the project over 5 to 15 feet.

26
27 Mr. Elwell asked Ms. Burgstrom what the Board would need to see in order to eliminate variance Part B.

28
29 Ms. Burgstrom said to satisfy variance Part B, we would need the detention basin to be 75 feet from the
30 street centerline of County Highway 11, and the front yard between the basin and the right-of-way line to
31 be 30 feet. She said that in the case of either part B or part C, we would need a new site plan provided to
32 staff and a verbal confirmation tonight that they will provide an updated site plan that meets the
33 requirements.

34
35 Mr. Mohr said that he is willing to do that, and to get the required size for the detention basin, he is willing
36 to move the detention basin to the north side of the building. He said that he does not believe that the basin
37 dimensions needed would not fit within that front yard, so they will move the detention basin behind the
38 building and move the building back to 30 feet from the proposed 12 feet. He said he would meet the
39 requirements and redraw the site plan.

40
41 Ms. Lee asked if this would be for both variance parts B and C.

42
43 Mr. Mohr said yes, they will do both.

44
45 Mr. Hall asked Mr. Mohr how high the UAN tank is.

46
47 Mr. Mohr said it would be 32 feet tall, and has a flat roof with no antenna.

48

1 Mr. Hall said that he had done some rough calculations in the office today, measuring the distance from
2 Mr. Rash's Restricted Landing Area to the tank. He said that it is about 800 feet away, and with a 7:1
3 transition slope, would allow for something as high as 114 feet.

4
5 Mr. Mohr said that they don't want to do anything to cause problems for Mr. Rash, and in fact might want
6 to work with him to use the runway for crop spraying in the future.

7
8 Mr. Elwell asked if anyone else would like to cross-examine Mr. Mohr, and there was no one. He asked
9 if anyone else would like to provide testimony in this case.

10
11 Mr. Rash thanked Mr. Mohr for what he learned tonight. He asked what full cutoff lights are.

12
13 Ms. Burgstrom said that for any Special Use Permit, the Zoning Ordinance requires full cutoff lights,
14 which aim downward and do not cross the horizontal plane of where the lighting fixture is. She said that
15 they are also known as dark-sky friendly lights. She said that any outdoor lighting installed for the
16 purposes of the Special Use Permit must be full cutoff, and as part of the Zoning Use Permit approval, we
17 will need a spec sheet from the petitioners proving that they are full cutoff.

18
19 Mr. Rash said his wife is not terribly happy losing her view of the Flatville Church.

20
21 Mr. Elwell asked if there was anyone else would like to cross-examine Mr. Rash. Seeing no one, he asked
22 if there were any other witnesses who would like to testify in this case. Seeing none, he closed the Witness
23 Register and asked how the Board would like to proceed.

24
25 Mr. Wood suggested moving to the special conditions.

26
27 Ms. Lee asked if they were moving forward without seeing the well report that was submitted today.

28
29 Ms. Burgstrom said that the well report is what was received today, and that Mr. Hall had testified that
30 the well report identified no problems for wells in the area. She said it is the Board's prerogative to decide
31 how they want to proceed.

32
33 Mr. Elwell said that he believes Mr. Rash had asked to see the documents before the Board moved on.

34
35 Ms. Burgstrom said yes.

36
37 Mr. Mohr asked if he could send it to Mr. Rash now. He said that the reason they wanted that report done
38 was to verify there was not going to be a problem, which they are confident of spending the extra money
39 to invest that there is no problem.

40
41 Mr. Rash said that Mr. Mohr could email it to him, but he is not sure that he could review it on the spot.
42 He said that if it is available on the website tomorrow morning, he does not think that emailing it to him
43 tonight would speed up his ability to review it.

44
45 Mr. Elwell reviewed the special conditions with Mr. Mohr. He read special condition A as follows:

46
47 A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case**
48 **980-S-20 by the Zoning Board of Appeals.**

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

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

Mr. Elwell asked Mr. Mohr if he agreed with special condition A.

Mr. Mohr said yes.

B. The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning Compliance Certificate for the proposed Farm Chemicals and Fertilizer Sales facility until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

The proposed Special Use Permit meets applicable State codes for accessibility.

Mr. Elwell asked Mr. Mohr if he agreed with special condition B.

Mr. Mohr said yes.

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

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

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

Mr. Elwell asked Mr. Mohr if he agreed with special condition C.

Mr. Mohr said yes.

D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.

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

New commercial buildings shall be in conformance with Public Act 96-704.

Mr. Elwell asked Mr. Mohr if he agreed with special condition D.

Mr. Mohr said yes.

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E. 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 stated 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.

Mr. Hall asked that the phrase “if requested by the Zoning Administrator” be placed after “(IDAG) Permit” in E(3), and that the same phrase be put at the end of E(3).

Mr. Elwell asked Mr. Mohr if he agreed with special condition E as amended:

- (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 if requested by the Zoning Administrator. 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 if requested by the Zoning Administrator.

Mr. Mohr said yes.

F. A septic system shall be installed on the subject property in conjunction with construction, and:

- (1) A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.
- (2) The septic leach field shall be kept free of vehicular traffic and cannot be paved over.

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

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

Mr. Elwell asked Mr. Mohr if he agreed with special condition F.

Mr. Mohr said yes.

G. A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be approved by the Zoning Administrator, and all required certifications related to the Storm Water Drainage Plan shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.

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

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

Mr. Elwell asked Mr. Mohr if he agreed with special condition G.

Mr. Mohr said yes.

H. The petitioner must either:

- 1) Plant and maintain evergreen screening such that outdoor storage and operations are not visible from the residential use that is approximately 920 feet to the southwest and the residential use that is approximately 200 feet to the northeast. The approved Site Plan must indicate the location of the evergreen screening. Per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting, will be planted in staggered rows, and must be planted within 6 months of approval of Case 980-S-20; or**
- 2) Request a variance for such screening within 3 months of approval of Case 980-S-20.**

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

To promote public health, safety, and general welfare that is a purpose of the Zoning Ordinance.

Mr. Elwell asked Ms. Burgstrom if this was only screening for outdoor storage and operations.

Ms. Burgstrom confirmed that is only screening for outdoor storage and operations visible within 1,000 feet of a residential use.

Mr. Mohr asked if there had been any testimony on outdoor storage and operations other than what we had received regarding outdoor storage tanks.

Ms. Burgstrom replied no.

1 Mr. Elwell asked if the nitrogen tanks would be considered outdoor storage and operations.
2
3 Ms. Burgstrom said no, it is more about what kind of activity occurs in the gravel areas of the facility.
4
5 Ms. Lee said it is not just outdoor operations, but outdoor storage also.
6
7 Ms. Burgstrom said that if trucks come to load, then that would not be considered outdoor operations, but
8 if stuff starts getting stored out in the gravel areas, this is the gray area we still need to define. She said
9 that the screening needs to be on the subject property, not on the residential lot.
10
11 Mr. Elwell asked Mr. Mohr if he agreed with special condition H.
12
13 Mr. Mohr said that he hesitates only because he prefers that the gray area that was being debated be settled.
14
15 Mr. Elwell said that based on the testimony that has been given tonight, they do not have to put in the
16 vegetative screening.
17
18 Mr. Mohr said that he agrees with Special Condition H under the assumption that they will receive further
19 information from staff about what is considered outdoor storage and operations.
20
21 Ms. Burgstrom said that today, staff discussed one more possible special condition based on the County
22 Highway Engineer’s desire to have a concrete culvert rather than a metal culvert at the access point to CR
23 2500N (CH11). She said that the County Highway Department did approve the metal culverts that are
24 installed already. She read the draft condition.
25
26 **I. Should the metal culvert installed at the entrance to the facility along CR 2500N**
27 **(CH11) need replacement, the petitioners shall install a concrete culvert that has**
28 **been approved by the County Highway Engineer.**
29
30 The special condition stated above is required to ensure the following:
31 **That drainage and public safety needs are met.**
32
33 Mr. Elwell asked Mr. Mohr if he agreed with special condition I.
34
35 Mr. Mohr said yes, and that he had talked with Jeff Blue, County Highway Engineer, and Mr. Hall about
36 the culverts. He said that when they received the permit in the mail for the access point, it did not clarify
37 what material needed to be installed. He said he called the County Highway Department the day he
38 received the permit and was informed that a metal culvert was okay. He said that is why they did metal.
39 He said if there is a problem with that, he is happy to replace it, but hopefully it lasts for a long time. He
40 said that they do not want to have any drainage issues.
41
42 Mr. Elwell asked if we have asked for other concrete in past cases.
43
44 Ms. Burgstrom said not in her time here, but this was something kind of unique in how it came about. She
45 said that she thinks that the County Engineer always wanted to have a concrete culvert, but it did not get
46 clarified on the permit itself. She said that is when Mr. Mohr and the Highway Engineer needed to figure
47 something out, and they said that metal would be fine. It was on an October 6, 2020 email from Jeff Blue
48 to staff where he said metal was okay, but he would still prefer concrete.

1 Mr. Elwell asked if that would not be an undue expense to the petitioners if that had to be redone.

2

3 Ms. Burgstrom said apparently not, since Mr. Mohr has agreed to do it.

4

5 Mr. Mohr said that he agreed to do it if and when it needed to be replaced.

6

7 Mr. Elwell asked if there was a motion to approve the special conditions.

8

9 **Mr. Wood moved, seconded by Mr. Roberts, to approve the special conditions as amended.**

10

11 The vote was called as follows:

12	Anderson – yes	Elwell - yes	Randol – absent
13	Roberts – yes	Wood - yes	Lee - yes

14

15 **The motion carried.**

16

17 Mr. Hall identified four new Documents of Record to add:

- 18 7. Supplemental Memo #1 dated October 14, 2020 with attachments;
- 19 8. Prairie States West Storm Water Drainage Plan received October 14, 2020;
- 20 9. Prairie States Warehouse water demand report and well log received October 15, 2020; and
- 21 10. An email from John Rash received October 15, 2020.

22

23 Mr. Elwell asked if there was a motion to continue to the Findings of Fact for case 980-S-20.

24

25 **Mr. Randol moved, seconded by Ms. Lee, to proceed to the Findings of Fact for Case 980-S-20.**

26

27 The vote was called as follows:

28	Anderson – yes	Elwell - yes	Randol – absent
29	Roberts – yes	Wood - yes	Lee - yes

30

31 **The motion carried.**

32

33 **FINDINGS OF FACT FOR CASE 980-S-20:**

34

35 **From the documents of record and the testimony and exhibits received at the public hearing for**
36 **zoning case 980-S-20 held on October 15, 2020, the Zoning Board of Appeals of Champaign County**
37 **finds that:**

38

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

40

41 Mr. Wood stated that the requested Special Use Permit IS necessary for the public convenience at this
42 Location because: a Special Use Permit is required in AG-1, and this would be convenient for the farmers
43 and other entrepreneurs around this facility to get their fertilizer and chemicals.

44

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

- 1 **a. The street has ADEQUATE traffic capacity and the entrance location has**
2 **ADEQUATE visibility.**

3
4 Mr. Wood stated that the street has ADEQUATE traffic capacity and the entrance location has
5 ADEQUATE visibility.

- 6
7 **b. Emergency services availability is ADEQUATE.**

8
9 Mr. Wood stated that emergency services availability is ADEQUATE.

- 10
11 **c. The Special Use WILL be compatible with adjacent uses.**

12
13 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses because: it is an ag business
14 designed to service the local farmers in that area.

- 15
16 **d. Surface and subsurface drainage will be ADEQUATE.**

17
18 Mr. Wood stated that surface and subsurface drainage will be ADEQUATE.

- 19
20 **e. Public safety will be ADEQUATE.**

21
22 Mr. Wood stated that public safety will be ADEQUATE.

- 23
24 **f. The provisions for parking will be ADEQUATE.**

25
26 Mr. Wood stated that the provisions for parking will be ADEQUATE.

- 27
28 **g. The property is BEST PRIME FARMLAND and the property with the proposed**
29 **improvements IS WELL SUITED OVERALL.**

30
31 Mr. Wood stated that the property is BEST PRIME FARMLAND and the property with the proposed
32 improvements IS WELL SUITED OVERALL because: this type of business is related to all the businesses
33 around there.

- 34
35 **h. The existing public services ARE available to support the proposed special use**
36 **effectively and safely without undue public expense.**

37
38 Mr. Wood stated that the existing public services ARE available to support the proposed special use
39 effectively and safely without undue public expense.

- 40
41 **i. The existing public infrastructure together with proposed improvements ARE**
42 **adequate to support the proposed development effectively and safely without undue**
43 **public expense.**

44
45 Mr. Wood stated that the existing public infrastructure together with proposed improvements ARE
46 adequate to support the proposed development effectively and safely without undue public expense.

47
48 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS

1 IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it WILL NOT be
2 injurious to the district in which it shall be located or otherwise detrimental to the public health, safety,
3 and welfare.

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

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

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

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

18
19 Mr. Wood stated that the Special Use will be designed to CONFORM to all relevant County ordinances
20 and codes.

21
22 **b. The Special Use WILL be compatible with adjacent uses.**

23
24 Mr. Wood stated that the Special Use WILL be compatible with adjacent uses.

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

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

29
30 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
31 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

32
33 **4. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS IMPOSED**
34 **HEREIN, IS in harmony with the general purpose and intent of the Ordinance because:**

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

36
37 Ms. Lee stated that the Special Use is authorized in the District.

38
39 **b. The requested Special Use Permit IS necessary for the public convenience at this**
40 **location.**

41
42 Ms. Lee stated that the requested Special Use Permit IS necessary for the public convenience at this
43 location.

44
45 **c. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
46 **IMPOSED HEREIN, is so designed, located, and proposed to be operated so that it**
47 **WILL NOT be injurious to the district in which it shall be located or otherwise**
48 **detrimental to the public health, safety, and welfare.**

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

5
6 **d. The requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS**
7 **IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in**
8 **which it is located.**

9
10 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
11 IMPOSED HEREIN, DOES preserve the essential character of the DISTRICT in which it is located.

12
13 Mr. Wood stated that the requested Special Use Permit, SUBJECT TO THE SPECIAL CONDITIONS
14 IMPOSED HEREIN, IS in harmony with the general purpose and intent of the Ordinance.

15
16 **5. The requested Special Use IS NOT an existing nonconforming use.**

17
18 **6. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE**
19 **COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE**
20 **PARTICULAR PURPOSES DESCRIBED BELOW:**

21
22 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
23 **980-S-20 by the Zoning Board of Appeals.**

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

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

28
29 **B. The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning**
30 **Compliance Certificate for the proposed Farm Chemicals and Fertilizer Sales**
31 **facility until the petitioner has demonstrated that the proposed Special Use complies**
32 **with the Illinois Accessibility Code.**

33
34 The special condition stated above is required to ensure the following:

35 **The proposed Special Use Permit meets applicable State codes for**
36 **accessibility.**

37
38 **C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
39 **until the petitioner has demonstrated that any proposed exterior lighting on the**
40 **subject property will comply with the lighting requirements of Section 6.1.2.**

41
42 The special condition stated above is required to ensure the following:

43 **That any proposed exterior lighting is in compliance with the Zoning**
44 **Ordinance.**

45
46 **D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
47 **authorizing occupancy of the proposed building until the Zoning Administrator has**
48 **received a certification of inspection from an Illinois Licensed Architect or other**

qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.

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

New commercial buildings shall be in conformance with Public Act 96-704.

E. **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 if requested by the Zoning Administrator. 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 if requested by the Zoning Administrator.**

The special conditions stated 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.

F. **A septic system shall be installed on the subject property in conjunction with construction, and:**

(1) **A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**

(2) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

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

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

G. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be approved by**

1 the Zoning Administrator, and all required certifications related to the Storm
2 Water Drainage Plan shall be submitted after construction prior to issuance of the
3 Zoning Compliance Certificate.

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

6 That the drainage improvements conform to the requirements of the Storm
7 Water Management and Erosion Control Ordinance.

8
9 H. The petitioner must either:

10 1) Plant and maintain evergreen screening such that outdoor storage and
11 operations are not visible from the residential use that is approximately 920
12 feet to the southwest and the residential use that is approximately 200 feet to
13 the northeast. The approved Site Plan must indicate the location of the
14 evergreen screening. Per standard Department practice, a Norway Spruce
15 vegetative screen must be four to six feet high at the time of planting, will be
16 planted in staggered rows, and must be planted within 6 months of approval
17 of Case 980-S-20; or

18
19 2) Request a variance for such screening within 3 months of approval of Case
20 980-S-20.

21
22 The special condition stated above is required to ensure the following:

23 To promote public health, safety, and general welfare that is a purpose of the
24 Zoning Ordinance.

25
26 I. Should the metal culvert installed at the entrance to the facility along CR 2500N
27 (CH11) need replacement, the petitioners shall install a concrete culvert that has
28 been approved by the County Highway Engineer.

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

31 That drainage and public safety needs are met.

32
33 Mr. Elwell asked if there was a motion to adopt the Summary of Evidence, Documents of Record, and
34 Findings of Fact as amended for Case 980-S-20.

35
36 Ms. Lee moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of Record,
37 and Findings of Fact as amended for Case 980-S-20.

38
39 The vote was called as follows:

40 Anderson – yes Elwell - yes Randol – absent
41 Roberts – yes Wood - yes Lee - yes

42
43 The motion carried.

44
45 Mr. Elwell asked if there was a motion to proceed to the Finding of Fact for Case 981-V-20.

46
47 Mr. Wood moved, seconded by Ms. Lee, to move to the Findings of Fact for Case 981-V-20.

1 The vote was called as follows:

2	Anderson – yes	Elwell - yes	Randol – absent
3	Roberts – yes	Wood - yes	Lee - yes

4
5 **The motion carried.**

6
7 **FINDINGS OF FACT FOR CASE 981-V-20:**

8
9 **From the documents of record and the testimony and exhibits received at the public hearing for**
10 **zoning case 981-V-20 held on October 15, 2020, the Zoning Board of Appeals of Champaign County**
11 **finds that:**

12
13 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure**
14 **involved, which are not applicable to other similarly situated land and structures elsewhere**
15 **in the same district.**

16
17 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or
18 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
19 the same district because: the specifics of the nature and size of this business would be highly restrictive
20 to place it in a 3 acre lot, so that was the need for the additional acreage.

21
22 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
23 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**
24 **structure or construction.**

25
26 Mr. Wood stated that practical difficulties or hardships created by carrying out the strict letter of the
27 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
28 structure or construction because: three acres would be too restrictive for the size of this business.

29
30 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**
31 **from actions of the applicant.**

32
33 Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT
34 result from actions of the applicant.

35
36 **4. The requested variance IS in harmony with the general purpose and intent of the Ordinance.**

37
38 Mr. Wood stated that the requested variance IS in harmony with the general purpose and intent of the
39 Ordinance because: other than the particular variance requested, it meets all other requirements of the
40 Zoning Ordinance.

41
42 **5. The requested variance WILL NOT be injurious to the neighborhood or otherwise**
43 **detrimental to the public health, safety, or welfare.**

44
45 Mr. Wood stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise
46 detrimental to the public health, safety, or welfare because: the IEPA, OSHA, and IDAG regulations
47 required for this type of operation would ensure that.

48

1 **6. The requested variance IS the minimum variation that will make possible the reasonable use**
2 **of the land/structure.**

3
4 Mr. Wood stated that the requested variance IS the minimum variation that will make possible the
5 reasonable use of the land/structure because: it provides an adequate amount of ground for the business to
6 be placed there.

7
8 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings
9 of Fact, as amended for Case 981-V-20.

10
11 **Mr. Roberts moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**
12 **Record, and Findings of Fact, as amended.**

13
14 The vote was called as follows:

15	Anderson – yes	Elwell - yes	Randol – absent
16	Roberts – yes	Wood - yes	Lee - absent

17
18 **The motion carried.**

19
20 Mr. Elwell entertained a motion to move to the Final Determination for Case 980-S-20.

21
22 **Mr. Wood moved, seconded by Ms. Lee, to proceed to the Final Determination for Case 980-S-20.**

23
24 The vote was called as follows:

25	Anderson – yes	Elwell - yes	Randol – absent
26	Roberts – yes	Wood - yes	Lee - yes

27
28 **The motion carried.**

29
30 Mr. Elwell told Mr. Mohr and Mr. Gower that there is not a full Board tonight, and therefore they have
31 the choice to proceed with the Final Determination tonight, or continue the case to another date when a
32 full Board is available. He said that they need 4 affirmative votes for an approval.

33
34 Mr. Mohr asked when the later date would be.

35
36 Mr. Elwell said that all findings of fact were approved unanimously.

37
38 Mr. Mohr said that he is ready to proceed with Final Determination tonight.

39
40 **FINAL DETERMINATION FOR CASE 980-S-20:**

41
42 **Ms. Lee moved, seconded by Mr. Wood, that the Champaign County Zoning Board of Appeals finds**
43 **that, based upon the application, testimony, and other evidence received in this case, the**
44 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority**
45 **granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:**

46
47 **The Special Use requested in Case 980-S-20 is hereby GRANTED WITH SPECIAL**
48 **CONDITIONS to the applicants, Greg Allen, d.b.a. Prairie States West, via Agent Tim**

1 Mohr, to authorize storage and dispensing of agricultural fertilizer as a “Farm Chemicals
2 and Fertilizer Sales including incidental storage and mixing of blended fertilizer” facility as
3 a Special Use in the AG-1 Agriculture Zoning District, subject to approval of variances in
4 related Case 981-V-20.
5

6 **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**
7

- 8 A. A Change of Use Permit shall be applied for within 30 days of the approval of Case
9 980-S-20 by the Zoning Board of Appeals.
10
- 11 B. The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning
12 Compliance Certificate for the proposed Farm Chemicals and Fertilizer Sales
13 facility until the petitioner has demonstrated that the proposed Special Use complies
14 with the Illinois Accessibility Code.
15
- 16 C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate
17 until the petitioner has demonstrated that any proposed exterior lighting on the
18 subject property will comply with the lighting requirements of Section 6.1.2.
19
- 20 D. The Zoning Administrator shall not authorize a Zoning Compliance Certificate
21 authorizing occupancy of the proposed building until the Zoning Administrator has
22 received a certification of inspection from an Illinois Licensed Architect or other
23 qualified inspector certifying that the new buildings comply with the following
24 codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008
25 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois
26 Plumbing Code.
27
- 28 E. Regarding the ongoing operation of the Special Use as authorized by the Illinois
29 Department of Agriculture:
30 (1) The Special Use shall at all times be operated in conformance with the
31 Illinois Department of Agriculture permit, and any special conditions
32 thereof.
33
- 34 (2) The owner/operator of the Special Use shall make all inspection and
35 maintenance records required by the Illinois Department of Agriculture
36 (IDAG) available to Champaign County upon request by the Zoning
37 Administrator and shall cooperate with Champaign County in resolving any
38 valid complaint or concern that is related to public safety and environmental
39 protection.
40
- 41 (3) The owner/operator of the Special Use shall provide the Zoning Administrator
42 with copies of renewal permits over the lifetime of the Special Use for the
43 Illinois Department of Agriculture (IDAG) Permit if requested by the Zoning
44 Administrator. The Special Use shall become void if the Petitioner fails to
45 submit a renewal permit from the Illinois Department of Agriculture (IDAG)
46 to the Zoning Office over the lifetime of the Special Use if requested by the
47 Zoning Administrator.
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- F. **A septic system shall be installed on the subject property in conjunction with construction, and:**
 - (1) **A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

- G. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be approved by the Zoning Administrator, and all required certifications related to the Storm Water Drainage Plan shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

- H. **The petitioner must either:**
 - 1) **Plant and maintain evergreen screening such that outdoor storage and operations are not visible from the residential use that is approximately 920 feet to the southwest and the residential use that is approximately 200 feet to the northeast. The approved Site Plan must indicate the location of the evergreen screening. Per standard Department practice, a Norway Spruce vegetative screen must be four to six feet high at the time of planting, will be planted in staggered rows, and must be planted within 6 months of approval of Case 980-S-20; or**
 - 2) **Request a variance for such screening within 3 months of approval of Case 980-S-20.**

- I. **Should the metal culvert installed at the entrance to the facility along CR 2500N (CH11) need replacement, the petitioners shall install a concrete culvert that has been approved by the County Highway Engineer.**

The vote was called as follows:

Anderson – yes	Elwell - yes	Randol – absent
Roberts – yes	Wood - yes	Lee - yes

The motion carried.

Mr. Elwell told Mr. Mohr that Case 980-S-20 was approved.

Mr. Elwell entertained a motion to move to the Final Determination for variance Part A only of Case 981-V-20.

Ms. Lee moved, seconded by Mr. Wood, to move to the Final Determination for variance Part A only of Case 981-V-20.

The vote was called as follows:

Anderson – yes	Elwell - yes	Randol – absent
Roberts – yes	Wood - yes	Lee - yes

The motion carried.

FINAL DETERMINATION FOR CASE 981-V-20:

Mr. Wood moved, seconded by Ms. Lee, that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case 981-V-20 is hereby GRANTED to the petitioners, Greg Allen, d.b.a. Prairie States West, via Agent Tim Mohr:

Authorize the following variance on the Special Use Permit requested in related Zoning Case 980-S-20:

Authorize a variance for the creation of a 5-acre lot, in lieu of the maximum allowed 3 acres for lots with soils that are best prime farmland, per Section 5.3 of the Champaign County Zoning Ordinance.

Mr. Elwell requested a roll call vote.

The vote was called as follows:

Anderson – yes	Elwell - yes	Randol – absent
Roberts – yes	Wood - yes	Lee - yes

The motion carried.

Mr. Elwell told Mr. Mohr that his variance has been approved.

Mr. Mohr thanked everyone for their time.

Ms. Burgstrom told Mr. Mohr that she would be in touch with next steps.

7. Staff Report - None

8. Other Business
A. Review of Docket - None

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

None

10. Adjournment

Mr. Elwell entertained a motion to adjourn the meeting.

1 **Mr. Wood, seconded by Mr. Roberts, to adjourn the meeting.**

2

3 Mr. Elwell requested a roll call vote.

4

5 The vote was called as follows:

6 **Anderson – yes**

Elwell - no

Randol – absent

7 **Roberts – yes**

Wood - yes

Lee - yes

8

9 **The motion carried.**

10

11 The meeting adjourned at 9:15 p.m.

12

13

14 Respectfully submitted

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18 Secretary of Zoning Board of Appeals

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