

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **May 15, 2008**
Time: **7:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave..
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (May 01, 2008)
5. Continued Public Hearings

***Case 614-S-08: Petitioner: Grand Prairie Co-op and Roger Miller, Manager**

Request: **Authorize the expansion of an existing grain elevator facility by the construction of a proposed flat grain storage building as a Special Use Permit in the AG-2 Agriculture Zoning District.**

Location: **A four acre tract in the East Half of the Northwest Quarter of Section 16 of Sidney Township that borders the west side of the Village of Sidney corporate boundary and also borders on and extends approximately 622 feet south of the Norfolk Southern Railroad right of way and that is commonly known as the Grand Prairie Co-op, Inc. grain elevator located at 301 South David Street, Sidney.**

6. New Public Hearings

***Case 610-S-08: Petitioner: Charles and Mary Ellen Stites**

Request: **Authorize a Major Rural Specialty Business in the CR District.**

Location: **A 5.0 acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1, T18N, R10E of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1611 CR 2400E, St. Joseph.**

***Case 616-V-08: Petitioner: Charles and Mary Ellen Stites**

Request: **Authorize the reconstruction and use of a building to be used as a Major Rural Specialty Business with a side yard of four feet in lieu of the required side yard of 15 feet in the CR District.**

Location: **Same as Case 610-S-08**

7. Staff Report
8. Other Business
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

1 **MINUTES OF SPECIAL MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 1776 E. Washington Street

4 Urbana, IL 61801

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7 **DATE:** May 1, 2008 **PLACE:** Lyle Shields Meeting Room

8 1776 East Washington Street

9 Urbana, IL 61802

10 **MEMBERS PRESENT:** Debra Griest, Richard Steeves, Melvin Schroeder, Eric Thorsland

11

12 **MEMBERS ABSENT :** Doug Bluhm, Roger Miller, Joseph L. Irle

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14 **STAFF PRESENT :** John Hall, Leroy Holliday, J.R. Knight

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16 **OTHERS PRESENT :** Larry Dalton, Thomas Sinder, Roger Miller, Rich Rutherford, Keith

17 Stone, Jackie Stone, David Happ

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19 **1. Call to Order**

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21 The meeting was called to order at 7:03 p.m.

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

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24 The roll was called and a quorum declared present.

25 **3. Correspondence**

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27 None

28 **4. Approval of Minutes**

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30 None

31 **5. Continued Public Hearings**

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33 None

34 **6. New Public Hearings**

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36 Ms. Griest called Cases 613-S-08 and 614-S-08 concurrently.

37

38 *Case 613-S-08: Petitioner: **Grand Prairie Co-op and Roger Miller, Manager.** Request: **Authorize**

39 **the construction and use of a grain elevator bin that was previously authorized in Case 187-S-99**

40 **and that is now proposed to be approximately 127 feet, 2 inches in height as a Special use Permit**

41 **in the AG-2 Agriculture Zoning District. Location: A four acre tract in the East Half of the**

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1 East Half of the Northwest Quarter of Section 16 of Sidney Township that borders the west side of
2 the Village of Sidney corporate boundary and also borders on and extends approximately 622 feet
3 south of the Norfolk Southern Railroad right of way and that is commonly known as the Grand
4 Prairie Co-op, Inc, grain elevator located at 301 South David Street, Sidney.

6
7 *Case 614-S-08: Petitioner: **Grand Prairie Co-op and Roger Miller, Manager.** Request: **Authorize**
8 **the expansion of an existing grain elevator facility by the construction of a proposed flat grain**
9 **storage building as a Special Use Permit in the AG-2 Agriculture Zoning District.** Location: **A**
10 **four acre tract in the East Half of the Northwest Quarter of Section 16 of Sidney Township that**
11 **borders the west side of the Village of Sidney corporate boundary and also borders on and extends**
12 **approximately 622 feet south of the Norfolk Southern Railroad right of way and that is commonly**
13 **known as the Grand Prairie Co-op, Inc. grain elevator located at 301 South David Street, Sidney.**

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

24
25 Mr. Hall distributed a Supplemental Memorandum regarding Case 614-S-08, dated May 1, 2008, to the
26 Board for review. He said that the supplemental memorandum has a black and white aerial photograph
27 of the subject property and the adjacent properties. He said that also attached to the supplemental
28 memorandum is a revised site plan, submitted by the Petitioner, on May 1, 2008. He said that the site
29 plan also has a cross section of the proposed flat storage building, which is the subject of Case 614-S-08.
30 He said that the Petitioner also submitted an analysis of the storage capacity at the Sidney facility and
31 photographs of the residential properties that abut the subject property to the east.

33
34 Mr. Hall stated that no new information is available for Case 613-S-08. He said that what Case 613-S-
35 08 really amounts to is that in the previous zoning case 187-S-99, the ZBA approved the expansion of
36 the Sidney facility to add two grain bins plus at the time the Petitioner was planning to add a scale and a
37 scale house on this four acre tract. He said that when Case 187-S-99 was approved the Petitioner was
38 still not certain which site plan they wanted to utilize and they were in negotiations with the Village of
39 Sidney in regard to some street issues therefore Case 187-S-99 was actually approved with two site plans
40 with different conditions which applied to each site plan. He said that at the time of approval of Case
41 187-S-99 Special Use Permits had to be approved by the County Board although the *Zoning Ordinance*
42 has since been amended removing the need for Special Use Permits to be approved by the County Board.
43 He said that after Case 187-S-99, was approved the Petitioner decided to build a temporary flat grain

5/1/08

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 Petitioner decided to build a temporary flat grain storage ring which did not have the capacity of the two
2 grain bins that were originally proposed and the new scale facilities were not constructed. He said that at
3 the time the Zoning Administrator approved the Zoning Use Permit without requiring any of the
4 conditions approved in Case 187-S-99 therefore since that time Grand Prairie Co-op has been using the
5 temporary flat grain storage ring. He said that due to the amount of grain received from last year's
6 harvest the Petitioner decided to expand indicating that they desired to replace the temporary flat grain
7 storage ring with an actual bin.
8

9 Mr. Hall stated that one of the conditions included in the approval for Case 187-S-99 was that if either of
10 the grain bins were going to be more than 100 feet in height a variance would be required although the
11 *Zoning Ordinance* actually indicates that a Special Use Permit would be required for a bin which is more
12 than 100 feet in height. He said that the requirement for a Special Use Permit cannot be amended by a
13 condition because it is a *Zoning Ordinance* requirement. He said that the Petitioner decided to build the
14 grain bin this spring and when they contacted the Department of Planning and Zoning it was realized that
15 a Special Use Permit would be required. He said that the Petitioner only desires to build one bin which
16 is larger in diameter and taller than either of the bins that were approved in Case 187-S-99. He said that
17 if you compare the diameter and height differences for one bin versus two, it ends up with Case 613-S-
18 08 requesting a couple of percent volume than had already been approved in Case 187-S-99. He noted
19 that the only reason Case 613-S-99 is before the Board tonight is because the new bin will be more than
20 100 feet tall and based on the information submitted it will be 127 feet 2 inches in height to the top of
21 the conveying equipment.

23
24 Mr. Hall stated that another condition that was approved in Case 187-S-99 was because the case was
25 approved under the *Interim Stormwater Management Policy* which had a more restrictive requirement
26 for stormwater retention. He said that the Board may remember that when the *Interim Stormwater*
27 *Management Policy* was amended and made the permanent *Stormwater Management Policy* it was
28 realized that the interim policy was too restrictive in some instances and as a result when you have less
29 than one acre of impervious area on a property of this size, four acres, the new *Stormwater Management*
30 *Policy* doesn't require detention. He said that this is why staff has not proposed the detention
31 requirement for Case 613-S-08 because if this construction was being done "by-right" it would not need
32 detention however the only way to remove that condition from the previous Special Use Permit would be
33 by action of the Zoning Board of Appeals. He said that Case 613-S-08, as presented to the Board at this
34 hearing, has no special conditions. He said that buffering was required in Case 187-S-99 but Case 613-
35 S-08 does not allow any construction on that part of the property therefore staff did not believe that any
36 buffering should be required. He noted that these are all issues which the Board must consider before
37 action is taken on Case 613-S-08. He said that if the Board does feel that conditions for approval are
38 necessary then it is up to the Board to require those conditions.

40
41 Mr. Hall stated that Case 614-S-08 proposes the expansion of the existing facility by the construction of
42 a proposed flat grain storage building on the south portion of the property. He said that the building will
43 be a 160' x 320' building with a peaked roof. He said that the Supplemental Memorandum dated May 1,

1 Memorandum dated May 1, 2008, includes the revised site plan for the proposed construction and also
 2 includes a diagram of the proposed flat grain storage building indicating that the pre-manufactured roof
 3 system will be mounted on a 14 foot tall wall making the structure 76 feet overall in height. He said that
 4 the way the *Zoning Ordinance* regulates height is in terms of average height to the mid point of the
 5 peaked roof and with this new information the average height of the proposed flat grain storage building
 6 is 48.5 feet which is less than the 50 foot maximum overall average height. He said that it is unusual for
 7 the Board to see something this tall in the agricultural districts that isn't like a grain bin but this complies
 8 with the height limit.

9
 10 Mr. Hall stated that the Preliminary Memorandum dated April 25, 2008, outlines several conditions
 11 which the Board should consider for Case 614-S-08. He said that after staff had already placed the legal
 12 advertisement of Case 614-S-08, it was realized that the original site plan indicated more lot coverage,
 13 building area, than the *Zoning Ordinance* allows in this zoning district. He said that the Petitioner
 14 included on the revised site plan that they had discussed the possibility of acquiring more land from the
 15 adjacent property owner. He said that lot coverage is simply a mathematical ratio of the amount building
 16 area over lot area. He said that if the Petitioner could acquire more lot area it would lower the coverage
 17 and if they acquire enough it would bring the coverage to within the limits of the *Zoning Ordinance*
 18 otherwise a variance would be required or make the building area smaller. He said that the Petitioner has
 19 not actually committed at this point to buying any land but this is a question that the Board could ask the
 20 Petitioner at this hearing. He said that he believes that the Petitioner intends to proceed with the
 21 variance request and staff included a condition that would allow the Board to take action on Case 614-S-
 22 08 if the Board feels that they have all of the pertinent information necessary. He said that from a staff
 23 level he believes that it would better to continue the case until action is taken on the variance, but given
 24 that this is in a part of the county in where the newspaper publishes legals in such a way that it takes
 25 longer for staff to get cases advertised. He said that for that reason the variance for the lot coverage
 26 cannot be before the Board before May 29th. He said that the Petitioner desires to move ahead on both of
 27 these cases and if the Board believes that they can truly separate the coverage issue out of Case 614-S-08
 28 then it could be approved with a condition that the Petitioner shall either make the building smaller or
 29 acquire more land or obtain a variance. He said that this would allow the Special Use Permit to be
 30 decided but he is not sure what benefit that would give the Petitioner. He said that this building is much
 31 larger than buildings that have been proposed in Case 187-S-99 therefore the Board might want to
 32 consider a greater amount of buffering between the proposed structure in Case 614-S-08 and the
 33 residences to the east of the subject property. He said that the Petitioner is expecting some type of
 34 buffering to be required and the photographs submitted by the Petitioner does indicate that the residences
 35 to the east do have a few trees but it is up to Board to determine if they want to require some buffering
 36 and staff believes that it would be a good idea.

38
 39 Ms. Griest asked if the Board had any questions for Mr. Hall.

40
 41 Mr. Steeves asked Mr. Hall if the Petitioner is proposing to purchase the 2.08 acres and the .69 acres
 42 indicated on the revised site plan.

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1 Mr. Hall stated that he believes that the revised site plan indicates an either/or situation in regard to the
2 additional acreage although he has not had a chance to ask the Petitioner and the Board should discuss
3 that issue with the Petitioner. He said that at a staff level it is believed that Case 613-S-08 appears to be
4 simple and is possibly ready for action at this hearing. He said that he did approve the Zoning Use
5 Permit and the bin that is the issue in Case 613-S-08 is being constructed as we speak with a condition
6 that the height be limited to 100 feet or as authorized by the Special Use Permit. He said that he
7 authorized the Special Use Permit because the Petitioner indicated that there is no way that they are
8 going to encounter any difficulty by this public hearing. He said that even if the Board is not inclined to
9 take action on Case 613-S-08 at this hearing the Petitioner has begun construction with an understanding
10 that the bin cannot be built more than 100 feet tall without the Special Use Permit approval.

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13 Ms. Griest asked if the Board had any additional questions for Mr. Hall and there were none.

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15 Ms. Griest asked if the Petitioner had any questions for Mr. Hall and there were none.

16
17 Mr. David Happ, Professional Engineer with Foth Infrastructure and Environment, LLC stated that the
18 owner of the proposed .69 acre tract is reluctant in selling therefore the Petitioner will probably move
19 forward with the purchase of the 2.08 acres, which could be a condition of the Special Use Permit,
20 therefore relieving the need for a variance.

21
22 Ms. Griest asked if the Board had any questions for Mr. Happ and there were none.

23
24 Ms. Griest asked if staff had any questions for Mr. Happ.

25
26 Mr. Hall asked Mr. Happ if he is thinking that the stormwater detention area may work better if the
27 Petitioner acquires the 2.08 acres or would he anticipate still placing it adjacent to the building.

28
29 Mr. Happ stated that the 2.08 acres would give them some flexibility but he believes that they will try to
30 keep it east of the building and run a storm sewer line to the northwest corner. He said that the Petitioner
31 has no new plans for the 2.08 acres.

32
33 Mr. Steeves asked Mr. Happ if there are no immediate plans for the 2.08 acres and will the land stay in
34 crop production.

35
36 Mr. Happ stated that the land is currently in production. He said that the Board could ask Mr. Miller if
37 the land will stay in production.

38
39 Ms. Griest asked Mr. Happ to clarify his relationship with the Petitioner.

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41 Mr. Happ stated that he is a Professional Engineer with Foth Infrastructure and Environment, LLC which
42 used to be known as Daily and Associates. He said that Daily and Associates completed a lot of work on
43 the previous petitions submitted by the Petitioner.

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Ms. Griest asked if the Petitioner had any questions for Mr. Happ and there was none.

Ms. Griest asked the audience if anyone desired to cross examine Mr. Happ and there was no one.

Mr. Roger Miller, Manager for Grand Prairie Co-op, stated the 2.08 acres would remain in crop production. He said that the land slopes dramatically towards the stream and the 2.08 acres would just be a continuation of their south lot line. He said that the document titled "Sidney Storage Analysis" indicates the 2007 harvest and the projected 2008 harvest bushels. He said that in 2007 the grain carried into harvest at the facility was 189,411 bushels of corn, 35,766 bushels of Non GMO bushels of corn and 43,790 Non GMO bushels of beans therefore 268,968 bushels was accepted therefore over 270,000 bushels of corn was accepted during harvest. He said that in 2008 he anticipates the same amount of bushels delivered to the facility although it does vary every year because in previous years they have only carried 50,000 bushels of corn but they have also carried over 350,000 bushels of corn therefore it ties up their storage space.

Mr. Miller stated that in 2007 the Sidney facility received 3,043,035 bushels of corn and soybeans and assuming that we have the same type of harvest in 2008 the facility will again receive that many bushels of corn and soybeans. He said that last fall because the facility received so much corn they had trouble staying open therefore they trucked grain directly from the farm to the Tolono facility. He said that in 2008 the grain will go directly to the Sidney facility rather than having the expense of trucking it to the Tolono facility. He said that in years past all of the grain went in to the Sidney facility because they did not have the problem of staying open but this particular year they had trouble with receiving the trains and harvest was very fast and they were not able to keep open. He said that the management staff estimated conservatively that the Sidney facility was closed 11 days because they could not obtain transportation to get the grain out of the facility which is unacceptable in regard to their standards and is unacceptable to the Board to have a farmer unable to deliver his grain to the facility for 11 days in the harvest, which is approximately 25% of the harvest. He said that they felt that they lost over 250,000 bushels from our customers in 2007. He said that the total bushels handled in 2007 was 3,312,003 and in 2008 it is estimated that the total bushels handled will be 3,724,395. He said that the analysis indicates that in 2007 the beginning storage and the ending is the same figure, 2,060,000 but that is because no new structure has been constructed. He said that the figures reflected in 2008 reflect the proposed bin which adds 730,000 bushels and if the flat grain storage building is approved an additional 1,300,000 bushels will also be added to the storage space. He said that these additions would eliminate 225,000 bushels in ground storage and 50,000 bushels in small flat storage therefore the total storage space for the facility would go from 2,060,000 in 2007 to 3,815,000 in 2008 which would give the facility excess space of 90,605 bushels. He said that this would eliminate the need to truck grain out of the Sidney facility or truck grain from the field to the Tolono facility. He said that the grain will primarily be kept at the Sidney facility and shipped out by train cars after the harvest season. He said that in 2007 the Sidney facility shipped out 1,216,652 bushels of grain during harvest by rail and 92,500 bushels by truck and that was one of the problems in that they could not get the transportation to get that grain moved which caused a hardship upon their customers. He said that the total amount of grain shipped in 2007 was 1,309,152 bushels and basically the last train came when harvest was almost over

1 basically the last train came when harvest was almost over and they ended up with approximately 60,000
2 bushels of empty space in the elevator at that time. He said that the facility requires the extra storage to
3 accommodate their patrons during the anticipated harvest in 2008.
4

5 Mr. Miller noted that the revised site plan indicates a chart titled "Bin Info" that coincides with the bin
6 numbers on the aerial. He said that during the Board's review of this chart they will find the total height
7 of the five bins has become taller and taller due to the improvement of the engineering design of the bin.
8 He said that one reason why the proposed bin for 2008 is much taller is because of its diameter of 105'
9 versus the 90' diameter of the other bins. He said that the side wall height is 6 foot higher but the overall
10 height is nine foot higher so there is an additional three foot of peak height on the new bin. He said that
11 the proposed bin is located to the west of the existing facility and the northerly line of the existing bins
12 was substantially shielded by the existing grain elevator to the primary part of Sidney to the east. He
13 said that the proposed bin will be the same type of bin as has been constructed in the past and the
14 aeration fans will have silencers attached, just as the existing fans have installed, and the bin will have
15 no top exhausters. He said that the facility stopped using top exhausters to eliminate the issue of noise.
16 He said that the proposed bin will have 60 free-air vents installed with no power exhausters therefore the
17 bin should be fairly quiet for the Village of Sidney.

19
20 Ms. Griest asked if the Board had any questions for Mr. Miller.

21
22 Mr. Thorsland asked Mr. Miller if the purchase of the additional .69 acres is a possibility. He said that
23 he would like to see the proposed flat grain storage building moved farther away if possible from the
24 adjacent residents.

25
26 Mr. Miller stated that the land owner was more than willing to sell the 2.08 acres due to the quality of
27 the land and the production is not great. He said that they are pretty sure that they can complete the
28 purchase of the 2.08 acres and will try to acquire the additional .69 acres.

29
30 Mr. Thorsland stated that the 2.08 acres will solve the drainage issue but he is thinking more of the
31 adjacent property owners in that they will receive a much earlier sunset due to the proposed structure.
32 He said that he can see the access to the temporary flat grain storage structure and asked if there would
33 be a return drive constructed.

34
35 Mr. Miller stated that if the Board will review the revised site plan they will see two knockout points on
36 the north side of the building and those knockouts are the entry and exit points of the structure.

37
38 Mr. Thorsland asked if those points will be pushed right up to the minimum towards the lot line.

39
40 Mr. Hall stated that 20 feet is the minimum and since there will be drainage along the west side of the
41 structure it is proposed to place a stormwater detention area along the west side of the proposed flat
42 storage structure.
43

1 Mr. Thorsland stated that he hates to see good farmland taken out of production but when will Grand
2 Prairie know about the .69 acre tract.

3
4 Mr. Miller stated that the owner is reluctant to sell the .69 acre tract but he did indicate that if he has to
5 work with Grand Prairie Co-op then they can probably work something out. He said that if the Board
6 includes the .69 acre tract as a condition of approval then Grand Prairie will go back to the owner and
7 negotiate some more.

8
9 Ms. Griest asked if the Board had any additional questions for Mr. Miller and there were none.

10
11 Ms. Griest asked if staff had any questions for Mr. Miller.

12
13 Mr. Hall asked Mr. Miller if the type and number of fans is similar to what is currently being used or will
14 the new bin have an improved venting system.

15
16 Mr. Miller stated that the new fans and venting for the new bin will be an improvement to what has been
17 used in the past. He said that bin #16 was the last bin that was constructed in 2006 and it does not have
18 power exhaust on top but does have free air vents and the new bin is designed in the same manner. He
19 said that those bins have four fans on the bottom and the bottom fans include silencers. He said that the
20 2 fans will be faced in a northerly direction and the other two will be faced in a southerly direction with
21 silencers attached.

22
23 Ms. Griest asked the audience if anyone desired to cross examine Mr. Miller and there was no one.

24
25 Mr. Richard Rutherford, who resides at 319 South Scarborough Street, Sidney distributed photographs
26 for the Board's review and submitted those photographs as evidence. He said that his property has been
27 in his family for over 100 years and his family has learned to live with the elevator. He said that recently
28 his brother-in-law built a new home directly west of his property and the proposed flat grain storage
29 building will be next to their new home. He said that he agrees with Mr. Thorsland in that perhaps the
30 proposed structure could be moved further west so that it is not right on top of their properties. He said
31 that they currently deal with several health issues in which vermin and dust travel from the elevator. He
32 said that they were not aware that Grand Prairie Co-op was proposing such a huge project until someone
33 contacted them. He said that during previous testimony it was said that five years ago the scales and
34 scale house were approved for construction. He said that the Village of Sidney actually shot down the
35 construction of the scale and scale house because of the truck traffic that would be created on the narrow
36 street.

37
38 Mr. Rutherford reviewed photographs of the railroad tracks on Main Street in Sidney. He said that the
39 truck traffic that travels to the elevator heavily damages the road and the tracks and no maintenance is
40 done. He pointed out the deep holes and raised bolts along the tracks which impose dangerous
41 conditions to walking pedestrians and vehicular traffic. He said that the residents of Sidney have learned
42 to live with the elevator and the traffic that is generated but there is no reason why they need to move
43 closer to the residents. He said that the elevator traffic utilizes Scarborough Street and the semi trucks

1 Street and the semi trucks fly past their residence. He said that it is his opinion that the truck traffic
2 should utilize Grand Prairie Co-ops access drives rather than traveling through residential streets.

3
4 Ms. Griest asked if the Board had any questions for Mr. Rutherford.

5
6 Mr. Steeves asked Mr. Rutherford if the new home was built two years ago.

7
8 Mr. Rutherford stated yes. He said that the revised site plan does not show the new home but indicates
9 the older home that was torn down. He said that currently there is a 2300 square foot house at its current
10 location with a 1500 square foot garage located next to it. He said that his grand-father owned his house
11 and when he purchased the home he added 1400 square foot on to it. He said that he is trying to bring up
12 their property values but when projects like the ones proposed in these two cases are brought into the
13 neighborhood the property values go down. He asked the members of the Board if they would want such
14 a structure next to their property.

15
16 Ms. Griest asked if the Board if there were additional questions for Mr. Rutherford and there were none.

18
19 Ms. Griest asked Mr. Rutherford to clarify, using the submitted revised site plan, where the new home
20 was constructed.

21
22 Mr. Rutherford indicated on the revised site plan where the new home was built. He said that he had the
23 lots replatted with the Village of Sidney and there are currently now two large lots.

24
25 Ms. Griest asked Mr. Rutherford, if when the old house was torn down and the new house was built,
26 there was any doubt that they were aware that the grain operation was present and that there were plans
27 of a proposed scale house.

28
29 Mr. Rutherford stated that he attended the previous meeting and they indicated that they would not do
30 any improvements to their properties if the scale house was built at the proposed location therefore the
31 scale house was relocated. He said that with the location of the new scale house Grand Prairie Co-op
32 can actually stage trucks on their own property instead of out on the road and the railroad tracks. He said
33 that the aerial photograph on the revised site plan is not accurate.

34
35 Mr. Hall stated that the 2005 aerial photograph on the revised site plan is not accurate although the
36 number of homes that are impacted remains the same at two.

37
38 Mr. Rutherford stated yes.

39
40 Ms. Griest asked Mr. Rutherford to confirm that they were aware that the elevator was at its current
41 location when the new home was built.

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43 Mr. Rutherford stated yes.

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Ms. Griest asked the Board if there were any additional questions for Mr. Rutherford and there were none.

Ms. Griest asked if staff had any questions for Mr. Rutherford and there were none.

Ms. Griest asked if the Petitioner or his representative had any questions for Mr. Rutherford and there were none.

Mr. David Happ, Professional Engineer with Foth Infrastructure and Environment, LLC for the Petitioner, asked Mr. Rutherford if he had a choice between the flat grain storage building and the temporary grain storage ring which was west of the existing bins, which would he choose to have located next to his property.

Mr. Rutherford stated that he would not want to see either structure next to his property.

Mr. Happ stated that the alternative to building the flat grain storage building is to build another temporary grain storage ring. He said that Grand Prairie is willing to spend another \$200 thousand dollars to build a covered structure.

Mr. Rutherford stated that he understands his point.

Ms. Griest asked the audience if anyone desired to cross-examine Mr. Rutherford and there was no one.

Mr. Keith Stone, who resides at 204 West Prairie Street, Sidney stated that his new home is directly adjacent to the elevator property. He said that they had no idea that the elevator planned to build a structure that close to his property. He said that his young grandchildren will probably be living with him when his son returns for duty overseas and he feels that the proposed construction will create a dangerous area for them to be playing in. He said that he is concerned about the amount of water that will be coming off of the property because he has a septic tank and the leach field runs towards the field. He submitted photographs, as evidence and for the Board's review indicating the proximity of his home to the field. Mr. Stone stated that the fans may have silencers on the fans but they are still loud. He said that they have become accustomed to the noise because the bins are farther away from their property. He said that if the proposed flat grain storage building is not approved and they begin dumping grain on the ground there are going to be health issues arise. He said that he is concerned about the amount of dust that will be generated from the new building because he and his wife have terrible allergies. He said that he is also concerned about the damage that the dust will cause to his home and his vehicles. He said that it appears that Grand Prairie is more or less indicating that if they do not get their new building approved then they are going to make life pretty miserable for the adjacent property owners.

Mr. Stone stated that one of his other neighbors, who was unable to attend tonight's hearing, is trying to

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1 to remodel his home and he has indicated that he is not happy about Grand Prairie's proposed building
2 either. Mr. Stone stated that if the proposed flat storage grain building is approved he would like to see
3 some very strict restrictions of some sort in regard to safety, noise, better buffers than indicated on the
4 revised site plan and an effective plan for all of the water that is going to be coming off the roof of the
5 building onto his property. He said that he believes that the property values will go down once the
6 proposed building is completed which is unfair because he spent every dime he had to build his new
7 home.

8
9 Ms. Griest asked if the Board had any questions for Mr. Stone and there were none.

10
11 Ms. Griest asked if staff had any questions for Mr. Stone and there were none.

12
13 Ms. Griest asked if the Petitioner or his representative had any questions for Mr. Stone.

14
15 Mr. Happ asked Mr. Stone if his new home is serviced by a multi-flow system or a leach field.

16
17 Mr. Stone stated that his home is serviced by a leach field.

18
19 Mr. Happ asked Mr. Stone the location of his leach field.

20
21 Mr. Stone stated that the leach field is to the west of his home towards the field in question but it stops at
22 the property line.

23
24 Mr. Happ asked Mr. Stone if his leach field discharges in to the field in question.

25
26 Mr. Stone stated that it does not discharge in to the field in question. He said that the proposed detention
27 area will affect him before he effects the detention area because there will be a lot of water coming off of
28 that roof.

29
30 Ms. Griest asked the audience if anyone else in attendance desired to cross examine Mr. Stone and there
31 was no one.

32
33 Ms. Griest asked the audience if anyone else desired to sign the witness register to give testimony
34 regarding Cases 613-S-08 or 614-S-08 and there was no one.

35
36 Ms. Griest closed the witness register.

37
38 Ms. Griest stated that the Board has heard testimony and staff recommendation as to why there is good
39 reason to move forward with Cases 613-S-08 and 614-S-08 separately. She said that at this time she
40 would like to go back dealing with Case 613-S-08 which is in regard to the construction of the bin with a
41 height of 127 feet 2 inches. She said that the Preliminary Memorandum dated April 25, 2008 indicates
42 that the height of the proposed grain bin is 127 feet 2 inches but the chart entitled "Bin Info" on the
43 revised site plan indicates that the height of the bin is 127 feet 4 inches.

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Ms. Griest asked the Board if there is additional information that they require at this time related to Case 613-S-08.

Mr. Thorsland stated that in the revised site plan indicates a landscaped buffer southeast of bin #17. He requested information as to what type of buffer would be placed at this location.

Mr. Hall stated that he does not know what type of landscaping will be placed within this area but he assumes that the Petitioner anticipates some guidance on what the Board will require.

Ms. Griest requested that Mr. Happ give testimony regarding the landscape.

Mr. Happ stated that the text regarding landscaping southeast of bin #17 as indicated on the revised site plan was carried over from a previous plan. He said that at this time there are no plans to do any landscaping at this location although if landscaping in this area is a condition for approval then they will certainly abide by that condition.

Ms. Griest asked if the Board required any additional information regarding Case 613-S-08 and there was none.

Summary of Evidence for Case 613-S-08:

Mr. Hall stated that the first sentence in Item #5.A(6) of the Summary of Evidence should be revised as follows: Condition 5 of Case 187-S-99 indicated that the proposed grain elevator bin could not be greater than 100 feet in height unless a variance was obtained. He said that new Item #5.A.(9) should be added indicating the following: The site plan approved in this zoning case will become the new approved site plan for development of the subject property and will replace the approved site plan in Case 187-S-99. He said that the following sentence should be added to Item #5.B(3): The height was indicated to be 127 feet 4 inches on handouts at the public hearing held on May 1, 2008. He said that a new Item #5.B(8) should be added as follows: No other buildings are proposed on the site plan.

Ms. Griest stated that Item #5.B(8) is because the Board is only dealing with the site plan that does not include the flat storage building.

Mr. Hall stated that Ms. Griest was correct. He said that Mr. Miller provided good evidence at tonight's hearing regarding the fans and vents which will be located on the bins therefore he asked the Board if they would like to include that testimony in the Summary of Evidence.

Ms. Griest stated that it would be advisable to add the testimony to the Summary of Evidence. She said that Mr. Miller's testimony regarding that they have ceased using the top mounted fans on the new bin should be added to the Summary of Evidence.

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1 Mr. Hall stated that a new Item #5.C should read as follows: The Petitioner, Roger Miller testified at the
2 public hearing held on May 1, 2008 the following: (1) The new bin will not have top mounted exhaust
3 fans; and (2) The new bin will have fans with silencers. The fans equipped with silencers will be
4 mounted at the bottom and will have two fans exhausting to the north and two fans exhausting to the
5 south.

6
7 Ms. Griest asked Mr. Miller what terminology he used in regard to the vents.

8
9 Mr. Miller stated that free air vents will be utilized on the bin.

10
11 Mr. Hall stated that a new Item #5.C(3) should read as follows: The bin will also have several free air
12 vents.

13
14 Mr. Steeves asked if the same comments should be included in Item #7.

15
16 Mr. Hall asked Mr. Steeves if he is not sure if those comments are relevant to public convenience. He
17 said that there is no mention as to how the grain is delivered and that is a very important issue.

18
19 Mr. Steeves stated that the comments from #5.C. should be included in Item #7.

20
21 Mr. Hall agreed and indicated that the text from Item #5.C.(1), (2) and (3) will be added to Item #7.

22
23 Ms. Griest asked Mr. Steeves if he would like to follow up with the Petitioner as to how the grain will be
24 delivered. She asked the Board members if there were any other additions or corrections to the
25 Summary of Evidence for Case 613-S-08 and there were none.

26
27 Ms. Griest stated that it seems more relevant that the witnesses that presented testimony in relation to the
28 temporary flat grain storage building be included in Case 614-S-08 and not Case 613-S-08.

29
30 Mr. Steeves asked if anyone has estimated the increase in truck traffic that will be generated on the
31 Scarborough Street when the temporary flat grain storage building is constructed. He said that he only
32 wants it emphasized in Item #7 that the new bin will improve the dust and noise situation by the use of
33 the new free air vents and fans with silencers.

34
35 Ms. Griest reminded Mr. Steeves that currently the Board is only discussing the height of the permanent
36 grain bin at this time. She said that reasonably Grand Prairie is putting at least a third of that capacity on
37 the ground within that same location.

38
39 Mr. Hall stated that there is only a few percentage of difference in actual storage volume between this
40 case and case 187-S-99.

41
42 Ms. Griest asked Mr. Hall if the Sidney Storage Analysis would be more appropriate for the Documents
43 of Record for Case 614-S-08 rather than 613-S-08.

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Mr. Hall stated yes. He said that the Supplemental Memorandum, with attachments, for Case 614-S-08 dated May 1, 2008, should be added to the Documents of Record for Case 613-S-08 because one of the attachments is the revised site plan that indicates the amended height of the bin. He said that all of the other information regarding Case 614-S-08 is not relevant to the Board’s decision in Case 613-S-08.

Ms. Griest asked the Board if there was any additional information that they felt should be added to the Summary of Evidence or Documents of Record and there was none.

Finding of Fact for Case 613-S-08:

From the documents of record and testimony and exhibits received at the public hearing for zoning case 613-S-08 held on May 1, 2008, the Zoning Board of Appeals of Champaign County finds that:

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

Mr. Thorsland stated that the requested Special Use Permit IS necessary for the public convenience at this location because it minimizes the amount of excess open storage of grain on site.

2. The requested Special Use Permit 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.

a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

Mr. Hall reminded that the Board that in Case 187-S-99 the Board had approved virtually the same amount of storage capacity and there was a lot of testimony regarding traffic and that case was approved.

Ms. Griest stated that the Board deemed that it was adequate in both instances.

Mr. Hall stated yes.

Mr. Schroeder stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

b. Emergency services availability is ADEQUATE.

Mr. Thorsland stated that Emergency services availability is ADQUATE.

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1 **c. The Special Use will be designed to CONFORM to all relevant County Ordinances**
2 **and codes.**

3
4 Mr. Steeves stated that the Special Use will be designed to CONFORM to all relevant County
5 Ordinances and codes.

6
7 **d. The Special Use WILL be compatible with adjacent uses.**

8
9 Mr. Thorsland stated that the Special Use WILL be compatible with adjacent uses because it is located
10 next to the existing facility and the Special Use is only to approve an increase in height to a previously
11 approved bin at the same location.

12
13 **e. Surface and subsurface drainage will be ADEQUATE.**

14
15 Mr. Steeves stated that surface and subsurface drainage will be ADEQUATE.

16
17 **f. Public safety will be ADEQUATE.**

18
19 Mr. Thorsland stated that public safety will be ADEQUATE.

20
21 Ms. Griest stated that Item #2.g is not applicable to this case.

22
23 Mr. Thorsland stated that the requested Special Use Permit is so designed, located and proposed to be
24 operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise
25 detrimental to the public health, safety and welfare.

26
27 **3a. The requested Special Use Permit DOES conform to the applicable regulations and**
28 **standards of the DISTRICT in which it is located.**

29
30 Mr. Steeves stated that the requested Special Use Permit DOES conform to the applicable regulations
31 and standards of the DISTRICT in which it is located.

32
33 **3b. The requested Special Use Permit DOES preserve the essential character of the**
34 **DISTRICT in which it is located.**

35
36 **a. The Special Use will be designed to CONFORM to all relevant County ordinances**
37 **and codes.**

38
39 Mr. Thorsland stated that the Special Use will be designed to CONFORM to all relevant County
40 ordinances and codes.

41
42 **b. The Special Use will be compatible with adjacent uses.**

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Mr. Steeves stated that the Special Use will be compatible with adjacent uses.

c. Public safety will be ADEQUATE.

Mr. Steeves stated that public safety will be ADEQUATE.

Mr. Steeves stated that the requested Special Use Permit DOES preserve the essential character of the DISTRICT in which it is located.

4. The requested Special Use Permit IS in harmony with the general purpose and intent of the Ordinance.

a. The Special Use is authorized in the District.

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

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

c. The requested Special Use Permit 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.

Mr. Thorsland stated that the requested Special Use Permit 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 DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Steeves stated that the requested Special Use permit DOES preserve the essential character of the DISTRICT in which it is located.

Mr. Steeves stated that the requested Special Use Permit IS in harmony with the general purpose and intent of the Ordinance.

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

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

Mr. Steeves moved, seconded by Mr. Thorsland to adopt the Summary of Evidence, Documents of Record and Finding of Fact as amended. The motion carried by voice vote.

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Mr. Schroeder moved, seconded by Mr. Steeves to close the public hearing for Case 613-S-08. The motion carried by voice vote.

Ms. Griest informed the Petitioner and his representative that the current Board has three members absent at tonight’s public hearing and it will take four affirmative votes to approve the request in Case 613-S-08. She stated that it is at the Petitioner’s direction as to whether the Board moves forward to the Final Determination at tonight’s public hearing or continue the case to a later date when all of the Board members are present.

Mr. Happ asked if a continuance is requested could additional information could be presented at that time.

Ms. Griest stated that the public hearing in regard to accepting new testimony has been closed for Case 613-S-08 and the Board has completed the Finding of Fact.

Mr. Hall informed Mr. Happ that the Board prepared the findings for only Case 613-S-08 which is only in regard to the grain bin. He said that he apologizes for the length of the findings but it is how the Board assures that the same things are reviewed in each case, although at times modified for each individual case, and all of the findings which were adopted were affirmative. He said that the findings must support the final determination therefore that may be relevant as to whether the Petitioner determines whether or not to take action on Case 613-S-08 at tonight’s public hearing.

Mr. Happ stated that he thought that the Board was going to move forward with Case 614-S-08 also. He said that the Petitioner desires a final determination for Case 613-S-08 at tonight’s public hearing.

Final Determination:

Mr. Steeves moved, seconded by Mr. Thorsland 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 of Section 9.1.11B HAVE been met, and pursuant to the authority granted by Section 9.1.6B. of the Champaign County Zoning Ordinance, determines that the Special Use requested in Case 613-S-08 is hereby GRANTED to the petitioners, Grand Prairie Co-op, and Roger Miller, manger to authorize the construction and use of a grain elevator bin that was previously authorized in Case 187-S-99 and that is now proposed to be approximately 127 feet, 4 inches in height as a Special Use Permit in the AG-2 Agriculture Zoning District.

The roll was called:

Thorsland-yes	Schroeder-yes	Steeves-yes
Griest-yes	Bluhm-absent	Irle-absent
Miller-absent		

1
2 Mr. Hall informed Mr. Miller that the Board has approved Case 613-S-08 and a letter amending the
3 permit relieving the previous conditions will be sent out immediately.
4

5 **Mr. Schroeder moved, seconded by Mr. Thorsland to take a five minute recess. The motion**
6 **carried by voice vote.**
7

8 **The meeting recessed at 8:35 p.m.**

9 **The meeting resumed at 8:45 p.m.**
10

11 Ms. Griest stated that the Board will now review Case 614-S-08. She said that the Board has received a
12 lot of information although there are a few unanswered questions. She said that it appears that there are
13 conflicting opinions on the floor therefore the Board needs to determine what is needed from the
14 Petitioner before the Board moves towards a final determination. She said that the Board always tries to
15 find the harmony in the conflicting interests while continuing to be economically feasible. She said that
16 she appreciates the homeowner's concerns that have been expressed and she thanked them for coming to
17 the public hearing with their information. She said that the homeowner's have raised some good points
18 which the Petitioner hadn't considered which is a positive step in the right direction. She said that she
19 does have a few questions regarding the proposed temporary flat grain storage building. She said that
20 Mr. Thorsland suggested moving the structure further west if the additional .69 acres could be purchased
21 by the Petitioner. She said that previous testimony indicated a slope which might inhibit the movement
22 of the structure therefore is moving the flat storage further west even feasible. She said that the issues
23 regarding stormwater runoff is a concern and she would like information regarding where the water will
24 travel and how it will be handled and diverted so that it does not negatively impact the adjacent
25 landowners and their septic leach fields. She said that she would like more information regarding
26 screening and separation along the west property line if the flat storage was authorized. She said that she
27 is not sure that the planting of some evergreens will meet her expectations of shielding these homes from
28 the impact of a flat storage structure. She said that she would also like to hear more testimony from the
29 adjacent homeowners as to if it would mitigate some of their concerns if the flat storage structure were
30 able to be moved further from their properties and appropriate screening was provided to help shield
31 their properties from the structure's impact. She said that testimony has been received from the property
32 owners that they were aware that the grain elevator was adjacent to their parcels when they built their
33 new home and neither of the residents, the grain elevator or the homeowners, are new to the area.

35
36 Mr. Steeves stated that he agrees with Ms. Griest's concerns.
37

38 Mr. Thorsland stated that he would like to know if there will be interior and exterior lighting. He said
39 that he is concerned about the potential for light pollution.
40

41 Mr. Schroeder stated that there will be less traffic with the new facility because the trucks will bring in
42 the grain but it will be shipped by rail. He said that open flat storage has nothing but smell therefore it
43 will be beneficial to have the new covered facility. He said that he is somewhat concerned about the

1 concerned about the maintenance of the rail system.

2

3 Mr. Thorsland stated that the Board has no jurisdiction over how the railroad maintains their rail system.

5

6 Ms. Griest stated that how the railroad maintains the crossing is outside the purview of this Board or the
7 Village of Sidney or the grain co-op as well. She said that the railroad knows what that crossing handles
8 as far as traffic load and the type of traffic. She asked what additional changes would be required to the
9 driveway if the flat storage were able to be moved farther to the west.

10

11 Ms. Griest asked if staff had any items which require additional information.

12

13 Mr. Hall stated nothing other than what concerns the Board.

14

15 Ms. Griest stated that the Board is not prepared to take final action on Case 614-S-08 at tonight's public
16 hearing. She asked the Petitioner if they had any information regarding the Board's concerns.

17

18 Mr. David Happ stated that there will be no interior lights and no exterior lighting will be installed other
19 than the safety lights on the far north end where the entrances are located.

20

21 Ms. Griest stated that there will not be any night time operation in the flat storage structure.

22

23 Mr. Happ stated that Ms. Griest was correct.

24

25 Mr. Happ stated that if the flat storage building was moved the circulation drive would need to be
26 extended to the west there would be an oil and chip driveway with washed gravel to minimize the dust
27 issue so that it would not be intrusive to the neighbors. He said that Grand Prairie is willing to agree to
28 pursue purchasing the .69 acres and if they do he believes that they would be successful therefore the
29 building could be shifted another 80 feet to the west which would make it a total of 168 feet from the
30 east property line which would be the rear lot line to Mr. Stone's property. He said that he understands
31 that the requirements would allow them to go as far as 20 feet to the west property line but they would
32 like to leave a little bit of room because there will be some runoff from the roof and that water will be
33 collected and sent north. He said that if it helps the Board with their decision at tonight's public hearing
34 and it would alleviate some of the adjacent homeowner's concerns he believes that Grand Prairie will
35 commit to purchasing the .69 acres.

36

37 Mr. Hall asked Mr. Happ if he is anticipating a storm drain so that the detention basin that is east of the
38 flat storage building will actually be discharging in to the stream.

39

40 Mr. Happ stated that there is a ditch that runs along the south side of the railroad and from there it goes
41 west to the stream. He said that west of the new proposed bin is where we would discharge in to the
42 ditch.

43

1 Mr. Hall stated that one thing the *Stormwater Management Policy* requires is if the slope of the basin
2 floor is flatter than 2% then there must be an under drain system.
3
4 Mr. Happ stated that he is anticipating a dry basin so there will be under drains installed.
5
6 Mr. Hall asked if it would be fair to say that, in regards to Mr. Stone's concerns about soil wetness, it
7 will be an improvement.
8
9 Mr. Happ stated that sometimes the term stormwater detention gives the impression that the water is
10 going to be standing there but this is a dry basin. He said that the only time that the water will be present
11 is when there is a heavy rain event and it will just be there long enough to detain it so that it doesn't rush
12 to the ditch to the north. He said that the under drains will also be there to help keep the basin dry. He
13 said that "basin" is probably not the best term to use for the area because it will mainly be a depressed
14 area to collect the water to detain it so that it can be routed to a storm tile and moved northwest to the
15 ditch.
16
17 Mr. Hall stated that the underdrain system will keep the depressed area dry all year long.
18
19 Mr. Happ stated yes. He said that the depressed area will be maintained and mowed. He said that the
20 west side of the property will be a grass swale between the west side of the property line and the building
21 which will drain to the north.
22
23 Mr. Thorsland asked if Grand Prairie would be agreeable to building some sort of berm which would
24 raise the height of the trees.
25
26 Mr. Happ stated yes. He said that the berm would raise the height of the trees even higher therefore
27 there would be the blockage from the berm as well as the trees.
28
29 Ms. Griest asked if there was any natural drainage coming from the east currently.
30
31 Mr. Happ stated that if there was any drainage coming from the east it would be routed around the berm.
32
33
34 Mr. Thorsland asked Mr. Happ when he would be able to confirm the purchase of the .69 acres. He said
35 that he understands that Grand Prairie is very committed to the purchase tonight but he would like proof
36 that they can actually follow through with that commitment.
37
38 Mr. Hall stated that the Board could create a condition that staff could not issue a Zoning Use Permit for
39 construction of the temporary flat grain storage building until a recorded deed is received verifying the
40 purchase of the .69 acres.
41
42 Ms. McGrath stated that a revised site plan would be required if the .69 acres is purchased indicating that
43 the building will be moved further to the west.

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Mr. Hall stated that that requirement for a revised site plan would be a new condition for approval.

Ms. Griest stated that she would be much more comfortable with rearranging the docket and continuing the case to May 15th so that the Petitioner can have adequate time to purchase the additional .69 acres and prepare a revised site plan.

Mr. Thorsland stated that perhaps the adjacent property owners should be asked if the purchase of the additional .69 acres and the possible relocation of the flat storage building would help mitigate their concerns.

Ms. Griest informed Mr. Stone and Mr. Rutherford that the Board is sensitive to their concerns and they have tried to address those concerns with the Petitioner and Mr. Happ. She said that the Board believes that there is some form of reasonable compromise available to mitigate those concerns.

Mr. Stone stated that he is willing to work with Grand Prairie Co-op especially if they are willing to move the structure to the west and install a berm and landscaping. He said that he does not want this huge structure next to his house which will have a lot of water runoff. He said that he hadn't thought about the lighting issue but he is pleased to know that there will not be any interior lights and only exterior lights on the entrance end of the structure. He said that without exterior lighting his property may not be as safe as others may prefer but he likes it just fine.

Ms. Griest asked Mr. Stone if he would find the planting of mature vegetation along the berm that would qualify as screening acceptable.

Mr. Stone stated that it would be more acceptable if they maintain that landscaping.

Ms. Griest asked Mr. Stone if he understood that the Petitioner is proposing a dry basin which would pull the stormwater away from the facility and may actually improve the drainage that he currently has on his property.

Mr. Stone stated that the dry basin will be wonderful. He said that he was concerned that the detention area would be a swamp prone to mosquitoes. He said that he just wants to be able to enjoy his property and use the backyard for his grandchildren where they can play safely.

Ms. Griest asked Mr. Stone if he had any other concerns that need addressed.

Mr. Stone stated no, but he would like to see the revised site plan after the .69 acres is purchased.

Ms. Griest asked if the Board had any additional questions for Mr. Stone and there were none.

Ms. Griest asked if staff had any additional questions for Mr. Stone and there were none.

1 Ms. Griest asked if the Petitioner or his representative had any additional questions for Mr. Stone and
2 there were none.
3

4 Mr. Stone thanked the Board for their consideration.
5

6 Mr. Rutherford stated that as long as his sister and brother-in-law are happy with everything then he is
7 fine. He said that they are the folks that are going to have to live right next to this facility but he is also
8 concerned that after this flat storage building is constructed that the grain co-op will want to utilize
9 Prairie Street, which is basically an alley, for access to the new building.
10

11 Ms. Griest stated that Prairie Street, although it is not maintained very well, is actually a street and not an
12 alley.
13

14 Mr. Rutherford stated that he was informed by Grand Prairie's representatives that all traffic to the
15 facility will be at the north end of the building therefore he would like to have something in writing
16 stating that they will not utilize Prairie Street as an access to the property.
17

18 Mr. Stone agreed.
19

20 Mr. Rutherford stated that it appears that Grand Prairie is attempting to work with them.
21

22 Ms. Griest stated that the Board works very hard to find a compromise when there is conflict and the
23 Board understands that usually everyone attends the public hearing with the best of intentions.
24

25 Mr. Miller stated that they are willing to extend the berm with the trees clear through the right of way of
26 Prairie Street preventing any traffic from entering off of Prairie Street. He said that they have no
27 intention of using the street. He said that the only reason that they moved the office in 1999 was because
28 someone was going to lose their life on the railroad tracks. He said that traffic was staged on David
29 Street and residents were driving around the traffic and across down gates and they were going to be
30 killed. He said that they were trying to create a safer atmosphere because their office was located right
31 where it blocked the view of the railroad tracks. He said that the reason why they could not move their
32 office in where it is now is because there were two alleys which Grand Prairie did not own so they could
33 not move the office. He said that they had negotiations with the Village of Sidney and they were able to
34 purchase the two alleys and the office was relocated and the trucks are staged on their property. He said
35 that they do try to work with their neighbors in that they purchase washed pea gravel that does not
36 promote dust.
37

38 Mr. Miller stated that he knew that anyone within 250 feet of the subject property was going to receive
39 notification of their requests therefore the adjacent property owners would receive the same packet of the
40 information that he did in regard to the cases.
41

42 Ms. Griest clarified that Mr. Miller was counting on what the County does automatically in sending out
43 notification of the requests therefore his point was that he did not replicate that process.

5/1/08

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

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Ms. Griest stated that it appears that there is a little bit of work to do but it appears that this can all be completed by the May 15th public hearing.

Mr. Steeves moved, seconded by Mr. Thorsland to continue Case 614-S-08 to the May 15, 2008, public hearing. The motion carried by voice vote.

Mr. Hall recommended that Case 583-AT-07, Zoning Administrator be moved to the May 29, 2008, public hearing.

Mr. Thorsland moved, seconded by Mr. Steeves to move Case 583-AT-07, Zoning Administrator to the May 29, 2008 public hearing. The motion carried by voice vote.

7. Staff Report

None

8. Other Business

None

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

None

10. Adjournment

The meeting adjourned at 9:17 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

ZBA

DRAFT

SUBJECT TO APPROVAL

DRAFT

5/1/08

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CASE NO. 614-S-08

SUPPLEMENTAL MEMORANDUM

Champaign County
May 9, 2008

Department of
Petitioners: **Grand Prairie Co-op and
Roger Miller, Manager**

**PLANNING &
ZONING**

Site Area: **approx. 4.0 acres**

Time Schedule for Development:

Immediate

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

FAX (217) 328-2426

Prepared by: **J.R. Knight**
Associate Planner
John Hall
Zoning Administrator

Request: **Authorize the expansion of an existing grain elevator facility by the construction of a proposed flat grain storage building as a Special Use Permit in the AG-2 Agriculture Zoning District.**

Location: **A four acre tract in the East Half of the Northwest Quarter of Section 16 of Sidney Township that borders the west side of the Village of Sidney corporate boundary and also borders on and extends approximately 622 feet south of the Norfolk Southern Railroad right of way and that is commonly known as the Grand Prairie Co-op, Inc. grain elevator located at 301 South David Street, Sidney.**

STATUS

This case was continued from the May 1, 2008, ZBA meeting. The minutes of that meeting are included for approval.

A letter (see attached) has been received from Paul Hendren, attorney for the Village of Sidney, and is discussed further below. A copy of the letter was forwarded to the Petitioner the day after receipt.

As of Thursday, May 8, no revised site plan has been received from the Petitioner's engineer. Any submittals received on May 9 will be included with this memo with no staff analysis.

LETTER FROM THE VILLAGE OF SIDNEY

Paul Hendren, attorney for the Village of Sidney, sent a letter on May 6, 2008, indicating that the Village opposed the proposed Special Use Permits for the expansion of Grand Prairie Co-op because it would create additional heavy grain truck traffic that would travel on Village roads even though the proposed facility will be located outside the Village.

The letter also stated that the Village Trustees would prefer the elevator property be annexed to the Village.

TRUCK TRAFFIC IN THE VILLAGE OF SIDNEY

Based on the review of the letter received from the Village of Sidney (see above) the Village's main concern appears to be elevator related truck traffic traveling on Village-maintained streets.

A review of the Street Map of the Village of Sidney shows that the elevator fronts on David Street, which is one of the main collector streets in the Village. It appears that truck traffic which enters the village from the south along CR 900N will travel along David Street for approximately one mile before entering the elevator. Traffic coming from the east or west, however, is more likely to enter the village on CR 1000N (Main Street inside the Village limits), which is maintained by the County Highway Department. It then travels no more than 1,000 feet on David Street before entering the elevator property.

It is possible that alternate routes to the elevator could be utilized for trucks currently coming in on 900N, which would reduce the amount of Village-maintained streets the trucks would travel on before they reached the elevator.

ATTACHMENTS

- A Letter from Paul Hendren received on May 6, 2008
- B Street Map of the Village of Sidney

LAW OFFICES
MILLER & HENDREN, LLP
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SECOND FLOOR - 30 E. MAIN
P.O. BOX 980
CHAMPAIGN, ILLINOIS 61824-0980
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TELEPHONE
(217) 352-2171
FAX
(217) 352-3839

HAROLD A. MILLER
PAUL C. HENDREN
MARC R. MILLER

JO C. WILLIAMSON
(1933-1979)

May 6, 2008

RECEIVED

MAY 06 2008

CHAMPAIGN CO. P & Z DEPARTMENT

Mr. John Hall
Champaign County Planning and Zoning
1776 Washington Street
Urbana, IL 61802

RE: Grand Prairie Co-op (Sidney) Special Uses
Cases 613-S-08 and Code 614-S-08

Dear Mr. Hall:

The Sidney Village Board of Trustees discussed this matter at its May 5, 2008 meeting, its only meeting since your 4-16-08 notice about these cases.

The Board of Trustees passed a motion objecting to this elevator expansion since it would create additional heavy grain truck traffic and resultant damage and wear and tear on Village streets, for a facility located outside the Village. The Trustees would prefer that the elevator complex be annexed to the Village so it shares in payment of expenses caused by its business.

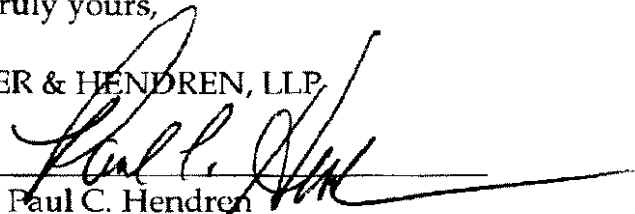
The Trustees also directed Paul Lewis' Sidney Plan Commission to review this matter at its May 13, 2008, meeting provide its comments to you and the Village Trustees.

Thank you for your consideration.

Very truly yours,

MILLER & HENDREN, LLP

By: _____

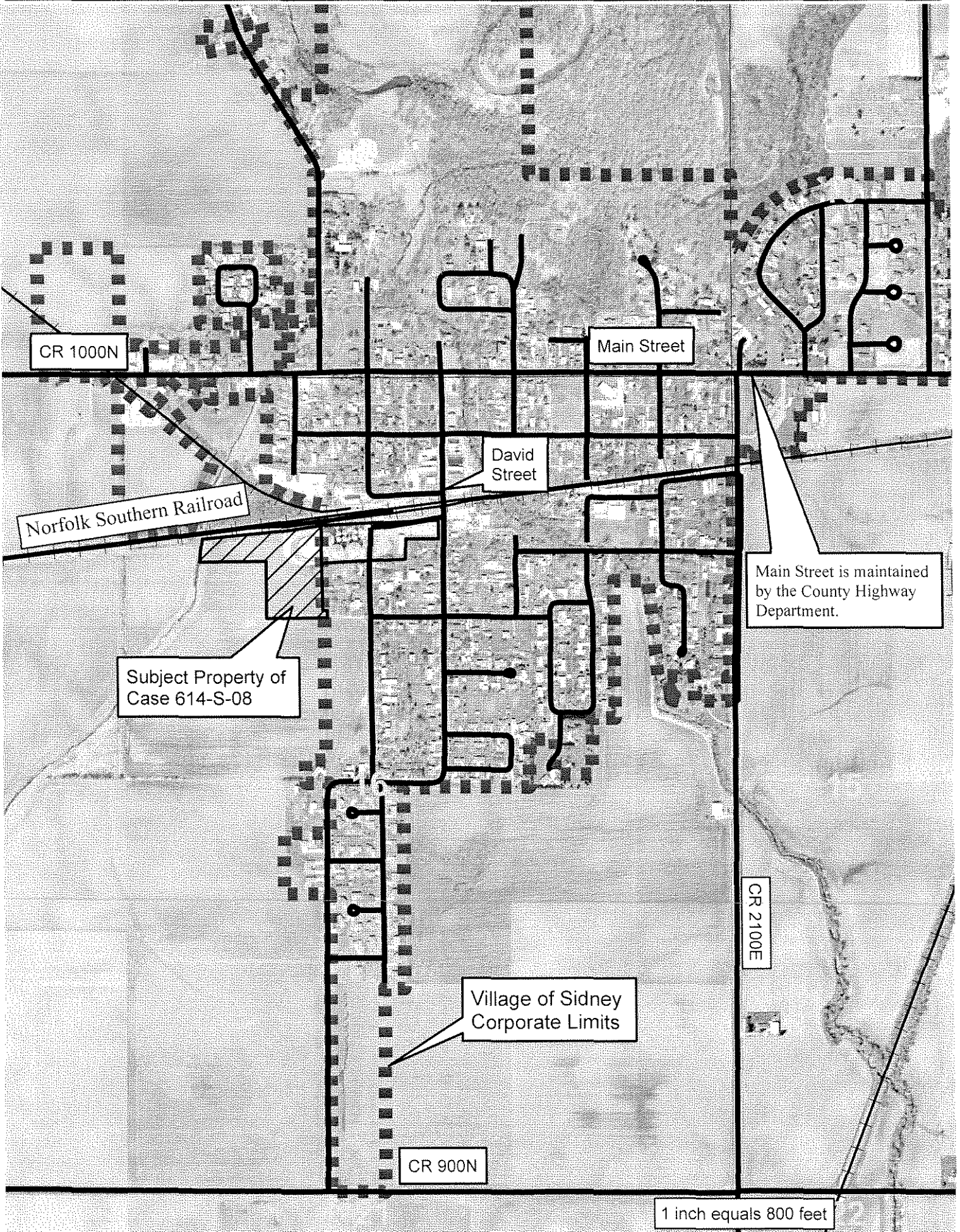
Paul C. Hendren 

PCH/eab

cc: John Finn, Sidney Village President
Janet Akers, Sidney Village President
Paul Lewis, Sidney Village Plan Commission Chair

Street Map of the Village of Sidney

5/9/08



CASE NO. 614-S-08

SUPPLEMENTAL MEMORANDUM #2

May 9, 2008

Champaign
County
Department of

Petitioners: **Grand Prairie Co-op and
Roger Miller, Manager**

Request: **Authorize the expansion of an existing grain elevator facility by the construction of a proposed flat grain storage building as a Special Use Permit in the AG-2 Agriculture Zoning District.**

**PLANNING &
ZONING**

Site Area: **approx. 4.0 acres**

Time Schedule for Development:

Immediate

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

FAX (217) 328-2426

Prepared by: **J.R. Knight**
Associate Planner
John Hall
Zoning Administrator

Location: **A four acre tract in the East Half of the Northwest Quarter of Section 16 of Sidney Township that borders the west side of the Village of Sidney corporate boundary and also borders on and extends approximately 622 feet south of the Norfolk Southern Railroad right of way and that is commonly known as the Grand Prairie Co-op, Inc. grain elevator located at 301 South David Street, Sidney.**

STATUS

No revised site plan has been received from the Petitioner's engineer.

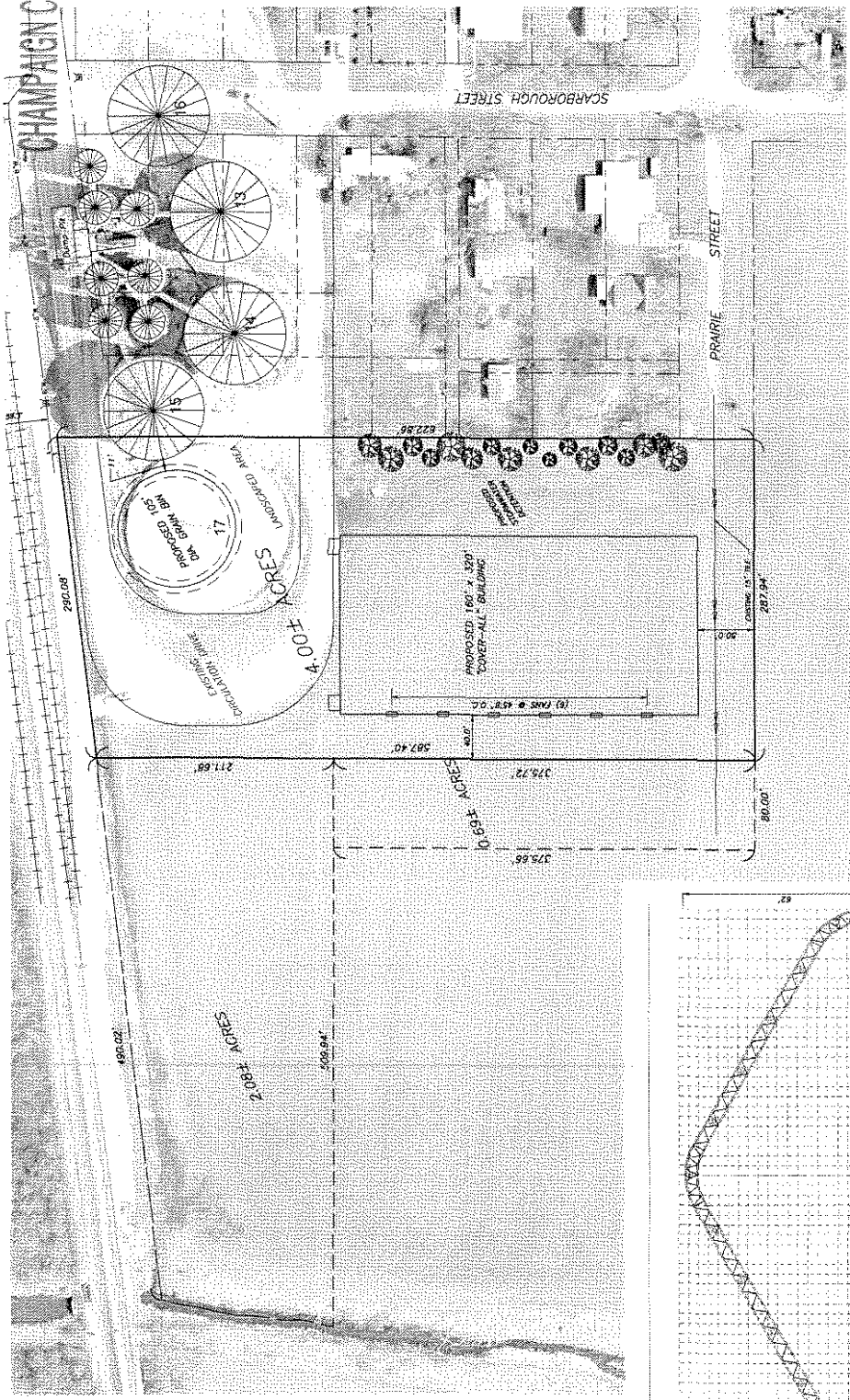
The attached Revised Summary of Evidence has been updated with relevant excerpts from the Draft minutes of May 1, 2008, and with a summary of the Village of Sidney concerns.

No conditions have yet been included with the Revised Summary of Evidence

RECEIVED

MAY 01 2008

CHAMPAIGN CO. P. & Z DEPARTMENT



Foth
 FOTH Infrastructure & Engineering, LLC
 1010 Broadview Drive
 Champaign, IL 61821
 Phone: 217.244.8585 Fax: 217.244.8585
 Illinois Registration Number: 88-2055

NEEUS OF DOCUMENTS
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CHAMPAIGN COUNTY
 GRAND PRAIRIE COOP, INC.
 CHAMPAIGN COUNTY
 GRAND PRAIRIE COOP, INC.

NO.	BY	DATE	DESCRIPTION

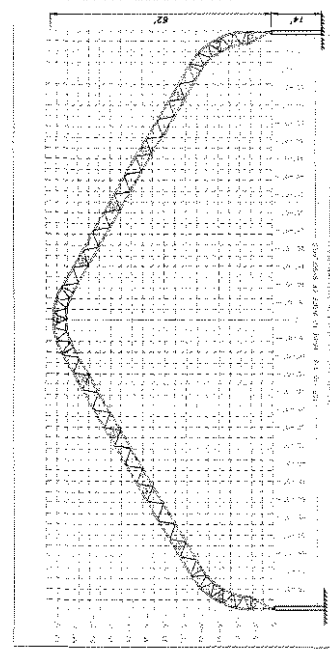
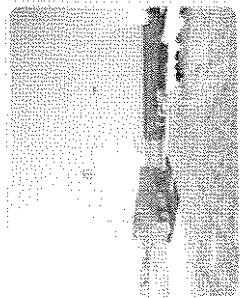
RECORD DRAWING OF COMPLETE CONSTRUCTION BY
 RECORD DRAWING OF COMPLETE CONSTRUCTION BY
 DATE

SITE PLAN
W/ BUILDING AND
FUTURE PROPERTY
INFORMATION

VERTICAL SCALE
 1" = 10'-0"

PROJECT NO. 08-001
 SHEET 1 OF 1

Bin Number	Year Built	Bin Info	13	14	15	16	17
1994	1998	1994	1998	2004	2006	2006	2008
50'-10"	74'-10"	74'-10"	74'-10"	74'-10"	84'-0"	84'-0"	90'-10"
76'-0"	89'-11"	89'-11"	89'-11"	108'-4"	108'-4"	108'-4"	120'-0"
4'-0"	5'-3"	5'-3"	5'-3"	9'-0"	4'-2"	4'-2"	3'-0"
4'-0"	4'-6"	4'-6"	4'-6"	6'-4"	6'-4"	6'-4"	4'-4"
84'-6"	109'-7"	113'-5"	118'-10"	118'-10"	118'-10"	127'-4"	127'-4"
55'-4"	79'-4"	104'-5"	104'-5"	94'-6"	94'-6"	95'-2"	95'-2"
69'-5"	94'-6"	108'-10"	108'-10"	106'-8"	106'-8"	111'-3"	111'-3"



160' TBS4
 1: GRID = 3' x 3'

CHAMPAIGN COUNTY
PLANNING DEPARTMENT
 1010 Broadview Drive
 Champaign, IL 61821
 Phone: 217.244.8585 Fax: 217.244.8585

NO.	BY	DATE	DESCRIPTION

REVISED DRAFT

614-S-08

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: { **GRANTED / GRANTED WITH CONDITIONS / DENIED** }

Date: May 15, 2008

Petitioners: Grand Prairie Co-op, and Roger Miller, Manager

Request: Authorize the expansion of an existing grain elevator facility by the construction of a proposed flat grain storage building as a Special Use Permit in the AG-2 Agriculture Zoning District.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 1, 2008, and May 15, 2008**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The Petitioner, Grand Prairie Co-op, owns the subject property and Roger Miller is the Manager.
- *2. The subject property is a four acre tract in the East Half of the Northwest Quarter of Section 16 of Sidney Township that borders the west side of the Village of Sidney corporate boundary and also borders on and extends approximately 622 feet south of the Norfolk Southern Railroad right of way and that is commonly known as the Grand Prairie Co-op, Inc. grain elevator located at 301 South David Street, Sidney.
- *3. The subject property is located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of the Village of Sidney. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment. A letter dated May 6, 2008, has been received from the Paul C. Hendren, Village Attorney, that states as follows:
 - A. The Sidney Village Board of Trustees discussed this matter at its May 5, 2008, meeting.
 - B. The Board of Trustees passed a motion objecting to this elevator expansion since it would create additional heavy grain truck traffic and resultant damage and wear and tear on Village streets, for a facility located outside the Village.

*Same evidence as in related Zoning Case 613-S-08

- C. The Trustees would prefer that the elevator complex be annexed to the Village so it shares in payment of expenses caused by this business.
- D. The Sidney Plan Commission will review this matter at its May 13, 2008, meeting to provide additional comments.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is zoned AG-2 Agriculture and is in use as part of Grand Prairie Coop's Sidney grain elevator operation pursuant to Special Use Permit 187-S-99. A temporary grain storage ring was on the subject property. Related Case 613-S-08 is a clarification of the height of the grain bin authorized in 187-S-99 on the same property.
 - B. Land to the north of the subject property is part of the Norfolk Southern railroad right-of-way. North of the railroad the land is part of the Village of Sidney.
 - C. Land to the east of the subject property is part of the Village of Sidney, and is in use as part of the Grand Prairie Coop Sidney grain elevator on the north end of the subject property and single family dwellings on the south end of the subject property.
 - D. Land to the west and south of the subject property is zoned AG-2 Agriculture and is in use as farmland.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- 5. Regarding the proposed site plan and operations of the Grand Prairie Co-op Sidney grain elevator:
 - *A. Regarding the history of the related Zoning Cases 187-S-99, 613-S-08, and 614-S-08:
 - (1) Zoning Case 187-S-99 was a proposed expansion of the Grand Prairie Coop Sidney grain elevator, and was approved on June 15, 1999, with two possible site plans, the Proposed Site Plan and Site Plan Alternate I. At this time the County Board was the final authority for Special Use Permits (SUP) and the County Board approved Resolution No. 4129 on June 22, 1999.
 - (2) When the Petitioner submitted Zoning Use Permit Application (ZUPA) 209-99-02 on July 28, 1999, a Revised Site Plan was submitted, the Zoning Administrator determined that it was a non-significant deviation from the Proposed Site Plan approved in Case 187-S-99 and granted the permit on the basis of the Revised Site Plan. The Zoning Administrator also made a note on ZUPA 209-99-02 that the Special Conditions approved in Case 187-S-99 did not apply to the temporary ground storage ring proposed on the Revised Site Plan because the special conditions of Case 187-S-99 were only applicable to the permanent grain bin that was approved as part of 187-S-99.

*Same evidence as in related Zoning Case 613-S-08

- (3) In a letter to the Petitioner dated September 2, 1999, the Zoning Administrator indicated that the Revised Site Plan was substantially similar to the Proposed Site Plan and that the conditions relevant to that site plan would apply to the Revised Site Plan when the permanent grain bin was constructed.
 - (4) It appears from the 2005 GIS aerial photograph of the subject property that the New Office and New Scale indicated on the Revised Site Plan were never actually constructed.
 - (5) The Petitioner submitted ZUPA 88-08-02 on March 28, 2008, to construct the grain elevator bin that had been proposed in Case 187-S-99. The grain bin was indicated to be greater than 100 feet in height, however, a total height for all mechanical appurtenances was not given on the ZUPA.
 - (6) Condition 5 of Case 187-S-99 indicated that the proposed grain elevator bin could be greater than 100 feet in height unless a variance was obtained. However, paragraph 4.3.1B of the *Zoning Ordinance* indicates that spires, belfries, chimneys, ventilators, skylights, water tanks, silos, and other necessary mechanical appurtenances over 100 feet in height require a Special Use Permit and not a variance.
 - (7) Zoning Use Permit 88-08-02 was granted on April 4, 2008, with the conditions from Case 187-S-99 included, except for Condition 5. A new condition was included with the permit indicating that pending the decision of the Zoning Board of Appeals (ZBA) in Case 613-S-08 the proposed grain elevator bin and conveying equipment cannot be greater than 100 feet in height.
 - (8) The Petitioners submitted an application for Special Use Permit on April 15, 2008, for the proposed grain elevator bin in Case 613-S-08 and another Special Use Permit application for a proposed flat storage building in related Case 614-S-08.
- B. A site plan for the proposed flat grain storage building was received on April 24, 2008, that indicates the following:
- (1) The proposed flat storage building will be located in the middle of the southern three-quarters of the subject property.
 - (2) The proposed flat storage building is 160 feet by 320 feet for a total building area of 51,200 square feet. The building is also indicated to have a 70 feet peak height.
 - (3) Two 14 feet wide bulkhead doors are indicated on the north wall of the building, at the east and west corners. These will presumably be accessed by the existing circulation drive that circles around the temporary ground storage that was previously constructed.
 - (4) Six ventilation fans are indicated on the west side of the building. A note indicates the fans are "New York Blowers" 25 HP, 1750 RPM direct driven centrifugal fans. The note

*Same evidence as in related Zoning Case 613-S-08

also refers to an attached sheet with an aeration plan for the proposed flat storage building.

- * (5) An existing 15 inch tile runs east west 35 feet north of the south lot line of the subject property. The tile appears to extend from the end of Prairie Street across the subject property and into the agricultural field to the west of the subject property.
 - * (6) There are two areas of significant brush indicated on the site plan. The first is approximately ten feet north of the existing tile and the second appears to extend off of the southwest corner of the subject property with its north line approximately even with the existing tile.
 - (7) Along the east lot line of the subject property a line of vegetation is indicated and labeled as Proposed Tree Screening, Typ.
 - (8) Between the proposed flat storage building and the proposed screening the ground is labeled as Proposed Stormwater Detention. This is the same approximate location as the stormwater detention that was proposed in previous Case 187-S-99.
- C. An aeration plan was also received on April 24, 2008, which indicates twelve air ducts connected to six fans that will aerate the grain stored in the building.
- D. Staff obtained a cross section of the roof structure of the proposed flat storage building from www.coverall.com, which describes the building as follows:
- (1) Typically this model of building is approximately 61 feet tall. Since the site plan for the flat storage building indicates a peak height of 70 feet, the building will apparently be placed on foundation walls which will raise it at least nine feet higher than the building cross section indicates.
 - (2) The average height based on the building cross section is approximately 34 feet high (See Attachment C of the Preliminary Memorandum) which is increased to 44 feet by the presumed foundation walls.
- E. A revised site plan was received on May 1, 2008, that indicated the following:
- (1) Additional site areas of 2.08 acres and .69 acres that were proposed for purchase and that would eliminate the need for the lot coverage variance.
 - (2) A cross section of the proposed storage building illustrating a proposed average height of 48 feet six inches.

F. Regarding proposed changes to the site plan that were discussed at the May 1, 2008, public hearing:

- (1) Roger Miller, Manager for Grand Prairie Co-op, testified that the adjacent land owner was more than willing to sell the 2.08 acres due to the quality of the land and the production is not great. Mr. Miller said they are pretty sure that they can complete the purchase of the 2.08 acres and will try to acquire the additional .69 acres. He also said that the land owner is reluctant to sell the .69 acre tract but he did indicate that if he has to work with Grand Prairie Co-op then they can probably work something out. Mr. Miller said that if the Board includes the .69 acre tract as a condition of approval then Grand Prairie will go back to the owner and negotiate some more.

- (2) Mr. David Happ, Professional Engineer with Foth Infrastructure and Environment, LLC, and the petitioner's engineer testified as follows:
 - (a) Grand Prairie is willing to agree to pursue purchasing the .69 acres and if they do he believes that they would be successful therefore the building could be shifted another 80 feet to the west which would make it a total of 168 feet from the east property line which would be the rear lot line to Mr. Stone's property.

 - (b) He understands that the requirements would allow them to go as far as 20 feet to the west property line but they would like to leave a little bit of room because there will be some runoff from the roof and that water will be collected and sent north.

 - (c) If the flat storage building was moved the circulation drive would need to be extended to the west there would be an oil and chip driveway with washed gravel to minimize the dust issue so that it would not be intrusive to the neighbors.

 - (d) He said that if it helps the Board with their decision at tonight's public hearing and it would alleviate some of the adjacent homeowner's concerns he believes that Grand Prairie will commit to purchasing the .69 acres.

 - (e) He said that Grand Prairie would be agreeable to building a berm which would raise the height of the trees even higher and add to the screening and if there was any drainage coming from the east it would be routed around the berm.

- (3) Mr. Keith Stone, who resides at 204 West Prairie St, Sidney testified as follows:
 - (a) His new home is directly adjacent to the elevator property. He said that they had no idea that the elevator planned to build a structure that close to his property.

 - (b) He said that they have become accustomed to the noise because the bins are farther away from their property.

REVISED DRAFT May 9, 2008

- (b) He said that his young grandchildren will probably be living with him when his son returns for duty overseas and he feels that the proposed construction will create a dangerous area for them to be playing in.
 - (c) He said that he is concerned about the amount of water that will be coming off of the property because he has a septic tank and the leach field runs towards the field.
 - (d) He submitted photographs, as evidence and for the Board's review indicating the proximity of his home to the field.
 - (e) He said that if the proposed flat grain storage building is not approved and they begin dumping grain on the ground there are going to be health issues arise. He said that he is also concerned about the damage that the dust will cause to his home and his vehicles. He said that he is concerned about the amount of dust that will be generated from the new building because he and his wife have terrible allergies.
 - (f) Mr. Stone stated that if the proposed flat storage grain building is approved he would like to see some very strict restrictions of some sort in regard to safety, noise, better buffers than indicated on the revised site plan and an effective plan for all of the water that is going to be coming off the roof of the building onto his property.
 - (g) Mr. Stone stated that he is willing to work with Grand Prairie Co-op especially if they are willing to move the structure to the west and install a berm and landscaping. He said that he is pleased to know that there will not be any interior lights and only exterior lights on the entrance end of the structure. He said that a dry basin that will actually improve the drainage that he currently has on his property will be wonderful. He said that he just wants to be able to enjoy his property and use the backyard for his grandchildren where they can play safely. Mr. Stone stated he would like to see the revised site plan after the .69 acres is purchased.
- (4) Mr. Richard Rutherford, who resides at 319 S. Scarborough, Sidney distributed photographs for the Board's review and submitted those photographs as evidence and testified as follows:
- (a) He said that his property has been in his family for over 100 years and his family has learned to live with the elevator. He said that they currently deal with several health issues in which vermin and dust travel from the elevator.

- (b) Mr. Rutherford said that he recently had the lots replatted with the Village of Sidney and there are currently now two large lots and his brother-in-law built a new home directly west of his property and the proposed flat grain storage building will be next to their new home. Mr. Rutherford confirmed that they were aware that the elevator was at its current location when the new home was built.
- (c) He said that he agrees that perhaps the proposed structure could be moved further west so that it is not right on top of their properties.
- (d) He said that the truck traffic that travels to the elevator heavily damages the road and the tracks and no maintenance is done. He pointed out the deep holes and raised bolts along the tracks which impose dangerous conditions to walking pedestrians and vehicular traffic. He said that said that the residents of Sidney have learned to live with the elevator and the traffic that is generated but there is no reason why they need to move closer to the residents. He said that the elevator traffic utilizes Scarborough Street and the semi trucks fly past their residence. He said that it is his opinion that the truck traffic should utilize Grand Prairie Co-ops access drives rather than traveling through residential streets.
- (e) Mr. Rutherford stated that as long as his brother-in-law, Mr. Stone, and his sister are happy with everything then he is fine.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a flat grain storage building as a Special Use in the AG-2 Zoning District in the *Zoning Ordinance*:
- A. Section 5.3 indicates that grain storage elevators and bins are authorized by Special Use Permit only in the AG-2 Agriculture District.
 - B. There are no standard conditions for grain storage elevators and bins indicated in Section 6.1.3 the Schedule of Requirements and Standard Conditions.
 - *C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
 - (2) “HEIGHT” As applied to a BUILDING is the vertical measurement from GRADE to a point midway between the highest and lowest points of the roof.
 - (3) “SPECIAL CONDITION” is a condition for the establishment of the SPECIAL USE.

*Same evidence as in related Zoning Case 613-S-08

- (4) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as 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 welfare;
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application that, **"The proposed improvements will enhance GPCI business operations by allowing them to store grain that, currently, they are forced to ship out due to lack of suitable storage space. In previous years, truck traffic in the area was increased during the harvest season by the need to have trucks haul away grain to free up storage. Last year, the facility was forced to close for 11 days, causing a hardship on area farmers, due to insufficient storage capacity."**
 - B. The proposed flat storage building is an expansion of a Special Use Permit previously authorized in Zoning Case 187-S-99 and amended in related Zoning Case 613-S-08.
 - *C. When previously authorized in Case 187-S-99, the Board found that the SPECIAL USE was necessary for the public convenience because it would alleviate or improve traffic conditions and

*Same evidence as in related Zoning Case 613-S-08

the efficiency of the Petitioner's operation. Two neighboring facilities had been damage by storms and the Sidney branch provided a local elevator capability within six miles for most of the farming community.

D. Roger Miller, Manager for Grand Prairie Co-op, testified at the May 1, 2008, public hearing and reviewed the document titled "Sidney Storage Analysis" as follows:

- (1) In 2007 the Sidney facility received 3,043,035 bushels of corn and soybeans and assuming that we have the same type of harvest in 2008 the facility will again receive that many bushels of corn and soybeans.
- (2) Because the facility received so much corn they had trouble staying open therefore they trucked grain directly from the farm to the Tolono facility. He said that in years past all of the grain went in to the Sidney facility because they did not have the problem of staying open but this particular year they had trouble with receiving the trains and harvest was very fast and they were not able to keep open.
- (3) He said that the management staff estimated a conservative estimation that the Sidney facility was closed 11 days because they could not obtain transportation to get the grain out of the facility which is unacceptable in regard to their standards and is unacceptable to the Board to have a farmer unable to deliver his grain to the facility for 11 days in to the harvest, which is approximately 25% of the harvest. He said that they felt that they lost over 250,000 bushels from customers in 2007.
- (4) He said that in 2007 the Sidney facility shipped out 1,216,652 bushels of grain during harvest by rail and 92,500 by truck and that was one of the problems in that they could not get the transportation to get that grain moved which caused a hardship upon their customers. He said that the total amount of grain shipped in 2007 was 1,309,152 bushels and basically the last train came when harvest was almost over and they ended up with approximately 60,000 bushels of empty space in the elevator at that time.
- (5) He said that the total bushels handled in 2007 was 3,312,003 and in 2008 it is estimated that the total bushels handled will be 3,724,395.
- (6) He said that the analysis indicates that in 2007 the beginning storage and the ending is the same figure, 2,060,000 but that is because no new structure has been constructed.
- (7) He said that the figures reflected in 2008 reflect the proposed bin which adds 730,000 bushels and if the flat grain storage building is approved an additional 1,300,000 bushels will also be added to the storage space. He said that with these additions would eliminate 225,000 ground storage and 50,000 in small flat storage therefore the total storage space for the facility would go from 2,060,000 in 2007 to 3,815,000 in 2008 which would give the facility excess space of 90,605 bushels.

- (8) He said that this would eliminate the need to truck grain out of the Sidney facility or truck grain from the field to the Tolono facility. He said that in 2008 the grain will go directly to the Sidney facility rather than having the expense of trucking it to the Tolono facility. He said that the grain will primarily be kept at the Sidney facility and shipped out by train cars after the harvest season.
- (9) He said that the facility requires the extra storage to accommodate their patrons during the anticipated harvest in 2008.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application that, **“The proposed building will include features that are designed to minimize public nuisances. Concrete floor and walls will help maintain a cleaner appearance. Vent fans will be stationed only along the west side of the building, away from neighboring residences.”**
- *B. Regarding surface drainage:
- * (1) The subject property drains to an unnamed drainage ditch approximately 500 feet west of the subject property.
- * (2) Zoning Case 187-S-99 required a stormwater drainage plan for the proposed grain elevator bin. As a condition of the approval of Zoning Use Permit 88-08-02 the Petitioner must submit a stormwater drainage plan for the grain bin as soon as possible and the plan must be approved by October 3, 2008, or a Variance will be necessary.
- * (3) Item 39 of the Summary of Evidence for Case 187-S-99 indicated that the County’s Consulting Engineer was of the opinion that the subject property had adequate provisions for the Petitioner to meet the standards of the Stormwater Management Policy.
- * (4) A new flat storage building is proposed in related Zoning Case 614-S-08, and a stormwater drainage plan will also be required for that building.
- *C. Regarding onsite wastewater treatment and disposal, the summary of evidence for Case 187-S-99 indicates the subject property does not use public utilities. No wastewater treatment and disposal is required for the proposed flat storage building.
- *D. The subject property is proposed to be accessed from the east across other lots which are in common ownership with the subject property. This access is from David Street Regarding the general traffic conditions this location:

*Same evidence as in related Zoning Case 613-S-08

- * (1) There is no information available from the Illinois Department of Transportation regarding David Street.
- * (2) Items 25, 26, 29, 45, 51, 57, and 62 from the Summary of Evidence for Case 187-S-99 are directly relevant to traffic concerns at that time.
- * (3) The Township Road Commissioner has been notified of this case, but no comments have been received at this time.
- * (4) The street that the subject property is accessed from is maintained by the Village of Sidney. The Village has been notified of this case but no comments have been received at this time.
- (5) Roger Miller, Manager for Grand Prairie Co-op, testified at the May 1, 2008, public hearing that Grand Prairie Co-op has no intention of using Prairie Street as an access to their property.
- *E. Regarding fire protection of the subject property, the subject property is within the protection area of the Sidney Fire Department and is located approximately one-quarter road mile from the fire station. The Village Fire Chief has been notified of this request, but no comments have been received at this time.
- *F. The subject property is not located within a Special Flood Hazard Area, as indicated by Flood Insurance Rate Map Panel No. 1708940225B.
- G. Regarding outdoor lighting on the subject property, there is no information on the current site plan regarding outdoor lights for any purpose. Exterior lighting standards were added to the Zoning Ordinance after the application for this Special Use Permit and so are not applicable unless made a special condition. A special condition has been proposed.
 - (1) Mr. David Happ, Professional Engineer with Foth Infrastructure and Environment, LLC, and the petitioner's engineer testified at the May 1, 2008, public hearing that there will be no interior lights and no exterior lighting will be installed other than the safety lights on the far north end where the entrances are located, and there will not be any night time operation in the flat storage structure.
- *H. Regarding subsurface drainage, the site plan received on April 24, 2008, indicates one existing subsurface tile 35 feet north of the south lot line of the subject property, but construction of the proposed grain bin will not take place near it. Item 19 of the Summary of Evidence for Case 187-S-99 indicated that this existing 15 inch tile is a storm sewer pipe constructed by the Village of Sidney, and that Janet M. Brown, Village President at the time, indicated the Village would prefer not to have any additional stormwater discharges added to the existing pipe.

*Same evidence as in related Zoning Case 613-S-08

- I. The proposed flat storage building is indicated on the site plan to have a peak height of 70 feet, but will average 44 feet in height which is less than the maximum allowed height of 50 feet. Because of the overall size of the flat storage building, the separation between it and the adjacent residences should be maximized. Maximizing the separation will also provide maximum space for a landscaped buffer and the stormwater detention area. The site plan received on April 24, 2008, indicates approximately 88 feet of separation (front yard) between the flat storage building and the east property line with a 40 foot rear yard on the west side. The minimum rear yard required by the Ordinance is only 20 feet. It is not clear if the site plan could be revised to indicate a 20 foot rear yard and with a 108 feet front yard.
- J. The Petitioners indicate that all unloading of grain will take place inside the proposed building which will eliminate any fugitive dust that would impact other nearby properties.
- K. The flat storage building will have an aeration system as indicated on Attachment B of the Preliminary Memorandum. The aeration system will enable the Petitioner to keep the grain in optimal condition and minimize odor of grain spoilage. The fans are centrifugal fans which minimize noise and are oriented to the west, which is away from the Village.
- L. Case 187-S-99 included a Special Condition for a Type A landscaped buffer along the east side of the subject property. Section 4.3.3 H. of the Ordinance defines a Type A buffer as being a minimum of four feet tall. The proposed flat grain storage building is much larger than any bin or building that was anticipated in Case 187-S-99 and a Type A screen may not provide sufficient buffering for the residential area. A special conditions has been proposed to require a Type D screen that will be a minimum of eight feet tall.
- M. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as noise, vibration, glare, heat, odors or fumes, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application, **“The proposed building will result in a cleaner, more secure, appearance than the alternative temporary ground storage. Venting of the structure will be to the west, away from neighboring residence. A wide strip of land to the east of the building will remain vacant to allow for shielding/landscaping.”**
 - B. Regarding compliance with the *Zoning Ordinance*:

*Same evidence as in related Zoning Case 613-S-08

(1) The proposed flat storage building complies with all placement requirements for the AG-2 District in Section 5.3. However, the building exceeds the 25% limit on lot coverage in the AG-2 District and will require either a variance or the purchase of additional land. Without a variance the lot coverage is either limited to 43,560 square feet or the lot needs to be increased to 5.500 acres. The grain bin proposed in Case 613-S-08 has a coverage of 8,659.0 square feet which means that the flat storage building can be no larger than 34,901 square feet without either a lot coverage variance or an increase lot area. A special condition has been proposed concerning lot coverage.

* (2) Regarding parking on the subject property,

* (a) Paragraph 7.4.1D.1. requires that industrial uses provide one parking space for every three employees based on the maximum number of persons employed during one work period during the day or night, plus one space for each vehicle used in the conduct of such use, and a minimum of one additional space to be designated as a visitor space.

* (b) The Petitioner has not provided any information regarding the maximum level of employment on their site during one work period. However, the subject property is only part of a larger facility and necessary parking for employees is apparently provided elsewhere on the property.

*C. Regarding compliance with the *Stormwater Management Policy*:

* (1) Regarding the requirement of stormwater detention:

* (a) Paragraph 4.3A.5. of the *Stormwater Management Policy* states that no stormwater detention is required on lots more than 2.0 acres but not more than 6.25 acres in area provided that the total amount of impervious area is not greater than one acre.

(b) The proposed flat storage building adds 51,200 square feet of impervious area to the subject property. This is greater than one acre and a condition is proposed clarifying that a Stormwater Drainage Plan is required.

(c) In the previous Case 187-S-99 the County's Consulting Engineer indicated that there should be adequate space to provide the needed stormwater detention and the current site plan indicates a less restricted area for stormwater detention.

* (2) Regarding the requirement to protect agricultural field tile, there is no agricultural field tile indicated on the site plan. However, a storm sewer pipe from the Village is indicated. No construction will take place over this pipe.

- (3) Mr. David Happ, Professional Engineer with Foth Infrastructure and Environment, LLC, and the petitioner's engineer testified at the May 1, 2008, public hearing as follows:
- (a) The 2.08 acres would give them some flexibility but he believes that they will try to keep the detention basin east of the building and run a storm sewer line to the northwest corner.
- (b) There is a ditch that runs along the south side of the railroad and from there it goes west to the stream. He said that west of the new proposed bin is where we would discharge in to the ditch.
- (c) He is anticipating a dry basin so there will be under drains installed. He said that "basin" is probably not the best term to use for the area because it will mainly be a depressed area to collect the water to detain it so that it can be routed to a storm tile and moved northwest to the ditch. He said that the under drain systems will keep the depressed area dry all year long and the depressed area will be maintained and mowed.
- (d) He said that the west side of the property will be a grass swale between the west side of the property line and the building which will drain to the north.

- *D. The proposed flat storage building complies with the Special Flood Hazard Areas Ordinance and the Subdivision Regulations.
- *E. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Zoning District, grain bins are rural uses that serve the agricultural community.
- F. The proposed flat storage building may be required to comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.
- *G. Regarding life safety considerations related to the proposed Special Use, the State Fire Marshal's life safety codes do not apply to grain bins.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- *10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
- *A. Grain storage elevators and bins may be authorized in the AG-2 Agriculture Zoning District as a Special Use provided all other zoning requirements and standard conditions are met or waived.

*Same evidence as in related Zoning Case 613-S-08

*B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:

* (1) Subsection 5.1.8 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

* (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

(1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan currently exceeds the limit on lot coverage in the AG-2 District. A variance or the purchase of additional land will be required to bring the proposed site plan in harmony with this purpose.

(2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties, the proposed flat storage building may impact the amount of light and air on nearby properties. However, the effect this could have on the value of nearby properties is unknown at this time.

(3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

The proposed flat storage building will replace existing ground storage and eliminate the need for trucks to ship grain out of the facility.

(4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

*Same evidence as in related Zoning Case 613-S-08

The requested Special Use Permit complies with the *Champaign County Stormwater Management Policy* and is outside of the Special Flood Hazard Area and there are no special drainage problems that appear to be created by the Special Use Permit.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.

In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan is in full compliance with those requirements.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and the proposed Special Use Permit is merely a clarification of a previously approved Special Use Permit.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

This purpose is not relevant to the proposed Special Use Permit because there are no natural features on the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

This purpose is not relevant to the proposed Special Use Permit because the AG-2 District is not for urban development.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. The proposed Special Use is not an existing NONCONFORMING USE because the proposed Special Use is an expansion of the Special Use Permit granted in Zoning Case 223-S-00. The Petitioner has testified on the application, “**Not Applicable.**”

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. The following special conditions of approval appear to be necessary to mitigate incompatibilities between the proposed flat storage building and adjacent uses:
- A. As reviewed in Item 8G the following condition limits outdoor lighting in the same fashion as in the recently proposed text amendment to the Zoning Ordinance;

The proposed flat storage building shall be required to minimize glare on adjacent properties and roadways by the following means:

- (1) **All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane; and**
- (2) **No lamp shall be greater than 250 watts; and**
- (3) **Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board; and**
- (4) **The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.**

to ensure that:

glare on adjacent properties and roadways is minimized.

- B. As reviewed in Item 8L the following condition requires a landscaped buffer between the proposed flat storage building and the adjacent residences to the east;

The Zoning Administrator shall not issue a Zoning Compliance Certificate to authorize use of the flat storage building until a Type D landscaped buffer meeting the requirements of Section 4.3.3 H. 1. d. of the Ordinance has been installed

to ensure that

the impacts on adjacent residences are minimized

*Same evidence as in related Zoning Case 613-S-08

- C. As reviewed in Item 9.C.(1)(b) the following condition requires a stormwater drainage plan to ensure compliance with the *Champaign County Stormwater Management Policy*:

The Zoning Administrator shall not issue a Zoning Compliance Certificate to authorize use of the flat storage building until the following has occurred:

- (1) A Stormwater Drainage Plan meeting the requirements of Section 12.1 of the Champaign County Stormwater Management Policy has been duly approved and fully implemented including all necessary construction and erosion control measures; and**
- (2) the Zoning Administrator has accepted all certifications required by Section 12.2 of the Champaign County Stormwater Management Policy**

to ensure that

the Special Use Permit complies with the Champaign County Stormwater Management Policy.

- ~~D. As reviewed in Item 9.B.(1) the following condition limits the size of the proposed flat storage building until either a variance is obtained or the size of the subject property is increased;~~

~~**The flat storage building shall be limited in area (1) to 34,901 square feet in area; or (2) to no larger than as allowed by the 25% lot coverage requirement including other buildings on the subject property, provided additional lot area is acquired as included on the site plan; or (3) as authorized by variance**~~

~~to ensure that~~

~~**the Special Use Permit complies with the lot coverage requirement.**~~

DOCUMENTS OF RECORD

1. Special Use Permit Application from Grand Prairie Coop and Roger Miller, Manager, received on April 15, 2008, with attachments:
 - A Legal Description of Subject Property
 - B Site plan for proposed flat storage building
 - C CoverAll building flyer
2. Revised site plan for proposed flat storage building and aeration plan received on April 24, 2008
3. Proposed flat storage building cross section from www.coverall.com
4. Preliminary Memorandum for Case 614-S-08, with attachments
 - A Revised site plan for proposed flat storage building received on April 24, 2008
 - B Aeration plan received on April 24, 2008
 - C Cross-section of proposed storage building from www.coverall.com
 - D Draft Summary of Evidence for Case 614-S-08See also all attachments for related Zoning Case 613-S-08
5. All Documents of Record for related Case 613-S-08

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 614-S-08 held on May 1, 2008, and May 15, 2008, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN }* *{ IS / IS NOT }* necessary for the public convenience at this location because: _____

2. 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 / WILL NOT }* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ ADEQUATE / INADEQUATE }* traffic capacity and the entrance location has *{ ADEQUATE / INADEQUATE }* visibility.
 - b. Emergency services availability is *{ ADEQUATE / INADEQUATE }* *{ because: }¹*

 - c. The Special Use will be designed to *{ CONFORM / NOT CONFORM }* to all relevant County ordinances and codes.
 - d. The Special Use *{ WILL / WILL NOT }* be compatible with adjacent uses *{ because: }¹*

 - e. Surface and subsurface drainage will be *{ ADEQUATE / INADEQUATE }* *{ because: }¹*

 - f. Public safety will be *{ ADEQUATE / INADEQUATE }* *{ because: }¹*

 - g. The location *{ IS / IS NOT }* suitable for the proposed onsite wastewater system *{ because: }¹*

 - h. (Note: The Board may include other relevant considerations as necessary or desirable in each case.)

*Same evidence as in related Zoning Case 613-S-08

- 3a. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }* preserves the essential character of the DISTRICT in which it is located because:
- a. The Special Use will be designed to *{ CONFORM / NOT CONFORM }* to all relevant County ordinances and codes.
 - b. The Special Use *{ WILL / WILL NOT }* be compatible with adjacent uses.
 - c. Public safety will be *{ ADEQUATE / INADEQUATE }*.
 - d. (Note: The Board may include other relevant considerations as necessary or desirable in each case.)
-
4. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { IS / IS NOT }* in harmony with the general purpose and intent of the Ordinance because:
- a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{ IS / IS NOT }* necessary for the public convenience at this location.
 - c. 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 / 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 / DOES NOT }* preserves the essential character of the DISTRICT in which it is located.
 - e. (Note: The Board may include other relevant considerations as necessary or desirable in each case.)
-
5. The requested Special Use *{ IS / IS NOT }* an existing nonconforming use.
6. A. The requested waiver of the standard condition in Section 6.1.3. that requires **that alcoholic beverages not produced on the premises shall not be sold** *{ IS / IS NOT }* in accordance with the general purpose and intent of the Zoning Ordinance and *{ WILL NOT / WILL }* be injurious to the neighborhood or to the public health, safety, and welfare because
- B. The requested waiver of the standard condition in Section 6.1.3. that requires **that alcoholic beverages not produced on the premises shall not be sold** *{ IS / IS NOT }* in accordance with the general purpose and intent of the Zoning Ordinance and *{ WILL NOT / WILL }* be injurious to the neighborhood or to the public health, safety, and welfare because: _____

*Same evidence as in related Zoning Case 613-S-08

-
-
7. ***{ NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

*Same evidence as in related Zoning Case 613-S-08

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.11B. *{HAVE / HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 614-S-08 is hereby *{GRANTED / GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the petitioners **Grand Prairie Co-op, and Roger Miller, Manager** to authorize **the expansion of an existing grain elevator facility by the construction of a proposed flat grain storage building as a Special Use Permit in the AG-2 Agriculture Zoning District.**

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS},

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 610-S-08

PRELIMINARY MEMORANDUM

Champaign County
Department of

PLANNING &
ZONING

May 9, 2008
Petitioners: **Charles and Mary Ellen Stites**

Request: **Authorize a Major Rural Specialty Business in the CR District.**

Site Area: **approx. 5.0 acres**

Time Schedule for Development:

Immediate

Location: **A five acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1 T.18 N. R 10 E. of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.**

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

FAX (217) 328-2426

Prepared by: **J.R. Knight**
Associate Planner
John Hall
Zoning Administrator

BACKGROUND

The background of Case 610-S-08 is as follows:

1. The Petitioners applied for Zoning Use Permit (ZUP) 279-98-02 on October 6, 1998, to establish River Bend Wild Game and Sausage Company as a Rural Home Occupation (RHO) on the subject property. The permit was approved on May 31, 2001, and included a site plan.
2. The Petitioners applied for ZUP 142-01-04 to construct an addition to the detached accessory structure. The ZUP was approved on May 22, 2001.
3. The Department first received a complaint regarding the subject property on September 6, 2006.
4. The Department received another complaint regarding the subject property on November 13, 2007. Investigation of the River Bend website indicated the use had probably grown beyond the limits of a RHO.
5. Another complaint was received on November 20, 2007, and the Zoning Administrator performed a drive-by inspection of the subject property and also reviewed the website of the River Bend Wild Game and Sausage Company. Copies of inspection photographs are included separately. Based on the review of the website and the drive by inspection the Zoning Administrator determined the following:
 - A. The limit on non-resident, non-family employees for a RHO was exceeded by the River Bend Wild Game and Sausage Company.
 - B. The processes employed by the River Bend Wild Game and Sausage Company created odor discernible at the property line that was of a nature, quantity, intensity, and duration not customarily associated with agriculture.
 - C. The owner/ operator of the River Bend Wild Game and Sausage Company did not provide off-street parking for all patrons.

- D. The accessory building was too close to the property line.
6. A First Notice of Violation was given on December 11, 2007.
 7. Staff met with the Petitioners on December 17, 2007, and discussed the alternatives to bring the subject property into conformance with the *Zoning Ordinance*.
 8. A Final Notice of Violation was given on February 15, 2008.
 9. The Petitioner submitted an application for Special Use Permit on March 10, 2008.
 10. Staff determined that there was insufficient information included with the application and notified the Petitioners of additional required information in a letter dated April 23, 2008.
 11. The required information was received on May 5, 2008.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Dwelling and River Bend Wild Game and Sausage Company	CR Conservation-Recreation
North	Single Family Dwelling and Applause Landscape (RHO 72-01-01)	CR Conservation-Recreation
East	Single Family Dwelling	CR Conservation-Recreation
West	Single Family Dwelling	CR Conservation-Recreation
South	Single Family Dwelling	CR Conservation-Recreation

ATTACHMENTS

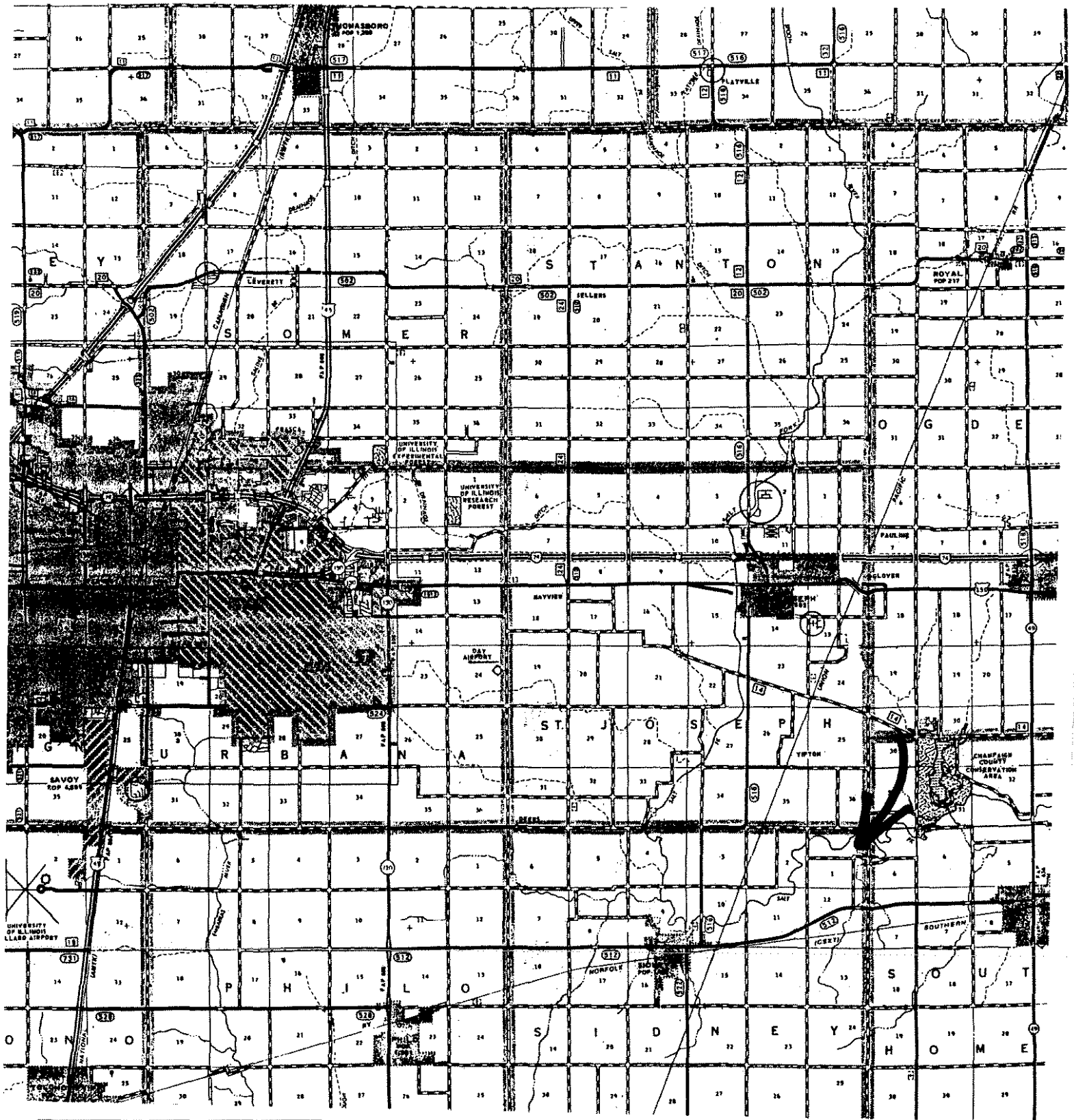
- A Zoning Case Maps for Cases 610-S-08 and 616-V-08
- B Application for RHO 279-98-02
- C Site plan for RHO 279-98-02
- D Site plan for ZUP 142-01-04
- E Inspection photographs from November 20, 2007 (included separately)
- F Proposed site plan received on May 5, 2008
- G Proposed floor plan of business building received on May 5, 2008
- H Statement explaining fulfillment of SUP criteria received on March 10, 2008
- I Statement of additional information received on May 5, 2008
- J Printout of Weather Underground website received on March 10, 2008
- K River Bend Wild Game and Sausage Company brochure received on March 10, 2008

- L Letter from Garry Bird dated August 27, 1999
- M Service Agreement with Berg Tanks
- N IDOT traffic map of vicinity of subject property
- O Flood Insurance Rate Map Panel No. 1708940225B
- P Draft Summary of Evidence for Case 610-S-08

ATTACHMENT A. LOCATION MAP

Cases 610-S-08 and 616-V-06

MAY 9, 2008



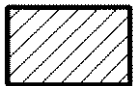
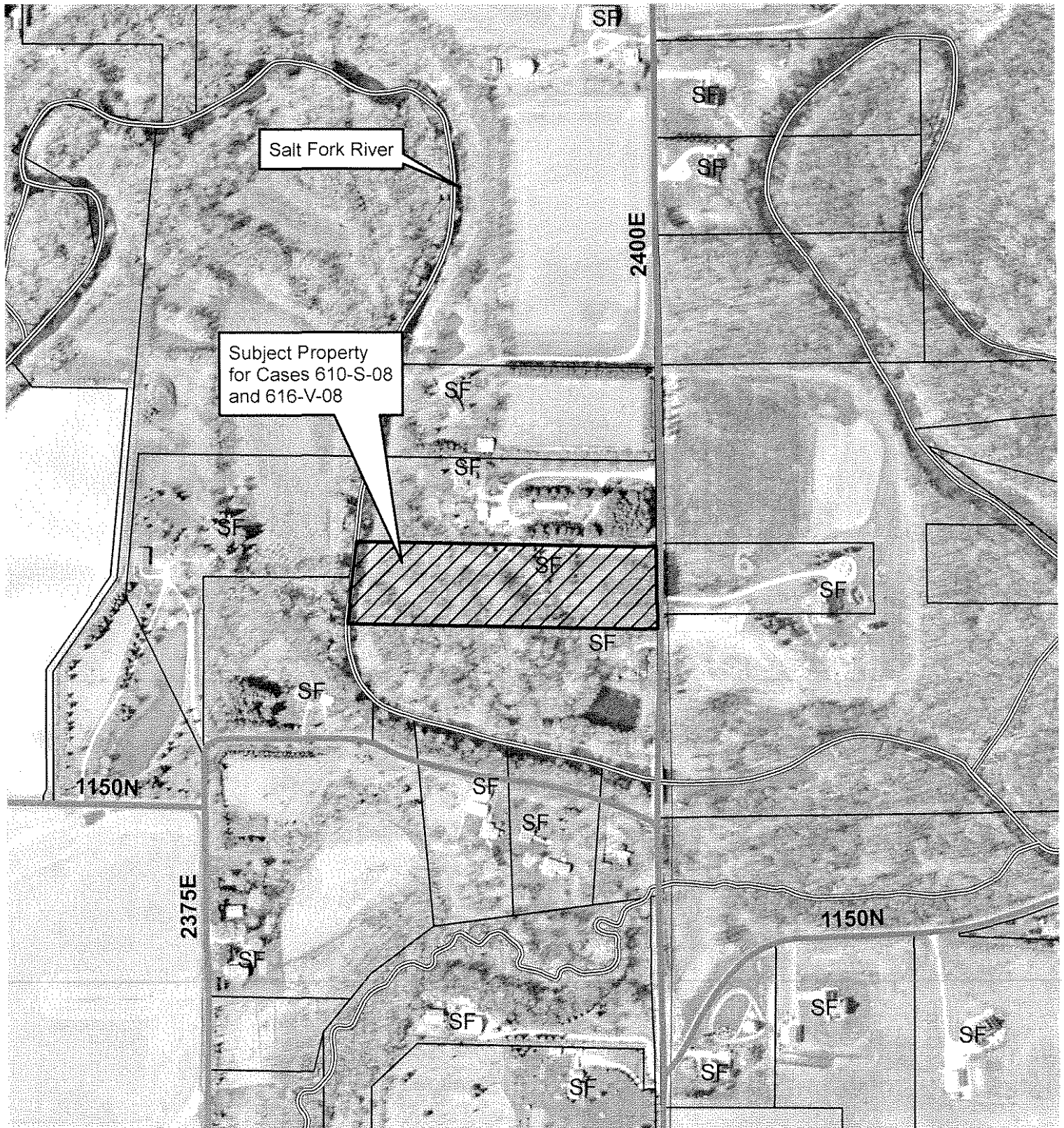
Champaign
County
Department of
**PLANNING &
ZONING**



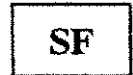
ATTACHMENT A. LAND USE MAP

Cases 610-S-08 and 616-V-08

MAY 9, 2008



Area of Concern



Single Family



Farmstead



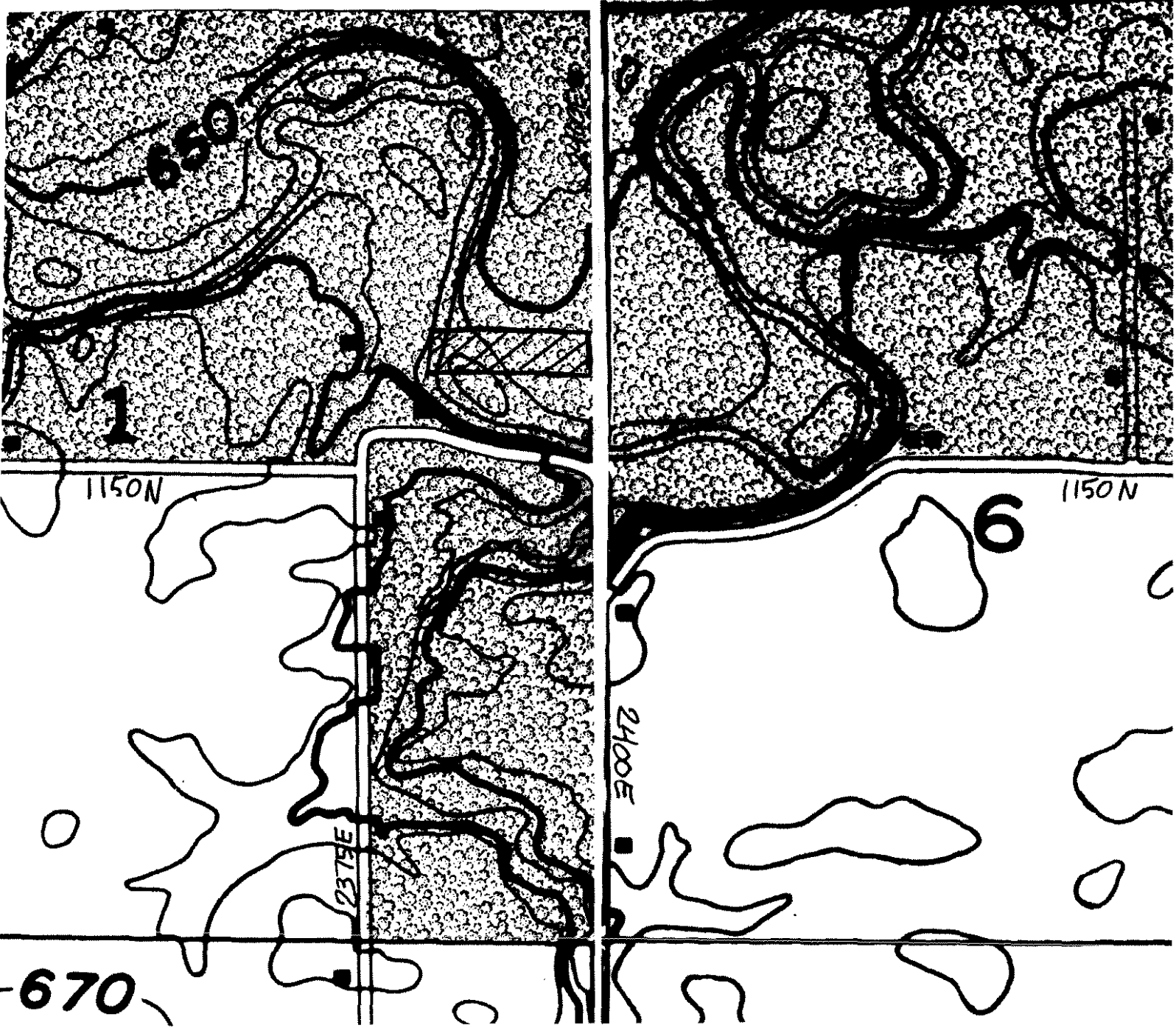
1 inch equals 400 feet

Champaign
County
Department of
**PLANNING &
ZONING**

ATTACHMENT A. ZONING MAP

Cases 610-S-08 and 616-V-06

MAY 9, 2008



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	

Champaign County
Department of
PLANNING & ZONING
1776 E. Washington Street
Urbana, Illinois 61802
Telephone: (217)384-3708
FAX: (217)328-2426
Hours: 8:00 a.m. - 4:30 p.m.

FOR OFFICE USE ONLY	
Township	<u>Adair</u>
Section	<u>28</u> T <u>12N</u> R <u>1E</u>
Tax Parcel No.	<u>24-28-01-200-013</u>
Permit Application No.	<u>279 98-02</u>
Receipt No.	<u>6888</u> Date <u>10-6-98</u>
Permit No.	<u> </u> Zoning District <u>CR</u>
Lot Area	<u>5 acres</u>

RURAL HOME OCCUPATION PERMIT APPLICATION

All information requested **must** be completed on this application. Attach additional pages, if necessary. Applicants are encouraged to visit this office and assistance will be given in filling out this form. If possible, please call (217)384-3708 for an appointment to avoid delays.

Application is hereby made for a Zoning Use Permit for a RURAL HOME OCCUPATION as required under the Zoning Ordinance of Champaign County, Illinois. In making this application the applicant represents all the following statements and any attachments as a true description of the proposed rural home occupation to be carried on in the house and/or accessory buildings on the property described herein. The permit fee for a rural home occupation is \$25.00.

Owner and/or Lessee of Property: Charles Stites Telephone: 688-2878

Property Owner or Agent, if other than Applicant: _____

Address: 1161 CR 2400 E, St. Joseph, IL 61873 Telephone: above

Address of Proposed Rural Home Occupation: above

Legal Description of Property: NW 1/4 Sec 1, T12N R1E E of the 3rd Pa
Adair Twp.

Tax Parcel Number: 24-28-01-200-013 Zoning District: CR

Size of Parcel 5 acre(s).

SPECIFICS OF RURAL HOME OCCUPATION

1. Name of Rural Home Occupation Business (Assumed Name, if any): _____

River Bend Wild Game and Sausage Company

2. Name of Proprietor(s) of Rural Home Occupation Business (if different than owner): _____

3. Name and address of any other person having an ownership interest in the business:

4. Brief description of the nature of the business: venison processing

5. Number of Employees other than resident family members: Full Time: 0 Part Time: 0

6. If you will have a sign advertising your home occupation, describe the size, height, type - freestanding or wall mounted, and location (show on site plan). none at present

7. Explain which portions of the house and/or any accessory building to be used in the operation of your home occupation. A detached garage has been remodeled inside to house the business
8. Describe any commercial vehicle(s) to be kept on site (make, model, and license #): None
9. List all types and quantities of solvents, acids, paints, organic chemicals, heavy metals, flammable liquids, compressed gases, or other hazardous or potentially hazardous materials used in the home occupation business. none
10. Identify any products offered for retail sale. none
11. Other Comments: _____
12. Attach Site Plan Showing:
 - a. Property Boundaries
 - b. Street Access
 - c. Location of all Buildings (Identify Building or Buildings Used in Home Occupation)
 - d. Parking Areas (Minimum 9'x 20' - 1 per Non-Resident Employee, 1 Guest Space and Two for Dwelling)
 - e. Outdoor Sales Display Area
 - f. Outdoor Storage Area
 - g. Parking Area for Vehicles Used in the Business
 - h. Location of Any Business Sign

I/we am/are the proprietor(s) and owners or lessees of the above described property and Rural Home Occupation business and have received a copy of and read Section 7.1.2 of the Champaign County Zoning Ordinance, relating to RURAL HOME OCCUPATION regulations, and fully understand them.

SIGNED: Charles R. Stiles DATED: 9-30-98

SIGNED: _____ DATED: _____

DO NOT WRITE BELOW THIS LINE

Permit issued () Permit Number 274-98-02 Date 5-31-01
 Permit denied () Cause: _____

Jane Hill
 Signature of Enforcing Officer

ADDITIONAL COMMENTS:

Ample room for off-street loading both in driveway
 (1) 12'x40' reg'd.

A portion of the property is located in zone A, Special Flood Hazard
 And however the building is located in zone A Building 12.4.

per J. Hill
 9/30/98

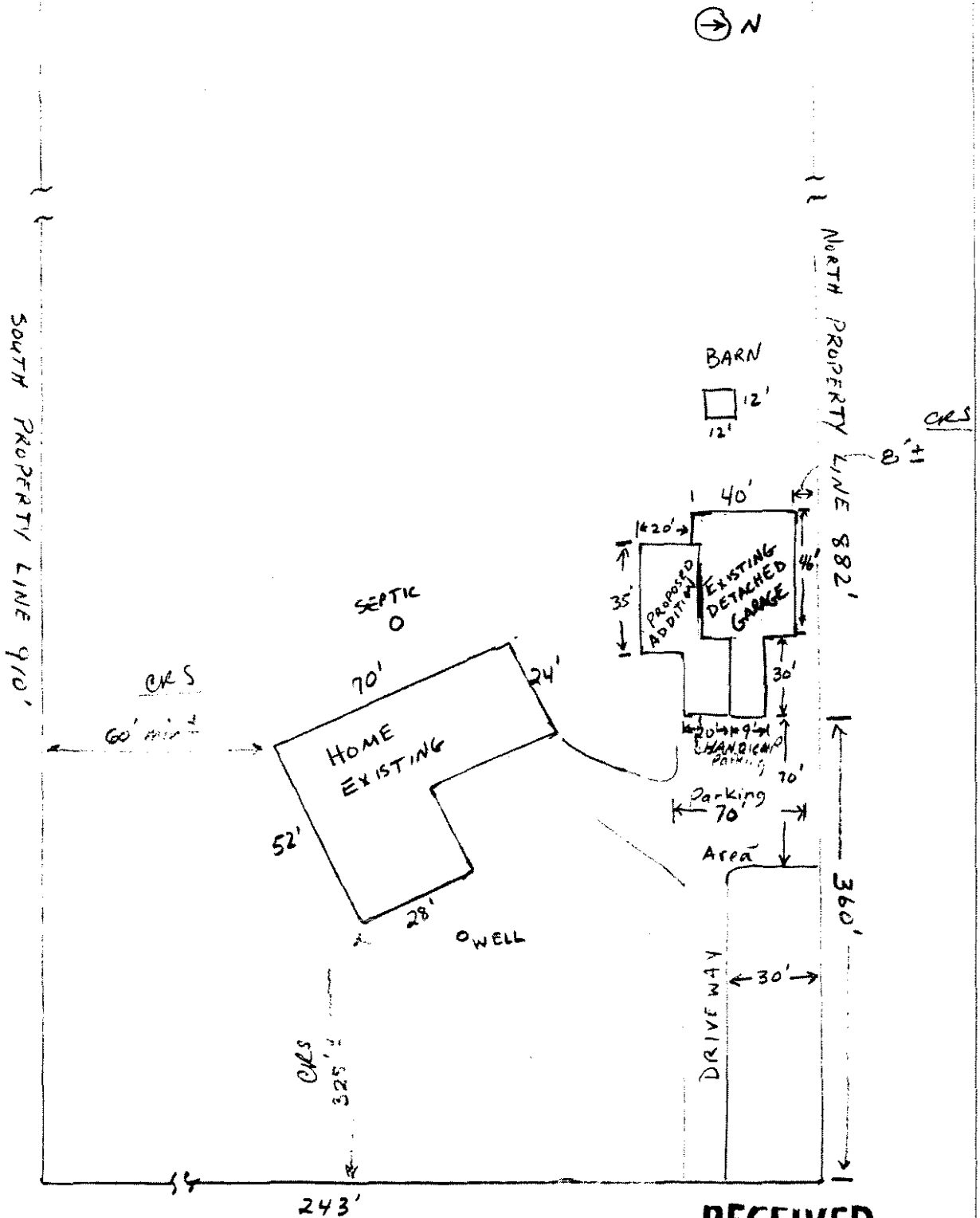
Compliance w/ Accessibility Code w/ threshold maximum of 1/2". Door hardware to be of lever type to comply w/code.
 400.310

Door width to be minimum of 32"
 1 Parking space 16 wide x 20' long paved

PROPERTY LINE (CENTERLINE OF SALT FORK)

Charles State

5-30-01



RECEIVED

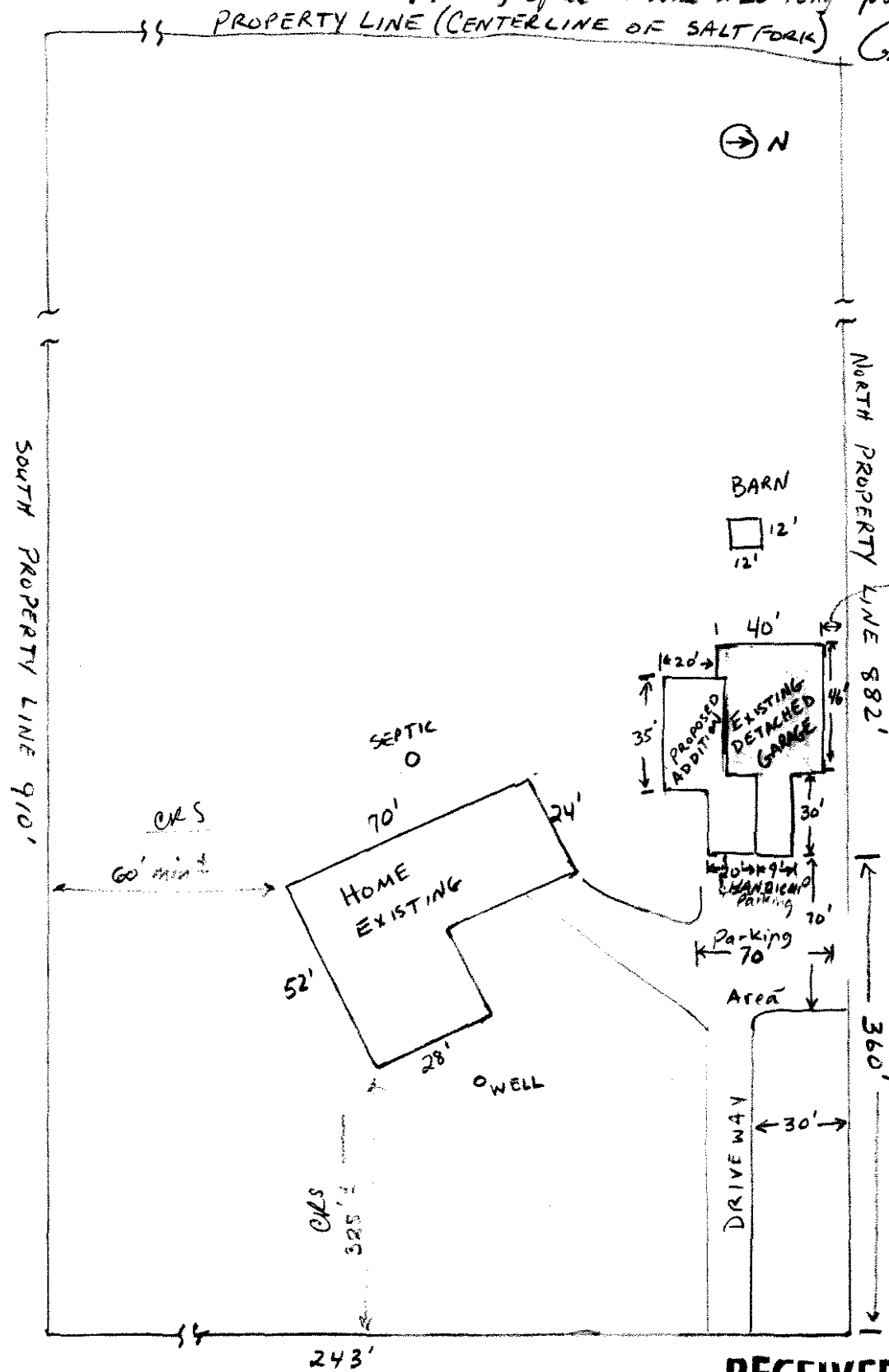
MAY 22 2001

CHAMPAIGN CO. P & Z DEPARTMENT

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Compliance w/ Accessibility Code 400.310
 Door width to be Minimum of 32"
 w/ threshold Maximum of 1/2". Door hardware
 to be of lever type to comply w/code.
 1 Parking space 16' wide x 20' long paved

Charles R. Site
 5-30-01



RECEIVED

MAY 22 2001

CHAMPAIGN CO. P & Z DEPARTMENT

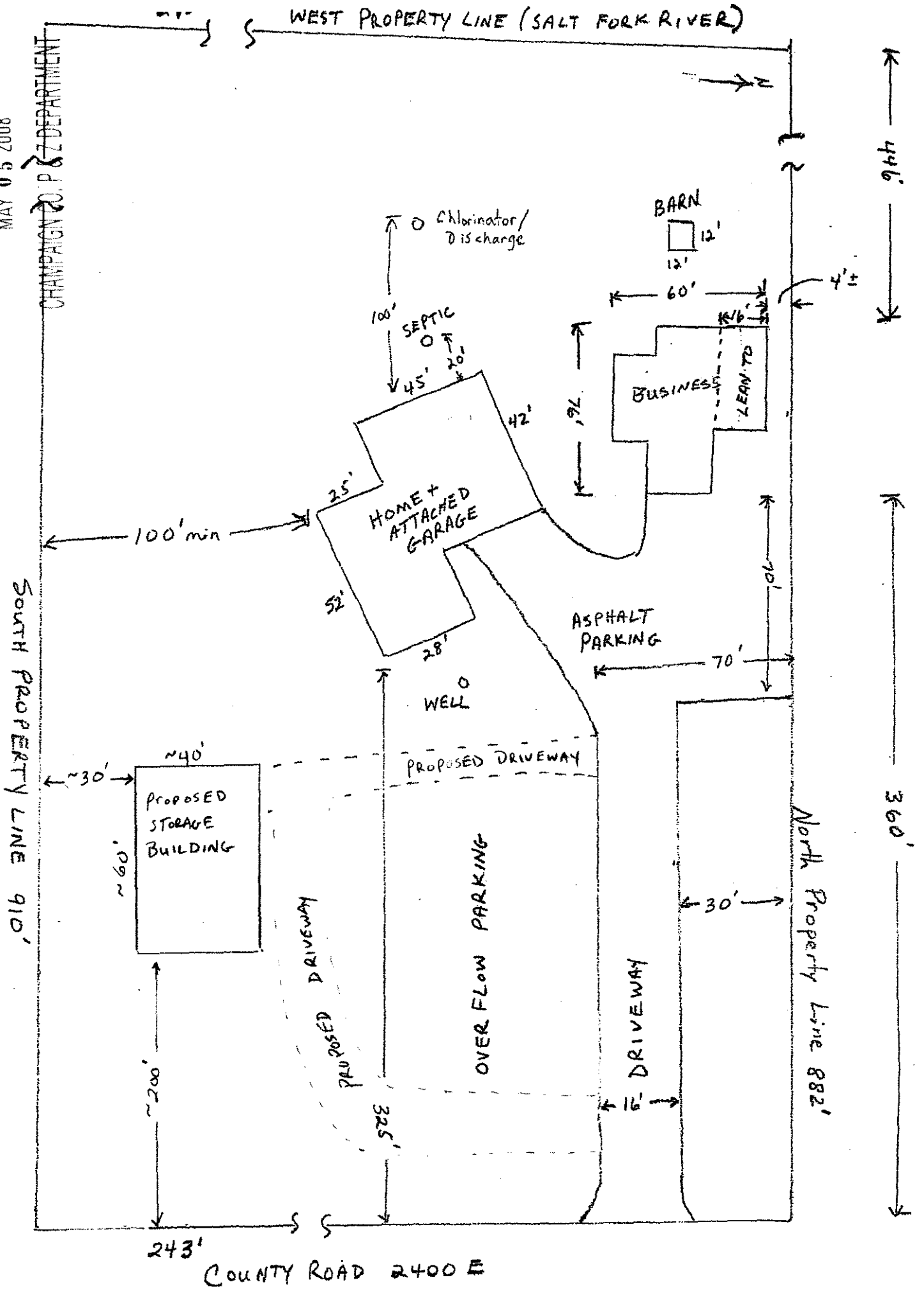
Site Plan for ZUP 142-01-04

42-381 30 SHEETS 5 SQUARE
 42-382 100 SHEETS 5 SQUARE
 42-389 200 SHEETS 5 SQUARE
 NATIONAL

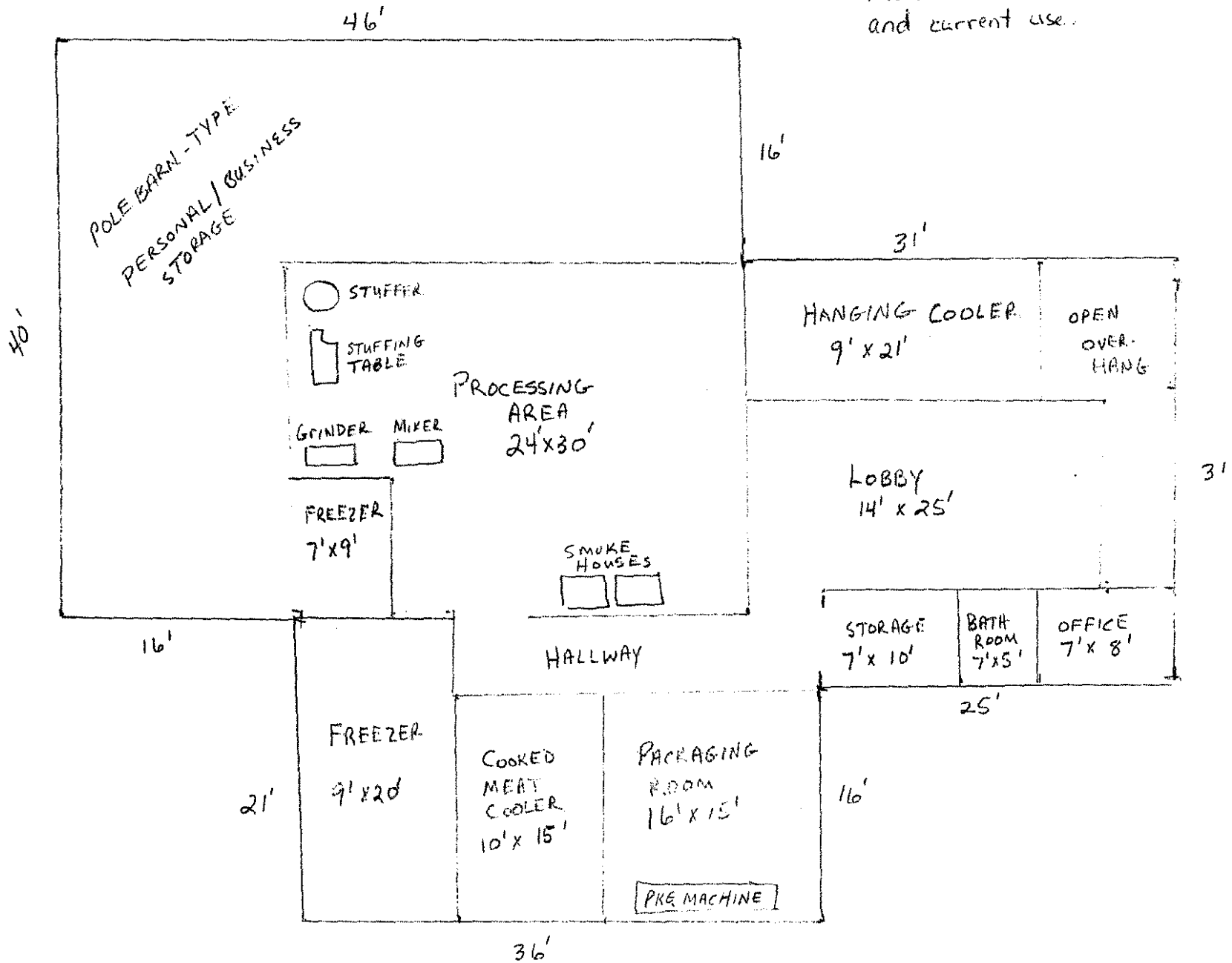
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CHAMPAIGN CO. P. & Z DEPARTMENT



Floor Plan of River Bend Wild Game buildings
and current use.



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CHAMPAIGN CO. P & Z DEPARTMENT

10. River Bend Wild Game and Sausage Company has been in operation at this location for the past thirteen years. We applied to operate as a Rural Home Occupation in 1998. We have been operating under this classification after this application was approved. The need for this type of business in the area is evident by the growth of our customer base. There are several thousand deer harvested by hunters in Champaign and surrounding counties each hunting season. Some hunters choose to process their own venison. Other hunters choose to have their deer processed by others. We have made a substantial investment to design our facility to process venison efficiently and have invested a substantial amount of money for processing equipment. Hunters are satisfied by the quality of our product and services. Our primary customer base lives within a sixty mile radius of our facility.

Our customers are familiar with our location and it is conveniently located near highway roads.

11. River Bend Wild Game & Sausage Co. is a wild game processing business located next to our home in rural St. Joseph. Deer, harvested by hunters, is the primary product.

The business is operated by Chuck Stites, his wife Mary Ellen and their children.

Chuck received a Master's Degree in Meat Science from the University of Illinois in 1987. He has been employed as a Research Animal Scientist at the Meat Science Laboratory at the University of Illinois since 1984. He is the Manager of the Federal Inspected meat processing plant at this location. His responsibilities include operations of the plant, coordination of research, teaching and extension activities.

The game processing business came about when some of the customers at the Meat Science Laboratory asked him about processing their venison. Since we had just moved to our present home in the country, we decided that we could service their needs. We do not advertise. We rely on word of mouth of our satisfied customers to grow our business. We have been able to improve our process and our facilities as the business has grown. We pride ourselves on the efficiency of our process, the quality of our products, and the cleanliness of our facilities.

The following narrative is provided to familiarize the reader with our process. There are deer hunting seasons which occur in the fall, that allow hunters to harvest deer using archery gear and firearms. These deer can be used for food by the hunter. Some hunters choose to prepare the deer meat (venison), themselves. Others may choose to have someone else process the deer for them. At River Bend Wild Game & Sausage Co. we process deer for these hunters. The deer come to us already field dressed (the internal organs have been removed). We take delivery of their deer and place it into refrigerated storage in our facility. We process the deer by removing the hide. Then the meat is removed from the carcass. At this time we cut and package any steaks or roasts that the hunter may wish us to prepare for them. The meat which is not used for steaks or roasts is used to make sausages. During the busiest times, the meat to be used for sausages, is packaged and frozen, to be defrosted at a later time to be made into the sausage. Some sausages are called a fresh or uncooked sausage. Some sausages are prepared using a smokehouse to produce cooked, ready to eat products. Once the sausages are made and packaged, the hunters are contacted to let them know that their order is ready to be picked up.

Some key points to insure the County that the use will not be injurious to the District are as follows.

Storage of Deer Carcasses:

Deer carcasses are stored under refrigeration inside an enclosed building.

The bones and scrap from fabricating the carcasses are placed in barrels awaiting pick up by a rendering company. The rendering company is a licensed hauler of animal by-products. They are available to pick up these materials 2-3 times per week as needed. The barrels containing these products will be kept in an enclosed building in order to control any odors.

The barrels are cleaned using soap and water. The waste water from cleaning the barrels goes into our floor drains which are connected to our septic system.

Number of Employees:

Our need for employees is seasonal. Archery Deer Season runs from October 1 until the middle of January. Firearm Deer Season is traditionally the three day weekend before Thanksgiving and a four day weekend the second weekend after Thanksgiving.

During the Archery Season we generally cut deer one evening a week. At this time we may have 7 people working. Some of which will be our family, with others brought in to fill slots as needed.

The busiest time is the first Firearm Deer Season. In order to quickly receive deer from the hunters, we may have four people outside taking care of the paperwork and receiving the deer. For the cutting and packaging of the meat we like to have eight people during the heaviest days. This allows us to get through the product quickly and efficiently. Some of these people would be our family, with others brought in to fill slots as needed.

When we are making sausage, this takes three people. At the present time this is all taken care of by our family.

Other than the people receiving deer, all workers are inside the facility.

Hours of Business Operation:

Our hours of operation are seasonal. During our processing season we maintain regular business hours for customers to bring or pick up product. These hours of operation are Monday through Friday 5 p.m. - 8 p.m., Saturday 9 a.m. - 5 p.m., and Sunday 2 p.m. - 5 p.m. We try to maintain hours that will be convenient for the customers, but still be convenient for our family as this is a part time business for us.

During the Firearm Deer Season we are open to receive deer 9 a.m. - 7 p.m. Or until our space

fills up.

Most customers pick up their meat right after work between 5-6 p.m. or on Saturdays.

Parking:

We have a two lane asphalt driveway, with an asphalt receiving/pickup area. There is a wooden privacy fence that screens this parking area from the neighboring property to the north. Over flow parking is available for customers, employees, and personal use in the front yard. The asphalted area has been adequate for all but the day or two of heaviest traffic. Other than setting business hours, we do not have control of when the customers arrive at our business. We try to handle the customers as efficiently as we can to get them through the system and on their way as quickly as possible. We have been limiting the time for drop offs on the Monday following the First Firearm Season to our regular 5 p.m.-8 p.m. hours. This last season this resulted in some traffic congestion in the roadway leading to our property. By opening earlier on the Monday following the First Firearm Season, this should alleviate the traffic congestion.

We also have not used the front yard area for customer parking/staging in the past. However, in the interest of preventing traffic congestion in the street, we can open that area up and provide traffic control to direct them to that area if traffic begins to back up into the road.

We are also considering adding another driveway that would have road access. This drive could also be used for customer traffic during heaviest demand. We would provide traffic control to direct customers to use this driveway as needed in order to alleviate traffic congestion concerns on the road.

Odors:

Deer carcasses are stored in refrigerated portion of the plant, so odor from them is not an issue. The barrels containing the bones and fat from processing the deer carcasses will be stored in an enclosed building awaiting pick up by the rendering company.

Our smokehouses are vented to the outside of the facility. Aroma from smoking/cooking meat is controlled from being detectable from across the property line by adjusting our cooking schedule to coincide with wind direction that is not blowing from the south and south east (toward our closest neighbor). Our smokehouses use atomized liquid smoke to provide smoke flavor to the sausages. This portion of the cooking cycle only lasts for about five minutes. No wood is burnt to provide the smoke flavoring. The aroma from the smokehouses dissipates fairly quickly in the air. However, the neighbor to the north has expressed concern about the aroma of the cooking meat when they are outside working during the day. Winds from the south and south east blow the odor toward his property. So we have agreed to not run the smokehouses during the day when the wind is from the south and southeast.

We monitor the weather forecasted wind direction when we decide to run the smokehouse. We

monitor this forecast using a website available on the internet that gives predicted daily wind direction in 3 hour blocks of time. This monitoring has proven to be quite accurate for the lengths of time that the smokehouse would be running. The web address for this website is www.wunderground.com. A printout from one of these forecasts is attached.

An alternative to controlling the aroma from the smokehouses is to install some type of filtering or cleansing device to the vents. Such devices are quite expensive or may not be able to be adapted to the small size of our ovens. The most economical method for odor control at the property line is for us to adjust our processing schedule to coincide with favorable wind conditions until a more economical alternative is found.

Waste water treatment and disposal:

Waste water from the restroom and from daily sanitation of the plant (soap and water) goes into a septic system. The waste water goes into a septic tank, an aerated digester tank and then through a chlorination tank. This system was installed at the time of the most recent addition to the plant in 2001. Since the deer carcasses come in already field dressed, there is no blood to dispose of. The nature of the waste entering our septic system is similar to that of washing food particles from your dishes, pots, and pans.

Emergency Vehicle Ingress and Egress:

Our property is bounded on the east by County Road 2400 E. We have a two lane asphalt drive that opens onto this county road. This driveway is 16 feet wide at it's narrowest point. If emergency vehicle access is necessary, traffic control can be provided to move vehicles into the overflow parking area.

Accessibility:

The parking area is asphalted adjacent to the business. There is a designated handicapped parking space in the asphalted parking area. There are no steps leading to the business and the threshold at the entrance door is less than a quarter-inch high. The entrance to the business has two 36 inch doors.

12. Hunting takes place in rural areas. It makes sense to have a venison processing business in a rural area near to where hunting takes place. The requested use is allowed within the District under a Special Use Permit as a Minor Rural Specialty Business. Therefore, the proposed use should be allowed.

14. There are some modifications on the property that may need to be made. At the present time, there is a non-conforming lean-to attached to our facility. It is non-conforming because it is closer than the allowed 10 foot sideyard setback. This addition to the structure was present at the time that we purchased the property in 1993. According to the Zoning Office, this structure was added around 1982. At the least, we will need to apply for a variance for this structure. At the present time, this area is used for personal storage.

We are also considering removing this lean-to structure and replacing it with more useable space for the business, that would also comply with the required setback. If we decide to take this action, we will need to construct additional storage space for personal use elsewhere on the property.

We would like to complete any necessary remodeling and construction over the next 24 months.

Additional driveway and/or parking area would be completed before the coming hunting season, the Fall of 2008.

16. Additional information submitted with the application is the attached site plan, a copy of our company's most current brochure that we provide to our customers, the world wide web address of our business, and a print out from the website that we use to monitor wind direction. You may access our web site at www.riverbendwildgame.com.

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CHAMPAIGN CO. P & Z DEPARTMENT

Response to April 23, 2008 letter from Zoning Office

1. If you feel it is important that we move up to the Major Rural Specialty Business classification, then we will submit the additional funds of \$20.00 to cover this permit.
2. Variance application for the lean-to and fee of \$100.00 will be submitted. We have designed our operation to be as efficient as possible with regards to space and work flow. At the present time we have not used the lean-to store barrels. You may have observed some barrels at some stage of being moved out of the production area. I had thought of redoing that lean-to be able to effectively use it as a part of the business operation. This could be done with the shed in the present nonconforming location. We could also tear down the shed and rebuild it so that it conformed to the required side yard set back. This would be the most efficient for us. However, you have expressed the concern about barrel storage and primarily pick up near the property line. One option that we could entertain, would be to load barrels at the proposed storage shed. This would put the loading, a significant distance from the lot line, allowing for any odor to dissipate.
3. Floor plan of existing building used in production are included.
4. I received information regarding odor abatement for the smokehouses over the phone. This device looks to be a viable option for us. I will submit written information as soon as I receive it.
5. Discuss at hearing.
6. It would be most efficient for our operation to be able to load them at the current location. However, if you feel that is no longer an option, we can suggest the following. Barrels will be stored inside at all times to control odors. The barrels can then be loaded into the rendering truck at the proposed storage building shown on the site plan. I believe that we generally have less than ten pickups each year. I think that allowing the truck to load in front of the building, rather than designing a building that would allow a truck with the engine running to load inside is the best option for us. These trucks pick up materials at supermarkets all over town while outside. I do not believe that it is necessary to load inside.
7. The hours of operation that we included in our initial application are accurate. We may have customers come during those hours. During the archery hunting season, we may have around 40 customers each week. During the two weekend firearm seasons we will have significantly higher traffic those days. As I review the Saturday and Sunday traffic volume for the last two and half months, we have had between three and fifteen customers on any given day. We have privacy fencing along our parking area, so I am not sure what the complaint is referring to.

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CHAMPAIGN CO. P & Z DEPARTMENT

8. I will contact the Sidney Township Highway Commissioner regarding a new driveway entrance and their perception of impact of traffic from our business.
9. I will submit this information to you as soon as I receive it.
10. The wastewater is surface discharged after passing through a septic tank, the aeration digester, and chlorinator. A copy of our contract with Berg's is attached. The location of the outlet is shown on the revised site plan.
11. Information regarding a new storage building is included on the revised site plan.
12. We are a Traeger Barbecue Pellet Grill dealer. In 2007 we sold 7 grills. To date in 2008 we have sold 6 grills.
13. Prior to the 2008/2009 hunting season, we can install odor abatement equipment on the smokehouses. Additional driveway to handle traffic can be installed. We can also erect the new storage building to handle barrel storage.
14. We're trying to work within the system.



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free Disney Vacation Planning DVD

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National Weather Service Hourly Forecast for Sunday at 61873

Forecast data from the [National Digital Forecast Database](#)

Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thur
12 AM	4 AM	7 AM	10 AM	1 PM	4 PM	7 PM
Temperature / Dew Point (°F):						
19 / 9	18 / 9	17 / 10	22 / 13	31 / 17	35 / 18	32 / 18
Humidity (%):						
64%	67%	73%	68%	55%	49%	56%
Wind (mph):						
1 mph SSW (200°)	2 mph SSW (192°)	4 mph South (182°)	6 mph SSW (210°)	7 mph SW (236°)	7 mph SW (236°)	6 mph SW (236°)
Conditions:						
Probability of Precipitation (%):						
10%	10%	10%	20%	20%	20%	20%
Cloud Cover (%):						
71%	76%	81%	76%	71%	74%	76%

Forecast Summary & Maps

Extended Forecast for ZIP Code 61873

[Customize Your Icons!](#)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
35° F 21° F 2° C -6° C	39° F 23° F 4° C -5° C	52° F 31° F 11° C -1° C	57° F 39° F 14° C 4° C	53° F 35° F 12° C 2° C	46° F 32° F 8° C 0° C	46° F NA 8° C NA
Mostly Cloudy	Partly Cloudy	Clear	Partly Cloudy	Chance of Rain 40% chance of precipitation	Mostly Cloudy	Mostly Cloudy
UV: 4	UV: 5	UV: 6	UV: 5	UV: 4	UV: 4	UV: 5
Hourly Almanac	Hourly Almanac	Hourly Almanac	Hourly Almanac	Hourly Almanac	Hourly Almanac	Hourly Almanac

Current Conditions:

St Joseph, Illinois

Temperature:	16.0 °F /
Humidity:	76%
Dew Point:	10 °F / -1
Wind:	Calm
Conditions:	Clear
Updated:	8:36 PM CST

[Current Conditions &](#)

Almanac for KCM1:

Average:	
High Temperature:	42 °F / 5 °C
Low Temperature:	24 °F / -4 °C

We prefer that you bring the deer field dressed. **Do not skin your deer before you bring it!**

If you want the hide back or you want the head caped out for mounting, we will accommodate you. There is no charge for caping out your deer. Boneless steaks and roasts will be cut and vacuum packaged to your specifications. The basic processing charge does not include the grinding of any trimmings for burger. Any boneless meat you bring in to be made into sausage must be packaged in food grade bags or packaging materials. **MEAT IN GARBAGE BAGS WILL NOT BE ACCEPTED!**

We will contact you when your order is complete. Please pick up your order within 1 week.

There is a **\$50 deposit** on all carcass deer and any boneless meat orders over 25lbs.

Venison Summer Sausage

A smoked, fermented sausage that is about 2" in diameter and comes in a 1# roll.

Pork is added to lean venison to get the best flavor and texture. We can also add Cheese and Jalapeno peppers for a delicious all in one snack to be enjoyed on your favorite cracker.

Yield: 1.8# of sausage per 1# venison.

Venison Bratwurst

A fresh (not cooked) sausage made with lean venison and pork stuffed into natural casings, linked about 4/lb, and packaged 5/pkg.

Bratwurst is best when boiled for about 20 minutes in a mixture of beer and water with some onion tossed in for flavor; then browned on the grill or in a skillet. On a bun with sauerkraut and mustard, venison Bratwurst are hard to beat.

Yield: 1.8# sausage per 1# venison

Venison Snack Sticks

A smoked, fermented sausage. Pork is added to lean venison to get the best flavor and texture. If you like your's spicy we also offer Hot Snack Sticks, made with red pepper, and Jalapeno Snack Sticks, made with Jalapeno peppers. We can also add sharp cheddar cheese for an all in one snack.

Yield: 1.7# sausage per 1# venison.

Cheddarwurst & Smoked Sausage

A fully cooked sausage made with venison and just the right amount of pork. It is delicious as a sandwich or when heated in a covered dish with some sauerkraut. We load our Cheddarwurst with shredded sharp cheddar cheese. Even non-venison eating members of your family will love our Cheddarwurst. These sausages are stuffed into natural casings, linked 4/lb, and packaged 5/pkg.

Yield: 1.8# sausage per 1# venison.

River Bend Wild Game & Sausage Co.

1161 County Road 2400E.

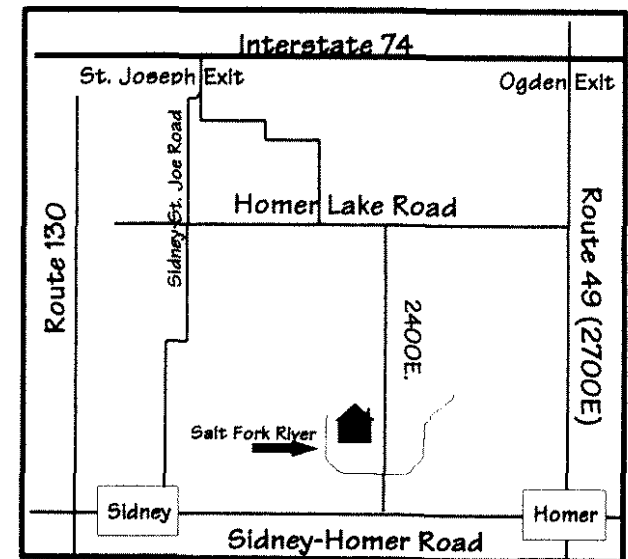
St. Joseph, IL 61873

(217) 688-DEER

Sales@RiverBendWildGame.com

www.RiverBendWildGame.com

Please call first
to check hours of operation



German-Style Bologna

Made with lean venison, pork and a special blend of spices that will tantalize your taste buds with an "old fashioned" flavor that we are sure you will love. We also can add Cheese and Jalapeno peppers for a spicy alternative to regular lunchmeat. This 3" diameter Bologna weighs about 1.5#.

Yield: 1.8# sausage per 1# venison.

Deli-Style Venison Weiners

Made with edible casings to give you that deli-style snap in every delicious bite.

There are 8 wieners per package.

Yield: 1.8# wieners per 1# venison.

Venison Breakfast Sausage

Delicious fried or made into Gravy with Biscuits. This spicy sausage is prepared from lean venison and pork and comes in 1# packages.

Yield: 1.8# sausage per 1# venison.

Deer Burger

For the best flavor we add beef fat to lean venison to make your burger 80% lean. If you prefer we can also grind your burger with no fat added.

Deer Burger comes in 1# packages.

Venison Ham & Canadian Bacon

Prepared from **Your** boneless hind legs by curing and smoking them to perfection.

One leg may yield three boneless pieces that can be cured. Venison Ham is fully cooked and delicious sliced for sandwiches or warmed to be served as a main course as you would a conventional ham prepared from pork. This product is so tender and moist that most people that try it for the first time do not believe that it is venison. If you would like, the loins may be cured as Canadian bacon.

Venison Italian Sausage

A fresh (not cooked) sausage made with lean venison, pork and italian spices like fennel seed and crushed red pepper. Italian Sausage is offered in 1# bulk packages or stuffed in natural casings, linked, 5/pkg. Italian Sausage is good cooked with tomatoes, onions and green peppers and served on a bun.

Yield: 1.8# sausage per 1# venison

Venison Jerky

Our whole muscle jerky is made from a family recipe passed down from Grandma. Leg roasts are sliced, marinated, and smoked for this great "anytime" snack. It takes 3# of Venison to make 1# of Jerky.

PRICES

Processing Fee
\$70.00

Priced per pound of finished product

Most products vacuum packaged for optimum storage in the freezer.

Venison Ham	\$2.00/lb
Canadian Bacon	\$2.00/lb
Venison Jerky	\$11.00/lb
Summer sausage	\$2.25/lb
with Cheese	\$3.00/lb
with Jalapeno & Cheese	\$3.00/lb
Snack Sticks	\$2.50/lb
Hot Snack Sticks	\$2.50/lb
Jalapeno Snack Sticks	\$2.50/lb
with Cheese	\$3.25/lb
Cheese Snack Sticks	\$3.25/lb
Deli-Style Venison Weiners	\$2.00/lb
German-Style Bologna	\$2.25/lb
with Jalapeno & Cheese	\$3.00/lb
Italian Sausage	\$1.50/lb
Smoked Sausage	\$1.75/lb
Cheddarwurst	\$2.50/lb
Bratwurst	\$1.50/lb
Breakfast Sausage	\$1.25/lb
Deer Burger	\$.50/lb

815 N. Randolph St.
Champaign, IL 61820



Champaign County Public
Health Department

Phone: (217) 373-7900
Fax: (217) 373-7905
TDD: (217) 352-7961

August 27, 1999

Permit #99-076-19

Charles Stites
1161 CR 2400E
St. Joseph, IL 61873

Dear Mr. Stites:

An inspection of the private sewage system serving your property located at 1161 CR 2400E, St. Joseph, was conducted on August 23, 1999 by Sanitarian Julie Sample, a representative of Champaign County Health Department. This department routinely inspects the work of licensed private sewage contractors to ensure construction is in accordance with the *Private Sewage Disposal Licensing Act and Code*.

Based on our sanitarian's report, the system had been back-filled, thus preventing our department from viewing the system and determining compliance.

If you have any questions regarding this inspection, please contact Julie Sample at 217/373-7900. A voice mail message may be left at 217/363-4497, extension 222.

Sincerely,

Garry W. Bird, R.S.
Director of Environmental Health

Enclosure

Swg/systok

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MAY 05 2008

CHAMPAIGN CO. P & Z DEPARTMENT

CHAMPAIGN COUNTY HEALTH DEPARTMENT * PRIVATE SEWAGE DISPOSAL SYSTEM * PLAN REVIEW APPLICATION

RECEIVED

JUN 28 1999

Date: _____

Champaign County
Public Health District

99-076-19

COUNTY Champaign

(Office Use Only)

(Office Use Only)

1. Owner: Charles Stites Telephone No.: 217-688-2878
Address: 1161 Cty. Rd. 2400E St. Joseph, IL 61873

2. Contractor: James Pleg & Son License Number: 049-803778 Telephone No. 217-896-2256
Address: 208 E. MORROE City, State, Zip: HOMER, IL. 61849

Fax number: _____

NOTE: Work not done by homeowner (must own & occupy personal single family residence) must be done by a licensed contractor.

Location -County: CHAMPAIGN City: St. Joseph Street: 1161 Cty Rd. 2400E
Subdivision & Lot #: _____ Township Name: South Homer Sidney
Township: 18N Range: 10E Section #: 1 1/4 Section: NE Local Identification Information: _____

Detailed Directions to Site: Highway Number, Secondary Roads, Signs to follow, Etc.; Champaign to I 74 to St. Joseph
exit, south in St. Joe. to 150 east to 2450E south to Homer Lake Rd.
go west to 2400E, turn south to 1161 Cty Rd. (turn just before bridge)
east

Site Information: Renovation: X New System: _____
Residential Dwelling: X, Seasonal: Yes _____ No. Of Residents: 5 No. Of Bedrooms: 4
Garbage Grinder: Yes X Basement: Yes X Water Softener: Yes X Hot Tub: #Gallons: _____
Non-Residential: _____ No. Of Employees: _____ Design Flow: _____ Other Wastewater Generators: _____
Water Supply: Private Well: X, Semi-Private Well: _____, Non-Community: _____, Municipal: _____
Percolation Tests: Date(s): _____ Conducted By: _____
Hole No. 1: Depth: _____ min./6" Hole No. 2: Depth: _____ min./6" Hole No. 3: Depth: _____ min./6"
Average min./6" Fall: _____ (Rerun or use highest value if difference is greater than 30 minutes)
Depth of Limiting Layer: _____ Soil Type: _____
Soil Scientist Data: Name of Soil Investigator: _____
(Attach copy of Soil Data Report to application)

Proposed Private Sewage Disposal System: Gallons To Be Treated Per Day: _____
a. Septic Tank Size 1250 Gallons, Illinois #: _____ h. Wisconsin Mound Basal Area _____ Sq. Ft.
b. Subsurface Seepage Field/Bedroom _____ Sq. Ft. i. Chlorination Tank _____ Gallons (if required)
Total Subsurface Seepage Field _____ Sq. Ft., Lin. Ft. _____, Width _____ j. Aerobic Treatment Plant: Zlo-Rite (White Water)
c. Gravel-less Seepage Field: 8" _____ Lin. Ft. 10" _____ Lin. Ft. Manufacturer & Model: DF-50
d. Chamber System: Manufacturer: _____ Treatment Capacity: 500 Gallons per day
Sq. Ft. per Lin. Ft., _____ Total Lin. Ft. k. Location of Audio & Visual Alarms Basement
e. Seepage Bed _____ Sq. Ft.
f. Waste Stabilization Pond _____ Length _____ Width _____ Depth _____ (Garage, Basement, Stairwell, Etc.)
g. Buried Sand Filter/Recirculating Sand filter _____ Sq. Ft. l. Effluent Discharge to: ground
Width: _____, Length: _____ m. Pump Chamber Size _____

cr: _____

CHAMPAIGN COUNTY HEALTH DEPARTMENT * PRIVATE SEWAGE DISPOSAL SYSTEM * PLAN REVIEW APPLICATION

RECEIVED JUN 28 1999

Date: _____

Champaign County Public Health District

LOG/PERMIT NUMBER 99-076-19

COUNTY Champaign

(Office Use Only)

(Office Use Only)

1. Owner: Charley Stites Telephone No.: 217-688-2898 Address: 1161 Cty. Rd. 2400E St. Joseph, IL. 61873

2. Contractor: James Plog & Son License Number: 049-803778 Telephone No. 217-896-2256 Address: 208 E. MORRIS City, State, Zip: HOMER, IL. 61849

NOTE: Work not done by homeowner (must own & occupy personal single family residence) must be done by a licensed contractor.

Location -County: Champaign City: St. Joseph Street: 1161 Cty. Rd. 2400E Subdivision & Lot #: Township Name: South Homer Sidney Township: 18N Range: 10E Section #: 1 1/4 Section: NE Local Identification Information:

Detailed Directions to Site: Highway Number, Secondary Roads, Signs to follow, Etc.; Champaign to I 74 to St. Joseph, exit south in St. Joe to 150 east to 2450E south to Homer-Lake Rd. go west to 2400E from south to 1161 Cty. Rd. house just below bridge

Site Information: Renovation: X New System: Residential Dwelling: X Seasonal: Yes No. Of Residents: 5 No. Of Bedrooms: 4 Garbage Grinder: Yes X Basement: Yes X Water Softener: Yes X Hot Tub: #Gallons: Non-Residential: No. Of Employees: Design Flow: Other Wastewater Generators: Water Supply: Private Well: X Semi-Private Well: Non-Community: Municipal: Percolation Tests: Date(s): Conducted By: Hole No. 1: Depth: min./6" Hole No. 2: Depth: min./6" Hole No. 3: Depth: min./6" Average min./6" Fall: (Return or use highest value if difference is greater than 30 minutes) Depth of Limiting Layer: Soil Type: Soil Scientist Data: Name of Soil Investigator: (Attach copy of Soil Data Report to application)

Proposed Private Sewage Disposal System: Gallons To Be Treated Per Day: a. Septic Tank Size 1250 Gallons, Illinois #: b. Wisconsin Mound Basal Area Sq. Ft. c. Subsurface Seepage Field/Bedroom Sq. Ft. i. Chlorination Tank Gallons (if required) Total Subsurface Seepage Field Sq. Ft., Lin. Ft., Width j. Aerobic Treatment Plant: Fla-Rite (White Water) Manufacturer & Model: DF-50 Treatment Capacity: 500 Gallons per day d. Chamber System: Manufacturer: Sq. Ft. per Lin. Ft., Total Lin. Ft. k. Location of Audio & Visual Alarms Basement e. Seepage Bed Sq. Ft. f. Waste Stabilization Pond Length Width Depth (Garage, Basement, Stairwell, Etc.) g. Buried Sand Filter/Recirculating Sand filter Sq. Ft. l. Effluent Discharge to: ground Width: Length: m. Pump Chamber Size

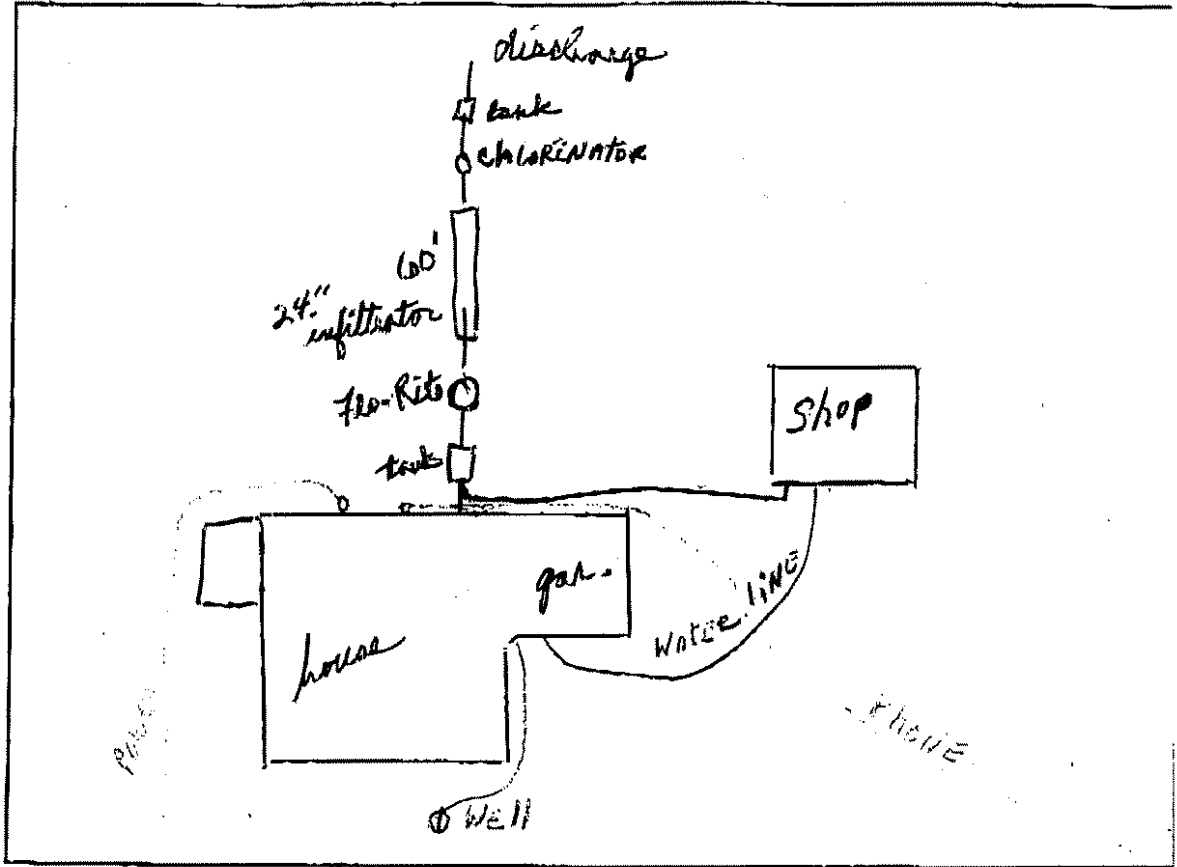
PRIVATE SEWAGE DISPOSAL SYSTEM PLAN REVIEW APPLICATION

7. Lot diagram and sewage system plan:

Furnish plans or draw to scale the proposed construction indicating lot size with dimension showing the system, type of system to be constructed the dimensions of the system to be installed showing type of material, utilities, distances to water lines, water wells (including wells on neighborly property if they are near the property line), potable water storage tanks, buildings, lot lines, location of percolation holes, site elevations & ground surface elevations sufficient to determine this elevation of system components & the slope of the ground surface, location of sanitary sewer, if available, within 200 feet of the property, depth of limiting layer and any other extraordinary conditions on the lot.

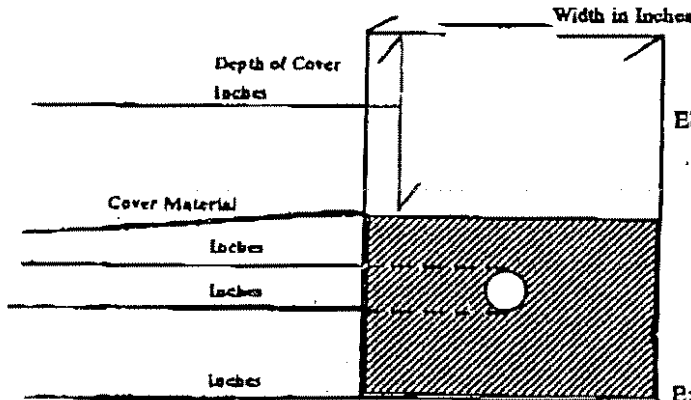
N
+

1" = _____



8. Checklist

- Lot Size: 5 acres
- System Dimensions: _____
- Materials Labeled: _____
- Utilities Shown: _____
- Location of Perc Tests: _____
- Water Supply Shown: _____
- Required Distances Labeled: _____
- Depth of Limiting Layer: _____



Elevations of the System Components:

- Benchmark & Elevation: _____
- Elevation to Invert of Building Drain: _____
- Elevation to Invert of Tank Inlet: _____
- Elevation of Ground Surface over Tank: _____
- Lowest Elevation of Ground Surface over Field: _____
- Highest Elevation of Ground Surface over Tank: _____
- Length of Building Sewer (House to Tank): _____

Elevations on back of construction approval

Cross Section Seepage Field Gravel

I certify that the attached information is complete and correct and that, if approved, the work will conform with the current Private Sewage Disposal Licensing Act and Code.

Signature of Applicant (Owner or Contractor)

Greg S. James

6/28/99
Date

IMPORTANT NOTICE:

This State Agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Public Act 84-670. Disclosure of this information is mandatory.

BERG TANKS
1808 E. Main Street
Urbana, IL 61802
(217) 367-8632

SERVICE AGREEMENT

Per Illinois Department of Public Health requirements, we offer this service agreement. If you do not choose to utilize this service, we will still be on call to service your unit, and you will be charged on a per call basis.

Bi-annual service includes checking the aerator, alarm, backwash filter, diffusers, odor, turbidity, chlorine contact chamber (if equipped), lift station, scum build-up, and water discharge.

This agreement does not include aerator repair or replacement, blower repair or replacement, sewage ejector pump or replacement. Should the system require replacement of any minor components with a value of \$75.00 or less, the service technician will have the authority to replace said components.

Service calls to be performed Monday through Friday during normal business hours, 8:00 a.m. through 5:00 p.m. Any service call required after normal business hours will be charged the standard overtime rate.

System Location: 1161 CR 2400 E, St. Joseph

Type of System: Whitewater

Contract Period: 05/01/08 – 05/01/10

Payment: \$140 per year

Customer Signature: _____

Charles Sites

Date Agreement Signed: _____

5/2/08

Office Use
John Berg,
BERG TANKS

Signature: _____ Date Agreement Received: _____


RECEIVED

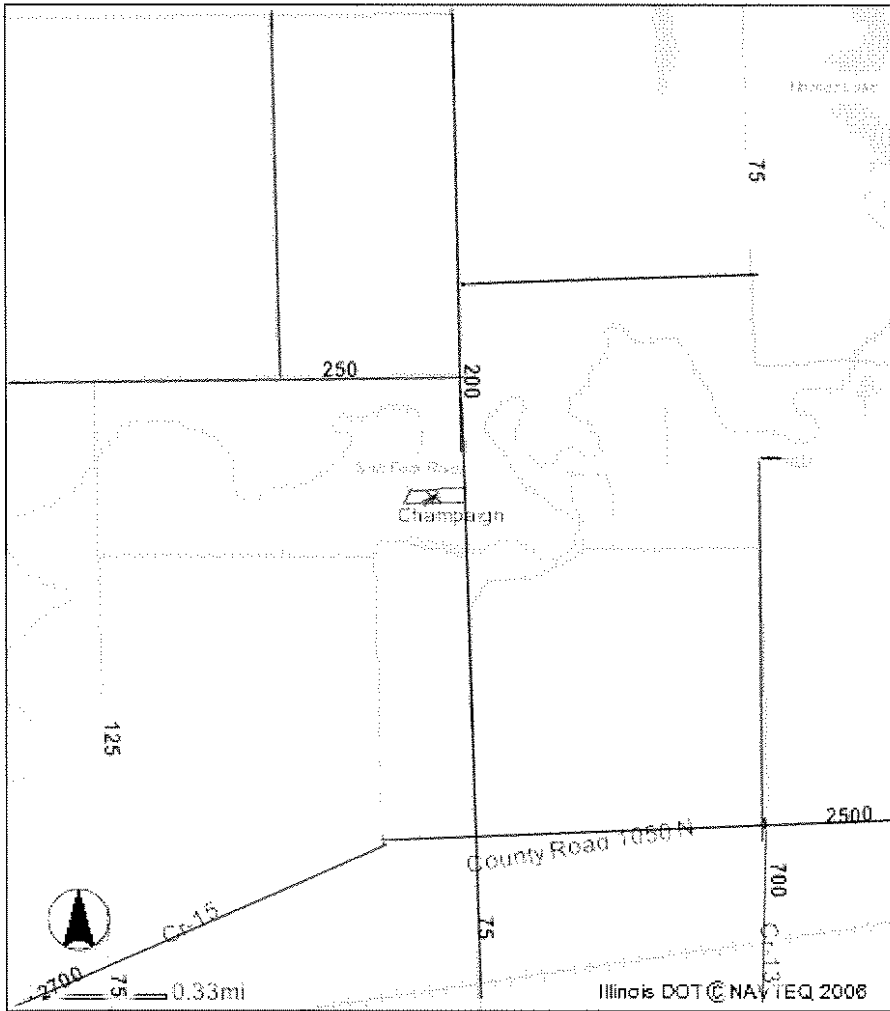
MAY 05 2008

CHAMPAIGN CO. P & Z DEPARTMENT



Illinois Department of Transportation

 Send to printer



Date: 5/8/2008

All rights reserved. Use subject to License/Copyright
 Illinois Department of Transportation
 2300 S. Dirksen Pky
 Springfield, IL 62764

** Approximate location of subject property*

NATIONAL FLOOD INSURANCE PROGRAM

**FIRM
FLOOD INSURANCE RATE MAP**

COUNTY OF
CHAMPAIGN,
ILLINOIS
(UNINCORPORATED AREAS)

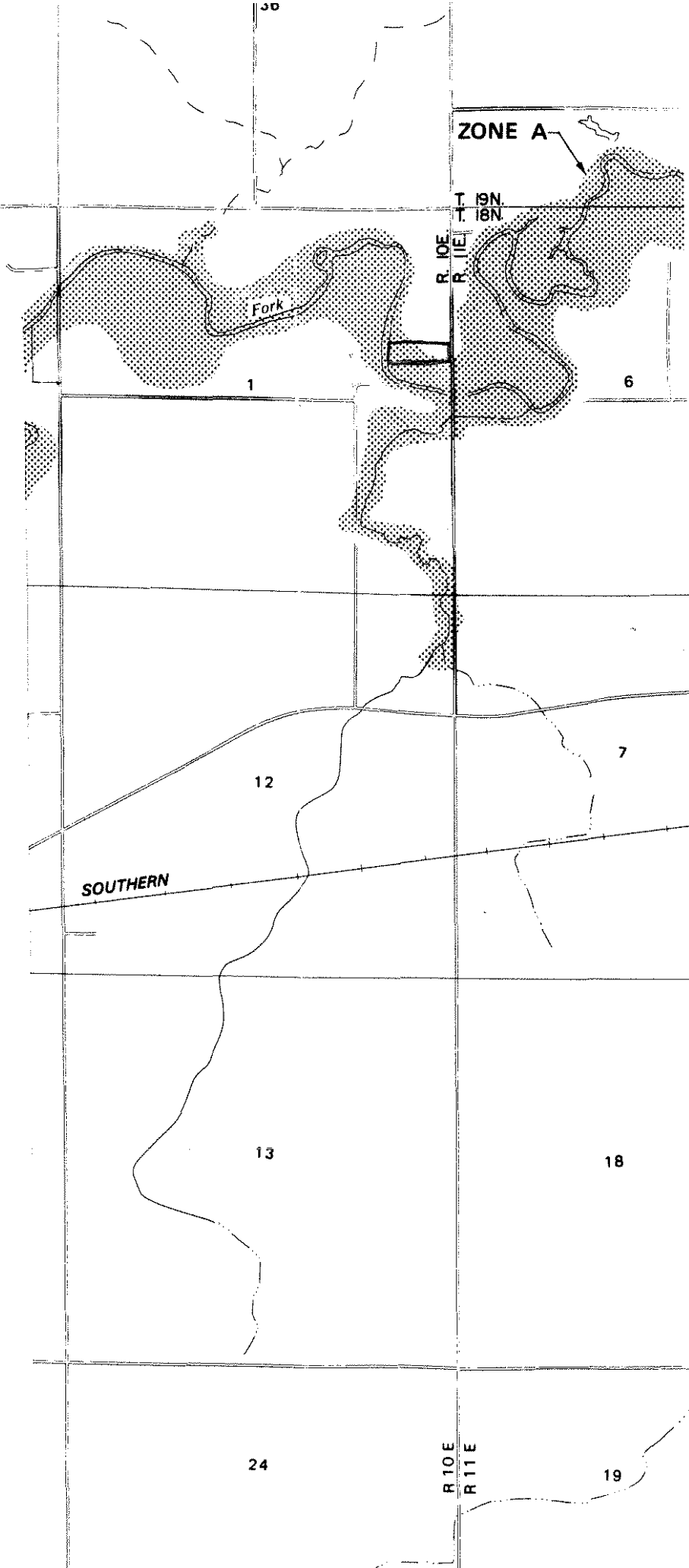
PANEL 225 OF 300

COMMUNITY-PANEL NUMBER
170894 0225 B

EFFECTIVE DATE:
MARCH 1, 1984



Federal Emergency Management Agency



PRELIMINARY DRAFT

610-S-08

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: { ***GRANTED / GRANTED WITH CONDITIONS / DENIED*** }

Date: May 15, 2008

Petitioners: Charles and Mary Ellen Stites

Request: Authorize a Major Rural Specialty Business in the CR District.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 15, 2008**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The Petitioners, Charles and Mary Ellen Stites, own the subject property.
- *2. The subject property is five acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1 T.18 N. R 10 E. of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph..
- *3. The subject property is not located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment. No comments have been received from the Village at this time.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is zoned CR Conservation-Recreation and is in use as a single family dwelling and River Bend Wild Game and Sausage Company, a home occupation approved by Zoning Use Permit (ZUP) 279-98-02. Related Zoning Case 616-V-08 is also proposed on the subject property.
 - B. Land to the north of the subject property is zoned CR Conservation-Recreation and is in use as a single family dwelling and Applause Landscape, a home occupation approved by ZUP 72-01-01.

*Same evidence as in related Zoning Case 616-V-08

PRELIMINARY DRAFT

- C. Land to the east, west, and south of the subject property is zoned CR Conservation-Recreation and is in use as single family dwellings.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the proposed site plan and operations of River Bend Wild Game and Sausage Company:
- A. Regarding the history of the subject property:
- (1) The Petitioners applied for Zoning Use Permit (ZUP) 279-98-02 on October 6, 1998, to establish River Bend Wild Game and Sausage Company as a Rural Home Occupation (RHO) on the subject property. The permit was approved on May 31, 2001, and included a site plan.
 - (2) The Petitioners applied for ZUP 142-01-04 to construct an addition to the detached accessory structure. The ZUP was approved on May 22, 2001.
 - (3) The Department first received a complaint regarding the subject property on September 6, 2006.
 - (4) The Department received another complaint regarding the subject property on November 13, 2007. Investigation of the River Bend website indicated the use had probably grown beyond the limits of a RHO.
 - (5) Another complaint was received on November 20, 2007, and the Zoning Administrator performed a drive-by inspection of the subject property and also reviewed the website of the River Bend Wild Game and Sausage Company. Copies of inspection photographs are included separately. Based on the review of the website and the drive by inspection the Zoning Administrator determined the following:
 - A. The limit on non-resident, non-family employees for a RHO was exceeded by the River Bend Wild Game and Sausage Company.
 - B. The processes employed by the River Bend Wild Game and Sausage Company created odor discernible at the property line that was of a nature, quantity, intensity, and duration not customarily associated with agriculture.
 - C. The owner/ operator of the River Bend Wild Game and Sausage Company did not provide off-street parking for all patrons.
 - D. The accessory building was too close to the property line.
 - (6) A First Notice of Violation was given on December 11, 2007.
 - (7) Staff met with the Petitioners on December 17, 2007, and discussed the alternatives to bring the subject property into conformance with the *Zoning Ordinance*.

*Same evidence as in related Zoning Case 616-V-08

- (8) A Final Notice of Violation was given on February 15, 2008.
 - (9) The Petitioner submitted an application for Special Use Permit on March 10, 2008.
 - (10) Staff determined that there was insufficient information included with the application and notified the Petitioners of additional required information in a letter dated April 23, 2008.
 - (11) The required information was received on May 5, 2008.
- B. Two documents were included with the application received on March 10, 2008, as follows:
- (1) A printout of the Weather Underground website (www.wunderground.com) that shows a wind forecast for the subject property's zip code. The wind direction is indicated at midnight, four AM, seven AM, ten AM, one PM, four PM, and 7 PM. The Petitioners have indicated on the application that this website is one of the tools they use to determine when the operation of their smokehouse would be less likely to impact their neighbors to the north.
 - (2) A River Bend Wild Game and Sausage Company brochure which lists their products and prices.
- C. A site plan for the subject property was received on May 5, 2008, that indicates the following:
- (1) Three existing structures are indicated, a home and attached garage, the business building, and a barn.
 - (2) The business building is located along the north lot line and is indicated as being four feet from the north lot line 360 feet from the road. This is an inadequate side yard and is the subject of related Zoning Case 616-V-08.
 - (3) The home and attached garage is located just south of the business building.
 - (4) The barn is located west of the business building and appears to be a simple 12 feet by 12 feet building.
 - (5) There is an asphalt parking area just in front of the business building. The home and attached garage and the business building access the street by means of an asphalt driveway sixteen feet wide.
 - (6) A proposed driveway is indicated to circle from the west end of the existing drive around an area described as Overflow Parking before rejoining the existing drive at the east end.
 - (7) A proposed storage building is indicated south of the proposed drive. The Petitioners indicate on their application that this building would be for personal storage. However, in the additional information submitted on May 5, 2008, the Petitioners also state that this

PRELIMINARY DRAFT

building could possibly be used as an enclosed space where the dumping of bone barrels could occur.

- D. A floor plan of the business building was submitted on May 5, 2008, and indicates the following:
- (1) At the east end of the building is an open overhang, this area gives access to the lobby and the hanging cooler.
 - (2) From inside the lobby there is an office, a bathroom, and a storage room.
 - (3) A hallway off the lobby gives access to a packaging room, the cooked meat cooler, the freezer, and the processing area.
 - (4) The processing area contain several pieces of equipment: a stuffer, a stuffing table, a grinder, a mixer, and two smoke houses.
 - (5) A final area at the north and west sides of the building is indicated to be a pole barn type of structure and is used for personal/business storage.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a Major Rural Specialty Business as a Special Use in the CR Zoning District in the *Zoning Ordinance*:
- A. Section 5.2 authorizes Major Rural Specialty Businesses as a Special Use in the CR, AG-1, and AG-2 Districts and by-right in the B-1, B-3, and B-4 Districts.
- B. Section 6.1.3 establishes the following standard conditions for any Major Rural Specialty Business authorized as a Special Use:
- (1) A minimum Lot Area of 5 acres.
 - (2) The total BUILDING AREA devoted to sales DISPLAY or recreational commercial use shall not exceed 5,000 square feet.
 - (3) Outdoor entertainment requiring the use of sound amplification equipment shall be permitted not more often than 5 consecutive or non-consecutive days in any three-month period and only if a recreation & Entertainment License shall have been obtained as provided in the Champaign County Ordinance No. 55 *Regulation of Business Offering Entertainment and/or Recreation*.
 - (4) The site shall not be located within 500 feet of a residential Zoning District.
 - (5) Business located in the CR, AG-1, or AG-2 Districts shall not access streets located in a recorded subdivision.
 - (6) Alcoholic beverages not produced on the premises shall not be sold.

*Same evidence as in related Zoning Case 616-V-08

- C. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Waivers of standard conditions are subject to findings (1) that the waiver is in accordance with the general purpose and intent of the ordinance and (2) will not be injurious to the neighborhood or to the public health, safety, and welfare.
- D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (3) “AREA, BUILDING” is the total area taken on a horizontal plane at the largest floor level of the MAIN or PRINCIPAL BUILDING and all ACCESSORY BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non permanent CANOPIES and planters.
 - (4) “AREA, LOT” is the total area within the LOT LINES.
 - (5) “DISPLAY” is the placement or arrangement of products or materials for sale or lease excluding items which are being stored while awaiting maintenance, or repair or other STORAGE.
 - (6) “DWELLING UNIT” is one or more rooms constituting all or part of a DWELLING which are used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.
 - (7) “HOME OCCUPATION, RURAL” is any activity conducted for gain or support by a member of members of the immediate FAMILY, residing on the premises, as an ACCESSORY USE on the same LOT as the resident’s DWELLING UNIT.
 - (8) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (9) “PREMISES” are a LOT or tract of land and any STRUCTURE located thereon.
 - (10) “RURAL SPECIALTY BUSINESSES” are establishments that sell, principally at retail, agricultural products, foods or traditional handicrafts produced on the PREMISES together with ACCESSORY recreational or educational activities and which may also

*Same evidence as in related Zoning Case 616-V-08

PRELIMINARY DRAFT

sell related goods produced off of the PREMISES provided that sale of such goods constitute less than 50 percent of the total gross business income, that such goods constitute less than 50 percent of the total stock in trade, that less than 50 percent of the total LOT AREA is devoted to commercial BUILDING AREA, parking or loading areas or outdoor sales DISPLAY.

- (11) "SPECIAL CONDITION" is a condition for the establishment of the SPECIAL USE.
- (12) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (13) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.

E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:

- (1) That the Special Use is necessary for the public convenience at that location;
- (2) That the Special Use is so designed, located, and proposed as 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 welfare;
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
- (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
- (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:

*Same evidence as in related Zoning Case 616-V-08

- A. The Petitioner has included a lengthy statement with the application which is included with the Preliminary Memorandum (See Attachment B) and that can be summarized as follows:
- (1) River Bend Wild Game and Sausage Company has been in operation at its current location for 13 years.
 - (2) The need for this type of business in this area is evident by the growth of their customer base.
 - (3) The Petitioners have made a substantial investment to make their facility efficient.
 - (4) Their primary customer base lives within a sixty mile radius of their facility.
 - (5) Their customers are familiar with the location and it is conveniently located near highway roads.
- B. The proposed Special Use is the only business of its kind known to be operating in Champaign County.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has included a lengthy statement with the application which is included with the Preliminary Memorandum (See Attachment B) and that can be summarized as follows:
- (1) The proposed Special Use is operated by the Petitioners and their children.
 - (2) Mr. Stites has a Master's degree in Meat Science from the University of Illinois.
 - (3) The Petitioners have improved their facilities as their customer base has grown.
 - (4) The Petitioners take pride in the efficiency of their process, the quality of their products, and the cleanliness of their facility.
 - (5) Regarding the processing of carcasses:
 - (a) The deer carcasses come to the facility already field dressed with the internal organs removed.
 - (b) Deer carcasses are stored under refrigeration inside an enclosed building.
 - (c) The carcasses are processed by removing the meat and cutting and packaging any steaks or roasts the hunter has ordered. The meat which is not used for steaks or roasts is used to make sausages.

*Same evidence as in related Zoning Case 616-V-08

PRELIMINARY DRAFT

- (d) During the busiest times the meat to be used for sausages is packaged and frozen to be defrosted later to be made into sausage.
 - (e) Some sausages are prepared using a smokehouse.
 - (f) Once the sausages are made and packaged the hunters are contacted for pick up.
- (6) Regarding the numbers of employees:
- (a) Our need for employees is seasonal.
 - (b) Archer Deer season runs from October 1 until the middle of January. During the Archery Season we generally cut deer one evening a week. At this time we may have seven people working.
 - (c) Firearm Deer season is traditionally the three day weekend before Thanksgiving and a four day weekend the second weekend after Thanksgiving. The busiest time is the first Firearm Deer Season. In order to quickly receive deer we may have four people outside taking care of the paperwork and receiving deer. For the cutting and packaging of the meat we like to have eight people during the heaviest days.
 - (d) Other than people receiving deer, all workers are inside the business building.
- (7) Regarding the hours of operation and traffic:
- (a) During our processing season we maintain regular business hours for customers to bring or pick up product. They are Monday through Friday 5 PM to 8 PM; Saturday 9 AM to 5 PM; and Sunday 2 PM to 5 PM.
 - (b) During the Archery hunting season, we may have around 40 customers each week.
 - (c) During the Firearm Deer season we are open to receive deer 9 AM to 7 PM or until our space fills up. During the two weekend firearm seasons we will have significantly higher traffic those days. The Saturday and Sunday traffic volume for the last two and a half months has been between three and 15 customers on any given day.
 - (d) We have been limiting the time for drop-offs on the Monday following the first Firearm Deer season to our regular 5 PM to 8 PM hours. This last season resulted in some traffic congestion on the roadway leading to our property. By opening earlier on the Monday after the first Firearm Deer season this should alleviate the traffic congestion.

- (e) Most customers pick up their meat right after work between 5-6 PM or on Saturdays.
 - (f) Other than setting business hours we do not have control of when the customers arrive at our business.
 - (g) We also have not used the front yard area for customer parking/staging in the past. However, in the interest of preventing traffic congestion in the street, we can open that area up and provide traffic control to direct them to that area if traffic begins to back up into the road.
 - (h) Prior to the 2008/2009 hunting season additional driveway to handle traffic can be installed.
- (8) Regarding the control of odor:
- (a) The barrels containing the bones, fat and scrap from processing the carcasses will be stored in an enclosed building awaiting pick up by the rendering company.
 - (b) The rendering company is a licensed hauler of animal by-products and are available 2 to 3 times per week as needed.
 - (c) We generally have less than 10 bone barrel pick ups each year.
 - (d) The bone barrels containing these products will be kept in an enclosed building in order to control any odor. The bone barrels can be loaded into the rendering truck at the proposed storage building shown on the site plan. Allowing the truck to load in front of the building rather than designing the building to allow the truck to load inside with the engine running is the best option for us. It is not necessary to load the bone truck inside.
 - (e) The bone barrels are cleaned using soap and water and the wastewater from clearing the barrels goes into the floor drains which are connected to the septic system.
 - (f) Our smokehouses are vented outside the facility. We monitor the weather forecasted wind direction when we decide to run the smokehouse. Aroma from smoking/cooking meat is controlled from being detectable from across the property line by adjusting our cooking schedule to coincide with wind direction that is not blowing from the south and southeast (toward our closet neighbor). The neighbor to the north has expressed concern about the aroma of the cooking meat when they are outside working during the day.
 - (g) Our smokehouses use atomized liquid smoke to provide smoke flavor to the sausages. This portion of the cooking cycle only lasts for about five minutes.

*Same evidence as in related Zoning Case 616-V-08

PRELIMINARY DRAFT

- (h) An alternative to controlling the aroma from the smokehouses is to install some type of filtering or cleansing device to the vents. Such devices are quite expensive or may not be able to be adapted to the small size of our ovens.
 - (i) Prior to the 2008/2009 hunting season, we can install odor abatement equipment on the smokehouse. We can also erect the new storage building to handle barrel storage.
- (9) Regarding the wastewater treatment and disposal, the deer carcasses come in already field dressed, so there is no blood to dispose of. The nature of the waste entering our septic system is similar to that of washing food particles from your dishes, pots, and pans.
- B. Regarding surface drainage, the subject property is adjacent to the Salt Fork and appears to drain to the west. The amount of impervious area on the subject property does not trigger any requirement for stormwater detention under the *Champaign County Stormwater Management Policy*.
- C. The subject property is accessed from CR 2400E on the east side of the property. Regarding the general traffic conditions on CR 2400E at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (1) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data, in the vicinity of the subject property, is from 2006, as follows:
 - (a) Along CR 2400E where it passes the subject property the ADT is 200 trips.
 - (b) CR 1050N has 2700 ADT west of the intersection with 2400E and 2500 ADT east of 2400E.
 - (c) The proposed Special Use has already been in operation since 1999, so the 2006 ADT already takes into account the average impact of the use on traffic in the area. However, as the Petitioners have testified the business is seasonal and produces heavier traffic than indicated by the ADT count during hunting seasons.
 - (2) Complaints about the existing business have been received from one adjacent property owner and have included the following regarding traffic:
 - (a) On some days there are 40 or so trucks with dead game parked on one or both sides of CR2400E. There are times when the driveway to an adjacent property is blocked and occasionally a game truck is parked in the driveway to that adjacent property.
 - (b) There is a traffic of customers almost every evening going sometimes very late. Saturday and Sunday are usually very busy all day long and late into the evening.

- (3) The Petitioner has proposed an area of “overflow parking” and a long circle drive that could be used to queue customers vehicles so there would be no vehicles waiting in the public right-of-way.
 - (4) The Township Road Commissioner has been notified of this case, and the Petitioner has contacted him regarding the possibility of an additional driveway entrance to the subject property, but no comments have been received at this time.
- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Sidney Fire Department and is located approximately five road miles from the fire station. The Village Fire Chief has been notified of this request, but no comments have been received at this time.
- E. The subject property is partially located within a Special Flood Hazard Area, as indicated by Flood Insurance Rate Map Panel No. 1708940225B.
- F. Regarding outdoor lighting on the subject property, there is no information on the current site plan regarding outdoor lighting for any purpose. According to the hours of operation and the times of the year when the proposed use receives most of its business some outdoor lighting near the business building would appear to be necessary.
- G. Regarding subsurface drainage, the subject property does not appear to contain any agricultural field tile.
- H. Regarding odor generated by the proposed Special Use Permit:
- (1) Complaints about the existing business have been received from one adjacent property owner and have included the following regarding odor:
 - (a) We have a strong odor of animal blood and parts at times.
 - (b) We also have days when the strong odor of the sausage operation of smoking covers our outdoor living space.
 - (c) During the butchering part of the year we have many dogs and wild animals burying deer and other animal parts on our property.
 - (d) We are unable to fully enjoy our outdoor activities with this butchering and sausage smoking operation next door. It is difficult to think about much else when the strong smell of death is upon us.
 - (e) We have noticed a raw, metallic blood-like smell near our property line.
 - (2) During a drive by inspection on Tuesday, November 20, 2007, that was in response to a complaint, the Zoning Administrator found that a rendering truck was on the property and emptying bone barrels. Copies of photographs of the bone barrels were included with the

*Same evidence as in related Zoning Case 616-V-08

PRELIMINARY DRAFT

Preliminary Memorandum. Approximately 50 open barrels containing bones and other remnants of deer carcasses were being emptied into the truck. After more than an hour of emptying the truck was full and not all barrels had been emptied. The Zoning Administrator verified that a detectable odor from the bone barrels was present on adjacent property.

- (3) The Petitioners have indicated on the application that the deer carcasses are stored in a refrigerated portion of the facility and will stay there to await unloading by the rendering company truck. They also indicate in the additional information submitted on May 5, 2008, that it would be possible for the carcasses to be stored in the proposed storage building. The Petitioners indicate they do not think loading inside should be necessary if the loading takes place at the proposed storage building away from any lot lines.
- (4) The Petitioners have indicated on their application that they have adjusted their cooking schedule so their smokehouses are not running during the day when the wind is from the south or southeast to prevent the odor of the smoking meat from blowing over the property to the north. Most of the complaints received by the Department indicate that the Petitioners have not been entirely successful at minimizing odor in this fashion.
- (5) The Petitioners indicated in the additional information received on May 5, 2008, that they are investigating the use of additional odor eliminating technology and will present any information regarding this as soon as they receive it.

I. Regarding storage of deer carcasses on the subject property:

- (1) The Petitioners have indicated on their application that deer carcasses are stored under refrigeration in an enclosed building. They are placed in barrels to await pick up by a licensed rendering company.
- (2) The Petitioners have indicated on their application that the rendering company is available to make pick ups 2-3 times per week as needed. However, in the additional information submitted on May 5, 2008, they indicate they only have ten pick ups per year. It is unclear from this information if the Petitioners only have the rendering company pick up carcasses 5-6 weeks out of the year or if the 2-3 times per week is simply an available level of service that the Petitioners have not required as yet.
- (3) In the additional information submitted on May 5, 2008, the Petitioners have indicated it would be possible to load the carcasses into the rendering company truck at the proposed storage building to provide greater separation and screening for adjacent properties from both the sight of the loading process and the odors that would result from the loading not taking place in an enclosed building.

J. Regarding hours of operation of the proposed Special Use Permit:

*Same evidence as in related Zoning Case 616-V-08

- (1) Complaints about the existing business have been received from one adjacent property owner and have indicated that there is traffic related to the business use that sometimes continues heavily all day long and late into the night.
 - (2) The Petitioners have indicated on their application that their hours of operation are seasonal. During their processing season they are open Monday through Friday 5PM to 8PM, Saturdays 9AM to 5PM, and Sunday 2PM to 5PM. They also indicate that during Firearm Deer Season they are open from 9AM to 7PM or until they run out of space, these expanded hours are presumably only applicable on Saturdays.
 - (3) The Petitioners have indicated in the additional information received on May 5, 2008, that they are unsure of what the complaints could be referring to because the hours of operation from the application are accurate. They indicate that during the Archery season they may have 40 customers per week. They also indicate that for the last two months there have been between three and 15 customers on Saturdays and Sundays.
- K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application, **“Hunting takes place in rural areas. It makes sense to have a venison processing business in a rural area near to where hunting takes place. The requested use is allowed within the District under a Special Use Permit as a [Major] Rural Specialty Business. Therefore, the proposed use should be allowed.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Regarding whether the proposed use meets the definition of a MAJOR RURAL SPECIALTY BUSINESS:
 - (a) River Bend is selling a service that primarily consists of butchering deer carcasses that can be considered a “traditional handicraft” and making sausage that appears to qualify as food made on site that is sold principally at retail.
 - (b) The Petitioners have indicated in the additional information received on May 5, 2008, that they are also a Traeger Barbecue Pellet Grill dealer and they sold 7 grills in 2007 and have sold 6 so far in 2008. The sales of these grills and pellets appear to constitute less than 50 percent of the total gross business income and

*Same evidence as in related Zoning Case 616-V-08

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less than 50 percent of the total stock in trade but no specific comparison of sources of income has been submitted.

- (c) The total area used by the Special Use includes the total commercial building area on the site which is 3,587 square feet and the total parking area which is approximately 11,150 square feet. This is less than 2.5 acres.
 - (d) If approved, the proposed Special Use must continue to remain compliant with the definitional requirements of a Major Rural Specialty Business but a special condition does not seem warranted.
- (2) The proposed Major Rural Specialty Business complies with all area and placement requirements for the CR District in Section 5.3, with the exception of the minimum side yard on the north side of the business building, which is the subject of related Zoning Case 616-V-08. When River Bend was previously authorized as a Rural Home Occupation it was considered an accessory use to the dwelling on the subject property. However, the proposed Special Use Permit will make River Bend and the business building to be the principal use and structure on the lot and the dwelling will be considered a caretaker's dwelling for zoning purposes. The most relevant impact of this change is that it increases the required side yard for the business building thus increasing the amount of variance in related Zoning Case 616-V-08.
- (3) Regarding parking on the subject property,
- (a) Paragraph 7.4.1C.3.e requires that commercial uses with no other specific requirement provide one parking space for every 200 square feet of floor area or portion thereof.
 - (b) The floor plan of the business building indicates it is 3,587 square feet in area, which requires 18 parking spaces.
 - (c) The site plan shows an area of "asphalt parking" that is 70 feet deep from the business building to the edge of the pavement and 70 feet deep from the north lot line to the beginning of the driveway for the dwelling. The parking area is irregularly shaped but an estimate of the available space indicates there may be as much as 2450 square feet of total parking area.
 - (d) According to the *Zoning Ordinance* standard of 300 square feet for each parking space, which includes parking spaces and maneuvering area, the asphalt parking area could provide as many as eight spaces.

(e) However, the site plan also indicates an “overflow parking” area that could be estimated to be as much as 8700 square feet in area, which could provide up to another 29 spaces.

(4) Regarding compliance with standard conditions of approval for Major Rural Specialty Businesses indicated in Section 6.1.3, as follows:

(a) The total BUILDING AREA devoted to sales DISPLAY or recreational commercial USE shall not exceed 5,000 square feet.

A waiver of this standard condition does not appear to be necessary because the only building area that might be considered DISPLAY area is the lobby of the business building and that is only 350 square feet.

(b) Outdoor entertainment requiring the use of sound amplification equipment shall be permitted not more often than five consecutive or non-consecutive days in any three-month period and only if a Recreation & Entertainment License shall have been obtained as provided in the Champaign County Ordinance No. 55 *Regulation of Business Offering Entertainment and/or Recreation*.

A waiver of this standard condition does not appear to be necessary because the Petitioners have not proposed any outdoor entertainment.

(c) The site shall not be located within 500 feet of a residential zoning district.

A waiver of this standard condition does not appear to be necessary because there is no land in any R districts within 500 feet of the subject property.

(d) Businesses located in the CR, AG-1, or AG-2 Districts shall not access streets located within a recorded subdivision.

A waiver of this standard condition is not necessary because the subject property accesses a Township Highway.

(e) Alcoholic beverages not produced on the premises shall not be sold.

A waiver of this standard condition is not necessary because the Petitioners do not sell alcoholic beverages of any kind.

C. Regarding compliance with the *Stormwater Management Policy*:

(1) Regarding the requirement of stormwater detention:

(a) Paragraph 4.3A.5. of the *Stormwater Management Policy* states that no stormwater detention is required on lots more than 2.0 acres in area but not more

PRELIMINARY DRAFT

than 6.25 acres in area provided that the total amount of impervious area is not greater than one acre.

- (b) The total impervious area on the site plan appears to be less than 35,000 square feet, which is less than one acre. However, this information is a very rough estimate. The Petitioners should consider whether the overflow parking area will be paved with gravel or any other surface, and how big the loop drive will actually be.
- (2) Regarding the requirement to protect agricultural field tile, there does not appear to be any field tile on the subject property.
- D. Regarding the Special Flood Hazard Areas Ordinance and Subdivision Regulations:
 - (1) The proposed storage building appears to be very close to or possibly in the Special Flood Hazard Area.
 - (2) The subject property complies with the Subdivision Regulations.
- E. Regarding the requirement that the Special Use preserve the essential character of the CR Zoning District. Rural Specialty Businesses are by definition rural uses that sell agricultural goods or traditional handicrafts and trade in a rural setting.
- F. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings. The Petitioners have indicated on their application that there is a marked handicapped accessible space, though this is not indicated on the site plan. They also state that there is pavement and no steps all the way to the front door of the business building which has a threshold less than a quarter-inch high with two 36 inch doors.
- G. Regarding life safety considerations related to the proposed Special Use:
 - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the

public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.

- (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits are provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked. The current review is only sufficient to verify life safety for small and simple buildings.

*Same evidence as in related Zoning Case 616-V-08

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- H. Regarding public health concerns related to the food processing that occurs at the proposed Special Use:
- (1) The proposed Special Use is a custom wild game processor. There is no public agency that licenses or inspects custom wild game processors provided that the wild game is processed only for the hunter who kills the game and provided that the processed meat is returned to the hunter and not sold to the general public.
 - (2) The co-petitioner Charles Stites has a Master's Degree in Meat Science from the University of Illinois and has been employed as a Research Animal Scientist at the University of Illinois Meat Science Laboratory since 1984. He is also the manager of the Federal Inspected meat processing plant at that location and is familiar with public health and sanitation concerns related to meat processing.
 - (3) If approved, the proposed Special Use could be sold to another owner who might not be as familiar with the public health and sanitation concerns related to meat processing.
- I. Regarding public health concerns related to the onsite wastewater treatment and disposal:
- (1) The subject property uses a private onsite sewage disposal system that was installed in 1999 under Champaign-Urbana Public Health District Permit No. 99-076-19.
 - (2) Information the Petitioners submitted from the Champaign County Public Health Department indicates the following:
 - (a) The application for the private sewage disposal system permit did not indicate that the system could serve anything other than a four bedroom residence.
 - (b) Wastewater from the house and business building goes first to a 1250 gallon septic tank. It then passes through a Flo-Rite aerobic treatment plant and then through an infiltrator, a chlorinator, and another tank before being discharged to the ground.
 - (c) The system is capable of treating 500 gallons per day.
 - (3) The Petitioners have submitted a copy of their service agreement with Berg Tanks for the annual maintenance of their septic system.
 - (4) The Champaign County Public Health Department indicated on November 21, 2007, that no complaints had been received regarding the onsite private sewage disposal system.
 - (5) It is not clear that the existing onsite private sewage disposal system is adequate for either the existing use or any business growth that is likely to occur.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

*Same evidence as in related Zoning Case 616-V-08

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
- A. Major Rural Specialty Businesses may be authorized in the CR Conservation-Recreation Zoning District as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.8 of the Ordinance states the general intent of the CR District and states as follows (capitalized words are defined in the Ordinance):

The CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
 - (2) The types of uses authorized in the CR District are in fact the types of uses that have been determined to be acceptable in the CR District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan is in partial compliance with those requirements. The side yard for the business building along the north lot line is less than the minimum required side yard, but is the subject of related Zoning Case 616-V-08.
 - (b) There have also been complaints about the existing business regarding odor.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
 - (a) In regards to the value of nearby properties, the proposed Special Use Permit will authorize the expansion of a use that has been in place for several years already. Also, there is at least one other adjacent property which also has a business being operated on it.
 - (b) With regard to the value of the subject property, without the Special Use Permit authorization the current use of the property would have to be scaled back dramatically.

*Same evidence as in related Zoning Case 616-V-08

PRELIMINARY DRAFT

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

The current IDOT traffic count is from 2006, and therefore takes into consideration the impact of the current use. However, the fluctuating traffic levels generated by the current use do require some improvements be made to the subject property to handle peak traffic. A condition will be proposed to require necessary improvements.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

The requested Special Use Permit complies with the *Champaign County Stormwater Management Policy* and is partially outside of the Special Flood Hazard Area and there are no special drainage problems that appear to be created by the Special Use Permit. The proposed storage building must be analyzed further to establish its conformance with the Special Flood Hazard Areas Ordinance.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.

In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan requires a variance to be in full compliance with those requirements. The Petitioners have applied for a variance in related Zoning Case 616-V-08.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and

*Same evidence as in related Zoning Case 616-V-08

other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and none of the current structures or the current use existed on the date of adoption.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The types of uses authorized in the CR District are in fact the types of uses that have been determined to be acceptable in the CR District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

This proposed Special Use Permit does not proposed any construction in natural areas near the Salt Fork.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

PRELIMINARY DRAFT

This purpose is not relevant to the proposed Special Use Permit because the CR District is not for urban development.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The types of uses authorized in the CR District are in fact the types of uses that have been determined to be acceptable in the CR District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. The proposed Special Use is not an existing NONCONFORMING USE because the proposed Special Use is an expansion of the Special Use Permit granted in Zoning Case 223-S-00. The Petitioner has testified on the application, **“Not Applicable.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. The following proposed special conditions of approval serve to clarify the requirements for the Petitioners and to minimize or mitigate any impacts from the proposed use on the neighborhood.
{DRAFT CONDITIONS WILL BE AVAILABLE AT THE MEETING}

DOCUMENTS OF RECORD

1. Special Use Permit Application from Charles and Mary Ellen Stites, received on March 10, 2008, with attachments:
 - A Statement explaining fulfillment of SUP criteria
 - B Existing site plan
 - C Proposed site plan
 - D Legal Description of subject property
 - E Printout of Weather Underground website (www.wunderground.com)
 - F River Bend Wild Game and Sausage Company brochure

2. Additional information received May 5, 2008, with attachments:
 - A Statement of additional information
 - B Proposed site plan
 - C Proposed floor plan of business building
 - D Letter from Gary Bird dated August 27, 1999
 - E Service Agreement with Berg Tanks

3. Preliminary Memorandum for Case 613-S-08, with attachments
 - A Zoning Case Maps for Cases 610-S-08 and 616-V-08
 - B Site plan for RHO 279-88-02
 - C Site plan for ZUP 142-01-04
 - D Inspection photographs from November 20, 2007 (included separately)
 - E Proposed site plan received on May 5, 2008
 - F Proposed floor plan of business building received on May 5, 2008
 - G Statement explaining fulfillment of SUP criteria received on March 10, 2008
 - H Statement of additional information received on May 5, 2008
 - I Printout of Weather Underground website received on March 10, 2008
 - J River Bend Wild Game and Sausage Company brochure received on March 10, 2008
 - K Letter from Garry Bird dated August 27, 1999
 - L Service Agreement with Berg Tanks
 - M IDOT traffic map of vicinity of subject property
 - N Flood Insurance Rate Map Panel No. 1708940225B
 - O Draft Summary of Evidence for Case 610-S-08

*Same evidence as in related Zoning Case 616-V-08

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 610-S-08 held on **May 15, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN }* *{ IS / IS NOT }* necessary for the public convenience at this location because: _____

2. 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 / WILL NOT }* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because:¹}*

 - c. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - d. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because:¹}*

 - e. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because:¹}*

 - f. Public safety will be *{ADEQUATE / INADEQUATE}* *{because:¹}*

 - g. The location *{ IS / IS NOT }* suitable for the proposed onsite wastewater system *{because:¹}*

 - h. (Note: The Board may include other relevant considerations as necessary or desirable in each case.)

1. The Board may include relevant considerations as necessary or desirable in each case.

*Same evidence as in related Zoning Case 616-V-08

- 3a. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }* conform to the applicable regulations and standards of the DISTRICT in which it is located.
 - 3b. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }* preserves the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{ CONFORM / NOT CONFORM }* to all relevant County ordinances and codes.
 - b. The Special Use *{ WILL / WILL NOT }* be compatible with adjacent uses.
 - c. Public safety will be *{ ADEQUATE / INADEQUATE }*.
 - d. (Note: The Board may include other relevant considerations as necessary or desirable in each case.)
-

- 4. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { IS / IS NOT }* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{ IS / IS NOT }* necessary for the public convenience at this location.
 - c. 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 / 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 / DOES NOT }* preserves the essential character of the DISTRICT in which it is located.
 - e. (Note: The Board may include other relevant considerations as necessary or desirable in each case.)
-

- 5. The requested Special Use *{ IS / IS NOT }* an existing nonconforming use.
- 6. A. The requested waiver of the standard condition in Section 6.1.3. that requires **that alcoholic beverages not produced on the premises shall not be sold** *{ IS / IS NOT }* in accordance with the general purpose and intent of the Zoning Ordinance and *{ WILL NOT / WILL }* be injurious to the neighborhood or to the public health, safety, and welfare because
- B. The requested waiver of the standard condition in Section 6.1.3. that requires **that alcoholic beverages not produced on the premises shall not be sold** *{ IS / IS NOT }* in accordance with the general purpose and intent of the Zoning Ordinance and *{ WILL NOT / WILL }* be injurious to the neighborhood or to the public health, safety, and welfare because: _____

*Same evidence as in related Zoning Case 616-V-08

-
-
7. ***{ NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.11B. *{HAVE / HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 610-S-08 is hereby *{GRANTED / GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the petitioners **Charles and Mary Ellen Stites** to authorize a **Major Rural Specialty Business in the CR District**.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS},

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date _____

*Same evidence as in related Zoning Case 616-V-08

CASE NO. 616-V-08

PRELIMINARY MEMORANDUM

May 9, 2008

Champaign
County
Department of

Petitioners: **Charles and Mary Ellen
Stites**

Request: **Authorize the reconstruction and use of a building to be used as a Major Rural Specialty Business with a side yard of four feet in lieu of the required side yard of 15 feet in the CR District.**



Site Area: **approx. 5.0 acres**

Time Schedule for Development:

N/A

Location: **A five acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1 T.18 N. R 10 E. of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph.**

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

FAX (217) 328-2426

Prepared by: **J.R. Knight**
Associate Planner
John Hall
Zoning Administrator

BACKGROUND

The subject building was originally authorized as part of Zoning Use Permit (ZUP) 106-74-01 on April 16, 1974. See the attached site plan. There are no records of permits for expansion of the building until ZUP 142-01-04 was approved on May 22, 2001. By that time a lean-to structure had already been constructed without a permit by a previous owner who built it too close to the side lot line.

The subject building is proposed to be used as River Bend Wild Game and Sausage Company as a Major Rural Specialty Business in related Zoning Case 610-S-08. It has a lean-to structure attached to the north and west sides of the building.

As part of related Case 610-S-08 the Petitioners have determined they would like to keep the storage space if at all possible and so they have applied for a variance from the minimum required side yard. The building was originally considered to be accessory to the dwelling also existing on the lot. However, the proposed Special Use Permit will make the subject building the principal structure on the lot, which requires a greater side yard than an accessory building.

Also see the background for related Zoning Case 610-S-08.

EXTRATERRITORIAL JURISDICTION

See the Preliminary Memorandum for related Zoning Case 610-S-08

EXISTING LAND USE AND ZONING

See the Preliminary Memorandum for related Zoning Case 610-S-08

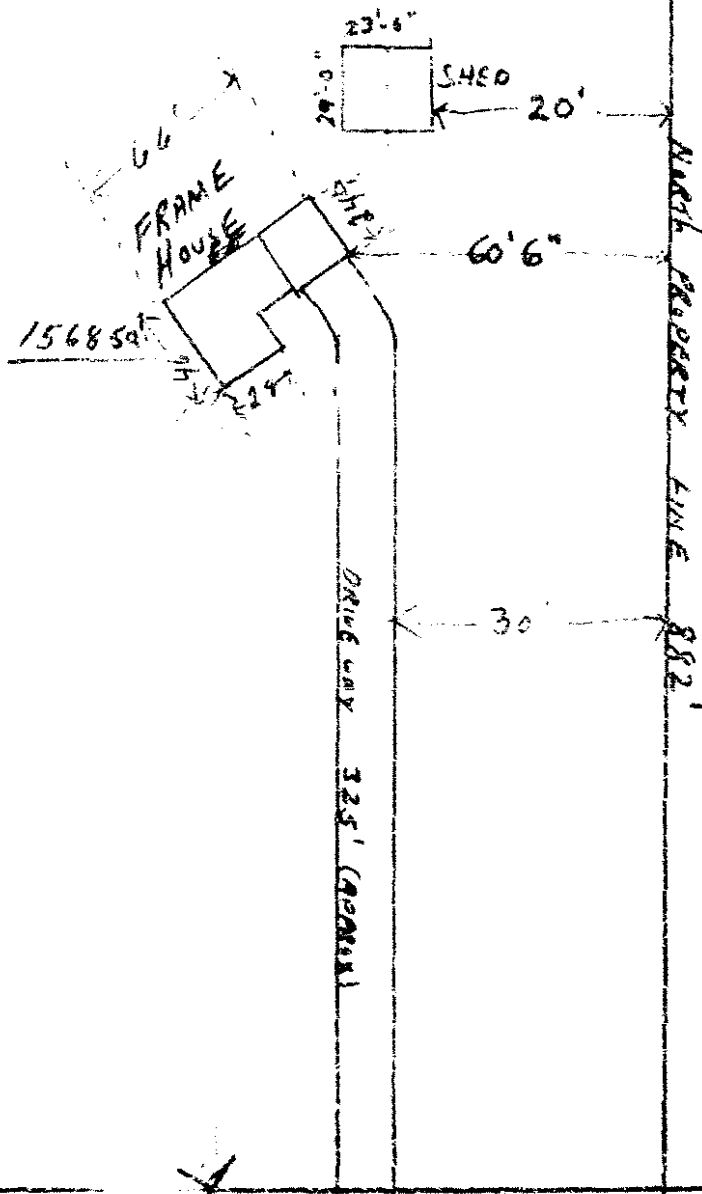
ATTACHMENTS

- A Case Maps (see Preliminary Memorandum for related Case 610-S-08)
- B Site plan for ZUP 106-74-01
- C Site for ZUP 142-01-04 (see Preliminary Memorandum for related Case 610-S-08)
- D Proposed site plan for related Case 610-S-08 (see Preliminary Memorandum for related Case 610-S-08)
- E Draft Summary of Evidence for Case 616-V-08

SALT FORK RIVER
(PROPERTY LINE IS CENTERLINE)

SOUTH PROPERTY LINE 910'

5 ACRES



R.D. NO. 610E2

243.08'

ROAD

North →

ZUP # 106-74-01

PRELIMINARY DRAFT

616-V-08

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: **{GRANTED / GRANTED WITH SPECIAL CONDITIONS / DENIED}**

Date: May 15, 2008

Petitioners: Charles and Mary Ellen Stites

Request: Authorize the reconstruction and use of a building to be used as a Major Rural Specialty Business with a side yard of four feet in lieu of the required side yard of 15 feet in the CR District

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 15, 2008**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The Petitioners, Charles and Mary Ellen Stites, own the subject property.
- *2. The subject property is five acre tract in the East Half of the Southeast Quarter of the Northeast Quarter of Section 1 T.18 N. R 10 E. of Sidney Township and commonly known as River Bend Wild Game and Sausage Company at 1161 CR 2400E, St. Joseph..
- *3. The subject property is not located within the one-and-one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities with zoning do not have protest rights on Special Use Permits within their ETJ, however they do receive notice of such cases and they are invited to comment. No comments have been received from the Village at this time.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is zoned CR Conservation-Recreation and is in use as a single family dwelling and River Bend Wild Game and Sausage Company, a home occupation approved by Zoning Use Permit (ZUP) 279-98-02. Related Zoning Case 610-S-08 is also proposed on the subject property.
 - B. Land to the north of the subject property is zoned CR Conservation-Recreation and is in use as a single family dwelling and Applause Landscape, a home occupation approved by ZUP 72-01-01.

*Same evidence as in related Zoning Case 610-S-08

PRELIMINARY DRAFT

- C. Land to the east, west, and south of the subject property is zoned CR Conservation-Recreation and is in use as single family dwellings.

GENERALLY REGARDING THE PROPOSED SITE PLAN

- 5. Generally regarding the proposed site plan and the history of the subject building:
 - A. Regarding the history of the subject building:
 - (1) The subject building was originally authorized as part of Zoning Use Permit (ZUP) 106-74-01 on April 16, 1974.
 - (2) A review of the Supervisor of Assessments aerial photographs from 1988 seems to indicate that the building had been expanded by that time.
 - (3) There are no records of permits for expansion of the building until ZUP 142-01-04 was approved on May 22, 2001.
 - (4) The subject building is proposed to be used as River Bend Wild Game and Sausage Company as a Major Rural Specialty Business in related Zoning Case 610-S-08.
 - B. Regarding the proposed site plan, the subject building is located along the north lot line and is indicated as being four feet from the north lot line 360 feet from the road.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. In Section 5.3 of the *Zoning Ordinance* the side yard requirement for the CR Conservation-Recreation Zoning District is indicated to be 15 feet.
 - B. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variance (capitalized words are defined in the Ordinance):
 - (1) "ACCESSORY BUILDING" is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE or the main or principal USE, either detached from or attached to the MAIN OR PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (3) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.

*Same evidence as in related Zoning Case 610-S-08

- (4) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (5) "LOT LINES" are the lines bounding a LOT.
 - (6) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
 - (7) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
 - (8) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
 - (9) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- C. The Department of Planning and Zoning measures yards and setbacks to the nearest wall line of a building or structure and the nearest wall line is interpreted to include overhanging balconies, projecting window and fireplace bulkheads, and similar irregularities in the building footprint. A roof overhang is only considered if it overhangs a property line.
- D. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.

*Same evidence as in related Zoning Case 610-S-08

PRELIMINARY DRAFT

- (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- E. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application that, **“Lean-to was built onto existing building prior to our purchasing the property in 1993. Zoning Office thinks it may have been built in the early 1980’s. The lean-to has about 4 feet set back from the north side of property.”**
 - B. The subject property is a large lot in a wooded area which might have made it difficult for the person who did construct the lean-to to determine where their lot lines were.
 - C. The lean-to appear to have originally been constructed without a permit.
 - D. All the buildings on the subject property were constructed off center towards the north half of the lot. This is due to the extent of the floodplain across the southwestern part of the lot.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application that, **“No additional land is available for purchase to expand width of lot.”**
 - B. The lot to the north of the subject property is already developed as a single family dwelling with a rural home occupation.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

*Same evidence as in related Zoning Case 610-S-08

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application that, **“We were not aware of any nonconformity of structures in any zoning regulation when we purchased the property. We have not altered the size of this structure since we have owned the property.”**
 - B. The lean-to was originally constructed by a previous owner with a permit, but it was apparently expanded at some time without a permit.
 - C. The subject property were created and developed sometime during the 1980’s before the Petitioner purchased the subject property.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application that, **“The building is existing and is not in any location that causes any traffic congestion or any environmental impact. There is no congestion of other buildings next to the lean-to that would affect light and air for adjoining properties.”**
 - B. The Zoning Ordinance does not clearly state the considerations that underlay the side yard requirements. In general, the side yard is presumably intended to ensure the following:
 - (1) Adequate light and air: The subject property is located on the shore of Spring Lake and will receive adequate light and air from the open space provided by the lake. The proposed dwelling will not affect any of the lots nearby it for the same reasons.
 - (2) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is within the Cornbelt Fire Protection District and the station is approximately 3.2 road miles or eight minutes from the subject property. However, the subject property does not have another building lot behind it, so more than adequate separation is provided between the proposed dwelling and the nearest building to the rear of the subject property.
 - (3) Aesthetics may also play a part in minimum yard requirements.
 - E. The side yard of four feet is 26.7% of the minimum required 15 feet for a variance of 73.3%.
 - F. The requested variance is not prohibited by the *Zoning Ordinance*.

*Same evidence as in related Zoning Case 610-S-08

PRELIMINARY DRAFT

- G. The subject building is proposed to be used as a Major Rural Specialty Business in related Zoning Case 610-S-08.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application that, **“We are not aware of any detrimental factors that would come from granting a variance for this existing structure. It is over 350 feet from the road. No construction is proposed that would make the structure more nonconforming.”**
 - B. The Fire Protection District has received notice of this variance, but no comments have been received at this time.
 - C. The Township Highway Commissioner has also received notice of this variance, but no comments have been received.
 - D. The subject building is proposed to be used as a Major Rural Specialty Business in related Zoning Case 610-S-08. It is not clear from the floor plan of the subject building (see Preliminary Memorandum for Case 610-S-08) how the lean-to portion of the subject building will be used because it is labeled “Personal/Business Storage.”

*Same evidence as in related Zoning Case 610-S-08

DOCUMENTS OF RECORD

1. Variance application from Charles and Mary Ellen Stites, received on May 5, 2008, with site plan
2. Preliminary Memorandum for Case 616-V-08, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Draft Summary of Evidence for Case 607-V-08See also the Attachments to the Preliminary Memorandum for related Zoning Case 610-S-08

*Same evidence as in related Zoning Case 610-S-08

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **616-V-08** held on **May 15, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: _____

4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{IS / IS NOT}** in harmony with the general purpose and intent of the *Ordinance* because: _____

5. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

6. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because: _____

7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**

*Same evidence as in related Zoning Case 610-S-08

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.9.C *{HAVE/HAVE NOT}* 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 **616-V-08** is hereby *{GRANTED/GRANTED WITH CONDITIONS/DENIED}* to the petitioners, **Charles and Mary Ellen Stites**, to authorize **the reconstruction and use of a building to be used as a Major Rural Specialty Business with a side yard of four feet in lieu of the required side yard of 15 feet in the CR District.**

{SUBJECT TO THE FOLLOWING CONDITION(S):}

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

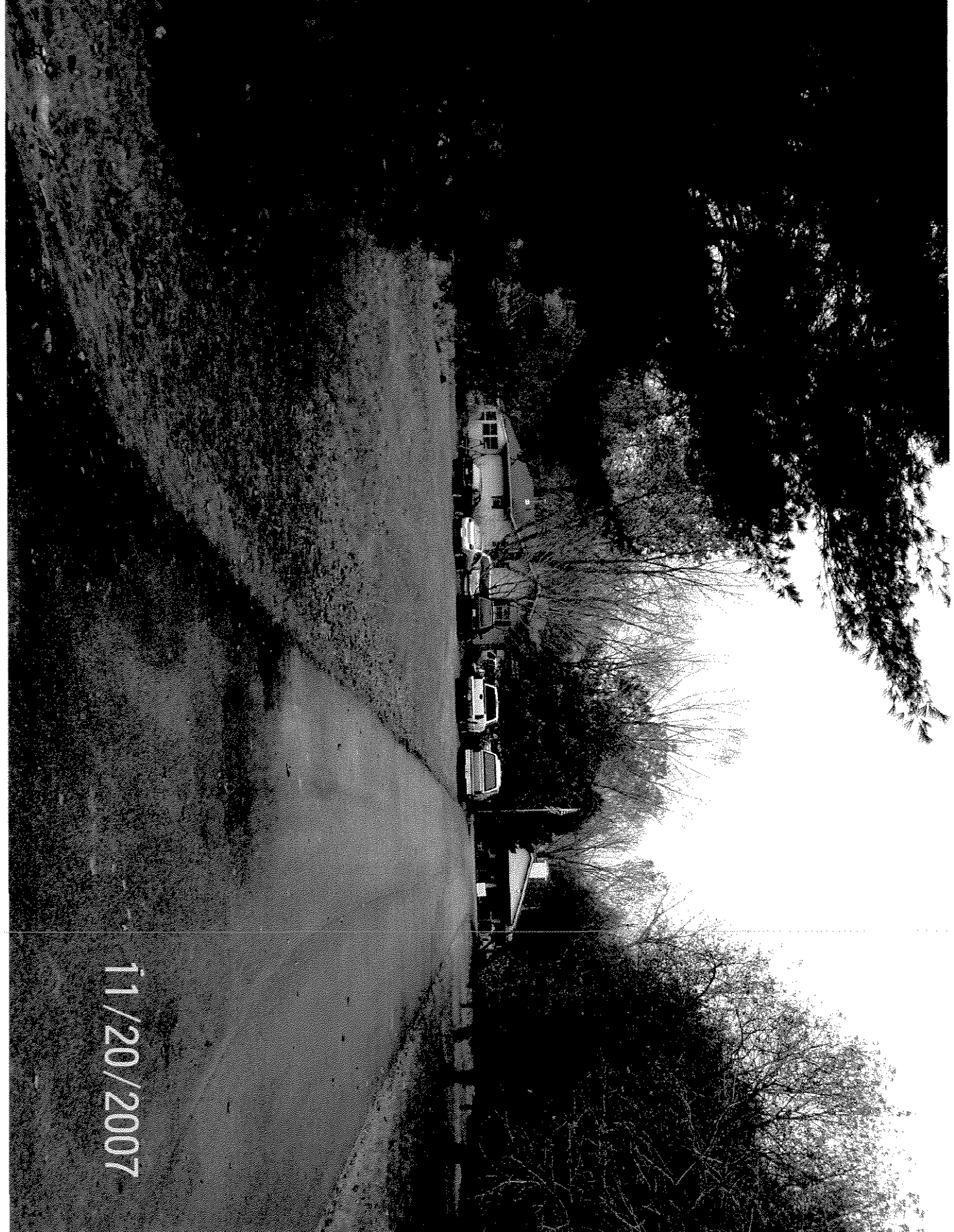
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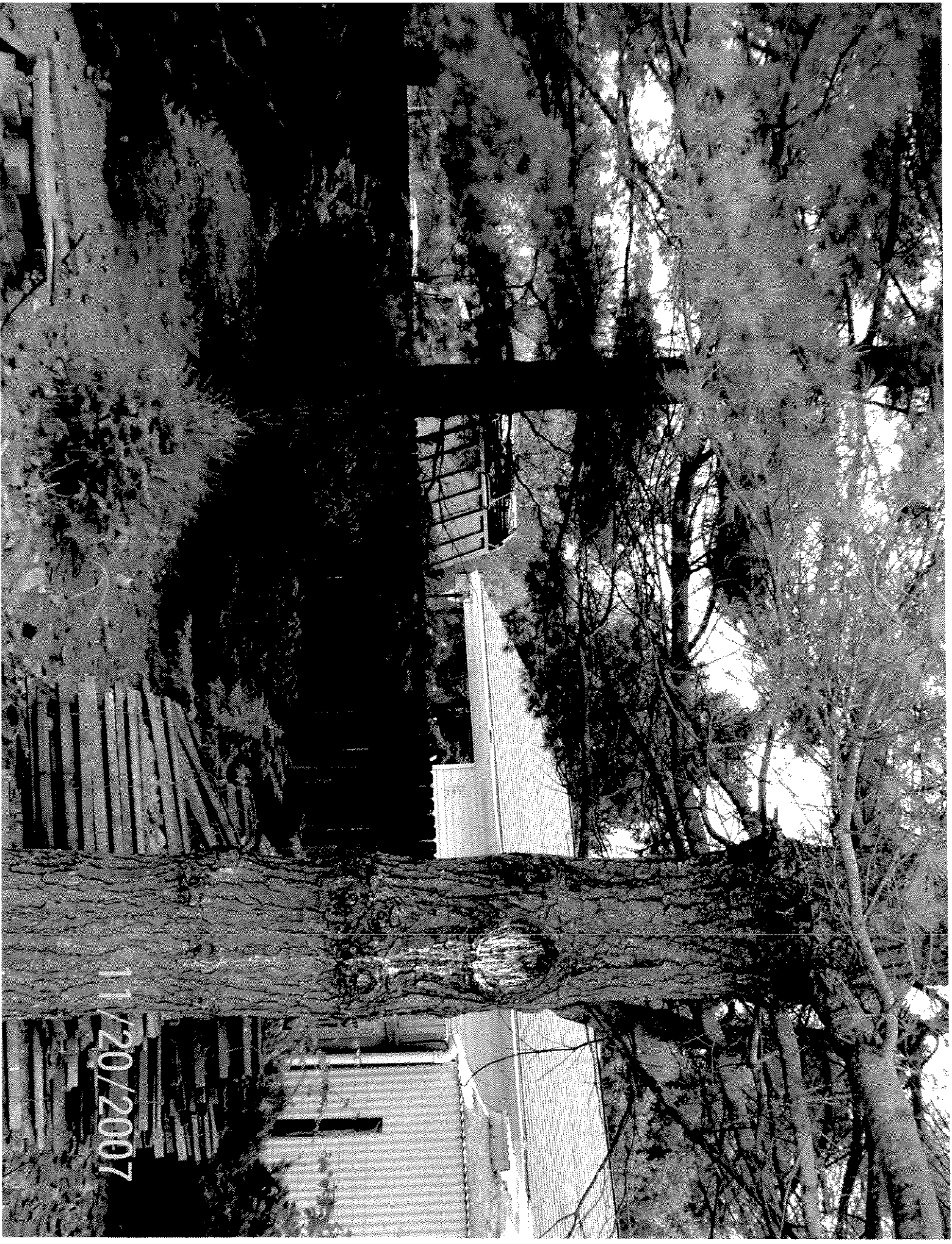
Secretary to the Zoning Board of Appeals

Date

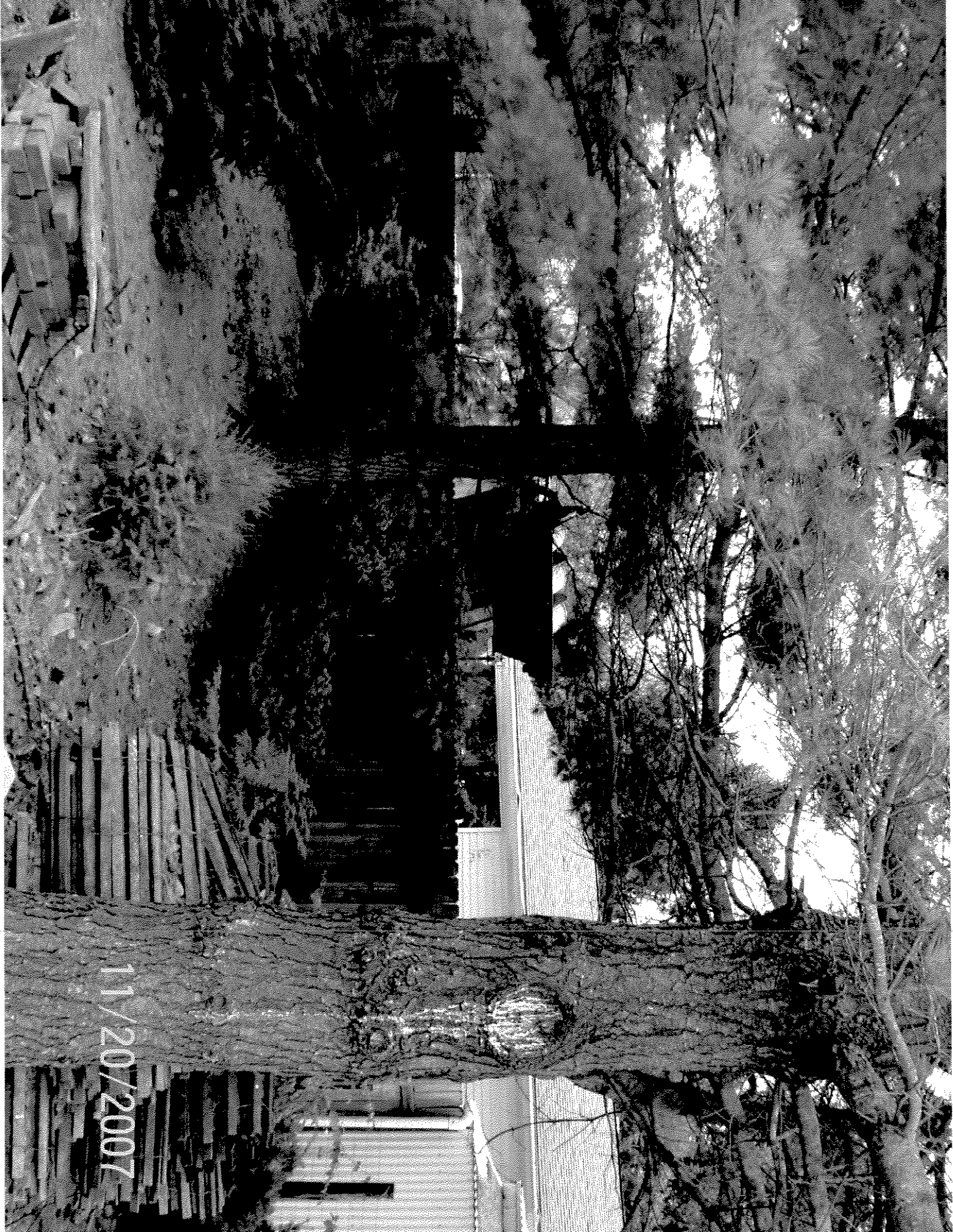
*Same evidence as in related Zoning Case 610-S-08

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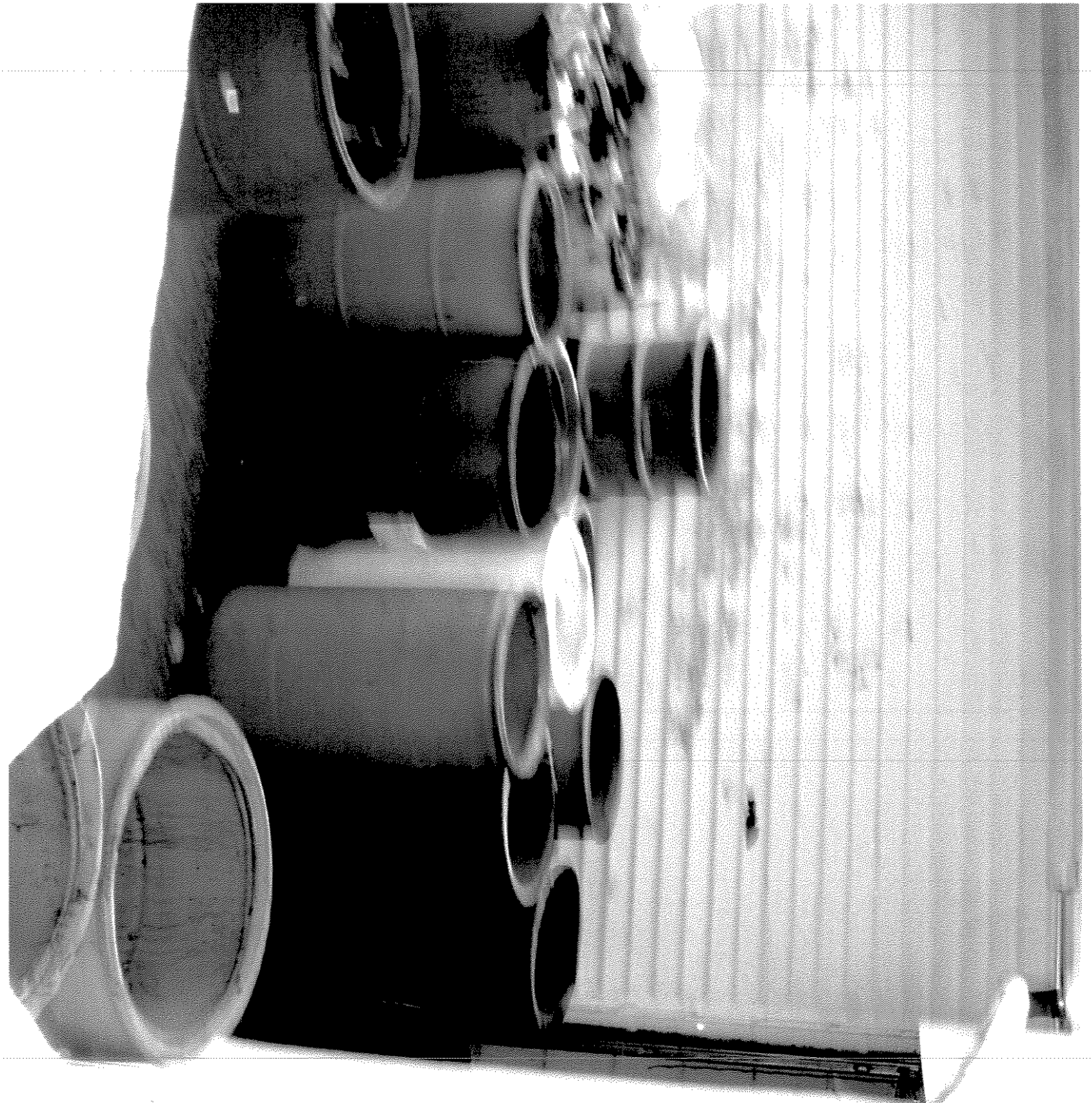
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